



Queensland Government Gazette

PUBLISHED BY AUTHORITY.

Vol. CCLIII]

SATURDAY, 30TH OCTOBER, 1976

[No. 49

ORDER IN COUNCIL

At the Executive Building, Brisbane, the twenty-eighth day of October, 1976

Present:

His Excellency the Governor in Council

WHEREAS by the *Local Government Act 1936-1976* (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 it 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 thirty-first day of May, 1973, passed the following resolution (hereinafter referred to as "the said Resolution"):
- "That the Council of the Shire of Redland hereby resolves to prepare a town-planning scheme for Division 6 of the Shire."

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 Division 6 of the Shire of Redland 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 Scheme 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 SCHEDULE THE TOWN-PLANNING SCHEME FOR DIVISION 6 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 FETTERED 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-houses or multiple dwellings as herein defined;

"Agriculture"—The use of land, building or other structure for the growing of crops, fruit, vegetables and the like including horticulture;

"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*, 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 (more than 2 hives)
Cattle (more than 2 head)
Goats (more than 1)
Sheep (more than 1)

"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 1936-1976* 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;

"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) Panelbeating 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, college, technical college, academy, lecture hall, cultural centre, gallery or museum; the term does not include an institution as herein defined;

"Erect"—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 the 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 thousand square feet 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 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 licence, tavern licence or limited hotel licence issued under the *Liquor Act 1912-1975*;

"Indoor Entertainments" includes the use of any room, building or other 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

APPENDIX II—continued

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 licence issued under the *Liquor Act 1912-1975*
 Side shows (indoor)
 Skating rinks (indoor)
 Stadiums (indoor)
 Theatres (indoor)

"Industry"—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
 - (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. hereto which:—

- (a) does not, in the opinion of the Council, impose a load on any public utility undertaking greater than that which is required for the normal development of the locality in which the industry is carried on; and
- (b) 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 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;
- (c) does not, in the opinion of Council, cause smoke, fumes or hazards likely to cause undue disturbance and/or annoyance to persons or affect property not connected with the industry:—

APPENDIX III

Aerated water manufacturing
 Aluminium working (up to 0.4 hectares in area)
 Animal food manufacturing
 Artificial flower manufacturing
 Artificial limb manufacturing
 Bag manufacturing
 Banana ripening
 Battery works
 Bedding manufacturing
 Belting manufacturing
 Binding material manufacturing
 Biscuit manufacturing
 Blacksmithing
 Blind manufacturing
 Bonded stores
 Bookbinding
 Boot and shoe repairing and manufacturing
 Bottling
 Bowser repairing
 Brake repairing
 Brass working (up to 0.4 hectares in area)
 Bread manufacturing
 Bristle and hairgoods manufacturing
 Broom manufacturing
 Brush manufacturing
 Builders' workshops and yards
 Cabinet making
 Cake manufacturing
 Cake ornament manufacturing
 Canning
 Canister 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 300 square metres)
 Carpentry
 Carriers' depots
 Cement products works (up to 0.4 hectares in area)
 Cereal food manufacturing
 Chaff milling
 Chemical manufacturing
 Cleaning contractors' establishments
 Cleansing materials manufacturing
 Clock and watch manufacturing or repairing
 Clothing manufacturing
 Coachbuilding
 Coat hanger manufacturing
 Coir goods manufacturing
 Cold stores
 Concrete product making
 Condiment factories
 Confectionery manufacturing
 Contractors' yards
 Cooperages
 Coppermithing
 Cordial manufacturing
 Cork product works
 Corset making
 Cosmetic manufacturing
 Cotton goods manufacturing
 Cycle repairing
 Delivery depots
 Dental goods manufacturing
 Diecasting (up to 0.4 hectares in area)
 Dressmaking
 Dried-fruit manufacturing
 Driving instruction
 Dry cleaning and dyeing
 Duplicating and copying
 Edible oil processing
 Electrical goods repairing and maintenance
 Electrical signs manufacturing
 Engineering works (up to 0.4 hectares in area)
 Engraving
 Fence posts and paling depots
 Fibre-glass manufacturing
 Film developing and printing
 Fishing gear manufacturing
 Fishmongering
 Food preserving works
 Freezing
 Fruit products manufacturing
 Fruit ripening
 Funeral parlours
 Fur goods manufacturing
 Furniture manufacturing and repairing
 Furniture storage
 Gas appliances workshops
 Gasket manufacturing
 Glass-cutting and silversmithing
 Glazing

