



Queensland Government Gazette

PUBLISHED BY AUTHORITY.

ISSN 0155-9370

VOL. CCLXXIV

SATURDAY, 26TH NOVEMBER, 1983

[No. 61]

ORDER IN COUNCIL

At the Executive Building, Brisbane, the twenty-fourth day of November, 1983

Present:

His Excellency the Governor in Council

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 1936-1983*, hereby notifies—

- (a) that he has approved in part the town planning scheme for the Shire of Pioneer pursuant to the provisions of the said Act; and
- (b) that the town planning scheme as approved in part shall consist of—
 - (i) the provisions contained in The Schedule hereto;
 - (ii) the scheme maps referred to in The Schedule hereto, being scheme maps signed for identification by the Clerk of the Executive Council;
 - (iii) the Strategic Plan consisting of—
 - (A) Part "A" contained in Appendix A hereto;
 - (B) Part "B" contained in the document marked "Pioneer Shire Council Strategic Plan Part B—Supporting Information";
 - (iv) the by-laws made by the Pioneer Shire Council to implement the scheme and to provide for, regulate and control the administration and execution of the scheme.

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

S. SCHUBERT, Clerk of the Council.

THE SCHEDULE

THE TOWN PLANNING SCHEME FOR THE SHIRE OF PIONEER

This town planning scheme comprises the Schedule and the scheme maps. The Schedule is divided into the following Parts and Divisions, namely:—

PART I—DEFINITIONS;

PART II—ZONING;

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

Division II—Intent of the Zones;

Division III—Table of Zones;

PART III—EXISTING LAWFUL NON-CONFORMING USES;

PART IV—EXISTING LAWFUL FETTERED USES;

PART V—MISCELLANEOUS PROVISIONS;

Division I—Town Planning Certificate;

Division II—Beach Erosion Control Districts;

PART VI—PROVISIONS APPLYING TO ALL DEVELOPMENT WHETHER CONSENT IS REQUIRED UNDER THIS SCHEME OR NOT;

Division I—Preliminary;

Division II—Parking Requirements;

Division III—Residential Uses;

Division IV—Industrial Uses—General;

Division V—Extractive Industry;

Division VI—Business, Commercial and Shopping Uses;

Division VII—Service Stations;

Division VIII—Hotels;

Division IX—Caravan Parks;

Division X—Drive-in Theatres;

Division XI—Kiosks;

Division XII—Host Farms

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 unit"—Any land, building or other structure or any part thereof used or intended for use as a boarding house, guest house, hostel, unlicensed hotel, motel, unlicensed residential club, serviced apartment, serviced room. The term does not include a caravan park, dwelling-house, hospital, hotel, institution or multiple dwelling as herein defined;

"Advertisement hoarding"—Any land, building or other structure or any part thereof used or intended for use for advertisements of any kind whether by way of placards, hoardings, light signs or otherwise. The term does not include signs which merely advertise as "For Sale" or "To Let" the premises on which they are situated; or any sign erected for furthering elections or any sign erected under the provisions of this scheme relating to a home occupation as herein defined;

"Agricultural showroom"—Any land, building or other structure or any part thereof used or intended for use for the display or sale by retail and servicing of implements or machines used for any purpose in agriculture;

"Agriculture"—Any land, building or other structure or any part thereof used or intended for use for the growing of crops, fruit, vegetables and the like for business or commercial purposes. The term includes horticulture;

"Airline terminal"—Any land, building or other structure or any part thereof used or intended for use for the assembly of passengers and/or goods prior to the transport of such passengers and/or goods either to or from an aerodrome;

"Allotment"—Any 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 1861-1981* 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 plans of such land registered with the Registrar of Titles under and in accordance with the *Real Property Act 1861-1981* or in the case of lands under the *Miners' Homestead Leases Act 1913-1982* 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 plans of such land registered with the Mines Department under and in accordance with the *Miners' Homestead Leases Act 1913-1982*;

"Animal husbandry"—Any land, building or other structure or any part thereof used or intended for use for the purpose of keeping, depasturing or stabling of any animal, bird, reptile or insect. The term includes the keeping of bees, but does not include domestic pets, kennel, piggery, a stable, veterinary clinic or veterinary hospital as herein defined;

