



Queensland Government Gazette

PUBLISHED BY AUTHORITY.

VOL. CCXLVI

SATURDAY, 6TH JULY, 1974

[No. 58

ORDER IN COUNCIL

At the Executive Building, Brisbane, the fourth day of July, 1974

Present:

The Deputy Governor, for and on behalf of
His Excellency the Governor in Council

WHEREAS by the *Local Government Act 1936-1974* (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 10th September, 1970, passed the following resolution (hereinafter referred to as "the said Resolution"):

"That the Council prepare a Town-Planning Scheme for that part of the Shire of Redland delineated on the plan annexed to this resolution."

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 part 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, the Deputy Governor for and on behalf of 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 Electricity is to give the necessary directions herein accordingly.

KEITH SPANN, Clerk of the Council.

THE SCHEDULE

THE TOWN-PLANNING SCHEME FOR PART OF THE AREA OF THE SHIRE OF REDLAND DUNWICH AND ENVIRONS

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, guest house, hostel, unlicensed hotel, motel, unlicensed residential club or serviced rooms;

"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 1861-1972*, 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 1861-1972*;

"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

Goats (more than 1)

Horses (more than 2)

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;

"By-law"—A By-law of the Council made under the authority of the *Local Government Act 1936-1974* and in force for the time being;

"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.

"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;

"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 refreshment services as defined herein;

"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 purpose not otherwise particularly defined in this Part;

"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 or necessarily associated with a dwelling-house;

"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 other allotment;

(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 1959-1968*;

"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 or within the curtilage of a dwelling-house by a person 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 situate; 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;

"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 1912-1972*;

"Indoor Entertainments"—Indoor entertainments includes:—

(a) 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 of any such activity, purpose or pursuit, irrespective of whether or not food is provided.

(b) Without limiting the generality of the foregoing 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 1912-1972*
 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) Any operation connected with the installation of equipment and services and the extermination of pests but not including on-site work on buildings or other structures or land; or
- (vi) 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: The term does not include a bulk store, car repair station, home occupation, junk yard, service station or warehouse;

(d) A branch of an industry or a group of industries;

"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
 Canister manufacturing
 Canning
 Canvas goods manufacturing
 Car manufacturing (maximum floor area 300 square metres)
 Caravan hiring
 Caravan manufacturing (up to 0.4 hectares in area)
 Cardboard box and articles manufacturing
 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
 Copper-smithing
 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

APPENDIX III—continued

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
 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
 Stone working
 Stonemasons
 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 0.2 hectares in area)

APPENDIX III—continued

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:—

APPENDIX IV

Acetylene manufacturing
 Acid manufacturing
 Aluminium working
 Ammonia manufacturing
 Ammunition manufacturing
 Animal by-products manufacturing
 Bacon manufacturing
 Battery smelting
 Boiling-down
 Bone milling
 Brass working
 Candle manufacturing
 Canning
 Carbide manufacturing
 Caustic soda manufacturing
 Celluloid manufacturing
 Cement and lime manufacturing
 Cement products works
 Chemical manufacturing
 Concrete manufacturing
 Cosmetic manufacturing
 Crushing
 Diecasting
 Disinfectant pest-destroyer 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
 Match manufacturing
 Meat preserving
 Mineral separating
 Oil manufacturing
 Oil refining
 Oilcloth and linoleum manufacturing
 Oxygen manufacturing
 Petrol refining
 Petroleum products manufacturing
 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 borers 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 playground
 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;

"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

"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 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
 Laundry
 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 or any part thereof used only for all or any of the following purposes, namely:—

(a) The sale by retail of:—

(i) Petrol and automotive distillate or any derivatives therefrom, capable of use in internal combustion engines;

(ii) Lubricating oils and greases;

(iii) Batteries and tyres;

(iv) Accessories and other things associated with vehicles motivated by internal combustion engines;

(v) Power and lighting kerosene;

(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; 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 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"—Special use includes 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 playground
Cricket
Croquet
Football
Gardens
Golf
Hockey
Parks
Picnic areas
Playing fields
Tennis
Vigoro

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

"Town-Planning Scheme Area"—That part of the Shire of Redland described in the resolution deciding to prepare a Town-Planning Scheme passed by the Redland Shire Council at a meeting held on 10th September, 1970, notification of the Minister's approval of which was published in the *Gazette* on 31st October, 1970;

"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 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 pink on the scheme maps as Residential Zones are hereby declared to be Residential Zones.

(c) Those parts of the Town-Planning Scheme Area defined under Zone 3 and shown coloured purple with light-green border on the scheme maps as Light Industry Zones are hereby declared to be Light Industry Zones.

(d) Those parts of the Town-Planning Scheme Area defined under Zone 4 and shown coloured purple on the scheme maps as General Industry Zones are hereby declared to be General Industry Zones.

