

TOWN PLANNING SCHEME

FOR THE

SHIRE OF REDLAND

(includes amendments up to and including 24.4.98)

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Any queries, contact Julie Fender (3286 8716).

This issue contains amendments including those of 24.4.98.

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TOWN PLANNING SCHEME FOR THE SHIRE OF REDLAND

PART I - INTERPRETATION

Interpretation	2
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PART II - ZONING

Division 1 - Division of Town Planning Scheme Area into Zones	14
Division 2 - Intent of the Zones	14
Division 3- Restrictions on Development in Zones	16

PART III - EXISTING USES

Division 1 - Existing Permissible Uses	39
Division 2 - Existing Non-Conforming Uses	39

PART IV - PERFORMANCE STANDARDS

Division 1 - Preliminary	41
Division 2 - General Requirements in relation to Development	41
Division 3 - Special Requirements in relation to Particular Development	45
Division 4 - Special Requirements in relation to Particular Zones	55
Division 5 Miscellaneous	57

APPENDIX 1 - STRATEGIC PLAN	60
-----------------------------------	----

APPENDIX 2 - DEVELOPMENT CONTROL PLAN 1

PART A

Division 1 - Introduction	61
Division 2 - Elements of the Plan	61
Division 3 - Statement of Objectives & Implementation Provisions	63

SUPPLEMENTARY TABLE OF ZONES A	76
--------------------------------------	----

SUPPLEMENTARY TABLE OF ZONES B	101
--------------------------------------	-----

CHAPTER 30 - TOWN PLANNING

PART I - Interpretation	111
PART II - Administration	111
PART III - Compliance with Conditions	116
PART IV - Offences	116

CHAPTER 25 - SUBDIVISION OF LAND

PART I - Subdivision of Land under the Local Government Act	117
PART 2 - Subdivision of land under the Building Units & Group Titles Act	132

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ORDER IN COUNCIL

At the Executive Building, Brisbane, the eighteenth day of February, 1988

Present:

His Excellency the Governor in Council

HIS Excellency the Governor, acting by and with advice of the Executive Council and in the pursuance of the provisions of the Local Government Act 1936 - 1987, hereby notifies -

- (a) that he has approved in part the town planning scheme for the Shire of Redland pursuant to the provisions of the said Act; and
- (b) that the town planning scheme as approved in part shall consist of -
 - (i) the provisions contained in The Schedule hereto;
 - (ii) the scheme maps referred to in The Schedule hereto, being scheme maps signed for identification by the Clerk of the Executive Council;
 - (iii) the strategic plan consisting of -
 - (A) Part "A" contained in Appendix 1 hereto;
 - (B) Part "B" contained in the document marked "B - Supporting Information";
 - (C) One map marked "Strategic Plan" copies whereof signed for identification by the Clerk of the Executive Council are held at the office of the Director of Local Government and at the office of the Redland Shire Council;
 - (iv) Development Control Plan 1 - Local Development -
 - (A) Part "A" contained in Appendix 2 hereto;
 - (B) Part "B" contained in the document marked "B Supporting Information";
 - (C) Eighteen maps marked "Development Control Plan 1, Sheets 2 to 19"

And the Honourable the Minister for Local Government and Racing is to give the necessary directions herein accordingly.

E.J. BIGBY, Clerk of the Council

The Schedule

**The Town Planning Scheme
For The Shire of Redland**

This schedule, which, together with the scheme maps, comprises the Town Planning Scheme, is divided into parts and divisions as follows:-

Part I - Interpretation

Part II - Zoning

- Division 1 - Division of Town Planning Scheme Area into Zones;
- Division 2 - Intent of the Zones;
- Division 3 - Restrictions on Development in Zones;

Part III - Existing Uses

- Division 1 - Existing Permissible Uses;
- Division 2 - Existing Non-Conforming Uses;

Part IV - Performance Standards

- Division 1 - Preliminary;
- Division 2 - General Requirements in relation to Development;
 - Car Parking
 - External Works
 - Design for Persons with Disabilities
- Division 3 - Special Requirements in relation to Particular Development;
 - Concrete Batching Plants
 - Extractive Industries
 - Home Occupations
 - Multiple Dwellings
 - Poultry Farms
 - Relative's Apartments
 - Service Stations
 - Other Uses
 - Bed and Breakfast
- Division 4 - Special Requirements in relation to Particular Zones;
 - Shopping and Commercial Zones
 - Industrial Zones
- Division 5 - Miscellaneous;
 - Number of Buildings on Site
 - Filling and Drainage
 - Minimum Development Levels
 - Navigation Aids
 - Development in the Vicinity of an Aerodrome
 - Landscaping Requirements
 - Other Miscellaneous Provisions

Part I - Interpretation

1. In this town planning scheme, unless the context otherwise indicates or requires -

"Accommodation unit"-means any premises used or intended for use as a boarding house, boatal, children's home, guest house, hostel, institution for poor or disadvantaged persons, motel, old people's home, orphanage, serviced rooms, unlicensed hotel or unlicensed residential club: The term does not include a "Bed and Breakfast", "camping ground", "caravan park", "caretaker's residence", "community dwelling", "dwelling house" or "multiple dwelling" as herein defined;

"Advertisement hoarding" - means any structure with any one face area exceeding ten (10) square metres erected or used primarily for the display of advertising matter. The term includes any framework, signboard, notice board and the like, and any wall, fence or other structure or erection (not being a wall or a roof of a building) used or intended, designed or adapted for use or, in the opinion of Council, apparently intended to be used for the display of advertising matter thereon or thereby whether or not such display is illuminated: The term does not include a structure erected or used for the advertising or display of information in relation to a use on the site on which such structure is erected;

"Aerodrome" - means any premises used or intended for use for the landing or departure of aircraft: The term includes facilities provided at such premises for the housing, servicing, maintenance and repair of aircraft and for the assembly of passengers or goods prior to, or the dispersal of passengers or goods subsequent to, the embarkation or disembarkation, as the case may be, of such passengers or goods;

"Agriculture" - means the use of premises for the growing of field crops, flowers, fruit, turf, vegetables and the like and ancillary research facilities. The term does not include "animal husbandry", "aquaculture", "forestry", "goat farm", "lot feeding", "nursery", "piggery", "poultry farm", "roadside stall" or "stable" as herein defined;

"Allotment" - has the meaning assigned to it by section 33 of the *Local Government (Planning and Environment) Act 1990*;

"AMCORD" means the Australian Model Code for Residential Development (Edition 2) as modified by Part IV Division 3 of this Scheme;

"Ancillary" - means incidental and subordinate;

"Animal husbandry" - means the use of premises for the keeping, breeding, depasturing or stabling of any animal, bird, insect or reptile. The term does not include "cattery", "domestic pets", "goat farm", "kennels", "lot feeding", "outdoor recreation centre", "park", "piggery", "poultry farm", "stable", "stock saleyard" or "veterinary surgery" as herein defined;

"Appointed day" - means the day upon which the Order in Council notifying that the Governor in Council has approved this town planning scheme is published in the *Gazette*;

"Aquaculture" - means any premises used or intended for use for the keeping or breeding of fish, freshwater or marine animals for sale or exchange. The term does not include a shop as herein defined;

"Bed and Breakfast" - means any premises used or intended for use as accommodation for travellers or tourists on a temporary basis where such accommodation is not self-contained and is

located within the curtilage of an existing dwelling house; The term includes home hosting and host farms but does not include an "accommodation unit", "camping ground", "caravan park", "caretaker's residence", "community dwelling", "dwelling house", "multiple dwelling" as herein defined;

"Boat building yard" - means any premises used or intended to be used for boat building for commercial gain. The term includes purposes such as marine engineering, construction, fitting out, repair and maintenance of boats and other marine craft. The term does not include "Marina facilities" as herein defined;

"Building" - has the meaning assigned to it by section 3 of the *Local Government Act 1936 - 1987*;

"Building Envelope" means the delineated boundary within an allotment within which all walls of any proposed dwelling unit or dwelling must be contained;

"Bulk landscape and garden supplies" - means any premises used or intended for use for the sale of sand, soil, screenings and other such landscape and garden materials where such material is sold or distributed in quantities greater than one (1) cubic metre: The term does not include "nursery" as herein defined;

"Bulk store" - means any premises used or intended for use 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 or on adjoining land in the same ownership: The term does not include a "produce store" or "warehouse" as herein defined;

"By-laws" - has the meaning assigned to it by section 3 of the *Local Government Act 1936 - 1987*;

"Camping ground" - means any land used or intended for use for holiday and recreational purposes which involves primarily the setting up and use of tents for temporary residential use;

"Carpark"-means 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: The term does not include a "motor vehicle depot" as herein defined;

"Car repair station" - means any premises used or intended for use for the carrying out, either with or without servicing, of repairs to motor vehicles, farm machinery, boats or motor mowers: The term does not include a "motor vehicle depot" as herein defined or body building, panel beating which involves dismantling or spray painting other than a touching up character;

"Caravan park" means any land used or intended primarily for use for the stationing thereon of caravans or relocatable homes for the purpose of residential use: The term includes ancillary amenities buildings, a kiosk and recreational facilities where maintained for the exclusive use of patrons, providing accommodation for, and rendering services to, travellers or tourists but does not include a "camping ground" as herein defined;

"Caretaker's residence" - means any residential accommodation used or intended for use by the family of the proprietor or manager or any person having the care of the premises (including any plant thereat) where the residential accommodation is ancillary to the use of the premises for some other purpose;

"Caterer's room" - means any premises used or intended for use for the holding of receptions at which food is served: The term does not include an "hotel" or "refreshment establishment" as defined herein or a club;

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"Cattery" - means any premises used or intended for use for purposes of keeping, boarding, breeding or training of more than three (3) cats for commercial purposes;

"Cemetery" - means any land 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" - means any premises used or intended for use for the minding or care, but not residence, of children under school age: The term includes a kindergarten, creche and preschool but does not include the reception by a person residing in a dwelling house of children under school age and the minding or caring for such children by such person for a day or part of a day for fee or reward, provided that the number of such children does not exceed four (4), less the number of children under school age ordinarily residing at such premises;

"Commercial premises" - means any premises used or intended for use as a business or professional office or for other business or commercial purposes not separately herein defined;

"Community dwelling" - means

- (a) a convent or monastery; or
- (b) any building, not being a convent or monastery, used or intended for residential use by a group of persons not being a family but maintaining a household by a common discipline;

The term does not include an "educational establishment" as herein defined;

For the purpose of this definition a group of persons shall not be deemed to be maintaining a household by a common discipline unless one (1) or more of the members of the group retains the power in and dominion over the whole of the abode occupied by the group;

"Concrete batching plant" - means any premises used or intended for use for the mixing of concrete for use elsewhere: The definition includes concrete product works only where supplementary to the main function of batching;

"Crematorium" - means 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;

"Develop" - means to carry out development;

"Development" - means the use of any land or the erection or use of any building or other structure: The term does not include -

- (a) the erection and use of an estate sales office at any time within the period of two years (2) immediately after the date on which the relevant plan of survey for the subdivision has been registered by the Registrar Of Titles: Provided that such requirement as to time may in a particular case be relaxed by the Council if, in its opinion, such action is warranted;
- (b) the erection and use of any temporary office, shed or other structure by a builder on or about the site of any building or other structure being lawfully erected, or by any public body corporation, its officers, employees or contractors on or about the site of any work for such public body or corporation and used exclusively for the purpose of that

minding, boarding, breeding or training of more than three (3) cats for commercial purposes: Provided that this exclusion shall be limited to the time occupied in completing the building, other structure or work but in any case shall not exceed a period of six (6) months unless the Council, in its opinion such action is warranted, relaxes such requirement;

- (c) The use of any land for the purpose of carrying out any works required to be carried out by or under this town planning scheme or by or under the conditions of approval to any rezoning application, application for consent under this town planning scheme or application for approval to subdivide land or to open a new road;
- (d) the temporary use of any premises by a licensed victualler pursuant to an order by the Licensing Commission under section 21 of the Liquor Act 1912 - 1985.

"Display home" - means premises, designed for use as a dwelling house or other dwelling unit, used or intended for use for -

- (a) the display of those premises to the general public as a type of dwelling house or other dwelling unit that the person so displaying the premises offers to build; or
- (b) the display of those premises to the general public for some other business or commercial purpose;

"Domestic outbuilding" - means a use of any land, building or other structure constituted by the erection or use on the land of:-

- (a) a Class X building in accordance with the classification of buildings under the standard building by-laws made under the Building Act 1975 - 1984; or
- (b) any other roofed structure (whether fixed or movable) wholly or partly enclosed by walls which does not fall within Class I - IX inclusive, where either no building falling within Classes I - IX inclusive is erected on the same site or there is no valid building approval for the erection of such a building on the same site;

"Dwelling house" - means any premises comprising or intended to comprise only self-contained accommodation for the exclusive use of one family and which would constitute a Class I building in accordance with the provisions of the Building Act 1975 - 1984: The term includes such outbuildings as are incidental to and necessarily associated with a dwelling house: The term also includes any use ancillary to the use of the premises for residential purposes, and also includes the reception by a person residing in a dwelling house of children under school age and the minding of or caring for such children by such person for a day or part of a day for fee or reward, provided that the number of such children does not exceed four (4), less the number of children under school age ordinarily residing at such premises: The term does not include an "accommodation unit", "bed and breakfast", "caretaker's residence", "community dwelling", "display home", "domestic outbuilding", "multiple dwelling" or "relative's apartment" as herein defined or part thereof and it does not include the establishment or use of a tennis court which is provided with floodlighting;

"Dwelling unit" - means habitable rooms and other spaces used or intended for use as a self-contained domicile;

"Educational establishment" - means any premises used or intended for use as a school, academy, art gallery, boarding school, college, cultural centre, lecture hall, library, museum, sheltered workshop, technical college, university or other educational centre including a centre for the teaching or training of backward or handicapped persons but not those mentally

handicapped. The term does not include a "child care centre" or "institution" as herein defined;

"Erect" - has the meaning assigned to it by section 33 of the Local Government Act 1936 - 1987;

"Estate sales office" - means a building or other structure including a caravan used or intended for the promotion and sale of land within a subdivisional estate where -

- (a) the subdivision of such land into thirty (30) or more allotments has been approved by the Council; and
- (b) such building or other structure is erected on one (1) or more of such allotments within the subject land;

"Existing building" - means a building or other structure lawfully erected before the appointed day;

"Existing non-conforming use" - means an existing use where that use is prohibited development;

"Existing permissible use" - means an existing lawful use which would, having regard to the zone in which it is carried on, constitute a use for a purpose for which a site may be developed only with the consent of the Council pursuant to sub-clause (2) of cause 3 to Division 3 in Part 11;

"Existing use" - means the use of premises where -

- (a) that use was in existence immediately before the appointed day; and
- (b) that use was lawful under a town planning scheme in force immediately before the appointed day;

"Extractive industry" - means the use of premises for the excavating, quarrying or any other mode of winning sand, gravel, soil, rock, stone or other materials or substances from the earth, whether or not submerged under water and whether or not conducted for a fee or reward: The term includes, when carried out on premises from which any such materials or substances are extracted or on premises adjacent thereto, the treatment of such materials or substances and it also includes access over land to rivers or other watercourses where dredging may be taking place: The term does not include the removal of materials authorised by section 32 (13) of the Local Government Act 1936 - 1987 or a mine within the meaning of the Mining Act 1968 - 1983 or regulations made pursuant thereto and it does not include excavating solely to erect a structure or solely change the level of the ground to facilitate the construction of any structure approved by the Council which structure is to be erected on the land being excavated: The term also includes the ancillary use of such premises for -

- (a) the storage of articles used in connection with or resulting from any such activity;
- (b) the provision of amenities for persons engaged in any such activity;
- (c) the sale of articles resulting from any such activity; and
- (d) any work of administration or accounting in connection with any such activity;

"Family" - means any one person maintaining a household or any one of the following groups of persons living together and maintaining a household by common discipline -

(a) any two or more persons related by blood, marriage or adoption;

(b) not more than six (6) persons, not necessarily related by blood, marriage or adoption; or

(c) not more than six (6) persons under the age of eighteen (18) years and not necessarily related by blood, marriage or adoption and a married couple having the care and control of them; either with or without domestic servants;

For the purpose of this definition a group of persons shall not be deemed to be maintaining a household by a common discipline unless one (1) or more of the members of the group retains the power in and dominion over the whole of the abode occupied by the group;

"Flammable liquid" - has the meaning ascribed to it by section 49G of the Local Government Act 1936 - 1987;

"Forestry" - means the use of premises for the planting, growing or harvesting of trees for commercial purposes: The term does not include a State Forest within the meaning of the Forestry Act 1959 - 1984;

"Freight Depot" - means any premises used or intended for use in connection with the transportation of goods by air, road or water including the reception, loading, unloading, transfer, distribution and collection of such goods: The term includes a carrier's depot and a delivery depot and, where carried out in association with the above, it includes the garaging, cleansing and servicing (but not repair) of road transport vehicles with a capacity of two (2) tonnes or less: The term does not include an "aerodrome" or "warehouse" as herein defined;

"Funeral parlour" - means any premises used or intended for use by an undertaker in the carrying out of his occupation: The term includes a funeral chapel, parlour or an office ancillary to and within the site of a funeral parlour, chapel or parlour included in a crematorium;

"General store" - means any building, the floor area whereof does not exceed two hundred (200) square metres, used or intended for use primarily for the purpose of displaying or offering for sale, by retail, of a wide range of foodstuffs: The term includes incidental storage on the same premises of goods to be displayed or offered for sale;

"Goat" - means any goat, male or female, entire, gelded or spayed;

"Goat farm" - means any premises used or intended for use for the keeping or breeding of Goats for commercial purposes on an allotment no less than 4000 square metres. The term does not include "Outdoor Recreation Centre", "Park" or "Animal Husbandry" as herein defined;

"Gross floor area" - means the size of the areas (inclusive of all walls and columns) of all storeys of a building, excluding -

- (a) the area (inclusive of all walls and columns) at any topmost storey of lift motor rooms or air-conditioning or other electrical plant and equipment rooms;
- (b) the area (inclusive of all walls and columns) at ground storey level of any room associated with landscaped open space to the extent that the sum of all such areas does not exceed five (5) percent of any requirement for the provision of landscaped open space within the site;
- (c) the area (inclusive of all walls and columns) of all space used or intended for use for the parking of motor vehicles;

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(d) accessible open decks on the roof area;

“Gross leasable area” - means, in relation to mixed commercial developments, shops or showrooms Class A, the total floor area (inclusive of all walls and columns) capable of being occupied by separate tenants for their exclusive use, including basements, mezzanine and toilets;

“Health-care institutions” - means any premises used or intended for use for the medical care or treatment of persons not resident on the site: The term includes a first aid station, maternal and child welfare clinic and premises used or intended for use by an acupuncturist, chiropodist, chiropractor, dentist, medical practitioner, nursing service, optometrist, pathologist, physiotherapist or radiologist in the practice of the profession: The term does not include a “home occupation”, “hospital”, or “institution” as herein defined;

“Home based activity” - includes any activity, business, or profession carried on in or under a dwelling house or dwelling unit, but not within any outbuildings that are within the curtilage of a dwelling house and / or dwelling unit by a person, or persons, resident therein, where -

- (a) The floor area of that part of the dwelling house or residential building used (whether temporarily, or permanently) does not exceed more than 1/3 of total floor area or 50m², whichever is the lessor;
- (b) No person is employed in the home based activity other than a person who is the owner or occupier of the dwelling unit or a member of the resident family;
- (c) No load is imposed on any public utility (including the disposal of wastes) greater than that which is normally required by other uses permitted in which the residential building is situated;
- (d) Such activity, business or profession does not create conditions which:
 - (i) cause or could cause undue disturbance or annoyance to neighbouring persons;
 - (ii) affect or could affect property not connected with that home based activity;
 - (iii) cause hazards to persons or property not connected with that home based activity;
- (e) There is no public display of goods, or other material related to the use;
- (f) No sign, other than an identification sign, is to be displayed on the subject site in association with the Home based activity;
- (g) An identification sign for a Home based activity is:
 - (i) not to exceed 0.3 square metres in size and display only the occupiers name, business name and telephone number;
 - (ii) to be a design that is of a visually subdued nature and integrates with the existing landscaping/fencing located on the site frontage;
 - (iii) is to have a maximum height of 1.5 metres from ground level;
 - (iv) not to consist of moving, flashing, illuminated or audible components or features;

(h) such activity does not attract any site visitations, including clients and goods deliveries in association with the use;

- (i) If food preparation is carried out which is intended for sale to the public then the Home based activity will comply with the requirements of the Food Hygiene Regulations 1989;

“Home based business” - includes any business or profession carried on within a dwelling house by a person, or persons, resident therein and in the conduct of which:

- (a) The Home based business should not create interference with the amenity of the neighbourhood, as a result of lighting, radio or electrical interference, odours, vibration, gaseous emissions (for example, dust, fumes, steam, soot), oil, waste water or waste products and ecological impacts;
- (b) Noise generated by the Home based business should be no different to that normally accepted within a residential area, having regard to:
 - (i) the likelihood of annoyance;
 - (ii) the time of day;
 - (iii) the frequency of occurrence of the noise;
 - (iv) the nature of the noise;
 - (v) normal background noise levels for the area;
 - (vi) legislative requirements for noise;
- (c) The storage and use of goods (eg. printers) should not pose a risk to the occupants, employees or the neighbourhood;
- (d) The operations of the Home based business should be safe to the occupants, employees (if any) and neighbours and shall comply with the requirements of Workplace, Health and Safety;
- (e) The Home based business should present a view from the street and adjoining properties which is compatible with the existing built form and landscape quality of the area. Signage should not cause any unacceptable impact upon the residential amenity;
- (f) There is no public display of goods, or other material related to the use;
- (g) The dwelling used in the operation of the Home based business should not detract from the visual amenity of the area;
- (h) The storage of goods should not detract from the visual amenity and landscape quality of the locality;
- (i) The frequency of clientele visits and deliveries (including the size of vehicles) to the site shall be of a level that is in context with the surrounding area and does not affect the amenity of the adjoining residences;
- (j) Parking space(s) (if required) for the Home based business should be available and located on the subject property, so as not to detrimentally affect the safety, visual appearance, access and amenity of surrounding residents;
- (k) The number of persons employed (if any) in the Home based business, who must enter the premises during the conduct of the business should be in keeping with the residential character of an area where people live;

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“Home based enterprise” - includes any profession, trade or cottage enterprise carried on within a dwelling house and / or associated outbuilding within the curtilage of the dwelling house by a person, or persons, resident therein, where:-

- (a) The Home based enterprise should not create interference with the amenity of the neighbourhood, as a result of lighting, radio or electrical interference, odours, vibration, gaseous emissions (for example, dust, fumes, steam, soot), oil, waste water or waste products and ecological impacts;
- (b) Noise generated by the Home based enterprise should be no different to that normally accepted within the area to which the enterprise is located having regard to:
 - (i) the likelihood of annoyance;
 - (ii) the time of day;
 - (iii) the frequency of occurrence of the noise;
 - (iv) the character of the noise;
 - (v) normal background noise levels in the area;
 - (vi) legislative requirements for noise;
- (c) The storage and use of hazardous goods should not pose a risk to the occupants, employees or the neighbourhood;
- (d) The operations of the Home based enterprise should be safe to the occupants, employees (if any) and neighbours and shall comply with the requirements of Workplace, Health and Safety;
- (e) The Home based enterprise should present a view from the street and adjoining properties which is compatible with the existing built form and landscape quality of the area. Signage should not cause any unacceptable impact upon the residential amenity;
- (f) There is no public display of goods, or other material related to the use;
- (g) Buildings and structures of the Home based enterprise should not detract from the visual amenity of the area;
- (h) The storage of goods should not detract from the visual amenity and landscape quality of the locality;
- (i) The frequency of clientele visits and deliveries (including the size of vehicles) to the site shall be of a level that is in context with the surrounding area and does not affect the amenity of the adjoining residences;
- (j) Parking space(s) (if required) for the Home based enterprise should be available and located, so as not to detrimentally affect the safety, visual appearance, access and amenity of surrounding residents;
- (k) The number of persons employed (if any) in the premises of the Home based enterprise, who must enter the premises during the conduct of the business should be in keeping with the character of an area where people live;

“Hospital” - means any premises used or intended for use for the medical or surgical care or treatment of persons residing thereat, whether or not the premises are also used for the medical or surgical care or treatment of persons not residing thereat: The term includes a convalescent home, nursing home and sanatorium but not an “institution” as herein defined;

Chapter 1 means any premises specified in a licensed victualler’s licence, tavern or historic inn licence issued under the Liquor Act 1912 - 1985;

“Indoor recreation centre” - means any premises used or intended for use for any activity, purpose or pursuit which takes place primarily indoors and which affords or is intended to afford interest or amusement or for any public performance: Without limiting the generality of the foregoing, the term includes any premises used or intended for use for any purpose included in Table II -

TABLE II

Amusement hall
Baths (turkish or other, vapour or foam)
Billiard saloon
Bowling centre (indoor)
Broadcasting studio
Cinema (indoor)
Circus (indoor)
Club (non-residential)
Competition centre (indoor)
Concert hall
Court (covered)
Dance hall
Discotheque
Exhibition hall
Function room (other than a caterer’s room)
Fun parlour
Games hall
Gymnasium
Meeting hall (other than lecture hall or place of worship)
Music hall
Noctarium
School of art
Side show (indoor)
Skating rink (indoor)
Sound lounge stadium (indoor)
Swimming pool (covered)
Theatre (indoor)
Youth centre (indoor)
Zoo (indoor)

“Industry” - means the use of premises for an “extractive industry”, “industry class I”, “industry class II”, “industry class III”, “industry class IV”, “industry class V”, and “rural industry” as herein defined;

“Industry class I” - means the use of any premises for the purpose of carrying on any activity included in Table III hereto or any other activity which in the opinion of the Council is of a similar character in terms of actual or potential effects on the amenity of the area in which the activity is carried on or proposed to be carried on and which -

- (a) is carried on in a building or other structure which has a gross floor area not exceeding five hundred (500) square metres;

- (b) does not, in the opinion of the Council, cause any undue detriment to the amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise;
- (c) does not, in the opinion of the Council, impose a load on any public utility undertaking greater than that required for the normal development of the locality in which the industry is carried on;
- (d) does not, in the opinion of the Council, by reason of the carriage of goods or materials used or produced thereby, create traffic upon public roads in the locality in which the industry is carried on which causes greater congestion or danger to users of such roads or requires roads of a higher standard of construction than those associated with the normal development of the locality in which the industry is carried on; and includes the ancillary use of such premises for -
- (i) storage of articles used in connection with or resulting from any such activity;
 - (ii) the provision of amenities for persons engaged in any such activity;
 - (iii) the sale of articles resulting from any such activity; and
 - (iv) any work of administration or accounting in connection with any such activity;

TABLE III

Automatic mechanical car wash

Computer processes

Contract cleaning (depot only)

Dressmaking

Dry cleaning or dyeing

Engraving by hand

Laundering

Making -

- Bread, cakes or pastry
- Dental goods
- Jewellery
- Keys
- Millinery
- Optical goods
- Saddles
- Sweetmeats

Photographic film developing or printing

Plan printing

Printing

Repairing -

- Boots or shoes
- Cameras
- Clocks or watches
- Clothing
- Electrical goods for domestic or office use
- Jewellery
- Leather goods

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Clocks

Musical instruments

Pedal cycles

Scientific instruments

Sewing machines

Sports equipment (other than ammunition, vehicles and water craft)

Toys

Umbrellas

Screen printing

Signwriting

Tailoring;

"Industry class II" - means the use of any premises for the purpose of carrying on any activity included in Table IV hereto, any activity included in Table III hereto which does not fall within the definition of "Industry Class I" or any other activity which in the opinion of the Council is of a similar character in terms of actual or potential effects on the amenity of the area in which the activity is carried on or proposed to be carried on and which-

- (a) is conducted in a building or other structure with a gross floor area not exceeding two thousand five hundred (2500) square metres;
- (b) does not require a special rail siding;
- (c) does not, in the opinion of the Council, cause any undue detriment to the amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise;
- (d) does not, in the opinion of the Council, impose a load on any public utility undertaking, including the disposal of wastes, greater than that which is required for the normal development of the locality in which the industry is carried on;
- (e) does not, in the opinion of the Council, by reason of the carriage of goods or materials used or produced thereby, create traffic upon public roads in the locality in which the industry is carried on which causes greater congestion or danger to users of such roads or requires roads of a higher standard of construction than those associated with the normal development of the locality in which the industry is carried on;
- (f) and includes the ancillary use of such premises for -
 - (i) storage of articles used in connection with or resulting from any such activity;
 - (ii) the provision of amenities for persons engaged in any such activity;
 - (iii) the sale of articles resulting from any such activity; and
 - (iv) any work of administration or accounting in connection with any such activity;

TABLE IV

Bookbinding

Engraving

Engraving by hand

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Glass cutting or silvering

Making -

Artificial flowers
 Artificial limbs or medical goods
 Blinds
 Boots, shoes or leather goods not being an "industry class I"
 Bread, cakes or pastry
 Cameras
 Clocks or watches
 Clothing not being an "industry class I"
 Coir goods
 Cork goods
 Dental goods
 Drawing or writing goods
 Electric advertising signs
 Felt goods
 Fur goods
 Jewellery
 Keys
 Leadlights
 Millinery
 Musical instruments
 Oars
 Optical goods
 Paper goods or paper board goods
 Saddles
 Scientific instruments
 Sports equipment other than ammunition, vehicles and water craft
 String or string goods
 Sweetmeats
 Textile goods
 Travelling bags
 Twine or twine goods
 Umbrellas
 Wire goods other than barded wire, wire mesh, wire netting, wire ropes and cable

Photographic film developing or printing

Plan printing

Printing

Process engraving

Processing or packing -

Food, drink or tobacco other than grain milling and sugar milling and refining where such processing or packing is not an industry class V

Screen printing

Shop fitting

Signwriting

Stereo-type making

Tailoring

Upholstering vehicles or furniture;

The term includes the use of premises for any other manufacturing operation (not being an Industry Class I, IV or V) complying with paragraphs (b), (c), (d) and (e) where the total floor area of any building or other structure so used together with the area of so much of the curtilage as is so used does not exceed five hundred (500) square metres;

"Industry class III" - means the use of premises for -

(a) the carrying on of any process for or ancillary to any of the following activities, that is to say -

- (i) the making of any article or part of any article;
- (ii) the altering, repairing and servicing, ornamenting, finishing, cleaning, washing, freezing, packing or canning, adapting for sale or breaking up for demolition of any article; or
- (iii) the getting, dressing or preparation for sale of minerals or the extraction or preparation for sale of oil, where such process is not situated on the same or abutting land from which the mineral was extracted; being a process carried on in the course of a trade or business;

(b) the carrying on of scientific research being research carried on in the course of a trade or business;

(c) a civil engineering or other contractor's depot not being an industry class II and the parking of earthmoving equipment whether or not any such equipment is sold or made available for hire thereat:

The term includes the ancillary use of such premises for:

- (i) the storage of articles used in connection with or resulting from any such activity;
- (ii) the provision of amenities for persons engaged in any such activity;
- (iii) the sale of articles resulting from any such activity;
- (iv) any work of administration or accounting in connection with any such activity;
- (v) any minor maintenance on equipment or vehicles;

The term does not include "agriculture", "car repair station", "extractive industry", "funeral parlour", "health-care institution", "industry class I", "industry class II", "industry class IV", "industry class V", "public utility", "refreshment establishment", "service station", or "shop", as herein defined.

For the purpose of this definition:-

"Article" means an article of any description not including a boat or other marine craft;

"Scientific research" means any activity in the fields of natural or applied science for the extension of knowledge;

"Industry class IV" - means the use of premises for the purpose of carrying on any activity included in table V hereto or any other activity which in the opinion of the Council is of a similar character in terms of actual or potential effects on the amenity of the area in which the activity is carried on or proposed to be carried on and includes the ancillary use of such premises for -

- (a) the storage of articles used in connection with or resulting from any such activity;
- (b) the provision of amenities for persons engaged in any such activity;
- (c) the sale of articles resulting from any such activity; and
- (d) any work of administration or accounting in connection with any such activity;

The term does not include a "public utility", "service station" or "shop" as herein defined.

TABLE V

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Abrasive blasting where not carried out in an enclosed

Processing natural rubber

building)

Slaughter houses other than for the slaughtering of poultry

Boiling-down works

raised on the site

Extraction of fat

Smelting works;

Hot dip galvanising

Incinerator - where such is capable of consuming in excess of one (1) tonne of material per hour and whether or not the use of such is ancillary to some other purpose not being a crematorium

"Infill Development" - means a proposed development on an area of land less than 5,000 square metres surrounded by existing traditional residential development;

Manufacture of-

"Institution" - means any premises used or intended for use -

Acid Chemicals where there is no risk of explosion or the escape of dangerous goods

(a) for the care or treatment of the mentally ill residing thereat, whether or not the premises are also used for the care or treatment of mentally ill persons not residing thereat;

Caustic soda

(b) as a penal institution, prison, reformatory or other institution for the reform or training of persons committed thereto by a court;

Fertilisers

"Integrated residential development" - means residential subdivision and street design and which includes buildings to be erected in accordance with an approved plan of development;

Flock

"Intended for use" - means constructed, designed, equipped, or adapted for use or otherwise reasonably capable of being put to use;

Germicides

Pesticides

Photographic film (non-flammable film)

"Junk yard" - means any premises used or intended for use in the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or scrap goods, or used for the collecting, dismantling, storage, salvaging and abandonment of vehicles (including cars, tractors, motor cycles, earth moving equipment or any motor driven vehicle) or machinery: The term includes the sale of parts in connection with the above;

Raw plastic

Soap except where there is no extraction of fat

Solder

Preserving meat, fish or oysters other than by cold storage

Poultry dressing other than the dressing of poultry raised on the site;

"Industry Class V" - means the use of premises for the purpose of carrying on any activity included in Table VI or any other activity which in the opinion of the Council is of a similar character in terms of actual or potential effects on the amenity of the area in which the activity is carried on or proposed to be carried on and includes the ancillary use of such premises for -

"Kennel" - means any premises used or intended for use for the purposes of keeping, boarding, breeding or training of more than three (3) dogs for commercial purposes;

(a) storage of articles used in connection with or resulting from any such activity;

"Landscaping" - means the treatment of land for the purpose of enhancing or protecting the amenities of a site and the locality in which it is situated by -

(b) the provision of amenities for persons engaged in any such activity;

(a) screening by fences, walls or other means;

(c) the sale of articles resulting from any such activity; and

(b) planting of trees, hedges, shrubs or grass;

(d) any work of administration or accounting in connection with any such activity;

(c) formation of banks, terraces or other earthworks;

(d) laying out of gardens or courts;

The term does not include an "extractive industry" or "industry class IV" as herein defined;

(e) other amenity features;

TABLE VI

Asphalt plants

Bacon factories

Knackeries

Manufacture of -

Animal by-products including glue

Cement or lime

Tar

Zinc oxide by the continuation of a smelting process

"Lawfully used" - means used for a purpose not prohibited by law and in respect of which every consent permission or approval required to be obtained from the Council under any Act, town planning scheme or by-law to allow the commencement or continuance of the use or the construction or erection of a building or other structure erected upon the land being used had been so obtained prior to the appointed day;

"Liquid fuel depot" - means any premises used or intended for use for the bulk storage of petrol, oil, petroleum products or other flammable fuels whether in tanks, drums or otherwise howsoever: The term does not include a "service station" as herein defined;

“Lot feeding” - means the use of premises for the keeping, breeding, depasturing or stabling of livestock where such livestock are fed with prepared food instead of by grazing: The term includes a “stockyard” but does not include a “piggery”, “stable” or “stock saleyard” as herein defined;

“Marina facilities” - means any premises used or intended for use for the launching, landing, berthing and storage of boats: The term includes facilities provided at such premises for the fuelling, servicing, maintenance, repairing and provisioning of boats, for the parking of motor vehicles and trailers and for recreation and amenity;

“Motor vehicle depot” - means any premises used or intended for use for the storage of motor vehicles or trailers, whether or not any such motor vehicles or trailers are sold by wholesale or made available for hire thereat: The term includes a bus depot and taxi-cab depot and, when carried on at the same site, the use of any office in connection with such premises and the servicing of such motor vehicles: The term does not include a “car park” “car repair station”, “passenger terminal”, “public utility”, “showroom class A”, “showroom class B” or “truck depot” as herein defined;

“Multiple dwelling” - means any premises used or intended for use as attached houses, cluster houses, flats, home units or townhouses, or other residential use comprising two (2) or more units of self contained accommodation on one (1) allotment or a group of adjoining allotments;

“Nursery” - means any premises used or intended for use for the propagation and sale to members of the public of grasses, plants, shrubs or trees: The term includes the sale of garden supplies which shall be defined as any product or material in solid, gaseous or liquid form which by its use would aid the propagation and actual growth of grasses, plants, shrubs or trees but excluding the sale of powered (electric or motorised) hand tools or machinery: The term does not include the propagation of grasses, plants, shrubs or trees for hire or for sale to persons who purchase for the purpose of resale or for use in “agriculture” as herein defined and it does not include “bulk landscape and garden supplies”, “forestry” “roadside stall” or “shop” as herein defined;

“Open Space” - means those open areas that are given over to deep planting, container planting, podium planting, mounding, turfing, but do not include: clothes drying areas (except in the case of retractable lines), parking spaces, access roads or aisles, areas used for display, storage of goods (including gas cylinders, garbage bins, etc.) or any form of manufacture of goods on site. It shall be to Council's discretion to approve therein such features as: summer houses, children's play areas, structures associated with swimming pools and other sports activities. Landscaped open space is to be interpreted as space open to the sky, except eaves that overhang one boundary of the open space area or part thereof to a maximum of 1.2 metres.

Council may deem, subject to ready accessibility and/or suitability in location, treatment and appearance for acceptance as landscaped open space those areas on constructed decks, rooftop recreation areas or gardens and open terraces;

“Outdoor recreation centre” - means any premises used or intended for use for any activity, purpose or pursuit which takes place primarily in the open air and which affords or is intended to afford interest or amusement or for any public performance: Without limiting the generality of the foregoing, the term includes any use of land which would be embraced by the definition of “Park” as contained herein if it were not that there is an associated admission charge and also includes any

premises used or intended for use for any purpose included in Table VII.

TABLE VII

Amusement park
Boating
Circus (outdoor)
Coursing track
Court (uncovered, including a private tennis court provided with floodlighting)
Cycling track
Drive-in theatre
Equestrian centre
Exhibition (outdoor)
Fair
Golf course
Golf driving range
Model aeroplane, boat or car operations (outdoor)
Pony club area
Race track
Riding school
Rifle or pistol range
Rodeo
Showground
Side-show (outdoor)
Speedway
Sporting arena, field green, rink or water
Stadium (outdoor)
Theatre (outdoor)
Trail bike riding
Trotting track (including a private trotting track)
Zoological garden;

“Park” - means any land to which the public has rights of access free of 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; or
- (c) has been prepared or is maintained as a grassed area either with or without trees or shrubbery, and which is used or intended for use for open-air recreation: The term includes any facilities provided on such land for the enjoyment or convenience of the public being -
 - (i) kiosks for band-stands or light refreshment booths;
 - (ii) picnic places, places for enjoying views, routes for nature study, parking places and footways;
 - (iii) information and display areas for the promotion of such land;
 - (iv) shelters and other public conveniences; or
 - (v) children's play areas.

RENDERED OBSOLETE BY NEW RPS - 30/03/06

The term includes a botanical garden, a fauna or flora sanctuary and any infrequent use for a sport or form of athletics conducted on an informal basis but does not include an "outdoor recreation centre" as herein defined;

"Passenger terminal" - means any premises used or intended for use as an airline passenger terminal, a bus or coach station, heliport or water transport passenger terminal: The term does not include "aerodrome" as herein defined or the overnight storing of more than two (2) buses or other road transport passenger vehicles without the approval in writing of the Council;

"Permissible use" - means a purpose which would constitute a purpose for which a site may be developed only with the consent of the Council pursuant to sub-clause (2) of clause 3 to Division 3 in Part II;

"Permitted use" - means a purpose which would constitute a purpose for which a site may be developed without the consent of the Council pursuant to sub-clause (1) of clause 3 to Division 3 in Part II;

"Piggery" - means any premises used or intended for use for the purpose of keeping, depasturing, feeding or watering of one (1) or more pigs. The term includes any ponds, manure storage areas or land disposal areas used in conjunction with the keeping of pigs but does not include "lot feeding" as herein defined.

"Place of worship" - means any premises used or intended for use for the religious activities of a religious organisation whether or not the premises are also used for religious instruction: The term includes the use of such premises for the social or recreational activities of that organisation and, when carried on at the same site, the residential use of any building for the purpose of a "caretaker's residence" but does not include a "child-care centre", "educational establishment", "institution" or "shop" as herein defined or except as heretofore provided a residential use of such premises;

"Plan of development" - means any document including a plan or plans which regulates the siting on an allotment or allotments of buildings, roads, services, open space and other applicable design elements of a development in accordance with Part IV Division 5 of this Scheme;

"Population density" - means the population density of a site used for a number of dwelling units based upon two point four (2.4) persons per dwelling unit where there is more than one (1) room capable of occupation as a bedroom and two (2.0) persons per dwelling unit where there is only one (1) room capable of occupation as a bedroom;

"Poultry" - means any fowl, duck, goose, turkey, emu, ostrich, or any other game bird or the young thereof;

"Poultry farm" - means any premises used or intended for use for the keeping or breeding of Poultry for sale, exchange, egg produce or slaughtering for commercial purposes. The term does not include an "industry class V" use as defined;

"Premises" - means any land, building or other structure or part thereof;

"Produce store" - means any premises used or intended for use primarily for the sale of fertilisers, agricultural chemicals and grain and other animal foodstuffs: The term includes, where ancillary to the above, the sale of other goods which are normally used in carrying on the uses of "agriculture", "animal husbandry", "forestry", "goat farm", "lot feeding". "nursery", "piggery" and "poultry farm" as herein defined;

"Prohibited use" - means a purpose which would constitute a purpose for which a site may not be developed pursuant to subclause (3) of Clause 3 to Division 3 in Part II;

"Public utility" - means any undertaking for the supply of water, hydraulic power, electricity or gas or the provision of telephone, sewerage, drainage or transport services carried out by public organisations: The term does not include a "radio station" or "special use" as herein defined;

"Radio station" - means any premises used or intended for use for the transmission of radio signals, whether such station is manned or remotely controlled: The term includes any station for sound and for television broadcasting and for communication to motor vehicles and includes a radio station ancillary to another use on another site but not one ancillary to another use on the same site;

"Refreshment establishment" - means any premises used or intended for use as a cafe, drink bar, fast foods outlet, fried fish shop, milk bar, refreshment kiosk, restaurant, snack bar, takeaway food bar, tea garden, tea room or the like: The term does not include "caterer's room", "hotel" or "shop" as herein defined;

"Relative's apartment" - means any premises used or intended for use as a flat which are either annexed to a dwelling house or situated within the curtilage of a dwelling house and which are intended for occupation by a grandparent, parent, brother, sister or offspring of an owner who is an occupant of the said dwelling house: The term does not include an "accommodation unit" or "multiple dwelling" as herein defined;

"Roadside stall" - means any building or other structure not exceeding forty (40) square metres in gross floor area used or intended for use for the purpose of displaying or offering agricultural products, honey, poultry or eggs for sale to members of the public where such products are grown or produced on the same site or nearby sites, or for displaying or offering for sale fish, oysters or crabs, or produce considered similar in the opinion of the Council, caught by a professional fisherman resident on the same site: The term does not include a "nursery" as herein defined;

"Rural Industry" - means the use of the premises for handling, treating, processing or packing of primary products: The term includes the servicing of plant or equipment used in connection with agriculture, animal husbandry or forestry, but does not include an "industry class V" as herein defined;

"Scheme maps" - has the meaning assigned to it by section 33 of the *Local Government Act 1936 - 1987*,

"Service shop" - means any premises used or intended for use for the carrying on of any process, or ancillary to, any of the activities in the definition of "Industry Class I" where the total floor area of any building or other structure so used or intended to be so used together with the area or so much of the curtilage as is so used or intended to be so used, does not exceed 150 square metres;

"Service station" - means any premises used or intended for use primarily 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 (1) or more of the following -

- (a) the sale by retail of -
 - (i) lubricating oils and greases, hydraulic fluids, additives for petrol distillate and engine oil and engine coolants;

RENDERED OBSOLETE BY NEW RPS 30/03/06

- (ii) batteries;
- (iii) tyres and tubes;
- (iv) spare parts and accessories for motor vehicles, boats, motor mowers and motorised gardening appliances;
- (v) power and lighting kerosene, mineral turpentine, detergent and demineralised water;
- (vi) products intended for use in connection with the washing, cleaning, polishing and preservation of the interior and exterior of motor vehicles;
- (vii) products intended for use in making minor running repairs to motor vehicles.

(b) the carrying out of -

- (i) the removal, exchange and fitting of tyres;
- (ii) wheel balancing and alignment;
- (iii) minor repairs to tyres and/or tubes;
- (iv) the supply of water and/or air;
- (v) the charging of batteries;
- (vi) the lubrication of motor vehicles;
- (vii) the tuning and/or adjustment of internal combustion engines;
- (viii) the reception and return of tyres deposited for repair on other premises;
- (ix) running repairs to a motor vehicle being of a minor nature;
- (x) the installation of accessories for motor vehicles;
- (xi) the washing of motor vehicles by the use or operation of an automatic or partly automatic process using mechanically operated brushes and washers or either of them and air jet dryers provided that such facility is sited no closer than twenty (20) metres from an adjoining dwelling;
- (xii) the hiring of not more than one (1) motor vehicle; and
- (xiii) the hiring of trailers provided not more than two (2) hire trailers are on the premises at any one time, except with the written approval of the Council, and the capacity of any such trailer is not more than one (1) tonne.

(c) the sale by retail of cigarettes, tobacco and smokers requisites, confectionery, packaged nuts, potato crisps and similar snacks, patent medicines, drinks, maps and ice or any of them when such sale is to a traveller by motor vehicle and is ancillary to the use for the fuelling of motor vehicles; and

(d) the sale of motor vehicles provided that not more than one (1) motor vehicle and one (1) trailer is displayed or offered for sale on the premises at any one time, except with the written approval of the Council;

"Shop" - means any premises used or intended for use for the purpose of displaying or offering goods for sale by retail. The term includes incidental storage of such goods on the same premises but does not include a "general store", "hotel", "junk yard", "refreshment establishment", "service station", "showroom class A", "showroom class B" or "warehouse" as herein defined;

"Showroom class A" - means any building the floor area whereof exceeds two hundred (200) square metres, and which is divided into individual retail outlets with a minimum gross floor area of two hundred (200) square metres, used or intended for use for the purpose of displaying or offering automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature not including foodstuffs for sale to members of the public. The term does not include a "showroom class B" as herein defined;

"Showroom class B" - means any premises used or intended for use for the purpose of displaying or offering new or used agricultural implements or machinery, boats, caravans, motor vehicles, trailers or the like for sale to members of the public. The term includes displaying or offering accessories for sale where such use is ancillary to the above;

"Site" - means any land on which development is carried out or is proposed to be carried out, whether such land comprises the whole or part of one (1) allotment or more than one (1) allotment if each of such allotments is contiguous with the other or another of such allotments;

"Site coverage" - means the proportion expressed as a percentage which the area of a site covered by buildings bears to the total area of the site, where the area covered by buildings is measured to include the area within the projection of the outer limits of the buildings onto a horizontal plane, provided that such measurement shall not include -

- (a) any building or structure or part thereof included in a landscaped open space area;
- (b) roof overhang and sun hoods or private balconies, where not covered by or covering private habitable rooms whether roofed or not roofed, and accessible only from one dwelling unit except one at ground level, provided that the measurement shall include that part of any such balcony which is more than two point five (2.5) metres out from the brick wall of the balcony;

"Special use" - means the use of any premises for -

- (a) Federal Government purposes;
- (b) State or Local Government purposes; or
- (c) Semi-government or public purposes;

"Stable" - means any building or other structure which of itself or together with any other building or structure on the same site, provides or is intended to provide for the housing of three (3) or more horses or use of horses on such property for commercial purposes of any kind;

"Stock saleyard" - means any premises used or intended for use for the purposes of offering livestock for sale. For the purposes of this definition, the term livestock means horses, cattle, pigs, sheep, goats or deer;

"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 above, the ceiling or roof above and includes a space which is designed, constructed or adapted for the accommodation of bathrooms, shower rooms, laundries, water closets or other sanitary compartments, storage of goods or for the accommodation of vehicles. No storey so defined shall exceed the vertical dimensions prescribed in the provisions of Part 17 of the Building Act 1975-1984;

"Structure" - has the meaning assigned to it by section 33 of the Local Government Act 1936 - 1987;

"The scheme" - means the town planning scheme for the Shire of Redland in force for the time being;

"Town planning scheme area" - means the whole of the area of the Shire of Redland;

"Traditional residential development" - means residential subdivision and street design primarily intended for detached dwelling houses generally on allotments of area in excess of 600 square metres as provided for in Council's Subdivision of Land

By-Laws prior to the appointed day (being the date of this amendment);

RENDERED OBSOLETE BY NEW RPS 30/03/06

"Truck depot" - means any premises used or intended for use for the storage of motor vehicles designed or adapted for the carriage of goods or trailers so designed or adapted where ordinarily one (1) or more of such motor vehicles or trailers stored on the premises is of a capacity in excess of two (2) tonnes whether or not any such motor vehicles or trailers are sold by wholesale or made available for hire thereat: The term includes, when carried on at the same site, the use of any office in connection with such premises and the use of facilities provided for the servicing of such motor vehicles or trailers and any premises not being a "car repair station" or "industry class III" as herein defined whereat is kept any motor vehicles equipped with a lifting or loading device capable of being used for the towing of a motor vehicle and so used or intended to be so used: The term does not include a "public utility" or "showroom class B" as herein defined;

"Use" -

- (a) When used as a noun 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 other structure: The term includes any use which is ancillary to a lawful use of the land in question;
- (b) When used as a verb in relation to land, a building or a structure, includes having the conduct management or possession of land, a building or a structure which is used or intended for use for any purpose and also includes-
 - (i) the carrying out of any act or the making of any omission for the purpose of enabling or aiding premises to be used;
 - (ii) counselling, procuring, authorising or directing (whether with lawful authority so to do or otherwise) a person to carry out a use or to carry out any activity which constitutes a component part of a use;

"Veterinary surgery" - means any premises used or intended for use by a veterinary surgeon in the practice of that occupation whether or not provision is made for the accommodation of animals, birds, fish or reptiles undergoing medical or surgical treatment at such premises;

"Warehouse" - means 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, pending their distribution or sale to persons who purchase for the purpose of resale only: The term includes a milk depot but not a "bulk store" as herein defined;

"Watercourse" - includes land on which rainwater runoff concentrates and land on or over which rainwater runoff usually or occasionally flows in concentration in a common direction by reason of the natural configuration of the land or otherwise by way of -

- (a) a natural channel or depression;
- (b) a natural channel artificially imposed;
- (c) an artificial channel that has changed the course of a natural channel or depression;

The term does not include a closed conduit conveying stormwater;

"Welfare premises" - means any premises used or intended for use for social welfare purposes, counselling, or any purpose of a like character: The term includes the use of such premises for education or instruction but does not include "educational establishment" as herein defined or any use for business or commercial purposes ;

"Width" - means in relation to an allotment, the width at the frontage of a rectangular allotment or the width at a depth of ten (10) metres from the frontage of an irregular shaped allotment;

"Zone" - has the meaning assigned to it by section 33 of the Local Government Act 1936 - 1987.