"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 to be used for the bulk storage of goods;

"Bus depot"—Any land, building or other structure or any part thereof used or intended for use for the overnight storing of buses or other road transport passenger vehicles;

"Caravan park"—Any land, building or other structure or any part thereof used or intended for use for the parking of caravans and the pitching of tents. The term includes the erection and use of cabins for providing overnight or holiday accommodation and the erection and use of a kiosk for the exclusive use of the patrons of the caravan park where such kiosk and cabins are provided within a caravan park;

"Car repair station"—Any land, building or other structure or any part thereof used or intended for use for the purpose of carrying out motor vehicle repairs other than—

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

The term does not include a motor vehicle showroom as herein defined;

"Caretaker's residence"—Any land, building or other structure or any part thereof used or intended for use for caretaking purposes, in connection with an industry or other use conducted on the same parcel of land.

The term includes any dwelling-house or flat provided for a person engaged in a use lawfully established on the same site;

"Caterer's room"—Any land, building or other structure or any part thereof used or intended for use for the holding of receptions at which food is served. The term does not include a catering shop or hotel as herein defined, or a club;

"Catering shop"—Any land, building or other structure or any part thereof used or intended for use as a shop included in Appendix I hereto:—

APPENDIX I

Cafe

Espresso bar

Milk bar

Restaurant

Snack bar

Soft drink shop

Tea garden

Tea room;

"Commercial industry"—Any land, building or other structure or any part thereof used or which is intended for use for a purpose which is—

- (a) included in Appendix II hereto; or

(b) is in the opinion of the Council consistent with the purposes so listed, in Appendix II and which—

(i) is carried on in a building or other structure occupying not more than two hundred (200) square metres of the area of the land upon which such building or other structure is situated;

(ii) 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;

(iii) 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 which is prejudicial to the amenity of the locality or which cause 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 use is carried on;

APPENDIX II

Boot and shoe repairing

Bread, cake and pastry manufacturing

Cycle repairing

Dancing teaching

Dressmaking

Drycleaning and dyeing

Duplicating and copying service

Electrical or electronic equipment or appliance repair or servicing

Film developing and printing

Laundromat

Locksmith's establishment

Millinery manufacturing

Photographic studio

Piano tuner's and repairer's establishment

Saddlery

Sportsgoods repairer's establishment

Tailor's workshop

Watchmaker's establishment;

"Commercial premises"—Any land, building or other structure or any part thereof used or intended for use as a business office or a professional office or for other business or commercial purposes not otherwise particularly defined in this Part;

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

"Development"—The carrying out of any building, extractive industry, or engineering operations in, on, or under land, or the making of any material changes in the use of land or a building;

"Domestic pets"—Any land, building or other structure or any part thereof used or intended for use to accommodate animals, birds, insects, reptiles or fish which are kept for the protection, pleasure or recreation of the residents therein and which are included in but not limited to Appendix III hereto:—

APPENDIX III

Caged birds (not more than thirty five (35))

Cats (not more than four (4) over the age of four (4) months)

Dogs (not more than two (2) over the age of three (3) months)

One (1) hive of bees

Ornamental fish

Poultry (not more than twenty (20) mature birds);

"Dwelling-house"—Any land, building or other structure or any part thereof used or intended for use for

"Dwelling house" - A single dwelling unit on one allotment (or a group of adjoining allotments) for the exclusive use of one household. The term includes such other buildings which are incidental to and necessarily associated with a dwelling-house; 66 5 10 9

ings or other structures as are incidental to and necessarily associated with a dwelling-house. The term does not include an accommodation unit or a multiple-dwelling as herein defined;

"Dwelling unit" - A self contained unit intended for exclusive use of one household; 3

✱ "AMCORD" - The Australian Model Code for Residential Development, Edition 2 as amended as follows:

- (a) by deleting from Clause D2 of Element B11 the words "6 percent" and inserting in their stead the words "10 percent"; and
- (b) by deleting from table B7 - 1 the words "Flush & Swale" from Kerbing Characteristics.";