(e) Those parts of the Town-Planning Scheme Area defined under Zone 5 and shown coloured yellow on the scheme maps as Special Purposes Zones are hereby declared to be Special Purposes Zones.

(f) Those parts of the Town-Planning Scheme Area defined under Zone 6 and shown coloured dark-green on the scheme maps as Public Open Space Zones are hereby declared to be Public Open Space Zones.

(g) Those parts of the Town-Planning Scheme Area defined under Zone 7 and shown coloured light-green on the scheme maps as Restricted Open Space Zones are hereby declared to be Restricted Open Space Zones.

(h) Those parts of the Town-Planning Scheme Area defined under Zone 8 and shown coloured pink with dark-brown border on the scheme maps as Future Urban Zones are hereby declared to be Future Urban Zones.

(i) Those parts of the Town-Planning Scheme Area defined under Zone 9 and shown coloured light-brown on the scheme maps as Non-Urban Zones are hereby declared to be Non-Urban 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 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.

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 General stores Home occupations Professional offices Refreshment services Shops	Any purposes other than those permitted by Column III or prohibited by Column V	Animal husbandry Extractive industries Forestry General industries Junk yards Kennels Light industries Noxious, offensive or hazardous industries Piggeries Poultry farms
2. Residential	Pink	Agriculture Dwelling-houses Home occupations	Any purposes other than those permitted by Column III or prohibited by Column V	Bulk stores Car repair stations Commercial premises Extractive industries Forestry General industries Junk yards Kennels Light industries Liquid fuel depots Noxious, offensive or hazardous industries Outdoor entertainments Passenger terminals Piggeries Poultry farms Shops Showrooms Warehouses
3. Light Industry ..	Purple with light-green border	Agriculture Bulk stores Car repair stations Home occupations Light industries Liquid fuel depots 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 Caterers' 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) 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) Kennels 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) Piggeries Poultry farms Shops
4. General Industry	Purple	Agriculture Bulk stores Car repair stations General industries Home occupations Light industries Liquid fuel depots 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 Caterers' 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
				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) 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) Kennels 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) Piggeries Poultry farms Shops
5. Special Purposes	Yellow	Any use indicated by red lettering on the scheme maps Home occupations	Any purposes other than those permitted by Column III or prohibited by Column V	—
6. 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) General industries Hotels Junk yards Kennels Light industries Liquid fuel depots 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) Noxious, offensive or hazardous industries Piggeries Poultry farms Professional offices Service stations Shops Showrooms 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
7. Restricted Space	Open Light-green	Any use indicated by red lettering on the scheme maps Home occupations	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 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) General industries Junk yards Kennels Light industries Liquid fuel depots 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) Noxious, offensive or hazardous industries Piggeries Poultry farms Professional offices Service stations Shops Showrooms Warehouses
8. Future Urban	Pink with dark-brown border	Agriculture Home occupations	Any purposes other than those permitted by Column III or prohibited by Column V	Accommodation units Bulk stores Car repair stations Caterers' rooms Commercial premises Extractive industries General industries Junk yards Light industries Multiple dwellings Noxious, offensive or hazardous industries Piggeries Poultry farms Professional offices Shops Showrooms Warehouses
9. Non-urban	Light-brown	Agriculture Extractive industries where carried out in accordance with the provisions of a mining lease issued by the State Department of Mines Forestry Home occupations	Any purposes other than those permitted by Column III or prohibited by Column V	Accommodation units Bulk stores Car repair stations Commercial premises Extractive industries General industries Junk yards Light industries Multiple dwellings Shops Showrooms Warehouses

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 1936-1974*, 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 1936-1974*, 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.

REDLAND SHIRE COUNCIL

Department of Local Government,
Brisbane, 4th July, 1974.

THE Deputy Governor for and on behalf of His Excellency the Governor, acting by and with the advice of the Executive Council, and in pursuance of the provisions of the *Local Government Act 1936-1973*, has been pleased to approve of the following By-laws made by the Council of the Shire of Redland.

H. A. McKECHNIE.

WHEREAS by the *Local Government Act 1936-1974*, a Local Authority is empowered to make By-laws for all or any of the purposes in the said Act mentioned, and whereas by section 33 of the said Act mentioned a Local Authority is empowered to make such By-laws as are necessary or convenient to implement a town-planning scheme and to provide for, regulate and control the administration and execution of a town-planning scheme, and it is further provided that a By-law may be amended or repealed at any time by the Local Authority: It is hereby resolved by the Council of the Shire of Redland, with the approval of the Deputy Governor for and on behalf of his Excellency the Governor in Council, that the following By-laws for the general good rule and government of the Area and its inhabitants, and which the Council hereby determines are necessary for the proper exercise and performance of the functions of Local Government and the powers and duties of the Council and to implement and to provide for, regulate and control the administration and execution of any town-planning scheme in force in the Area, shall be in force from the date of publication hereof in the Gazette.