APPENDIX III—continued

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
 Joineries
 Jute goods manufacturing
 Laundering
 Lawnmower repairing
 Leadlight works
 Leathergoods manufacturing
 Locksmiths' establishments
 Marble and terrazzo works
 Margarine manufacturing
 Mattress manufacturing
 Mechanical repairing (up to 0.4 hectares in area)
 Medical goods manufacturing
 Milk depots
 Millinery 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 or repairing
 Napery manufacturing
 Neon sign works
 Net making
 Newspaper publication
 Oar making
 Ornament manufacturing
 Packaging
 Painters' depots
 Paint spraying works
 Panel beating
 Paper products manufacturing
 Parcel delivery depots
 Pastry cooking
 Pattern making
 Peanut products manufacturing
 Pest control
 Plaster modelling and moulding
 Plaster works
 Plastic goods manufacturing
 Polish manufacturing
 Printeries
 Process engraving
 Produce stores
 Pure foods manufacturing
 Radiator repairing
 Radio works
 Rope works
 Saddleries
 Salt-lick manufacturing
 Saw manufacturing
 Shopfitting
 Signwriting
 Smallgoods manufacturing
 Smokers' requisites manufacturing
 Sport goods manufacturing or repairing
 Stationery manufacturing
 Stereo manufacturing
 Stockfood manufacturing
 Stonemasons
 Stone working
 Straw hat manufacturing
 String manufacturing
 Surgical supplies manufacturing
 Tailoring
 Taxi cab depots
 Tent manufacturing
 Textile goods manufacturing
 Timber yards (up to 0.4 hectares in area)
 Tool repairing and sharpening
 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

APPENDIX III—continued

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:—

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-destroyer and germicide manufacturing
 Distilling
 Drug manufacturing
 Explosives manufacturing
 Fat extracting
 Fat melting
 Fertiliser manufacturing
 Fire works manufacturing
 Fish products manufacturing
 Flock manufacturing
 Garbage and refuse disposal
 Gas manufacturing
 Gas products manufacturing
 Glue manufacturing
 Gunpowder manufacturing
 Inflammable liquid bottling
 Inflammable liquid manufacturing
 Kerosene manufacturing
 Manure treatment works
 Match manufacturing
 Meat preserving
 Mineral separating
 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
 Radioactive 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 boters exterminators manufacturing
 Wool scouring
 Zinc oxide manufacturing
 "Outdoor Entertainment"—Outdoor entertainment includes:—

(a) The use of any land or any structure temporarily 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
Race tracks
Showgrounds
Side shows (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 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 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;
- "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 hereto which:—
- (a) Does not occupy an area of more than two hundred (200) square metres (whether on one or more levels or floors); and
- (b) Does not, in the opinion of the Council, impose a load on any public utility undertaking greater than that which is required for the normal development of the locality in which the industry is carried on; and

- (c) 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 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;

- (d) Does not, in the opinion of Council, cause smoke, fumes or hazards likely to cause undue disturbance and/or annoyance to persons or affect property not connected with the industry:—

APPENDIX VII

- 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
Contractors' 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 Station"—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 kerosenes; or
- (b) The carrying out of all or any of the following operations, namely:—
- (i) The fitting, removal and exchange of tyres; or
 - (ii) The repairing of tubes; or
 - (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; and
 - (x) Washing and cleansing and polishing vehicles; and
- (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 includes a general store but does not include 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 building or other structure for:—

- (a) Educational, cultural, religious or medical purposes;
- (b) Cemeteries, crematoria, or funeral parlours;
- (c) Federal Government purposes;
- (d) State or Local Government purposes;
- (e) Semi-Governmental or public purposes;
- (f) Car parking;

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

APPENDIX VIII

Archery
Athletics
Baseball
Basketball
Boating
Bowling—other than indoor bowling
Children's playgrounds
Cricket
Croquet
Football
Gardens
Golf
Hockey
Parks
Picnic areas
Playing fields
Tennis
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 any part of a structure;

"Town-Planning Scheme Area" means and refers to that part of the Shire of Redland known as the whole of Division 6, described in the resolution to prepare a town-planning scheme passed by the Council on 31st May, 1973, notification of the Minister's approval of which was published in the *Gazette* on 30th June, 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 division 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 1—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 dark-purple on the scheme maps as General Industry Zones are hereby declared to be General Industry Zones;

(f) Those parts of the Town-Planning Scheme Area defined under Zone 6 and shown coloured light-purple on the scheme maps as Light Industry Zones are hereby declared to be Light Industry Zones;

(g) Those parts of the Town-Planning Scheme Area defined under Zone 7 and shown coloured yellow on the scheme maps as Special Purposes Zones are hereby declared to be Special Purposes Zones;

(h) Those parts of the Town-Planning Scheme Area defined under Zone 8 and shown coloured dark-green on the scheme maps as Public Open Space Zones are hereby declared to be Public Open Space Zones;

(i) Those parts of the Town-Planning Scheme Area defined under Zone 9 and shown coloured light-green on the scheme maps as Private Open Space Zones are hereby declared to be Private Open Space Zones;

(j) Those parts of the Town-Planning Scheme Area defined under Zone 10 and shown coloured light-brown on the scheme maps as Rural Zones are hereby declared to be Rural Zones;

(k) Those parts of the Town-Planning Scheme Area defined under Zone 11 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 the 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 these 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 provisions 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.

