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[No. 44

## ORDER IN COUNCIL

At the Executive Building, Brisbane, the third day of November, 1977

Present:

His Excellency the Governor in Council

WHEREAS by the *Local Government Act 1936-1977* (hereinafter referred to as "the said Act") it is amongst other things enacted that—

- (a) An application by a Local Authority for the approval of a Town-Planning Scheme shall be made to the Minister within ninety days or, if the Minister who is thereunto authorised allows a longer period, the period allowed by the Minister after the last day for the receipt of objections to the Scheme;
- (b) The application shall be accompanied by—
  - (i) All objections made and lodged as prescribed on or before the last day for the receipt of objections;
  - (ii) The representations by the Local Authority in respect of all objections made and lodged as prescribed;
  - (iii) Particulars, including the relevant map or maps of the Scheme;
- (c) The Governor in Council shall consider every application made to the Minister as aforesaid and all objections and representations accompanying such applications and may reject the application, or may approve of the application wholly or in part;
- (d) The power of the Governor in Council to approve an application in part includes power to make all such amendments of the Scheme as the Governor in Council, having regard to the application and to the objections and representations which accompanied the application, deems fit; and
- (e) Where the Governor in Council approves of the Scheme an Order in Council notifying such approval shall be published in the *Gazette* and such Order in Council shall describe so as to identify the Scheme approval whereof is hereby notified:

And whereas—

- (f) The Council of the Shire of Redland (hereinafter referred to as "the said Council") at a meeting of the Council held on the twenty-seventh day of September, 1973, passed the following resolution hereinafter referred to as "the said Resolution":—  
"Resolved that the Council of the Shire of Redland prepare a town-planning scheme for Coochie Mudlo Island."

And whereas—

- (g) An application by the said Council for approval of a Town-Planning Scheme (hereinafter referred to as the said Scheme) prepared by the said Council for Coochie Mudlo Island pursuant to the said resolution was made to the Minister within the period prescribed by the said Act;

- (h) The application was accompanied by all objections, representations and particulars with which it was required to be accompanied by the said Act; and
- (i) The Governor in Council, after considering the application and all objections and representations accompanying such application, deems it expedient to approve the application in part:

Now, therefore, His Excellency the Governor, acting by and with the advice of the Executive Council and in pursuance of the provisions of the said Act, doth hereby approve in part the application by the said Council for approval of the said Scheme and doth hereby notify that the said Scheme, so approved in part, shall be as described in the Schedule hereto.

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

KEITH SPANN, Clerk of the Council.

## THE TOWN-PLANNING SCHEME FOR COOCHIE MUDLO ISLAND OF THE SHIRE OF REDLAND

The Town-Planning Scheme includes the scheme maps and is divided into the following Parts, namely:—

### PART I—DEFINITIONS;

### PART II—ZONING;

*Division I—Division of Town-Planning Scheme Area into Zones;*

*Division II—Table of Zones;*

### PART III—EXISTING LAWFUL NON-CONFORMING USES;

### PART IV—EXISTING LAWFUL FEETTERED USES;

### PART V—MISCELLANEOUS PROVISIONS.

#### Part I

#### DEFINITIONS

1. In this Town-Planning Scheme, unless the context otherwise indicates or requires, the following terms have the meanings respectively assigned to them, that is to say:—

"Accommodation Units"—Any land, building or other structure used or intended for use as a boarding house, cabin, guest house, hostel, unlicensed hotel, motel, unlicensed residential club or serviced rooms: The term does not include caravan park, dwelling house, hotel or multiple dwelling as herein defined;

"Agriculture"—The use of land, buildings or other structures for the growing of crops, fruit, vegetables and the like including horticulture, other than for the domestic needs or personal enjoyment of the occupants of such land, building or other structure;

"Allotment"—A piece, parcel or subdivision of land the boundaries of which are separately defined by metes and bounds on a plan of survey deposited in the Survey Office, or, in the case of land under the *Real Property Act 1861-1976* or any other Act or Acts now in force or hereinafter to come into force in amendment of or in substitution for the said Acts, which has been subdivided, any and every subdivision of such land the boundaries of which are separately defined by metes and bounds on the relevant plan of such land registered with the Registrar of Titles under and in accordance with the *Real Property Act 1861-1976*;

"Animal Husbandry"—Animal Husbandry includes the keeping, depasturing and/or stabling of any animal, bird or insect included in Appendix I hereto: The term also includes holding yards, hatcheries and veterinary establishments.

## APPENDIX I

Bees  
Cattle (more than 2 head)  
Goats  
Horses  
Sheep;

"Appointed Day"—The day upon which the Order in Council notifying that the Governor in Council has finally approved this Town-Planning Scheme is published in the *Gazette*;

"Building"—Any fixed structure which is either wholly or in part enclosed by walls and which is roofed: The term includes any part of a building;

"Bulk Store"—Any land, building or other structure or any part thereof 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 includes a wholesale depot;

"By-law"—A By-law of the Council made under the authority of the *Local Government Act 1936-1977* and in force for the time being;

"Caravan Park"—Any land used or intended for use for the parking of caravans and for the purpose of providing temporary accommodation for and rendering services to travellers or tourists: The term does not include accommodation units or multiple dwellings as herein defined;

"Car Repair Station"—Any land, building or other structure used or intended for use for the purpose of carrying out motor vehicle repairs not being—