2. (1) Where any term used in the scheme is not herein defined but is defined in the Local Government Act 1936 - 1987, the term shall, for the purposes of the scheme and unless the context otherwise indicates or requires, have the meaning assigned to it by the Local Government Act 1936 - 1987.
- (2) Where any term used in the scheme is not herein defined but is defined in a by-law, the term shall, for the purposes of the scheme and unless the context otherwise indicates or requires, have the meaning assigned to it by that by-law.
- (3) Any question as to whether a use or proposed use falls within a definition, or class or uses defined in this part, shall be determined by the Council.

Part II - Zoning**RENDERED OBSOLETE BY NEW RPS, all of which cater primarily for tourists, holiday makers and day visitors.** 30/03/06**Division 1 -****Division of Town Planning Scheme Area into Zones.**

1. (1) For the purpose of the scheme, the Town Planning Scheme Area is hereby divided into Zones as set out in the following Table;
- (2) Areas bordered by a heavy black line on the scheme maps and containing within that bordering a designation are hereby declared to be within the Zones as indicated by the designation given in The Table:-

THE TABLE

Zone number	Zone name	Designation
1	Shopping	S
2	Commercial	C
3	Tourist, Business & Residential	T
4	Residential B	RB
5	Residential A	RA
6	Residential - Low Density	RLD
7	Park Residential	PR
8	Industry A	Ind A
9	Industry B	Ind B
10	Industry C	Ind C
11	Crown Industrial Estate	C Ind E
12	Public Open Space	POS
13	Restricted Open Space	ROS
14	Public Purposes	PP
15	Special Facilities	SF
16	Drainage Problem	DP
17	Special Rural	SRu
18	Rural - Habitat Protection and Water Supply Catchment	Ru-WSC
19	Rural/Non Urban	Ru/NU
20	Comprehensive Development	CD
21	Special Development	SD

Division 2 -**Intent of the Zones**

2. (1) **Shopping Zone** - This zone is intended primarily for shops located in centres of all sizes from small centres to large centres.

Other business development and uses compatible with retailing activities may be permitted or may be established only with the consent of the Council.

- (2) **Commercial Zone** - This zone is intended to cater for commercial uses including offices and showrooms (including motor vehicle saleyards and the like) but not retail outlets which are more appropriately located in prime shopping locations.

Recreational activities and industrial uses which are compatible with commercial activities may be established only with the consent of the Council.

- (3) **Tourist Business and Residential Zone** - This zone is intended to provide for commercial development including shops, for residential accommodation and for

- (4) **Residential B Zone** - This zone is intended to cater primarily for multiple dwellings. Dwelling houses are permitted and other uses compatible with multiple dwelling development may be permitted or established only with the consent of the Council.

The aim is to provide for a range of densities and heights depending on location and buildings with a higher population density and greater height may be permitted where the Council is satisfied that there will be no undue effect on the amenity of the surrounding properties.

The approval of Council as a minor amendment to the consent approval will be required for a multiple dwelling consisting of dwelling houses or dwelling units not in accordance with an approved plan of development but designed in accordance with the provisions of AMCORD.

Provision is made for certain non-residential land uses to be established in this zone with the consent of Council, however it is not envisaged that consent will be granted unless it is demonstrated that such use(s) would be compatible with existing and likely future development and the residential amenity and character of the specific area.

- (5) **Residential A Zone** -The primary aim for this zone shall be the provision of a range of compatible housing types and allotment sizes in a quality residential environment. A range of housing types and allotment sizes which gain their principal access from the ground floor and are generally no greater than two storeys in height shall be encouraged throughout the zone. In order that a quality residential environment is provided in an efficient and economic manner development in this zone shall be in accordance with AMCORD.

It shall also be the aim to retain as much natural vegetation in new development compatible with the provision of services and the satisfactory location of dwellings. In this regard the retention of native trees in road reserves by the use of variable width reserves and in public and private open space areas by the use of incentives shall be a primary aim for this zone.

Only in exceptional circumstances where development consists of infill development within an established suburb will Council give consideration to traditional residential development not in accordance with AMCORD.

Provision is made for multiple dwellings on sites containing an area of at least eight hundred (800) square metres. However, it is envisaged that approval will not be granted unless such uses are compatible with existing and likely future development.

Provision is made for multiple dwellings with a density not exceeding twenty five dwelling units per hectare of site for sites containing an area of one thousand two hundred (1200) square metres or more.

Provision is made for dwelling houses to be approved without the consent of Council but subject to conditions of approval on allotments existing at the appointed day (being the date of this amendment) which contain an area of four hundred and fifty (450) square metres or more and a frontage of twelve (12) metres or more and not exceeding two (2) storeys in height.

RENDERED OBSOLETE BY NEW RPS 30/03/06

It also covers the sites of certain significant buildings located in large grounds.

Provision is made for certain non-residential land uses to be established in this zone with the consent of the Council, however it is not envisaged that consent will be granted unless it is demonstrated that such use(s) would be compatible with existing and likely future development and the residential amenity and character of the specific area.

- (6) **Residential - Low Density Zone** - This zone is intended to cater primarily for dwelling houses on allotments with an area of between two thousand (2000) and six thousand (6000) square metres and with all services normally provided in urban areas, including sealed roads with concrete kerb and channelling and sewerage.
- (7) **Park Residential Zone** - This zone is intended to cater primarily for dwelling houses on allotments with a minimum area of six thousand (6000) square metres and with all services normally provided in urban areas except sewerage and underground drainage where stormwater flow is confined to defined natural watercourses.
- (8) **Industry A Zone** - This zone is intended to cater primarily for small, non-intrusive industries which are compatible with the activities in commercial areas.
- (9) **Industry B Zone** - This zone is intended to cater for all kinds of industry (other than extractive industries and industries class IV and V) in locations where they will be effectively segregated from incompatible land uses and where access to the Shire's arterial road network is readily available.

Certain commercial activities and recreational activities may be established only with the consent of the Council.

- (10) **Industry C Zone** - This zone is intended to accommodate those industries whose activities have the potential to result in noise, smell, dust, smoke or the like. Such industries should be located at a distance from other uses such that the external effects are at levels acceptable to the surrounding uses. Council shall not consent to other uses in this zone unless it considers that alternative locations are unsuitable.
- (11) **Crown Industrial Estate Zone** - This zone is intended to identify land to be developed by the Crown for a variety of industrial purposes. Development will proceed in accordance with a Plan of Development which will indicate the nature of the industries proposed, the staging of development and general road layout.
- (12) **Public Open Space Zone** - This zone is intended for existing public land and land proposed for acquisition by the Council or Crown, which is intended for park and recreational purposes. It also includes conservation areas such as National Parks and Environmental Parks.
Land in this zone of suitable size and location may be developed for facilities for organised sports with associated facilities such as amenities blocks, stadia, car parking, kiosks and the like.
Some land included in the zone may be used for community facilities.
- (13) **Restricted Open Space Zone** - This zone is intended to cater for certain uses which maintain the open, as opposed to the built-up, character of an area including sporting, recreational and tourist orientated uses on privately owned land and the use of publicly owned land for certain purposes not involving access by the general public.

- (1) **Public Purposes Zone** - This zone is intended to provide for all forms of Government and public land use connected with urban or rural development and not reserved specifically for open space purposes.
- (15) **Special Facilities Zone** - This zone is intended to provide for specific land uses whether defined or not in the town planning scheme but which by their nature cannot be satisfactorily located in any other zone.
- (16) **Drainage Problem Zone** - This zone comprises land which is subject to drainage problems or which would appear to be subject to drainage problems. The development of such land in most cases is not envisaged, however, detailed investigations might reveal that certain parts of the zone are suitable for development and are capable of being filled without any adverse effect on other land.
- (17) **Special Rural Zone** - This zone caters for uses such as kennels, stables, poultry farms and the like indicated on Development Control Plan map Sheets 10, 12 and 13 and also for small scale industries conducted on land, other than small parcels of land, by the owner-occupiers thereof as indicated on Development Control Plan map Sheet 5.

Such uses require the consent of the Council and such consent will not be forthcoming if there is likely to be any undue adverse effect on existing residential and other uses.

- (18) **Rural - Habitat Protection and Water Supply Catchment Zone** - This zone comprises that part of the catchment of the Leslie Harrison Dam which is situated within the Redland Shire and also the area of water supply catchments on North Stradbroke Island.

It is intended that development within these areas be severely restricted to protect water quality and bushland/forest which is of great habitat value for the native fauna existing within these areas.

- (19) **Rural/Non-Urban Zone** - This zone comprises predominantly agricultural land but also includes non-urban areas of the Shire not presently used for, and not necessarily suitable for, agriculture or other rural production. Included in the zone is land which is expected to be required for urban development, following rezoning, during the life of the town planning scheme. Also- included is land which is designated for urban development in the Strategic Plan but which is not expected to be required for such purpose during the life of the town planning scheme.

Extractive industries are permissible but it is envisaged that consent will not be forthcoming where there would be any undue detriment to the environment or amenity of rural residences and that, where it is forthcoming, stringent controls will be imposed.

Certain other uses of a non-agricultural nature, in particular those which assist in maintaining the non-urban character of the area may be permitted.

- (20) **Comprehensive Development Zone** - This zone is intended to enable particular areas of the Shire to be developed in a comprehensive and co-ordinated manner. Development control plans will be prepared specifically to serve this purpose of coordinating and providing detailed guidelines for development of areas within this zone.

The zone also provides for the development of areas or individual parcels of land which, because of their location or existing usage or for other reasons, are suitable for a range of uses not catered for in any other zone or which require special attention to be paid to certain aspects of their development.

- (21) **Special Development Zone-** This zone is intended to enable particular areas of the Shire which are considered by Council to have a special character and environmental features to be developed in an appropriate and sensitive manner. Development Control Plans will be prepared specifically to serve this purpose providing detailed guidelines for development of areas within this zone.

Division 3 -

Restrictions on Development in Zones

3. Subject to the provisions of Part III of the scheme
- (1) the purposes for which any building or other structure may be erected or used or for which land may be used without the consent of the Council in each zone shall be the purpose set forth in Column III (a) of the Table of Zones herein opposite the name of the relevant zone under the heading "Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council";
- (2) the purposes for which any building or other structure may be erected or used or for which land may be used without the consent of the Council subject to conditions in each zone shall be the purpose set forth in Column III (b) of the Tables of Zones herein opposite the name of the relevant Zone under the heading "Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the planning scheme".
- In the case that no Column III (b) exists, then Columns III (a), IV and V shall apply;
- (3) the purposes for which any building or other structure may be erected or used or for which land may be used only with the consent of the Council in each zone shall be the purpose set forth in Column IV of the Table of Zones herein opposite the name of the relevant zone under the heading "Purposes for which buildings or other structures may be erected or used or for which land may be used only with the consent of the Council";
- (4) the purposes for which any building or other structure may not be erected or used or for which land may not be used in each zone shall be the purpose set forth in Column V of the Table of Zones herein opposite the name of the relevant zone under the heading "Purposes for which buildings or other structures may not be erected or used or for which land may not be used";
- (5) it shall not, in any way, be construed that because a use is permissible in a particular zone that such use should normally be approved in any part of that zone subject to the imposition of conditions.

Multiple Uses -

4. Where any building or other structure or any land is used or is intended for use for more than one (1) purpose, it shall be deemed for the purpose of the scheme to be used or intended

for use for each of those purposes, unless in the opinion of the Council, one (1) or more of purposes are considered to be ancillary uses.

5. Subject to the provisions of Part III of the scheme, no person shall-
- (1) without the consent of the Council, erect or use any building or other structure or use land in any zone for a purpose set forth in Column IV of the Table of Zones herein opposite the name of that zone; or
- (2) erect or use any building or other structure or use land in any zone for a purpose set forth in Column V of the Table of Zones herein opposite the name of that zone, provided that a building or other structure may be erected or used or land used in any zone for a purpose set forth in column IV or V of the Table of Zones herein opposite the name of that zone for not more than four (4) days in any period of six (6) months with the approval in writing of the Council.

Limitations on Rights Conferred

6. (1) Notwithstanding that, pursuant to the scheme, a building or other structure may be erected or used, or land may be used, in any zone without the consent of the Council, or that, because of the consent of the Council, any building or other structure may be erected or used or land may be used in any zone for a purpose specified in such consent, nevertheless, subject to the scheme, all relevant by-laws shall apply and be in force in respect of such erection or use; and
- (2) The inclusion of land in a particular zone under the provisions of the scheme does not imply that all of such land is either capable of being subdivided or is suitable for subdivision for purposes or uses permitted by the scheme; the extent of subdivision which may be undertaken will be determined in each case on receipt of detailed information;
- (3) The inclusion of a particular use in Column IV in the Table of Zones herein does not imply that an applicant is necessarily entitled to be granted consent for that use in respect of any land included in the relevant zone upon his demonstrating that the land is by its character suitable for the proposed use and the question of whether or not consent will be granted and, if so, the conditions to be imposed (if any) will be determined by the Council having regard not only to the characteristics of the land to which the application relates and its suitability for the proposed use but also to all other relevant matters including any applicable policies of the Council and the desirability on the basis of recognised planning principles of locating the particular use applied for on the land in question.

Extension to Existing Uses -

7. Where a purpose is one for which, pursuant to the Table of Zones development may be carried out only with the consent of the Council and where a proposed development for that purpose:-
- (1) Involves an increase in the gross floor area or site area of an existing use by not more than twenty (20) per centum or fifty (50) square metres (whichever is the lesser figure); and
- (2) Does not, in the opinion of the Council, involve any significant additional detrimental effect on the amenity of the locality;

then the consent of the Council shall not be required to the carrying out of the proposed development but the Council may impose such conditions in relation to the carrying out of the proposed development as it could lawfully have imposed upon the granting of the consent to the proposed development which would, but for this clause, have been required. A proposed development referred to in this clause shall not be commenced until the person proposing to carry out

development has first given notice of that proposal to the Council together with such further information, plans, drawings and specifications as the Council shall require and shall have received notice from the Council of the conditions imposed (if any). A condition imposed pursuant to this clause shall be deemed for all purposes to be a condition imposed pursuant to the granting of consent under clause 3 (2) of this Part.

RENDERED OBSOLETE BY NEW RPS - 30/03/06

NOT AN OFFICIAL VERSION

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II	Column III(a)	Column III(b)	Column IV	Column V
Zone	Designation on Scheme Maps	Purposes for which buildings or other structures may be erected or used or for which land may be used without the consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
1. Shopping	S	Commercial premises - not exceeding two (2) storeys in height General stores Health-care institutions Parks Refreshment establishments Service shops Shops - not exceeding two (2) storeys in height Showrooms class A - not exceeding two (2) storeys in height Showrooms class B - not exceeding two (2) storeys in height Special uses	No use	Any purpose other than those permitted by Column III or prohibited by Column V	Aerodromes Animal husbandry Aquaculture Boat building yards Camping grounds Caravan parks Catteries Cemeteries Community dwellings Concrete batching plants Crematoria Dwelling houses Extractive industries Forestry Funeral parlours Goat farms Home based activity Home based business Home based enterprise Industry class II Industry class III Industry class IV Industry class V Institutions Junk yards Kennels Liquid fuel depots Lot feeding Piggeries Poultry farms Relative's apartments Rural industries Stables Stock saleyards Truck depots
2. Commercial	C	Commercial premises - not exceeding two (2) storeys in height Health-care institutions Parks Public buildings Service shops Showrooms class B - not exceeding two (2) storeys in height Veterinary surgeries	No use	Any purpose other than those permitted by Column III or prohibited by Column V	Aerodromes Animal husbandry Aquaculture Boat building yards Camping grounds Caravan parks Catteries Community dwellings Concrete batching plants Crematoria Dwelling Houses Extractive industries Forestry Goat Farms Home based activity Home based business Home based enterprise Industry Class III Industry Class IV Industry Class V Institutions
2.					

Column I Zone	Column II Designation on Scheme Maps	Column III(a) Purposes for which buildings or other structures may be erected or used or for which land may be used without the consent of the Council	Column III(b) Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Column IV Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Column V Purposes for which buildings or other structures may not be used or for which land may not be used
Commercial (Continued)					Kennels Liquid fuel depots Lot feeding Piggeries Poultry farms Relative's apartments Rural industries Shops Stables Stock saleyards Truck depots
3. Tourist Business and Residential	T	Home based activity Parks	Bed & Breakfast - not more than 4 guests/persons accommodated at any one time Caretakers premises Dwelling houses General Store Home based business - not more than 1 employee Relative's Apartments Public Utility Special Use	Any purpose other than those permitted by Column III or prohibited by Column V	Aerodromes Animal husbandry Bed & Breakfast - more than 12 guests/persons accommodated at any one time Boat building yards Bulk landscape and garden supplies Bulk stores Car repair stations Catteries Cemeteries Commercial premises - unless primarily tourist orientated Community dwellings Concrete batching plants Crematoria Domestic outbuildings Extractive industries Forestry Freight depots Funeral parlours Goat farms Home based business - more than 3 employees Hospitals Industry Class I - unless primarily tourist orientated Industry Class II Industry Class III Industry Class IV Industry Class V Institutions Junk yards Kennels Liquid fuel depots Lot feeding Motor vehicle depots - unless primarily tourist orientated Piggeries Poultry farms Produce stores Rural industries

Column I Zone	Column II Designation on Scheme Maps	Column III(a) Purposes for which buildings or other structures may be erected or used or for which land may be used without the consent of the Council	Column III(b) Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Column IV Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Column V Purposes for which buildings or other structures may not be used or for which land may not be used
(continued)					Shops - unless selling primarily tourist orientated goods Showrooms Class A Showrooms Class B Stock saleyards Truck depots Veterinary surgeries Warehouses Welfare premises
4. Residential B	RB	Dwelling houses - where erected on a site with an area of six hundred (600) square metres or more and not exceeding two (2) storeys in height Home based activity Parks	Dwelling houses where erected on a site of area between four hundred and fifty (450) square metres and six hundred (600) square metres and not exceeding two (2) storeys in height and having a road frontage of twelve (12) metres or more or in accordance with an approved plan of development. Home based business - not more than 1 employee in a detached dwelling house Multiple dwellings in accordance with an approved plan of development and a population density not exceeding sixty (60) persons per hectare and where the site is fully serviced with sewerage. Relative's apartments - except where exceeding forty (40) square metres in floor area or where detached from dwelling house. Bed and Breakfast - not more than 4 guests/persons accommodated at any one time.	Any purpose other than those permitted by Column III(a) or Column III(b) or prohibited by Column V	Advertisement hoardings Aerodromes Animal husbandry Aquaculture Boat building yards Bulk landscape and garden supplies Bulk stores Camping grounds Car repair stations Caravan parks Catteries Cemeteries Commercial premises Concrete batching plants Crematoria Domestic outbuildings Extractive industries Forestry Freight depots Funeral parlours Goat farms Home based business - more than 3 employees in a detached dwelling house Home based enterprise Hotels Indoor recreation centre other than baths (Turkish or other vapour or foam) Billiard saloons, Bowling centres (indoor), Broadcasting studios, clubs (non residential), competition centres (indoor), courts (covered), exhibition halls, function rooms (other than caterers' rooms), games halls, gymnasiums, meeting halls (other than lecture halls or places of worship), schools of art, stadiums (indoor), swimming pools (covered), youth centres (indoor)
4. Residential B (continued)	RB				Industry Class I

Column I Zone	Column II Designation on Scheme Maps	Column III(a) Purposes for which buildings or other structures may be erected or used or for which land may be used without the consent of the Council	Column III(b) Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Column IV Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Column V Purposes for which buildings or other structures may not be used or for which land may not be used
					Industry Class II Industry Class III Industry Class IV Industry Class V Institutions Junk yards Kennels Liquid fuel depots Lot feeding Motor vehicle depots Multiple dwellings - population density exceeding one hundred (100) persons per hectare unless otherwise specified in a Strategic or Development Control Plan Outdoor recreation centres other than amusement parks, boating, courts (uncovered, including private tennis courts provided with floodlighting), exhibitions (outdoor), fairs, model aeroplane, boat or car operations (outdoor), sporting arenas, fields, greens, rinks or water Passenger terminals Piggeries Poultry farms Produce stores Radio stations Roadside stalls Rural industries Service shops Service stations Shops Showrooms Class A Showrooms Class B Stables Stock saleyards Truck depots Veterinary surgeries Warehouses
5. Residential A	RA	Dwelling houses - where: (i) erected on a site with an area of six hundred (600) square	Dwelling houses where proposed to be erected on the Bay Islands (Coochiemudlo, Macleay, Perulpa, Karragarra, Lamb and	Any purpose other than those permitted by Column III (a) or Column III (b) or prohibited by Column V	Advertisement hoardings Aerodromes Animal husbandry Aquaculture Boat building yards Bulk landscape and garden

Column I Zone	Column II Designation on Scheme Maps	Column III(a) Purposes for which buildings or other structures may be erected or used or for which land may be used without the consent of the Council	Column III(b) Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Column IV Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Column V Purposes for which buildings or other structures may not be used or for which land may not be used
5. Residential A (continued)	RA	<p>metres or more;</p> <p>(ii) not exceeding two (2) storeys in height; and</p> <p>(iii) not intended to be erected on the Bay Islands (Coochiemudlo, Macleay, Perulpa, Karragarra, Lamb and Russell Islands).</p> <p>Home based activity</p> <p>Parks</p>	<p>Russell Islands)</p> <p>Dwelling houses where:</p> <p>(i) erected on a site of area between 450 sqm and 600 sqm;</p> <p>(ii) not exceeding two (2) storeys in height;</p> <p>(iii) having road frontage of twelve (12) metres or more;</p> <p>(iv) not being a dwelling proposed to be erected on the Bay Islands (Coochiemudlo, Macleay, Perulpa, Karragarra, Lamb and Russell Islands) and</p> <p>(v) erected in accordance with an approved plan of development.</p> <p>Bed and Breakfast - not more than 4 guests/persons accommodated at any one time.</p> <p>Home based business - not more than 1 employee</p> <p>Relative's apartments - except where exceeding forty (40) square metres in floor area or where detached from dwelling house.</p>		<p>supplies</p> <p>Bulk stores</p> <p>Camping grounds</p> <p>Car repair stations</p> <p>Caravan parks</p> <p>Catteries</p> <p>Cemeteries</p> <p>Commercial premises</p> <p>Concrete batching plants</p> <p>Crematoria</p> <p>Domestic outbuildings</p> <p>Extractive industries</p> <p>Forestry</p> <p>Freight depots</p> <p>Funeral parlours</p> <p>Goat farms</p> <p>Home based business - more than 3 employees</p> <p>Home based enterprise - where conducted on a site with an area less than eight hundred (800) square metres</p> <p>Hotels</p> <p>Indoor recreation centres other than baths (Turkish or other vapour or foam), billiard saloons, bowling centres (indoor), broadcasting studios, clubs (non-residential), competition centres (indoor), courts (covered), exhibition halls, function rooms (other than caterers' rooms), games halls, gymnasiums, meeting halls (other than lecture halls or places of worship), schools of art, stadiums (indoor), swimming pools (covered), youth centres (indoor)</p> <p>Industry Class I</p> <p>Industry Class II</p> <p>Industry Class III</p> <p>Industry Class IV</p> <p>Industry Class V</p> <p>Institutions</p> <p>Junk yards</p> <p>Kennels</p> <p>Liquid fuel depots</p> <p>Lot feeding</p> <p>Motor vehicle depots</p> <p>Multiple dwellings - population density exceeding sixty (60) persons per hectare</p> <p>Outdoor recreation centres</p>

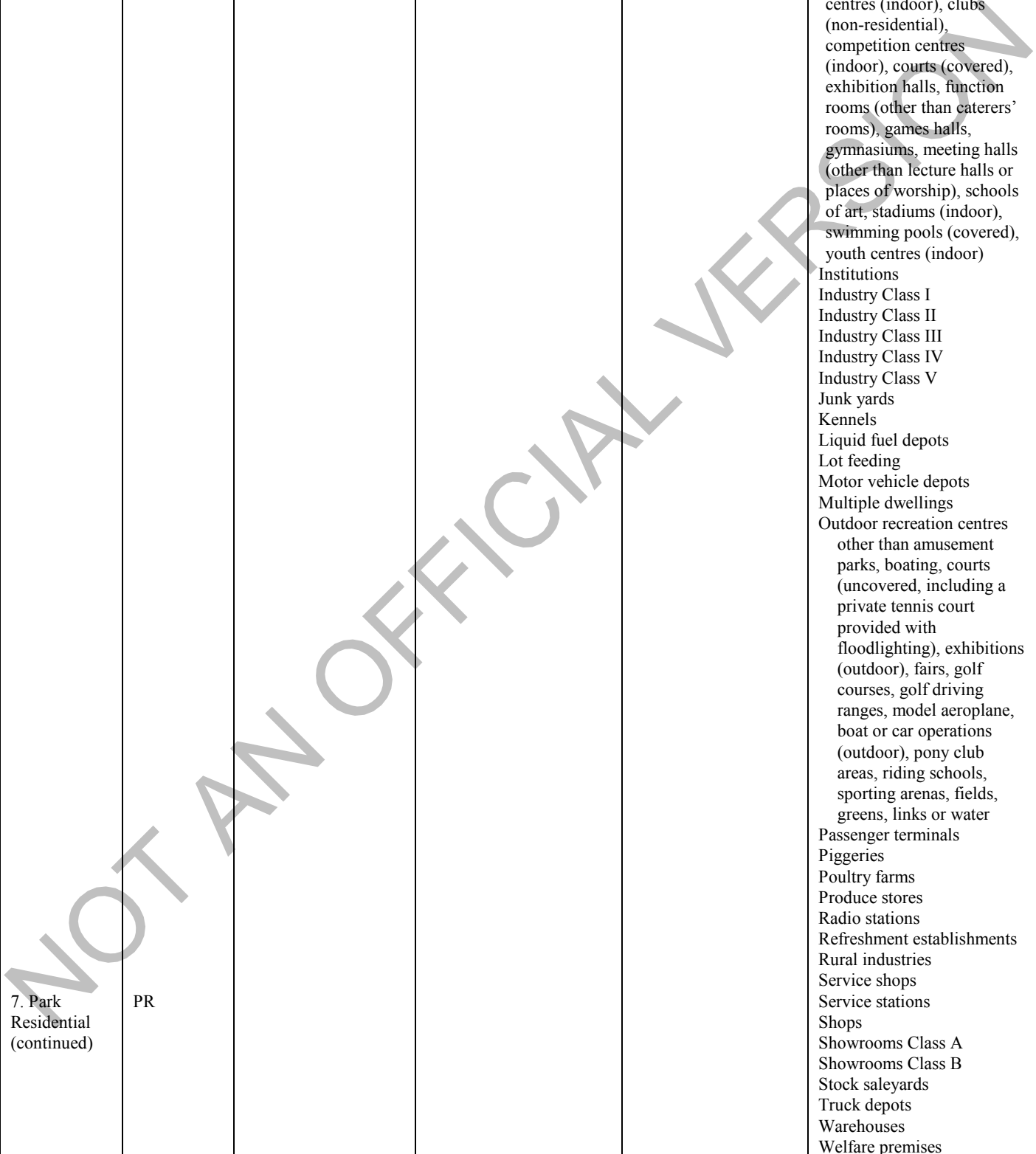
Column I Zone	Column II Designation on Scheme Maps	Column III(a) Purposes for which buildings or other structures may be erected or used or for which land may be used without the consent of the Council	Column III(b) Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Column IV Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Column V Purposes for which buildings or other structures may not be used or for which land may not be used
					<p>other than amusement parks, boating, courts (uncovered, including private tennis courts provided with flood lighting), exhibitions (outdoor), fairs, golf courses, golf driving ranges, model aeroplane, boat or car operations (outdoor), pony club areas, riding schools, sporting arenas, fields, greens, rinks or water</p> <p>Passenger terminals Piggeries Poultry farms Produce stores Radio stations Refreshment establishments - except restaurants, tea gardens and tea rooms Rural industries Service shops Service stations Shops Showrooms Class A Showrooms Class B Stables Stock saleyards Truck depots Veterinary surgeries Warehouses</p>
6. Residential Low Density	RLD	<p>Dwelling houses - where not exceeding two (2) storeys in height</p> <p>Home based activity</p> <p>Parks</p>	<p>Bed & Breakfast - not more than 4 guests/persons accommodated at any one time</p> <p>Display home estate sales office</p>	Any purpose other than those permitted by Column III or prohibited by Column V	<p>Advertisement hoardings Aerodromes Animal husbandry Aquaculture Bed & Breakfast - more than twelve (12) guests/persons accommodated at any one time</p>

Column I Zone	Column II Designation on Scheme Maps	Column III(a) Purposes for which buildings or other structures may be erected or used or for which land may be used without the consent of the Council	Column III(b) Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Column IV Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Column V Purposes for which buildings or other structures may not be used or for which land may not be used
6. Residential Low Density (continued)	RLD		<p>Home based business - not more than 1 employee.</p> <p>Public utility</p> <p>Relative's Apartments - except where exceeding forty (40) square metres in floor area or where detached from dwelling house</p>		<p>Boat building yards</p> <p>Bulk landscape & garden supplies</p> <p>Bulk stores</p> <p>Camping grounds</p> <p>Car parks</p> <p>Car repair stations</p> <p>Caravan parks</p> <p>Caterer's rooms</p> <p>Cemeteries</p> <p>Commercial premises</p> <p>Concrete batching plants</p> <p>Crematoria</p> <p>Domestic outbuildings</p> <p>Extractive industries</p> <p>Freight depots</p> <p>Funeral Parlours</p> <p>Goat farms</p> <p>Home based business - more than 3 employees</p> <p>Hotels</p> <p>Indoor recreation centres other than baths (Turkish or other vapour or foam), billiard saloons, bowling centres (indoor), clubs (non residential), competition centres (indoor), courts (covered), exhibition halls, function rooms (other than caterers' rooms), games halls, gymnasiums, meeting halls (other than lecture halls or places of worship), schools of art, stadiums (indoor), swimming pools (covered), youth centres (indoor)</p> <p>Industry Class I</p> <p>Industry Class II</p> <p>Industry Class III</p> <p>Industry Class IV</p> <p>Industry Class V</p> <p>Institutions</p> <p>Junk yards</p> <p>Kennels</p> <p>Liquid fuel depots</p> <p>Lot feeding</p> <p>Marina facilities</p> <p>Motor vehicle depots</p> <p>Multiple dwellings</p> <p>Outdoor recreation centres other than amusement parks, boating, courts (uncovered, including private tennis court provided with floodlighting), exhibitions (outdoor), fairs, golf courses, golf driving</p>

Column I Zone	Column II Designation on Scheme Maps	Column III(a) Purposes for which buildings or other structures may be erected or used or for which land may be used without the consent of the Council	Column III(b) Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Column IV Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Column V Purposes for which buildings or other structures may not be used or for which land may not be used
					<p>ranges, model aeroplane, boat or car operations (outdoor), pony club areas, riding schools, sporting arenas, fields, greens, links or water</p> <p>Passenger terminals Piggeries Poultry farms Produce stores Radio stations Refreshment establishments Rural industries Service shops Service stations Shops Showrooms Class A Showrooms Class B Stables Stock saleyards Truck depots Veterinary surgeries Warehouses Welfare premises</p>
7. Park Residential	PR	<p>Dwelling houses - where not exceeding two (2) storeys in height</p> <p>Home based activity</p> <p>Parks</p>	<p>Bed & Breakfast - not more than 4 guests/persons accommodated at any one time</p> <p>Display home estate sales office</p> <p>Home based business - not more than 1 employee</p> <p>Public utility</p> <p>Relative's Apartments - except where exceeding forty (40) square metres in floor area or where detached from dwelling house.</p>	Any purpose other than those permitted by Column III or prohibited by Column V.	<p>Advertisement hoardings Aerodromes Aquaculture Animal Husbandry Bed & Breakfast - more than twelve (12) guests/ persons accommodated at any one time Boat building yards Bulk landscape & garden supplies Bulk stores Camping grounds Car parks Car repair stations Caravan parks Caterer's rooms Cemeteries Commercial premises Concrete batching plants Crematoria Domestic outbuildings Extractive industries Freight depots Funeral Parlours Goat farms Home based business - more than 3 employees Hotels Indoor recreation centres other than baths (Turkish or other vapour or foam), billiard saloons, bowling</p>
7. Park Residential (continued)	PR				

Column I Zone	Column II Designation on Scheme Maps	Column III(a) Purposes for which buildings or other structures may be erected or used or for which land may be used without the consent of the Council	Column III(b) Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Column IV Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Column V Purposes for which buildings or other structures may not be used or for which land may not be used
7. Park Residential (continued)	PR				centres (indoor), clubs (non-residential), competition centres (indoor), courts (covered), exhibition halls, function rooms (other than caterers' rooms), games halls, gymnasiums, meeting halls (other than lecture halls or places of worship), schools of art, stadiums (indoor), swimming pools (covered), youth centres (indoor) Institutions Industry Class I Industry Class II Industry Class III Industry Class IV Industry Class V Junk yards Kennels Liquid fuel depots Lot feeding Motor vehicle depots Multiple dwellings Outdoor recreation centres other than amusement parks, boating, courts (uncovered, including a private tennis court provided with floodlighting), exhibitions (outdoor), fairs, golf courses, golf driving ranges, model aeroplane, boat or car operations (outdoor), pony club areas, riding schools, sporting arenas, fields, greens, links or water Passenger terminals Piggeries Poultry farms Produce stores Radio stations Refreshment establishments Rural industries Service shops Service stations Shops Showrooms Class A Showrooms Class B Stock saleyards Truck depots Warehouses Welfare premises

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RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I Zone	Column II Designation on Scheme Maps	Column III Purposes for which buildings or other structures may be erected or used or for which land may be used without the consent of the Council	Column IV Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the approval pursuant to the administrative requirements of the town planning scheme	Column V Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Column V Purposes for which buildings or other structures may not be used or for which land may not be used
8. Industry A	Ind A	Car parks Industry class I Parks Produce stores Showrooms class B	No use	Any purpose other than those permitted by Column III or prohibited by Column V	Accommodation units Aerodromes Bed and Breakfast Camping grounds Caravan parks Cemeteries Community dwellings Concrete batching plants Crematoria Display homes Dwelling houses Extractive industries Forestry Goat farms Home based activity Home based business Home based enterprise Hospitals Hotels Industry class III Industry class IV Industry class V Institutions Kennels Liquid fuel depots Lot feeding Multiple dwellings Piggeries Places of worship Poultry farms Relatives apartments Rural industries Shops Stock saleyards
9. Industry B	Ind B	Agriculture Bulk stores Car parks Car repair stations Freight depots Industry class I Industry class II Motor vehicle depots Nurseries Parks Produce stores Public utilities Showrooms class B Warehouses	No use	Any purpose other than those permitted by Column III or prohibited by Column V	Accommodation units Aerodromes Bed and Breakfast Camping grounds Caravan parks Caterer's rooms Cemeteries Community dwellings Concrete batching plants Crematoria Display homes Dwelling houses Extractive industries Forestry Goat farms Home based activity Home based business Home based enterprise Hospitals Industry class IV Industry class V Institutions

Column I Zone	Column II Designation on Scheme Maps	Column III Purposes for which buildings or other structures may be erected or used or for which land may be used without the consent of the Council	Column IV Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the approval pursuant to the administrative requirements of the town planning scheme	Column V Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Column VI Purposes for which buildings or other structures may not be used or for which land may not be used
9. Industry B (continued)	Ind B				Kennels Multiple dwellings Piggeries Places of worship Poultry farms Relatives apartments Service shops Shops
10. Industry C	Ind C	Agriculture Animal husbandry Parks Public utilities	No use	Any purpose other than those permitted by Column III or prohibited by Column V	Accommodation units Aerodromes Animal husbandry Bed and Breakfast Bulk landscape and garden supplies Camping grounds Car repair stations Caravan parks Caterer's rooms Catteries Cemeteries Child-care centres Commercial premises Community dwellings Crematoria Display homes Dwelling houses Educational establishments Estate sales offices Forestry Funeral parlours General stores Goat farms Health-care institutions Home based activity Home based business Home based enterprise Hospitals Hotels Indoor recreation centres Industry class I Industry class V Institutions Kennels Lot feeding Marina facilities Multiple dwellings Nurseries Outdoor recreation centres Passenger terminals Piggeries Places of worship Poultry farms Produce stores Radio stations Relatives apartments Roadside stalls Service shops
10. Industry	Ind C				Service shops

Column I Zone	Column II Designation on Scheme Maps	Column III Purposes for which buildings or other structures may be erected or used or for which land may be used without the consent of the Council	Column IV Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Column V Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Column V Purposes for which buildings or other structures may not be used or for which land may not be used
C (continued)					Service stations Shops Showrooms class A Showrooms class B Stables Stock saleyards Veterinary surgeries Welfare premises
11. Crown Industrial Estate	C Ind E	The particular industrial purposes specified on the Plan of Development identified on Scheme Maps	No use	On premises specified in the Plan of Development identified on the scheme maps as Industry Class II a particular industrial purpose defined as an Industry Class III, and on premises specified on the plan of Development identified on the scheme maps as Industry Class III a particular industrial purpose defined as Industry Class IV Boat building yard	Any purpose other than those permitted by Column III or permissible by Column IV
12. Public Open Space	POS	Parks Any purpose listed in Column IV but which is carried out on land under the control of the Council	No use	(Except as specified in Column III) Agriculture Animal husbandry Camping grounds Car parks Caravan parks Caterer's rooms Child-care centres Educational establishments Indoor recreation centres Marina facilities Nurseries Outdoor recreation centres Public utilities Refreshment establishments Roadside stalls Special uses Stables	Any purpose other than those permitted by Column III or permissible by Column IV
13. Restricted Open Space	ROS	Agriculture Parks	No use	Any purpose other than those permitted by	(Except as specified in Column III)

Column I Zone	Column II Designation on Scheme Maps	Column III Purposes for which buildings or other structures may be erected or used or for which land may be used without the consent of the Council	Column IV Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the approval pursuant to the administrative requirements of the town planning scheme	Column V Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Column VI Purposes for which buildings or other structures may not be used or for which land may not be used
		Any purpose indicated on the scheme maps		Column III or prohibited by Column V	Boat building yards Bulk stores Car repair stations Commercial premises Concrete batching plants Display homes Estate sales offices Extractive industries Freight depots Funeral parlours General stores Hotels Industry class I Industry class II Industry class III Industry class IV Industry class V Junk yards Liquid fuel depots Lot feeding Motor vehicle depots Multiple dwellings Passenger terminals except heliports Piggeries Poultry farms Produce stores Rural industries Service stations Shops Showrooms class A Showrooms class B Stock saleyards Truck depots Warehouses
14. Public Purposes	PP	The particular purpose indicated on the scheme map or if no particular purpose is indicated the purpose for which any site is reserved in accordance with the provisions of the <i>Land Act 1962-1986</i> Parks	No use	When carried out in conjunction with a purpose referred to in Column III, any other purpose which, in the opinion of the Council, is allied and compatible with but supplementary to that particular purpose	Any purpose other than those referred to in Column III or Column IV
15. Special Facilities	SF	The particular purpose indicated on the scheme	No use	Advertisement hoardings	Any purpose other than those referred to in Column III or Column IV

Column I Zone	Column II Designation on Scheme Maps	Column III Purposes for which buildings or other structures may be erected or used or for which land may be used without the consent of the Council	Column IV Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Column V Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Column VI Purposes for which buildings or other structures may not be used or for which land may not be used
		maps		When carried out in conjunction with a purpose referred to in Column III, and other purpose which in the opinion of the Council, is allied and compatible with but supplementary to that particular purpose	

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		Column III			
Column I	Column II	Column III(a)	Column III(b)	Column IV	Column V
Zone	Designation on Scheme Maps	Purposes for which buildings or other structures may be erected or used or for which land may be used without the consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with the consent of the Council	Purposes for which buildings or other structures may not be erected or used or for which land may not be used.
16. Drainage Problem	DP	Parks	Home based activity	Any purpose other than those permitted by Column III or prohibited by Column V	Accommodation units Bed and Breakfast Boat building yard Bulk landscape and garden supplies Bulk stores Car repair stations Caterer's rooms Cemeteries Commercial premises Concrete batching plants Crematoria Domestic outbuildings Extractive industries Freight depots Funeral parlours Home based business - more than 3 employees Home based enterprise Hospitals Hotels Industry class I Industry class II Industry class III Industry class IV Industry class V Institutions Junk yards Liquid fuel depots Motor vehicle depots Multiple dwellings Passenger terminals Piggeries Places of worship Poultry farms Produce stores Refreshment establishments Rural industries Service shops Shops Showrooms class A Showrooms class B Stock saleyards Truck depots Veterinary surgeries Warehouses Welfare premises

RENDERED OBSOLETE BY NEW RPS - 30/03/06					
Column I	Column II	Column III(a)	Column III(b)	Column IV	Column V
Zone	Designation on Scheme Maps	Purposes for which buildings or other structures may be erected or used or for which land may be used without the consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with the consent of the Council	Purposes for which buildings or other structures may not be erected or used or for which land may not be used.
17. Special Rural	SRu	Dwelling houses – where erected on a site with an area of four hundred and fifty (450) square metres or more and a frontage of twelve (12) metres or more and not exceeding two (2) storeys in height. Home based activity	Agriculture Animal husbandry Bed and Breakfast – not more than 4 guests/persons accommodated at any one time Home based business – not more than 1 employee Catteries Relative's Apartments - except where exceeding forty (40) square metres or where detached from the dwelling house.	Any purpose other than those permitted by Column III or prohibited by Column V	Accommodation units Aerodromes Bed & Breakfast – more than twelve (12) guests/persons accommodated at any one time Camping grounds Caravan parks Caterer's rooms Cemeteries Child-care Centres Commercial premises Community dwellings Concrete batching plants Crematoria Educational establishments Extractive industries Funeral parlours Health-care institutions Home based enterprise – more than 3 employees except on Map Sheet 5 more than 5 employees Hospitals Hotels Indoor recreation centres Industry Class III (other than civil engineering or other contractors depot) Industry Class IV Industry Class V Institutions Junk yards Liquid fuels depots Multiple dwellings Passenger terminals Places of worship Produce stores Refreshment establishments Service Shops
17. Special	SRu				Shops

RENDERED OBSOLETE BY NEW RPS - 30/03/06					
Column I	Column II	Column III(a)	Column III(b)	Column IV	Column V
Zone	Designation on Scheme Maps	Purposes for which buildings or other structures may be erected or used or for which land may be used without the consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with the consent of the Council	Purposes for which buildings or other structures may not be erected or used or for which land may not be used.
Rural (continued)					Showrooms Class A Showrooms Class B Welfare premises
18. Rural - Habitat Protection and Water Supply Catchment	Ru-WSC	Dwelling houses - except within one hundred and fifty (150) metres of ponded water in the Leslie Harrison Dam or where exceeding two (2) storeys in height Relative's apartments - except where exceeding forty (40) square metres in floor area or where detached from dwelling house Parks	Home based activity Home based business - not more than 1 employee	Any purpose other than those permitted by Column III or prohibited by Column V	Accommodation units Aerodromes Boat Building yards Bulk landscape and garden supplies Bulk stores Camping grounds Car parks Car repair stations Caravan parks Caretaker's residences Caterer's rooms Catteries Cemeteries Child-care centres Commercial premises Concrete batching plants Crematoria Display homes Educational establishments Freight depots Funeral parlours General Stores Goat farms Health-care institutions Home based business - more than 3 employees Hospitals Hotels Indoor recreation centres Industry class I Industry class II Industry class III Industry class IV Industry class V Institutions Junk yards Kennels Liquid fuel depots Lot feeding Marina facilities Motor vehicle depots Multiple dwellings
18. Rural - Habitat	Ru-WSC				Nurseries Outdoor recreation

RENDERED OBSOLETE BY NEW RPS - 30/03/06					
Column I	Column II	Column III(a)	Column III(b)	Column IV	Column V
Zone	Designation on Scheme Maps	Purposes for which buildings or other structures may be erected or used or for which land may be used without the consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with the consent of the Council	Purposes for which buildings or other structures may not be erected or used or for which land may not be used.
Protection and Water Supply Catchment (continued)					centres - except private tennis courts provided with floodlighting Passenger terminals Piggeries Places of worship Poultry farms Produce stores Refreshment establishments Roadside stalls Service shops Service stations Shops Showrooms class A Showrooms class B Stables Stock saleyards Truck depots Veterinary surgeries Warehouses
19. Rural/Non Urban	Ru/Nu	Domestic Pets Dwelling houses – where erected on	Agriculture* Animal husbandry* Bed & Breakfast – not	Any purpose other than those permitted by Column III or	Bed & Breakfast – more than twelve (12)

RENDERED OBSOLETE BY NEW RPS - 30/03/06					
Column I	Column II	Column III(a)	Column III(b)	Column IV	Column V
Zone	Designation on Scheme Maps	Purposes for which buildings or other structures may be erected or used or for which land may be used without the consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with the consent of the Council	Purposes for which buildings or other structures may not be erected or used or for which land may not be used.
		a site with an area of four hundred and fifty (450) square metres or more and a frontage of twelve (12) metres or more and not exceeding two (2) storeys in height Home based activity Parks	more than four (4) guests/persons accommodated at any one time Forestry* Goat farms* Home based business – not more than 1 employee Outdoor recreation centres – private tennis courts provided with floodlighting only and then only if one hundred (100) metres from any existing residential building or location where it is likely that a residential building might be erected. Relative's Apartments – except where exceeding forty (40) square metres in floor area or where detached from a dwelling house. *Other than on land included within the Habitat Significance Area designation on the Strategic Plan Map or Map Sheets 9, 10, 12, 13 and 14 of Development Control Plan No. 1 – Local Development.	prohibited by Column V.	guests/persons accommodated at any one time. Commercial premises Concrete batching plants Funeral parlours Home based enterprise – more than 3 employees Industry Class III (other than civil engineering or other contractors depot) Industry Class IV Industry Class V Junk yards Liquid fuel depots Multiple dwellings Service shops Service stations Shops Showrooms Class A Showrooms Class B Warehouses

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II	Column III	Column IV	Column V
Zone	Designation on Scheme Maps	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
20. Comprehensive Development	CD	<p>For land not included in a Development Control Plan Area:-</p> <p>(a) Parks Public utilities Special uses</p> <p>For land included in a Development Control Plan Area, the above particulars apply, amended as follows:-</p> <p>(a) (i) Any purpose included in Column II of a Supplementary Table of Zones applying to the Land, and any purpose included in Column 2(a) of a Table of Elements applying to the Land, and any purpose included in Column 2(b) of a Table of Elements applying to the Land; and</p> <p>(ii) Any purpose included in Column III of a Supplementary Table of zones applying to the land, and any purpose included in Column 3 of a Table of elements applying to the land where the purpose is shown on an approved Plan of Development for the land provided that such purpose complies with the requirements and intent of the Town Planning Scheme, the Development Control Plan, and where appropriate, the Plan of Development</p>	<p>For land not included in a Development Control Plan Area:-</p> <p>Any purpose other than one permitted by Column III or prohibited by Column V</p> <p>For land included in a Development Control Plan Area, the above particulars apply, amended as follows:-</p> <p>No amendment</p>	<p>For land not included in a Development Control Plan Area:-</p> <p>(b) Aerodromes Concrete batching plants Industry class IV Industry class V Lot feeding</p> <p>For land included in a Development Control Plan Area, the above particulars apply, amended as follows:-</p> <p>(b) Any purpose included in Column IV of a Supplementary Table of Zones applying to the land, and any purpose included in Column 4 of a Table of Elements applying to the land.</p>
21. Special Development Zone	SD	As identified in the relevant Development Control Plan applying to the land.	As identified in the relevant Development Control Plan applying to the land.	As identified in the relevant Development Control Plan applying to the land.

Part III ~~Existing Uses~~ RENDERED OBSOLETE BY NEW RPS 30/03/06

Division 1 -

Existing Permissible Uses

1. (1) Subject to this Part, a person may continue an existing permissible use of land, building or other structure, but such use or structure shall not be added to, the use in any way extended or changed to another use except with the prior consent of the Council pursuant to this part.
- (2) Upon the demolition or destruction of any building or other structure in which an existing permissible use is carried on, or upon the occurrence of damage to any such building or other structure which, in the opinion of the Council, is so substantial as to preclude the continuance of such existing permissible use, or upon the discontinuance of such existing permissible use for a period of six (6) months from any cause whatsoever, the right to continue such existing permissible use shall cease unless the Council otherwise determines.