~~Inserting immediately following the definition "Animal husbandry" the following new definitions -~~

- △ (i) "Approved" means approved by the Council."; and
- (ii) "Approved Design" means a design approved of, or prepared by the Council pursuant to the requirements outlined in Division III, Part VI of this scheme.";

~~Inserting immediately following the definition "Building" the following new definition -~~

- "Building site" means that part of an allotment on which, in the opinion of the Building Surveyor, a building may be satisfactorily erected.";



"Host farm" - Any land, building or other structure or any part thereof used or intended for use as tourist accommodation in conjunction with use for Agriculture, Animal Husbandry or Forestry purposes. The term does not include accommodation units or multiple dwellings as herein defined;

44 96.90

A

"Existing urban area" - those areas of the Shire that were zoned Residential "A" on the day prior to these amendments coming into force and those parcels (other than Residential "A") less than 4ha within urban areas deemed to be established by Council. The existing urban area is a separate entity to those areas designated for urban development by the Strategic Plan."

66 15.10.13

"Educational establishment"—Any land, building or other structure or any part thereof used or intended for use as a boarding school, kindergarten, child minding centre, day care, college, technical college, academy lecture hall, cultural centre, gallery or museum. The term does not include an institution as herein defined;

"Erect" means—

- (a) erect or commence or continue to erect; or
- (b) do, or commence or continue to do, any work in the course of or for the purpose of erecting; or
- (c) perform any structural work or make any alteration, addition or rebuilding; or
- (d) move from one (1) position on an allotment to another position on or partly on the same allotment or another allotment; or
- (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 (1) allotment—
 - (i) move to another position on the same allotment or any of them or to another allotment or allotments;
 - (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"—Any land, building or other structure or any part thereof used or intended for use for the purpose for which it was lawfully used before the appointed day or for which a consent has not expired;

"Extractive industry"—Any land, building, or other structure or any part thereof used or intended for use for the purpose of carrying on an industry involving the extraction of sand, gravel, turf, soil, rock, stone or similar substance as such and when carried out on such land from which such substances are extracted or on land adjacent thereto, the treatment of such substances and the manufacture of materials from such substances. The term does not include the removal of materials authorised by section 32 (13) of the *Local Government Act 1936-1983* nor a mine within the meaning of The Mining Act or regulations made pursuant thereto;

"Freight terminal"—Any land, building or other structure or any part thereof used or intended for use as a terminal for the receipt or despatch of goods and the storage for short periods of such goods. The term includes parcel delivery depots, courier depots, furniture removal depots and the like but does not include a noxious transport depot or a transport terminal as herein defined.

"General industry"—Any land, building or other structure or any part thereof used or intended for use for the purpose of carrying on an industry which does not fall within the other categories of industry defined in this scheme;

"Heavy industry"—Any land, building or other structure or any part thereof used or intended for use for the purpose of carrying on an industry which is—

- (a) included in but not limited to Appendix IV hereto; or
- (b) is included in Appendix VI but does not comply with the provisions applicable to light industry; or
- (c) is not, in the opinion of the Council, a noxious or hazardous industry.

APPENDIX IV

Asbestos products works
Asphalt works
Bitumen works
Bottle depot and works
Brick, earthenware and pottery works
Caravan manufacture
Cement products works
Coach builder
Concrete products manufacturing and depot
Contractor's yard (heavy equipment)
Dairy products manufacturing
Dicing
Distillery
Engineering works (heavy)
Fibreglass manufacturing

Foundry
Fruit and vegetable processing works
Galvanized-iron works
Glass works
Grinding mill (cereal)
Hardware manufacturing
House-removing depot
Ice works
Ice-cream manufacturing
Industrial bin contractor's depot
Iron and steel works
Machinery and implement manufacturing
Marble and terrazzo works
Motor body works
Nail manufacturing
Paint spraying
Panelbeating works
Piping manufacturing
Plywood mill
Radiator manufacturing
Roofing materials manufacturing
Sand, gravel and stone crusher, screening plant and depot
Sawmill, timberyard, fencing posts and palings depot
Scrap metal merchant
Sheet metal works
Sports goods manufacturing
Steel fabricating works
Stock food manufacturing
Stonemason
Tile works
Tool manufacturing
Welding
Wire products manufacturing;