- (a) body building; or
- (b) panel beating which involves dismantling; or
- (c) spray painting other than of a touching up character;

"Caterer's Room"—Any land, building or other structure used or intended for use for the holding of receptions at which food is served: The term does not include a hotel or refreshment services as defined herein, or a club;

"Commercial Premises"—Any land, building or other structure or any part thereof used or intended for use as a business office or for other business or commercial purposes not otherwise particularly defined in this Part: The term does not include shops and warehouses as defined herein;

"Council"—The Council of the Shire of Redland;

"Dwelling-house"—Any land, building or other structure which comprises or is intended to comprise only self-contained accommodation for the exclusive use of one family, including such out-buildings as are incidental to and necessarily associated with a dwelling-house: The term does not include an accommodation unit or multiple dwelling as herein defined, or part of an accommodation unit or multiple dwelling;

"Educational Establishment"—Any land, building or other structure used or intended for use as a boarding school, school, college, technical college, academy, lecture hall, cultural centre, gallery or museum: The term does not include an institution as herein defined;

"Erect" includes—

- (a) Erect or commence or continue to erect;
- (b) Do, or commence or continue to do, any work in the course of or for the purpose of erecting;
- (c) Perform any structural work or make any alteration, addition or rebuilding;
- (d) Move from one position on an allotment to another position on or partly on the same allotment or another allotment;

(e) Re-erect with or without alteration on or partly on the same or another allotment; or

(f) Where a building is located on more than one allotment—

- (i) Move to another position on the same allotments or any of them or to another allotment or allotments; or
- (ii) Re-erect with or without alteration on another position on the same allotments or any of them or on another allotment or allotments;

"Existing Use"—The use of any land, building or other structure, for the purpose for which it was lawfully used before the appointed day or for which a permit was granted before the appointed day if the permit has not expired;

"Extractive Industry"—Any industry involving the extraction of sand, gravel, clay, turf, soil, rock, stone or similar materials from land and including, when carried out on the land from which any such substances are extracted or on land adjacent thereto, the treatment of such materials and the manufacture of products from such materials: The term includes a mine;

"Forestry" includes any land, building or other structure used or intended to be used for the planting, growing and harvesting of trees as a commercial venture: The term does not include a State Forest within the meaning of the *Forestry Act 1959-1976*;

"General Industry"—Any industry which is not otherwise defined or described herein;

"General Store"—Any building or other structure or any part thereof not exceeding two hundred square metres in floor space, used or intended for use for the sale by retail of general merchandise including a wide range of food;

"Home Occupation"—An occupation or profession carried on in or under a dwelling-house by not more than three persons resident therein and in the conduct of which—

- (a) no source of power other than one or more single-phase electric motors having a total connected load of not more than 750 watts is used.
- (b) the floor area used (whether temporarily or permanently) does not exceed more than one third of the total floor area of the dwelling-house, except with and in accordance with the conditions of an express permission of the Council;
- (c) no load is imposed on any public utility greater than that which is normally required by other uses permitted in the Zone in which the dwelling-house is situated; and
- (d) no sign other than a sign not exceeding 0.3 square metres in area, and bearing only the name of the occupier, and of the occupation is displayed unless otherwise agreed by the Council; and
- (e) no goods are publicly displayed on the premises;
- (f) except in the case of horticultural nurseries, florists, and market gardens, no part of the curtilage is used in the course of or for the purposes of the home occupation, other than for visitor parking or for access;

The term does not include any occupation or profession which causes injury to or has a prejudicial effect on the amenity of the locality in which it is carried on due to any cause whatsoever;

"Hospital"—Any land, building or other structure used or intended for use as a hospital, sanatorium, nursing home, or home for aged, infirm, incurable or convalescent persons: The term includes buildings and other structures associated with such uses, but does not include an institution as herein defined;

"Hotel"—Any land, building or other structure or any premises specified in a licensed victualler's license, tavern licence or limited hotel licence issued under the *Liquor Act 1912-1976*;

"Indoor Entertainments" includes the use of any room, building or structure not being of a temporary nature for any activity purpose or pursuit which affords or is calculated to afford interest or amusement or for any public performance or any such activity purpose or pursuit, irrespective of whether or not food is provided: Without limiting the generality of the foregoing the term includes the use of any land building or structure for any of the activities or purposes included in Appendix II.

## APPENDIX II

Amusement halls  
 Art galleries  
 Bazaars  
 Billiard saloons  
 Bowling centres  
 Broadcasting studios  
 Cinemas  
 Circuses (indoor)  
 Clubs (non-residential)  
 Concert halls  
 Courts (covered)  
 Covered swimming pools  
 Dance halls  
 Exhibitions  
 Gymnasiums  
 Meeting halls (other than places of worship)  
 Music halls  
 Premises specified in a Cabaret license issued under the *Liquor Act 1912-1976*  
 Side shows (indoor)  
 Skating rinks (indoor)  
 Theatres (indoor);