Whereas the By-laws of the Council of the Shire of Redland, published in the *Gazette* of 9th June, 1966, as amended from time to time are hereby amended as follows:—

By inserting the following Chapter:—

CHAPTER 38
TOWN PLANNING

(Part of Parish of North Stradbroke—including Dunwich)

Part I

INTERPRETATION

1. In this Chapter, the term "the Act" means the *Local Government Act 1936-1974*.

2. "Town-planning Scheme Area" means and refers to that part of the Area of the Shire of Redland delineated on the town-planning scheme resolution Map No. 32, copies of which are deposited at the office of the Council in respect of which the Minister, by notification published in the *Gazette* of 31st October, 1970, approved of a resolution of the Redland Shire Council to prepare a town-planning scheme and which part is described in the Schedule hereto.

3. Where any term used in this Chapter is not herein defined but is defined in the Act or in any town-planning scheme in force in the Area, the term shall for the purposes of this Chapter and unless the context otherwise indicates or requires, have the meaning assigned to it by the Act or the town-planning scheme, as the case may be.

Part II

ADMINISTRATION

1. Any person who desires to obtain the consent of the Council under any town-planning scheme in force in the Area, shall make application in the form required by the Clerk, and shall accompany such application with an application fee and an advertising fee of amounts respectively in accordance with a scale or scales of fees determined in each year by the Council by resolution. In the scale or scales of fees different fees may be determined for different classes of applications. Such fees shall be retained by the Council but the Council shall apply the advertising fee towards the cost of advertising the application in accordance with the Act.

The application shall be—

- (a) In writing;
- (b) Signed by the applicant or applicants or, in the case of a partnership, by one of the partners thereof or, in the case of a company or an unincorporated association, by an authorised officer thereof;
- (c) Accompanied by the consent, in writing, of the registered proprietor or registered lessee from the Crown if made by a person who is not the registered proprietor or the registered lessee from the Crown;
- (d) Addressed to the Clerk and truly set forth the following particulars:—
 - (i) The full Real Property Office description of the land, together with the postal address thereof;
 - (ii) The name of the registered proprietor in the case of freehold land or the name of the registered lessee in the case of land held from the Crown for a leasehold estate;

- (iii) The name of the occupier;
- (iv) The use desired to be made of the land;
- (v) The use being made of the land (including any building or other structure thereon) at the date of application;
- (vi) A description of the building or other structures erected on the land and the use being made thereof at date of application;
- (vii) The height and number of storeys of proposed buildings;
- (viii) A site plan and layout and, when requested by the clerk or the Council, an elevation of any buildings or other structures proposed to be erected on the land;
- (ix) The number of persons engaged and proposed to be engaged in the particular use;
- (x) The total connected load of any mechanical power proposed to be employed in the particular use; and
- (xi) Such other information relative to the application as may be requested by the Clerk or the Council.

2. Every application made pursuant to By-law 1 of this Chapter shall, if it complies with the requirements of this Chapter be referred by the Clerk to the Council and the Council shall subject to the Act decide the application.

3. (1) Upon an application for consent, the Council may, subject to the Act—

- (a) Give its consent, or
- (b) Refuse to give its consent, or
- (c) Give its consent subject to reasonable and relevant conditions.

(2) Unless within the period of two (2) years from the date of notice of consent or such longer period, if any, as the Council may in any particular case determine substantial progress has been made in erecting a building or other structure or the land is being substantially used according, as the case may be, to the purpose for which the consent was granted, such consent shall lapse and cease to have force and effect.

4. (1) An application for a town-planning certificate shall be in such form as the Clerk may from time to time determine.

(2) The fee payable to the Council for the giving of a town planning certificate shall be as determined in each year by the Council by resolution.

5. A claim for compensation under subsection 12 of section 33 of the Act shall be in or to the effect of the following form:—

Local Government Act 1936-1974

CLAIM FOR COMPENSATION

To Redland Shire Council.

I, (full name), of _____, being a person,
* (i) who has an estate or interest in the following land:—

Situation:

Parish:

Real Property Description:

Area:

Title Deed,

Folio

, Volume

, Folio

the nature of my estate or interest therein being

; or

- * (ii) who has incurred expenditure pursuant to a town-planning certificate given to me by the Council, hereby claim that my said estate or interest has been injuriously affected (or, as the case may be, that I have incurred expenditure which has been rendered abortive) by reason of the following:—
and consequently I claim as compensation for injurious affection (or, as the case may be, for such expenditure) the sum of \$ _____, which sum is made up as follows:—

I will produce documentary evidence of my title to the said land or of my estate or interest therein (or, as the case may be, of the expenditure which has been rendered abortive) if and when called upon to do so.