9. Notwithstanding any other provisions of this Scheme, no person shall, without the consent of the Council, erect any building or other structure or use any land seaward of the boundary line indicated by a red line and designated in red lettering in the Scheme Maps as "Restricted Development Area—Foundation Problem". The Council may in its absolute discretion refuse its consent under this clause, or grant its consent under this clause unconditionally, or grant its consent under this clause subject to reasonable and relevant conditions.

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) General Stores Home occupations Professional offices (on any floor except ground floor) Refreshment services Shops	Any purposes other than those permitted by Column III or prohibited by Column V	Caravan parks Extractive industries Forestry General industries Junk yards Kennels Light industries Liquid fuel depots Noxious, offensive or hazardous industries Piggeries Poultry farms Rural industries Stables
2. Commercial	Light-blue	Commercial premises Home occupations Professional offices Refreshment services Showrooms	Any purposes other than those permitted by Column III or prohibited by Column V	Caravan parks Extractive industries Forestry General industries Junk yards Kennels Light industries Liquid fuel depots Noxious, offensive or hazardous industries Piggeries Poultry farms Rural industries Stables
3. Residential—High Density	Red	Dwelling-houses Home occupations 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 Caravan parks Car repair stations Caterer's rooms Commercial premises Extractive industries Forestry General industries Hotels Indoor entertainments Institutions Junk yards Kennels Light industries Liquid fuel depots Noxious, offensive or hazardous industries Outdoor entertainments Passenger terminals Piggeries Poultry farms Rural industries Service industries Shops Showrooms Stables Stalls 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—Low Density	Pink	Dwelling-houses Home occupations	Any purposes other than those permitted by Column III or prohibited by Column V	Bulk stores Caravan parks Car repair stations Caterer's rooms Commercial premises Extractive industries Forestry General industries Hotels Indoor entertainments Institutions Junk yards Kennels Light industries Liquid fuel depots Noxious, offensive or hazardous industries Outdoor entertainments Passenger terminals Piggeries Poultry farms Rural industries Service industries Shops Showrooms Stables Warehouses
5. General Industry	Dark-purple	Agriculture Animal husbandry Bulk stores Car repair stations General industries Home occupations Light industries 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) Caravan parks Caterer's rooms 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) Hospitals Indoor entertainments (other than those provided as staff amenities in conjunction with an industry and conducted on the land on which such industry is conducted) 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) Outdoor entertainments (other than those provided as staff amenities in conjunction with an industry and conducted on the land on which such industry is conducted) Places of worship Shops
6. Light Industry	Light-purple	Agriculture Animal husbandry Bulk stores Car repair stations Home occupations Light industries Service industries 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) Caravan parks Caterer's rooms

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
6. Light Industry— <i>continued</i>				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) Extractive industries Hospitals Indoor entertainments (other than those provided as staff amenities in conjunction with an industry and conducted on the land on which such industry is conducted) 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) Outdoor entertainments (other than those provided as staff amenities in conjunction with an industry and conducted on the land on which such industry is conducted) Places of worship Shops
7. Special Purposes ..	Yellow	Any use indicated by red lettering on the scheme maps Home occupations	Any purposes other than those permitted by Column III	
8. Public Open Space	Dark-green ..	Sports and recreation	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) Bulk stores Caravan parks Car repair stations Commercial premises 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) Educational establishments Extractive industries General industries General stores Hospitals Hotels Institutions Junk yards Kennels Light industries Liquid fuel depots Multiple dwellings Noxious, offensive or hazardous industries Passenger terminals Piggeries Places of worship Poultry farms Professional offices Rural industries Service industries Service stations Shops Showrooms Stables Warehouses

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
9. Private Open Space	Light-green	Agriculture Home occupations Sports and recreation	Any purposes other than those permitted by Column III or prohibited by Column V	Bulk stores Car repair stations Commercial premises 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) Extractive industries General industries Junk yards Light industries Liquid fuel depots Noxious, offensive or hazardous industries Passenger terminals Piggeries Poultry farms Professional offices Rural industries Service industries Service stations Shops Showrooms Warehouses
10. 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) 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) Dwelling-houses Home occupations	Any purposes other than those permitted by Column III or prohibited by Column V	Commercial premises General industries Light industries Multiple dwellings (other than a multiple dwelling containing no more than two units) Service industries Shops Showrooms Warehouses
11. Drainage Problem Area	Aqua		Agriculture Dwelling-houses Educational establishments Home occupations Outdoor entertainments 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 1936-1976*, 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.

(c) 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 1936-1976* 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, permissions 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.