"Industry" includes—

- (a) any of the following operations:—
- (i) Any manufacturing process whether or not such process results in the production of a finished article; or
  - (ii) The breaking up or dismantling of any goods or any article for trade, sale or gain or ancillary to any business; or
  - (iii) The extraction of sand, gravel, clay, minerals, turf, soil, rock, stone or similar substances from land; or
  - (iv) Repairing and servicing of articles including vehicles, machinery, buildings or other structures; but not including on-site work on buildings or other structures; or
  - (v) The dismantling of motor vehicles, whether the dismantling is carried out by one operation or by a series of operations; and
- (b) when conducted on land upon which any of the above operations are carried on—
- (i) the storage of goods used in connection with or resulting from any of the above operations; or
  - (ii) the provision of amenities for persons engaged in such operations; or
  - (iii) the sale of goods, resulting from such operations; or
  - (iv) any work of administration or accounting in connection with such operation; and
- (c) any industry or any class of industry, particularly described or defined in this scheme;
- (d) a branch of an industry or a group of industries;

"Institution"—Any land, building or other structure used or intended for use as—

- (a) a home or other institution for mentally or physically handicapped persons; or
- (b) a mental hospital; or
- (c) a penal or reformatory institution;

"Junk Yard"—Any land, building or other structure 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 or abandonment of automobiles or other vehicles or machinery and for the sale of parts thereof;

"Kennels"—Any land, building or other structure used or intended for use for the boarding of dogs or for the breeding of dogs for sale;

"Light Industry"—Any industry included in Appendix III which does not—

- (a) cause any interference with 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 or cause hazards likely in the opinion of the Council, to cause undue disturbance and/or annoyance to persons or affect property not connected with the industry;

(b) 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;

(c) 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 congestion or danger to users of such roads or requires roads of a higher standard of construction than those required for the normal development of the locality in which the industry is carried on.

## APPENDIX III

(a) Any industry included under the definitions of Service Industry and Home Occupations which does not comply with the requirements of those definitions;

(b) Any industry of a like nature and not otherwise defined in this Town-Planning Scheme; and

(c) The industries listed below:—

Aerated water manufacturing  
 Aluminium working (up to 0.4 hectare in area)  
 Animal food manufacturing  
 Artificial limb manufacturing  
 Bag manufacturing  
 Banana ripening  
 Battery works  
 Bedding manufacturing  
 Belling manufacturing  
 Binding material manufacturing  
 Blacksmithing  
 Blind manufacturing  
 Bonded stores  
 Boot and shoe manufacturing  
 Bottling  
 Bowser repairing  
 Brake repairing  
 Brass working (up to 0.4 hectare in area)  
 Bristle and hairgoods manufacturing  
 Broom manufacturing  
 Brush manufacturing  
 Builder's workshops and yards  
 Cabinet making  
 Canning  
 Cannister manufacturing  
 Canvas goods manufacturing  
 Caravan hiring  
 Caravan manufacturing (up to 0.4 hectares in area)  
 Cardboard box and articles manufacturing  
 Car manufacturing (maximum floor area 3,000 square metres)  
 Carpentry  
 Carrier's depots  
 Cement products works (up to 0.4 hectares in area)  
 Cereal food manufacturing  
 Chaff milling  
 Chemical manufacturing  
 Cleaning contractor's establishments  
 Cleansing materials manufacturing  
 Clothing manufacturing  
 Coachbuilding  
 Coat hanger manufacturing  
 Coir goods manufacturing  
 Cold stores  
 Concrete product making  
 Condiment factories  
 Cooperages  
 Coppersmithing  
 Cordial manufacturing  
 Cork product works  
 Corset making  
 Cosmetic manufacturing  
 Cotton goods manufacturing  
 Dental goods manufacturing  
 Diecasting (up to 0.4 hectares in area)  
 Dried-fruit manufacturing  
 Edible oil processing  
 Electrical signs manufacturing  
 Engineering works (up to 0.4 hectares in area)  
 Fence posts and paling depots  
 Fibre-glass manufacturing  
 Fishing gear manufacturing  
 Fishmongering  
 Food preserving works  
 Freezing

## APPENDIX III—continued

Fruit products manufacturing  
 Fruit ripening  
 Funeral parlours  
 Fur goods manufacturing  
 Furniture manufacturing  
 Furniture storage  
 Gas appliances workshops  
 Gasket manufacturing  
 Glass-cutting and silvering  
 Glazing  
 Harness manufacturing  
 Hat manufacturing  
 Herb products manufacturing  
 Hessian manufacturing  
 Home industries  
 Hosiery manufacturing  
 House removing depots  
 House stump manufacturing  
 Ice-cream depots (other than manufacturing)  
 Ice works  
 Icing sugar manufacturing  
 Implement and machinery assembly  
 Ink manufacturing  
 Instrument manufacturing  
 Iron and steel merchants (up to 0.4 hectares in area)  
 Jam manufacturing  
 Jewel case manufacturing  
 Joinery  
 Jute goods manufacturing  
 Leadlight works  
 Leathergoods manufacturing  
 Marble and terrazo works  
 Margarine manufacturing  
 Mattress manufacturing  
 Mechanical repairing (up to 0.4 hectares in area)  
 Medical goods manufacturing  
 Monumental masons  
 Motor engineering works (up to 0.4 hectares in area)  
 Motor mechanics works (up to 0.4 hectares in area)  
 Motor trimmers  
 Musical instrument manufacturing  
 Napery manufacturing  
 Neon sign works  
 Net making  
 Oar making  
 Ornament manufacturing  
 Packaging  
 Painter's depots  
 Paint spraying works  
 Panel beating  
 Paper products manufacturing  
 Parcel delivery depots  
 Pattern making  
 Peanut products manufacturing  
 Plaster modelling and moulding  
 Plaster works  
 Plastic goods manufacturing  
 Polish manufacturing  
 Process engraving  
 Produce stores  
 Pure foods manufacturing  
 Radiator repairing  
 Radio works  
 Rope works  
 Saddleries  
 Salt-lick manufacturing  
 Saw manufacturing  
 Shopfitting  
 Smallgoods manufacturing  
 Smoker's requisites manufacturing  
 Stationery manufacturing  
 Stereo manufacturing  
 Stockfood manufacturing  
 Stonemasons  
 Stone working  
 Straw hat manufacturing  
 String manufacturing  
 Surgical supplies manufacturing  
 Tent manufacturing  
 Textile goods manufacturing  
 Timber yards (up to 0.4 hectares in area)  
 Tradesmen's workshops and yards  
 Transport depots  
 Travelling requisites manufacturing  
 Tyre retreading (up to 0.4 hectares in area)  
 Umbrella manufacturing  
 Upholstering  
 Wax products manufacturing  
 Wheelwrights  
 Wire working  
 Wood, coke, and coal depots (up to 0.4 hectares in area);