"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 (1) or more single-phase electric motors of not more than point four (0.4) kW power is used;
- (b) the floor area used (whether temporarily or permanently) does not exceed more than one third (3) of the total floor area of the dwelling-house, except with and in accordance with the condition 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;
- (d) no sign other than a sign not exceeding zero point three (0.3) square metres in area and bearing only the name of the occupier and of the occupation is displayed;
- (e) not more than three (3) persons, one (1) of whom is the registered proprietor are engaged; and
- (f) there is no public display of goods on the premises and no sale of goods manufactured or fabricated at locations other than on the premises.

The term does not include any occupation or profession which causes injury to or has a prejudicial effect on the amenity of the locality to which it is carried on due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste products or thing whatsoever;

"Hospital"—Any land, building or other structure or any part thereof used or intended for use as a hospital, sanatorium, nursing home or home for 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 part thereof used or intended for use for a purpose specified in a licensed victualler's license, a limited hotel license, or a tavern license issued under the *Liquor Act 1912-1982*;

"Indoor entertainment"—Any land, building or other structure or any part thereof used or intended for use for any activity, purpose or pursuit which affords or is calculated to afford interest or amusement 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 other structure or any part thereof for any of the activities, purposes or pursuits included in Appendix V hereto—

APPENDIX V

Amusement hall
Bazaar
Bowling centre
Broadcasting studio
Cinema
Circus (indoor)
Club (non-residential)
Concert hall
Court (covered)
Covered swimming pool
Dance hall
Exhibition
Gymnasium
Meeting hall (other than places of worship)
Music hall
Premises specified in a cabaret license issued under the *Liquor Act 1912-1982*
School of Art
Side show (indoor)
Skating rink (indoor)
Squash court
Stadium (indoor)
Theatre (indoor);

"Industry"—Any land, building or other structure or any part thereof used or intended for use for any of the following operations:—

- (a)—
 - (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 articles for trade, sale or gain, or ancillary to any business; or
 - (iii) the extraction of sand, gravel, turf, soil, rock, ore, stone, or similar substances from land; or
 - (iv) repairing and servicing of articles including vehicles, machinery, buildings or other structures; 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 (1) 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 operations; 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 or any part thereof 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 or any part thereof used or intended for use in the collection, storage, abandonment or sale of 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;

"Kennel"—Any land, building or other structure or any part thereof used or intended for use for the breeding or boarding of dogs or cats or both for commercial gain;

"Licensed premises unlimited"—Any land, building or other structure or part thereof used or intended for use under an unlimited license issued under the *Liquor Act 1912-1982*;

"Licensed premises limited"—Any land, building or other structure or part thereof used or intended for use under a limited license issued under the *Liquor Act 1912-1982*;

"Light industry"—Any land, building or other structure or any part thereof used or intended for use for the purpose of an industry which is—

- (i) included in Appendix VI hereto; or
- (ii) is in the opinion of the Council consistent with those industries so listed; or
- (iii) is included in Appendix VI but does not comply with the provisions applicable to commercial industry;

and which complies with the following provisions, that is to say:—

- (a) It, together with any similar or associated use on the same land or any adjacent land owned by any company, person, firm or undertaking associated with the person conducting the light industry does not occupy an area of more than one hectare;
- (b) It does not require a special rail siding;
- (c) It is not, in the opinion of the Council, likely to cause nuisance or annoyance to persons or adversely affect property not associated with the occupation by reason of the emission of noise, light (whether steady or flashing), interference with radio or television transmission or reception, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste, liquids, waste products, grit, oil or for any other reason;
- (d) It does not, in the opinion of the Council, involve the disposal of such quantities of waste as, in the opinion of the Council would be likely to overload the Council's sewerage reticulation system in the locality or other waste disposal systems;
- (e) It 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.