Division 2 -

Existing Non-conforming Uses

2. Subject to this Part, nothing in the Scheme shall preclude the continuance of an existing use.
3. (1) Without limiting the circumstances under which an existing use ceases to be continued, where it is established that those activities which characterise the purpose of a particular existing use have been discontinued for any one period of not less than six months, that use shall be taken to have ceased to be continued.
- (2) The taking or acquisition otherwise of part of the land comprising the site for an existing lawful non-conforming use by the Council or some other constructing authority under the *Acquisition of Land Act 1967 - 1977* for a purpose for which the Council or that other constructing authority is empowered to take or acquire land shall not of itself be taken to prevent the continuance of that existing use.
4. (1) The continuance of any existing use shall be subject to and in accordance with -
 - (a) those conditions (if any); and
 - (b) those requirements (if any) of any relevant Town Planning Scheme in force immediately before the appointed day, to which that use was subject immediately before the appointed day and to the extent necessary to give effect to this provision all relevant provisions of any relevant Town Planning Scheme in force immediately before the appointed day shall be deemed to remain in force.
- (2) Sub-clause (1) shall not apply to a use which is deemed by clause 6, 9 or 12 to be an existing use.
5. Notwithstanding any other provision of the Scheme, subject to this Part, a use of a premises which is prohibited development may be lawfully carried out with the consent of the Council under the Scheme where -

that use is in the stead of some other use of those premises being carried out at the time that consent is obtained;

- (2) that other use of those premises is an existing non-conforming use; and
- (3) in the opinion of the Council that first mentioned use is less objectionable, and will have less adverse effect on the amenity of the relevant locality, than that other use.
6. Where the consent of the Council to a use of premises is obtained pursuant to clause 5 -
 - (1) that use shall, for the purposes of the Scheme, be taken to be an existing non-conforming use; and
 - (2) clauses 2 and 3 shall apply to that use as if that use and the existing non-conforming use it is intended to replace were the same existing non-conforming use.
7. Notwithstanding any other provision of the Scheme, subject to this Part, where -
 - (1) any existing building or modified existing building constituting part of premises being lawfully used by way of an existing non-conforming use is demolished or destroyed or is so substantially damaged as precludes its repair;
 - (2) the demolition or destruction of, or damage to, that existing building or modified existing building is effected other than by, or with the permission of, the owner or occupier thereof; and
 - (3) the rebuilding of that existing building or modified existing building is -
 - (a) prohibited development; or
 - (b) permitted development or permissible development which cannot, otherwise than as hereinafter provided, be effected in conformity with the Scheme,

development comprising -

 - (i) such erection of a building or other as is in accordance with clause 8; and
 - (ii) the use of the building or other structure resulting from that erection and the remainder of the premises which included that existing building or modified existing building where that use involves the same activities as characterised the purpose of the existing use,

may be carried out with the consent of the Council under the Scheme.
8. Any erection of a building or other structure pursuant to clause 7-
 - (1) shall only be carried out on the land which constituted the site of the relevant existing lawful nonconforming use;
 - (2) shall be by way of the erection of a new building or other structure; and

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- (3) without prejudice to the *Building Act 1975 - 1984* and without otherwise limiting the discretion of the Council, shall not result in a building or other structure which -
- (a) in any particular respect fails to comply with a provision of the Scheme to any greater extent than did the relevant existing building or modified existing building; or
 - (b) will facilitate to any significant extent a greater degree of development than did the relevant existing building or modified existing building.
9. Where the consent of the Council to any development is obtained pursuant to clause 7 -
- (1) the relevant new building or other structure shall, for the purposes of the Scheme, be taken upon its erection to be an existing building; and
 - (2) any use of premises pursuant to and in accordance with the consent shall, for the purposes of the Scheme, be taken to be an existing use.
10. Notwithstanding any other provision of the Scheme, subject to this Part where -
- (1) an existing building or modified existing building is being lawfully used by way of an existing use; and
 - (2) the carrying out of erection in relation to that existing building or modified existing building by way of repairs, alterations or additions thereto is -
 - (a) prohibited development; or
 - (b) permitted development or permissible development which cannot, otherwise than as hereinafter provided, be effected in conformity with the Scheme,
 development comprising -
 - (i) erection in relation to that existing building or modified existing building by way of the carrying out of repairs, alterations or additions thereto in accordance with clause 12; and
 - (ii) the use of the modified existing building resulting from that erection and the remainder of the premises which included that existing building or other modified existing building in relation to which that erection is carried out where that use involves the same activities as characterised the purpose of the existing use,
 may be carried out with the consent of the Council under the Scheme.
11. Any erection in relation to an existing building or modified existing building pursuant to clause 10 -
- (1) shall only be carried out on the land which constituted the site of the relevant existing use;
 - (2) to the extent it is by way of alterations or additions to the existing building or modified existing building, shall be of a minor nature; and
- (3) without prejudice to the *Building Act 1975 - 1984* and without otherwise limiting the discretion of the Council, shall not result in a modified existing building which:-
- (a) in any material respect fails to comply with a provision of the Scheme to any greater extent than did the existing building or modified existing building first mentioned; or
 - (b) will facilitate to any significant extent a greater degree of development than did the existing building or modified existing building first mentioned.
12. Where the consent of the Council to a use of premises is obtained pursuant to clause 10 that use of premises pursuant to and in accordance with that consent shall, for the purposes of the Plan, be taken to be an existing use.
13. The carrying out of any development pursuant to clause 5, 7 or 10 with the consent of the Council shall be in accordance with the conditions, if any, to which that consent is subject.
14. Subject to this section, nothing in the Scheme shall preclude the erection of part of a building by way of alterations or additions to an existing building or modified existing building or the subsequent use of the land which includes the modified existing building resulting therefrom where -
- (1) that existing building or modified existing building is being lawfully used for an existing use which is an existing lawful non-conforming use for the purpose of a dwelling house;
 - (2) that subsequent use is for the purpose of a dwelling house; and
 - (3) those alterations or additions are certified by the Council to be of a minor nature in that they will not to any significant extent -
 - (a) change the scale or size of the existing building or modified existing building; or
 - (b) facilitate a greater degree of development than did the existing building or modified existing building.
15. For the purpose of clause 14, any alterations or additions to a relevant existing building or modified existing building shall not be taken as facilitating a greater degree of use than did the existing building or modified existing building by reason only of the fact that those alterations or additions are by way of the inclusion in the relevant dwelling house of a second dwelling unit which -
- (1) contains not more than one bedroom;
 - (2) has a gross floor area not exceeding 50 square metres; and
 - (3) is intended for use for residential purposes by one or more aged or infirm relatives of the person or persons ordinarily residing in the other of the dwelling units.
16. Any use for the purpose of a dwelling house pursuant to clause 14 shall, for the purposes of the Scheme be taken to be an existing use.

RENDERED OBSOLETE BY NEW RPS 30/03/06

17. The consent of the Council to any development which may be carried out with such consent pursuant to clause 5, 7 or 10 shall be obtained upon application therefore in accordance with by-law 1 of Part II of Chapter 30 (Town Planning) of the by-law of the Council and not otherwise.

(2) Any development to which the requirements of this clause apply shall not be commenced unless a parking area has been provided in accordance with the requirements specified in Column II of the Table below as they apply to the purpose specified in Column I of the Table and otherwise in accordance with this clause:-

Part IV - Performance Standards**Division 1 -****Preliminary**

1. (1) After the coming into force of this Part, the requirements herein shall apply in addition to the requirements of any by-law of the Council whether or not the consent of the Council is required under the scheme provided that the requirements shall not apply to uses which were existing lawful uses on the appointed day.
- (2) Where, prior to the coming into force of this Part, approval had been obtained from the Council for the use of any land or for the erection of any building or other structure and the right conferred by that approval had not been exercised on the appointed day, such rights may be exercised in accordance with that approval.

Division 2 -**General Requirements in Relation to Development.****2. Car Parking**

- (1) The parking requirements of this Clause shall apply to:-
 - (a) All development carried out within the Town Planning Scheme area after the appointed day except in the case of an occupation or profession carried on in or under a dwelling house where the floor area of that part of the dwelling house used (whether temporarily or permanently) does not exceed thirty (30) square metres;
 - (b) Any building already in existence on the appointed day where such building is substantially rebuilt, altered or extended provided that in the case of the extension of any such building the requirements of this clause shall apply only to the extension of the building except where an additional accommodation unit, hospital bed, cricket or squash court, unit in a multiple dwelling or lubricating bay is provided, or a bar lounge or beer garden is extended or additional employment is created or students accommodated as a direct result of but not within the extension in which case the requirements of this clause shall apply to any additional accommodation unit, hospital bed, cricket or squash court, unit in a multiple dwelling, lubricating bay, extended bar lounge or beer garden or additional employment or student accommodation;
 - (c) Any use to which land was already being put on the appointed day where the area of that part of any site used in connection with such use is increased by more than ten per centum (10%), in which case the requirements of this clause shall apply to the extension of the use;

Column I Use	Column II Minimum Parking Spaces
Accommodation unit or units	One (1) space (fifty (50) per cent of the total number of which shall be covered) per bedroom, motel or boatel unit or, in the case of a retirement village one (1) space per six (6) nursing beds and one (1) space per four (4) hostel type units, or in the case of a building containing dormitory accommodation, sufficient spaces to accommodate the amount of vehicular traffic likely in the opinion of the Council to be generated. In addition to the above, sufficient visitor parking spaces to accommodate the amount of visitor traffic likely in the opinion of Council to be generated.
Bulk store	One (1) space per two (2) employees or one (1) space per one hundred (100) square metres of gross floor area whichever is the greater.
Car repair station	One (1) space per two (2) employees or one (1) space per fifty (50) square metres of gross floor area whichever is the greater.
Caterer's room	One (1) space per ten (10) square metres of gross floor area and one (1) space per two point five (2.5) persons assessed of the maximum number to be catered for.
Child care centre	One (1) space per full time teacher and one (1) space per ten (10) students.
Commercial premises	Except in the case of mixed commercial development, one (1) space per two (2) employees or one (1) space per forty (40) square metres of gross floor area whichever is the greater.
Dwelling house	One (1) space.
Educational establishment	One (1) space per two (2) members of staff and one (1) space per five (5) students in a school providing education at a level above that of a secondary school otherwise one (1) space per two (2) members of staff.
Fast Food Outlet	One (1) space per five (5) square metres of gross floor area or one (1) space per twenty (20) square metres if contained within a large shopping centre.
General Store	One (1) space per twenty (20) square metres of gross floor area.
Hospital	One (1) space per four (4) beds and one (1) space per two employees (except where employees' quarters are located in close proximity to the hospital) and a further one (1) space per staff doctor.
Hotel	One (1) space per ten (10) square metres of lounge and beer garden floor area, one (1) space per two (2) square metres of bar area (excluding the bar service area) and one (1) space per guest suite. In addition, if the hotel contains a drive-in bottle shop, space for twelve (12) cars being served or awaiting service.
Indoor recreation centre	Twenty (20) spaces per indoor cricket court, four (4) spaces per squash court or in

Column I Use	Column II Minimum Parking Spaces	Column III Additional Provisions
	the case of any other indoor recreation, one (1) space per twenty (20) square metres of the total floor area or one (1) space per three (3) persons entertained at any one time, calculated at the maximum capacity, whichever is the greater.	(4) Subject to sub-clause (6) of this Clause, a parking area shall be-
Industries (all classes)	One (1) space per two (2) workers at the time of peak accumulation (two (2) heaviest overlapping shifts) or one (1) space per fifty (50) square metres of gross floor area whichever is the greater.	(a) located in such a position that it will, in the opinion of the Council, be fully utilised and so as not, in the opinion of the Council, to create any additional traffic hazard in the locality;
Mixed commercial development (any building in which, in the opinion of the Council, uses are likely to be interchangeable between commercial premises, shops and the like)	One (1) space per twenty (20) square metres of gross floor area directly accessible from ground level up to seven hundred (700) square metres, plus an additional one (1) space per fourteen (14) square metres of gross leasable area directly accessible from ground level in excess of seven hundred (700) square metres plus one (1) space per forty (40) square metres of gross leasable area on any other level	(b) at least twelve (12) metres wide; (c) at least six (6) metres deep;
Multiple dwelling	One (1) covered space per flat or home unit and one (1) additional space per two (2) flats or home units.	(d) of a gradient as, in the opinion of the Council, to be suitable for vehicular parking;
Place of worship	One (1) space per five (5) seats or places or one (1) space per ten (10) square metres of worship area.	(e) laid out to the satisfaction of the Council in such manner as to provide adequate access to each parking space and to permit free circulation of vehicles entering, leaving and parking;
Produce store	One (1) space per twenty-five (25) square metres of gross floor area	(f) compacted, sealed, drained, marked, and maintained to the satisfaction of the Council and continue as such until such time as the Council permits or requires the modification of such parking;
Refreshment establishment	Except in the case of a fast food outlet or a restaurant, one (1) space per twenty (20) square metres of gross floor area or as otherwise required by the Council.	(g) indicated by means of a sign or signs to the satisfaction of the Council;
Restaurant	One (1) space per two point five (2.5) persons assessed on the maximum number to be catered for or one (1) space per ten (10) square metres or as determined by Council if the restaurant is contained within a large shopping area.	(h) landscaped and maintained to the satisfaction of the Council with a two (2) metre wide planted buffer strip along all street frontages except where egress and ingress points occur;
Service station	Five (5) spaces for the first lubricating bay and four (4) spaces per each additional lubricating bay.	(i) Not closer than two (2) metres from the alignment of any structure, if in the opinion of the Council, space is necessary for pedestrian traffic. If directed by the Council a kerb, dwarf wall or similar vehicular barrier shall be erected on the boundary of the parking area;
Shop	Except in the case of a mixed commercial development, one (1) space per twenty (20) square metres of gross leasable area up to seven hundred (700) square metres plus an additional one (1) space per fourteen (14) square metres of gross leasable area in excess of seven hundred (700) square metres	(5) Where the site upon which a parking area is located, pursuant to this Clause, is less than twelve (12) metres wide or less than seventy (70) square metres in area, the Council may approve of a parking area of a lesser width than twelve (12) metres;
Showroom class A	One (1) space per forty (40) square metres of gross floor area, or in the case where the gross floor area does not exceed three hundred (300) square metres one (1) space per thirty (30) square metres of gross floor area	(6) A parking area shall be located on the site upon which the development is to be carried out unless by special consent, which the Council is hereby empowered to give, the Council approves of the parking area being located on another allotment or other allotments in which case such allotment or allotments should normally be so located that any part of the parking area is not more than one hundred (100) metres from the site upon which the use is to be carried out;
Warehouse	One (1) space per two (2) employees or one (1) space per one hundred (100) square metres of gross floor area whichever is the greater.	(7) The Council may require that access to the parking area be provided from two (2) dedicated roads in which case the access ways and roads shall be at least six point seven (6.7) metres wide;
Any purpose not specified in this Column	Sufficient spaces to accommodate the amount of vehicular traffic likely, in the opinion of the Council, to be generated by the particular development.	(8) A parking area required by this clause shall be - (a) kept exclusively for parking use; (b) used exclusively for parking; and

RENDERED OBSOLETE BY NEW RPS - 30/03/06

- (c) maintained in a fit and proper condition for parking purposes;
- (9) Parking spaces provided pursuant to this Clause shall be in addition to -
- parking spaces provided on the same site for the loading and unloading and fuelling of vehicles and for the picking up and setting down of passengers; and
 - any parking spaces already provided on the site and reasonably required in connection with any existing building which is to be retained or any existing use which is to be continued on the same site;
- (10) A parking area shall contain shade trees at a rate of at least three (3) per zero point one (0.1) hectare and such trees shall be both planted and maintained to the satisfaction of the Council;
- (11) Notwithstanding any of the provisions contained in this clause, the Council may require a greater or lesser number of parking spaces than are prescribed by this clause or may otherwise dispense with or modify all or any of the requirements contained herein if it considers that such increase, reduction, dispensation or modification is justified having regard to the circumstances of a particular development including but not limited to -
- the location of the site with respect to existing or proposed car parking areas, available car parking areas, high level pedestrian accessibility;
 - the particular circumstances of the proposed use including hours of operation, anticipated intensity;
 - the existing use of the site;
 - the levels or depth of the allotment;
 - vehicle access, whether it is inconvenient or hazardous;
 - the proposed layout and size of car parking bays;
- but the Council may as a condition of reducing the number of parking spaces required or dispensing with or modifying any such requirement require that a contribution be made at the rate per parking space determined from time to time by the Council by resolution towards the provision by the Council of parking spaces in a public parking area under the control of the Council.

3. External Works

(1) In this clause -

“Prescribed purposes” - means any of the following purposes:-

Accommodation unit
Aerodrome
Bulk store
Car park
Car repair station
Caravan park
Caterer's room
Child-care centre
Commercial premises
Concrete batching plant
Crematorium
Educational establishment

Freight depot
Funeral parlour
General store
Health-care institution
Hospital
Hotel
Indoor recreation centre
Industry class I
Industry class II
Industry class III
Industry class IV
Industry class V
Institution
Junk yard
Liquid fuel depot
Marina facilities
Motor vehicle depot
Multiple dwelling'
Nursery
Outdoor recreation centre
Passenger terminal
Place of worship
Produce store
Public utility
Radio station
Refreshment establishment
Roadside stall
Rural industry
Shop
Showroom class A
Showroom class B
Stock saleyard
Truck depot
Utility installation
Veterinary surgery
Warehouse
Welfare premises;

“Required external works” means -

- on that side of the carriageway closer to the site, concrete kerb and channel (or such surface drainage as is in accordance with the standard design for the time being of the Council for that locality) for the full length of the frontage of the site or, where there is more than one (1) frontage, those frontages;
- the forming and grading of the footpath for the full length of the frontage of the site or, where there is more than one frontage, those frontages;
- crossings over channel and footpath;
- a constructed footpath (or such other works between the roadway and the property alignment required by the Shire Engineer) other than where crossings are provided for the full length of the frontage of the site or, where there is more than one (1) frontage, those frontages;
- where the road is paved but is not paved for the full width of the carriageway referred to in paragraph (a), the paving of the road with bitumen between the existing pavement and the channel referred to in paragraph (a) or, where concrete kerb and channel is not required in paragraph (a), for such additional width in accordance with the standard design for that locality for the time being required by the Council;
- where the road is not paved, the construction of the carriageway and the paving thereof with bitumen from the lip of the channel referred to in sub-clause (a) to the

RENDERED OBSOLETE BY NEW RPS - 30/03/06

centre of the road, the width of the carriageway or for a width of six (6) metres, whichever is the greater, or where concrete kerb and channel is not required for a width of six (6) metres;

- (g) such drainage works as are required or rendered necessary by the carrying out of any works referred to above to the satisfaction of the Shire Engineer;
- (h) where situated within a SEQEB Dedicated Underground Area as adopted from time to time, the laying of conduiting for undergrounding electricity supply for the full length of the frontage to the site and in accordance with the SEQEB Conduit Plan.

(2) Any development for the purpose of a prescribed purpose being a development commenced after the appointed day and not being -

- (a) the erection of a building or other structure involving erection carried out in relation to an existing building or any use of such building or other structure unless the floor area of the existing building will be increased by more than two hundred (200) square metres or ten per centum (10%), whichever is the lesser, by reason of the erection; or
- (b) development where for the allotment forming or part of which forms the site does not exceed six hundred (600) square metres and the floor area of the relevant building or other structure is less than fifty (50) square metres; shall, unless otherwise required by the provisions of this Part, be subject to the requirement that the use shall not be commenced unless -
 - (i) the required external works have been provided or carried out at the expense of the person proposing to commence the use.

The Council shall not be authorised hereby to require drainage works to be provided otherwise than in respect of the land the subject of the application and the road frontage or frontages to such land.

If the Council is satisfied that the drainage works which it may require will not be adequate and that the completion of adequate drainage works will be unreasonably costly, the Council may refuse the application -

- (ii) if, subject to the provisions of the scheme, the building is required to be set back from the road alignment, the area of the setback has been paved or landscaped for the full length of all frontages of the building to which frontages it is intended the public have access;
- (iii) the costs of any alterations to public utility mains, services or installations rendered necessary by the provision or carrying out of any works pursuant to sub-paragraph (i) have been paid by the person proposing to commence the use.

(3) At the option of the person preparing to commence the development and with the approval of the Council, all or any part of the required external works may be performed by the Council or by a contractor approved by the Council.

(4) Notwithstanding any of the provisions contained in this clause the Council may require more extensive or less

extensive works than are prescribed by this clause or may otherwise dispense with or modify any of the requirements contained herein if it considers that such additional or decreased works are or such dispensation or modification is justified having regard to the circumstances of a particular development including but not limited to -

- (a) the existing development in the area;
- (b) the width of the existing or proposed footpaths adjoining the site;
- (c) the existing and proposed amenity of the area; or
- (d) the number of road frontages of the site and the importance of the particular roads.

4. Height of Buildings

(1) The height of a building under this Scheme shall be determined by the number of storeys therein subject to the following -

- (a) the number of storeys shall include any storey or part thereof which is above natural ground level at any part of the building. Where the ground is not level the natural ground level shall be the level of the ground on all external sides of the building or where the ground level is to be raised or lowered then such raised or lowered ground level as may be approved by the Council shall be deemed to be the natural ground level for the purpose of this Part provided that a building may be stepped in relation to the natural ground level with the number of storeys related to each particular step.
- (b) the number of storeys shall not include any storey which is below natural ground level in its entirety, the areas (inclusive of all walls and columns) on any topmost storey of lift motor rooms, or air-conditioning or other mechanical or electrical plant or equipment rooms, water tanks or landscaping.
- (c) the number of storeys shall not include any roofed space not containing any room.
- (d) any storey that has an internal height of more than 5.2 metres shall be regarded as two (2) storeys.

(2) Notwithstanding any other provisions of the Scheme, the following height restriction shall apply with no part of the building projecting above the prescribed height in metres as indicated in the table below the original or natural ground level at the site.

Column 1	Column 2
2 storeys	8.5m
3 storeys	12m

with no building exceeding twenty (20) metres in height.

5A. Design for Persons with Disabilities

(1) When designing new buildings or making alterations to existing buildings to which the general public are likely to require access regard shall be given to the needs of persons with disabilities. Design for persons with disabilities should include, but not limited to the following:-

RENDERED OBSOLETE BY NEW RPS - 30/03/06

- At the Council and/or the Air Quality Control Council. Such provision shall, inter alia, include -
- Special car parking spaces for drivers with disabilities and set-down bays for passengers with disabilities on level surfaces as close as possible to the main entrance of the building;
 - Access and egress to and from the main entrance to individual buildings and sub premises with the building;
 - Suitable sanitary conveniences for use by persons with disabilities, such facilities to be designed to allow for persons providing assistance;
 - Kerb crossings to allow access from roads to pavements, level or ramped access to the main entrance from the street or car park and strengthened handrails where necessary;
 - Suitable surface materials should be used on external access routes;
 - Suitable seating along access routes and suitable signage directing persons with disabilities to accessible routes outside or within buildings;
 - Suitable devices or a range of techniques shall be incorporated to assist movement for persons with disabilities;
 - Provision for the safe evacuation of persons with disabilities from a building in the event of an emergency situation;
 - References including but not limited to the provisions of the Building Code of Australia and "Best Practice" references from Standards Australia publications relevant to design for persons with disabilities.

When designing new buildings or making alterations to existing buildings to which the general public are likely to require access, development applications are to be accompanied by a written statement demonstrating how the needs of persons with disabilities have been addressed. This written statement is to be made by a person suitably qualified and/or experienced in the opinion of the Director Environment, Planning and Development.

Division 3 -**Special Requirements in Relation to Particular Development.****5. Concrete Batching Plants**

- The requirements of this clause apply in addition to the requirements relating to concrete batching plants of any by-law of the Council;
- The minimum area of any site upon which a concrete batching plant may be erected shall be two thousand five hundred (2500) square metres;
- All buildings and other structures shall be set back a minimum of six (6) metres from any side or rear boundary which does not abut land used for bulk storage, industrial, warehouse or public open space purposes;
- Provision shall be made for the suppression of dust and any other source of air pollution to the satisfaction

- the fitting of all cement and flyash silos with filter bags designed to prevent cement and pozzolonic dust from escaping into the atmosphere;
 - the installation of water sprays at ground level above all underground transfer bins; and
 - the installation of water sprays on all conveyors;
- All weigh bins and chutes between weigh bins and leading points shall be enclosed to prevent dust generation;
 - Provision shall be made for the collection of all contaminated water and other liquids on site and for pre-treatment prior to disposal into the Council's drainage system or any natural watercourse;
 - Areas on which vehicles will be driven and/or parked shall be provided with a flexible, hardstanding or other surfaced pavement properly constructed, drained and maintained to good engineering standards to the Council's satisfaction;
 - The following requirements shall at all times be met in association with the operation of a concrete batching plant:-
 - no operations shall take place on Sundays, Christmas Day, Good Friday or Anzac Day or on other days outside the hours of 7.00 a.m. to 6.00 p.m., without the prior written approval of the Council;
 - noise shall be kept to levels satisfactory to the Noise Abatement Authority in accordance with adopted standards of the Australian Standard Code of Practice or any code of the Standards Association of Australia in amendment of or in substitution for that code;
 - sand and aggregate materials shall be brought onto the site in a moist state;
 - sand and aggregate materials shall be stored in hoppers which feed directly by totally enclosed conveyor from the hoppers to the weigh bin to the batching point to the transit mixer;
 - all hoppers shall be loaded by way of conveyors from underground transfer bins;
 - potential dust creation areas shall be controlled with the use of water spray and enclosures;
 - loading into concrete mixer trucks shall take place inside an enclosure capable of enclosing the truck to the driver's cabin. Water sprays shall operate at the entry to ensure cement dust does not escape. The sprays shall be triggered to start when loading commences and to finish ten (10) seconds after the truck has left the tunnel enclosure;
 - aggregates removed from washout bins shall not be stored on site;

RENDERED OBSOLETE BY NEW RPS 30/03/06

- (i) any contaminated water and other fluids shall be pre-treated to the satisfaction of the Council prior to disposal into the Council's drainage system or any natural watercourse;
- (j) settling and sediment ponds shall be cleaned out at regular intervals;
- (k) any storage on site of material or machinery shall be confined to areas where it will not be visible from any public road;
- (l) any truck washing and maintenance shall be carried out in an area set aside for this purpose, with all oil, grease and associated wastes being collected and disposed of from the site to the satisfaction of Council's Chief Health Surveyor;
- (9) An area comprising not less than ten per centum (10%) of the total area of the site, excluding any area used by vehicles, shall be set aside for open space use;
- (10) The site shall be landscaped in accordance with details indicated on a landscape planning scheme acceptable to the Shire Planner and such scheme shall be maintained to the satisfaction of the Council. Such scheme shall, inter alia, provide for -
- reduction of the visual impact of proposed structures and protection of the amenity of the area;
 - retention of existing vegetation where practical;
 - a landscaped buffer strip a minimum of six (6) metres in width along the full width of the site adjoining any public road with the exception of access driveways provided that where a site has more than one road frontage this requirement may, at the discretion of the Shire Planner be relaxed;
 - landscaping of the area set aside for recreational use pursuant to the last preceding sub-clause;
- (11) The requirements of sub-clauses (2) to (10) of this clause may be waived or modified at the discretion of the Council where in the opinion of the Council the existing development in the area, the existing and proposed amenity of the area or the number of road frontages of the site and the importance of the particular roads warrant such modification or waiving.

6. Extractive Industries

- (1) In this Clause, unless the context otherwise indicates or requires, the following terms have the meanings respectively assigned to them, that is to say -

'Permittee' - a person for the time being permitted by the Council to carry on or cause to be carried on or to be concerned in the carrying on of an extractive industry on land, pursuant to the provisions of this Town Planning Scheme.

"Subject Land" - land in the Town Planning Scheme area on which an extractive industry is or is to be carried out;

- (2) (a) The owner or occupier of land within the scheme area, not being the permittee under this clause, shall not permit or suffer another person to carry on an extractive industry on such land unless he satisfies

- (b) The permittee shall at all times comply with the requirements of the Council;

- (3) The following conditions and requirements shall apply with respect to the use of any land or building or other structure or the erection of any building or other structure for the purpose of extractive industry -

- (a) each entrance to or exit from a site of an extractive industry shall be not less than six (6) metres wide and not greater than nine (9) metres wide and be situated at least nine (9) metres from any other entrance to or exit from the site if a second entrance or exit is approved by the Council;

- (b) each entrance to or exit from a site of an extractive industry shall be so located as to not create or be likely to create, in the opinion of the Council, a traffic hazard or to increase an existing traffic hazard;

- (c) so much of the site as contains an excavation that is one (1) metre or more below the level of the unexcavated ground immediately alongside, or as allows ponding of water, shall be enclosed by a manproof fence at least one point eight (1.8) metres high and constructed and maintained to the satisfaction of the Shire Engineer so that a person cannot enter the site except by climbing over the fence or passing through a gateway;

- (d) every gate in the fence required by the preceding paragraph shall be a manproof gate constructed to the satisfaction of the Shire Engineer;

- (e) every gate shall be kept locked except when the permittee or his employee is on the site;

- (f) water shall not be allowed to accumulate so as to exceed one (1) metre in depth in an uncovered excavation on the site other than in a settling pond used in connection with the extraction of sand or gravel by hydraulic sluicing in connection with the discharge of stormwater drainage from the site;

- (g) all blasting and explosions shall be so conducted that stone, rock or other materials do not escape nor are ejected from the site from the site and shall only be carried out in accordance with a permit obtained under Chapter 10 of the by-laws of the Council;

- (h) Blasting and explosions shall not be conducted:-

- (i) before the hour of seven o'clock in the morning (7am); or

- (ii) after the hour of five o'clock in the evening (5pm); or

- (iii) on Anzac Day, Christmas Day, Good Friday or any Sunday unless in an emergency and with prior approval of the Shire Engineer;

- (i) a person carrying out blasting shall, before commencing any blasting, under a blasting permit under Chapter 10 of the By-laws of the Council, erect and keep clearly exhibited on the approaches to, and not less than four hundred (400) metres from the site of the blasting notices of warning which shall be of a

RENDERED OBSOLETE BY NEW RPS 30/03/06

type to be approved by the Shire Engineer, and shall provide adequate warning to those working in the excavation and to passers-by. Between five (5) and ten (10) minutes before blasting, such person shall, by bell, whistle or other means to be approved by the Shire Engineer, give sufficient warning of that danger; the bell, whistle, or other signal shall be kept continuously in blasting until blasting is completed;

(j) no process of extractive industry shall be carried out within -

- (i) twenty (20) metres of a road;
- (ii) ten (10) metres of any land that is not being used for extractive industry purposes;
- (iii) forty (40) metres of a river or major watercourse;
- (iv) twenty (20) metres of a creek or minor watercourse;

No trees shall be removed from the areas referred to in this sub-paragraph without the written approval of the Council;

(k) a person shall not cause nor allow any clay, gravel, ore, rock, sand, silt, sludge, soil, stone or overburden or effluent or waste, resulting from extractive industry, to-

- (i) enter a swamp, watercourse or water storage;
- (ii) enter a drain or sewer;
- (iii) enter a drainage or sewerage easement; or
- (iv) cause injury to or interfere with the use of any land that is not being used for the extractive industry;

(l) all buildings or other structures and stockpiles shall be located and maintained so as to prevent dust, sand or soil blowing on to any road or on to land that is not being used for the extractive industry;

(m) all excavations shall be effectively drained to the satisfaction of the Council's Engineer and any run off from the excavated area is to be discharged in such a manner that it will not cause erosion or carry excavated material or overburden into any creek or watercourse or on to any land other than the subject land;

(n) a person shall not take an excavation to a greater depth or extent than is authorised by the Council in respect of such excavation;

(o) shrubs and trees shall be so planted and/or existing vegetation retained and maintained as to effectively screen, to the satisfaction of the Council, the activities on the site from any person standing at ground level on any part of any land used for residential purposes, provided that the Council may permit the planting of young shrubs and trees which when planted are not of sufficient height or development to comply with the provisions of this paragraph;

(p) the topsoil and overburden on such part of the land as may be disturbed shall be removed separately for

subsequent replacement of a mine acceptable to the Council.

(4) (a) Where, for the purpose of carrying on an extractive industry, the Council is of the opinion that reclamation of any excavation will be necessary, the permittee shall-

(i) comply with all requirements from time to time of the Council regarding: -

- (A) the progressive rehabilitation including vegetation of the excavated areas during the excavation process; and
- (B) complete reclamation of the site area once the extractive industry has ceased.

(ii) furnish the Council with bonds, the amount of which the Council shall determine by resolution, from a financial institution approved by the Council, to secure to the Council the due fulfilment by the permittee of the requirements imposed by the Council upon the permittee pursuant to sub-paragraph (i) hereof. Such bonds duly stamped and executed shall be delivered to the office of the Clerk within the time prescribed by the Council for so delivering;

(iii) ensure that the progressive reclamation of the works shall be carried out so that the excavation remaining to be reclaimed shall not at any time by measurements exceed the excavation that could be reclaimed if the deposit referred to in sub-paragraph (ii) hereof was used to pay for such reclamation at the rate indicated in the bond document;

(iv) ensure that -

- (A) any face permitted to remain in the excavation is so sloped or battered as to remain stable, with loose material removed therefrom;
- (B) such slopes are planted with protective vegetation as directed by the Shire Engineer;
- (C) within three (3) years after the extractive industry ceases on the subject land the reclamation is completed to the satisfaction of the Council, that all worked ground has been trimmed off and that the top soil previously removed shall have been effectively drained and the finished ground given a sufficient fall to shed water;
- (D) within the period provided for the restoration of the land as set out in this sub-paragraph, all plant, machinery, structures, articles and materials brought on to the site for the operation of the industry shall have been removed from the subject land;

(b) Any bonds paid to the Council pursuant to paragraph (a) shall be placed in the Council's Trust Fund;

(c) Where the permittee is convicted of a breach of the provisions of sub-paragraph (i) or (iii) of paragraph (a) of this sub-clause, or fails to comply with the provisions of sub-paragraph (iv) of paragraph (a), the Council may cause the necessary work to be carried

RENDERED OBSOLETE BY NEW RPS - 30/03/06

out and may deduct the cost herefrom from the monies deposited by the permittee and, if such cost exceeds the amount of the bond, the permittee shall forthwith, on demand, pay to the Council the amount of such excess.

- (d) Upon the completion of the works referred to in paragraph (a) the bond (if any) or the balance of the bond, as the case may be, shall be paid to the permittee.
- (5) In respect of an extractive industry established before the coming into force of this Town Planning Scheme, the provisions of sub-clauses (1) to (4) shall apply to the whole of such extractive industry, including existing buildings, where -
- (a) the extractive industry is an existing non-conforming use under the said Scheme, new excavation increases the gross volume of the excavated area by more than five per centum (5%); or
- (b) the extractive industry is an existing permissible use under the said Scheme, new excavation increases the gross volume of the excavated area by more than ten per centum (10%); and
- (c) in every case new construction increases the gross covered area of the existing buildings or structures on the site by more than fifty per centum (50%).

For the purposes of this clause, the term "building or structure" shall include areas used for parking of vehicles, stockpiling of materials or overburden, and access ways.

- (6) Notwithstanding any of the provisions contained in this clause, the Council may dispense with or modify any of the requirements contained herein if it considers that dispensation is justified having regard to -
- (a) the existing development in the area;
- (b) the existing and proposed amenity of the area;
- (c) the number of road frontages of the site and the importance of the particular roads.

7A.Home Based Business

- (1) It shall be a requirement of any development for the purpose of a Home Based Business being a development that commenced after the appointed day that:
- (a) The floor area of that part of the dwelling house used (whether temporarily or permanently) does not exceed 1/3 floor area or 50m² whichever is the lesser;
- (b) Apart from office activities, the home based business does not operate outside of the hours 7 am to 6 pm on weekdays and 8:00am to 5:00pm on weekends;
- (c) The level of noise when measured at the property boundary or at the neighbouring premises and quantified in accordance with AS1055, does not regularly exceed the background noise level by more than 5dB(A) or requirements of Council's Noise Local Law or the Environment Protection Act requirements;
- (d) The activity will comply with the requirements of the Environment Protection Act (1995) as amended;

- (i) not to exceed 0.5 square metres in size and display only the occupiers name, business name and telephone number;
- (ii) to be a design that is of a visually subdued nature and integrates with the existing landscaping/fencing located on the site frontage;
- (iii) is to have a maximum height of 1.5 metres from ground level;
- (iv) not to consist of moving, flashing, illuminated or audible components or features;

- (f) Storage of materials obtained for or generated by the Home based business should occur within the confines of approved area and be safely stored to prevent any personal or environmental harm;

- (g) The Home based business is to provide adequate on site car parking to ensure that no undue pressure is placed on street provisions. One space per employee together with an adequate clientele provision depending on the likely traffic generation the business will create shall be provided. Off-street parking should be provided in a suitably screened area or on the driveway system within the site boundary;

- (h) The frequency of clientele visits and deliveries (including the size of vehicles) to the site shall be of a level that is in context with the surrounding area and does not affect the amenity of the adjoining residences;

- (i) A Home based business involves the employment of no more than three (3) full time, part time, casual or equivalent employees on site, in addition to persons resident in the dwelling house. The number of employees permissible will be assessed in relation to the type of use being conducted, the size of the allotment and the impact the number of employees will have on the surrounding amenity;

- (j) Home based business shall dispose of any waste products in accordance with Council's requirements and the promotion of recycling should be incorporated within the use;

- (k) If food preparation is carried out which is intended for sale to the public, then the Home-based Business will comply with the requirements of the Food Hygiene Regulations 1989;

- (l) If operations of a hairdresser, beauty therapist, nail technician, acupuncturist, tattooist or the like are carried out, then the Home based business will comply with the requirements of the Health Regulation 1996 (and as amended).

- (2) Notwithstanding any of the provisions contained in this clause, the Council may dispense with or modify any of the requirements contained herein if it considers that dispensation is justified having regard to the provisions of the definition of a home-based business.

7B.Home Based Enterprise

- (1) It shall be a requirement of any development for the purpose of a Home based enterprise being a development that commenced after the appointed day that:

- (a) In the case of an activity requiring the use or establishment of an outbuilding the gross floor area to be

RENDERED OBSOLETE BY NEW RPS 30/03/06

used in association with the home based enterprise shall not exceed 1% of the area of the site or 400 square metres whichever is the lesser. The use of the outbuilding shall comply with the classifications of the Building Code of Australia;

level, nature and context with the surrounding area and does not affect the amenity of the adjoining residences;

- (b) Apart from office activities, the home based enterprise does not operate outside of the hours 7 am to 6 pm weekdays and 8:00am to 5:00pm on weekends;
- (c) If fabrication or manufacturing activities occur, then the Home based enterprise should be carried out in a building within the curtilage of the dwelling or adjoined to the dwelling house on the subject site;
- (d) The level of noise when measured at the property boundary or at the neighbouring premises and quantified in accordance with AS1055, do not regularly exceed the background noise level by more than 5dB(A) or requirements of Council's Noise Local Law or the Environment Protection Act requirements;
- (e) The Home based enterprise should meet the requirements set out in the Australian Standard, "The Storage and Handling of Flammable and Combustible Liquids", AS 1940 including - standards for minor storage in a residential building of any type;
- (f) The activity will comply with the requirements of the Environment Protection Act (1995) as amended;
- (g) No materials, or equipment are to be stored or repaired in a position visible from the street or any adjoining residence at any time;
- (h) Existing trees and landscaping should be retained. Development contained within the State Planning Policy 1/95 "Conservation of Koalas within the Koala Coast Area" shall comply with the requirements of the policy;
- (i) An advertising sign for the Home based business is:
 - (i) not to exceed 0.5 square metres in size and display only the occupiers name, business name and telephone number;
 - (ii) to be a design that is of a visually subdued nature and integrates with the existing landscaping/fencing located on the site frontage;
 - (iii) is to have a maximum height of 1.5 metres from ground level;
 - (iv) not to consist of moving, flashing, illuminated or audible components or features;
- (j) Storage of materials obtained for or generated by the Home based enterprise should occur within the confines of approved area and be safely stored to prevent any personal or environmental harm;
- (k) Storage structures and areas must be suitably screened;
- (l) The Home based enterprise is to provide adequate on site car parking to ensure that no undue pressure is placed on street provisions. One space per employee together with an adequate clientele provision depending on the likely traffic generation the business will create shall be provided. Off-street parking should in a suitably screened area or on the driveway system within the site boundary;
- (m) The frequency of clientele visits and deliveries (including the size of vehicles) to the site shall be of a

- (n) A Home based enterprise involves the employment of no more than three (3) full time, part time, casual or equivalent employees on site, in addition to persons resident in the dwelling house. The number of employees permissible will be assessed in relation to the type of use being conducted, the size of the allotment and the impact the number of employees will have on the surrounding amenity;
- (o) The Home based enterprise shall dispose of any waste products in accordance with Council's requirements and the promotion of recycling should be incorporated within the use;
- (p) If food preparation is carried out which is intended for sale to the public, then the Home based enterprise will comply with the requirements of the Food Hygiene Regulations 1989;
- (q) If operations of a hairdresser, beauty therapist, nail technician, acupuncturist, tattooist or the like are carried out, then the Home based enterprise will comply with the requirements of the Health Regulation 1996.

- (2) Notwithstanding any of the provisions contained in this clause, the Council may dispense with or modify any of the requirements contained herein if it considers that dispensation is justified having regard to the provisions of the definition of a Home based enterprise.

8. Multiple Dwellings

- (i) In addition to the provisions of the Standard Building Law the following requirements shall apply to any multiple dwelling erected or created by the conversion of an existing building after the appointed day whether or not the Consent of the Council to the erection or use in question is required under the scheme -
 - (a) the design and construction shall be in accordance with the Residential Code for Multiple dwelling development, a Local Planning Policy of Redland Shire Council.
 - (b) for the purpose of establishing the maximum number of dwelling units to be permitted on a site in accordance with the relevant Development Control Plan the population density indicated on the relevant Development Control Plan shall be divided by the population density defined for the type of dwelling unit and then multiplied by the site area in hectares.
 - (c) a multiple dwelling shall not be erected or converted from an existing building on a site which has an area of less than eight hundred (800) square metres excluding any access strip or easement or an average width of less than twenty (20) metres except as permitted by a Development Control Plan or the provisions of a Local Planning Policy prepared for this purpose.

8A Dwelling Houses on allotments of area six hundred (600) square metres and above on site covered by a Plan of Development:

RENDERED OBSOLETE BY NEW RPS 30/03/06

- (1) In addition to the provisions of the Standard Building Law the following requirements shall apply to any dwelling erected on a site whether or not it is created after the appointed day:-
- (a) where the site is included in an approved plan of development the dwelling shall comply with the siting indicated in the approved plan of development unless either the consent of the Council is obtained pursuant to this scheme or application is made to change the plan of development and Council approves the amended plan as the approved plan of development.
- (b) an approved plan of development shall indicate for each allotment in addition to the foregoing an area of private open space designed in accordance with the provisions of AMCORD.
- (c) where a development consists wholly of allotments exceeding six hundred (600) square metres in area, the plan of development need not indicate proposed buildings or building envelopes but shall indicate the maximum height of permitted retaining walls and the maximum gradient of driveways.
- (2) Where the plan of development includes construction of public roads and drainage, water supply and sewerage reticulation and/or street lighting these works shall be designed and constructed in accordance with Redland Shire Council design standards and the provisions of AMCORD.
- (3) Whether or not the plan of development includes new roads and/or parks the plan shall include statements and proposal plans for the retention of natural vegetation and the planting of new compatible vegetation in allotments, road and drainage reserves and public and private open areas.
- 8B Dwelling Houses on allotments of area less than six hundred (600) square metres or width of less than twenty (20) metres:**
- Development for the purposes of dwelling houses on allotments having an area of less than six hundred (600) square metres or width of less than twenty (20) metres shall comply with the following requirements:-
- (a) In assessing the suitability of the existing topography and location of the site the applicant and Council shall have regard to the following matters:-
- (i) the slope of the land from front to rear not to exceed five (5) per cent.
- (ii) the slope of the land from side boundary to side boundary shall not exceed ten (10) percent.
- (iii) the extent of cut and fill necessary to erect the proposed building and its effect on drainage of the subject and adjoining land.
- (iv) whether each building site can be adequately drained without affecting adjoining sites and buildings proposed to be erected thereon.
- (v) support given to retaining walls and buildings on adjoining building sites.
- accessibility to vehicles to the site from an adjoining road shall be in accordance with the provisions of A.S.2890.1 Off Street Parking.
- (vii) the extent of proposed removal of natural vegetation and the proposed replanting of new compatible vegetation.
- (b) Development shall be undertaken only in accordance with a Plan of Development submitted to and approved by the Council.
- (c) Where the development consists of allotments:-
- (i) between 600m² - 551m², building envelopes that ensure privacy, solar receipt and amenity are achieved to the satisfaction of Council, must be nominated on a plan of development.
- (ii) between 550m² - 451m² and with a width of less than 20 metres, a minimum length of wall of 5.0m must be constructed up to the boundary nominated on the plan of development.
- (iii) between 450m² - 300m² and with a width of less than 20 metres, a minimum length of wall of 9.0m must be constructed up to the boundary nominated on the plan of development.
- (d) Where the development includes allotments of the following sizes, the Plan of Development shall for each such allotment include the requirements below and those of sub-clause (c) above:
- (i) Allotments 600m² - 450m²
- A plan of Development in a graphical form shall detail allotment boundaries, finished site levels and setback requirements (including nominated built-to-boundary location). Additional wording is to be attached to the Plan of Development to reinforce that the subsequent detailed housing design must comply with other relevant AMCORD requirements, maximum building height, and other relevant requirements of this Town Plan.
- (ii) Allotments 450m² - 300m²
- A Plan of Development shall for each such allotment indicate the following:
- (i) allotment area.
- (ii) allotment dimensions.
- (iii) front, rear and side boundary setbacks and maximum height of each building and structure
- (iv) location and levels of driveway and parking area external to the building.
- (v) location of primary private open space area.
- (vi) location and maximum height of any retaining walls.
- (vii) finished site levels and proposed retention of natural vegetation
- (viii) landscaping of road and drainage reserves and areas of public and private open space.

RENDERED OBSOLETE BY NEW RPS - 30/03/06

(ix) demonstrate drainage paths for overland flow of stormwater.

“Attached apartment” means a relative's apartment which is physically connected to the structure of a dwelling house;

In providing such information reference shall be made to elements B1, B2, B3, B4 and B5 of AMCORD and proposals should be in accordance with those elements.

- (e) Where the development will include allotments with an area of less than four hundred and fifty (450) square metres or a width of less than fifteen (15) metres in addition to the foregoing Council shall have regard to criterion P2 of Element B1 of AMCORD in determining permissible minimum lot dimensions, and the Plan of Development shall for each such allotment indicate the following:
- (i) a concept plan for all buildings and structures which demonstrates the relationship between private open space and living areas, solar access, built-to-the-boundary requirements, vehicular access and parking and drainage provisions.
- (f) Building plans for site sealed under Plan of Development will only be approved where they are in accordance with that Plan of Development.

9. Poultry Farms

- (1) The site of a poultry farm whether the whole of the site is in one ownership or otherwise shall not be less than ten (10) hectares in area or such greater area as the Council shall determine in respect of a particular locality or particular proposal having regard to the land requirements for adequate waste disposal.
- (2) The erection of any building or other structure shall be such that no part of the building or other structure is within -
- (a) one hundred and fifty (150) metres of any residential building;
- (b) sixty (60) metres of any natural watercourse or road; and
- (c) forty (40) metres of any boundary of the site not being an alignment of a road or a natural watercourse.
- (3) Notwithstanding the above requirements, the Council may approve an application for a poultry farm at densities and separations different from those specified above where it is satisfied that adequate provision is made for the disposal of manure and drainage and no nuisance will result.
- (4) Shrubs and trees shall be so planted and/or existing vegetation retained and maintained as to effectively screen, to the satisfaction of the Council, any buildings or other structures erected on a poultry farm from view from any tourist route or other road being a main road or from any scenic outlook, provided that the Council may permit the planting of young shrubs and trees which when planted are not of sufficient height or development to comply with the provisions of this sub-clause.

10. Relative's Apartments

- (1) In this clause -

“Detached apartment” means a relative's apartment which is not physically connected to the structure of a dwelling house.

- (2) It shall be a requirement of any development for the purpose of a relative's apartment being a development commenced after the appointed day that -
- (a) an attached apartment shall have either a door or doors connecting it to the dwelling house to which it is attached, or a common roof line or wall with such dwelling house;
- (b) the area of a site upon which a detached apartment is erected shall be four thousand (4000) square metres or greater;
- (c) a detached apartment shall be capable of removal from the site should occupation of the detached apartment cease;
- (d) the total floor area shall be no greater than fifty (50) square metres in the case of an attached apartment or sixty (60) square metres in the case of a detached apartment;
- (e) the number of habitable rooms shall not exceed two (2);
- (f) upon completion, a relative's apartment shall be registered with the Council for the purposes of annual inspection;
- (g) occupancy shall at all times be in accordance with definition of “relative's apartment” contained in clause 1 of Part I and a relative's apartment shall not be let for financial gain;
- (h) upon cessation of the use of a relative's apartment -
- (i) in the case of an attached apartment, such alterations shall be carried out as may be required by the Council to provide for it to be incorporated in the dwelling house to which it is attached and to ensure that it is not used as a separate unit of accommodation;
- ii) in the case of a detached apartment, it shall be removed from the site.
- (i) Conforms with any additional provision detailed in Council policy as adopted from time to time.