"Liquid Fuel Depot"—Any land, building or other structure or any part thereof used or intended for use for—

- (a) the bulk storage for wholesale distribution of petrol, oil, petroleum products or other flammable fuels; or
- (b) the retail distribution of drums containing petrol, oil, petroleum or other flammable fuels;

"Multiple Dwelling"—Any land, building or other structure used or intended for use as flats or home units;

"Noxious, Offensive or Hazardous Industry"—Any industry included in Appendix IV hereto, and any industries of like nature and not otherwise defined in this Town-Planning Scheme.

## APPENDIX IV

Acetylene manufacturing  
 Ammonia manufacturing  
 Ammunition manufacturing  
 Animal by-products manufacturing  
 Bacon manufacturing  
 Battery smelting  
 Boiling-down  
 Bone milling  
 Candle manufacturing  
 Canning  
 Carbide manufacturing  
 Caustic soda manufacturing  
 Celluloid manufacturing  
 Cement and lime manufacturing  
 Chemical manufacturing  
 Cosmetic manufacturing  
 Crushing  
 Disinfectant, pest destroyers and germicide manufacturing  
 Distilling  
 Drug manufacturing  
 Explosives manufacturing  
 Fat extracting  
 Fat melting  
 Fertiliser manufacturing  
 Fire works manufacturing  
 Fish products manufacturing  
 Flammable liquid bottling  
 Flammable liquid manufacturing  
 Flock manufacturing  
 Garbage and refuse disposal  
 Gas manufacturing  
 Gas products manufacturing  
 Glue manufacturing  
 Gunpowder manufacturing  
 Kerosene manufacturing  
 Manure treatment works  
 Match manufacturing  
 Meat preserving  
 Mineral separation  
 Oilcloth and linoleum manufacturing  
 Oil manufacturing  
 Oil refining  
 Oxygen manufacturing  
 Petroleum products manufacturing  
 Petrol refining  
 Photographic film manufacturing  
 Plastic manufacturing  
 Poison manufacturing  
 Poultry dressing  
 Preserving  
 Radio active waste disposing  
 Rubber milling  
 Sand blasting  
 Seafood preserving  
 Skin drying  
 Slaughtering  
 Smelting  
 Soap manufacturing  
 Solder manufacturing  
 Stone crushing and screening  
 Turpentine manufacturing  
 Varnish manufacturing  
 White ant and borer exterminators manufacturing  
 Wool scouring  
 Zinc oxide manufacturing;

"Outdoor Entertainment"—Outdoor entertainment includes—

- (a) the use of any land or any structure erected on land for any activity, purpose or pursuit which affords or is calculated to afford interest or amusement or for any public performance of any such activity, purpose or pursuit;
- (b) without limiting the generality of the foregoing, the use of any land or any such structure as aforesaid for any of the activities, purposes or pursuits included in Appendix V.

## APPENDIX V

Boating  
 Children's playgrounds  
 Circuses (outdoor)  
 Commercial or community swimming pools  
 (uncovered)  
 Coursing tracks  
 Courts (uncovered)  
 Cycling tracks  
 Drive-in theatres  
 Exhibitions  
 Fairs  
 Fauna and/or flora sanctuaries  
 Model car, boat or aeroplane operations  
 Parks  
 Picnic races  
 Showgrounds  
 Sideshows (outdoor)  
 Speedways  
 Stadiums (outdoor)  
 Theatres (outdoor)  
 Trotting tracks  
 Zoological and/or botanical gardens;

"Passenger Terminal"—Any land, building or other structure, used or intended for use as an airline terminal, a road transport passenger terminal, a water transport passenger terminal, a bus station or heliport; but does not include the overnight or other storing of buses or other road transport passenger vehicles;

"Piggery"—Any land, building or other structure used for the keeping, depasturing, feeding or watering of pigs;

"Place of Worship"—Any land, building or other structure used or intended for use as a Church, Chapel or other place of public worship or religious instruction or place used for the purpose of religious training;

"Poultry Farm"—Any land, building or other structure used for the keeping of poultry where the number of birds kept exceeds twenty-five;