APPENDIX VI

Auction mart
Bakery
Bottle depot
Builder's workshop and yard
Bus depot and workshop
Carpentry, joinery and furniture manufacturing
Clothing manufacturing
Cold store
Drycleaning works
Electrical appliance material and sign manufacturing
Electrical repair works
Electrician's works and depot
Engineering works (light)
Gas appliance workshop
Glazing works and glazier's depot
Ice-cream depot
Laundry
Lawn mower repairing
Milk depot
Plumber's yard and workshop
Printing works
Soft drink and cordial factory
Shopfitter's depot
Tool repairing and sharpening
Tyre repair station
Upholstering;

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

- (a) the storage of petrol, oil, petroleum products and other flammable or combustible fuels for commercial distribution;
- (b) the storage of drums containing petrol, oil, petroleum products or other flammable or combustible fuels for commercial distribution.

The term does not include a service station as herein defined;

"Local store"—Any building or other structure or part thereof not exceeding one hundred and fifty (150) square metres in gross floor area which is attached to a dwelling-house and—

- (a) is used or intended to be used primarily for general sale of a wide range of food-stuffs; and

(b) at no time contains more than three (3) shop assistants;

"Local utility"—Undertakings for the supply of water, electricity or gas or the provision of telephone, sewerage or drainage services provided that this shall not include the erection and operation of any of the following:—

(a) Electricity power lines, transformers or switching stations operating at or in excess of one hundred and thirty two thousand (132 000) volts;

(b) Any building or other structure (other than a pole or mast supporting electricity or telephone lines) having a floor area greater than five (5) square metres.

The term does not include a special use as herein defined;

"Machinery showroom"—Any land, building or other structure or any part thereof used or intended for use for the display or sale and, when carried out in conjunction with such display or sale, the servicing of agricultural, pastoral and stock handling machinery or implements and their accessories. The term includes the storage for sale purposes of any petroleum products, agricultural, or horticultural preparations in sealed containers.

The term does not include a motor vehicle showroom or a showroom as herein defined;

"Motor vehicle showroom"—Any land, building or other structure or any part thereof used or intended for use for the display or sale by retail of motor vehicles and accessories or caravans and accessories or boats and accessories.

The term includes when carried out on the same land the servicing of motor vehicles, caravans or boats and their accessories.

The term does not include a car repair station, machinery showroom or showroom as herein defined;

"Multiple dwelling"—Any land, building or other structure or any part thereof used or intended for use as flats, or home units and divided into classes as follows:—

Multiple dwelling—Class "A"—Any land, building or other structure or any part thereof used or intended for use as flats or home units which

"Multiple Dwelling" - two or more dwelling units on one allotment.

Multiple Dwelling - Class "A" - the construction of two or more dwelling units, either attached or detached, which are no greater than two storeys in height and gain access from the ground floor. Such developments shall demonstrate compliance with the provisions of AMCORD.

Multiple Dwelling - Class "B" - the construction of two or more dwelling units, which are generally greater than two storeys in height, and to which access to each unit is via stairs or an elevator if greater than three storeys; and

100 persons per hectare;

Multiple dwelling—Class "C"—Any land, building or other structure or any part thereof used or intended for use as flats or home units which is not a multiple dwelling—Class "A" or a multiple dwelling—Class "B";

"Noxious or hazardous industry"—Any land, building or other structure or any part thereof used or intended for use as an industry which is included in but not limited to Appendix VII hereto:—

APPENDIX VII

Abattoir
Acid manufacturing
Animal by-products manufacturing
Aqua-ammonia depot
Battery smelter and works
Blood and bone mill
Boiling down works
Cannery
Cement and lime works
Chemical works
Concrete batching plant
Crushing mill
Disinfectant, pest destroyers and germicide manufacture
Distillery
Explosive manufacture or storage depot
Fertiliser works
Flammable liquid manufacture
Food preserving works
Gas works

Hide, skin and tallow store
Knackery
Meat preserving and processing works
Paint manufacturing
Paper mill
Plastic manufacturing
Poison manufacturing
Poultry abattoir and dressing house
Slaughter-house
Smelting works
Soap works
Sugar mill
Tannery
Turpentine manufacturing;