11. Service Stations

- (1) The requirements of this clause apply in addition to the requirements relating to service stations of any by-law of the Council.
- (2) The minimum frontage to a road or roads of any site upon which a service station may be erected shall be -
- (a) in the case of a corner site - thirty (30) metres on each frontage
- (b) in the case of a site not on a corner - forty (40) metres

RENDERED OBSOLETE BY NEW RPS 30/03/06

- (3) (a) except as hereinafter provided motor fuel pumps shall be set back not less than seven point five (7.5) metres from road frontages and all buildings and other structures (other than motor fuel pumps) shall be set back not less than eleven point five (11.5) metres from such frontages.
- (b) If the site is within or abutting a Residential B, Residential A, Residential-Low Density or Park Residential Zone clearances of buildings and structures from other boundaries shall be not less than six (6) metres.
- (c) Clearances from road frontages shall be measured from the new road frontages after any road widening or truncation of a corner.
- (4) A service station shall not be erected on a corner site if the intersection or junction contains traffic islands or traffic signals or if the Council considers the intersection or junction may require either of these facilities in the future: provided that Council may give consent to such a site under such conditions as it may require to ensure that a traffic hazard is not created by such a use.
- (5) Where the site of a proposed service station adjoins allotments which are used or could be used for residential purposes under the provisions of the scheme a masonry wall a minimum of two (2) metres in height shall be erected along the boundary with the residential allotments.
- (6) Where the Council consents to the erection of a service station, the applicant shall -
- (a) remove all existing structures on the land before any new building is used as a service station where a service station was not being conducted on the land at the date of application:
- Provided that Council may agree to the retention of an existing structure when it is satisfied that such structure will not interfere with the movement of vehicles, give rise to hazardous conditions, detract from the amenity of the locality or contravene the requirements of this Division or any by-law of the Council;
- (b) dedicate as a road free of cost to the Council such part of the land as the Council requires to be so dedicated for corner truncation and for deceleration or acceleration lanes not more than six point zero (6.0) metres wide along the frontage of the site;
- The maximum area which may be required under this paragraph to be dedicated for the purpose of a corner truncation free of cost to the Council shall not exceed the area of truncation at a right angled corner of nine (9) metres by three (3) equal cords;
- If the Council requires a corner truncation of an area in excess of such maximum area, the Council shall make to the applicant compensation in respect of such excess area;
- (c) form and grade the footpath for the full length of the frontage of the site, form and grade the deceleration and acceleration lanes and area of truncation and provide a concrete kerb and channelling all to the standard of the adjoining footpath, unless otherwise required by Council, roadway, water channelling, or kerb and channelling, as the case may be, or if there are no such adjoining footpaths carry out the said works to the standard required by Council;
- (d) construct reinforced industrial crossings over water channelling and footpaths in positions to be approved by the Council, but not closer than ten (10) metres from the intersection of property boundaries where these are approximately at ninety (90) degrees, except that no crossing shall be located within a channellised intersection;
- (e) construct on the road alignment for the full length of all frontages other than where industrial crossings are provided, a kerb, dwarf wall or similar vehicular barrier to the satisfaction of the Council;
- (f) provide to the satisfaction of the Council such drainage as is rendered necessary by the construction of the aforesaid works and in connection therewith, any stormwater drainage requirements considered by the Council to be in excess of normal unconcentrated run-off shall be the responsibility of the developer who shall pay the costs of any additional drainage installation. The drainage is to be carried to a point at which it may be lawfully discharged without causing nuisance or annoyance to anyone;
- (g) pay to the Council the cost of any alterations to public utility mains and services rendered necessary in consequence of any roadworks, drainage works or crossings to be carried out as aforesaid or pursuant to any by-law of the Council or condition of consent imposed by the Council.
- (7) The applicant may, if agreed upon between him and the Council, in lieu of carrying out such works, pay to the Council such sum as shall be approved by the Council for the carrying out thereof by the Council, in which event the Council, shall, subject to the provisions hereof, complete such works within the time agreed between the parties.
- (8) All service station buildings shall be constructed in fire resisting materials within the meaning of the Act and by-laws of the Council.
- (9) The site, including adjacent footpath(s), shall be landscaped in accordance with details indicated on a landscape planning scheme acceptable to the Shire Planner and such landscaping shall be maintained to the satisfaction of the Council.
- (10) Compliance by the applicant with the requirements of this Division and with any relevant by-law of the Council shall be a condition precedent to the granting by the Council of a license or licenses for a motor fuel pump or pumps installed on the subject land and such license or licenses shall not be granted until all such requirements shall have been complied with in every respect.
- (11) Notwithstanding any of the provisions contained in this Clause, the Council may dispense with or modify any of the requirements contained herein if it considers that dispensation is justified having regard to -
- (a) the existing development in the area;
- (b) the existing and proposed amenity of the area;
- (c) the number of road frontages of the site and the importance of the particular roads.

11A Development on the Moreton Bay Islands (Coochiemudlo, Russell, Macleay, Perulpa, Lamb and Karragarra).

(The provision of Clause 11A Development on the Moreton Bay Islands (Coochiemudlo, Russell, Macleay, Perulpa, Lamb and Karragarra) will be reviewed following the completion and adoption of the Southern Moreton Bay Island Planning Study).

1. No person shall without the written approval of Council construct or commence to construct a dwelling house, extension or alteration to existing structures, domestic out building, alter surface levels (cut and fill), retaining wall or domestic effluent disposal system on any land, on any Island being one of the Moreton Bay Islands.

Any application for approval to permit the construction of a dwelling house, extension or alteration to existing structures, domestic out building, alter surface levels (cut and fill), retaining wall or domestic effluent disposal system shall be determined having regard to criteria as follows:

- (a) Construction shall not be allowed on land which is below the 100 year ARI (Average Recurrence Interval) flood level. Accordingly, the applicant shall provide information in accordance with the requirements of Council's "Interim Design Standards for Development", prepared by a suitably qualified person, detailing the following:
- (i) a plan of the subject land and adjacent allotments showing:
- survey contours at 250mm intervals to Australian Height Datum;
 - the location of the 100 year ARI flood level including, where applicable, the mean high water spring tide (M.H.W.S.) level and the highest astronomical tide (H.A.T.) level.
- (ii) The effect of any proposed alterations to surface levels being existing levels above the 100 year ARI flood level on both the subject land and surrounding allotments.
- (b) For dwelling houses on allotments under 600 sqm in area, the applicant shall comply with the provisions of Council's "Residential Code for Small Allotment Detached Housing".
- (c) Where construction requires the disposal on site, of septic and/or sullage effluent, the applicant shall comply with the provisions of Council's "Household Wastewater Treatment/Disposal Policy".
- (d) Minimum floor levels are required to be identified so that no buildings shall be erected with a floor level less than 300mm above the 100 year ARI flood level and the ground immediately below such floor level shall not be at a level of less than the 100 year ARI flood level provided that no building will be erected with a floor level of less than 2.7 metres A.H.D., and the ground level below such floor level shall not be less than 2.4 metres A.H.D.
- (e) Any proposed development shall have all weather vehicular access. All weather vehicular access means access to the subject lands by a road of sufficient standard (in terms of surface, gradient and structural capacity) to allow all weather access by a conventional two wheel drive vehicle and which in turn connects to an existing bitumen sealed road.

RENDERED OBSOLETE BY NEW RPS - 30/03/06

- (f) Notwithstanding any of the above, no filling applications shall be accepted for any Moreton Bay Island allotment unless submitted as part of a building application, notification of development approval or consent application.

12. Other Uses

- (1) In addition to the provisions of any Council by-law the provisions of this clause shall apply to the developments listed in sub-clause (2) below which are commenced after the appointed day.
- (2) A person shall not erect or cause to be erected a building or other structure or use land or cause land to be used for any purpose set out in Column I of the Table hereunder in contravention of any of the requirements set out in Column II of the said Table opposite that development.

Column I Development	Column II Requirements
Columbarium	When located on a site which adjoins land included in a residential zone, or other land whereon a residential building is located or could be located in accordance with the provisions of the scheme shall have a clearance from the common boundary with such other land of not less than ten (10) metres and shall be screened to the satisfaction of Council so that a part thereof is not visible from such other land or from a road which forms the boundary of the land on which the Columbarium is located.
Kennels	Dogs shall at all times be kept in an enclosure which meets the requirements of the Council and is so located that it is not less than thirty (30) metres from a residential building on the same site or nearer than one hundred (100) metres from any other residential building, building site or road and not less than ten (10) metres from any boundary of the subject land provided however that the sick bay provided in connection with the kennel may be situated under or near the owner's residence.
Piggery	<p>(a) Buildings and other structures shall be so located that they are not less than two hundred (200) metres from a residential building, building site or road, not less than sixty (60) metres from a natural watercourse, and not less than twenty (20) metres from an other boundary of the site on which the piggery is located provided that an existing piggery which does not conform to these clearances may be given permission to expand, provided that no lesser a clearance will be permitted than that existing on the appointed day.</p> <p>(b) A piggery shall not be established on an allotment or parcel of land the area of which is less than four (4) hectares.</p> <p>(c) An industry other than a rural industry shall not be permitted on the same site as a piggery.</p>
Poultry abattoir	Buildings and other structures associated with

RENDERED OBSOLETE BY NEW RPS 30/03/06

	<p>such use shall be so located that they are not less than one hundred and fifty (150) metres from any residential building or building site, not less than sixty (60) metres from any natural watercourse or road and not less than forty (40) metres from any other boundary of the allotment or parcel of land on which the abattoir is located.</p>	<p>As a condition of site parking for the permanent occupants of the dwelling house one (1) vehicle - (covered) and one (1) vehicle per two (2) guests;</p>
Sawmill	<p>(a) Buildings and other structures associated with such use shall be so located that they are not less than three hundred (300) metres from a residential building or building site.</p> <p>(b) The system of collection and disposal of all sawdust and other waste matter resulting from such use shall be to the satisfaction of the Council.</p>	<p>(b) No sign, other than a sign of complementary and visually subdued colours and style which does not exceed zero point five (0.5) square metres in area bearing only the name, phone number, and nature of the business shall be displayed;</p> <p>(c) Bathing and toilet facilities and bedroom(s) provided for the guests shall be contained in the dwelling house which shall be the permanent residence of the owner or lessee of the establishment, unless otherwise approved by Council;</p> <p>(d) Having regard to the circumstances of the proposal for a bed and breakfast a report shall be submitted to Council by a suitably qualified person, which resolves that in that qualified person's opinion the building, or part -</p>
Stable	<p>No horse shall be stabled less than fifteen (15) metres from a residential building or building site within fifteen (15) metres of any boundary of the site on which the stable is erected.</p>	<p>(1) will be structurally sound and capable of withstanding the loadings likely to arise from the new use;</p> <p>(2) will contain reasonable provision for the safety of persons to be accommodated in the building or part in the event of fire including means of egress, the prevention of fire, the suppression of fire and the prevention of the spread of fire.</p>

12A Bed and Breakfast

- (i) In this clause and definition of Bed and Breakfast:

“Temporary Basis” means not longer than four (4) weeks.

“Not Self-Contained” means the guest accommodation is reliant on the permanent facilities of the dwelling house.

- (ii) In assessment of any application, the applicant will be required to demonstrate the suitability of the dwelling house (and curtilage) and its locality for such a purpose. With respect to suitability, the following shall be analysed:
- a) the size of the dwelling and its ability for continued use as a dwelling house on the basis of maximum number of guests sought to be accommodated;
 - b) the age and condition of the dwelling house;
 - c) the provision of adequate bathing and toilet facilities for the maximum number of guests to be accommodated on site at any one time;
 - d) any proposed building extensions or property works contemplated through the introduction of the bed and breakfast use;
 - e) any impact on the amenity of the immediate area of the subject land; and
 - f) the locality of the subject land in respect of the Shire's natural attractions and community and other urban facilities.

Further matters may from time to time be included within a Local Planning Policy adopted by Council to provide additional guidance.

- (iii) The following requirements shall apply:

- (b) No sign, other than a sign of complementary and visually subdued colours and style which does not exceed zero point five (0.5) square metres in area bearing only the name, phone number, and nature of the business shall be displayed;
- (c) Bathing and toilet facilities and bedroom(s) provided for the guests shall be contained in the dwelling house which shall be the permanent residence of the owner or lessee of the establishment, unless otherwise approved by Council;
- (d) Having regard to the circumstances of the proposal for a bed and breakfast a report shall be submitted to Council by a suitably qualified person, which resolves that in that qualified person's opinion the building, or part -
 - (1) will be structurally sound and capable of withstanding the loadings likely to arise from the new use;
 - (2) will contain reasonable provision for the safety of persons to be accommodated in the building or part in the event of fire including means of egress, the prevention of fire, the suppression of fire and the prevention of the spread of fire.
- (e) Consideration shall be given to access for the disabled and shall not be limited to the Building Act requirements but shall include the provisions of the Anti Discrimination Act and Disability Discrimination Act;
- (f) There shall be no meals other than breakfast provided to patrons of the establishment and food shall be prepared for immediate consumption, unless approved by the Council;
- (g) The premises shall be registered and the operator licensed under the Food Hygiene Regulations;
- (h) The premises shall be assessed in accordance with Council's Food Risk Management System;
- (i) Bathroom and toilet facilities shall be kept in a neat and tidy condition to the satisfaction of the Council and be conveniently accessible to all guests.

Division 4 -

Special Requirements in Relation to Particular Zones;

13. Shopping and Commercial Zones

- (1) In addition to the requirements of any by-law of the Council the following conditions and requirements shall, at the discretion of the Council, apply with respect to every development commenced after the appointed day on a site within a Shopping or Commercial Zone irrespective

of whether the development is permitted by the scheme or requires the consent of Council under the scheme -

(a) if a detached dwelling house is on the site on which a proposed building is to be erected it shall be removed from the site before such proposed building is occupied: Provided that Council may agree to the retention of an existing dwelling house where it is satisfied that such dwelling house will not interfere with the movement of vehicles, detract from the amenity of the locality or contravene the requirements of this scheme or any by-law of the Council.

(b) the owner of the site on which development may be carried on without the consent of the Council, or the applicant for consent where consent to develop is required under the scheme has been granted shall to Council's specification -

(i) construct a pedestrian pavement at least four (4) metres wide, with not less than two (2) metres of concrete path for the full length of the road frontage or, where there is more than one such frontage, such frontages to the site the subject of the application, with one (1) metre of concrete path on any frontage onto which a development opens;

(ii) construct concrete kerb and channelling for the full length of the road frontage, or, if there is more than one such frontage, of those frontages;

(iii) where the road is paved but is not paved for the full width of the carriageway construct and pave with bitumen the road between the existing pavement and the channelling referred to in sub-paragraph (ii) of this paragraph;

(iv) where the road is not paved, construct and pave with bitumen the carriageway for a width of three (3) metres measured from the lip of the channel referred to in sub-paragraph (ii) of this paragraph;

(v) construct reinforced concrete industrial crossings from the kerb and channelling to the property alignment at approved locations where vehicular access to the property is required;

(vi) provide drainage works as necessary in connection with the work set out in sub-paragraphs (i) and (iv) of this paragraph;

The Council shall not be authorised hereby to require drainage works to be provided otherwise than in respect of the land the subject of the application and the road frontage or frontages to such land.

(c) the applicant may if agreed upon between him and the Council, in lieu of carrying out the works specified in sub-paragraphs (i) and (vi) inclusive of paragraph (b) of this sub-clause, pay to the Council such sum as shall be approved by the Council for the carrying out of the said works by the Council in which event the Council shall, subject to the provisions hereof, complete such works within the time agreed between the parties;

the works referred to in sub-paragraph (i) to (vi) inclusive of paragraph (b) of this sub-clause shall be carried out before any new building is occupied or new use of land commenced;

(e) the owner or applicant shall bear the cost of all alterations necessary to public utility mains, services or installations involved in the construction of the abovementioned works;

(f) the materials used in the execution of the abovementioned works shall be to the requirements and satisfaction of the Council;

(g) any proposed building shall be constructed of fire resisting materials within the meaning of the *Building Act 1975 - 1984* and By-laws of the Council;

(h) a cantilever awning shall be provided, if required by the Council and shall be to the requirements and satisfaction of the Council;

(i) that part of the site on which vehicles will be parked and/or driven shall be surfaced to the requirements and satisfaction of Council;

(j) provision shall be made within the site for the loading and unloading of vehicles unless otherwise required by Council;

(k) where the proposed development is on a site(s) that is (are) being used for shops or can be used for shops, the locations of the building and sealed parking area shall be determined by the Council in accordance with an overall plan for the whole shopping area;

(l) a landscape buffer strip at least two (2) metres wide shall be provided along the road frontage(s) of the site (except for ingress and egress points) and any other boundaries required by the Council, and shall be both planted and maintained in accordance with the Council's requirements;

(m) where required by Council, all on-site car parking areas shall be planted with trees and shrubs and maintained in accordance with the Council's requirements;

(n) the site and adjacent footpath(s) shall be landscaped in accordance with details indicated on a landscape planning scheme acceptable to the Shire Planner and such landscaping shall be maintained to the satisfaction of Council;

(o) where the proposed development is on a site which is over zero point two (0.2) hectares in area, a minimum of ten (10) per centum of the area of the site is to be set aside for landscaping and pedestrian access in a manner suitable to the Council;

(p) where the proposed development includes the construction of shops or commercial premises with a combined gross floor area in excess of six hundred (600) square metres, public toilet facilities shall be provided in accordance with the requirements of the Council.

(2) The requirements of sub-clause (1) shall not apply in the case of-

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- (a) the rebuilding or extension of a building which was in existence on the appointed day or to the erection of a new building on the site of a building which was in existence on the appointed day except where such building is substantially rebuilt or where the floor space or aggregate of the floor space thereof will be increased by more than forty (40) per centum by reason of the development.
- (b) the extension of a use to which land was already being put on the appointed day except where the area of that part of any site used in connection with such use is increased by more than ten (10) per centum.

(3) Notwithstanding any of the provisions contained in this Clause, the Council may dispense with or modify any of the requirements contained herein if it considers that dispensation is justified having regard to-

- (a) the existing development in the area;
- (b) width of the existing or proposed footpath adjoining the site;
- (c) the existing and proposed amenity of the area;
- (d) the number of road frontages of the site and the importance of the particular roads; or
- (e) the existence of suitable loading bays in the area.

- (v) Construct reinforced concrete industrial crossings from the kerb and channelling to the property alignment at approved locations where vehicular access to the property is required;
- (vi) provide drainage works as necessary in connection with the work set out in sub-paragraphs (i) and (iv) of this paragraph;

The Council shall not be authorised hereby to require drainage works to be provided otherwise than in respect of land the subject of the application and the road frontage or frontages to such land;

- (b) the applicant may if agreed upon between him and the Council, in lieu of carrying out the works specified in sub-paragraphs (i) to (vi) inclusive of paragraph (a) of this subclause, pay to the Council such sum as shall be approved by the Council, in which event the Council shall, subject to the provisions hereof, complete such works within the time agreed between the parties;
- (c) the works referred to in sub-paragraphs (i) to (vi) inclusive of paragraph (a) of this subclause, shall be carried out before any new building or part thereof or the extended part of any building is occupied or before any new use of land is commenced or the area occupied by any existing use of land is extended;
- (d) the owner or applicant shall bear the cost of all alterations necessary to public utility mains, services or installations involved in the construction of the abovementioned works;
- (e) the materials used in and the execution of the abovementioned works shall be to the requirements and satisfaction of the Council;
- (f) that part of a site on which vehicles will be driven shall be surfaced to requirements and satisfaction of the Council;
- (g) a person shall not erect or cause to be erected a building or other structure for the purpose specified in Column I of the Table below at a less distance from any road alignment than that specified in Column II of the Table -

14. Industrial Zones

(1) In addition to the requirements of any by-law of the Council the following conditions and requirements shall, at the discretion of the Council, apply with respect to every development commenced after the appointed day on a site within an Industry A, Industry B, Industry C or Crown Industrial Estate Zone. Irrespective of whether the development is permitted by the scheme or requires the consent of Council under the scheme -

- (a) the owner of the site on which development may be carried on without the consent of the Council, or the applicant for consent, where consent to develop is required under the scheme has been granted shall to Council's satisfaction -
 - (i) construct a pedestrian pavement at least six (6) metres wide with not less than two (2) metres of concrete path for the full length of the road frontage or, where there is more than one such frontage, such frontages to the land the subject of the application;
 - (ii) construct concrete kerb and channelling for the full length of the road frontage, or if there is more than one such frontage, such of those frontages as the Council shall determine;
 - (iii) where the road is paved but is not paved for the full width construct and pave with bitumen the road between the existing pavement and the channelling referred to in sub-paragraph (ii) of this paragraph;
 - (iv) where the road is not paved, construct and pave with bitumen the road for a width of 6 metres measured from the lip of the channel

Column I	Column II
Industry Classes I & II	6 metres
Industry Class III	10 metres
Industry Classes IV & V	20 metres

- (h) provision shall be made within the site for the loading and unloading of vehicles unless otherwise required by Council;
- (i) a landscape buffer strip at least two (2) metres wide shall be provided along the road frontage (s) of the site (except for ingress and egress points) and any

other opportunities required by the Council and shall be both planted and maintained in accordance with the Council's requirements;

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- (j) where required by Council, all on-site car parking areas shall be planted with trees and shrubs and maintained in accordance with Council's requirements;
- (k) the site and adjacent footpath(s) shall be landscape in accordance with details indicated on a landscape planning scheme acceptable to the Shire Planner and such landscaping shall be maintained to the satisfaction of Council.
- (l) where the proposed development is on a site which is over zero point two (0.2) hectares in area, a minimum of ten (10) per centum of the area of the site is to be set aside for landscaping and pedestrian access in a manner suitable to the Council;
- (m) Work and storage areas, whether internal or external to any building, shall be screened to the satisfaction of Council so that they will not be seen or appear unsightly from any roadway;
- (2) The requirements of sub clause (1) shall not apply in the case of -
- (a) the rebuilding or extension of a building which was in existence on the appointed day or to the erection of a new building on the site of a building which was in existence on the appointed day except where such building is substantially rebuilt or where the floor space or aggregate of the floor space thereof will be increased by more than forty per centum (40%) by reason of the development.
- (b) the extension of a use to which land was already being put on the appointed day except where the area of that part of any site used in connection with such use is increased by more than ten per centum (10%).
- (3) Notwithstanding any of the provisions contained in this clause, the Council may dispense with or modify any of the requirements contained herein if it considers that dispensation is justified having regard to -
- (a) the existing development in the area;
- (b) the width of the existing or proposed footpath adjoining the site;
- (c) the existing and proposed amenity of the area;
- (d) the number of road frontages of the site and the importance of the particular roads; or
- (e) the existence of suitable loading bays in the area.

Division 5 -

Miscellaneous

15. Number of Buildings on Site

- (1) If there is a residential building on any allotment, or the erection of a residential building has been commenced on an allotment or if plans for the erection of a residential building on any allotment have been approved by the Council, a person shall not erect, or

- cause to be erected, any residential building on that allotment, except where permitted by Council.
- (2) The erection of a domestic garage or an outbuilding which, in the opinion of the Council, is appurtenant to a residential building erected or to be erected on an allotment is not prohibited under subclause (1) or (2) of this clause.
- (3) If there is a non-residential building on an allotment or the erection of a non-residential building has been commenced thereon, or if plans for the erection of a non-residential building on an allotment have been approved by the Council, a person shall not erect, or cause to be erected, a residential building on the allotment except where permitted by the Council or where permitted by the scheme.
- (4) Any permission given by the Council under this clause may be subject to such reasonable and relevant conditions as the Council may impose.
- (5) The Council shall not give permission under subclause (4) of this clause unless the area of the allotment is such that, if it were subdivided, the buildings proposed could be so located on the subdivided parcels as to conform with all Council by-laws and unless such subdivision would conform with all Council by-laws as to size and shape of allotments.
- (6) For the purposes of this clause, the following terms have the meanings respectively assigned to them -

"Residential building" means an accommodation unit, caretakers residence, community dwelling, dwelling house or multiple dwelling;

"Non-residential building" means any building other than an accommodation unit, caretaker's residence, community dwelling, dwelling house or multiple dwelling.

16. Filling and Drainage

- (1) Notwithstanding any other provisions of the scheme or the by-laws, no person shall, without the written approval of the Council, change or cause to be changed, the natural surface levels of any allotment or any group of allotments except-
- (a) as a condition of approval to subdivide land or open a new road in accordance with the Subdivision of Land By-laws;
- (b) as a condition of a building permit;
- (c) pursuant to a consent issued under this scheme for the development or use of the subject land;
- (d) for purposes of landscaping the immediate surrounds of an existing or approved or other structure providing the natural surface or original ground level is not altered by greater than 300mm and no concentration of stormwater runoff onto adjoining properties will occur.

Provided that an approval pursuant to this subclause to fill an allotment or group of allotments which are subject to flooding at a frequency of more than one (1) in one hundred (100) years shall not be granted except where such filling is of a minor nature.

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- (2) (a) Where the consent of the Council is not required under the scheme of the use of land for the erection or use of a building or other structure for any purpose, the owner, before such use is commenced or plans of the proposed building or other structure are submitted for approval of the Council, shall ascertain the Council's requirements, if any, as to drainage or filling or drainage and filling the subject land to render it fit for such use of land or the erection or use of a building or other structure.
- (b) The owner shall comply with all such requirements which shall be deemed to be a condition of approval of the building plan if the erection of a building or other structure as aforesaid is proposed.

17. Minimum Development Levels

- (1) Notwithstanding any other provisions of the Scheme or the by-laws, no person shall, without the written approval of the Council, erect a building within the flood plains of any watercourse on any land which is subject to flooding at a frequency of more than one (1) in one hundred (100) years.
- (2) Notwithstanding any other provisions of the Scheme or the by-laws, no person shall, without the written approval of the Council, erect a building with a floor level of less than 300mm above flood level at a frequency of one (1) in one hundred (100) years where such building is located on an allotment within or adjacent to a flood plain.
- (3) Notwithstanding any other provisions of the Scheme or the by-laws, no person shall, without the written approval of the Council, erect a building with a floor level of less than 2.7 metres and the ground below such building shall be filled to a level of not less than 2.4 metres on Australian Height Datum.

Where the construction of such building requires also the disposal on site of septic and sullage wastes, the Council shall determine whether such site is capable of containing such wastes and may determine the minimum level and type of filling for the disposal of septic and sullage wastes if it approves of such method of disposal.

18. Navigation Aids

- (1) No building or other structure with a height in excess of seventy (70) metres above sea level shall be erected on land within eight hundred (800) metres of Point Lookout Lighthouse where such land also falls within an area of coverage of one hundred and ninety (190) degrees to two hundred and seventy (270) degrees true bearing from seaward of the said lighthouse.
- (2) The Council, in respect of any application for the rezoning of land within the Town Planning Scheme area or for its consent to the erection of a building or other structure or to the use of the land, shall take into consideration whether the proposal, if approved, may cause or allow any building or other structure to be erected in such a position as to constitute an interference to the visibility of aids to navigation erected under the authority of the Queensland Marine Act 1953 - 1985 or the Harbours Act 1955 - 1980.

19. Development in the Vicinity of an Aerodrome

The Council, in respect of any application for the rezoning of land within the Town Planning Scheme area or for its consent

to the erection or use of a building or other structure or to the use of the land, shall take into consideration whether the proposal, if approved, may cause or allow any building or other structure to be erected in such a position as to constitute an obstruction or a potential hazard to aircraft moving in the vicinity of an aerodrome or whether any such building or structure would be adversely affected by noise interference or nuisance by the movement of aircraft.

20. Landscaping Requirements

No premises which are required to provide a landscaped area or open space area shall be erected or used unless-

- (1) The landscaping requirements contained within the Town Planning Scheme, any Development Control Plan applying to the site and any relevant statements of planning policy are complied with;
- (2) All such areas are landscaped in accordance with a landscape planning scheme that has been submitted to and approved by the Shire Planner. Any such scheme shall include the following information:-
- the location, size and species of major existing trees and other vegetation to be retained;
 - the location and nature or species of proposed landscaping elements including ground cover, shrubs, trees, pathways and any other landscaping structures;
 - the height and materials of fences;
 - details of the proposed treatment of changes in the grade or level of the land; and
 - any other information which the Shire Planner may require having regard to the particular circumstances.
- (3) All landscaping is to be completed in accordance with the landscape planning scheme before the use of the premises is commenced, provided that three (3) months after completion of the development shall be allowed for planting or such longer period as may be agreed in writing by the Council;
- (4) To ensure that the requirements of paragraph (3) are complied with, an amount as the Council may from time to time determine by resolution shall be deposited with the Council;

At the end of six (6) months after completion of the landscape planning scheme to the satisfaction of the Council, the money deposited or the balance of such money, whichever the case may be, shall be paid to the applicant(s) or his/their successors. In the case of failure to carry out the scheme or maintain it satisfactorily, the Council may cause the necessary work to be carried out and may deduct the cost thereof from the money deposited and, if such cost exceeds the amount deposited, the applicant(s) or his/their successors shall forthwith on demand pay to the Council the amount of such excess.

21. Other Miscellaneous Provisions

Save as otherwise specified in the scheme, every building or structure erected after the appointed day on land in a Residential B, Residential A, Residential-Low Density or Park Residential Zone shall conform to the same boundary

clearances as are required for dwellings in the "Standard Building By-laws".

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the Council shall approve, to secure the performance of any condition requirement or obligation.

22. Every development commenced after the appointed day (not being a development for a dwelling house) shall have a layout such that, to gain ingress to or egress from the site of development, no motor vehicle need be driven in reverse over any crossing between the road alignment and the carriageway, provided that the Council may modify this requirement in respect of any change of use of an existing building including any modifications to an existing building not involving an increase in floor area of more than ten per centum (10%) of any new development where, in the opinion of the Council, undue hardship would be occasioned by the requirement.
23. Subject to the requirements of the scheme concerning the provision of industrial crossings in relation to a particular building or use, it shall be a condition of every consent granted by the Council pursuant to the scheme to use land or to erect or use a building on land that the applicant shall provide, at his cost, exits and entrances for vehicles to and from the site, whether from an existing or proposed road, to the requirements and satisfaction of the Council.
24. Where it is a requirement of the scheme or of the Council that industrial crossings be provided, or that provision be made for the loading or unloading of vehicles, the location thereof shall be determined by the Council. The construction of all road and drainage works and industrial crossings shall be to the satisfaction of the Council.
25. Subject to the express provisions of the scheme in relation to the giving of security to the Council for the performance of any particular works, matter or things, the Council may require an applicant to furnish to the Council security, to the satisfaction of the Council, in an amount and in such form as
26. (1) The Council may at any time after the appointed day give notice to the owner of any land the whole or part of which is visible from a public road that the land or part (including any building or structure thereon) is to be beautified in accordance with the requirements set out in the notice and within the time specified in the notice by and at the cost of the owner of the land provided that -
- (a) the provisions of this sub-clause shall not apply to or to the site of any building or other structure used for residential purposes or for purposes of agriculture or animal husbandry;
 - (b) the standard of such beautification shall be in accordance with the provisions of the Town Planning Scheme, if any, in that regard in respect of the use being conducted on the land;
 - (c) the Council's notice may, subject to paragraph (b), require land to be beautified in accordance with a landscape planning scheme approved in respect of the land prior to the appointed day but the Council shall not be obliged to adopt such scheme and may, subject to paragraph (b), require beautification to be carried out to greater, lesser or different standards.
- (2) All works of beautification carried out pursuant to subclause (1) of this clause shall at all times be maintained to the satisfaction of the Council.

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APPENDIX 1 STRATEGIC PLAN
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The Redland Shire Strategic Plan, which forms part of the Planning Scheme for the Shire of Redland, includes the Preferred Dominant Land Use Map and Greenspace Map and was approved by an Order In Council (*Approval in Part of Strategic Plan*) Order (No. 39) 1998 and gazetted on 27 February 1998.

The Redland Shire Strategic Plan is divided into the following parts, namely:

1. Introduction
2. Vision
3. Strategies
4. Preferred Dominant Land Use Intents
5. Greenspace
6. Integrated Local Area Planning

The Strategic Plan is supported by a Planning Study and maps.

(Copies of the Strategic Plan are available for viewing or purchase from the offices of the Redland Shire Council. A copy of the Strategic Plan is available for viewing at the offices of the Queensland Department of Local Government and Planning).

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APPENDIX 2 - DEVELOPMENT CONTROL PLAN 1

Local Development

This development control plan which forms part of the Town Planning Scheme for the Shire of Redland includes the Development Control Plan maps and is divided into the following parts, namely:

PART A

Division 1. Introduction

Division 2. Elements of the Plan

Division 3. Statement of Objectives and Implementation Provisions

PART B

Supporting Information

This is contained in that part of the document marked "B. Supporting Information".

(Copies whereof signed for identification by the Clerk of the Executive Council are held at the office of the Director of Local Government and at the office of the Redland Shire Council)

Division 1 -

Introduction

1. Aims -

- (1) The purpose of this Development Control Plan is to control development in each of the twelve (12) mainland districts of the Shire, in townships of Dunwich and Amity Point on North Stradbroke Island and on Coochiemudlo, Russell, Karragarra, Macleay and Lamb Islands. It designates preferred dominant land uses for the different parts of each district, township and island and prescribes a pattern for the layout of roads and disposition of public open space as a guide for subdivision and provides guidelines for development.
- (2) Its aim is to provide for the orderly development of each district and township at the same time providing for the enhancement of the amenity of each district and township and for the retention of their special character.

2. Definition of the Area -

- (1) This Development Control Plan covers the mainland part of the Redland Shire except for Cleveland Town Centre, Capalaba Business District and part of Mount Cotton. It also covers the townships of Dunwich and Amity Point on North Stradbroke Island, and Coochiemudlo, Russell, Karragarra, Lamb and Macleay Islands.
- (2) Development control plan maps DCP 1 - sheets 1 to 10 and 12 to 14 cover each of the twelve mainland districts as designated by the Queensland Place Names Board with the exception that a small area to the south-west of Collingwood Road and Pitt Street which will more appropriately fall within Wellington Point than Birkdale once certain roads have been constructed, has been shown on map sheet 2 and a small area to the east of Nelson Street which will more appropriately fall within Cleveland than Ormiston once it is developed as part of the Raby Bay Canal Estate has been shown on map sheet 8.

(3) Map sheets 15 and 16 cover the North Stradbroke Island townships of Dunwich and Amity Point respectively.

(4) Map sheet 11 covers Coochiemudlo Island, map sheet 18 covers Russell and Karragarra Islands and map sheet 19 covers Macleay and Lamb Islands.

3. Relationship to Strategic Plan

The preferred development strategy for the Shire is outlined in four documents, the Strategic Plan, Development Control Plan 1 - Local Development, Development Control Plan 2 - Cleveland Town Centre, and the Development Control Plan 3 - Point Lookout.

The Strategic Plan addresses land use matters that have strategic importance at a Shire wide level.

Development Control Plan 1 addresses land use matters that have importance at a district level. The boundaries of these districts are identified in the key to the Strategic Plan and are based principally upon the districts designated by the Queensland Place Names Board.

King Island, Peel Island, Bird Island, Goat Island, Tindapah Island, Pannikin Island, Long Island, Lagoon Island, Garden Island, and the bulk of North Stradbroke Island are not included in Development Control Plan 1 and in terms of land use strategy are dealt with only in the Strategic Plan. Apart from these areas, both the Strategic Plan and the Development Control Plans should be referred to in order to determine Council's preferred land use strategy for land within the Shire.

Development Control Plan 2 addresses land use and urban design matters that have importance at a local level relative to the Cleveland Town Centre.

Development Control Plan 3 addresses land use and urban design matters that have importance at a local level relative to the Point Lookout Township and adjacent lands.

4. Relationship to Town Planning Scheme

- (1) The implementation provisions of this Development Control Plan apply to all forms of development requiring town planning approval. It is also a requirement that town planning and design principles detailed herein will apply to the erection of buildings and structures.
- (2) Such implementation provisions are applicable in addition to the provisions of the Town Planning Schedule and by-laws and the Subdivision of Land By-law which should be read in conjunction with this Development Control Plan.
- (3) Nothing in the Development Control Plan should be constructed to confer any rights to land use for any particular purposes. Such rights remain vested in the town planning schedule.

Division 2 -

Elements of the Plan

- (1) **Shopping** - This designation covers areas allocated primarily for shops, but in which provision is also made for other business development and compatible uses.

It embraces the retail sections of the main business centres of each district and township other than Thorneside and

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Sheldon and these centres designated for comprehensive development. It has potential for the installation of children's play equipment. In the main, other areas of public open space are intended for passive recreational purposes.

- (2) **Commercial** - This designation covers areas allocated primarily for commercial activities other than shopping. Offices and showrooms (including motor vehicle saleyards and the like) will be catered for in particular in such areas and also certain recreational and industrial uses.
 - (3) **Local Shopping Areas** - The plan recognises by a symbol locations in which local shopping facilities or additional local shopping facilities may be provided.
 - (4) **Tourist Business and Residential** - This designation covers areas considered suitable for a mix of business development, including shops, residential development and other compatible uses all of which cater primarily for tourists, holiday makers and day visitors.
 - (5) **Residential B** - This designation covers areas intended to cater primarily for multiple dwellings to maximum densities and heights as indicated.
 - (6) **Residential A** - This designation covers areas intended to cater primarily for dwelling houses designed in accordance with the principles of AMCORD on allotments with an area of up to 2000 square metres and with all services normally provided in urban areas including sealed roads with concrete kerb and channelling and sewerage. It is envisaged that land covered by this designation will be sufficient in the case of most districts and townships to meet the need for residential land for 5 to 10 years which is the anticipated life of the town planning scheme.
 - (7) **Residential - Low Density** - This designation covers areas intended to cater primarily for dwelling houses on allotments with an area of between 2000 and 6000 square metres and with all services normally provided in urban areas including sealed roads with concrete kerb and channelling and sewerage.
 - (8) **Park Residential** - This designation covers areas intended to cater primarily for dwelling houses on allotments with a minimum area of 6000 square metres and with all services normally provided in urban areas except sewerage. There may also be some relaxation of normal underground drainage standards particularly where stormwater flow can be directed to defined natural watercourses.
 - (9) **Industry** - This designation covers areas allocated primarily for industry in locations segregated from incompatible land uses and with ready access to the Shire's arterial road network. Most of these areas are also indicated by a purple circle with the capital letter I contained therein on the Strategic Plan Map.
- The two main industrial areas lie between Redland Bay Road and Coolwynpin Creek at Capalaba and between Wellington Street and Hilliards Creek in the south-western part of Cleveland, the latter being Crown Land already partially developed by the Land Administration Commission and Department of Industry Development.
- (10) **Public Open Space** - This designation covers publicly owned land and land which it is envisaged will come under Council control for parks and recreation purposes. It does not include special protection areas.
- The plan indicates by symbols public open space areas allocated for sportsfields and locations in which children's play equipment has been installed or which are considered
- (11) **Restricted Open Space** - This designation covers areas set aside for certain uses which maintain the open, as opposed to the built-up, character of an area including sporting, recreational and tourist orientated uses on privately owned land and the use of publicly owned land for certain purposes not involving access by the general public. It also covers the sites of certain significant buildings located in large grounds.
 - (12) **Public Purposes/Special Facilities** - This designation is intended to cater for federal, state, local and semi-governmental purposes such as municipal services, education and hospitals, etc, and Special Facilities zoned sites in existence at the time of gazettal of the Development Control Plan, but not including uses catered for in areas designated as Public Open Space or Private Open Space.
- It is also intended for other designated uses not covered specifically by any other designation, including use for community and religious purposes.
- (13) **Drainage Problem Areas** - This designation covers areas which are considered by Council to be subject to drainage problems or likely to be susceptible to such problems.
 - (14) **Special Rural** - This designation caters for uses such as stables, poultry farms, kennels and the like and also for small scale industries operated on land, other than small parcels of land, by the owner-occupiers thereof.
 - (15) **Rural/Non Urban** - This designation caters for agriculture and animal husbandry and all non-urban activities. It also provides for other privately owned land in the Shire where the predominant lot size is greater than approximately two (2) hectares.
 - (16) **Rural-Habitat Protection and Water Supply Catchment** - Development Control Plan map sheets 5, 13 and 14 indicate the boundary of that part of the catchment of the Leslie Harrison Dam which is situated within the Redland Shire and in which it is intended that development be severely restricted for the purposes of protection of existing bushland/forest areas of native fauna habitat value and of the catchment of an important domestic water supply source.
 - (17) **Comprehensive Development** - This designation covers land in respect of which there is a special need for the coordination and detailed guidance of development, in addition it covers parcels of land whose topographical features, existing uses or other considerations indicate a need for a greater degree of flexibility or control in handling development. This designation also covers an area at Point Lookout proposed for development by the Land Administration Commission.
 - (18) **Marine Orientated Development** - This designation covers areas considered suitable for marine orientated residential or recreational uses including canal residential development.
 - (19) **Special Protection Areas** - This designation covers existing and proposed natural environmental areas which are required to be designed for nature conservation purposes.
 - (20) **Fish Habitat Areas** - This designation covers the wetland areas below high water mark which are of greatest conservation significance and which are recommended for

designations as Fish Habitat Reserves in the Redland Shire Coastal Management Investigation Report.

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2. Commercial

- (21) **Wetland Areas**- This designation covers the wetland areas below high water mark which are of conservation significance and which are recommended for designation as Wetland Area Reserves in the Redland Shire Coastal Management Investigation Report.
- (22) **Foreshore Control Areas** - This designation covers wetland areas below high water mark recommended for designation as Foreshore Control Areas in the Redland Shire Coastal Management Investigation Report. They are areas which are not of the same conservation significance as Wetland or Fish Habitat Reserves but in which some level of planning consideration is nevertheless desirable.
- (23) **Railway** -The plan indicates the route of the existing railway to Cleveland.
- (24) **Road Hierarchy** - The plan indicates a hierarchy of roads comprising existing and proposed arterial, sub-arterial, collector and sub-collector roads. It also indicates preferred local road layouts in areas where the need is seen for the coordination of subdivisional proposals. .
- (25) **Multi-Purpose Linkage System** - The plan indicates linkages which may incorporate pedestrian, cycle and/or bridle paths. The system is flexible and the paths as shown may be changed to accommodate any future demand. Where necessary, additional links will be provided and implementation is likely to be long term.
- (26) **Tourist Areas/Tourist Drives** - The plan recognises by a symbol the location of certain existing tourist facilities, certain preferred locations for future tourist facilities and tourist drives.

Division 3 -

Statement of Objectives and Implementation Provisions

1. Shopping

- (1) **Objective** - To provide for retail and associated business development where it will best meet the needs of people living in each district and for such development to be carried out in an orderly manner.
- (2) **Implementation** -
- (a) Except as provided for in clause 3 of this Division, an application for the inclusion of land in the Shopping Zone will not be favourably considered unless such land is situated in an area designated Shopping on map sheets 2 to 19;
- (b) New development in areas included in the Shopping Zone or designated as Shopping on map sheets 2 to 19 shall be integrated with existing and proposed development and provision made for pedestrian and vehicular movement, awnings, the servicing of premises, car parking and landscaping to the satisfaction of the Council. Account shall be taken of likely future development and redevelopment and where considered appropriate by the Council, the set back and height of buildings and the height and design of awnings shall be uniform.

(1) Objectives -

- (a) To provide for commercial development other than shops in suitable locations and to establish certain guidelines for the development of such areas; and
- (b) To co-ordinate development in parts of the designated area in which allotments are of irregular shape and depth and to ensure that adequate buffering is provided between commercial and residential development.

(2) Implementation -

- (a) An application for the inclusion of land in the Commercial Zone will not be considered favourably unless such land is situated in an area designated Commercial on map sheets 2 to 19.
- (b) Uses of an industrial nature will not be permitted where they would appear unsightly when viewed from any road and should preferably be situated to the rear of sites behind other development.
- (c) In that part of the designated area comprising part or all of Lot 1 on Registered Plan 196807 and Lots 1 and 2 on Registered Plan 192676 and resubdivisions 3 to 11, of subdivision I of portion 95, Parish of Capalaba development shall be generally in accordance with the details indicated on the preferred layout plan shown in Figure 1, in particular:-
- (i) **Park buffers:** At the time of rezoning park areas shall be dedicated to the Council in fee simple and free of cost as indicated on the preferred layout plan. Such areas to serve as a land use buffer between commercial and residential areas to eliminate or lessen likely sources of conflict to an acceptable level;
- (ii) **Screening Measures:** Where landscaped screening techniques are impractical, a suitably constructed 1.8 metre high masonry wall shall be provided as indicated on the preferred layout plan. The design and materials of construction of the wall shall be agreed in writing with the Council;
- (iii) **Building Envelopes:** The preferred siting of buildings or allotments is as indicated on the preferred layout plan. The building envelopes have been planned on the basis of the Council's standard design criteria and, in an endeavour to achieve a uniform building alignment to Redland Bay Road, to establish maximum exposure, to position on-site car parking for customer convenience and to discourage conflict with adjoining development;
- (iv) **Access Points and Car Parking Provision:** Common vehicular accesses and integrated carparks shall be encouraged so as to minimise traffic hazards on the arterial road;

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(2) Where there is an existing general store or small group of shops in a general location indicated by a Local Shopping Area symbol on sheets 2 to 19 and that they would not prejudice the establishment of a general store or small group of shops in any general location designated by a Local Business Area symbol in which such facilities do not exist at present.

- (vi) **Signage:** Subject to consideration of details, the erection of directory style sky signs located generally as indicated on the preferred layout plan shall be favourably considered. Individual advertisement hoardings or signage shall not be erected.
- (vii) **Pedestrian Pathway:** A three (3) metre wide pathway shall be provided in the location shown on the preferred layout plan. Such pathway shall be provided with a concrete pavement 1.5 metres in width constructed to specifications agreed in writing with the Council.

Where there is an existing general store or small group of shops in a general location indicated by a Local Shopping Area symbol on sheets 2 to 19 and that they would not prejudice the establishment of a general store or small group of shops in any general location designated by a Local Business Area symbol in which such facilities do not exist at present.

- (d) Except as provided in paragraph (b) of this sub-clause an application for consent to erect a general store or for rezoning to provide for the erection of a small group of shops in any location other than a general location designated by a Local Shopping Area symbol on map sheets 2 to 19 will not be considered favourably unless -

(i) there is no likelihood that the trading position of any existing general store, shop or small group of shops will be adversely affected to any undue extent;

(ii) there is no likelihood that the establishment of a general store or small group of shops in a general location designated by a Local Shopping Area symbol on map sheets 2 to 19 would be prejudiced if the proposed general store or small group of shops were to be erected; and

(iii) it is established beyond reasonable doubt that there is an overriding public need for the proposed general store or small group of shops which is not being met at present and which would not be met if a general store or small group of shops were provided in a general location indicated by a Local Business Area symbol on map sheets 2 to 19 and that such public need would best be met on the site the subject of the application:

Provided that under no circumstances will favourable consideration be given to the erection of a general store or for rezoning to provide for the erection of a small group of shops on Old Cleveland Road to the north of Bailey Road, Birkdale (map sheet 4) or the vicinity of the Capalaba Junction of Finucane Road and Abelia Street (map sheet 6).

3. Local Shopping Areas

(1) **Objective** - To have a general store or small group of shops including a general store within one kilometre walking distance of the majority of dwellings in residential areas not already within one kilometre walking distance of a large shopping centre, to establish criteria for the siting and design of new general stores and local centres and to protect the trading position of general stores and local shopping centres where appropriate.

(2) Implementation -

(a) Subject to consideration of siting, details and of any objections, an application for consent to erect a general store or for rezoning to provide for the erection of a small group of shops in a general location indicated by a Local Shopping Area symbol on map sheets 2 to 19 will be favourably considered provided that -

(i) there is no alternative site in the same general location which is available or is likely to become available in the foreseeable future which would be much more suitable, in the opinion of the Council, for the proposed use because it would have a lesser impact on residential uses, would be preferable from a road safety point of view or would be more readily accessible to any part of the multipurpose linkage system shown on the Development Control Plan Maps;

(ii) details of the proposal provide for the minimisation of impact on the surrounding area, in particular, on adjoining residential uses and for a development which is in keeping with the general character of the area.

(b) In addition to the general locations indicated by Local Shopping Area symbols on map sheets 2 to 19 favourable consideration will also be given to an application for consent to erect a general store or for rezoning to erect a small group of shops in a suitable location away from Boundary Road, within that area lying to the south of Boundary Road, Thornlands which is designated Park Residential on map sheet 9, subject to the same provisos as set out in the last preceding paragraph.

4. Tourist Business and Residential

(1) **Objective** - To provide for the needs of tourists, holiday makers and day visitors and for the orderly development of zoned and designated areas

(2) Implementation -

(a) Within areas included in the Tourist Business and Residential Zone or designated as Tourist

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Business and Residential on map sheets 2 to 9 preference will be given to uses which service mainly the needs of tourists, holiday makers and day visitors.

- (b) New development in areas included in the Tourist Business and Residential Zone or designated as Tourist Business and Residential on map sheets 2 to 19 shall be integrated with existing and proposed development and provision made for pedestrian and vehicular movement, awnings, the servicing of premises, car parking and landscaping to the satisfaction of the Council. Account shall be taken of likely future development and redevelopment and, where considered appropriate by the Council, the setback and height of buildings and the height and design of awnings shall be uniform. In considering applications attention will be paid to the height, form of buildings at areas so designated at Point Lookout and whether such buildings will be obtrusive when viewed from beach, headlands or the general surrounding area.
- (c) The height limit above road level of any building erected in an area designated Tourist Business and Residential shall not exceed four (4) storeys.

5. Residential

General

- (1) **Objective** - To provide the expected population with a choice of living styles within the various residential designations in order to satisfy the needs of varying age groups of people living within or visiting the Shire.-
- (2) **Implementation** -
Through the District Maps -
 - (a) a choice in the form and height of residential buildings;
 - (b) a range of residential densities up to a maximum density of 150 persons per hectare; and
 - (c) a range in size of land required to support such living styles has been provided for in order to implement this objective.