Dated this _____ day of _____, 19 _____

Witness:

Signature of Claimant:

*Cross out whichever is inapplicable.

6. The Council may refuse an application to use land or to erect or use a building or other structure for any purpose in a Zone in which the consent of the Council to the use or erection in question is required under any town-planning scheme in force in the area if:—

- (a) The proposal would, if permitted, create or be likely to create a traffic hazard or increase an existing traffic hazard;

- (b) The proposed building or use would or would be likely to detrimentally affect the amenity of the neighbourhood or any existing lawful use therein including, but without limiting the foregoing, by the emission of smoke, fumes, dust, noise, smell, ash, grit or oil, the discharge of waste products or the creation of vibration;
- (c) The proposal would, if permitted, prejudice the orderly and proper planning and development of the neighbourhood;
- (d) The proposal is to erect a building or other structure on land which is low-lying and subject to flooding or should be drained or filled or drained and filled to make a satisfactory building site.

7. (1) Where the consent of the Council is not required under any town-planning scheme in force in the Area for the use of land or for the erection or use of a building or other structure for any purpose (not being a dwelling house) the owner, before such use is commenced or plans of the proposed building are submitted for approval of the Council, shall ascertain the Council's requirements, if any, as to draining or filling or draining and filling the subject land to render it fit for such building or use.

(2) The owner shall comply with the said requirements which shall be deemed to be a condition of approval of the building plan if the erection of a building or other structure as aforesaid is proposed.

Part III

OFFENCES

1. A person who in any respect contravenes or fails to comply with any provision of this Chapter shall be guilty of an offence under this Chapter and liable to a penalty not exceeding one hundred dollars (\$100) and additionally in the case of a continuing offence, to a daily penalty not exceeding ten dollars (\$10) for each and every day on which the offence is continued.

Any offence under this Chapter may be prosecuted in a summary way under the *Justices Act* 1836-1973.

Any right or remedy had by the Council in respect of any act or omission of or by any person shall not be prejudiced or affected in any way by the fact that such act or omission constitutes an offence under this Chapter for which no person has been prosecuted.

Part IV

SPECIAL REQUIREMENTS

IN RELATION TO PARTICULAR DEVELOPMENT

Service Stations

1. By-laws 2 to 7 both inclusive, of this Part apply in addition to the requirements of any other By-law relating to service stations, or petrol service pumps.

2. (i) After the date of gazettal of this By-law service stations established in any part of the town-planning scheme area shall be situated only on sites zoned "industrial, motel and service stations" or for which Council consent has been received and as far as practicable these shall be corner sites when located in urban areas.

(ii) Service stations established in those parts of the Shire not covered by the town-planning scheme shall be established only on sites approved by the Council.

(iii) The minimum frontage to a road or roads of any land upon which a service station may be erected shall be—

- (a) For a corner site—
30 metres on each frontage;
- (b) For other than a corner site in urban areas—
32 metres on the frontage, and
28 metres minimum depth;
- (c) For other than a corner site in rural areas—
40 metres on the frontage, and
28 metres minimum depth.

3. (i) Except as hereinafter provided motor fuel pumps shall be set back not less than 6 metres from road frontages and all buildings and other structures (other than motor fuel pumps) shall be set back not less than 10 metres from such frontages.

(ii) If the site is in a Residential Zone or abuts a Residential Zone clearances of buildings and structures from other boundaries shall be the same as are required for dwelling under the Council's By-laws.

(iii) Clearances from road frontages shall be measured from the new road frontage after any road widening or any truncation of the corner.

4. The applicant for consent to erect a service station shall submit with his application a plan of layout showing the location and size of the proposed building or other structure or in case of a service station within a building, of such service station in relation to the Real Property Office description of the boundaries and roads fronting the service station, the position of motor fuel pumps and at least one elevation of the proposed building, shall, if the Council consents to the application—

(a) If the consent is to erect a service station building on land on which a service station was not being conducted at the date of the application, remove all existing structures before the new building is used as a service station;

(b) Dedicate as a road free of cost to the Council such part of the land as the Council requires to be so dedicated for corner truncation. A deceleration and acceleration lane not more than 6 metres wide along the frontages of the sites shall be provided when required by the Council.

The maximum area which may be required under this paragraph to be dedicated for the purpose of a corner truncation free of cost to the Council shall not exceed the area of a truncation at a right angled corner of 9 metres by three (3) equal chords.

If the Council requires a corner truncation of an area in excess of such maximum area, the Council shall make to the applicant compensation in respect of such excess area;

(c) Form and grade the footway for the full length of the frontage of the site, form and grade the deceleration and acceleration lanes and areas of truncation, construct the footway, deceleration and acceleration lanes and roadway on the truncated area and provide a concrete kerb and channelling to the standard required by the Council;

(d) Construct reinforced industrial crossings over water channelling and footways;

(e) Provide to the satisfaction of the Council such stormwater drainage as is considered necessary by the construction of the aforesaid works and, in connection therewith, any stormwater drainage requirements considered by the Council to be in excess of normal unconcentrated run-off shall be the responsibility of the developer who shall pay the costs of any additional drainage installation. The drainage is to be carried to a point at which it may be lawfully discharged without causing nuisance or annoyance to anyone.