"Noxious transport depot"—Any land, building or other structure or any part thereof used or intended for use as a depot connected with the transport of stock or animal products or human or industrial wastes of a noxious or offensive nature. The term includes premises used to store vehicles or containers connected with such use but does not include a freight terminal or a transport terminal as herein defined;

"Off-street car parking"—Any land, building or other structure or any part thereof used or intended for use solely for the temporary parking and/or temporary storage of motor vehicles. The term does not include off-street parking required in association with uses permitted by the scheme;

"Outdoor entertainment"—Any land, building or other structure or any part thereof used or intended for use for the purpose of any activity, purpose or pursuit which affords or is calculated to afford interest or amusement 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 other structure or any part thereof for any of the activities, purposes or pursuits included in Appendix VIII hereto:—

APPENDIX VIII

Boating
Children's playground
Circus (outdoor)
Commercial or community swimming pool (uncovered)
Coursing track
Court (uncovered)
Cycling track
Drive-in theatre
Exhibition
Fair
Fauna and/or flora sanctuary
Golf course
Model car, boat or aeroplane operation
Park
Picnic race
Race track
Showground
Side show (outdoors)
Speedway
Sporting arena, being a field, green rink, or water
Stadium (outdoor)
Theatre (outdoor)
Theme park
Trotting track
Zoological and/or botanical garden;

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

"Place of assembly"—Any land, building or other structure or any part thereof used or intended for use:—

(a) as a public hall, theatre, music hall, concert hall, dance hall, or school of arts;

(b) as any place of public assembly being a building whether or not used for purposes of gain;

(c) as a meeting place of lodges, associations, friendly societies and the like.

The term does not include an educational establishment, an institution or a place of worship as herein defined;

"Place of worship"—Any land, building or other structure or any part thereof used or intended for use as a church, chapel or other place of

"Plan of development"—Any plan or plans:

- referred to on the Scheme maps having been approved by the Governor in Council as part of a rezoning or a particular allotment or parcel of land for inclusion in the Special Facilities Zone; or
- submitted as an indicative development proposal pursuant to the provisions of the Planning Scheme in support of a development application; or

"Premises"—Any land, building or other structure or any part thereof;

"Public utility"—Any of the following undertakings, namely—

- (a) a railway, tramway, road or air transport, wharf, harbour, sea or river undertaking;
- (b) major undertakings for the supply of water, hydraulic power, electricity or gas or the provision of radio broadcasting, television, telephone, sewerage, or drainage services;

"Roadside stall"—Any land, building or other structure or any part thereof fronting a road whether fixed or moveable, used or proposed to be used or capable of being used, for the purpose of displaying for sale of rural produce, excluding manufactured or processed goods, when such manufactured or processed goods are not ancillary to the sale of rural produce, to the general public;

"Rural building"—Any land, building or other structure or any part thereof used or intended for the storage of farm implements or produce for the farm on which the building or other structure is sited. The term does not include any building or other structure for use as a dairy, or a stable, or for use in association with animal husbandry or any use separately defined in the town planning scheme;

"Scheme maps"—The maps consisting of sheets respectively forming part of this town planning scheme approved by the Governor in Council and signed for identification by the Clerk of the Executive Council, copies whereof are open at the office of the Director of Local Government and at the office of the Council;

"Service station"—Any land, building or other structure or any part thereof 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) lubrication 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; or
 - (iv) the charging of batteries; or
 - (v) the lubrication and greasing of motor vehicles; or
 - (vi) the cleaning and adjustment and replacement of spark plugs; or
 - (vii) the receipt of tyres for retreading and other processes and the redelivery thereof; or
 - (viii) running repairs of a minor nature and of a type which do not normally immobilise a vehicle for a period longer than two (2) hours; or
- (ix) the washing of motor vehicles; or

- (c) the rendering of minor services incidental to any of the foregoing;

"Shop"—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 an agricultural showroom, bulk store, car repair station, catering shop, hotel, junk yard, motor vehicle showroom, service station, warehouse as herein defined;