6. Residential B

- (1) **Objective** - To cater for multiple dwellings, to provide certain controls over their development - in particular over population density and building height, and to provide guidelines for the approval of uses other than multiple dwellings.
- (2) **Implementation**
 - (a) An application for the inclusion of land in the Residential B Zone will not be favourably considered unless such land is situated within an area designated Residential B on map sheets 2 to 19 and then only if access, water supply and sewerage are considered adequate by the Council;

Provided that in association with the subdivision of residential estates, areas may be agreed for rezoning

to Residential B provided that Residential A areas in the vicinity would be affected by such rezoning;

Provided also that in the case of that area designated Residential B which lies between Collingwood Road and the proposed arterial road/railway at Birkdale (see map sheet 4) it shall also be a requirement, before rezoning is recommended by the Council to the Minister for Local Government, that provision be made for a pedestrian footbridge or underpass leading northwards from the designated area across the proposed arterial road/railway or that a contribution be made towards the cost of such provision;

- (b) The population density, as defined in the town planning schedule of any multiple dwelling erected in an area designated Residential B shall not exceed the maximum population density indicated on the relevant Development Control Plan Map for the area in which the site of the multiple dwelling is situation:

Provided that the number of units, townhouses or the like erected on any site not connected or capable of being connected to the Council's sewerage system shall not exceed that number, which, in the opinion of the Council, can be erected without any problem or nuisance arising from the disposal of septic and sullage waste on site;

- (c) The height above road level of any building erected in an area designated Residential B shall not exceed two (2) storeys:

Provided that where a higher maximum number of storeys is indicated on a Development Control Plan Map for any part of an area designated Residential B, any multiple dwelling erected in that part of a designated area shall not exceed the number of storeys indicated:

Provided, further, that where the maximum number of storeys indicated for any part of a designated area is followed by a plus (+) sign the height of any building erected in that part of a designated area may exceed the number of storeys indicated where the Council is entirely satisfied that there will be no undue adverse effect on the amenity of the area and where the number of storeys does not exceed six (6): Provided, further, that in the case of a sloping site, Council may at its discretion allow a greater number of storeys than that specified above, provided that the number of storeys above the level of the carriageway of the highermost of any adjoining road does not exceed the number of storeys specified above: When a storey would be partly above and partly below road level, the Council in each particular case shall decide whether that storey shall be regarded as being above or below road level;

- (d) In all parts of the area designated Residential B on map sheets 2 to 19 in which pursuant to the preceding paragraph, two storeys is the maximum number of storeys permitted, preference will be given to the erection of townhouses and similar types of multiple dwelling unless the details of any proposal providing for an alternative type of multiple dwelling are considered by the Council to

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is generally compatible with existing and likely future development in the vicinity.

uses in applications accompanied by a plan of development designed in accordance with the principles of AMCORD or alternatively the Council has indicated in writing that the proposed development represents Infill Development because of the location and small size of the land within an existing developed suburb and that Council may favourably consider a traditional residential development;

- (e) Where an area designated Residential B adjoins an area designated Residential A and which is developed with dwelling houses, Council shall require that the design of any multiple dwelling shall be such that the amenity of any dwelling house in the area designated Residential A is not adversely affected;
- (f) In that area designated Residential B at Birkdale which is bounded by Birkdale Road, Tarradarrapin Creek, Railway Reserve R. 2040 and Napier Street (see map sheet 4) there shall be no vehicular access to the site of any multiple dwelling from Birkdale Road and any pedestrian access shall be so located and the design of any multiple dwelling shall be such that there is no likelihood that the parking of cars on Birkdale Road, in association with the use of any multiple dwelling, would be encouraged;
- (g) In that area designated Residential B at Erobin, Wellington Point which is bounded by Main Road, Marshall and Champion Lanes (see map sheet 2) there shall be no vehicular access to the site of any building from Marshall Lane or Champion Lane and any pedestrian access shall be so located and the design of any building shall be such that there is no likelihood that the parking of cars on Marshall Lane or Champion Lane, in association with the use of any building, would be encouraged.
- (h) An application for consent to erect a building or other structure or to use land for a non-residential purpose in an area included in the Residential B Zone or designated Residential B on map sheets 2 - 19, will not be considered favourably if, in the opinion of the Council, such building, other structure or use would be detrimental to the amenity or likely future amenity of an area or if it would be better located in association with or in the vicinity of an existing or approved non-residential use or in part of the zoned or designated area which is subject to or is likely to become subject to the adverse influence of a non-residential use or uses provided that no non-residential use will be permitted in the vicinity of the junction of Finucane Road and Abelia Street, Alexandra Hills.
- (b) Where any part of an area designated Residential A on map sheets 2 to 19 is found, in the opinion of the Council, to be subject to drainage problems such area shall be, at the discretion of the Council either filled in accordance with the requirements of the Council or excluded from development irrespective of whether or not any preferred road layout shown on the relevant map sheet provides for the development of the subject part;
- (c) In that area designated Residential A lying between Birkdale Road and Peterson Street at Wellington Point (see map sheet 2) subdivision in accordance with the *Building Units and Group Titles Act* is seen to be preferable to subdivision in accordance with the Local Government Act;
- (d) In that area designated Residential A lying between Chermside Street and Fernbourne Road at Wellington Point (see map sheet 2) subdivision in accordance with the *Building Units and Group Titles Act* is seen to be preferable to subdivision in accordance with the *Local Government Act*. Development shall take due cognisance of drainage problems;
- (e) In that area designated Residential A at Allenby Road, Alexandra Hills and described as Lot 2 on R.P. 116014, Parish of Capalaba (see map sheet 6) subdivision in accordance with the *Building Units and Group Titles Act* is considered preferable to normal subdivision. Development shall take due cognisance of the natural features of the land and shall be in sympathy with such natural features;
- (f) Irrespective of whether or not a preferred road layout providing for subdivision in accordance with the *Local Government Act* is shown over land on map sheets 2 to 19 development in accordance with the *Building Units and Group Titles Act* may be seen to be preferable to subdivision in accordance with the Local Government Act where the number of points of vehicular access onto a main road would best be minimised in the interests of traffic safety or of safeguarding the physical features of a site;

7. Residential A

- (1) **Objective** - To allocate sufficient land for the erection of dwelling houses to meet anticipated needs during the life of the town planning scheme and also to provide guidelines for the development of certain parts of the designated area and guidelines for the approval of uses other than dwelling houses.
- (2) **Implementation** -
 - (a) An application for the inclusion of land in the Residential A Zone will not be favourably considered unless such land is situated in an area designated Residential A on map sheets 2 to 19 and then only if access to the land from the Shire's arterial road network is via roads which are sealed to a width considered adequate by the Council and if water supply and sewerage are considered adequate by the Council;
 - (aa) An application for the inclusion of land in the Residential A Zone will not be favourably considered
 - (g) An application for consent to erect a multiple dwelling in an area included in the Residential A Zone or designated Residential A on map sheets 2 to 19 will not be considered favourably -
 - (i) if, in the opinion of the Council there is any likelihood that the multiple dwelling would have an undue detrimental effect on the amenity of an area or on any individual dwelling house or dwelling houses;
 - (ii) if the height of the proposed multiple dwelling exceeds two (2) storeys;
 - (h) An application for consent to erect a building or other structure or to use land for a residential or non-residential purpose in an area included in the Residential A Zone or designated Residential A on map sheets 2 to

19 will not be considered favourably if, in the opinion of the Council, such building, other structure or use would be detrimental to the amenity or likely future amenity of an area or if it would be better located in association with or in the vicinity of an existing or approved non-residential use or in a part of the zoned or designated area which is subject to or is likely to become subject to the adverse influence of a non-residential use or uses;

- (i) In the area designated as Residential A to the south of the Railway line and to the north of Birdwood Road and between Paul Street and Hardy Road, Birkdale (see Map Sheet 4), development shall consist of conventional Residential A subdivision with minimum lot sizes not being approved under 800 square metres in area under any circumstance. In addition, under no circumstance will Council favour the development of land in this area for the purpose of multiple dwellings.

8. Residential - Low Density

- (1) **Objective** - To provide for the erection of dwelling houses on allotments larger than those normally found in residential areas but with all the services normally provided in urban areas and to safeguard the amenity of designated areas.
- (2) **Implementation** -
- (a) An application for the inclusion of land in the Residential Low Density Zone will not be favourably considered unless such land is situated in an area designated Residential - Low Density on map sheets 2 to 19 and then only if access to the land from the Shire's arterial road network is via roads which are sealed to a width considered adequate by the Council and if water supply and sewerage are considered adequate by the Council.
- (b) No further subdivision will be allowed in that part of the designated area at Thorneside (map sheet 3).
- (c) An application for consent to erect a building or other structure or to use land for a residential or non-residential purpose in an area included in the Residential - Low Density Zone or designated Residential - Low Density on map sheets 2 to 19 will not be considered favourably if, in the opinion of the Council, such building, other structure or use would be detrimental to the amenity or likely future amenity of an area or it would be better located in association with or in the vicinity of an existing or approved non-residential use or in a part of the zoned or designated area which is subject to or is likely to become subject to the adverse influence of a non residential use or uses.

9. Park Residential

- (1) **Objective** - To provide for the erection of dwelling houses on allotments with a minimum area of 6000 square metres with most of the services normally provided in urban areas, other than sewerage, and to safeguard the amenity of designated areas.
- (2) **Implementation** -
- (a) An application for the inclusion of land in the Park Residential Zone will not be favourably considered unless such land is situated in an area designated Park Residential on map sheets 2 to 19 and then only if access to the land from the Shire's arterial road network is via roads which are sealed to a width considered

adequate by the Council and if water supply is considered adequate by the Council and if evidence is produced to the satisfaction of the Council that septic and sullage wastes can be disposed of within the boundaries of each proposed allotment to the requirements of the Council and without giving rise to nuisance.

- (b) An application for consent to erect a building or other structure or to use land for a residential or non-residential purpose in an area included in the Park Residential Zone or designated Park Residential on map sheets 2 to 19 will not be considered favourably if, in the opinion of the Council, such building, other structure or use would be detrimental to the amenity or likely future amenity of an area or if it would be better located in association with or in the vicinity of an existing or approved non-residential use or in a part of the zoned or designated area which is subject to or is likely to become subject to the adverse influence of a non-residential use or uses.

10. Industry

- (1) (a) **Objective** - To make adequate provision for industry including marine orientated industries and also to ensure that industrial development does not give rise to traffic problems and is not readily seen from any main traffic route.
- (b) **Implementation** -
- (i) An application for the inclusion of land in an Industry Zone will not be favourably considered unless such land is situated in an area designated Industry on map sheets 2 to 19 and then only if access to the land from the Shire's arterial road network is via roads which are sealed to a width considered adequate by the Council and if water supply and sewerage are considered adequate by the Council;
- (ii) At least half of subdivision 3 of resubdivision 22, of subdivision 1, of portion 123, Parish of Redland situated on the southern side of Weinam Creek Marina at Redland Bay (see map sheet 11) shall be developed for marine orientated purposes and to secure this the subject parcel of land has been included in the comprehensive Development Zone.
- (2) (a) **Objective** - To provide ready access to industrial areas.
- (b) **Implementation** -
- Industrial Areas are located on or adjacent to a major transportation corridor.
- Development contributions may be required towards the upgrading of access roads having regard to the volume and type of vehicular traffic generated by a particular industry.
- (3) (a) **Objective** - To ensure that industrial areas are fully serviced with water, sewerage, stormwater drainage and electricity.
- (b) **Implementation** -
- Different types of industries may have varying requirements in relation to water consumption and waste disposal. Council may require development contributions towards water supply, sewerage

retention and stormwater drainage so that the development is adequately serviced. Council may also require an underground electricity supply.

- (4) (a) **Objective** - To ensure that industrial areas are adequately buffered.

(b) **Implementation** -

When considering applications for development, the Council will have regard to the effects of industrial development on the surrounding area including effects such as the scale and bulk of development, effects on the traffic situation in the area and the possible pollutants and noise emitted from the development. Development contributions towards the buffering, provision of access and landscaping of such proposals will be required by Council.

- (5) (a) **Objective** - To ensure a high standard of development.

(b) **Implementation** -

When considering an application for development, the Council will have regard to the provision of setback, parking provisions, building materials, architectural quality and landscaping to ensure that a high standard is maintained.

Where an industrial area is not conveniently located near an open space system, the Council may require a development contribution towards the provision of a park which may serve the recreational needs of the industrial workers.

11. Public Open Space

- (1) **Objective** - To make adequate provision for open air sport and recreational use.

(2) **Implementation** -

- (a) Those areas designated as Public Open Space on the Strategic Plan Maps which are not already owned by or under the control of the Council will be progressively acquired as funds become available or in association with the rezoning, subdivision or other development of land;
- (b) Such designated areas will be progressively developed for open air sport and/or recreational purposes as funds become available;
- (c) Refuse will continue to be disposed of on areas designated as Public Open Space at Old Cleveland/Randall Roads, Birkdale (see map sheet 4) and at Days Road, Redland Bay (see map sheet 10) in preparation for their development as playing fields;
- (d) Where not already available, development plans will be prepared for areas of public open space. Development plans will be updated from time to time as seen to be necessary. Development of areas of Public Open Space will take place in accordance with these plans;
- (e) Areas designated as Public Open Space which are not also designated as sportsfields or as having potential for the installation of children's play equipment will be developed for informal sport and/or passive recreation but not for organised sport;

- (g) No buildings or other structures shall be erected or use made of land which would prejudice the development of the Public Open Space system shown on the Strategic Plan Maps.

12. Restricted Open Space

- (1) **Objective** - To provide for Private Open Space areas which serve a number of functions' including sporting, recreational and tourist orientated usage of private land, restricted usage of publicly owned land, maintenance of significant landscape and cultural sites.

(2) **Implementation** -

Provision is made in the Table of Zones in the Schedule for the Restricted Open Space Zone and existing areas approved for Restricted Open Space uses are included in such zone on the scheme maps.

13. Drainage Problem Areas

- (1) **Objective** - To take due account of the constraints imposed by drainage problems.

(2) **Implementation** -

- (a) In most cases development will not be permitted in designated drainage problem areas.
- (b) The Council may permit development in accordance with the Town Planning Scheme, where an applicant, through engineering advice, can establish to the satisfaction of the Council that land designated Drainage Problem Area is actually free of any drainage problem or that it can be made suitable for development, provided that in either case access to the land is free of any drainage problem.

14. Special Rural

- (1) **Objective** - To make provision -

- (a) for the establishment of uses such as stables, poultry farms, kennels and the like; and
- (b) for people to live and work on large parcels of land with minimal effect on adjoining uses.

(2) **Implementation** -

- (a) Subject to consideration of details and any objections an application for consent to establish a stable, poultry farm, kennel or the like in an area designated Special Rural on Development Control Plan map sheets 10, 12 and 13 will be favourably considered provided that -
- (i) the proposed use is not likely to have any undue adverse effect on any existing use; and
- (ii) any building or other structure is to be sited so as to minimise any adverse impact upon any existing uses of land in the vicinity, in particular of land adjoining the site of the proposed building or other structure and also so as to minimise any adverse impact upon the character of the area.

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(b) Subject to consideration of details and of any objections an application for consent to establish a small scale Home based enterprise in an area designated Special Rural on Development Control Plan map sheet 5 will be favourably considered provided that-

- (i) the proposed use is not likely to have any undue adverse effect on any existing use;
- (ii) any building or other structure is to be sited so as to minimise any adverse impact upon any existing uses of land in the vicinity, in particular of land adjoining the site of the proposed building or other structure and also so as to minimise any adverse impact upon the character of the area;
- (iii) the use is to be carried on by a person who both owns or leases and resides on the site;
- (iv) if persons are to be engaged in connection with the use, other than persons resident on the site, the total number of persons engaged including persons resident on the site shall not exceed five (5);
- (v) the gross floor area of any buildings or other structures to be used shall not exceed 0.25 per centum of the area of the site or one thousand (1000) square metres whichever is the lesser;
- (vi) the area of that part of the site to be used in connection with the industry shall generally not exceed ten (10) per centum of the total area of the parcel of land;
- (vii) the use shall be so located or screened that it is not readily seen from any road and is not unduly conspicuous when viewed from any dwelling house or from a location in which a dwelling house is likely to be erected in the future.

15. Rural/Non Urban

- (1) **Objective** - To make provision for agriculture and, in suitable locations, for the poultry industry, extractive industry and certain uses which would provide for the maintenance of the rural character of designated areas.
- (2) **Implementation** -
 - (a) In the interests of maintaining the viability of rural holdings the minimum area of any proposed allotment that shall be permitted in any proposed subdivision of land situated in the Rural/Non Urban Zone has been set at 20 hectares;
 - (b) Preference will be given to the poultry industry in the area designated Rural/Non Urban on map sheet 13 except for such land which gains access via Mt. View Road and which is considered to have a good standard of rural-residential amenity and character;
 - (c) Preference will be given to extractive industries in the general locations designated 'Resource' on map sheets 2 to 19 subject to stringent requirements in relation to the manner in which the extractive industry is operated and satisfactory restoration of the site as provided for in the Planning Schedule;
 - (d) Favourable consideration may be given to the establishment of schools, recreational and tourist

orientated uses and the site in areas designated Rural/Non Urban on the Development Control Plan Maps provided-

- (i) that the use would not, in the opinion of the Council, have a detrimental effect on the rural character of the area;
 - (ii) that the gross floor area of buildings or other structures associated with the use does not exceed one (1) per centum of the area of the site;
 - (iii) that the use does not require the provision of sewerage or other services not available to the subject part of the area;
 - (iv) that the standard of access to the site on which the use is to be established is satisfactory in the opinion of the Council;
 - (v) that the use would not, in the opinion of the Council, give rise to traffic or other problems or in any way prejudice the development of the area.
- (e) Favourable consideration may be given to the establishment of Car repair stations, Industries Class I and II, Truck depots and Industries Class III (Civil engineering or other contractor's depots) in areas zoned Rural/Non Urban on the Scheme Maps or designated Rural/Non Urban on the Development Control Plan Map provided -
- (i) the use can be demonstrated to be of a scale, nature and character which allows integration with the immediate and general area;
 - (ii) the use would not in the opinion of Council have a detrimental effect on adjoining properties;
 - (iii) that the use would not in the opinion of the Council have a detrimental effect on the rural character of the area;
 - (iv) that the gross floor area of buildings or other structures associated with the use does not exceed one (1) per centum of the area of the site;
 - (v) that the use does not require the provision of sewerage or other services not available to the subject part of the area;
 - (vi) that the standard of access to the site on which the use is to be established is satisfactory in the opinion of the Council;
 - (vii) that the use would not in the opinion of the Council give rise to traffic or other problems or in any way prejudice the development of the area.
- (f) In areas included in the Habitat Significance Area designation under the Strategic Plan or this Development Control Plan, the use of land zoned Rural/Non Urban for the purposes of Agriculture, Animal husbandry, Forestry, or Goat Farm as defined in Part 1 of the Schedule to the Town Planning Scheme shall require the town planning consent of the Council.
- (i) In considering applications over land in the designated area for the purposes referred to in this paragraph, or for any other uses requiring town

RENDERED OBSOLETE BY NEW RPS 30/03/06

Planning consent. The Council shall have regard to the following matters:

climate and weather conditions

whether the land or vegetation on the land:-

- A. provides important habitat for rare, endangered or otherwise culturally or scientifically valuable wildlife;
- B. has high plant species diversity or has rare, endangered or otherwise culturally or scientifically valuable plant species or plant associations;
- C. has high amenity value and contributes to the landscape quality of the area;
- D. has high value as a remnant of vegetation associations characteristic of the area prior to extensive clearance for agriculture;
- E. contains sites of scientific, archaeological, historic or cultural significance; or
- F. constitutes a wetland area or part of a wetland area.

- topography and soil types
- permanent physical features
- fire control

and should take advantage of opportunities to retain and replant suitable native vegetation:-

- on steep slopes and drainage lines
- along ridge lines and spurs
- along road reserves, fence lines and paddock boundaries
- in areas difficult or unsuitable for cultivation
- at dams, watering points and other locations where livestock congregates.

(ii) The Council will not favourably consider an application which, by reason of the nature of the proposed use or the manner in which the proposed use is likely to be conducted, would in the Council's opinion:

- A. Significantly detrimentally affect any of the values or characteristics included in subparagraph (i) of this paragraph;
- B. Create or contribute to soil erosion;
- C. Decrease soil stability and initiate soil slip or stream bank erosion;
- D. Create, or contribute to, a local or regional soil salinity problem;
- E. Lead to a deterioration in the quality of surface or underground waters; or
- F. Create or exacerbate the incidence or intensity of local or regional flooding.

(iii) In considering applications over land in the designated area for the purposes referred to in this paragraph or for any other purposes requiring town planning consent, the Council may:

- A. Require the application to be accompanied by a report prepared by a suitable qualified person addressing the effect of the proposed use on the values, characteristics and issues included in subparagraphs (i) and (ii) of this paragraph.
- B. Subject its approval of an application to, among other conditions, a condition requiring the use to be conducted in accordance with a farm management plan which recognises the need to avoid land degradation and take advantage of existing natural vegetation which maintaining long term agricultural productivity. Such a plan should take into account:-

16. Rural - Habitat Protection and Water Supply Catchment

(1) Objective -

- (a) To protect the catchments of existing and potential sources of water supply, namely the Leslie Harrison Dam, and the catchments of the Dunwich, Amity Point and Point Lookout water supplies and Eighteen Mile Swamp on North Stradbroke Island, from pollutants and other potentially detrimental factors to water supply quality.
- (b) To protect the native fauna habitat value of existing bushland/forest areas, and areas in their natural state occurring within sources of water supply outlined in (a) above.

(2) Implementation -

Applications for development which have the potential to have a detrimental impact on the quality of the water to be used for human consumption or give rise to the removal of existing areas of bushland/forest of value as habitat for native fauna will not be favourably considered by Council. This objective will also be implemented by way of a Rural-Habitat Protection and Water Supply Catchment Zone included in the Town Planning Scheme.

Applications for the exclusion of land from such Rural-Habitat Protection and Water Supply Catchment Zone, other than applications for rezoning to Public Open Space or Restricted Open Space, will not be considered favourably.

17. Comprehensive Development

- (1) **Objective** - To provide for the orderly development of areas designated Comprehensive Development on map sheets 2 to 19.
- (2) **Implementation** -
 - (i) **Designated area located at Anson Road, Wellington Point (see map sheet 2)**

RENDERED OBSOLETE BY NEW RPS - 30/03/06

The designated area is considered to be most suitable for educational or indoor or outdoor recreational uses or for a public building such as a place of worship, provided that any associated building structures do not detract from the appearance of the area. In considering other uses for which consent may be granted particular account will be taken of whether the use would be appropriately established in this location.

(ii) Designated area located at Main Road and Edith, Burnett and Duncan Streets, Wellington Point (see map sheet 2)

The designated area is considered to be most suitable for any use, possibly tourist orientated, which would complement the historic building known as Whepstead Manor which is situated within the area and which is currently used as a restaurant, provided that such use does not detract unduly from the residential amenity or likely future residential amenity of neighbouring areas.

(iii) Designated area located at Allenby Road, Wellington Point (see map sheet 2)

The designated area is considered to be most suitable for a refreshment establishment tourist orientated use or other use which might gain particular advantage from the commanding views available from the area. In considering such uses or any other use for which consent may be granted particular attention will be paid to the likely impact on the residential amenity or likely future residential amenity of neighbouring areas. Two storeys is considered an appropriate maximum height for any building.

(iv) Designated area located at Ferry Road, Thorneside (see map sheet 3)

The designated area is considered to be most suitable for any use which would service or compliment any development within the adjoining area designated for marine orientated development or which would gain particular benefit from being located next to such development.

(v) Designated area located at Birkdale Road and Napier Street, Birkdale (see map sheet 4)

The designated area is considered to be most suitable for a service station provided that the site of any service station proposed in the area is adequate in size. Consent shall not be granted for any other use if it would be likely to give rise to the stopping or parking of motor vehicles on Birkdale Road or give rise to any traffic hazard. Two storeys is considered an appropriate maximum height for any building.

(vi) Designated area located at Old Cleveland Road and Bailey Road, Birkdale (see map sheet 4)

The designated area is considered to be most suitable for some low density residential use other than dwelling houses on normal residential sized allotments or possibly for some tourist orientated or recreational use. In considering such uses or any other use for which consent may be granted particular attention will be paid to the maintenance of the semi-rural character of Old Cleveland Road and the likely impact on the residential amenity of neighbouring areas. Two storeys is considered an appropriate maximum height for any building.

(vii) Designated area located at Rickett Road, Birkdale (see map sheet 4)

The designated area is considered to be most suitable for a service station and possibly certain other uses appropriately sited in association therewith. In considering such uses or any other permissible use particular attention will be paid to the access arrangements and to the appearance of the development. Particular attention should be paid to site treatment and landscaping.

(viii) Designated area located at Finucane Road, Capalaba (see map sheet 5)

The designated area is considered to be most suitable commercial or other uses appropriately sited on the periphery of a major commercial centre but only if it can be established that such use would give rise to minimal traffic hazards on any main road. Attention will also be paid to the likely impact on the residential amenity or likely future residential amenity of neighbouring areas.

Given that the subject area forms an important interface between the commercial area of Capalaba to the west and the residential area to the east, particular attention needs to be paid to the development of the two large lots closest to and adjoining existing residential lots. It is considered that some form of commercial activity will develop on the Finucane Road portion of the lots and that multiple dwellings will develop on the remainder. It is important to note that no proposal will be supported unless there is sufficient attention paid to the interface treatment between the residential and the commercial areas.

(ix) Designated area located at Wentworth Drive/Oxley Street/Wilis Lane, Capalaba (see map sheet 5)

The designated area is considered to be most suitable for any use appropriate to a small local or neighbourhood business centre provided that in the event of Council formulating the opinion that there is no longer any reasonable likelihood that any part of the area will be put to such a use, a multiple dwelling would be considered a suitable alternative use. Particular attention will be paid to the impact on the amenity of neighbouring residential areas. Two storeys is considered an appropriate maximum height for any building.

(x) Designated area located at Wentworth Drive, Capalaba (opposite Cunningham Street) (see map sheet 5)

The designated area is considered to be most suitable for a place of worship, child-care centre, health-care institution or similar use. In considering such uses or any other use for which consent may be granted particular attention will be paid to the likely impact on the residential amenity of neighbouring areas. Two storeys is considered an appropriate maximum height for any building.

(xi) Designated area located at Gordon Street, Ormiston (see map sheet 7)

RENDERED OBSOLETE BY NEW RPS 30/03/06

The designated area is considered to be most suitable for a general store, professional office, refreshment establishment, tourist orientated use or for a place of worship, child-care centre, health-care institution or similar use. In considering such uses or any other use for which consent may be granted particular attention will be paid to the likely impact on the residential amenity of neighbouring areas. Two storeys is considered an appropriate maximum height for any building.

(xii) Designated area located at Shore Street (northern and southern sides), Ormiston/Cleveland and Freeth Street, Ormiston/Cleveland (see map sheet 7).

The prime consideration with the development of this designated area is that development should enhance the approach from the west and north-west.

The designated area is considered to be suitable for a range of commercial or other uses appropriate to the periphery of a Town Centre provided that such uses incorporate comprehensive planning and design based on a functional theme and inter-relating uses or represent a single corporate development project. Without being exhaustive, such uses would include large company headquarters or offices, technology parks, hospitals, retirement villages.

It is not Council's intentions that the area be fragmented simply for the purpose of accommodating a number of individual service, industrial, showroom or retail type outlets, which are primarily dependent upon exposure from an arterial road for trade and service unless it can be satisfactorily demonstrated that the objective of comprehensive development can be attained both visually and functionally through:

1. Uniformity of built form and incorporation of common architectural elements including roof pitches, awning treatments, materials of construction, colours, signage and approved advertising.
2. Integration of pedestrian priority access ways (with all weather protection) throughout the development.
3. Common vehicular access and parking, together with integrated landscaping treatment, including streetscape planting, and internal and external lighting.

Having regard to the objective detailed above it is essential that development approval in accordance with an approved plan of development precede any form of subdivision which may become necessary in accordance with the final use pattern. Further, Council shall not be required to grant subdivision approval except on the basis that such approval is in conformity with and solely directed to facilitating the final use pattern as proposed by the approved plan of development.

Direct vehicular access from Shore Street will generally not be favoured where alternative access options are available.

(xiii) Designated area located at Shore Street East, Middle, Passage and Channel Streets, Cleveland (see map sheet 8)

The designated area is considered to be most suitable for a wide range of uses embracing those appropriately

located in a local business centre for tourist orientated uses, recreational uses and multiple dwellings, and in that part of the area adjoining Ross Creek, possible water orientated uses.

In considering such uses or any other use for which consent may be granted particular attention will be paid to the compatibility of uses on adjoining sites, the creation of a special character for the area and pedestrian and to a lesser extent vehicular circulation patterns. In the case of the southern periphery of the area attention will be paid to the likely impact on the residential amenity of neighbouring areas. It is considered that buildings could be erected up to six storeys in height when they are comprised in developments of a high standard which would bring special benefits to the community.

(xiv) Designated area located at Redland Bay Road/South Street/Panorama Drive, Thornlands (see map sheet 9)

The designated area comprising two allotments is considered to be suitable for some use of a commercial nature provided that such use would only give rise to minimal traffic difficulties, something which might only be achievable if both allotments were to be developed in combination. Although considered suitable for some use of a commercial nature if the aforementioned requirements can be met any permissible use which would generate less traffic than a commercial use would be more acceptable. Particular attention will be paid to the likely impact on the amenity of residential properties immediately to the south. Two storeys is considered an appropriate maximum height for any building.

(xv) Designated area located at Redland Bay Road/Island Outlook Avenue, Thornlands (see map sheet 9)

The designated area is considered suitable for a low-key residential, recreational or tourist oriented development. In considering such uses or any other use for which consent may be granted particular attention will be paid to the likely impact on the residential amenity or likely future residential amenity of neighbouring areas and also to the appearance of the development when viewed from Redland Bay Road. Two storeys is considered an appropriate maximum height for any building.

(xvi) Designated area located at Bunker Road, Victoria Point (see map sheet 10)

The designated area is considered to be most suitable for a range of uses appropriately sited on the periphery of a commercial/business centre or a tourist associated use. Attention will be paid to the ability to integrate a development with complimentary adjoining uses and further the likely impact on adjoining residential uses.

(xvi)(a) Designated area located at Link Road, Victoria Point. (see map sheet 10)

The designated area is considered suitable for a range of uses appropriately sited in an area characterised by education, community and commercial land uses providing accessible neighbourhood services and facilities. It is expected the land will be developed in a comprehensive manner with an integrated visual and functional theme, while taking into account the existing amenity of adjoining residential land and any possible conflicts with the abutting existing indoor/outdoor recreation centre, in the design and layout of any

RENDERED OBSOLETE BY NEW RPS 30/03/06

proposed use. Further, fragmentation of the area for separate development will not be favoured, unless it can be satisfactorily demonstrated that the objective of comprehensive development can be attained both visually and functionally through:

1. Uniformity of built form and incorporation of common architectural elements, including roof pitches, facade treatments, materials of construction, colours and signage.
2. Common vehicular access and parking, together with integrated landscaping treatment, including streetscape planting.

Two (2) storeys is considered to be an appropriate maximum height for any building to reflect complementary integration into the existing character of the area and the Link Road streetscape.

(xvii)(a) **Designated area located at Colburn Avenue, Victoria Point (see map sheet 10)**

It is considered that the designated area will continue to be suitable for dwelling houses but that it will also be suitable for multiple dwelling to a population density not exceeding 75 p.p.h., for accommodation units of comparable density, for tourist orientated development and for uses which recognise the locational characteristics as a mainland access point to Bay Islands provided that it can be established that such development would be compatible with existing dwelling houses which are likely to remain for some appreciable time to come. Other permissible uses shall be considered on the same basis. In the case of sites fronting the Bay attention shall be paid to the provision made for pedestrian movement along the foreshore. Two storeys is considered an appropriate maximum height for any building to reflect the existing residential character of the area.

(b) **Designated area located at Colburn Avenue and Cleveland-Redland Bay Road, Victoria Point. (see map sheet 10)**

The designated area is considered suitable for redevelopment for uses that would complement the Victoria Point business centre. It is expected that the land will be developed in a comprehensive manner with an integrated visual and functional theme. Further fragmentation of the area for separate development will not be favoured. Any redevelopment of the existing smaller properties within the designated area will be required to provide for vehicular and pedestrian connection to the balance area. Direct vehicular access to Cleveland - Redland Bay Road will generally not be favoured. Any development will be required to provide for the protection of the amenity of adjoining residential land.

(xviii) **Designated area located at Redland Bay and Clay Gully Roads, Victoria Point (see map sheet 10)**

The designated area is considered to be most suitable for a recreational or tourist orientated use, a refreshment establishment or for a place of worship, educational establishment or similar use.

In considering such uses or any other permissible uses particular attention shall be paid to the appearance of the development when viewed from Redland Bay Road

and to vehicular access which shall be confined to Clay Gully Road. Two storeys is considered an appropriate maximum height for any building.

(xix) **Designated area located at Flinders Street, Coochiemudlo Island (see map sheet 11)**

The designated area is considered to be most suitable for a low-key recreational or tourist orientated use. In considering such uses or any other permissible uses particular attention will be paid to ensuring that development has minimal impact on the existing character of the area and on neighbouring residential areas. Two storeys is considered an appropriate maximum height for any building.

(xx) **Designated area located at Victoria Parade/ Eprapah Street, Coochiemudlo Island (see map sheet 11)**

The designated area is considered particularly suitable for tourist orientated uses. It is also considered suitable for recreational uses. Such uses or any other use for which consent shall be granted shall be of fairly low intensity. Two storeys is considered an appropriate maximum height for any building.

(xxi) **Designated area located at Main/North Streets, Redland Bay (see map sheet 12)**

The designated area is considered to be most suitable for residential development other than dwelling houses on normal sized residential lots. It is considered that the population density of such development should be fairly compatible with the density of existing residential development in the vicinity but provided that overall densities are compatible the height of any buildings erected well removed from North Street might be permitted to exceed two storeys in height. Outdoor recreational uses are also considered suitable. In considering such uses or any other use for which consent may be granted particular attention will be paid to the likely impact on the residential amenity or likely future residential amenity of neighbouring areas.

(xxii) **Designated area located at Main/Stradbroke/Peel Streets, Redland Bay (see map sheet 12)**

The Scheme recognises uses to which the subject area is already committed, namely transport facilities, while recognising the need for interface considerations with the adjacent and adjoining residential usage.

(xxiii) **Designated area located at Moore Road and Auster Street, Redland Bay (see map sheet 12)**

The designated area is considered suitable for a range of marine orientated industries and other marine orientated uses. Particular attention will be paid to protecting the amenity of existing residential development on the Esplanade and Auster Street.

(xxiv) **Designated area located at Gray Street, Redland Bay (see map sheet 12)**

The designated area is considered suitable for multiple dwellings to a population density not exceeding 100 p.p.h. In considering such use or any other permissible use particular attention will be paid to the likely impact on the high amenity of the neighbouring residential area. Attention will also be paid to the size of individual sites which should comprise a minimum of four allotments.

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Two storeys is considered an appropriate maximum height for any building.

The designated area is considered to be most suitable for service industry uses, small scale non intrusive.

(xxv) **Designated area located at Banana Street and Hamilton Street, Redland Bay (see map sheet 12)**

The designated area is considered to be most suitable for uses appropriately located in the vicinity of a ferry terminal to service people using such terminal, including car parking facilities. In considering such uses or any other permissible use particular attention will be paid to the likely impact on adjoining residential properties. Two storeys is considered an appropriate maximum height for any building.

(xxvi) **Designated area located at Government Road, Redland Bay (see map sheet 12)**

The designated area is considered suitable for uses appropriately located within a neighbourhood or small local business centre. Two storeys is considered an appropriate maximum height for any building.

(xxvii)(a) **Designated area located at intersection of German Church Road and Redland Bay By-pass, Redland Bay (see map sheet 12)**

The designated areas are considered to be most suitable for service industry, neighbourhood convenience uses, essential services, a service station or for tourist orientated uses. In considering such uses or any other use for which consent may be granted particular attention will be paid to vehicular access arrangements to ensure that no undue traffic difficulties are likely to arise. To this end no access will be allowed off the Redland Bay Bypass road. Two storeys is considered an appropriate maximum height for any building. Any proposed use will have due regard for the existing vegetation on the site and will be designed to fit compatibly with existing vegetation on the site.

(b) **Designated area to the north of School of Arts Road, Redland Bay (see map sheet 12)**

The designated area is considered suitable for tourist orientated uses or home based commercial use, provided that the significant homestead on the subject property is retained. The site is not considered suitable for standard residential subdivision due to the significant vegetation on the site but may be available for low density residential subdivision provided vegetation protection measures are incorporated into the subdivision design and the ambience of the dwelling is not affected. In giving consideration to any non-residential use, Council will have regard to any potential nuisance that may arise to the amenity of any adjoining residential area.

(c) **Designated area to the east of Serpentine Creek Road, Redland Bay (see map sheet 12)**

The designated area is considered suitable for low density subdivision only if such subdivision recognises the need to protect the existing vegetation on the site. Council shall only approve such low density subdivision where it is demonstrated that the vegetation can be retained through the implementation of binding Tree Protection measures.

(d) **Designated area to the north and south of German Church Road, Redland Bay (see map sheet 12)**

In considering such uses particular attention shall be paid to the retention of the existing vegetation on the site, minimising any requirement for cut and fill works, the potential effect of the development on the amenity of the surrounding area and the ability to provide acceptable buffer treatments to adjoining residential use. Road access to German Church Road will be restricted to approved intersection points. Two storeys is considered an appropriate maximum height for any building.

(xxviii) **Designated area located at Mallon/Mermaid Barton/Ballow Streets, Dunwich (see map sheet 15)**

In the event of industrial usage being discontinued the designated area is considered suitable for a wide range of uses including business, tourist orientated and recreational uses and possibly multiple dwellings with a population density up to 150 p.p.h. A high standard of design will be required in view of the strategic and prominent location of the area.

(xxix) **Designated area located at Bingle/Sally/Welsby Street, Dunwich (see map sheet 15)**

The designated area is considered to be most suitable for uses appropriate to a district business centre in areas zoned Shopping at Dunwich because they require large sites or which for other good reason should be located outside such areas. Three storeys is considered an appropriate maximum height for any building.

(xxx) **Designated area located at Mitchell Crescent, Dunwich (see map sheet 15)**

The designated area is considered to be most suitable for recreational uses or for some special facility such as a place of worship.

(xxxi) **Designated area located at Dickson Way, Dunwich (see map sheet 15)**

The designated area is considered to be most suitable for tourist orientated use. In considering such a use or any other permissible use particular attention will be paid to appearance of the use when viewed from Dickson Way.

(xxxii) **Designated area located at Amity Point (see map sheet 16)**

The designated area is considered suitable only for dwelling houses which are readily capable of removal if threatened by erosion or for low-key recreational uses which, apart from minor buildings, involve only the erection of buildings which likewise are readily capable of removal.

The area is also considered suitable for development providing tourist and visitor accommodation in cabins and caravans, provided that any such accommodation is readily capable of removal, and that the location and design of such development is not detrimental of the amenity of any existing residential developments.

(xxxiii) **Designated area located at High/Sandra/John & Roberts Streets & Kings Road, Russell Island (see map sheet 18)**

RENDERED OBSOLETE BY NEW RPS 30/03/06

The designated area is considered to be most suitable for uses appropriately located in a district business centre including shops, commercial premises, refreshment establishments and service industries, provided that different sections of the designated area might be determined to be more suitable for particular preferred uses.

- (xxxiv) **Designated area located at High street (North of Canaipa and Cavendish Roads), Allison Crescent, Fernbrook Avenue and Canaipa Roads, Oxford/Cambridge Streets, Russell Island (see map sheet 18).**

The designated area is considered to be most suitable for uses most appropriately located close to a ferry terminal including business uses not more appropriately located in the district centre.

- (xxxv)(a) **Designated area located at Lucas Drive, Lamb Island (see map sheet 19)**

The designated area is considered to be most suitable for uses most appropriately located close to a ferry terminal including business uses not more appropriately located in the zoned shopping area.

- (xxxv)(b) **Designated area located at Lucas Drive (opposite Bruce Street), Lamb Island (see map sheet 19)**

The designated area is considered most suitable for tourist orientated development, fairly low-key in scale.

- (xxxvi)(a) **Designated area located to the south of Scarborough Terrace, Macleay Island (see map sheet 19)**

The designated area is considered suitable for a wide range of uses including uses appropriately located in a district business centre, recreational uses, tourist and marine orientated uses, multiple dwellings and accommodation units, provided that different sections of the designated area might be determined to be more suitable for particular preferred uses.

- (xxxvi)(b) **Designated area located at High Central Road, Macleay Island (see map sheet 19)**

The designated area is considered most suitable for tourist orientated development fairly low-key in scale.

- (xxxvii) **Russell, Karragarra, Lamb and Macleay Islands**

All other designated areas on Russell, Karragarra, Lamb and Macleay Islands are considered to have possible potential for wide range of uses possibly including some industrial uses. However, in each instance it will be required to be established that the use would not be much more appropriately located in an area zoned or designated for such use and that existing or likely future residential development in the vicinity is not likely to be unduly effected. Furthermore it will also normally be required that such uses be of very low intensity.

- (xli) In the case of any area included in the Comprehensive Development Zone on the scheme maps but not designated as Comprehensive Development on the Development Control Plan maps, the preferred use of such area will be in accordance with the use designated on the Development Control Plan for the subject area

The following Supplementary Table of Zones shall apply to certain areas designated Comprehensive Development on map sheets 2 to 19.

Any area designated as Comprehensive Development on the Development Control Plan maps and referred to in Supplementary Table of Zones A, but not included in the Comprehensive Development Zone, shall be rezoned to that zone prior to the provisions of Supplementary Table of Zones A having effect.

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Supplementary Table of Zones A

Column I	Column II		Column III	Column IV
	Column II(a)	Column II(b)		
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
(i) Anson Road, Wellington Point	Dwelling houses - where not exceeding two (2) storeys in height	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendix I Advertisement hoardings Boat building yard Bulk landscape and garden supplies Bulk stores Camping grounds Catteries Display homes Hotels Liquid fuel depots Passenger terminals Piggeries Poultry farms Produce stores Roadside stalls Service stations Shops Showrooms class A Showrooms class B Stables Warehouses
(ii) Main Road and Edith, Burnett and Duncan Streets, Wellington Point.	Dwelling houses - where not exceeding two (2) storeys in height Home based activity	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendices I and II Advertisement hoardings Agriculture Boat building yard Bulk landscape and garden supplies Bulk stores Camping grounds Car parks Caravan parks Cemeteries Commercial premises Community dwellings Crematoria Display homes Forestry Funeral parlours General stores Home based business - more than 3 employees Home based enterprise Hotels Industry class I Liquid fuel depots Institutions Marina facilities Passenger terminals
(ii) Main Road and				

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
Edith, Burnett and Duncan Streets, Wellington Point (continued)				Produce stores Radio stations Roadside stalls Service stations Shops Showrooms class A Showrooms class B Welfare premises
(iii) Allenby Road, Wellington Point	Dwelling houses - where not exceeding two (2) storeys in height	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendices I and II Advertisement hoardings Agriculture Boat building yard Bulk landscape and garden supplies Bulk stores Car parks Cemeteries Commercial Premises Community dwellings Crematoria Display homes Forestry Funeral parlours Hotels Industry class I Institutions Liquid fuel depots Marina facilities Passenger terminals Produce stores Radio stations Roadside stalls Service stations Shops Showrooms class A Showrooms class B Warehouses Welfare premises
(iv) Ferry Road, Thorneside	No use	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendix II Advertisement hoardings Agriculture Bulk landscape and garden supplies Bulk stores Car repair stations Cemeteries Community dwellings Crematoria Display homes Dwelling houses Educational establishments Extractive Industries Forestry
(iv) Ferry Road, Thorneside				

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
(continued)				Freight depots Funeral parlours Health-care institutions Hospitals Hotels Institutions Junk yards Motor vehicle depots Multiple dwellings Nurseries Places of worship Relatives' apartments Roadside stalls Rural industries Service stations Shops Showrooms class A Showrooms class B Stock saleyards Truck depots Veterinary surgeries Welfare premises
(v) Birkdale Road/Napier Street, Birkdale	Dwelling houses - where not exceeding two (2) storeys in height	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendix II Accommodation units Agriculture Boat building yards Bulk stores Camping grounds Caravan parks Cemeteries Community dwellings Crematoria Display homes Educational establishments Extractive industries Forestry Freight depots General stores Hospitals Hotels Industry class I Industry class II Industry class III Institutions Junk yards Marina facilities Motor vehicle depots Multiple dwellings Roadside stalls Rural industries Shops Showrooms class A Showrooms class B Stock saleyards Truck depots
(v) Birkdale Road/Napier Street, Birkdale (continued)				

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
				Warehouses
(vi) Old Cleveland and Bailey Roads, Birkdale	Dwelling houses - where not exceeding two (2) storeys in height	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendix I Advertisement hoardings Boat building yards Bulk landscape and garden supplies Bulk stores Camping grounds Car parks Commercial premises Crematoria Funeral parlours General stores Goat farms Hotels Industry class I Liquid fuel depots Marina facilities Multiple dwellings Passenger terminals Piggeries Poultry farms Produce stores Service stations Shops Showrooms class A Showrooms class B Warehouses
(vii) Rickett Road, Birkdale (vii) Rickett Road, Birkdale (continued)	No use	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendix II Accommodation units Agriculture Boat building yard Bulk stores Camping grounds Car parks Caravan parks Caterer's rooms Cemeteries Child care centres Community dwellings Crematoria Display homes Dwelling houses Educational establishments Extractive industries Forestry Freight depots Funeral parlours General stores Health-care institutions Hospitals Hotels Industry class I Industry class II

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
				Industry class III Institutions Junk yards Marina facilities Motor vehicle depots Multiple dwellings Passenger terminals Places of worship Produce stores Radio stations Relative's apartments Roadside stalls Rural Industries Shops Showrooms class A Showrooms class B Stock saleyards Truck depots Veterinary surgeries Warehouses Welfare premises
(viii) Finucane Road (northern & southern sides)/Old Cleveland Road, Capalaba	Dwelling houses - where not exceeding two (2) storeys in height	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendix II Accommodation units - other than motels Agriculture Camping grounds Caravan parks Cemeteries Child-care centres Community dwellings Extractive industries Forestry General stores Hotels Institutions Marina facilities Roadside stalls Rural industries Shops Stock saleyards
(ix) Wentworth Drive, Oxley Street, and Wills Lane, Capalaba	No use	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendix II Advertisement hoardings Boat building yards Bulk landscape and garden supplies Bulk stores Camping grounds

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
				Car repair stations Caravan parks Cemeteries Crematoria Extractive Industries Forestry Freight depots Funeral parlours Hospitals Hotels Industry class II Industry class III Institutions Junk yards Liquid fuel depots Marina facilities Motor vehicle depots Passenger terminals Produce stores Relatives' apartments Roadside stalls Rural industries Service stations Showrooms class B Stock saleyards Truck depots
(x) Wentworth Drive, Capalaba (opposite Cunningham Street)	No use	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendix II Advertisement hoardings Boat building yards Bulk landscape and garden supplies Bulk stores Camping grounds Car repair stations Caravan parks Cemeteries Crematoria Extractive industries Forestry Freight depots Funeral parlours Hospitals Hotels Industry class II Industry class III Institutions Junk yards Liquid fuel depots Marina facilities Motor vehicle depots Passenger terminals Produce stores Relative's apartments Roadside stalls
(x) Wentworth Drive, Capalaba (opposite Cunningham Street) (continued)				

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
				Rural Industries Service stations Showrooms class B Stock saleyards Truck depots
(xi) Gordon Street, Ormiston	Home based activity	Home based business - not more than 1 employee	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendices I and II Advertisement hoardings Agriculture Boat building yards Camping grounds Car parks Caravan parks Cemeteries Crematoria Forestry Funeral parlours Home based business - more than 3 employees Hotels Industry class I Institutions Liquid fuel depots Marina facilities Passenger terminals Produce stores Roadside stalls Warehouses
(xii) Shore Street (northern & southern sides), Ormiston/Cleveland and Freeth Street, Ormiston/Cleveland (xii) Shore Street (Northern & southern sides), Ormiston/Cleveland and Freeth Street, Ormiston/Cleveland (continued)	No use	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendix II Boat building yards Camping grounds Car repair stations Caravan parks Cemeteries Domestic outbuildings Extractive industries Forestry Freight depots Hotels Junk yards Liquid fuel depots Marina facilities Motor vehicle depots Passenger terminals Roadside stalls Shops Stock saleyards Truck depots
(xiii) Shore Street East, Middle, Passage and Channel Streets,	Home based activity	Home based business - not more than 1 employee	Any purpose other than those permitted by Column II or	Any use included in Appendix II Agriculture

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
Cleveland			prohibited by Column IV	Bulk landscape and garden supplies Bulk stores Camping grounds Caravan parks Cemeteries Crematoria Forestry Funeral parlours Home based business - more than 3 employees Hospitals Hotels Industry class II Industry class III Institutions Junk yards Liquid fuel depots Motor vehicle depots Nurseries Produce stores Roadside stalls Rural industries Stock saleyards Truck depots Warehouses
(xiv) Redland Bay Road, South Street and Panorama Drive, Thornlands (xiv) Redland Bay Road, South Street and Panorama Drive, Thornlands (continued)	Dwelling houses - where not exceeding two (2) storeys in height Home based activity	Home based business - not more than 1 employee	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendices I and II Advertisement hoardings Agriculture Boat building yards Bulk landscape and garden supplies Bulk stores Camping grounds Car parks Caravan parks Cemeteries Child-care centres Crematoria Educational establishments Forestry Funeral parlours General stores Home based business - more than 3 employees Hospitals Hotels Industry class I Institutions Liquid fuel depots Marina facilities Nurseries Passenger terminals Places of worship Produce stores