"Professional Office"—Any land, building or other structure or any part thereof used or intended for use for the provision of professional services or the giving of professional advice by a medical practitioner, dentist, veterinary surgeon, accountant, architect, surveyor, town planner, taxation consultant, valuer, engineer, real estate agent, and other professional practitioners;

"Refreshment Services"—Any use included in Appendix VI hereto:—

## APPENDIX VI

Cafes  
 Espresso bars  
 Kiosks  
 Milk bars  
 Restaurants  
 Snack bars  
 Soft drink shops  
 Tea gardens  
 Tea rooms;

"Rural Industry"—Any industry handling, treating, processing or packing primary products: The term includes the servicing on land in the Rural Zone of plant or equipment used for agricultural or forestry purposes. The term does not include industries defined under Service Industry, Light Industry, or Noxious, Offensive or Hazardous Industry definitions;

"Scheme Maps"—The maps respectively forming part of this Town-Planning Scheme finally approved by the Governor in Council and signed for identification by the Clerk of the Executive Council, copies whereof are open for inspection at the Office of Council and at the Office of the Director of Local Government;

"Service Industry"—Any industry included in Appendix VII which does not—

(a) occupy more than five hundred square metres of total floor area, if carried on in a building or other structure (whether one or more floors), or if partly in a building or other structure and partly on the same land on which the building or other structure is situated, the combined area used for such industries does not occupy an area more than five hundred square metres;

(b) have more than ten persons engaged therein;

(c) cause any interference with 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) create hazards likely in the opinion of the Council, to cause undue disturbance and/or annoyance to persons or affect property not connected with the industry;

(e) in the opinion of 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; and

(f) 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 congestion or danger to users of such roads or requires roads of a higher standard of construction than those required for the normal development of the locality in which the industry is carried on

## APPENDIX VII

(a) Any occupation or profession included within the definition of the term Home Occupations which does not comply with the requirements of that definition; and

(b) Any industries of a like nature and not otherwise defined in this town planning scheme; and

(c) The industries listed below:—

Artificial flower manufacturing  
 Biscuit manufacturing  
 Bookbinding  
 Boot and shoe repairing  
 Bread manufacturing  
 Cake manufacturing  
 Cake ornament manufacturing  
 Car hiring (including drive-yourself-cars)  
 Clock and watch manufacturing or repairing  
 Confectionery manufacturing  
 Contractor's depots  
 Cycle repairing  
 Delivery depots  
 Dressmaking  
 Driving instruction  
 Dry cleaning and dyeing  
 Duplicating and copying  
 Electrical goods repairing and maintenance  
 Engraving  
 Film developing and printing  
 Furniture repairing  
 Laundries  
 Lawnmower repairing  
 Lock and key manufacturing and repairing  
 Milk depots  
 Millinery manufacturing  
 Musical instrument repairing  
 Newspaper publication  
 Pastry cooking  
 Pest control  
 Printing  
 Signwriting  
 Sports goods manufacturing and repairing  
 Tailoring  
 Taxicab depots  
 Tool repairing and sharpening;

"Service Stations"—Any land, building or other structure used or intended for use only for the sale by retail of petrol and automotive distillate or any derivatives therefrom, capable of use in internal combustion engines and for all or any of the following purposes, namely:—

(a) The sale by retail of—

(i) lubricating oils and greases; or

(ii) batteries and tyres; or

(iii) accessories and other things associated with vehicles motivated by internal combustion engines; or

(iv) power and lighting kerosene; or

(b) the carrying out of all or any of the following operations, namely:—

(i) The fitting, removal and exchange of tyres;

(ii) The repairing of tubes;

(iii) The supply of air;

(iv) The charging of batteries;

- (v) The lubrication and greasing of motor vehicles;
- (vi) The adjustment of carburettors;
- (vii) The cleaning and adjustment and replacement of spark plugs;
- (viii) The receipt of tyres for retreading and other processes and the redelivery thereof;
- (ix) Running repairs of a minor nature and of a type which do not normally immobilise a vehicle for a period longer than two hours;
- (x) Washing and cleansing and polishing vehicles;
- (c) The rendering of minor services incidental to any of the foregoing;

"Shop" includes any land, building or other structure or any part thereof used or intended for use for the purpose of displaying or offering goods for sale by retail: The term does not include a general store, an hotel, service station or showroom as herein defined and it does not include any of the uses listed in Appendix VI (Refreshment Services);

"Showroom"—Any land, building or other structure, or any part thereof used or intended for use for the display and/or sale of agricultural equipment, boats, caravans, motor vehicles or the like;

"Special Use"—The use of any land or any buildings or other structure for any of the following uses not separately defined elsewhere in this scheme:—

- (a) Cemeteries, Crematoria, or Funeral Parlours;
- (b) Federal Government purposes;
- (c) State or Local Government purposes;
- (d) Semi-Government or Public purposes;
- (e) Car parking;

"Sports and Recreation"—Any use included in Appendix VIII hereto:—

#### APPENDIX VIII

|                                   |                |
|-----------------------------------|----------------|
| Archery                           | Football       |
| Athletics                         | Garden         |
| Basketball                        | Golf           |
| Baseball                          | Hockey         |
| Boating                           | Parks          |
| Bowling—other than indoor bowling | Picnic areas   |
| Children's playground             | Playing fields |
| Cricket                           | Tennis         |
| Croquet                           | Vigoro;        |