"Showroom"—Any land, building or other structure or any part thereof used primarily for the display of goods whether or not any such goods are sold thereat. The term includes, when carried out on the same site, the use of any office in connection with such premises and the servicing or minor repairing of goods displayed or sold thereat. The term includes showroom for the display of camping goods, carpets, electrical goods and furniture but does not include a machinery showroom, a shop, or vehicle showroom as herein defined;

"Site population density"—The population density of a site used for accommodation units based upon two (2) persons per bedroom;

"Special use"—The use of any land, building or other structure for—

- (a) cemeteries, crematoria;

(b) Federal Government purposes;

(c) Local Government purposes;

(d) State Government purposes;

(e) Statutory Authority; or

(f) any other public purposes not specifically included in any other definition contained in this Part.

The term does not include local utility and public utility as herein defined;

"Sport and recreation"—Any land, building or other structure or any part thereof used or intended for use for any activity which is—

- (a) included in, but not limited to Appendix IX hereto;
- (b) is not in the opinion of the Council, likely to cause nuisance or annoyance to persons or adversely affect property not associated with the activity. The term includes the erection of club-houses and ancillary buildings associated with the activities listed;—

APPENDIX IX

Archery
Basketball
Boating (land facility)
Bowling
Croquet
Cycling track
Golf
Gymnasium
National fitness centre
Pony club area
Pony trekking
Riding school
Swimming pool (indoor and outdoor)
Tennis
Youth centre;

"Stable"—Any land, building or other structure or any part thereof used or capable of being used for the stabling or keeping of a horse or other quadruped, 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 or other quadruped. The term includes a roofed yard;

"Stockyard"—Any land, building or other structure or any part thereof used or intended for use for the holding of livestock for commercial purposes. The term does not include a rural building as herein defined;

"Stock salesyard"—Any land, building or other structure or any part thereof used or intended for use for the purpose of offering animals for sale and includes a public livestock market;

"Transport terminal"—Any land, building or other structure or any part thereof used or intended for use as a road transport passenger terminal, a water transport passenger terminal, a bus station or heliport. The term does not include the storing of buses or other road transport passenger vehicles;

"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 or associated with the use of the land in question;

"Veterinary clinic"—Any land, building or other structure or any part thereof used or intended for use in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets where animals or pets, are not retained overnight;

"Veterinary hospital"—Any land, building or other structure or any part thereof used or intended for use for the long term treatment of sick animals and pets and includes the accommodation of such animals and pets, overnight or longer;

"Warehouse"—Any land, building or other structure or any part thereof used or intended for use for the sale of goods, merchandise, or materials by wholesale;

"Zone"—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.

3. Any questions as to whether a use or proposed use falls within a definition of a class of uses defined in this Part, shall be determined by the Council.

Part II

ZONING

Division I—Division of Town Planning Scheme Area into Zones

1. For the purposes of this town planning scheme, the town planning scheme area is hereby divided into zones as set out in the following Table and the areas so designated on the scheme maps are hereby declared to be within the zones as indicated by the designation given in the Table:—

THE TABLE

Number of Zone	Name of Zone	Colour Code
1.	Business	Dark-blue
2.	Commercial	Dark-blue with yellow border
3.	Residential "A"	Pink
4.	Residential "B"	Pink with black diagonal hatch
5.	Rural/Residential	Light-brown with red border
6.	Light Industry	Light purple
7.	Heavy Industry	Dark-purple with black diagonal hatch
8.	Noxious or Hazardous Industry	Dark-purple with a yellow border
9.	Public Open Space	Dark-green
10.	Private Open Space	Light-green
11.	Special Purposes	Yellow
12.	Special Facilities	Yellow with a red border
13.	Rural "A"	Light brown
14.	Rural "B"	Dark-brown
15.	Comprehensive Development	Red
16.	Park Residential	Pink with a light green border

2. Subject to the provisions of Part II of this town planning scheme—

- (1) the purposes for which any building or other structure may be erected or used or for which land may be used without the consent of the Council in each zone shall be the purposes set forth in Column III of the Table of Zones herein opposite the name of the relevant zone under the heading "Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council";
- (2) 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 the consent of the Council";
- (3) 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".