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
				Radio stations Roadside stalls Shops Showrooms class A Showrooms class B Warehouses
(xv) Redland Bay Road and Island Outlook Avenue, Thornlands	Dwelling houses - where not exceeding two (2) storeys in height	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendices I and II Boat building yards Bulk landscape and garden supplies Bulk stores Camping grounds Car parks Caravan parks Cemeteries Commercial premises Crematoria Forestry Funeral parlours Industry class I Institutions Liquid fuel depots Marina facilities Passenger terminals Produce stores Roadside stalls Shops Showrooms class A Showrooms class B Warehouses
(xvi) Bunker Road, Victoria Point	No use	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendix II Accommodation units Advertisement hoardings Boat building yards Camping grounds Caravan parks Caterer's rooms Cemeteries Crematoria Display homes Extractive industries Forestry General stores Hotels Industry class III

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
				Institutions Marina facilities Multiple dwellings Roadside stalls Service stations Shops Showrooms class A Showrooms class B Stock saleyards Truck depots
(xvi)(a) Link Road, Victoria Point	Home based activity	Home based business - not more than 1 employee	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendices I and II Advertisement hoardings Aerodromes Agriculture Aquaculture Boat building yards Bulk stores Camping grounds Caravan parks Cemeteries Child Care Centres Concrete batching plants Crematoria Dwelling houses Estate Sales Offices Forestry Funeral parlours General stores Home based business - more than 3 employees Hotels Industry class III Industry class IV Industry class V Institutions Liquid fuel depots Lot feeding Marina facilities Produce stores Roadside stalls Service stations Shops Showrooms class A Showrooms class B Stock saleyards Warehouses
(xvi)(a) Link Road, Victoria Point (continued)				
(xvii)(a) Colburn Avenue (northern and southern sides) and White Street, Victoria Point	Dwelling houses - where not exceeding two (2) storeys in height Home based activity	Home based business - not more than 1 employee	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendices I and II Advertisement hoardings Agriculture Boat building yards Bulk landscape and garden

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
				<ul style="list-style-type: none"> supplies Bulk stores Camping grounds Caravan parks Cemeteries Commercial premises Crematoria Forestry Funeral parlours Home based business - more than 3 employees Hotels Industry class I Institutions Liquid fuel depots Produce stores Roadside stalls Service stations Shops - unless primarily tourist orientated Showrooms class A Showrooms class B Veterinary surgeries Warehouses
<p>(xvii)(b) Colburn Avenue and Cleveland-Redland Bay Road, Victoria Point</p> <p>(xvii)(b) Colburn Avenue and Cleveland-Redland Bay Road, Victoria Point (continued)</p>	Home based activity	Home based business - not more than 1 employee	Any purpose other than those permitted by Column II or prohibited by Column IV	<ul style="list-style-type: none"> Any use included in Appendix II Agriculture Aquaculture Boat building yards Camping grounds Cemeteries Extractive industries Forestry Freight depots Home based business - more than 3 employees Industry class II Industry class III Institutions Junk yards Liquid fuel depots Marina facilities Motor vehicle depots Places of worship Roadside stalls Rural industries Stock saleyards Truck depots
(xviii) Redland Bay and Clay Gully Roads, Victoria Point	Dwelling Houses - where not exceeding two (2) storeys in height	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	<ul style="list-style-type: none"> Any use included in Appendices I and II Accommodation Units Boat building yard Bulk landscape and garden supplies

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
				Bulk stores Camping grounds Car parks Caravan parks Cemeteries Commercial premises Crematoria Display homes Forestry Funeral parlours General stores Hotels Industry class I Institutions Liquid fuel depots Marina facilities Multiple dwellings Passenger terminals Produce stores Roadside stalls Service stations Shops - unless primarily tourist oriented Showrooms class A Showrooms class B Warehouses
(xix) Flinders Street, Coochiemudlo Island (xix) Flinders Street, Coochiemudlo Island (continued)	Agriculture Caretaker's residences Dwelling houses - where not exceeding two (2) storeys in height	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendices I and II Advertisement hoardings Boat building yards Bulk Stores Cemeteries Crematoria Forestry Funeral parlours Produce stores Service stations Showrooms class A Showrooms class B Warehouses
(xx) Victoria Parade and Eprapah Street, Coochiemudlo Island	Agriculture Caretaker's residences Dwelling houses- where not exceeding two (2) storeys in height Home based activity	Home based business - not more than 1 employee	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendices I and II Advertisement hoardings Boat building yard Bulk stores Cemeteries Crematoria Forestry Funeral parlours Home based business - more than 3 employees Produce stores Service stations Showrooms class A

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
				Showrooms class B Warehouses
(xxi) Main and North Streets, Redland Bay	Dwelling houses - where not exceeding two (2) storeys in height	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendices I and II Advertisement hoardings Boat building yards Bulk landscape and garden supplies Bulk stores Camping grounds Car parks Caravan parks Cemeteries Commercial premises Crematoria Forestry Funeral parlours Hotels Industry class I Institutions Liquid fuel depots Marina facilities Passenger terminals Produce stores Radio stations Roadside stalls Service stations Shops Showrooms class A Showrooms class B Warehouses
(xxii) Main/Stradbroke/Peel Streets, Redland Bay	Agriculture Dwelling houses - where not exceeding two (2) storeys in height Freight depots General stores Motor vehicle depots Truck depots	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Advertisement hoardings Boat building yards Camping grounds Car parks Car repair stations Caravan parks Caterer's rooms Catteries Cemeteries Crematoria Extractive industries Forestry Funeral parlours Goat farms Hotels Industry class III Institutions Junk yards Kennels Liquid fuel depots Marina facilities Piggeries Poultry farms Roadside stalls

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
				Service stations Shops Stock saleyards
(xxiii) Moore Road and Auster Street, Redland Bay	Industry class II - where marine orientated Industry class III - where marine orientated	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendix II Camping grounds Caravan parks Cemeteries Child care centres Community dwellings Crematoria Extractive industries Forestry Funeral parlours Health-care institutions Hospitals Hotels Institutions Multiple dwellings Nurseries Places of worship Relative's apartments Roadside stalls Shops Showrooms class A Stock saleyards
(xxiv) Gray Street, Redland Bay	Dwelling houses - where erected on a site with an area of four hundred and fifty (450) square metres or more or a frontage of twelve (12) metres or more and not exceeding two (2) storeys in height. Home based activity Multiple dwellings - population density not exceeding sixty (60) persons per hectare. Relative's apartments - except where exceeding forty (40) square metres in floor area or where detached from a dwelling house.	Home based business - not more than 1 employee	Accommodation units Child-care centres Community dwellings Display homes General stores Health-care institutions Home based business - more than 1 employee and less than 4 employees Home based enterprise Hospitals Multiple dwellings - population density exceeding sixty (60) but not one hundred (100) persons per hectare Nurseries Places of worship Refreshment establishments - restaurants, tea gardens and tea rooms only	Any purpose other than those permitted by Columns II and III

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
(xxv) Banana and Hamilton Streets, Redland Bay (xxv) Banana and Hamilton Streets, Redland Bay (continued)	Home based activity	Home based business - not more than 1 employee	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendices I and II Advertisement hoardings Agriculture Boat building yard Bulk landscape and garden supplies Bulk stores Camping grounds Caravan parks Cemeteries Community dwellings Crematoria Display homes Dwelling houses Educational establishments Forestry Funeral parlours Home based business – more than 3 employees Hospitals Hotels Indoor recreation centres Industry class I Institutions Marina facilities Multiple dwellings Nurseries Outdoor recreation centres Places of worship Produce stores Radio stations Relative's apartments Showrooms class A Showrooms class B Veterinary surgeries Warehouses Welfare premises
(xxvi) Government Road, Redland Bay	No use	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendix II Advertisement hoardings Agriculture Boat building yard Bulk stores Camping grounds Car parks Caravan parks Cemeteries Community dwellings Crematoria Display homes Dwelling houses Extractive industries

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
				Forestry Freight depots Funeral parlours Hospitals Hotels Industry class II Industry class III Institutions Junk yards Liquid fuel depots Marina facilities Motor vehicle depots Multiple dwellings Nurseries Passenger terminals Places of worship Relative's apartments Roadside stalls Rural industries Showrooms class A Showrooms class B Stock saleyards Truck depots Warehouses
(xxvii) (a) The intersection of German Church Road and Redland Bay By-Pass, Redland Bay	No use	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendices I and II Boat building yard Bulk landscape and garden supplies Bulk stores Camping grounds Cemeteries Commercial premises Crematoria Forestry Home based activity Home based business Home based enterprise Hotels Institutions Marina facilities Multiple dwellings Produce stores Roadside stalls Showrooms class A Showrooms class B Warehouses
(xxvii)(b) The north of School of Arts Road, Redland Bay	Dwelling houses - where not exceeding two (2) storeys in height Parks Relative's apartments - except where exceeding	No use	Accommodation Unit Caretaker's residence Caterer's rooms Commercial premises Community dwelling Educational	Any purpose other than one permitted in Column II or Column III

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
	forty (40) square metres in floor area or where detached from dwelling house		establishment Health-care institution Indoor recreation centre (Exhibition hall, function room, meeting hall, music hall, school of art only) Outdoor recreation centres - courts (uncovered including private tennis courts provided with flood lighting) only Refreshment establishment (restaurants, tearooms and tea gardens only) Shops (where primarily selling tourist orientated goods)	
(xxvii)(c) The east of Serpentine Creek Road, Redland Bay	Dwelling houses - where not exceeding two (2) storeys in height Home based activity Relative's apartments - except where exceeding forty (40) square metres in floor area or where detached from dwelling house	Home based business - not more than 1 employee	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendices I and II Advertisement hoardings Aerodromes Aquaculture Boat building yard Bulk landscape and garden supplies Bulk stores Camping grounds Caravan parks Cemeteries Commercial premises Concrete batching plants Crematoria Domestic outbuildings Forestry Funeral parlours Home based business - more than 3 employees Hotels Indoor recreation centres Industry I Institutions Liquid fuel depots Lot feeding Multiple dwellings - population density exceeding sixty (60) persons per hectare Outdoor recreation centres - except courts

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
				(uncovered, including private tennis courts provided with flood lighting) Passenger terminals Produce stores Radio stations Refreshment establishments (except restaurants, tea gardens and tea rooms) Service shops Service stations Shops Showrooms class A Showrooms class B Veterinary surgeries Warehouses
(xxvii) (d) North and south of German Church Road, Redland Bay	Home based activity Parks	Home based business - not more than 1 employee	Boat building yards Bulk landscape and garden supplies Bulk stores Car repair stations Freight depot Home based business - more than 1 employee and less than 4 employees Home based enterprise Indoor recreation centre Industry class I Industry class II Industry class III Motor vehicle depot Nursery Rural industry Service shop Service station Truck depot Warehouse	Any purpose other than one permitted by Column II or Column III
(xxviii)Mallon, Mermaid, Barton and Ballow Streets, Dunwich	Home based activity	Home based business - not more than 1 employee	Any purpose other than those permitted by Column II or prohibited by Column IV	Agriculture Animal Husbandry Camping grounds Car repair stations Caravan parks Catteries Cemeteries

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
				Crematoria Display homes Dwelling houses Extractive industries Forestry Goat farms Home based business - more than 3 employees Institutions Kennels Liquid fuel depots Piggeries Poultry farms Relatives apartments Roadside stalls Stock saleyards
(xxix) Bingle, Sally and Welsby Streets, Dunwich	Home based activity	Home based business - not more than 1 employee	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendices I and II Advertisement hoardings Agriculture Boat building yards Bulk stores Camping grounds Caravan parks Cemeteries Crematoria Forestry Home based business - more than 3 employees Institutions Liquid fuel depots Marina facilities Produce stores Roadside stalls
(xxx) Mitchell Crescent, Dunwich	No use	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Accommodation units Agriculture Animal husbandry Camping grounds Caravan parks Cemeteries Community dwellings Display homes Dwelling houses Extractive industries Forestry Goat farms Home based activity Home based business Home based enterprise Institutions

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
				Marina facilities Multiple dwellings Piggeries Poultry farms Relative's apartments Roadside stalls Shops Showrooms class A
(xxxii) Dickson Way, Dunwich	No use	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Agriculture Animal husbandry Boat building yards Bulk stores Camping grounds Caravan parks Cemeteries Commercial premises Crematoria Display homes Dwelling houses Extractive industries Forestry Freight depots Home based business - more than 3 employees Home based enterprise Industry class II Industry class III Junk yards Marina facilities Motor vehicle depots Multiple dwellings Passenger terminals Piggeries Poultry farms Produce stores Roadside stalls Rural industries Shops Showrooms class A Showrooms class B Stock saleyards Truck depots Warehouses
(xxxii) Dickson Way, Dunwich (continued)				
(xxxiii) Ballou, Mirrimar, Kindarra, Birch, Toompany, Ellis, Geera Streets, Amity Point	Home based activity	Home based business - not more than 1 employee	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendices I and II Accommodation units Boat building yards Bulk landscape and garden supplies Bulk stores Caretakers' residences - other than caretakers' residences readily

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
(xxxii) Ballow, Mirrimar, Kindarra, Birch, Toompany, Ellis, Geera Streets, Amith Point (continued)				capable of removal Caterer's rooms Cemeteries Child-care centres Commercial premises Community dwellings Crematoria Display homes Dwelling houses - other than dwelling houses readily capable of removal Educational establishments Funeral parlours General stores Health-care institutions Home based business - more than 3 employees Liquid fuel depots Marina facilities Multiple dwellings Nurseries Produce stores Roadside stalls Showrooms class A Showrooms class B Warehouses
(xxxiii) High Street (western side between Robert Street and Kings Road) Sandra, John and Robert Streets, and Kings Road (east of John Street), Russell Island	No use	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendix II Agriculture Camping grounds Caravan parks Cemeteries Community dwellings Crematoria Display homes Extractive industries Forestry Institutions Marina facilities Roadside stalls Rural industries Stock saleyards
(xxxiv) High Street (north of Canaipa and Cavendish Roads), Allison Crescent, Fernbrook Avenue and Canaipa Road, Oxford/Cambridge Streets, Russell Island	Home based activity	Home based business - not more than 1 employee	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendices I and II Agriculture Bulk landscape and garden supplies Bulk stores Camping grounds Caravan parks Cemeteries Community dwellings Crematoria Display homes

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
				Forestry Funeral parlours Home based business - more than 3 employees Hospitals Hotels Institutions Liquid fuel depots Marina facilities Nurseries Produce stores Roadside stalls Showrooms class A Showrooms class B Warehouses
(xxxv)(a) & (b) Lamb Island	Car parks Home based activity	Home based business - not more than 1 employee	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendix II Accommodation units Agriculture Bulk landscape and garden supplies Bulk stores Camping grounds Caravan parks Cemeteries Crematoria Display homes Educational establishments Extractive industries Forestry Funeral parlours Home based business - more than 3 employees Hospitals Hotels Industry class II - except where marine oriented Industry class III - except where marine oriented Junk yards Motor vehicle depots Produce stores Roadside stalls Showrooms class A Showrooms class B Stock saleyards Truck depots Veterinary surgeries
(xxxvi) (a) & (b) Scarborough, Southsea, Russell and Cliff Terraces, Simpson Street, High Central and Brighton Roads and Ryde	Home based activity	Home based business - not more than 1 employee	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendix II Agriculture Camping grounds Caravan parks Cemeteries Community dwellings

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the town planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
Street, Macleay Island				Crematoria Display homes Extractive industries Forestry Home based business - more than 3 employees Roadside stalls Rural industries Stock saleyards
(xxxvii) Russell, Karragarra, Lamb and MacLeay Islands	Dwelling houses - where not exceeding two (2) storeys in height Home based activity	Home based business - not more than 1 employee	Any purpose other than those permitted by Column II or prohibited by Column IV	Animal husbandry Bulk landscape and garden supplies Bulk stores Catteries Cemeteries Crematoria Extractive industries Funeral parlours Goat farms Home based business - more than 3 employees Hotels Industry class III Institutions Junk yards Kennels Marina facilities Motor vehicle depots Piggeries Poultry farms Produce stores Rural industries Showrooms class A Showrooms class B Stock saleyards Truck depots

Appendices to Supplementary Table of Zones A

APPENDIX I Car repair stations Extractive industries Freight depots Industry class II Industry class III Junk yards Motor vehicle depots Rural industries Stock saleyards	APPENDIX II Animal husbandry Catteries Goat farms Kennels Piggeries Poultry farms Stables
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18. Marine Orientated Development

(1) **Objective** - To provide guidelines for the development of areas either already committed to or considered particularly suitable for canal residential development or marine orientated uses

(2) **Implementation** -

(a) **Designated area located at Birkdale (see map sheet 1)**

(i) Development shall be in accordance with Burchill and Partners Pty. Ltd., drawing number C1338:00:01A unless otherwise agreed or required in writing by the Council. Should any amended layout plan be agreed by the Council it shall not provide for the dedication of a lesser area of land for park purposes than that shown on the aforementioned plan and the disposition of park areas shall be in no way less desirable than that shown on such plan;

(ii) The population density of any multiple dwelling erected in the northern part of the designated area shown as a 'High Density Site' on the plan referred to in the preceding sub-paragraph shall not exceed 60 persons per hectare and the height shall not exceed two storeys;

(iii) In the development of that part of the designated area shown as "Key Site" on the plan referred to in sub-paragraph (i) of this paragraph, preference will be given to uses which are compatible with uses or likely future uses in the immediate vicinity;

(iv) Provision shall be made for a cycleway or cycleways through the canal development linking Birkdale Road to the proposed foreshore park in a position or positions acceptable to the Council;

(v) To provide for the orderly development of these parts which have not yet been developed, they have been included in the Comprehensive Development Zone on the relevant scheme map and the Supplementary Table of Zones at the end of this clause shall be applicable.

(b) **Designated area at Cleveland (see map sheet 1)**

(i) Development shall be in accordance with Hulbert Group Drawing No. CPI December 86 (revised 11th September 1987) entitled "Raby Bay Concept Plan Civic Projects (Raby Bay) Pty. Ltd.," unless otherwise agreed or required in writing by the Council. Should any amended layout plan be agreed by the Council it shall not provide for the dedication of a lesser area of land for park purposes than that shown on the aforementioned plan and the disposition of park areas shall be in no way less desirable than that shown on such plan;

(ii) The population density of any multiple dwelling erected in an area designated for such purpose or designated Special Uses on the drawing referred to in the last preceding sub-paragraph shall not exceed 100 persons per hectare and the height shall not exceed two (2) storeys unless otherwise agreed or required in writing by the Council;

(iii) Provision may be made for the development of marine orientated use areas subject to such areas being so located that it is not likely to unduly interfere with the enjoyment of any existing or proposed residential premises or park;

(iv) To provide for the orderly development of those parts which have not yet been developed, have been included in the Comprehensive Development Zone on the relevant scheme map and the Supplementary Table of Zones at the end of this clause shall be applicable;

(v) Where applicable, development shall comply with the provisions of Development Control Plan 2 - Cleveland Town Centre relative to the Harbour Area.

(c) **Designated area located at Outlook Court and Bayview Road (north of Bayview Road), Russell Island (see map sheet 2)**

The designated area is considered to be most suitable for marine orientated activities other than activities incompatible with uses provided for in the surrounding area.

(d) **Designated area on the northern side of Beveridge Road, Thornlands (see map sheet 1)**

Certain allotments which have water frontage may be given favourable consideration for the establishment of marine orientated uses, including boat building, provided that such uses are confined to the area immediately adjacent to high water mark and that they would not be likely to have any undue adverse effect on the enjoyment of any residential property.

Applications for development for these purposes may be approved provided they:

- do not significantly impact on the ecology of the adjoining coastal, tidal and sub-tidal areas and fish habitat reserve and RAMSAR areas;
- do not significantly affect the water quality of Eprapah Creek or Moreton Bay;
- do not involve the introduction of significant levels of traffic which would impact on the amenity of the Beveridge Road area;
- are adequately screened from surrounding properties;
- do not involve the dredging of Eprapah Creek the creation of further mooring basins or the removal of significant amounts of coastal vegetation. Shared slipping facilities may be appropriate to address these concerns.

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Supplementary Table of Zones B

Column I	Column II(a)	Column II(b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council.	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
<p>(a) Birkdale Road and Agnes Street, Birkdale</p> <p>and</p> <p>(b) Birkdale Road, Wellington Point</p>	<p>Dwelling houses - where not exceeding two (2) storeys in height</p> <p>Home based activity Parks</p> <p>Relatives apartments - except where exceeding forty (40) square metres in floor area or where detached from a dwelling house</p>	<p>Home based business – not more than 1 employee</p>	<p>Any purpose other than those permitted by Column II or prohibited by Column IV</p>	<p>Any use included in Appendices I and II</p> <p>Advertisement hoardings</p> <p>Agriculture</p> <p>Boat building yards</p> <p>Bulk stores</p> <p>Camping grounds</p> <p>Caravan parks</p> <p>Cemeteries</p> <p>Commercial premises</p> <p>Crematoria</p> <p>Forestry</p> <p>Funeral parlours</p> <p>Home based business – more than 3 employees</p> <p>Home based enterprise – where conducted on a site with an area less than eight hundred (800) square metres</p> <p>Hotels</p> <p>Industry class I</p> <p>Institutions</p> <p>Liquid fuel depots</p> <p>Multiple dwellings - except where population density is less than sixty (60) persons per hectare</p> <p>Nurseries</p> <p>Passenger terminals</p> <p>Produce stores</p> <p>Radio stations</p> <p>Refreshment establishments except restaurants, tea gardens and tea rooms</p> <p>Roadside stalls</p> <p>Service stations</p> <p>Shops</p> <p>Showrooms class A</p> <p>Showrooms class B</p> <p>Veterinary surgeries</p> <p>Warehouses</p>

Column I	Column II (a)	Column II (b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council.	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
				Welfare premises
(c) Shore Street East and West (northern side), Nelson Street, Fison Parade and Raby Esplanade, Cleveland/Ormiston	Dwelling houses - where not exceeding two (2) storeys in height Home based activity Parks Relatives apartments - except where exceeding forty (40) square metres in floor area or where detached from a dwelling house	Home based business – not more than 1 employee	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendices I and II Advertisement hoardings Agriculture Bulk stores Camping grounds Caravan parks Cemeteries Crematoria Forestry Funeral parlours Home based business – more than 3 employees Home based enterprise – where conducted on a site with an area less than eight hundred (800) square metres Industry class I Institutions Liquid fuel depots Multiple dwellings - except where population density is less than one hundred (100) persons per hectare Nurseries Produce stores Radio stations Roadside stalls Service stations Showrooms class A Showrooms class B Veterinary surgeries Warehouses Welfare premises
(d) South east of Base, Moore and Boat Streets, Victoria Point	Dwelling houses – where not exceeding two (2) storeys in height Home based activity	Home based business – not more than 1 employee	Column II or prohibited by Column IV	Any use included in Appendices I and II Camping grounds Caravan parks Cemeteries Community dwellings Crematoria Extractive industries Forestry Funeral parlours Home based business – more than 3 employees

Column I Location	Column II (a) Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council.	Column II (b) Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the planning scheme	Column III Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Column IV Purposes for which buildings or other structures may not be used or for which land may not be used
(d) South east of Base, Moore and Boat Streets, Victoria Point (continued)				Home based enterprise – where conducted on a site with an area less than eight hundred (800) square metres Health-care institutions Hospitals Institutions Nurseries Roadside stalls Showrooms Class A Stock saleyards
(e) Outlook Court and Bayview Road (north of Bayview Road), Russell Island	Home based activity	Home based business – not more than 1 employee	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendix II Car repair stations Extractive industries Freight depots Home based business – more than 3 employees Home based enterprise – where conducted on a site with an area less than eight hundred (800) square metres Industry class I - other than marine orientated Industry class II - other than marine orientated Industry class III - other than marine orientated Junk yards Produce stores Radio stations Rural industries Stock saleyards Truck depots Veterinary surgeries
(f) Vacant Crown Land adjoining Tingalpa Creek, Thorneside	No use	No use	Any purpose other than those permitted by Column II or prohibited by Column IV	Any use included in Appendices I and II Advertisement Hoardings Agriculture Bulk landscape and Garden supplies Bulk stores Caravan parks Cemeteries Child care centres Community dwellings Crematoria Display homes Estate sales office Forestry Funeral parlours Home based activity Home based business

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Column I	Column II (a)	Column II (b)	Column III	Column IV
Location	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council.	Purposes for which buildings or other structures may be erected or used or for which land may be used subject to the applicant receiving notification of the approval pursuant to the administrative requirements of the planning scheme	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be used or for which land may not be used
(f) Vacant Crown Land adjoining Tingalpa Creek, Thorneside (continued)				Home based enterprise Hospitals Institutions Nurseries Places of worship Roadside stalls Service stations Warehouses Welfare premises

Appendices to Supplementary Table of Zones B

<p>APPENDIX I Car repair stations Extractive industries Freight depots Industry class II Industry class III Junk yards Motor vehicle depots Rural industries Stock saleyards Truck depots</p>	<p>APPENDIX 11 Animal husbandry Catteries Goat farms Kennels Piggeries Poultry farms Stables</p>
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NOT AN OFFICIAL VERSION

RENDERED OBSOLETE BY NEW RPS - 30/03/06

19. Special Protection Areas

- (1) **Objective** - To provide for the protection and, where appropriate, the enjoyment of areas of biological significance.
- (2) **Implementation** -
 - (a) Development which, in the opinion of the Council, would be likely to be in any way detrimental to any designated Special Protection Area shall not be favourably considered;
 - (b) The Black Swamp at Cleveland (see map sheet 8) will be developed as a fresh water aquatic gardens as funds become available;
 - (c) Council may require an environmental impact assessment study and shall obtain the advice of relevant government authorities prior to any decision-making regarding development applications which may have a significant impact on areas included in a Fish Habitat, Wetland Reserve or Foreshore Control Area.

development applications for tourist facilities will be favourably considered in these areas. Elsewhere, such applications will be considered on their merits, taking into account, inter alia-

- (i) the accessibility of the site;
- (ii) the compatibility of the proposal with the character of the area;
- (iii) the effect which the proposal would have on other uses, either existing or likely to be established in the future;
- (iv) availability of services; and
- (v) the likelihood of the proposal giving rise to traffic or car parking problems.

20. Road Hierarchy

- (1) **Objective** - To provide for the orderly development of the road system.
- (2) **Implementation** -
 - (a) Provision will be made for new arterial roads in accordance with the recommendations of the Redland Shire Arterial Road Plan, 1980.
 - (b) Provision will be made for the upgrading of existing arterial and sub-arterial roads in accordance with the recommendations of the Redland Shire Arterial Road Plan, 1980 with the exception that provision will not be made for the realignment of the northern section of Ney Road, Capalaba.
 - (c) Where a proposed development is located on an arterial or sub-arterial road, the Council may require that there be no access from such road if alternative access can be gained other than via the arterial or sub-arterial road.
 - (d) The local road network will be progressively developed to appropriate standards in accordance with the classification of roads as shown on the Development Control Plan maps.
 - (e) No building or other structure shall be erected and no other development shall take place which would in any way prejudice the implementation of the Redland Shire Arterial Road Plan, 1980 or any Road Plan adopted in substitution therefore or of the development of the local road network in accordance with the last preceding paragraph.

- (2) (a) **Objective** - To establish appropriate development criteria for tourist orientated development.

(b) **Implementation** -

- (i) Preference will be given to tourist orientated uses which have a local theme;
- (ii) All tourist orientated developments shall be to a standard satisfactory to the Council and shall make adequate provision for car parking by providing car parking facilities on site sufficient in the opinion of the Council to meet anticipated needs provided that-

(A) the Council may, at its discretion, allow the development of on-site parking facilities to be staged to take account of lower levels of patronage during early stages of operation;

(B) the Council may, at its discretion, accept a contribution towards the cost of providing car parking facilities on public land instead of requiring the provision of on-site car parking facilities or in part satisfaction of a requirement for such provision;

- (iii) Tourist orientated development shall be adequately landscaped providing where appropriate for the retention of existing vegetation. In the case of any development considered by the Council to be sufficiently substantial a landscape planning scheme agreed in writing with the Council shall be implemented and maintained.

- (3) (a) **Objective** - To ensure that the visual amenity of designated tourist routes is enhanced.

(b) **Implementation** -

- (i) Favourable consideration will not be given to applications for consent to carry out development which in the opinion of the Council would unduly detract from the appearance of any tourist route designated on the Development Control Plan maps or the view from any such route;

21. Tourist Areas/Tourist Drives

- (1) (a) **Objective** - To encourage the growth of tourism and indicate possible locations for tourist facilities.
- (b) **Implementation** -

This plan recognises the existing and future tourism resource potential of the Shire. The symbol T recognises areas which will be a tourist focus and

- (ii) It shall be a requirement that particular attention be paid to the appearance and landscaping of development carried out on any site adjoining a

RENDERED OBSOLETE BY NEW RPS - 30/03/06

designated tourist route or any development which would be readily visible therefrom.

(d) No building or other structure shall be erected and no other development shall take place which would in any way prejudice the future development of land in accordance with a preferred subdivisional layout shown on map sheets 2 to 19 or of an alternative preferred subdivisional layout adopted pursuant to this subclause.

22. Multi-Purpose Linkage System

- (1) **Objective** - To make provision for pedestrians, cyclists and horse riders.
- (2) **Implementation** -
 - (a) Footpaths, cycleways and/or bridle paths will be progressively developed along the routes indicated as being part of the Multi-Purpose Linkage System on map sheets 2 to 19
 - (b) Where part of the Multi-Purpose Linkage System is shown as crossing land which is proposed to be subdivided or otherwise developed, the subdivision or other development shall make provision for such system generally in the location indicated and where required by the Council, the subdivider shall carry out pathway construction to provide for usage by pedestrians, cycles and/or horses in accordance with the requirements of the Council;
 - (c) No building or other structure shall be erected and no other development shall take place which would, in the opinion of the Council, be likely to in any way prejudice the development of the Multi-Purpose Linkage System shown on map sheets 2 - 19.

23. Preferred Subdivisional Layouts

- (1) **Objective**-To provide for the co-ordination of the minor road system, the optimum siting of park areas and for bicycle and/or pedestrian ways in areas with subdivisional potential, in particular where co-ordination is made necessary as a consequence of land being held in several ownerships.
- (2) **Implementation** -
 - (a) When land in respect of which a preferred subdivisional layout is shown on map sheets 2 to 19 is subdivided, it shall be laid out in general accord with such preferred subdivisional layout provided that where an alternative preferred subdivisional layout has been adopted by the Council it shall be laid out in general accord with such preferred subdivisional layout;
 - (b) The Council shall not adopt an alternative preferred subdivisional layout without the agreement in writing of the owners of all land affected by the alternative layout provided that where such approval is not forthcoming, the Council may adopt an alternative layout where it considers any objection to the adoption of the alternative layout is unfounded or where it considers that it would be in the best interests of the community to adopt the alternative layout;
 - (c) Where a preferred subdivisional layout provides for less land to be dedicated than that provided for by Chapter 25 (Subdivision of Land) of the By-laws of the Council, the Council may nevertheless require that an amount of land be dedicated in accordance with the requirements of the said Chapter and any land required to be dedicated in addition to land shown as public open space on map sheets 2 to 19 shall be sited to the satisfaction of the Council;

24. Miscellaneous**HISTORIC PRECINCT**

- (1)(a) **Objective** - To protect the amenity of Wellington Point promontory (i.e. the area lying between the junction of Main and Beachcrest Roads and Wellington Point Reserve and bounded to the east by Moreton Bay and to the west by Waterloo Bay) and the area extending along Beachcrest Road, including properties on either side thereof (see map sheet 8) and the area designated as an historical precinct at Cleveland Point (see map sheet 8).
- (b) **Implementation** -
 - (i) All new buildings, other structures and fences erected within the areas designated in the last preceding paragraph shall be of a high standard of design (traditional style in the case of the Cleveland Point Historical Precinct) which shall be in keeping with the character of the area and shall not detract from it in any way whatsoever;
 - (ii) The site of any new building or other structure erected within the designated areas shall be landscaped in accordance with a landscape planning scheme acceptable to the Council. Such landscape planning scheme shall provide where appropriate for the retention of existing trees and shall at all times be maintained to the satisfaction of the Council.

EROSION

- (2) (a) **Objective** - To maintain erosion prone areas as a development-free buffer zone capable of accommodating future shoreline fluctuations without any requirement for remedial action.
- (b) **Implementation** -
 - (i) Favourable consideration will not be given to any application for rezoning which would provide for an erosion prone area to be used for a higher order than the existing use of the area;
 - (ii) Any future amenities provided to service holiday makers, tourists or day-trippers shall be sited landward of any erosion prone area.

RADIO RECEPTION

- (3) (a) **Objective** - To prevent any proposal which may have an adverse effect on the efficiency of the Capalaba Radio Monitoring/Receiving Station.
- (b) **Implementation** - no building or other structure shall be erected which would impair the line of sight of the microwave path between the Commonwealth property and Mt. Coot-tha.

25. Special Provisions for the Redland Bay Area shown on Figure 2.

- (1) **Objective** - To provide for the detailed control for the development of land bounded by the Redland By-Pass

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Road on the western boundary, Giles Road on the northern boundary, Gordon Road, Government Road and Moores Road on the northern boundary, Moreton Bay on the eastern boundary and the southern boundary of Lot 2 on RP187806.

(minimum) wide. Initially, the sub-arterial roads shall operate as two land divided roads with breakdown lanes. Should traffic volumes require more capacity than the breakdown lanes would be converted to trafficked lanes and consideration would be given to constructing appropriately located breakdown bays.

(2) Implementation -

(a) Relationship to Other Planning Documents

These provisions should be read in conjunction with the *Local Government (Planning & Environment) Act*, other components of the Town Planning Scheme, the Strategic Plan, the Development Control Plan and the Sub-division of Land By-laws as they relate to the subject land.

These provisions are designed to augment the foregoing to provide more certainty to Council requirements and examines issues that must be addressed in association with development proposals for this part of the Shire.

The verge width is to be 6.1m to accommodate services, bus bays, cycle paths, noise attenuation treatments and, where approvals with direct access exist, indented parking. Where existing buildings, approvals or other impediments exist, localised narrowing of the verge to 3.6m will be accepted.

The foregoing will require the dedication of road widening on each side to provide a reserve of not less than twenty eight point six (28.6) metres.

Any application including an allotment adjoining one of the foregoing roads or streets in this section will address the need to provide additional land and/or works to achieve the standards required by the application of Queensland Streets recommendations to the ultimate development of this locality.

(b) General Requirements Applicable to the Entire Area

(i) The designated area is considered to be most suitable for residential development (and other associated urban uses) designed in accordance with the provisions of the Australian Model Code of Residential Development (AMCORD). Development applications for land within the area will be in accordance with the Development Control Plan and where necessary will refer to specific controls contained within Precinct Plans.

Any development proposal within 100 metres of either an arterial road or sub-arterial road will be accompanied by a report prepared by suitably qualified person(s) dealing with proposed measures for the abatement of traffic noise.

(ii) Vegetation - Throughout the entire area, the existing vegetation will represent an environmental constraint to development and such vegetation will represent a constraint despite any possible previous interference, clearance or modification of such vegetation.

Council will require as a condition of development approval the implementation of noise amelioration measures, this may include the provision of acoustic fencing, acoustic moulding and landscaping treatments within the road reserve verge. This requirement is in addition to the implementation of the recommendations of the acoustic report for any works within the subject site. In determining appropriate noise amelioration measures within the road reserve Council will have due regard to specific consideration of local conditions for example existing vegetation, topography.

(iii) Road Hierarchy - The Development Control Plan indicates the Redland Bay By-pass as an arterial road and the following as sub-arterial roads:

- Government Road from Moogurrapum Creek to Meissner Street;
- German Church Road;
- Queen Street;
- School of Arts Road from German Church Road to Collins Street;
- Collins Street from School of Arts Road to Torquay Road;
- Serpentine Creek Road from Torquay Road to Redland Bay By-pass;
- Gordon Road.

In accordance with AMCORD, no direct vehicular access from proposed residential allotments will be permitted to these roads and an acoustic fencing will be required with associated streetscaping to soften the visual impact to users of these road systems. Alternative access to existing dwellings (allotments) must be provided in all development proposals.

Sub-arterial roads are to be constructed as two carriageways of 7.00m face to kerb face width divided by a raised landscaped median 2.4m

Intersecting roads will not be less than 400 metres apart on the same sides of a road and not less than 200 metres apart on opposite sides of a road. Cross roads will only be permitted subject to the use of a roundabout at the intersection. Otherwise intersections will be provided with protected right turns with solid medians and provide for bicycles and pedestrians.

Bus bays will be required in approved locations such that pedestrians will not be required to walk more than 400 metres to a bus stop. A bus stop will require a lay-by so that it does not interfere with through traffic.

Provision of constructed pedestrian footpaths on both sides of the road will be required in positions compatible with landscaping of the balance verge.

Only trunk utility services will be permitted with reticulation being provided elsewhere.

As a condition of development approval, Council will require that each applicant contribute to the

RENDERED OBSOLETE BY NEW RPS - 30/03/06

upgrading of the road network in the Development Control Plan area. Such contribution will be on a per lot basis and at a rate to be determined by Council resolution from time to time.

- (iv) Sewerage - Council has prepared a sewerage master plan for the provision of reticulation and trunk mains and upgrading of treatment as required. This master plan is currently based on a gross density of ten (10) allotments per hectare. Where extensive areas of flood plain are to be left undeveloped, there is some scope for increasing net density above that normally envisaged by the subdivision of land By-laws, but in accordance with densities adopted by Council for inclusion in a scheme amendment permitting development in accordance with AMCORD.

Any major variation from gross density of ten (10) allotments per hectare needs to be the subject of a report detailing how any increase in density may be accommodated.

The master plan has some scope for modification with regard to the location of proposed pumping stations and rising mains. However any proposed amendment should not prejudice the development of any land by way of increasing costs beyond that proposed in the master plan.

Any proposal requiring the construction of a pumping station will not be approved unless the pumping station and rising main are constructed as a condition of development on terms acceptable to Council.

Council will in addition require compliance with Council policy dealing with contributions to augmentation of sewerage.

- (v) Water Supply Trunk Mains - Council has prepared a water supply master plan for the provision of trunk mains and service reservoirs. This master plan includes programs for the completion of augmentation works which may be dependent on water consumption predictions. This master plan is currently based on a gross density of ten (10) allotments per hectare. Where extensive areas of flood plain are to be left undeveloped, there is some scope for increasing net density above that density. This particularly applies to this locality because of the proximity of the principle trunk main from North Stradbroke Island.

Water pressure in this locality is therefore not a constraint provided the correct size reticulation is installed.

In addition to the installation of external mains, Council will require compliance with Council policy dealing with contributions to the augmentation of water supply

- (vi) Open Space Strategy - The Development Control Plan allocates all open space within the subject area of amendment as Special Protection. This Special Protection open space is intended to provide for the retention of all flood plains and areas of extensive vegetation as part of the urban development process. Any development proposal affected by such a designation will need to be

rezoned in accordance with such special protection strategy.

The Development Control Plan indicates all open space required for special protection purposes. Such indication does not depict individual open space provision for recreational purposes which may be required as part of the normal subdivisional process and determined on a case by case basis.

- (vii) Flood studies & major drainage - No development will be permitted to proceed without the submission of a drainage report. Council will not permit the urbanisation of land subject to flooding defined as an area below the 1 in 100 years average frequency event.

Any flood study or drainage report will have regard to Council policies dealing with parks requirements in subdivisions.

Constructed drainage will be designed in accordance with Queensland Urban Drainage Manual and Council standards.

It will be a requirement that routes for major drainage be demonstrated in support of any rezoning, major consent or subdivision application with sufficient calculations to illustrate the combined capacity of overland flow and underground drainage.

- (viii) Residential Development - The maximum density of residential development will be controlled via the availability of services, the road hierarchy, AMCORD and Council's Subdivision of Land By-laws and policies. Lots smaller than provided by the By-laws will be permitted subject to compliance with the foregoing and as outlined elsewhere in this policy.

(c) Specific Requirements According to Particular Precincts

Figure 2 outlines two neighbourhoods within the subject area. Within these two neighbourhood areas there are six individual precincts.

The following additional requirements will apply to development proposals with their respective precinct:

Precinct 1: Land bounded by School of Arts Road, Moogurrapum Creek, Gordon Road and the Redland Bay By-pass

- (i) It will be a requirement that with any development of land within and immediately adjacent to this precinct that the major creek tributaries be protected from filling and any form of urban development below the defined 1 in 100 year flood line. All areas below the defined 1 in 100 year flood line will be retained in a natural state and transferred to Council for special protection in association with urban development.
- (ii) Road access to German Church Road will be restrict to approved intersection points. No direct road access will be permitted to the Redland Bay By-pass.

RENDERED OBSOLETE BY NEW RPS - 30/03/06

- (iii) Any application for subdivision/development shall, without limiting any other considerations Council may include, the following issues to Council satisfaction:
- a) A description of the distribution and significance of the existing vegetation in the subject land.
 - b) A fauna study.
 - c) On land allocated for park residential purposes building envelopes shall be designated at the time of development application. All areas outside the designated building areas shall be included within a declared Tree Protection Area.
 - d) Additional measures to facilitate the maximum retention of existing vegetation outside those areas allocated for Special Protection.
- (iv) a natural vegetated buffer of sufficient width to screen urban development from the Redland Bay By-pass to be implemented along the Redland Bay By-pass frontage.
- (v) A new road connection shall be provided to connect Lot 2 on R.P. 196147 to Gordon Road. This requirement will be imposed as a condition in association with any development approval on Lots 1 on SL10657 and Lot 1 on R.P. 80737.

Precinct 2: Land bounded by Government Road, School of Arts Road, Weinam Creek and Moogurrapum Creek

- (i) Any development which abuts the existing wholesale nursery will make provision for buffering treatment along common boundaries in association with any development applications.
- Any future development of the wholesale nursery shall wherever practicable incorporate buffering treatments along common boundaries with areas designated for future residential use.
- (ii) Road access will be restricted along Government Road, School of Arts Road and Queen Street to approved intersection points.
- (iii) Any future development of Lot 1 on S311947 shall be subject to a detailed investigation of access to ensure that traffic and road safety standards can be achieved and that other principles of the Development Control Plan amendment in relation to open space connectivity and the retention of existing bushland are not unduly prejudiced.

Precinct 3: Land bounded by Weinam Creek, Redland Bay By-pass, School of Arts Road

- (i) It will be a requirement that with any development of land within or immediately adjacent to Moogurrapum & Weinam Creek tributaries that they be protected from any form of filling and urban development below the defined 1 in 100 year flood line. All areas below the 1 in 100 year flood line will be transferred to Council for special protection in association with urban development.

- (ii) An allotment size graduation from the minimum prescribed Residential Low Density Performance Standard (2000m²) to a Residential A standard will be provided where it is intended to develop to a Residential A density where such development will about the existing Residential Low Density allotments.
- (iii) Road access will be limited to approved intersection points along School of Arts Road. No direct road access will be permitted to the Redland Bay By-pass.
- (iv) A natural vegetated buffer of sufficient width to screen urban development from the Redland Bay By-pass road to be implemented along the Redland Bay By-pass frontage. Where such width is unavailable, noise attenuation fencing will be provided behind a landscape screen.
- (v) Existing trees currently located along the boundary between Lot 2 on R.P. 85520 and the existing residential low density estate shall be afforded protection by inclusion within a Tree Protection Area at the time of development application.
- (vi) Any application for subdivision/development shall, without limiting any other considerations Council may include, address the following issues to Council satisfaction:

- a) A description of the distribution and significance of the existing vegetation in the subject land.
- b) A fauna study.
- c) Proposed measures to facilitate the maximum retention of existing vegetation outside those areas allocated for Special Protection.

Precinct 4: Land bounded by Moores Road, Weinam Creek, Torquay Road and Moreton Bay

- (i) Urban development shall be separated from the coastal zone by a buffer of sufficient width to accommodate the maintenance of physical and biological processes, storm surge or flood inundation, public use and access and visual amenity.

The buffer zone width will vary on a site specific basis depending on individual circumstances having regard to the following principles:

- a) Continuous public access along the foreshore.
 - b) Protection of sites and areas of significant vegetation or other significant features.
 - c) Opportunities for passive revegetation in locations with characteristics suitable for this purpose.
 - d) Storm surges or flood inundation.
- (ii) It is a requirement that continuous road esplanade be provided along the entire frontage to Moreton Bay. The only exception will be where existing dwellings preclude the provision of such an esplanade and where existing approvals are already in place.
- (iii) It will be a requirement with that any development of land within or immediately adjacent to Weinam Creek

RENDERED OBSOLETE BY NEW RPS - 30/03/06

and its tributaries that they be protected from any form of filling and urban development below the defined 1 in 100 year flood line. All areas below the 1 in 100 year flood line will be transferred to Council for special protection in association with urban development.

- (iv) Road access to School of Arts Road and Collins Street will be limited to approved intersection points.
- (v) Land immediately to the north of School of Arts Road and indicated as Comprehensive Development on the Development Control Plan will be developed in accordance with the statement with the Implementation Provisions for Comprehensive Development under Development Control Plan 1 (Clause 17 (xxvii)(b)).
- (vi) The fig trees to the immediate south east of the Collins Street/School of Arts intersection will be retained as part of any development proposal relating to the subject land.
- (vii) Any tourist orientated use shall exhibit a high standard of landscape quality, architectural form and visitor experience, whilst minimising its intrusion upon the locality. Particular attention will be paid to the compatibility of the proposed development with the topography and character of the site and surroundings, the potential effect of the development on the amenity of the surrounding area, the impact upon the locality's flora and fauna and public access to foreshore areas.
- (viii) Land located to the north of Torquay Road and the west of Collins Street is considered a possible appropriate location for community facilities (eg public meeting hall).

Precinct 5: Land bounded by Weinam Creek, Redland Bay By-pass, Serpentine Creek Road and Torquay Road

- (i) A new road reservation will be provided connecting Muller Street directly to Torquay Road. This requirement will be a condition of development approval on the subject land.
- (ii) It will be a requirement that with any development of land within or immediately adjacent to Weinam Creek and its tributaries that they be protected from any form of filling and urban development below the defined 1 in 100 year flood line. All areas below the 1 in 100 year flood line will be transferred to Council for special protection in association with urban development.
- (iii) No direct road access will be permitted to the Redland Bay By-pass.
- (iv) A natural vegetative buffer of sufficient width to screen urban development from the Redland Bay By-pass road to be implemented along the Redland Bay By-pass frontage. Where such width is unavailable, noise attenuation fencing will be provided behind a landscaped screen.

Precinct 6: Land bounded by Serpentine Creek Road, Oaklands Avenue, Moreton Bay and Lot 2 on RP 187806

(i) Residential A development will only be permitted where it is unconstrained by the need to remove existing vegetation. In this regard it will be a requirement that the vegetation along Serpentine Creek Road and through the centre of the precinct be transferred to Council. However within this precinct, Council may consider the alternative of retaining such vegetation within private land provided the applicant is prepared to implement binding Tree Protection measures.

(ii) Urban development shall be set-back along the Moreton Bay frontage behind a continuous esplanade road along Moreton Bay. All land between the esplanade road and Moreton Bay shall be dedicated to Council in association with urban development. The only exception to a continuous road esplanade shall be where existing dwellings preclude the provision of such an esplanade.

REDLAND SHIRE COUNCIL

Department of Local Government
Brisbane, 18th February, 1988

HIS Excellency the Governor, acting by and with the advice of the Executive Council and in pursuance of the *Local Government Act 1936 - 1987*, has been pleased to approve of the following By-laws made by the Council of the Shire of Redland.

J. H. RANDELL

WHEREAS by the *Local Government Act 1936 - 1987* a Local Authority is empowered to make By-laws for all or any of the purposes in the said Act mentioned, and whereas by section 33 of the said Act mentioned a Local Authority is empowered to such By-laws as are necessary or convenient to implement a town planning scheme and to provide for, regulate and control the administration and execution of a town planning scheme, and it is further provided that a By-law may be amended or repealed at any time by the Local Authority: It is hereby resolved by the Council of the Shire of Redland, with the approval of His Excellency the Governor in Council, that the following By-laws for the general good rule and government of the Area and its inhabitants and which the Council hereby determines are necessary for the proper exercise and performance of the functions of Local Government and the powers and duties of the Council and to implement and to provide for, regulate and control the administration and execution of the town planning scheme in force in the Area shall be in force from the date of publication hereof in the *Gazette*.

The By-laws of the Council of the Shire of Redland published in the *Gazette* on the ninth day of June, 1906, as amended from time to time, are hereby further amended as follows:-

By repealing Chapters 30, 38, 39, 44 and 45 and inserting the following Chapter 30, Town Planning in their stead:-

Chapter 30

TOWN PLANNING

This chapter is arranged as follows -

- Part I INTERPRETATION**
- Part II ADMINISTRATION**
- Part III COMPLIANCE WITH CONDITIONS**
- Part IV OFFENCES**

PART 1

RENDERED OBSOLETE BY NEW RPS - 30/03/06

INTERPRETATION

1. In this Chapter, the following terms have the meanings respectively assigned to them, that is to say:-

“The Act” means The *Local Government Act 1936 -1987*;

“Town Planning Scheme Area” means the whole of the area of the Shire of Redland.

2. Where any term used in this Chapter is not herein defined but is defined in the Act or in the town planning scheme in force in the town planning scheme area, the term shall, for the purposes of this Chapter and unless the context otherwise indicates or requires, have the meaning assigned to it by the Act or the scheme, as the case may be.

PART II

ADMINISTRATION

Application for notification of development approval subject to conditions

1. A person who desires to obtain a notification of development approval shall make an application in the form required by the Council, and shall accompany such application with an application fee of an amount in accordance with a scale or scales of fees determined by the Council from time to time by resolution. In the scale or scales of fees different fees may be determined for different classes of applications. Such fees shall be retained by Council.