"Stable"—Any land, building or other structure used or capable of being used for the stabling or keeping of a horse and includes any shed, loose box or stall used or capable of being used for the keeping, stabling, feeding, watering, grooming, shoeing or veterinary treatment of a horse: The term includes a roofed yard;

"Stall"—Any structure of a temporary or semi-permanent nature from which goods are sold including produce grown on the same land or in the case of property owned by a professional fisherman including fish, oysters or crabs, etc., caught by the proprietor;

"Structure"—Any building, wall, fence or other structure or anything affixed to or projecting from any building, wall, fence or other structure: The term includes part of a structure;

"Town-Planning Scheme Area" means and refers to that part of the Shire of Redland known as Coochie Mudlo Island, described in the resolution to prepare a Town-Planning Scheme passed by the Council on 27th September, 1973, notification of the Minister's approval of which was published in the *Gazette* on 6th December, 1973;

"Use"—In relation to land, includes the carrying out of excavation work in or under land and the placing on land of any material or thing which is not a building or other structure: The term includes any use which is incidental to and necessarily associated with the lawful use of the land in question;

"Warehouse"—Any land, building or other structure used or intended for use for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade;

"Zones"—The divisions respectively into which the Town-Planning Scheme Area is divided by this Town-Planning Scheme for the purposes thereof.

2. Where any term used in this Town-Planning Scheme is not herein defined but is defined in a By-law, the term shall, for the purposes of this Town-Planning Scheme and unless the context otherwise indicates or requires, have the meaning assigned to it by that By-law.

## Part II

### ZONING

#### Division I—Division of Town-Planning Scheme Area into Zones

3. For the purposes of this Town-Planning Scheme, the Town-Planning Scheme Area is hereby divided into the following Zones:—

- (a) Those parts of the Town-Planning Scheme Area defined under Zone 1 and shown coloured dark-blue on the scheme maps as Business Zones are hereby declared to be Business Zones;
- (b) Those parts of the Town-Planning Scheme Area defined under Zone 2 and shown coloured light-blue on the scheme maps as Commercial Zones are hereby declared to be Commercial Zones;
- (c) Those parts of the Town-Planning Scheme Area defined under Zone 3 and shown coloured red on the scheme maps as Residential—High Density Zones are hereby declared to be Residential—High Density Zones;
- (d) Those parts of the Town-Planning Scheme Area defined under Zone 4 and shown coloured pink on the scheme maps as Residential—Low Density Zones are hereby declared to be Residential—Low Density Zones;
- (e) Those parts of the Town-Planning Scheme Area defined under Zone 5 and shown coloured light-purple on the scheme maps as Light Industry Zones are hereby declared to be Light Industry Zones;
- (f) Those parts of the Town-Planning Scheme Area defined under Zone 6 and shown coloured yellow on the scheme maps as Special Purposes Zones are hereby declared to be Special Purposes Zones;
- (g) Those parts of the Town-Planning Scheme Area defined under Zone 7 and shown coloured dark-green on the scheme maps as Public Open Space Zones are hereby declared to be Public Open Space Zones;
- (h) Those parts of the Town-Planning Scheme Area defined under Zone 8 and shown coloured light-green on the scheme maps as Private Open Space Zones are hereby declared to be Private Open Space Zones;
- (i) Those parts of the Town-Planning Scheme Area defined under Zone 9 and shown coloured light-brown on the scheme maps as Rural Zones are hereby declared to be Rural Zones;
- (j) Those parts of the Town-Planning Scheme Area defined under Zone 10 and shown coloured aqua on the scheme maps as Drainage Problem Area Zones are hereby declared to be Drainage Problem Area Zones;

4. Subject to the provisions of Parts III and IV of this Town-Planning Scheme—

- (a) the purpose 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 purposes set forth in Column III 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";
- (b) 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 purposes 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 consent of the Council";
- (c) 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 purposes 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. Where any building or other structure or any land is used or is intended for use for more than one purpose, it shall be deemed, for the purposes of this Town-Planning Scheme, to be used or intended for use for each of those purposes.

6. Subject to the provisions of Parts III and IV of this Town-Planning Scheme, no person shall—

- (a) 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
- (b) 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.

7. Notwithstanding that, pursuant to this Town-Planning 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 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 this Town-Planning Scheme, all relevant By-laws shall apply and be in force in respect of such erection or use.

8. Notwithstanding any provision of this scheme or the By-laws, no person shall, without the consent of the Council, change or cause to be changed, the natural surface levels of any allotment or any group or combination of allotments having an area of more than one thousand square metres.