The Council shall not be authorised hereby to require drainage works to be provided with a carrying capacity in excess of the Council engineer's calculations necessary for the carrying off of all stormwater from the land the subject of the application and the road frontage or frontages to such land.

The applicant may at his option carry out those parts of such works relating to the construction of stormwater drainage in accordance with specifications laid down by the Council and under the supervision of the Council's engineer or he may pay to the Council such sum as shall be approved by the Council and which shall be assessed in accordance with current Council construction costs as being the cost of such works, in which event the Council shall, subject to the provisions of this Chapter, complete such works within a reasonable time;

(f) Pay to the Council the cost of any alterations to public utility mains and services rendered necessary in consequence of any roadworks, drainage works or crossing to be carried out as aforesaid or pursuant to any By-law of the Council or condition of consent imposed by the Council.

5. The applicant may at his own option carry out those parts of such works relating to the construction of the footway, concrete kerb and channel and reinforced industrial crossings in accordance with specification laid down by the Council and under the supervision of the Council's engineer or he may pay to the Council such sum as shall be approved by the Council and which shall be assessed in accordance with current Council construction costs as being the cost of such works, in which event the Council shall, subject to the provisions of this Chapter, complete such works within a reasonable time.

The Council shall be the sole constructing authority for all works on the road pavement outside the line of the kerb and channel but the applicant shall be responsible for the cost of all such works along the frontage or frontages of the land to be developed as may be deemed necessary by the Council and he shall pay to the Council such sum as shall

be approved by the Council and which shall be assessed in accordance with current Council construction costs as being the cost of such works, in which event the Council shall, subject to the provisions of this Chapter, complete such works within a reasonable time.

6. All service station buildings shall be constructed in fire-resistant materials within the meaning of the Act and of the By-laws of the Council as defined in the *Local Government Act 1936-1974*.

7. Compliance by the applicant with the requirements of this Part and with any other relevant By-law shall be a condition precedent to the granting by the Council of a license for the motor fuel pumps installed or to be installed on the subject land and such licence shall not be granted until all such requirements have been complied with in every respect.

Shops and Shopping Centres

8. (1) In addition to the requirements of any other By-law the following conditions and requirements shall (subject to clause 2 of this By-law) apply with respect to every building erected after the date of gazettal of this By-law for the purpose of a shop or shops whether the building is for a purpose permitted by the town-planning scheme or for which the consent of the Council is required under the town-planning scheme—

- (a) If a detached dwelling-house is on the site on which the proposed building is to be erected it shall be removed from the site before such proposed building is occupied unless, in the case of a shop, the approved building plans for the proposed shop provide for the dwelling house being attached thereto and pursuant thereto the dwelling-house is so attached;
- (b) A detached dwelling-house shall not be erected in a Business Zone or on land on which a shop is erected or in respect of which consent for the erection of a shop has been applied for;
- (c) The owner of the land on which a building may be erected without the consent of the Council, or the applicant for consent where consent to erect a building is required under the town-planning scheme and has been granted shall—
 - (i) Construct a pedestrian footpath at least 3.7 metres wide, with not less than 1.5 metres of concrete path for the full length of the road frontage or, where there is more than one such frontage, such frontages to the land the subject of the application, with 1 metre of concrete path on any frontage except a frontage onto which a shop or shops open.
 - (ii) Construct concrete kerb and channelling to the Council's specification for the full length of the road frontage or, if there is more than one such frontage, such of these frontages as the Council shall determine;
 - (iii) Construct a reinforced industrial crossing or crossings over water channelling and footpath when, in the opinion of the Council the provision of such industrial crossing or crossings is necessary;
 - (iv) The applicant may at his option carry out those parts of such works relating to the construction of the footpath, concrete kerb and channel and industrial crossing or crossing in accordance with specifications laid down by the Council and under the supervision of the Council's engineer or he may pay to the Council such sum as shall be approved by the Council and which shall be assessed in accordance with current Council construction costs as being the cost of such works, in which event the Council shall, subject to the provisions of this Chapter, complete such works within a reasonable time;
 - (v) Provide to the satisfaction of the Council such stormwater drainage as is considered necessary by the construction of the aforesaid works, and in connection therewith, any stormwater drainage requirements considered by the Council to be in excess of normal unconcentrated run-off shall be the responsibility of the developer who shall pay the costs of any additional drainage installation. The drainage is to be carried to a point at which it may be lawfully discharged without causing nuisance or annoyance to anyone.