The application shall be -

- (1) in writing;
- (2) signed by the applicant or applicants or, in the case of partnership, by one of the partners thereof or, in the case of a company or body corporate or unincorporated association, by an authorised officer thereof;
- (3) accompanied by the consent, in writing, of the registered proprietor or registered lessee from the Crown if made by a person who is not the registered proprietor or registered lessee from the Crown;
- (4) addressed to the Clerk and shall truly set forth the following particulars -
 - (a) the full real property description of the land;
 - (b) postal address of the land;
 - (c) the name of the registered proprietor in the case of freehold land or the name of the registered lessee in the case of land held from the Crown for a leasehold estate;
 - (d) the name of the occupier, if any;
 - (e) the area of the land;
 - (f) the length of road frontage (frontage to each road, if more than one, to be shown separately);
 - (g) the use being made of the land (including any building or other structure thereon) at the date of application;
 - (h) the use desired to be made of the land;

(i) a description of the buildings or other structures erected on the land at the date of application;

(j) the height and number of storeys of any proposed buildings or other structures;

(k) the gross floor area and dimensions of any proposed buildings or other structures;

(l) a site and layout plan including the location of any services and when requested by the Clerk or the Council, an elevation of any buildings or other structures proposed;

(m) the numbers of vehicles for which parking provision is to be made on the land, with locations and dimensions of proposed parking spaces to be marked on the layout plan;

(n) the number of persons engaged and proposed to be engaged on the land;

(o) a description of any machinery used or proposed to be used on the land;

(p) in the case of an application for multiple dwellings a summary of the calculations made pursuant to the permitted population density for the site;

(q) an Environmental Impact Study Report if required by the Council pursuant to the Act;

(r) such other information relative to the application as may be requested by the Clerk or the Council within fourteen (14) days of the application being made.

2. An application made pursuant to clause 1 of this Part shall be deemed not to have been made unless the requirements of that clause have been complied with in full.

3. Every application made pursuant to clause 1 of this Part shall, if it complies with the requirements of this Division, be referred by the Clerk to the Council, and the Council shall decide the application provided that any such application shall first be referred to the Shire Engineer or Town Planner for a report and recommendation thereon.

4. In dealing with an application pursuant to this Part the Council shall take into consideration the following to determine conditions of approval if any -

(1) whether the proposed development would create a traffic problem or increase an existing traffic problem;

(2) the character of the proposed development in relation to the character of the development on the adjoining land and in the locality;

(3) the size and shape of the site to which the application relates, the siting of the proposed development and the area to be occupied by the development in relation to the size and shape of the adjoining land and the development thereon;

(4) whether the proposed means of ingress to and egress from the site is adequate;

(5) whether adequate provision has been made for the loading, unloading and parking of vehicles on the site;

RENDERED OBSOLETE BY NEW RPS - 30/03/06

- (6) the existing and future amenity of the neighbourhood and any likely effect of the proposed development on such amenity;
- (7) the circumstances of the application and the public interest;
- (8) the provisions of the town planning scheme including the Strategic Plan and any Development Control Plans;
- (9) any relevant statements of Planning Policy duly adopted by the Council.
5. Subject to clause 2 of this Part, where an application has been referred to the Council pursuant to this Part the Council may -
- (1) approve the application; or
- (2) approve the application subject to reasonable and relevant conditions, provided that if Council has not determined the application within 40 days of its being made, the application shall be deemed to have been approved without conditions.
6. The Council shall not, in approving an application, subject the approval to a condition other than one that provides for-
- (1) the development conforming to a site and layout plan dimensions, floor area, building setbacks, design and orientation of buildings, and number of storeys, to the reasonable satisfaction of the Council;
- (2) landscaping of the site in a specified form;
- (3) buffering of the site in a specified form;
- (4) maintenance of the site in a clean and tidy condition;
- (5) specified places of ingress to and egress from the site for motor vehicles to the requirements of and satisfaction of the Council;
- (6) traffic control in a specified manner within the site;
- (7) control in a specified manner of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, spray, soot, ash, dust, grit, oil, radiation, waste water, waste products, light, glare, radio and television interference, and electrical interference, and mitigation in a specified manner of the effect of anyone or more of them on the existing and future amenity of the neighbourhood whether or not such provision includes the restriction of any activity.
- (8) the restriction of operating hours of any activity on the site;
- (9) the connection of the proposed use to available services such as water supply, sewerage and electricity;
- (10) compliance with the requirements of relevant Government Departments or statutory authorities;
- (11) compliance with the Council's By-laws and the Town Planning Scheme, including the Strategic Plan and any Development Control Plans, and with regard to Development Control Plan 2 - Cleveland Town Centre, accordance with the elements and compliance with the provision of the Development Control Plan.
7. The approval issued upon the determination provided for in clause 5 of this Part shall contain -
- (i) where the application was determined as provided in sub clause (1), a notification of the approval and such other requirements being requirements prescribed in the Schedule;
- (ii) where the application was determined as provided in sub clause (2), a notification of the approval, the conditions to which the approval is subject, and such other requirements being requirements prescribed in the Schedule.
8. Upon Council making a decision on an application in accordance with Clause 7, the Clerk is, within 10 days of the date of the decision, to notify the applicant of the decision.
9. The Council may upon receipt of an application from the person in whom the benefit of an approval under this subsection rests, modify the approval or any condition to such approval.
- Consent Applications**
10. A person who desires to obtain the consent of the Council under the town planning scheme in force in the town planning scheme area, and shall make application in the form prescribed by the Council, shall accompany such application with an application fee of an amount in accordance with a scale or scales of fees determined by the Council from time to time by resolution. In the scale or scales of fees different fees may be determined for different classes of applications. Such fees shall be retained by the Council.
- The application shall be -
- (1) in writing;
- (2) signed by the applicant or applicants or, in the case of a partnership, by one of the partners thereof, or in the case of a body corporate or an unincorporated association by an authorised officer thereof;
- (3) accompanied by the consent, in writing, of the registered proprietor or registered lessee from the Crown if made by a person who is not the registered proprietor or registered lessee from the Crown;
- (4) addressed to the Shire Clerk and truly set forth the following particulars -
- (a) the postal address and real property description of the land to which the application relates or applies;
- (b) the name of the registered proprietor in the case of freehold land or the name of the registered lessee in the case of land held from the Crown for a leasehold estate;
- (c) the name of the occupier;
- (d) the area of the land;
- (e) the length of the road frontage (frontage to each road if more than one to be shown-separately);
- (f) the nature of the proposed use;

RENDERED OBSOLETE BY NEW RPS - 30/03/06

- (g) the use being made of the land (including any building or other structures erected on the land) and the use being made thereof at the date of application;
- (h) a description of any building or other structures erected on the land and the use being made thereof at the date of application;
- (i) the heights and number of storeys of proposed buildings;
- (j) a site plan and layout with all dimensions shown accurately and when requested by the Council, the elevation of any building or other structures proposed to be erected on the land;
- (k) the gross floor area of proposed buildings;
- (l) the number of persons engaged or proposed to be engaged in the particular use;
- (m) the nature of and the total connected load of any mechanical power proposed to be employed in the particular use;
- (n) the number of motor vehicles for which parking provision is to be made on the land;
- (o) such other information relative to the application as may be requested by the Council.
- (5) Where the application is of such nature as requires, in the opinion of the Council, the submission of an Environmental Impact Study, the Council shall advise the applicant in writing accordingly and the application shall be deemed to be incomplete unless it is accompanied by such a study, report and statement of impact.
11. Every application made pursuant to By-law 1 of this Part shall, if it complies with the requirements of this Chapter, be referred by the Shire Clerk to the Council and the Council shall subject to the Act, decide the application; provided that any such application shall first be referred to the Shire Planner for a report and recommendation thereon.
12. (1) Upon an application for consent, the Council may, subject to the Act -
- (a) give its consent; or
- (b) refuse to give its consent; or
- (c) give its consent subject to reasonable and relevant conditions.
- (2) Unless within the period of two (2) years from the date of notice of consent, substantial progress has been made in erecting a building or other structure or the land is being substantially used according, as the case may be, for the purpose for which the consent was granted, and the conditions pertaining to the consent have been complied with, or are being complied with, to the satisfaction of Council, such consent may be revoked by the Council in accordance with the relevant provisions of the Act.
- (3) Any person to whom a notification is given under the preceding sub-clause -
- (a) may appear at the day, time and place so notified and take such steps as are calculated to show the prescribed cause; or
- (b) may endeavour to show the prescribed cause by writing furnished to the Shire Clerk of the Council at any time before the time so notified.
13. Without limiting the generality of the provisions of this Part, the Council, in respect of any application for its consent to the erection or use of a building or other structure or to the use of land, shall take into consideration the following -
- (a) the character of the proposed development in relation to the character of the development on the adjoining land and in the locality;
- (b) the size and shape of the parcel of land to which the application relates, the siting of the proposed development and the area to be occupied by the development in relation to the size and shape of the adjoining land and the development thereon;
- (c) whether the proposed means of entrance to and egress from the site are adequate and whether adequate provision has been made for the parking and standing of vehicles, the provision of space for loading, unloading or fuelling of vehicles and the traffic facilities within the site;
- (d) any representation made by a statutory authority in relation to the application or to the development of the area and the rights and powers of any such authority;
- (e) (i) any strategic plan or development control plan prepared by the Council in accordance with the provisions of Section 33 of the Act;
- (ii) any policy adopted by resolution of the Council for the ordered development of the locality in which the land to which the application relates is situated;
- (f) whether adequate provision has been made for the landscaping of the site;
- (g) the existing and future amenity of the residential and shopping facilities in the area;
- (h) the circumstances of the case and the public interest and public safety;
- (i) the provisions of the town planning scheme;
- (j) all objections which have been duly lodged with the Council against the granting of its consent;
- (k) the disposal of waste products from the proposed use;
- (l) the adequacy of the existing infrastructure to service the proposed development;
- (m) whether adequate provision has been made for the movement of vehicles and pedestrians and whether traffic hazards are created or intensified;
- (n) whether there is sufficient protection for the public from severe climatic conditions;
- (o) whether the environment will be significantly detrimentally affected.

RENDERED OBSOLETE BY NEW RPS - 30/03/06

14. (1) An application to the Council to exclude land from any zone and to include the land so excluded in another zone or zones shall make application in the form prescribed by the Council.
- (2) The application shall be -
- (a) in writing;
 - (b) signed by the applicant or applicants or, in the case of a partnership, by one of the partners thereof, or in the case of a body corporate or an unincorporated association, by an authorised officer thereof;
 - (c) accompanied by the consent, in writing, of the registered proprietor or registered lessee from the Crown if made by a person who is not the registered proprietor or the registered lessee from the Crown;
 - (d) addressed to the Shire Clerk and truly set forth such of the following particulars as may be required by the Council -
 - (i) the postal address and real property description of the land to which the application relates or applies;
 - (ii) the name of the registered proprietor in the case of freehold land or the name of the registered lessee in the case of land held from the Crown for a leasehold estate;
 - (iii) the name of the occupier;
 - (iv) the area of the land;
 - (v) the length of the road frontage (frontage to each road if more than one to be shown separately);
 - (vi) the nature of the proposed use;
 - (vii) the use being made of the land (including any building or other structure thereon);
 - (viii) the zone or zones in which the land is situated at date of application;
 - (ix) the zone in which the land is proposed to be included and, if in more than one zone details of the apportionment of the land to each proposed zone;
 - (x) the grounds upon which the applicant requests that the land be rezoned;
 - (xi) a description of the buildings or other structures erected on the land and the use being made thereof at the date of application;
 - (xii) the height and number of storeys of proposed buildings;
 - (xiii) a site plan and layout with all dimensions shown accurately and when requested by the Council, an elevation of any buildings or other structures proposed to be erected on the land;
 - (xiv) the gross floor area of proposed buildings;
 - (xv) the number of persons engaged and proposed to be engaged in the particular use;
 - (xvi) the number of motor vehicles for which parking provision is to be made on the land;
 - (xvii) such other information relative to the application as may be requested by the Council;
 - (e) Where the application is of such nature as requires, in the opinion of the Council, the submission of an Environmental Impact Study, the Council shall advise the applicant in writing accordingly and the application shall be deemed to be incomplete unless it is accompanied by such a study, report and statement of impact.
- (4) The Council may -
- (a) approve it; or
 - (b) refuse to approve it; or
 - (c) approve it subject to reasonable and relevant conditions.
- (5) Without limiting the generality of the Council's discretion to refuse an application, it shall be sufficient reason to refuse an application to rezone where -
- (a) such rezoning would be in conflict with any provisions of the Strategic Plan or any Development Control Plan in effect over the area sought to be rezoned;
 - (b) the Council is satisfied that the drainage works which it may require will not be adequate and that the completion of adequate drainage works will be unnecessarily costly.

Town Planning Certificates

15. (1) An application for a town planning certificate made pursuant to Section 33(9) of the Act, shall be in such form as the Council may from time to time determine.
- (2) The fee payable to the Council for the giving of a town planning certificate shall be determined by the Council from time to time by resolution.

Claims for Compensation

16. A claim for compensation under subsection (12) of Section 33 of the Act shall be in or to the effect of the following form:-

Local Government Act 1936 - 1987

Claim for Compensation

To:- Redland Shire Council

I, *(full name)*, of *((residential address))*,
being a person;

**(i)* who has an estate or interest in the following land:-

Situation:

Parish:

Real Property Description:

Area:

Title Deed: Volume: Folio:

The nature of my estate or interest therein being ();
or

RENDERED OBSOLETE BY NEW RPS - 30/03/06

*ii) Who has incurred expenditure pursuant to a town planning certificate given to me by the Redland Shire Council, hereby claim that my said estate or interest has been injuriously affected (or, as the case may be, that I have incurred expenditure which has been rendered abortive) by reason of the following:-

and consequently I claim as compensation for injurious affection (or as the case may be, for such expenditure) the sum of \$ which sum is made up as follows:-

I will produce documentary evidence of my title to the said land or of my estate or interest therein (as the case may be, of the expenditure which has been rendered abortive), if and when called upon to do so.

Dated this day of 19 .

Signature of Claimant:

Signature of Witness:

*Cross out whichever is inapplicable.

Registration of Existing Non-Conforming Uses

17. (1) A person -

- (a) claiming to be lawfully using any premises; or
- (b) who is the owner of premises which he claims are being lawfully used, for an existing non-conforming use may make application to the Council for the use of those premises to be registered in accordance with this section

(2) The Council shall cause to be kept a register to be called the Register of Existing Non-Conforming Uses wherein shall be kept particulars of uses of premises currently registered under this section.

(3) Any application pursuant to clause (1) of this By-law shall be made in the form determined by the Shire Clerk for that purpose and shall be -

- (a) in writing;
- (b) signed by the applicant or applicants -
 - i) personally;
 - ii) in the case of a partnership, by one of the partners thereof;
 - iii) in the case of a body corporate or an unincorporated association, by an authorised officer thereof;
- (c) addressed to the Shire Clerk and truly set forth the following particulars:-
 - i) the real property description of the site, together with the postal address thereof;
 - ii) the area of the site;
 - iii) the full name of the owner of the land comprised in the site;

iv) the use which is claimed to be the lawful existing non-conforming use of the land or of any building or other structure erected on the site;

v) a plan of the site drawn to scale showing all boundaries and all building and other structures erected on the site; and

vi) the particulars by way of documentary evidence or otherwise relied on to support the claim that the use particularised is an existing non-conforming use which has been continued to the date of the application.

(4) An application referred to in clause (1) of this By-law shall be accompanied by an application fee of an amount determined from time to time by the Council by resolution which fee shall be retained by the Council.

(5) An application pursuant to clause (1) of this By-law shall be deemed not to have been made unless the requirements have been complied with in full.

(6) The Shire Clerk may in writing request an applicant to furnish, within such period as may be specified in such request, all such further information and particulars in respect of an application pursuant to clause (1) of this By-law as he thinks fit.

(7) (a) An application pursuant to clause (1) of this By-law shall be determined by the Council.

(b) Upon such an application, the Council may -

- i) approve the application; or
- ii) approve the application subject to the alteration of one or more particulars; or
- iii) refuse to approve the application.

8) If an applicant fails to furnish any information of particulars required under clause (6) of this By-law within the time so specified by the Shire Clerk, 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.

9) Where the Council determines an application as provided in sub-paragraphs (i) or (ii) of paragraph (b) clause (7) of this By-law, the Shire Clerk shall thereupon register the relevant existing non-conforming use by causing to be entered in the Register of Existing Non-Conforming Uses -

(a) in the case of a determination as provided in such sub-paragraph (ii), the particulars of such application excluding those referred to in paragraph (c) (vi) of clause (3) of this By-law;

(b) in the case of a determination as provided in such sub-paragraph (ii), the particulars of such application subject to their alteration as determined but excluding those referred to in paragraph (c) (vi) of clause (3) of this By-law;

(c) in any case, the date of the application which date shall thereupon be the date for the purposes of that entry.

RENDERED OBSOLETE BY NEW RPS - 30/03/06

(10) The Register of Existing Non-Conforming Uses kept pursuant to clause (2) of this By-law shall, with respect to any premises to which an entry therein relates be conclusive evidence that those premises were on the date for the purposes of that entry, being lawfully used for the existing non-conforming use described in that entry.

(11) An extract from the Register of Existing Non-Conforming Uses purporting to be certified as such by the Shire Clerk shall upon production thereof alone be evidence of the facts contained therein.

Miscellaneous

18. (1) In respect of any object or place of historical or scientific interest or of natural beauty which is specified by Council resolution under the town planning scheme as intended to be preserved in accordance with the National Trust of Queensland Act 1963 - 1981, the Council shall enter particulars thereof in a register to be kept at the office of the Council, and shall forthwith notify the National Trust of Queensland and the owner and occupier of the land upon which any such object or place specified is situated that such an object or place has been registered.

(2) The Council may at any time cancel such registration, and shall thereupon make an appropriate alteration in the register; and accordingly notify the owner and occupier and the National Trust of Queensland of the land in question.

PART III**COMPLIANCE WITH CONDITIONS**

1. Where an application:-

(1) is made to the Council pursuant to section 33(6A) of the Act to exclude land from a zone and to include the land so excluded in another zone; or

(2) is made to the Council under the town planning scheme for consent to use land or erect or use any building or other structure upon land for a purpose requiring the consent of the Council to such use or erection, and the Council approves the application subject to conditions, the applicant and every other person for the time being entitled to the benefit of the approval shall comply fully with each and every condition to which the approval is subject within or during the time hereunder specified.

2. A condition referred to in clause 1 of this By-law shall be complied with -

(1) in the case of a condition capable of being complied with prior to gazettal of the rezoning or commencement of the use of the land (as the case may be) prior to such gazettal or commencement;

(2) in the case of a condition required to be complied with at all times following gazettal of the rezoning or while the use continues (as the case may be), at all such times;

(3) in the case of a condition not referred to in paragraphs 1 or 2, within the time specified by the Council when notifying its approval of the application or, if no time is so notified, within a reasonable time after gazettal of the rezoning or commencement of the use of the land (as the case may be);

3. Any person, who being required to do so failed to comply fully with any condition within or during the time for compliance

with it shall be guilty of an offence which shall be taken to continue until the condition is complied with.

PART IV**OFFENCES**

1. A person who in any respect contravenes or fails to comply with any provision of this Chapter shall be guilty of an offence and liable to a penalty not exceeding five hundred dollars (\$500) and additionally in the case of a continuing offence, to a daily penalty not exceeding fifty dollars (\$50) for each and every day on which the offence is committed.

2. An offence under this Chapter may be prosecuted in a summary way under the *Justices Act 1886-1985*.

3. A right or remedy had by the Council in respect of any act or omission of or by a person shall not be prejudiced or affected in any way by the fact that such act or omission constitutes an offence under this Chapter for which a person has not been prosecuted.

Certificate

The foregoing resolution was passed on the fifteenth day of December, 1987, at a special meeting of the Council of the Shire of Redland called for that purpose and the requirements of subsection (27) of section 31 of the *Local Government Act 1936 - 1987*, have been complied with in respect of the By-laws the subject of such resolution.

M.Genrich, Chairman

R. Mackie, Shire Clerk

REDLAND SHIRE COUNCIL

Department of Local Government
Brisbane 18th February, 1988

HIS Excellency, the Governor, acting by and with the advice of the Executive Council and in pursuance of the *Local Government Act 1936 - 1987*, has been pleased to approve in Part the following By-laws made by the Council of the Shire of Redland.

J. H. RANDELL

WHEREAS by the *Local Government Act 1936-1987*, a Local Authority is empowered to make By-laws for all or any of the purposes in the said Act mentioned, and it is further provided that a By-law may be amended or repealed at any time by the Local Authority: It is hereby resolved by the Council of the Shire of Redland, with the approval of his Excellency the Governor in Council, that the following By-laws for the general good rule and government of the Area and its inhabitants and which the Council hereby determines are necessary for the proper exercise and performance of the functions of Local Government and the powers and duties of the Council shall be in force from the date of publication hereof in the *Gazette*.

The By-laws of the Council of the Shire of Redland published in the *Gazette* on the ninth day of June, 1906, as amended from time to time, are hereby further amended as follows:-

By repealing Chapter 25 and inserting the following Chapter:-

Chapter 25

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Subdivision of Land

This Chapter is arranged as follows:-

PART 1- SUBDIVISION OF LAND UNDER THE LOCAL GOVERNMENT ACT

PART 2- SUBDIVISION OF LAND UNDER THE BUILDING UNITS AND GROUP TITLES ACT

PART 1

SUBDIVISION OF LAND UNDER THE LOCAL GOVERNMENT ACT

This Part is arranged as follows:-

1. Interpretation
2. Application of By-laws
3. Approval Required
4. Application to Council
5. Proposal Plans
6. Consideration of Application by Council
7. Stage Development
8. Reasons for Refusal of an Application
9. Plan of Survey
10. Lapse of Approval
11. Subdivisional Design - General
12. Subdivisional Design - Minimum Areas of Allotments
13. Subdivisional Design - Minimum Frontages of Allotments
14. Subdivisional Design - Truncations
15. Subdivisional Design - Discretionary Powers
16. Public Garden and Recreation Space
17. Roads - Design and Construction
18. Roads - Truncations
19. Roads - Access Restriction Strips
20. Roads - Naming
21. Drainage Design and Construction
22. Water Supply and Sewerage
23. Electricity Service
24. General Requirements
25. Amalgamation
26. Subdivision for Lease Purposes
27. Preservation of Vegetation
28. Penalty

Interpretation

1. (1) In Part I of this Chapter unless the context otherwise indicates or requires, the following terms have the meanings respectively assigned to them, that is to say:-

"**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 more than one contiguous allotment and the remainder of the allotment of which it forms part and which is included in that allotment solely for the provision of access;

For the purpose of this definition, any river, creek or stream which does not form part of an allotment but which is contiguous therewith shall be deemed to be the side or rear boundary of a contiguous allotment;

"**Applicant**" - A private person or company who or which has made application to the Council under this Part for approval to subdivide land or open a new road. The term includes the person who for the time being intends to carry out any requirement of this Part in connection with an approval of the Council under this Part;

"**Approved**" - Approved by the Council;

"**Approved Design**" - A design approved of, or prepared by the Council, for the future subdivision of any parcel or parcels of land or any area;

"**Building Site**" - That part of an allotment on which, in the opinion of the Council, a building may be satisfactorily erected;

"**Certificated Town Planner**" - A town planner who holds the certificate as Town Planner prescribed by the Local Government Town Planners Board Regulations;

"**Construction of Drainage System**" - The provision and installation of any enclosed underground stormwater drainage system or the making of any open drain or the enlargement of existing open drains or the provision and installation of any sub-surface drains and the making and installation of any appurtenances required for the proper functioning of such drainage system;

"**Construction of Roads**" - In the case of a road, including a lane or pathway, includes provision for draining, levelling, grassing, paving, sealing, kerbing, channelling, turn-outs and crossovers and otherwise making and completing such road, in accordance with the standards adopted by the Council from time to time;

"**Council**" - The Council of the Shire of Redland;

"**Director of Engineering Services**" - the officer appointed by the Council to that position or any officer performing these duties in lieu thereof;

"**Frontage**" - Any boundary line, or part thereof, of land which coincides with the alignment of a road;

"**Licensed Surveyor**" - A surveyor registered for the performance of cadastral surveys under the *Surveyors Act 1977 - 1983*;

"**Manager Development Services**" - the officer appointed by the Council to that position or any officer performing these duties in lieu thereof;

"**Owner**" - in relation to any land, includes every person who jointly or severally, whether at law or in equity:-

RENDERED OBSOLETE BY NEW RPS - 30/03/06

- (a) is entitled to the land for any state of freehold in possession; or
- (b) is a person to whom the Crown has lawfully contracted to grant the fee-simple of the land; or
- (c) is a lessee from the Crown acting with the approval of the Crown;

"Plan" - includes any map, diagram, drawing, section or detail;

"Proposal Plan" - A plan prepared in conformity with the provisions of this Part and made for the purpose of an application for approval to subdivide land under the provisions of this Part;

"Proposed Allotment" - each of the several parts of any land which parts would result from the subdivision of such land into allotments;

"Rear Allotment" - An allotment wherefore access is provided by means only of an access strip which forms part of the allotment or an easement over contiguous land;

"Registered Civil Engineer" - A civil engineer registered under the *Professional Engineer's Act 1929-1975*

"Subdivide", "Subdivision" and similar expressions mean and refer to dividing into parts, whether the dividing is:

- (a) by sale, conveyance, transfer or partition; or
- (b) by any agreement, dealing or instrument inter vivos (other than a lease for any term not exceeding five (5) years without right of renewal) rendering different parts thereof immediately available for separate disposition or separate occupation; or
- (c) by procuring the issue of a certificate of title under *Real Property Act 1861 - 1986* in respect of a part of the land;

"Subject Land" - Land which is the subject of an application for the opening of a new road or for the subdivision thereof;

"The Act" - The *Local Government Act 1936 - 1987*, and as subsequently amended;

"Town Planning Scheme" - Any town planning scheme in force in any part of the Shire of Redland;

"Zone" - A zone referred to in any town planning scheme.

- (2) Where any term used in this Part is not herein defined but is defined in the Act, in any town planning scheme in force for the time being in the Shire or in any By-law of the Council, the term shall, for the purposes of this Part and unless the context otherwise indicates or requires, have the meaning assigned to it by the Act, any town planning scheme or the By-law, as the case may be.

Purpose of the By-laws

2. (1) This Chapter is designed in accordance with the Corporate Plan for the Shire of Redland to regulate the subdivision of land throughout the Shire.

- (2) The purpose of this Chapter is to create new development which is consistent with the aims of the planning scheme. In this regard the retention of natural vegetation within new development shall be a primary aim of Council.

Approval Required

3. A private person or company shall not subdivide any land under the *Local Government (Planning and Environment) Act 1990* as amended, whether such subdivision provides for the opening of a road or not, otherwise than in accordance with an approval granted by the Council under this Chapter.

Application to Council

4. (1) Every private person or company desiring to subdivide land, or open a new road, or do both of these things, shall himself, or by his authorised agent, submit to the Council an application in a form prescribed by the Shire Clerk and provide for that purpose, properly completed in every detail.
- (2) An application referred to in clause (1) shall be accompanied by:-
- (a) an application fee of an amount in accordance with a scale or scales of fees determined from time to time by the Council by resolution;
- (b) a proposal plan and such number of copies thereof as the Shire Clerk may from time to time determine, which plan and copies shall comply with the provisions of By-law 5 of this Part;
- (c) if the application is made by a person who is not the owner of the land to which the application relates or applies, the consent in writing of the owner to the making of the application.
- (3) The Shire Clerk may, in writing, request an applicant to furnish, within such period as may be specified in such request, all such further information and particulars as he thinks fit including, but without limiting the generality thereof:
- (a) an Environmental Impact Study report and statement of impact in respect of the proposed subdivision which report and statement shall include such matters and things as may be required by the Council;
- (b) information regarding the catchment area which drains on to the subject land;
- (c) any other information, matter or thing.
- (4) An application purporting to have been made pursuant to clause (1) shall be deemed not to have been made unless the requirements of clauses (1), (2) and (3) have been complied with in full.
- Pursuant to By-law 6(4) of this Part, such application shall be held in abeyance until such further information and particulars are received by the Shire Clerk.
- (5) An applicant may withdraw his application at any time before the determination of such application.

Proposal Plans

RENDERED OBSOLETE BY NEW RPS - 30/03/06

Such intervals shall be selected in consideration of the gradient of the land, the scale of the plan, and to be to the Council's satisfaction;

5. (1) Any proposal plan together with such supporting information as required by this clause shall -

(a) be prepared by a licensed surveyor, certificated town planner or registered civil engineer;

(b) be drawn in ink with the copies to be submitted reproduced by a method giving black lines and markings on a white ground;

(c) be accurately plotted with the north point upwards and drawn to a scale of -

1:500 or 1:1000 where the area of each allotment does not exceed one thousand (1000) square metres;

1:1000 or 1:2000 where the area of each allotment exceeds one thousand (1000) square metres but does not exceed five thousand (5000) square metres;

1:1000 or 1:5000 where the area of each allotment exceeds five thousand (5000) square metres but does not exceed two (2) hectares;

1:2500 or 1:5000 where the area of each allotment exceeds two (2) hectares;

Provided that if, at the prescribed scale, the proposal plan will not fit on a single sheet not exceeding metric size B, an alternative scale may be agreed in writing with the Manager Development Services;

(d) show the following information and particulars -

(i) the full Real Property Office description of the land to which it relates or applies (hereinafter in this Part referred to as "the subject land");

(ii) all allotments into which the subject land has already been subdivided together with their respective Real Property Office descriptions and areas;

(iii) all allotments adjoining the subject land together with their respective Real Property Office descriptions and areas;

(iv) all existing roads to which the subject land has or will have frontage together with their respective names and widths and existing construction;

(v) all existing easements over, adjoining or affecting the subject land;

(vi) where the proposed subdivision involves a new road or where no new road is involved but the method of surface drainage is important, sufficient levels to enable proper consideration of the proposal shall be shown. These levels shall be referred to Australian Height datum and shown in the form of contours unless the Council requires them to be shown in the form of spot levels. In the case of the subdivision of land within a Residential Zone, the contours of the land shall be shown at a contour interval of 0.5 metres but if the gradient of the ground is greater than 1:5 the contour interval may be two (2) metres. In the case where the requirements stated in this subparagraph do not seem practical, contours shall be shown at such intervals as shall adequately indicate the topography of the area to be subdivided.

(vii) the line and banks of any watercourse, the position of any waterholes on the subject land and the high water mark of any tidal water;

(viii) the location of all maximum flood levels of all areas subject to flooding on the subject land;

(ix) the size and situation of all existing buildings and other structures on the subject land and on adjoining lands within twenty (20) metres of the boundary of the subject land;

(x) the location of any existing sewers and drains, septic tanks and soakage trenches, any existing pipes or mains for the supply of water, electricity and gas and telephone lines and any other utility service mains of a like nature on the subject land;

(xi) all allotments into which the subject land is proposed to be subdivided, each marked with a distinct lot number and its approximate measurements and area as determined by preliminary survey and design, and the proposed means of access thereto. The total number and area of proposed allotments shall also be set out in a table on the proposal plan;

(xii) any proposed roads and streets, including truncations, lanes and pathways together with their respective dimensions determined in accordance with Table B7-1 of AMCORD by preliminary survey and design;

(xiii) any areas to be provided for use as public garden or recreation space together with their respective areas and measurements designed in accordance with Council's policies and standards as determined by preliminary survey and design;

(xiv) any proposed reserves together with their purpose and approximate area and measurements as determined by preliminary survey and design;

(xv) any proposed easement and its purpose;

(xvi) the catchment areas of all drainage passing through the subject land and the extent of any proposed filling to be carried out on the subject land;

(xvii) the extent of clearing of any natural vegetation to accommodate road construction, installation of services and filling to be carried out on the subject land;

(xviii) in the case of a proposal to subdivide land in the Rural/Non Urban Zone, the location of the access to each proposed allotment;

(xix) in the case of a proposal to subdivide land in a part of the Park Residential Zone which is not to be provided with sewerage, the location of the proposed area for the disposal of septic and sullage wastes within each allotment;

(xx) where stage development is proposed, the boundaries of each proposed stage development

RENDERED OBSOLETE BY NEW RPS - 30/03/06

shall be shown and each stage shall be numbered to indicate the proposed order of development;

- (xxi) in the case of a proposal to subdivide land into proposed allotments, but in which it is probable that part will be subdivided into other allotments at some later time, that part of the land shall be designed and shown by broken lines on the proposal plan, together with the necessary topographical information and, where necessary, the road system shall be shown through and over adjoining land;
- (xxii) in the case of a proposal to subdivide land into proposed allotments, but in which only part of the subject land is proposed to be immediately subdivided into such proposed allotments, the balance of the subject land shall be designed and shown by broken lines on the proposal plan, together with the necessary topographical information;
- (xxiii) the scale to which the plan is drawn;
- (xxiv) the date on which the plan was prepared;
- (xxv) a reference number by which the plan may be identified and referred to;
- (e) be coloured so as to show all proposed new roads, including lanes and pathways, and reserves tinted pink, existing roads, including lanes and pathways, and reserves tinted brown and the boundaries of the subject land edged green. Where separate ownerships are involved in the proposed subdivision, such shall be indicated clearly on the plan by the light shading of all separately owned parcels in other distinctive colours;
- (f) In addition to the proposal plan the applicant shall supply the following supporting information if not provided to Council with a previous application -
 - (i) a written statement from a registered professional engineer experienced in stormwater design that the proposal has been examined and that suitable underground and overland drainage can be designed and constructed in accordance with Council standards and supported by calculations and sketches to support the statement;
 - (ii) a written statement from a registered professional engineer experienced in flood studies that the proposal has been examined and that all proposed allotments other than open space and drainage reserves are sited above the design flood level and any existing filling complies with Council standards and regulation lines approved by Council;
 - (iii) where the land is subject to tidal influence, a statement with regard to the highest predicted storm surge and likely impact of wave run up and potential damage therefrom;
 - (iv) a written statement from a registered professional engineer that the design of streets will meet the design criteria of AMCORD for traffic volumes and design speed supported by suitable calculations and preliminary designs;

(v) where proposed areas to be provided for use as public garden and recreation space are subject to flooding or tidal influence, a written statement indicating which parts of such areas should be regard as drainage areas or reserves in accordance with Council's policies and standards;

(vi) where proposed allotments are not to be provided with sewerage a written statement from a registered professional engineer experienced in septic and sullage disposal that sufficient testing has been carried out and it is determined that a house and satisfactory trenches may be constructed on each allotment to absorb all septic and sullage wastes from the subject land.

Consideration of Application by Council

6. (1) An application made in compliance with By-law 4 of this Part shall be determined by the Council.
- (2) Upon such application, the Council may, subject to the Act-
 - (a) approve an application; or
 - (b) approve an application subject to such reasonable and relevant conditions as it deems fit; or
 - (c) refuse to approve the application.
- (3) Where the Council, in a relevant case, determines an application in accordance with paragraph (a) or (b) of the preceding clause, the Council may, in addition, agree to staged subdivision.
- (4) If an applicant fails to furnish any information or particulars required under clause (4) of By-law 4 of this Part within the time so specified by the Shire Clerk, the Council may, without further proceedings, refuse the application, or may, subject to the Act, 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 the application at any future time if the applicant has not then furnished such information or particulars.
- (5) If an application for the subdivision of land or opening of a new road is approved, or approved subject to conditions, or refused, the Council shall notify the applicant of its decision on such application within the time and in the manner prescribed by subsection (15) of section 34 of the Act, provided that -
 - (a) when the Council determines an application in accordance with paragraph (a) (in a case where no alterations to the proposed layout are required) of clause (2) of this By-law, the Council shall cause a copy of the proposal plan to be returned to the applicant. All other copies of the proposal plan submitted shall be retained by the Council;
 - (b) when the Council determines an application in accordance with paragraph (b) of clause (2) of this By-law, the Council may mark any relevant conditions involving alterations to the proposal plan on a copy of the proposal plan and shall cause it to be returned to the applicant or the Council may require the applicant to prepare new plans incorporating the amendments and re-submit them. All other copies of the proposal plan submitted shall be retained by the Council.

RENDERED OBSOLETE BY NEW RPS - 30/03/06**Stage Development**

7. (1) Where the Council in determining an application in accordance with paragraph (a) or (b) of clause (2) of this By-law 6 of this Part agrees to staged subdivision, the period of two (2) years prescribed in By-law 10 of this Part shall nevertheless commence to run in respect of each stage from the date upon which notification was given of approval of the application in respect of a proposal plan whereon the boundaries of such stage were shown pursuant to subparagraph (xx) of paragraph (d) of clause (1) of By-law 5 of this Part notwithstanding the date of commencement of works or other requirements associated with that stage.
- (2) Unless the Council otherwise determines, the order of stages in a subdivision shall be determined by the order in which the associated works or other requirements of this Part in respect of a stage are commenced and the notification of approval in respect of a stage for the purpose of this Part shall-
- (a) in respect of the first stage, be deemed to have been given when the notification was given of approval of the application in respect of the proposal plan whereon the boundaries of such stage were shown pursuant to subparagraph (xx) of paragraph (d) of clause (1) of By-law 5 of this Part; and
- (b) in the case of any subsequent stage be deemed to have been given when the plan of survey in respect of the next preceding stage in the approved order of stages is endorsed with the approval of Council and is returned to the applicant.
- (3) Notwithstanding the foregoing provisions, the Council may approve of the commencement of more than one stage and may approve of the commencement of a subsequent stage prior to the completion of the next preceding stage.

Reasons for Refusal of an Application

8. (1) Without in any way limiting the discretion of the Council, it shall be sufficient reason for refusing approval of an application if -
- (a) any aspect of the application is contrary to good town planning practice or good traffic engineering practice, in the opinion of the Council; or
- (b) any aspect of the application is at variance with or is likely to in any way prejudice the implementation of the provisions of the town planning scheme including any development control plan forming part of such scheme and any local planning policies made in pursuance to the scheme and this Chapter; or
- (c) any existing road which would carry traffic encouraged or caused by the development is not adequate in size, strength or state of repair to support the type of traffic or quantity of traffic which will be so encouraged or caused; or
- (d) provision is not made for satisfactory road intercommunication with neighbouring localities, whether within or outside the Shire; or
- (e) the subject land or any part of such land is, or is likely to be, subject to inundation by flood waters; or
- (f) any allotment proposed is so low-lying as not to be, in the opinion of the Council, reasonably capable of being

drained by gravitation at all times, or in the case of an allotment which is low-lying but is capable of being filled and drained, provision is not made in the proposal to effect such filling and drainage, to the satisfaction of the Council; or

- (g) the proposal includes any low-lying allotment capable of being filled or drained, but which cannot be so filled or drained without requiring filling or drainage on an existing road or roads, or adjacent property or properties; or
- (h) provision is not made to carry out such works as will provide proper drainage of proposed allotments; or
- (i) provision is not made for the transfer free of all cost to the Council of any drainage reserves or drainage easements of a minimum width of three (3) metres which may be necessary to enable the allotments or parcels of land and any new or existing roads to be sufficiently drained into a public drain or onto an existing road or watercourse to or along which the drainage from such land to any such road may lawfully be discharged or caused to flow; or
- (j) provision is not made for the granting free of all cost to the Council of all other easements which may be required by any public authority for the laying of any utility service mains, and for the provision of access and for the maintenance thereof; or
- (k) provision is not made for the dedication free of all cost to the Council for public garden or recreation space to be placed under the control of the Council of ten per centum (10%) of the total area of the subject land in addition to and apart from the area of any road, including any lane or pathway, or drainage reserve within the area affected by such subdivision or resubdivision, or any area which the Council may require to be dedicated free of all cost for vehicular parking; or
- (l) provision is not made for such connecting or other roads as may be considered necessary by the Council within the subdivision or to connect up with similar roads or proposed roads in adjoining subdivisions, or possible roads in the future subdivisions of adjoining land, to ensure the proper development of the surrounding locality; or
- (m) the subject land abuts any existing road which in the case of a principal road is less than thirty-five (35) metres wide and in the case of a secondary road is less than twenty (20) metres wide and the Council determines that the road should be widened on the side on which the subject land abuts and the proposal plan does not show such part of the land as may be determined to be required by the Council as "proposed road" thereon; or
- (n) provision is not made for access from constructed roads into each proposed allotment; or
- (o) any section of a new road two hundred (200) metres or more in length on the proposal plan is not intersected or met by a connecting road; or
- (p) the proposal plan makes provision for cross roads; or
- (q) every road corner shown therein and upon which abuts or abut only an allotment or allotments comprised therein is not rounded or truncated to the satisfaction of the Council; or

RENDERED OBSOLETE BY NEW RPS - 30/03/06

- (r) access is not provided to serve the rear of all proposed allotments in a Shopping or Commercial Zone in any town planning scheme; or
- (s) there would be likely to be undue difficulty or cost associated with the provision of vehicular access from a road to that part of a proposed allotment on which a building is likely to be erected; or
- (t) the site or orientation of any building which would be erected on such land would be for any reason unsatisfactory; or
- (u) in accordance with this Part, provision is not made for the reticulation of water supply or sewerage, or both water supply and sewerage, to the subject land; or
- (v) provision is not made for the reticulation of electricity and street lighting to serve the subject land; or
- (w) a proposed allotment does not conform with the By-laws of this Part; or
- (x) the area of any proposed allotment or allotments exceeds the minimum area specified in By-law 12 of this part for allotments in the zone in which the subject land is situated to an extent which, in the opinion of the Council, is considered excessive.

Plan of Survey

9. (1) Not later than two (2) years after notification of the determination, in accordance with paragraph (a) or (b) of Clause (2) of By-law 6 of this Part, of an application in respect of a proposal plan, or such extended period, if any, as may be approved by the Council, the applicant may forward to the Council a properly prepared plan of survey of the subdivision or opening of road as approved, and in registrable form, together with six (6) copies thereof duly certified by a licensed surveyor.
- (2) When the relevant provisions of this Part which are required to be complied with before the Council endorses its consent on the relevant plan of survey and the conditions of the Council, if any, have been complied with, the Council shall, within thirty (30) days thereafter, endorse its approval on the plan of survey and return it to the applicant who may, within six (6) months after the date of such approval, lodge such plan in the office of the Registrar of Titles for registration, provided that the Council may in its absolute discretion endorse its approval on a plan of survey which, though in every other respect conforming with the proposal plan as approved, is a plan showing a number of allotments fewer than those shown on the proposal plan as approved. Unless such plan is lodged as aforesaid, it shall not, except with the permission of the Council, be lodged thereafter.
- (3) It shall be unlawful for a surveyor to amend any plan of survey after it has been submitted to the Council for endorsement and sealing without informing the Council of such amendments and obtaining its approval and amending the relevant copies to conform therewith. In no case shall such amendments be made as would contravene the terms and conditions of the Council's approval.
- (4) The applicant shall be responsible for ensuring that, upon the completion of the road, drainage and other works for which he is responsible (in this clause called "the works") all survey marks are in their correct position in accordance with the relevant plan of survey and shall furnish to the Council a

certificate by a licensed surveyor that, after the completion of the works, survey marks were reinstated by him where necessary, and that all survey marks were then in their correct position in accordance with the relevant plan of survey. 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 the said certificate by the surveyor has been received by it. In other cases, the Council may refuse to endorse its approval on the plan of survey until the certificate by the surveyor has been received by it.

Lapse of Approval

10. (1) If the applicant fails to comply with any relevant requirement or condition of this Part or of the Council within a period of two (2) years after the notification of approval (or approval subject to conditions) of the proposal plan, or such extended period as may be approved by the Council, the approval of the Council shall be deemed to have lapsed and to be of no force or effect whatsoever;

Where the Council has agreed to staged subdivision an approval which has lapsed pursuant to clause (1) of this By-law as a result of failure to comply with a requirement or condition in respect of any stage shall be deemed to have lapsed and to be of no force or effect in respect of all other stages in respect of which a plan or survey has not been endorsed by the Council with its approval pursuant to By-law 9 of this Part.

- (2) Notwithstanding the foregoing provisions of this By-law, the Council may, upon cause being shown in writing furnished to the Shire Clerk therefore, relax such provisions insofar as they require the applicant to take some step or action within a prescribed time.
- (3) If approval of the application should lapse and the applicant desires to have the application approved, a fresh application shall be required to be lodged, together with the necessary application fee. In such case the Council shall not be bound by its previous decision and it shall reconsider such proposal and, if approving it subject to conditions, may impose such new conditions as it may deem fit in accordance with the provisions of this Part.

Subdivisional Design - General

11. (1) Where any development control plan in force in the Shire shows a preferred subdivisional layout over any land, the land shall not be subdivided or a new road opened otherwise than in general accord with such subdivisional layout, or with an alternative preferred subdivisional layout adopted by the Council pursuant to the provisions of any such development control plan.
- (2) (a) In any case where, in as opinion, the complete subdivision of land would involve the construction and drainage of a road or roads, the Council, when considering any proposal for subdivision of such land which proposal does not include a road or does not in its opinion include a full road for the complete subdivision of the land, may, whether it approves such proposal or not, require the applicant to submit for its consideration a design for the complete subdivision of the subject land where such a design is not shown on any development control plan in force in the Shire and may prove such design or substitute another design for it and, if the applicant does not submit a design within ninety (90) days after being required to do so, may itself prepare such a design. A design which has been so approved or

RENDERED OBSOLETE BY NEW RPS - 30/03/06

substituted or prepared by the Council is hereinafter referred to as "The approved design". The further subdivision of the subject land or any part thereof shall not, save with the approval of the Council, be effected otherwise than in conformity with the approved design;

Subdivisional Design - Minimum Areas of Allotments

- (b) the approved design or a design substituted for it (the making of which substituted design is hereby authorised, and which shall thereupon be deemed to be the approved design) shall be recorded by the Shire Clerk and shall be binding on the owner of the land and on any person hearing and determining an appeal against the Council's decision on an application for a further subdivision of the subject land or any part thereof. A copy of the approved design certified by the signature of the Shire Clerk shall be admissible in evidence;
- (c) If such design is so prepared by the Council then, at such time as the owner proceeds with the subdivision of the subject land or part thereof whether he be the owner at the time of the preparation of the plan or otherwise, he shall pay to the Council its cost in preparing such design and the plan of survey shall not be sealed by the Council until such payment is made;
- (d) When an approved design has been made, the Shire Engineer may prepare an estimate of the cost of construction of road works and drainage in the land the subject of such design and the Council, when considering any proposal before it respecting the subdivision of such land or part thereof which does not include a full road system for such land, may require as a condition of approval of such proposal that the subdivider shall pay to the Council such sum as in the opinion of the Council is a fair proportion of such estimated cost, having regard to the nature of the proposal before it. Such sum shall be held by the Council in trust for the purpose of making, or contributing to the cost of making the necessary roads and drainage in the land, as it shall think fit;
- (e) A person shall not erect, re-erect or commence to erect or re-erect a building on any part of the parcel of land shown on the approved design as a future road or so that any part of the building is within six (6) metres from any such road.
- (3) It shall be unlawful to subdivide or open a new road on:-
- (a) any land so that any boundary or area of any allotment would cause any existing building to contravene the relevant By-laws of the Council; or
- (b) any land on which an existing building is situated, so that a subdivision line passes through the building; except where the Council may approve, upon application for dispensation being made to it, of such subdivision where the applicant gives to the Council an undertaking and such security as may be required that such part of the building will be removed, within a period stipulated by the Council, so as to leave the remainder of the building situated on one allotment and in conformity with the provisions of the By-laws of the Council.
- (4) With regard to this By-law, nothing shall be construed to prevent the erection of any building partly on two or more contiguous, vacant allotments held under the same ownership.
12. The minimum area of any proposed allotment that shall be permitted in any proposed subdivision of land situated in any of the following zones shall be:-
- (1) Shopping and Commercial Zones - Eight hundred (800) square metres.
- (2) Residential B Zone - One thousand two hundred (1200) square metres, except where the allotment is a rear allotment, in which case the minimum area clear of any access strip or access easement shall be one thousand two hundred (1200) square metres.
- (3) Residential A Zone - Six hundred (600) square metres, except in the following circumstances:-
- (a) Where development will consist solely of allotments in excess of four hundred and fifty (450) square metres in area and fifteen (15) metres in width and is situated on land with a slope of five (5) percent or less and it is not proposed to erect buildings except in accordance with the set backs permitted without relaxation by the Standard Building Law and the applicant has submitted a written statement in lieu of a Plan of Development in accordance with Part IV Performance Standards clause 8B(c) of the Town Planning Scheme and provided that the total area of the residential allotments divided by the number of allotments is not less than five hundred and fifty (550) square metres and not more than sixty (60) percent of allotments have an area of less than six hundred (600) square metres;
- (b) Where a development will consist of allotments designed in accordance with a Plan of Development prepared in accordance with Part IV Performance Standards clause 8B of the Town Planning Scheme, three hundred (300) square metres except as provided by Part IV Performance Standards clause 8B(e) of the Town Planning Scheme and provided that the total area of the residential allotments divided by the number of allotments is not less than five hundred and fifty (550) square metres and not more than sixty (60) percent of allotments have an area of less than six hundred (600) square metres and not more than twenty (20) percent of allotments have an area of less than four hundred and fifty (450) square metres;
- (c) where Council has approved a development application for a multiple dwelling consisting of two dwelling units on an allotment of not less than eight hundred (800) square metres in area and each new allotment contains an area of not less than four hundred (400) square metres;
- (d) where an application has been made and Council approves a development not in accordance with AMCORD which includes a rear allotment, in which case the minimum area of any such rear allotment clear of any access strip or access easement shall be eight hundred (800) square metres;
- (e) where an application has been made and Council approves a development in an area not provided with or capable in the opinion of Council of being provided with sewerage reticulation four thousand (4000) square metres;
- (f) where Council has approved a plan of development containing allotments of area less than six hundred

RENDERED OBSOLETE BY NEW RPS - 30/03/06

(600) square metres, the ratio of allotment areas shall not exceed the following: allotments between six hundred (600) and four hundred and fifty (450) square metres and lots smaller than four hundred and fifty (450) square metres shall be forty per centum (40%) and twenty per centum (20%) respectively;

(g) where Council has approved a plan of development, and where allotments of area less than six hundred (600) square metres or frontages are less than seventeen (17) metres are to be located on opposite sides of the same length of road, the applicant shall provide on-street carparking in accordance with the requirements for an access place as defined in AMCORD;

(h) where Council has approved a plan of development which includes stage subdivision of the development, the assessment of the ratios in By-law 12 (3) (f) above shall be in association with each stage of the development or definable development precincts, which have previously been marked on the approved plan of development;

(i) Notwithstanding any of the provisions contained in sub-clauses (a) to (e) above the Council may dispense with or modify any of the requirements contained therein if it considers that dispensation is justified having regard to:-

- 1) the existing development in the area;
- 2) the existing and proposed amenity of the area;
- 3) the number of road frontages of the site and the importance of the particular roads; or
- 4) a demonstrated, clear public benefit is to be achieved in association with the development, and provided satisfactory fulfilment of P2 of Element B1 with AMCORD is attained.