Division II—Table of Zones

| Column I                        | Column II             | Column III   | Column IV  | Column V   |
|---------------------------------|-----------------------|--|--|--|
| Zone                            | Colour 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 erected or used or for which land may not be used  |
| 1. Business .. ..               | Dark-blue ..          | Commercial premises (on any floor except ground floor)<br>General stores<br>Home occupations<br>Professional offices (on any floor except ground floor)<br>Refreshment services<br>Shops | Any purposes other than those permitted by Column III or prohibited by Column V  | Caravan parks<br>Extractive industries<br>Forestry<br>General industries<br>Junk yards<br>Kennels<br>Light industries<br>Liquid fuel depots<br>Noxious, offensive or hazardous industries<br>Piggeries<br>Poultry farms<br>Rural industries<br>Stables   |
| 2. Commercial ..                | Light-blue ..         | Commercial premises<br>Home occupations<br>Professional offices<br>Refreshment services<br>Showrooms   | Any purposes other than those permitted by Column III or prohibited by Column V  | Caravan parks<br>Extractive industries<br>Forestry<br>General industries<br>Junk yards<br>Kennels<br>Light industries<br>Liquid fuel depots<br>Noxious, offensive or hazardous industries<br>Piggeries<br>Poultry farms<br>Rural industries<br>Stables   |
| 3. Residential—<br>High Density | Red                   | Dwelling-houses<br>Home occupations<br>Multiple dwellings (not exceeding 2 storeys in height) (minimum site frontage 30 metres)  | Any purposes other than those permitted by Column III or prohibited by Column V  | Bulk stores<br>Caravan parks<br>Car repair stations<br>Caterer's rooms<br>Commercial premises<br>Extractive industries<br>Forestry<br>General industries<br>Hotels<br>Indoor entertainments<br>Institutions<br>Junk yards<br>Kennels<br>Light industries<br>Liquid fuel depots<br>Noxious, offensive or hazardous industries<br>Outdoor entertainments<br>Passenger terminals<br>Piggeries<br>Poultry farms<br>Rural industries<br>Service industries<br>Shops<br>Showrooms<br>Stables<br>Stalls<br>Warehouses |

## Division II—Table of Zones—continued

| Column I                       | Column II             | Column III  | Column IV  | Column V  |
|--------------------------------|-----------------------|---|--|---|
| Zone                           | Colour 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 erected or used or for which land may not be used   |
| 4. Residential—<br>Low Density | Pink                  | Dwelling-houses<br>Home occupations   | Any purposes other than those permitted by Column III or prohibited by Column V  | Bulk stores<br>Caravan parks<br>Car repair stations<br>Caterer's rooms<br>Commercial premises<br>Extractive industries<br>Forestry<br>General industries<br>Hotels<br>Indoor entertainments<br>Institutions<br>Junk yards<br>Kennels<br>Light industries<br>Liquid fuel depots<br>Noxious, offensive or hazardous industries<br>Outdoor entertainments<br>Passenger terminals<br>Piggeries<br>Poultry farms<br>Rural industries<br>Service industries<br>Shops<br>Showrooms<br>Stables<br>Warehouses  |
| 5. Light Industry              | Light-purple          | Agriculture<br>Animal husbandry<br>Bulk stores<br>Car repair stations<br>Home occupations<br>Light industries<br>Service industries<br>Warehouses | Any purposes other than those permitted by Column III or prohibited by Column V  | Accommodation units (other than those required for use and occupation in conjunction with a use specified in Column III or Column IV and situated on the land on which such use is conducted)<br>Caravan parks<br>Caterer's rooms<br>Dwelling-houses (other than those required for use and occupation in conjunction with a use specified in Column III or Column IV and situated on the land on which such use is conducted)<br>Extractive industries<br>Hospitals<br>Indoor entertainment (other than those provided as staff amenities in conjunction with an industry and conducted on the land on which such industry is conducted)<br>Multiple dwellings (other than those required for use and occupation in conjunction with a use specified in Column III or Column IV and situated on the land on which such use is conducted)<br>Noxious, offensive or hazardous industries<br>Outdoor entertainment (other than those provided as staff amenities in conjunction with an industry and conducted on the land on which such industry is conducted)<br>Places of worship<br>Shops |
| 6. Special Purposes            | Yellow                | Any use indicated by red lettering on the scheme maps<br>Home occupations   | Any purposes other than those permitted by Column III  |   |



## Division II—Table of Zones—continued

| Column I                  | Column II             | Column III   | Column IV  | Column V   |
|---------------------------|-----------------------|--|--|--|
| Zone                      | Colour 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 erected or used or for which land may not be used  |
| 7. Public Open Space      | Dark-green ..         | Sports and recreation  | Any purposes other than those permitted by Column III or prohibited by Column V  | Accommodation units<br>Bulk stores<br>Caravan parks<br>Car repair stations<br>Commercial premises<br>Dwelling-houses<br>Educational establishments<br>Extractive industries<br>General stores<br>Home occupations<br>Hospitals<br>Hotels<br>Institutions<br>Junk yards<br>Kennels<br>Light industries<br>Liquid fuel depots<br>Multiple dwellings<br>Noxious, offensive or hazardous industries<br>Passenger terminals<br>Piggeries<br>Places of worship<br>Poultry farms<br>Professional offices<br>Rural industries<br>Service industries<br>Service stations<br>Shops<br>Showrooms<br>Stables<br>Stalls<br>Warehouses |
| 8. Private Open Space     | Light-green ..        | Home occupations<br>Agriculture<br>Sports and recreation   | Any purposes other than those permitted by Column III or prohibited by Column V  | Bulk stores<br>Car repair stations<br>Commercial premises<br>Dwelling-houses (other than those required for use and occupation in conjunction with a use specified in Column III or Column IV and situated on the land on which such use is conducted)<br>Extractive industries<br>General industries<br>Junk yards<br>Light industries<br>Liquid fuel depots<br>Noxious, offensive or hazardous industries<br>Passenger terminals<br>Piggeries<br>Poultry farms<br>Professional offices<br>Rural industries<br>Service industries<br>Service stations<br>Shops<br>Showrooms<br>Warehouses                               |
| 9. Rural .. ..            | Light-brown ..        | Agriculture (except in the use of a parcel of land which adjoins land which is included in the Residential—High, or Low Density Zones)<br>Animal husbandry (except in the use of a parcel of land which adjoins land which is included in the Residential—High, or Low Density Zones)<br>Dwelling-houses<br>Home occupations | Any purposes other than those permitted by Column III or prohibited by Column V  | Commercial premises<br>General industries<br>Light industries<br>Multiple dwellings (other than a multiple dwelling containing no more than two units)<br>Service industries<br>Shops<br>Showrooms<br>Warehouses   |
| 10. Drainage Problem Area | Aqua .. ..            |  | Agriculture<br>Dwelling-houses<br>Home occupations<br>Educational establishments<br>Outdoor entertainments<br>Sports and recreation    | Any purposes other than those permitted by Column IV   |