The Council shall not be authorised hereby to require drainage works to be provided with a carrying capacity in excess of the Council engineer's calculations necessary for the carrying off of all stormwater from the land subject of the application and the road frontage or frontages to such land.

The applicant may at his option carry out those parts of such works relating to the construction of stormwater drainage in accordance with specifications laid down by the Council and under the supervision of the Council's engineer or he may pay to the Council such sum as shall be approved by the Council and which shall be assessed in accordance with current Council construction costs as being the cost of such works, in which event the Council shall, subject to the provisions of this Chapter, complete such works within a reasonable time.

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

- (vi) Form and grade the roadway for the full length of the frontage or frontages of the site, any deceleration and acceleration lanes and any area of truncation as deemed necessary by the Council; construct and bitumen seal the roadway for the full length of the frontage or frontages of the site, any deceleration and acceleration lanes and any area of truncation as deemed necessary by the Council.

The Council shall be the sole constructing authority for all construction work outside the line of the kerb and channel and the applicant shall pay to the Council such sum as shall be approved by the Council and which shall be assessed in accordance with current Council construction costs as being the cost of such works in which event the Council shall, subject to the provisions of this Chapter, complete such works within a reasonable time.

Where any bitumen sealed road construction along the frontage or frontages of the site is deemed necessary by the Council the Council shall be responsible for the construction costs, based on approved current Council construction costs for an area not exceeding 70 square metres of such construction.

- (vii) Prior to any development taking place, submit a plan of layout and elevation showing the location and size of the proposed buildings, parking areas and any other items which the Clerk so requires be shown, and at least one elevation of the proposed development;
 - (d) The works referred to in clauses (i), (ii), (iii) and (v) of subparagraph (c) inclusive shall be carried out before the new building is occupied;
 - (e) The owner or applicant shall bear the cost of any alterations necessary to public utility mains, services or installations involved in the construction of the abovementioned works;
 - (f) The materials used in and the execution of the abovementioned works shall be to the requirements and satisfaction of the Council;
 - (g) The proposed buildings shall be constructed of fire resisting materials as defined in the *Local Government Act 1936-1974*.
 - (h) If an awning is provided over the footpath it shall be cantilevered;
 - (i) That all of that part of the site on which vehicles will be parked and/or driven shall be bitumen surfaced; and
 - (j) Where practicable, provision shall be made within the curtilage of the site for the loading and unloading of vehicles.
- (2) The requirements set out in clause (ii) of subparagraph (c) and in subparagraphs (i) and (j) of clause (1) shall not apply to a shop to be erected on a single allotment if the ground floor area of the shop is less than 70 square metres.
- (3) This clause is limited in its application to buildings the erection whereof is commenced after the appointed day and—
- (a) which are new buildings; or
 - (b) where such erection is connected with an existing building or buildings on the site in question, the floor space or aggregate of the floor space whereof will be increased by more than fifty per centum (50%) by reason of such erection.

Use of land and erection of buildings in an industry zone.

9. (1) The following conditions and requirements shall apply with respect to the use of any land or building on land or the erection of a building on land in an Industry Zone where such erection is commenced after the date of Gazettal of this By-law (whether or not the consent of the Council is required under the town-planning scheme) the owner, or in any case where the consent of the Council is required, the applicant for such consent shall—

- (i) Construct reinforced industrial crossings from roadway to property alignment; and
- (ii) If Council deems necessary—
 - (a) Construct a pedestrian footpath 3.7 metres wide, with not less than 1 metre of concrete path for the full length of the road frontage or, where there is more than one such frontage, such frontages to the land the subject of the application;
 - (b) Construct concrete kerb and channelling to the Council's specification for the full length of the road frontage or, if there is more than one such frontage, such of those frontages as the Council shall determine;
 - (c) The applicant may at his option carry out those parts of such works relating to the construction of industrial crossings, pedestrian footpath or footpaths and concrete kerb and channelling in accordance with specifications laid down by the Council and under the supervision of the Council's engineer or he may pay to the Council such sums as shall be approved by the Council and which shall be assessed in accordance with current Council construction costs as being the cost of such works in which event the Council shall, subject to the provisions of this Chapter, complete such works within a reasonable time;
 - (d) Provide to the satisfaction of the Council such stormwater drainage as is considered necessary by the construction of the aforesaid works and, in connection therewith, any stormwater drainage requirements considered by the Council to be in excess of normal unconcentrated run-off shall be the responsibility of the developer who shall pay the cost of any additional drainage installation. The drainage is to be carried to a point at which it may be lawfully discharged without causing nuisance or annoyance to anyone.

The Council shall not be authorised hereby to require drainage works to be provided with a carrying capacity in excess of the Council engineer's calculations necessary for the carrying off of all stormwater from the land the subject of the application and the road frontage or frontages to such land.