(4) Residential - Low Density Zone - Two thousand (2000) square metres.

(5) Park Residential Zone - Six thousand (6000) square metres.

(6) Industry A, Industry B and Crown Industrial Estate Zones - One thousand (1000) square metres.

(7) Industry C Zone - Four thousand (4000) square metres.

(8) Rural/Non Urban Zone - Twenty (20) hectares.

(9) Special Rural Zone - Sixteen (16) hectares.

(10) Rural - Habitat Protection and Water Supply Catchment Zone - Twenty (20) hectares.

(11) Comprehensive Development Zone - as determined by the provisions of a development control plan relating to such zoned land.

(12) Special Development Zone - as determined by the provisions of a development control plan relating to such zoned land.

(13) Any other Zone - As determined by the Council, having regard to the proposed use.

13. (1) The minimum frontage to a road for any proposed allotment that shall be permitted in any proposed subdivision of land situated in any of the following zones shall be:-

(a) In a Residential A Zone - twenty (20) metres except in the following circumstances;

(i) a corner allotment in which case the minimum width and frontages such as will provide for a square side of twenty-two (22) metres is contained within the allotment, except where all the provisions of Part IV Performance Standards clause 8B have been complied with, in which case a square of eighteen (18) metres shall be acceptable. However, where the corner allotment abuts a collector road as defined in AMCORD (3000 vehicles per day or more) the corner allotment shall contain a square of twenty two (22) metres;

(ii) a rear allotment in which case the minimum width of the access strip shall be four (4) metres and the allotment shall contain a circle of twenty-two (22) metres diameter;

(iii) an irregular shaped allotment other than a corner or rear allotment such frontage as will provide for a space not less than nine (9) metres long measured at the nominal kerb line in front of each such allotment by projecting the side boundaries of the allotment;

(iv) where a development will consist of allotments designed in accordance with Part IV Performance Standards clause 8B (c) of the Town Planning Scheme and By-law 12(3)(a) those allotments with an area of less than six hundred (600) square metres shall have a width of not less than fifteen (15) metres except corner allotments as provided in paragraph (i) and rear allotments as provided in paragraph (ii), and except as provided in paragraph (vi);

(v) where a development will contain allotments designed in accordance with Part IV Performance Standards clause 8B(c) of the Town Planning Scheme and By-laws 12(3)(b) those allotments with an area of less than four hundred and fifty (450) square metres shall have a width compatible with performance criterion P2 of element B1 of AMCORD with the exception of corner and rear allotments which shall comply with paragraph (i) and (ii) above, respectively;

(vi) where Council has approved an integrated residential development in accordance with the town planning scheme no allotment shall have a frontage and average width of less than ten (10) metres, and allotments in excess of four hundred and fifty (450) square metres in area shall have a frontage and average width of not less than fifteen (15) metres provided that also the applicant has demonstrated a building envelope and overland drainage path for each such allotment in accordance with the town planning scheme and these By-laws;

(vii) where Council has approved a plan of development, allotments with a frontage width of less than or equal to fifteen (15.0) metres generally shall not be in groups of more than four (4) at any one road frontage or six (6) where the group of allotments abuts or fronts a park, except where intersection separations, landscaping features, view lines affect

Subdivisional Design - Minimum Frontages of Allotments

RENDERED OBSOLETE BY NEW RPS - 30/03/06

the subdivision design, in which case additional groupings may be approved by Council;

- (b) (i) In a -
- (A) Residential B Zone - Thirty (30) metres;
 - (B) Residential Low Density Zone - Thirty-five (35) metres;
 - (C) Industry A, B and Crown Industrial Estate Zones - Twenty-five (25) metres;
 - (D) Industry C Zone - Forty (40) metres;
 - (E) Shopping and Commercial Zones - Twenty (20) metres;
 - (F) Park Residential Zone - Forty (40) metres;
 - (G) Rural/Non Urban Zone - Two hundred (200) metres;
 - (H) Comprehensive Development Zone - As determined by the provisions of a development control plan relating to such zoned land;
 - (I) Special Development Zone - as determined by the provisions of a development control plan relating to such zoned land;
 - (J) Any other zone - As determined by the Council, having regard to the proposed use;

(ii) Except that for -

- (A) an irregularly shaped allotment located within any of the zones listed in the preceding sub-paragraphs, the average width of the allotment shall not be less than the minimum permissible frontage for a rectangular shaped allotment in that zone, and the minimum frontage of the allotment shall be not less than one half such minimum frontage for a rectangular allotment; or
- (B) a rear allotment located within any of the zones listed in the preceding sub-paragraphs, the minimum width of access ways shall be as follows -

four (4) metres in Residential Low Density and Park Residential Zones, six (6) metres in Residential B, Shopping and Commercial Zones, eight (8) metres in industry A, B, C or Crown Industrial Estate Zones and in any other zone as determined by Council having regard to the proposed use or as determined by the provisions of a development control plan relating to such land.

(2) The maximum ratio of depth to width for a rectangular shaped allotment, or of average depth to average width for an irregularly shaped allotment, that shall be permitted for any proposed subdivision in a proposed subdivision of land situated in the following zones shall be:-

- (a) Residential A and B - Two and one half to one (2.5:1);

- (b) Industry A, B, C and Crown Industrial Estate - Four to one (4:1);
- (c) Shopping and Commercial Zones - Four to one (4:1);
- (d) Park Residential Zone - Four to one (4:1);
- (e) Rural/Non Urban Zones - Five to one (5:1);
- (f) Comprehensive Development Zone - As determined by the provisions of a development control plan relating to such zoned land;
- (g) Special Development Zone - as determined by the provisions of a development control plan relating to such zoned land;
- (h) Any other zone - As determined by the Council, having regard to the proposed use.

Subdivisional Design - Truncations

14. (1) No application shall be approved unless provision is made, where applicable, for corner truncation of the subject land at-
- (a) the intersection of existing roads, whether at right angles or otherwise, whose alignments form boundaries or parts thereof of the subject land;
 - (b) the intersection of proposed roads;
 - (c) the intersection of a proposed road and an existing road;
 - (d) a corner where, in the opinion of the Council, a future road will intersect an existing or proposed road;
 - (e) a corner which will be situated, in the opinion of the Council, at the intersection of future roads;
 - (f) an angle, not being an intersection, in an existing road.
- (2) Truncations at right angled corners shall be six (6) metres by three (3) equal chords unless the Council, at its discretion, requires a truncation of greater dimensions.
- (3) In the case of truncations other than at right angled corners, the truncations shall be provided to maintain a uniform footpath width and adequate clearance for overhead electricity cables as required by the Shire Engineer,

Subdivisional Design -Discretionary Powers

15. (1) Notwithstanding the provisions of By-laws 12 and 13 of this Part, the Council may vary any of such provisions:-
- (a) in accordance with the provisions of a development control plan;
 - (b) where it considers such variation to be necessary because of the location, size, shape or topography of the subject land, and where it considers that the proposed allotments would be satisfactory for the use or uses permissible within the zone in which the subject land is included;
 - (c) to provide for freehold title to be given to individual residential or industrial units in a development which has been substantially completed in accordance with the provisions of any town planning scheme in force in any part of the Shire;

RENDERED OBSOLETE BY NEW RPS - 30/03/06

- (d) one (1) allotment in the case where an irrevocable agreement has been entered into with the Council for the rezoning of the subject lands including or excluding the area to be excised, and provided that there is an existing dwelling house on the area to be excised, that such area can be provided with access and services to the satisfaction of the Council and that the size of such area is compatible with the size of allotments permitted in the zone in which the subject land, including or excluding the area to be excised is to be included.

Public Garden and Recreation Space

16. (1) Where the subject land is situated in any zone other than the Rural/Non Urban Zone, the Council may require the applicant to either -
- (a) provide land for public garden and recreation space in accordance with clause (2) of this By-law.;
 - (b) pay a sum of money to the Council in accordance with clause (3) of this By-law.
- (2) Where the Council considers that an area of the subject land should be provided for use as public garden or recreation space or both -
- (a) the area of land to be provided for such use from the subject land shall be comprised of land that is a fair average of the type of land to be subdivided or resubdivided and shall be -
 - (i) where the proposal for sub-division for which approval is sought involves the construction of one or more canals within the meaning of *The Canals Act 1956 to 1987*, an area that is seven and one half per centum (7.5%) of the total area of the subject land;
 - (ii) in any other case, an area that is ten per centum (10%) of the area of the subject land;
 - (b) the location of such land, and the areas and dimensions of the separate parcels comprising such land, shall be to the requirements of the Council;
 - (c) the applicant shall carry out at his expense such draining, filling or clearing of such land to be dedicated for public uses as the Council may consider necessary to make the land suitable for the intended purpose provided that no works including the removal of any tree or shrub shall be commenced prior to the written approval of the Council being given for such works to commence.
- (3) Where the Council considers that an area of the subject land need not be provided for use as public garden or recreation space, it may require the applicant to pay and, if it does so, the applicant shall pay to the Council an amount of \$2,000 for each proposed allotment within the subdivision. Any sum so paid to the Council shall be expended by the Council within a period of three (3) years after the date of payment on any or all of the following works or things to be carried out within the subject land or within four (4) kilometres from a point is that as near as may be, the centre point of that land, namely -
- (a) the acquisition or development (or both) of land for use as public garden or recreation space or both;

- (b) the provision of capital works for the improvement or enlargement of existing public garden or recreation space or both.

The monies required to be paid to the Council pursuant to the provisions of this By-law shall be paid to the Council at the time of lodging: with the Council of the relevant plan of survey for endorsement and sealing.

Roads and Streets - Design and Construction

17. (1) When an application in respect of a proposal plan is approved, the Council shall classify each new road and street within or fronting the proposal as shown on the proposal plan in accordance with the performance criteria contained in AMCORD taking into consideration the existing and probable future development of the locality, present and future traffic requirements and the amenity of the district.
- (2) (a) The Director of Engineering Services shall from time to time issue standards setting out requirements in respect of the design and construction of all roads and streets and where such standards are issued all road and street design and construction shall conform to such standards unless otherwise approved by the Director of Engineering Services;
 - (b) Upon the classification being made in accordance with the last preceding clause, the design of any road, street, lane, bicycleway or pathway shall be in accordance with the standards of Council as issued by the Director of Engineering Services except as hereinafter provided.
- (3) Intersections of roads and/or streets, whether of a new road or street with another new road or street or of a new road or street with an existing road or street shall be in such positions and of such geometric configuration as are determined by the Council.
- (4) (a) In all new roads and/or streets, except those located within the Rural/Non Urban Zone, concrete kerb and channelling shall be constructed on both sides of the road;
 - (b) In all new roads and/or streets except those located within the Rural/Non Urban Zone, the full width between kerbs shall be constructed with approved paving material, surfaced with bitumen, asphaltic concrete or other approved impervious materials;
 - (c) Where a proposal plan makes provision for the opening of a new bicycleway or pathway, such bicycleway or pathway shall be formed full width and paved to the requirements and satisfaction of the Council.
- (5) If Council is satisfied that, for the proper subdivision of lands in two or more ownerships, a new road or street should be constructed along the common boundary of those lands, it may permit the applicant for subdivision of those lands to provide a road or street of lesser width than twenty (20) metres but not less than ten (10) metres with a concrete kerb and channel, and a footpath formed to permanent levels, along one side of the carriageway and a bitumen sealed strip. The width of road or street and bitumen seal shall be as determined by the Council from time to time.
- (6) Where Council approves allotments in a proposed subdivision have vehicular access to an existing constructed dedicated road or street, the applicant shall meet the full cost of construction and to the satisfaction of the Council,

RENDERED OBSOLETE BY NEW RPS - 30/03/06

of the upgrading of such road or street on the frontage of those allotments to provide concrete kerb and channel and a footpath formed to permanent level along the side the allotments together with road construction including bitumen surfacing, any necessary underground drainage and alterations to public utility services to the standards set out in this Chapter.

- (7) Where Council approves of a proposal plan and denies vehicular access to an existing constructed dedicated road the applicant shall meet the full cost of construction and to the satisfaction of Council of the upgrading of such road on the frontage of the subdivision to provide adequate access to any new street, a footpath formed to permanent level together with such drainage including underground drainage and/or concrete kerb and channel consistent with existing works in the vicinity of the subdivision and any necessary alterations to public utility services.
- (8) Where allotments in a proposed subdivision will have frontage to an existing unconstructed road, the applicant shall construct such road to the performance criteria of the Australian Model Code for Residential Development and any standard adopted by Council consistent with that Code provided that the applicant shall not be required to construct concrete kerb and channel or form a footpath on the opposite side of the road to the proposed subdivision.
- (9) Where vehicular access to a proposed subdivision can be obtained only by means of an existing dedicated road or street not adjoining the subdivision, the applicant shall contribute such reasonable amount as the Council may determine towards the cost of constructing or upgrading such dedicated road or street external to the subdivision to a standard such as will provide reasonable vehicular access to such allotments of the subdivision.
- (10) Notwithstanding the provisions of this By-law the Director of Engineering Services may from time to time or in respect of a particular subdivision proposal vary the engineering requirements as the said Director considers necessary having regard to good engineering practice.

Roads - Truncations

18. (1) The applicant shall, prior to the endorsement by the Council of its approval to the relevant plan of survey or the release by the Council of any security given for the due performance of road, drainage or other works, remove all fences, trees and other obstructions whatsoever from the truncated area and, subject to the proviso to this clause, a licensed surveyor shall sign and furnish to the Council a certificate that such obstructions have been removed;

Provided that if a building existing at the time of the determination of an application encroaches on the truncated area then the Council shall not require the owner or any person having an estate or interest in the land out of which the truncated area was dedicated to remove the obstruction until the building is proposed to be re-built to the new alignment;

Provided further that the part of such building which is on the truncated area shall not be re-built or added to after dedication of the truncated area as a road.

- (2) The area truncated shall be dedicated as a road free of all cost to the Council.

Roads - Access Restriction Strips

19. (1) An applicant shall transfer to the Council in fee simple and free of all cost to it any access restriction strips required by the Council to be transferred to the Council, and where the Council requires that any existing strips at the end or on the side of an existing road be dedicated and constructed as road, the applicant shall bear the cost of such dedication and shall construct the road to the standard of the adjoining road;

- (2) A strip of the type referred to in clause (1) of this By-law shall be deemed to conform to the minimum requirements of By-laws 12 and 13 of this Part as to area and frontage of a proposed allotment.

- (3) Such access restriction strips required by the Council shall be 0.1 metres in width along that part of the road that is continuous with the boundary of the subdivision. Such land shall be held by the Council for town planning purposes (Future Road).

Roads - Naming

20. (1) An applicant may submit three (3) suggested names for each proposed new road.

- (2) Subject to clause (4) of this By-law, the Council may allocate a name submitted by such applicant as the name of a new road, or allocate such other name as it deems appropriate.

- (3) Subject to clause (4) of this By-law, the Council may alter the name of a road from time to time.

- (4) The Council shall not allocate a name to a road which is then the name of any other road in the area.

- (5) The Council, as it considers necessary, shall supply and erect road names upon roads within the subject land and also at each intersection of a road within the subject land with a road outside the subject land.

- (6) The cost of supplying and erecting road names shall be paid to the Council by the applicant

Drainage Design and Construction

- 21 (1) The Director of Engineering Services shall from time to time issue standards setting out requirements in respect of the design and construction of drainage in all subdivisions and where such standards are issued all drainage design and construction shall conform to such standards unless otherwise approved by the Director of Engineering Services.

- (2) In all subdivisions except those located in the Rural/Non Urban zone full underground drainage shall be constructed in accordance with Council standards to drain every road, street, pathway and public open space.

- (3) In all subdivisions, except those located within the Rural/Non Urban Zone, provision shall be made for overland stormwater flow paths designed in accordance with Council standards which shall include the dedication to Council as drainage reserve all land subject to flooding or required for flood mitigation purposes as a result of the effects of stormwater discharge from the proposed subdivision as determined by the Director of Engineering Services as set out in Council standards.

RENDERED OBSOLETE BY NEW RPS - 30/03/06

- (4) Where it is required to provide underground drainage, Council may also require the filling of land in order to satisfy the requirements of subclauses (1) to (3) of this By-law.
- (5) Where Council permits culvert type drainage at road crossings of natural watercourses the culvert drainage shall be designed in accordance with Council standards.
- (6) In all subdivisions located within the Residential B, Residential A, Residential Low Density, Industry A, Industry B, Industry C, Crown Industrial Estate, Shopping and Commercial Zones, each allotment shall be provided with an under-ground drainage system necessary to accommodate stormwater runoff from the allotment where such drainage cannot be directed to the street pavement or the Council drainage system to the satisfaction of the Director of Engineering Services.
- (7) Notwithstanding the provisions of this By-law the Manager Development Services on the advice of the Director of Engineering Services may from time to time or in respect of a particular subdivision proposal vary the engineering requirements as the said Manager considers necessary having regard to good engineering practice.

Water Supply and Sewerage

22. (1) The provisions of this By-law shall apply to every application for approval of subdivision of land which in the opinion of the Council is situated in a part of the Shire which is being used or will, if the subdivision is effected, be used for residential, business, commercial or industrial purposes.
- (2) In the case of every application made for approval to subdivide land to which this By-law applies, the application shall not be approved except subject to the following conditions (unless the Council in its discretion shall consider that by reason of the size, shape, location or topography of the said land or of the proposed new allotments or that by reason of any prior works or contributions that such conditions or any one or more of them should not be imposed), namely-
- (a) That the applicant shall provide water supply works internal by supplying all necessary materials and works including structures and equipment and performing all necessary works at the expense of the applicant or, at the applicant's option and with approval of Council, the applicant may enter into an agreement with the Council for the supply of materials and works including structures and equipment and performance of works by the Council at the expense of the applicant;
- (b) That the applicant shall provide sewerage works internal by supplying all necessary materials and works including structures and equipment and performing all necessary works at the expense of the applicant or, at the applicant's option and with the approval of Council the applicant may enter into an agreement with the Council for the supply of materials and works including structures and equipment and performance of works by the Council at the expense of the applicant;
- (c) That the applicant shall contribute towards the cost incurred or to be incurred by the Council in providing the appropriate water supply headworks in accordance with a policy document prepared for this purpose pursuant to and as defined in section 33 (18E)(e) of the *Local Government Act 1936 - 1987* unless such a contribution has in respect of that land been made to the Council under Section 33 (18E) of the *Local Government Act 1936 - 1987* or prior to the commencement of section 12 (b) of the *Local Government Act Amendment Act 1983 - 1985* the relevant land was at that date included in a zone under a town planning scheme which would permit its use for a purpose envisaged by the application for approval to open a new road or to subdivide the land without the consent of the Council being obtained in which case the amount of the contribution shall be in accordance with a policy document prepared for this purpose but shall not exceed the amount that would have been payable under By-law 30 of Chapter 25 "Subdivision of Land" of Council By-laws dated 24th October, 1974;
- (d) That the applicant shall contribute towards the cost incurred or to be incurred by the Council in providing the appropriate sewerage headworks in accordance with a policy document prepared for this purpose pursuant to and as defined in section 33 (18E)(e) of the *Local Government Act 1936-1987* unless such a contribution has in respect of that land been made to the Council under section 33 (18E) of the *Local Government Act 1936 - 1987* or prior to the commencement of section 12 (b) of the *Local Government Act Amendment Act 1983 - 1985* the relevant land was at that date included in a zone under a town planning scheme which would permit its use for a purpose envisaged by the application for approval to open a new road or to subdivide the land without the consent of the Council being obtained in which case the amount of the contribution shall be in accordance with a policy document prepared for this purpose but shall not exceed the amount that would have been payable under By-law 30 of Chapter 25 "Subdivision of Land" of Council By-laws dated 24th October, 1974;
- (e) That the applicant shall pay to the Council the cost incurred or to be incurred by the Council in providing the appropriate water supply works external in accordance with a policy document prepared for this purpose pursuant to and as defined in section 33 (18E) of the *Local Government Act 1936 - 1987* where the land is the only land that will be serviced by the works, or a contribution towards that cost where the relevant land and other land will be serviced by the works;
- (f) That the applicant shall pay to the Council the cost incurred or to be incurred by the Council in providing the appropriate sewerage works external in accordance with a policy document prepared for this purpose pursuant to and as defined in section 33 (18E) of the *Local Government Act 1936 - 1987* where the land is the only land that will be serviced by the works, or a contribution towards that cost where the relevant land and other land will be serviced by the works.
- (3) (a) If the Council shall impose as a condition of approval of an application to which this clause applies a condition that the applicant shall provide materials and perform works for the reticulation of water supply and the reticulation of sewerage and the applicant shall within six (6) months or such longer period as the Council may allow from the date of notification of such approval, lodge with the Council for examination by the Manager Development Services, such plans specifications and other information as the said Manager Development Services may reasonably require and an estimate of cost of such materials and work prepared by a registered civil engineer (hereinafter called the Engineer)

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and shall amend such plans and specifications as reasonably required by the Manager Development Services in accordance with good engineering practice and within the said period of six (6) months or such longer period as the Council may allow the applicant shall enter into a written agreement with the Council whereby the applicant agrees to supply such materials and perform such works in accordance with the approved plans and specifications and if the applicant shall fail so to do, then the aforesaid approval shall lapse and be of no force or effect whatsoever provided always that if the application shall be for the subdivision of a parcel of land in stages, then the Council shall also state in the relevant condition of approval, the date on which the aforesaid period of six (6) months shall commence in respect of each approved stage of subdivision and that date shall for the purposes of this paragraph of this clause of this By-law be deemed to be the date of notification of approval;

- (b) The Council shall not endorse its approval on and seal any plan intended for registration by the Registrar of Titles in respect of land to which the last preceding paragraph applies unless and until the applicant shall have carried out his obligation to supply materials and perform works or shall, at the option of the Council, have given security to the entire satisfaction of the Council for the supply of materials and performance of works.
- (4) (a) Where, pursuant to section 33 (18F) (a) of the *Local Government Act 1936 - 1987* an agreement has been entered into between an applicant and Council which provides for inter-alia the payment by the applicant of a contribution towards the cost of the provision of a water supply service or the provision of sewerage (other than by reticulation) or the lodgement by the applicant of security for such payment and the applicant fails to make payment or give security as provided for in that agreement, then the approval of the subdivision shall be deemed to have lapsed and shall be of no force or effect whatever;
- (b) Where the Council has imposed as a condition of approval that the applicant shall contribute towards the cost of the provision of water supply and the cost of provision of sewerage or the cost of provision of water supply or the cost of provision of sewerage as hereinbefore provided, the Council shall not endorse its approval on nor seal any plan of subdivision intended for registration by the Register of Titles to which such condition of approval applies until the applicant shall have complied with such condition in the manner hereinbefore provided;
- (c) All materials supplied and work performed by the applicant or by the Council pursuant to this clause shall be to the reasonable satisfaction of the Manager Development Services and shall comply in all respects with the provisions of all relevant Statutes, Statutory Regulations and By-laws. The Manager Development Services or a nominated delegate of the Manager may test and generally may inspect all materials and work but no testing or inspection shall relieve an applicant of any obligation undertaken by the applicant pursuant to this clause or imposed on the applicant by any agreement entered into pursuant to this clause.
- (5) (a) If the Council shall require an applicant to contribute towards the cost of the provision of a water supply works and the provision of sewerage works or the provision of a water supply works or the provision of sewerage works to the land to be subdivided in accordance with paragraphs (c) (d) (e) (f) of clause (2) of this By-law then Council shall state in the relevant condition of approval the amount of contribution required and such contribution shall be paid

within the time specified in the relevant condition of approval provided that the Council may in its absolute discretion accept security for payment at any specified time in lieu of actual payment: And provided further that where the applicant has sought and the Council has approved subdivision in stages then the period within which the payment must be made or security given shall be deemed to commence on a date to be specified by the Council in the relevant condition of approval in respect of each stage;

- (b) If the applicant shall fail to make payment or give security as required by the Council pursuant to the last preceding paragraph, then the approval of the subdivision shall be deemed to have lapsed and shall be of no force or effect whatever.
- (6) Where the Council has imposed as a condition of approval that the applicant shall contribute towards the cost of the provision of water supply works or the cost of the provision of sewerage works as herein provided, the Council shall not endorse its approval on nor seal any plan of survey intended for registration by the Registrar of Titles to which such condition of approval applies unless and until the applicant shall have complied with such condition in the manner hereinbefore provided.
- (7) All materials supplied and work performed by the applicant or by the Council pursuant to this By-law shall be to the reasonable satisfaction of the Shire Engineer and shall comply in all respects with the provisions of all relevant Statutes, Statutory Regulations and By-laws. The Shire Engineer may, by himself or his nominated delegate, supervise and test and generally may inspect all materials and work but no supervision, testing or inspection shall relieve an applicant of any obligation undertaken by the applicant pursuant to this By-law or imposed on the applicant by any agreement entered into pursuant to this By-law.
- (8) Every agreement entered into pursuant to this By-law shall provide (inter alia) for maintenance of materials and works at the expense of the applicant for such period or periods as the Shire Engineer may see fit (provided that no such period shall exceed twelve (12) months) and for the payment by the applicant to the Council of a cash deposit equal to five per cent (5%) of the total cost of the works to cover such maintenance or at the option of Council the giving by the applicant to the Council of security to the entire satisfaction of the Council for payment to the Council of the cost of all maintenance works.
- (9) Every agreement entered into between an applicant and the Council pursuant to this By-law shall be prepared and stamped by the Council. The applicant shall pay to the Council on demand all stamp duties and shall also pay to the Council on demand its solicitors' costs in respect of the agreement.

Electricity and Telephone Services

23. (1) The Council may require an applicant referred to in Section 5.8(4)(b) of the *Local Government (Planning and Environment) Act 1990-1991* to provide, by arrangement with the electricity authority, for the undergrounding of the supply of electricity to each and every parcel of land into which the subject land is proposed to be subdivided. In association with such undergrounding, the applicant shall also arrange for streetlighting by way of the provision of underground conduits and cables as well as poles and street lights and all such conduits and poles shall be constructed as part of the subdivisional works.
- (2) The Council may require an applicant to provide, in addition to the supply of electricity and by arrangement with the relevant telecommunications authority, for the provision

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of the necessary conduits for a telephone service to each and every separate parcel of land into which the subject land is proposed to be subdivided within a period of six (6) months after the date of endorsement of the Council's approval on the survey plan or such longer period as may be determined by the Council by resolution. The Council may require pursuant to this subclause that the service be provided by means of underground conduits and all such conduits shall be constructed as part of the subdivisional works.

of the remedial work exceeds the amount of the security, the balance may be recovered by the Council from the applicant in any Court of competent jurisdiction.

General Requirements

24. (1) The applicant shall meet the full cost in accordance with this Chapter and Council standards of the construction of all works required by Council in connection with the subdivision proposal.
- (2) Prior to proceeding with the construction of any works required by Council in connection with the subdivision proposal full working plans and specifications of any such works shall be submitted to the Manager Development Services for approval by that Manager in accordance with Council standards. Such plans and specifications shall be prepared under the supervision of, and shall be signed by a Registered Civil Engineer.
- (3) The construction of any works approved under clause (2) shall be carried out under the supervision of a registered civil engineer hereinafter called the Engineer and prior to the final acceptance of the works by the Manager Development Services a certificate setting out full details of such works including plans of constructed works and certifying that such works have been satisfactorily performed shall be furnished to the Manager Development Services by such engineer.
- (4) When the works have been completed in accordance with the approved designs, plans, schedules and specifications, the conditions of approval of the application and the requirements of this Part, the Engineer shall furnish to the Manager Development Services a certificate to that effect.

The certificate shall set out full details of the works performed and include drawings showing all necessary survey data, levels and other particulars in connection with such works, prepared as directed by, and to the satisfaction of, the Manager Development Services.

- (5) The works under this By-law shall not be deemed to have been executed to the satisfaction of the Manager Development Services until the Manager certifies to the Council to that effect, and the Manager shall not issue his certificate until the specified construction maintenance period has elapsed after receipt of the Engineer's certificate as aforesaid or the applicant has sooner lodged with the Council the security referred to in this clause;

The Council may require the applicant to lodge with the Council security acceptable to it on the advice of the Manager Development Services equal to not less than five per centum (5%) of the cost of all works as certified by the Engineer against any defects in material or construction which may develop or become apparent during such maintenance period;

The applicant shall make good, to the satisfaction of the Manager Development Services in consultation with the Director of Engineering Services, all such defects as aforesaid and, in the event of the applicant failing so to do, the Council may carry out the necessary remedial work and apply the amount of the security for that purpose. If the cost

- (6) The applicant shall bear the cost of any alterations rendered necessary to public utility mains, services or installations by the works referred to in this By-law, and any payment required to be made with regard to such cost shall be given to the Council prior to the making of such alterations or the expiration of two (2) years after notification of approval, or approval subject to conditions of the application, whichever is the sooner, and the Council shall not endorse its approval on the relevant plan of survey until such payment to the Council has been made or such security therefore has been given to the Council.
- (7) Unless otherwise determined by the Council or agreed between the applicant and the Council, all road, sewerage, water and drainage works constructed by the applicant shall vest in the Council upon the completion thereof to the satisfaction of the Manager Development Services.
- (8) Permanent marks levelled to Australian Height Datum shall be placed on all subdivisions in accordance with the *Survey Co-ordination Act of 1953*, as amended, the number and location of such marks on each subdivision being determined by the Director of Engineering Services.
- (9) Whenever pursuant to a requirement of this Chapter or a condition of approval to an application for subdivision or the opening of a new road any real property or any easement or other interest therein is required to be transferred to the Council or dedicated to public use, the Council may require that all instruments of transfer or dedication and all other documents as are necessary to effect the transfer or dedication shall be prepared by the applicant at his expense, or, at option of the applicant, by the Council or its solicitors at the cost of the applicant. The Council shall not endorse its approval on the relevant plan of survey until all such documents (including all necessary consents by mortgagees and other persons having an interest in the land to be transferred or dedicated) have been executed and delivered to the Council or its solicitors and the Council's costs thereof, if applicable, have been paid.

Amalgamation

25. (1) Any person who desires to obtain the approval of the Council to a plan to which section 34(A)(1) of the *Local Government Act 1936 - 1987* applies or to a plan referred to in clause (2) of this By-law shall make application for such approval in the form approved by the Shire Clerk and shall accompany such with an application fee of an amount in accordance with the fee or scale of fees determined from time to time by the Council by resolution and shall not lodge at the office of the Registrar of Titles such plan for registration unless the approval of the Council has been endorsed thereon.
- (2) Where at any time, the land is divided into allotments by plan registered in the office of the Registrar of Titles and the area of each of the allotments is equal to or greater than the relevant minimum area of an allotment as prescribed in By-law 12 of this Part, the owner of such land may, subject to this Part, lodge at the office of the Registrar of Titles a fresh plan of survey, approved by the Council, showing the land as one undivided allotment.
- (3) Without otherwise limiting the discretion of the Council to refuse to approve a plan of survey to which the last preceding clause applies or of the Council to refuse to

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approve a plan to which section 34(A)(1) of the *Local Government Act 1936 - 1987* applies, the Council shall not approve such plan if the allotments proposed to be amalgamated into one undivided allotment are not all included in the same zone.

Subdivision for Lease Purposes

26. (1) In the case of a formal application for approval of a subdivision where such subdivision is by an agreement, dealing or instrument inter vivos (other than a lease for a term not exceeding five (5) years without right of renewal), rendering different parts thereof immediately available for separate disposition or separate occupation, the applicant shall submit with such application the relevant agreement, dealing or instrument in triplicate executed by the parties concerned together with one (1) unsigned copy for the Council's records and one (1) further copy of the plan of the subject land as incorporated in such agreement, dealing or instrument.
- (2) Such plan shall be in a form acceptable to the Registrar of Titles. The boundaries of the area proposed to be leased shall be coloured red and shall be shown in relation to the boundaries of the whole of the allotment of which the area proposed to be leased forms part. The boundaries of the whole allotment shall be shown in green.
- (3) The correct Real Property Office description of all of the subject land shall be shown on the copies of the plan submitted to the Council.
- (4) If the Council approves such application, the consent of the Council shall be endorsed on the three (3) executed copies of the relevant agreement, dealing or instrument which shall then be returned to the applicant.

Preservation of Vegetation

27. (1) A person shall not, without the written approval of the Council under the hand of the Shire Clerk nor otherwise than in conformity with such written approval when and if given, interfere with any tree or shrub, whether natural growth or planted, growing upon any land, where such land is -
- (a) included in any plan of survey or proposed subdivision or preliminary proposal plan in support of a rezoning application which has been approved by the Council or submitted for its approval; or
- (b) included in a development control plan and indicated therein that such land is required for public garden and recreation space, drainage reserve, esplanade or the like; or
- (c) included in a development control plan and indicated therein that such land is likely to be subdivided for residential or rural residential purposes; or
- (d) declared by the Council by resolution to be within the application of this By-law based on a development control plan to be adopted as part of a new town planning scheme and subject to the provisions of paragraphs (b) or (c) of this clause.
- (2) This by law shall not apply to:
- (a) any tree or shrub on an allotment of area less than two thousand (2000) square metres; or

(b) any fruit tree or shrub planted as a commercial crop which needs to be destroyed because of disease or lack of production or change of crop; or

(c) any tree or shrub which presents an immediate danger to life or property because of damage by storm or tempest; or

(d) any dead tree or shrub;

(e) Surveyors undertaking normal survey requirements in relation to boundary definition.

Penalty

28. Any person who contravenes or fails to comply with any By-law of this Part shall, unless where otherwise expressly provided, be liable to a penalty not exceeding five hundred dollars (\$500) and, in the case of a continuing offence, to a daily penalty not exceeding fifty dollars (\$50) for every day on which such breach is continued after notice of the breach being served on such person by the Council.

PART 2**SUBDIVISION OF LAND UNDER THE BUILDING UNITS AND GROUP TITLES ACT**

This Part is arranged as follows:-

1. Interpretation
2. Approval of Proposed Group Titles Plan
3. Endorsement of Group Titles
4. General Requirements for Group Title Development
5. Extinguishment of a Group Titles Plan
6. Approval to Transfer or Lease Part of the Common Property
7. Security
8. Forms and Fees

Interpretation

1. (1) In Part 2 of this Chapter, unless the context otherwise indicates or requires, the following terms have the meanings respectively assigned to them, that is to say:-

"**Access Drive**"- The practicable means of entry of vehicles onto each proposed lot through the common property from a road;

"**Applicant**" - A person who applies for an approval under this Part;

"**Body Corporate**" - A body corporate incorporated by section 27 of the Act;

"**Common Property**" -So much of the land for the time being comprised in a group titles plan as is not comprised in any lot shown in the plan;

"**Council**" -The Council of the Shire of Redland;

"**Group Titles Plan**" -A plan which -

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- (a) is described in the title or heading thereto as a group titles plan;
- (b) shows the land comprised therein as being divided into lots and common property; and
- (c) complies with the requirements of section 9 of the Act and includes a plan of resubdivision of a lot or common property or a lot and common property in a group titles plan registered under this Act;

"Lot" -A lot shown as such in a group titles plan;

"Parcel" -The land comprised in a group titles plan;

"Proposal Plan" -A plan of a proposed group titles subdivision or resubdivision prepared generally in conformity with the provisions of section 9 (2) of the Act and this Part;

"Regulations" -The *Building Units and Group Titles Regulations 1980*,

"The Act" -The *Building Units and Group Titles Act 1984*.

- (2) Where any term used in this Part is not herein defined but is defined in the Act, in any town planning scheme in force for the time being in the Shire or in any By-law of the Council, the term shall, for the purposes of this Part and unless the context otherwise indicates or requires, have the meaning assigned to it by the Act, any town planning scheme or the By-law as the case may be.

Approval of Proposed Group Titles Plan

- 2. (1) A person proposing to subdivide or resubdivide lots or common property in accordance with the Act may submit to the Council an application for a certificate for the purposes of section 9(7) of the Act.
- (2) Such application shall be in the form prescribed and shall be accompanied by a proposal plan in quadruplicate and the prescribed fee.
- (3) The Council may require the applicant to supply further particulars relative to the application if it considers the particulars supplied with such application are insufficient to enable the Council to give proper consideration thereto.
- (4) (a) The proposal plan shall be drawn in ink or reproduced by printed process upon good quality paper, tracing film or linen, accurately plotted with the north point upwards to a scale to be indicated thereon, to enable interpretation of the proposal plan, and to not less than the following scale:-

Area of Parcel in Group Titles Plan	Scale
Not exceeding two (2) hectares	Scale not less than 1: 1000
Greater than two (2) hectares	Scale not less than 1:5000

- (b) The proposal plan shall indicate or shall be accompanied by documents containing the following particulars:-
 - (i) the line of any watercourse or creek on the subject land and the position of any depression capable of

holding water to a depth of more than one hundred and fifty (150) millimetres;

- (ii) the contours of the land and all known flood inundation levels reduced to Australian Height Datum. Where such land is to be filled or graded, both existing contours and proposed levels shall be shown;

- (iii) the position of any existing building on or within ten (10) metres of the subject land provided that the Council may require particulars of a building further than ten (10) metres from such land and whether any building on such land is to be retained or demolished;

- (iv) identification of all roads, passages, thoroughfares, right of way easements, parks and reserves abutting on or within ten (10) metres of the parcel with their respective names, if any;

- (v) if the subject land comprises more than one (1) subdivision, details of such subdivisions and the numbers or symbols relating thereto shall be shown by broken lines;

- (vi) where the longitudinal grade along the centre line of any access drive exceeds seven per centum (7%) as indicated by the contours or levels shown under sub-paragraph(ii) of this paragraph, a longitudinal section of such access drive shall be plotted from the contours or levels showing the natural surface and the details of the proposed vertical alignment of the access drive to an accuracy of +0.2 metres;

- (vii) where the transverse grade of the natural surface of an access drive exceeds seven per centum (7%) as indicated by the contours or levels shown under sub-paragraph (ii) of this paragraph, cross sections of such access drive in addition to the longitudinal section shall be plotted to an accuracy of +0.2 metres. The cross sections shall show clearly the profile of the access drive in question, the location of the crown of such access drive, the crossfalls provided, the location of table drains, catch drains or kerb and channel, the extent of the cuts or fill and the slope of the batters to be provided;

- (viii) each longitudinal or transverse section of the access drive shall clearly show the horizontal and vertical scales adopted in the plotting thereof;

- (ix) the proposal plan shall contain such other matters, be in such form and of such standard of accuracy as the Council may by resolution determine;

- (x) the Council may, in any case by resolution, waive the requirements of sub-paragraphs (vi) and (vii) of this paragraph as to particulars if it is of the opinion that such particulars would not serve a useful purpose, provided always that existing and proposed surface levels plotted to an accuracy of +0.2 metres Australian . Height Datum shall be shown at the corners of each proposed lot and at intervals of not more than thirty (30) metres along each boundary line of the parcel.

- (5) The applicant shall clearly state in his application the matters on which he desires the Council, having regard to Section 24 of the Act, to waive compliance with the

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provisions relating to subdivision contained in the *Local Government Act 1936-1987*.

- (6) In the consideration of an application the Council shall have due regard to section 32A of the *Local Government Act 1936 - 1987*.
- (7) Where approval has been granted pursuant to the Act and this By-law, it shall be a condition of such approval that -
- (a) the group titles plan be submitted to the Council pursuant to By-law 3 of this Part within two (2) years after the date of notification of such approval; and
- (b) where the subject land comprises more than one allotment, such allotments be amalgamated as one undeveloped parcel by registration of a plan of survey in the office of the Registrar of Titles prior to submission of the group titles plan to the Council.
- (8) Without in any way limiting the discretion of the Council or derogating from its powers pursuant to the Act, the *Local Government Act 1936 - 1987* and its By-laws, the Council may disapprove a proposal plan if -
- (a) any lot cannot be served by an adequate water reticulation system to the satisfaction of Council;
- (b) any lot cannot be served by an adequate sewerage system or, for lots outside a sewerage area, any lot cannot be served by an adequate septic system to the satisfaction of the Council;
- (c) any part of any access drive is, or is likely to be, subject to inundation by floodwaters ;
- (d) any lot or part of any lot is, or is likely to be, subject to inundation by floodwaters.

Endorsement of Group Titles

3. (1) An applicant who has received approval, or approval subject to conditions, in accordance with By-law 2 of this Part, and who has complied in every respect with the requirements of or pursuant to any town planning scheme and the By-laws and any policies of the Council, may lodge with the Council an application for endorsement on the group titles plan of the Certificate required for the purposes of section 9(7) of the Act.
- (2) Such application shall be in the form prescribed and shall be accompanied by the group titles plan and the prescribed fee.
- (3) Three (3) copies of the group titles plan shall be supplied to the Council with the application, such copies being of the same scale as the group titles plan and to a standard of reproduction satisfactory to the Council.
- (4) Subject to the Council being satisfied that the applicant has complied in every respect with the requirements of or pursuant to any town planning scheme and the By-laws and any policies of the Council, such application shall be dealt with by the Council in the manner prescribed by the Act.

General Requirements for Group Titles Development

4. (1) A minimum area of a parcel, a minimum area of each lot, a minimum common area and a minimum width and standard of an access drive may be prescribed by the Council by resolution from time to time, and such minimum may be so prescribed in accordance with a scale determined by the

Council by resolution from time to time, having regard to the use or proposed use of the subject land, the zone within which the parcel is situated pursuant to any town planning scheme, or such other criteria as the Council may deem to be appropriate.

- (2) The design layout of lots in a proposal plan shall be to the satisfaction of the Council and in consideration of the plan the Council shall have regard to the fact that the body corporate may, at some future date, resolve to have the group titles plan extinguished.
- (3) Each lot in a group titles plan shall abut the common property and have access to an access drive in the common property or a dedicated road. Such access drive shall be constructed to the satisfaction of the Council and in accordance with the relevant provisions of Part 1 of this Chapter and be provided with kerbing and channelling where ordered by the Council.

Extinguishment of a Group Titles Plan

5. (1) Application for extinguishment of a group titles plan shall be made in the prescribed form and be accompanied by the prescribed fee.
- (2) The application shall be accompanied by a plan (in such form as the Council may from time to time prescribe) and by such details as will indicate to the Council the proposal of the applicants to -
- (a) remove such buildings or other structures erected on the parcel and such number thereof to such extent as would be necessary for the land and any remaining buildings or other structures thereon to comply with the requirements of the By-laws of the Council;
- (b) subdivide the parcel in such a manner that the locations of any remaining buildings or other structures thereon comply with the provisions of the By-laws of the Council.
- (3) Such applications shall be dealt with by the Council in the manner prescribed by the Act.
- (4) Where the application for extinguishment of a group titles plan has been approved and the applicant has complied in every respect with the conditions, if any, imposed by the Council pursuant to this By-law, he shall notify the Council accordingly in the form prescribed, but the Council shall not be bound to issue a certificate of compliance, as required by section 26(1)(b) of the Act, unless the applicant has complied in every respect with the conditions of the approval to the satisfaction of the Council.
- (5) It shall be an implied condition of any approval granted by the Council pursuant to this By-law and section 25 of the Act that, where the Council requires subdivision of the parcel as a condition of such approval, such subdivision shall be the subject of an application to the Council in accordance with Part 1 of this Chapter and section 34(6) or section 34 (8) of the *Local Government Act 1936 -1987* and shall be dealt with accordingly.

Approval to Transfer or Lease Part of the Common Property

6. (1) An application for approval of the Council to the transfer or lease of part of the common property shall be in the prescribed form and be accompanied by the prescribed fee.
- (2) The application shall be accompanied by a plan (in such form as the Council may from time to time prescribe) and by such details as will enable the Council to satisfy itself in

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accordance with section 22 of the Act that it should give its approval to the transfer or lease.

- (3) The details to be supplied with the application in accordance with this By-law shall include details of any suitable alternative arrangements agreed upon pursuant to section 22(7)(c) of the Act.
- (4) Where approval has been granted pursuant to the Act and this By-law, it shall be a condition of such approval that the appropriate memorandum of transfer or lease, together with any necessary subdivision plan, be submitted to the Council within two (2) years after the date of notification of such approval.

Security

7. Where an approval is granted by the Council pursuant to this Part it may require the giving to it of security to its satisfaction by the applicant that the applicant will execute work to be done in relation to the applications and the decision pursuant to it within such time as maybe fixed by the Council.

Forms and Fees

8. An application made to the Council in respect of any requirement under the Act not otherwise referred to in this Part shall be accompanied by such fee as may be determined by the Council from time to time by resolution.

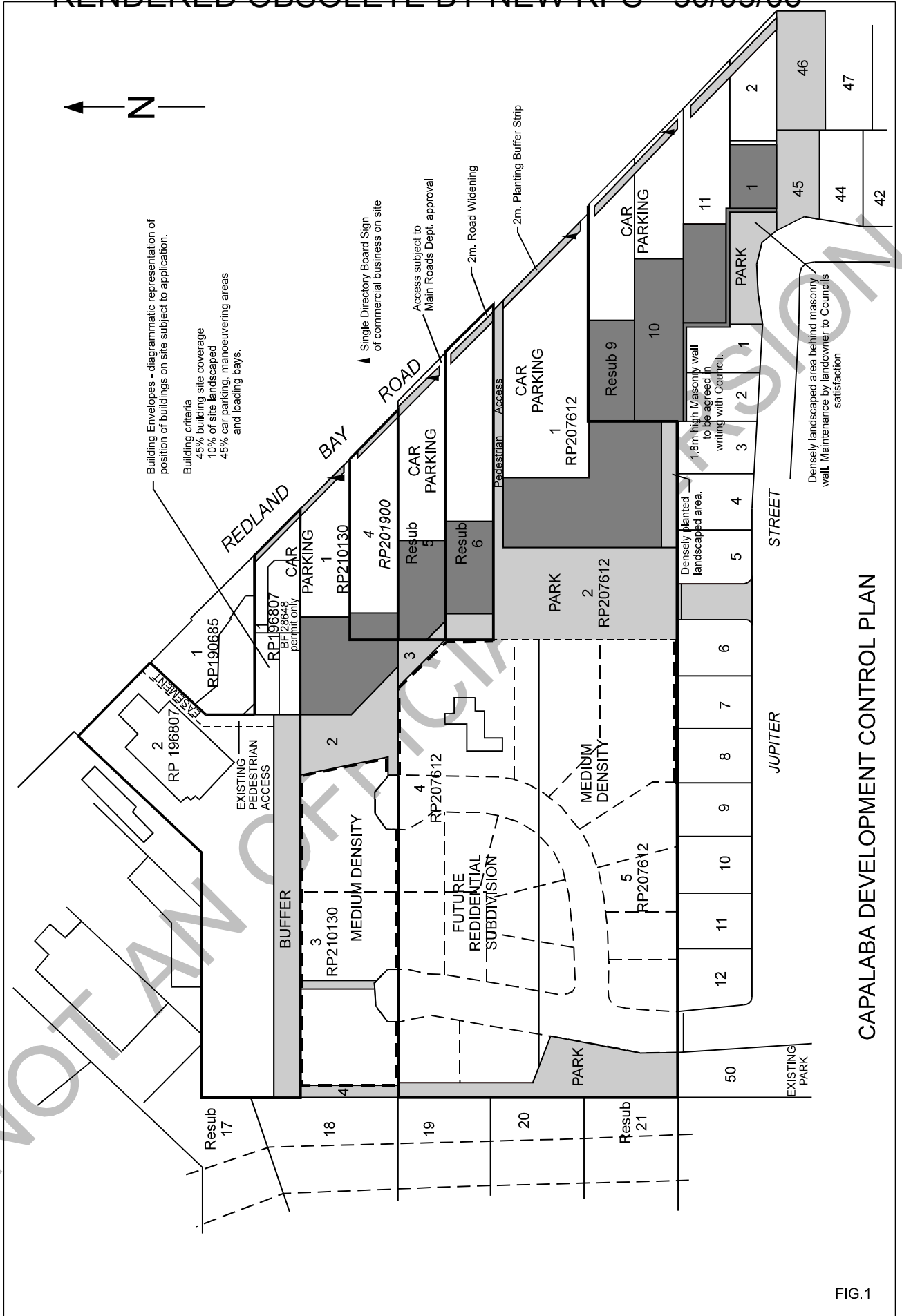
Certificate

The foregoing resolution was passed on the fifteenth day of December, 1987, at a special meeting of the Council of the Shire of Redland called for that purpose and the requirements of subsection (27) of section 31 of the Local Government Act 1936 - 1987, have been complied with in respect of the By-laws the subject of such resolution.

M. Genrich, Chairman

R. Mackie, Shire Clerk

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CAPALABA DEVELOPMENT CONTROL PLAN

FIG. 1

NOT AN OFFICIAL VERSION