## Part III

## EXISTING LAWFUL NON-CONFORMING USES

8. The following provisions shall apply to an existing use which, had it not been in existence before the appointed day, would, having regard to the Zone in which it is carried on, constitute a purpose for which any building or other structure may not be erected or used or land may not be used in that Zone pursuant to subclause (c) of clause 4 hereof. Such a use is hereinafter in this Part referred to as "an existing non-conforming use".

9. (a) A person may continue an existing non-conforming use of any building or other structure but such use shall not be changed to another non-conforming use except with the prior consent of the Council pursuant to clause 11 hereof.

(b) Upon the demolition or destruction of any building or other structure in which an existing non-conforming use was 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 non-conforming use, or upon the discontinuance for a period of at least six months from any cause whatsoever of such existing non-conforming use, the right to continue such existing non-conforming use shall cease and determine unless the Council otherwise determines pursuant to subclauses (c) or (d) of this clause.

(c) Where a building or other structure in which an existing non-conforming use was carried on is demolished, destroyed or substantially damaged as aforesaid the Council may, upon application being made to it—

(1)—

(i) where such building or other structure is demolished or destroyed or so substantially damaged as, in the opinion of the Council, to preclude its repair, consent to the erection of a new building or other structure upon the land upon which the demolished, destroyed or substantially damaged building was erected; or

(ii) where such building or other structure is so substantially damaged as, in the opinion of the Council, to permit its repair, consent to the repair, of such building or other structure; and

(2) consent to the use of the new building or other structure or, as the case may be, the repaired building or other structure for the existing non-conforming use carried on in the demolished, destroyed or substantially damaged building or other structure immediately prior to its demolition, destruction or substantial damage.

Subject to the prior consent of the Council any new building or other structure or any repaired building, or other structure as aforesaid may have a greater floor area than that of the demolished, destroyed or substantially damaged building or other structure and may, subject to the By-laws, and, if a notice of re-alignment has been given by the Council affecting the land in question, to the provisions of paragraph (ii) of subsection (10) of section 35 of the *Local Government Act 1936-1977*, cover the whole of the allotment upon which the demolished, destroyed or substantially damaged building or other structure was erected.

(d) Where an existing non-conforming use of any land, building or other structure is discontinued for a period of at least six months from any cause the Council may, upon application being made to it, subsequently consent to such land, building or other structure being again used for such existing non-conforming use.

(e) The Council may, upon application being made to it, consent to the execution of repairs, alterations or additions to any building or other structure in which an existing non-conforming use is carried on but any such alterations or additions shall be confined within the boundaries of the allotment upon which the building or other structure is erected. Subject to the prior consent of the Council, any alterations or additions as aforesaid may increase the floor area of the building or other structure concerned and may, subject to the By-laws, and if a notice of re-alignment has been given by the Council affecting the land in question, to the provisions of paragraph (ii) of subsection (10) of section 35 of the *Local Government Act 1936-1977*, cover the whole of the allotment upon which the building or other structure is erected.

10. A person may continue an existing non-conforming use of any land upon which there is no building but such use shall not be changed to another non-conforming use except with the prior consent of the Council pursuant to clause 11 hereof. Upon the discontinuance for a period of at least six months from any cause whatsoever of such existing non-conforming use, the right to continue such existing non-conforming use shall cease, unless the Council otherwise determines pursuant to subclause (d) of clause 9 hereof.

11. The Council may, upon application being made to it, consent to a change of an existing non-conforming use to another non-conforming use if, in the opinion of the Council, such changed use will be less injurious to the amenity of the locality in question than the existing non-conforming use.

## Part IV

## EXISTING LAWFUL FETTERED USES

12. The following provisions shall apply to an existing use which had it not been in existence before the appointed day would, having regard to the Zone in which it is carried on, constitute a purpose for which any building or other structure may be erected or used only with the consent of the Council in that Zone pursuant to subclause (b) of clause 4 hereof. Such a use is hereinafter in this Part referred to as "an existing fettered use".

13. A person may continue an existing fettered use of any building or other structure, or any land on which there is no building or other structure.

## Part V

## MISCELLANEOUS PROVISIONS

14. The Council shall keep a record of—

- (a) all existing registered non-conforming uses;
- (b) all consents, permissions and approvals granted by the Council under this Town-Planning Scheme and of all conditions attached to such consents, permission and approvals;
- (c) all orders and decisions made by it under this Town-Planning Scheme; and
- (d) all decisions of the Local Government Court on appeals from decisions of the Council under this Town-Planning Scheme.