The applicant may at his option carry out those parts of such works relating to the construction of stormwater drainage in accordance with specifications laid down by the Council and under supervision of the Council's engineer or he may pay to the Council such sum as shall be approved by the Council and which shall be assessed in accordance with current Council construction costs as being the cost of such works in which event the Council shall, subject to the provisions of this Chapter, complete such works within a reasonable time.

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

- (e) Form and grade the roadway for the full length of the frontage or frontages of the site, any deceleration and acceleration lanes and any area of truncation as deemed necessary by the Council; construct and bitumen seal the roadway for the full length of the frontage or frontages of the site, any deceleration and acceleration lanes and any area of truncation as deemed necessary by the Council.

The Council shall be the sole constructing authority for all construction work outside the line of the kerb and channel and the applicant shall pay to the Council such sum as shall be approved by the Council and which shall be assessed in accordance with current Council construction costs as being the cost of such works in which event the Council shall, subject to the provisions of this Chapter, complete such works within a reasonable time.

Where any bitumen sealed road construction along the frontage or frontages of the site is deemed necessary by the Council the Council shall be responsible for the construction costs, based on approved current Council construction costs, for an area not exceeding 70 square metres of such construction.

- (f) Prior to any development taking place, submit a plan of layout and elevation showing the location and size of the proposed buildings, parking areas and any other items which the Clerk so requires be shown, and at least one elevation of the proposed development.
 - (g) The works referred to in sub-clauses (a), (b), (d) and (e) of Clause (ii) of Paragraph (a) shall be carried out before the new building is occupied.
- (2) In an Industry Zone—
- (a) Parking areas for employees' vehicles shall be provided within the curtilage of the site of every industry or business established after the date of gazettal of this By-law in the circumstances and at the time hereunder set out;
 - (b) The Council may also require parking areas to be provided from time to time for the parking of customers' vehicles and of vehicles used in connection with the industry or business to the extent determined by the Council having regard to the nature and extent of the industry or business proposed or existing;
 - (c) Such parking area provision shall be made by the owner of the land on which the industry or business is or will be conducted;
 - (d) All internal roads and parking areas on the land or adjoining land which lead to or pass or are adjacent to any industry or business engaged in any manner in the preparation, manufacture or packaging of food for human consumption shall be paved with bitumen to the satisfaction of the Council. Paving with bitumen of internal roads and parking areas in other industrial sites shall be dependent on the proposed industry and shall be provided if it is deemed necessary by the Council.

All parking areas to which this paragraph applies shall be maintained in good order and condition by such owner.

(3) In the case of employees' vehicles the requirement imposed by clause (2) of this By-law shall be to provide such area for parking as is reasonably sufficient having regard to:—

- (i) The industry or business concerned;
- (ii) The maximum number of employees ordinarily working at any one and the same time;
- (iii) The probable needs of employees for space for parking; and
- (iv) Such other factors as the Council deems relevant.

Part III**PARKING AREAS***Application of Part*

1. (1) The provisions of this Part shall not apply—

- (a) to an existing use; or
- (b) for the use of a dwelling-house for the purpose of a home occupation if the total floor area used (whether temporarily or permanently) for such purposes does not exceed 30 square metres.

(2) Where an existing building is extended or the area of land occupied by an existing use is increased, the requirements of this Part shall apply only to the extension of the building or to the use of the additional land provided that where an additional accommodation unit, flat, guest suite, home unit, hospital bed or lubricating bay is provided, or a bar lounge or beer garden extended or additional employment created as a direct result of the extension of an existing building or land use the requirements of the Part shall apply irrespective of whether such accommodation unit, flat, guest suite, home unit, hospital bed, lubricating bay or increased bar, lounge or beer garden space is provided within the extended building or whether such additional employment occurs within the extended building or on the additional land.

Duty of compliance

2. The owner and occupier of any land, building or other structure which is used for a use in respect of which the parking requirements of this Part apply shall ensure that all of the requirements of this Part are complied with, at all times.

Parking requirements

3. (1) The minimum parking areas in the form of parking spaces as set out in the following table shall be provided in respect of all uses to which the parking requirements of this Part apply:—

Use	Minimum Parking Spaces
Accommodation Units (Excluding Motels)	1 domestic garage or covered parking space to each dwelling-house—single family and one domestic garage or covered parking space to each unit in a dwelling-house—two family unit or multiple dwelling capable of separate occupation or in any case in such lesser ratio as the Council may in its discretion determine
Bulk Store	1 parking space for every 2.5 (2½) employees or 1 parking space for each 200 square metres of the total floor area whichever is the greater
Caterers' Rooms	1 parking space for each 10 square metres of the total floor area or 1 parking space per every 2.5 (2½) persons assessed on the maximum number to be catered for
Commercial Premises	1 parking space for each 50 square metres of the total floor area or 1 parking space per every two (2) employees whichever is the greater
Hospital	1 parking space for every four (4) beds; in addition 1 parking space for every two (2) employees (except where employees' quarters are located in close proximity to the hospital) and a further 1 parking space for each staff doctor
Hotel	1 parking space for each 1.5 square metres of the bar floor area; in addition 1 parking space for each 3 square metres of the lounge and beer garden floor area, and a further 1 parking space for each guest suite
Industries (all classes)	1 parking space for every 2.5 (2½) employees or 1 parking space for each 100 square metres of the total floor area whichever is the greater
Indoor Entertainments	1 parking space for each 20 square metres of the total floor area or 1 parking space for every three (3) persons entertained at any one time, calculated at the maximum capacity; whichever is the greater
Places of Public Worship	1 parking space for every ten (10) seats or places
Produce Store	1 parking space for each 25 square metres of the total floor area
Professional Office	1 parking space for each 50 square metres of the total floor area or 1 parking space per every two (2) employees whichever is the greater
Refreshment Services	1 parking space for each 20 square metres of the total floor area
Service Stations	5 parking spaces for the first lubricating bay and 4 parking spaces for each additional lubricating bay
Shops	In the case of a single shop or where shops form part of a group of shops the combined gross floor area of which does not exceed 700 square metres, 1 parking space for each 15 square metres of gross floor area exceeding 100 square metres but not exceeding 700 square metres. Where the total gross floor area exceeds 700 square metres, ten (10) parking spaces for each 100 square metres of gross floor area
Showroom	1 parking space for each 25 square metres of the total floor area
Special Uses, Institutions and Outdoor Entertainments	Sufficient parking space/s to accommodate the amount of vehicular traffic likely, in the opinion of the Council, to be generated by the particular development
Warehouse	1 parking space for every 2.5 (2½) employees or 1 parking space for each 200 square metres of the total floor area whichever is the greater

(2) The parking space referred to in clause (1) of this By-law shall be a space of 15 square metres the minimum width of which shall be 2.8 metres.

4. (1) Subject to clause 3 of this By-law, a parking area shall be—

- (a) at least 10 metres wide;
- (b) at least 6 metres deep;

(c) level or of such a gradient as in the opinion of the Council's engineer to be suitable for vehicular parking;

(d) laid out to the satisfaction of the Council's engineer in such manner as to provide adequate access to each parking space and to permit free circulation of vehicles entering, leaving and parking;

(e) constructed, sealed, marked and maintained to the satisfaction of the Council's engineer unless and until the Council rescinds or modifies such requirements;

(f) each space to be readily accessible for parking from access lanes;

(g) indicated by means of a sign or signs to the satisfaction of the Council's engineer;

(h) located and constructed in such a position and manner respectively so as not, in the opinion of the Council to create any additional traffic hazard in the locality.

(2) A parking area shall be located upon the allotment upon which the use is to be carried out unless by special consent, which the Council is hereby empowered to give, the Council approves of the parking area being located on another allotment of other allotments in which case such allotment or allotments should normally be adjoining allotments so located that any part of the parking area is not more than 200 metres from the allotment upon which the use is to be carried out.

(3) Where the allotment upon which a parking area is required pursuant to this Part is less than 10 metres wide or where the required parking area is less than 70 square metres, the Council may approve of a parking area of a lesser width than 10 metres.

(4) The Council may require that access to the parking area be provided from two (2) roads, in which case access ways within the parking area shall be at least 6.7 metres wide.

(5) A parking area required by this Part shall be—

- (a) kept exclusively for parking;
- (b) used exclusively for parking; and
- (c) maintained in a fit and proper condition for parking purposes.

5. The Council may dispense with or may modify all or any of the requirements of clauses 1 to 4 of this Part if it considers that dispensation or modification is necessitated by the exceptional circumstances of the particular use.

*THE SCHEDULE**County of Stanley, parish of Stradbroke
Part of North Stradbroke Island*

Commencing on the western shore of North Stradbroke Island at a point west from the north-west corner of portion 4 and bounded thence by a line and the northern boundary of that portion, by the eastern boundaries of portions 4, 3, 2 and 1, by the north boundary of portion 71—R.384—Water Supply Reserve—and a line in continuation east to the shore of the South Pacific Ocean, by that shore southerly to the south-east corner of the parish of Stradbroke, by the south boundary of that parish to the western shore of the island and by that shore northerly to the point of commencement.

Certificate

The foregoing resolution was passed on the twenty-first day of June, 1973, at a special meeting of the Council of the Shire of Redland called for that purpose and the requirements of subsection (27) of section 31 of the *Local Government Act 1936-1974* have been complied with in respect of the By-law, the subject of such resolution.

E. G. W. WOOD, Chairman.

D. SIMPSON, Clerk.