3. Where any building or other structure or any land is used or is intended for use for more than one (1) purpose, it shall be deemed, for the purposes of this town planning scheme to be used or intended for use for each of those purposes.

4. Subject to the provisions of Part III of this town planning scheme, no person shall—

- (1) without the consent of the Council, erect or use any building or other structure or use land in any zone for a purpose set forth in Column IV of the Table of Zones herein opposite the name of that zone; or

- (2) erect or use any building or other structure or use land in any zone for the purpose set forth in Column V of the Table of Zones herein opposite the name of that zone.

5. 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, the proposed development shall comply with the specific conditions set out in Part VI hereto relating to the particular purpose and, subject to this scheme, all relevant by-laws shall apply and be in force in respect of such erection or use.

6. Notwithstanding any other 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 adjoining allotments having an area of more than two thousand (2000) square metres by more than point five (0.5) metres.

Division II—Intent of the Zones

This Division describes the intended nature of land uses within each of the land use zones listed hereunder:—

1. **Business**—The purpose of this Zone is to provide land for shops, offices and other commerce in the urban areas of the Shire.

2. **Commercial**—The purpose of this Zone is to provide land for the retailing demands of the Shire. It is to be located so that it is geographically central to the community which it serves without intruding into residential areas.

3. **Residential "A"**—The purpose of this zone shall be to provide a range of compatible housing forms in a quality residential environment. A range and mix of housing forms which gain their principal access from the ground floor, and are generally no greater than two storeys in height, shall be encouraged throughout the zone. In order to ensure that a quality residential environment is provided in an efficient and economic manner, development in this zone must demonstrate compliance with established performance criteria.¹ and

4. **Residential "B"**—the purpose of this zone is to provide for high density residential development and tourist accommodation in close proximity to all urban facilities.²

5. **Rural/Residential**—The purpose of this Zone is to provide areas wherein dwelling-houses can be erected on small rural allotments without necessarily requiring the provision of all urban services.

An important aspect of this Zone, with its very low population density, is the need to select areas which have recognised visual amenity and to preserve this amenity. To this end, some rural-type pursuits will be permitted. However, because the nature of the Zone is essentially residential, albeit on a larger scale, the size and scope of rural activities will be limited.

6. **Light Industry**—The purpose of this Zone is to provide for light industrial activities. This Zone is to have full urban services and is to be located so that it does not interfere with the amenity of residential areas.

7. **Heavy Industry**—This Zone is to provide for heavy classified industries and for industrial or manufacturing activities involving large parcels of land or which by the nature of their operation are likely to be detrimental to the amenity of an area.

8. **Noxious or Hazardous Industry**—The purpose of this Zone by its name, is provided for any activities which would be likely to severely affect the amenity of surrounding areas. The use of this Zone is to be limited and must be remote from residential localities. The wastes from these types of activities must be able to be disposed of to the satisfaction of the Council.

9. **Public Open Space**—The purpose of this Zone is to provide areas of Shire and metropolitan open space for recreation, social leisure, ensembles for public utilities, preservation of areas of outstanding interest, ameliorating climatic effects e.g. shelter planting, and contributing order and visual amenity to the urban environment.

10. **Private Open Space**—The purpose of this Zone is to provide areas of open space for entertainment and recreation conducted primarily as a business venture.

11. **Special Purposes**—The purpose of this Zone is to identify and accommodate all forms of Government and public land use associated with urban development, and to provide for specific types of land uses not otherwise covered in the town planning scheme.

12. **Special Facilities**—This Zone is designed to accommodate those uses which do not readily fit into the nature of other zones. The location of this Zone will depend on the particular nature of the use which is to be developed in the Zone, and the nature of this use will also determine the degree of urban services which are to be provided. It is anticipated that this Zone will be located as required throughout the Shire.

13. *Rural "A"*—The purpose of this Zone is to provide areas which are used or are suitable for use for rural production for commercial purposes.

In this Zone, those defined uses which are associated with the farming of land are by right uses. Unless exceptional circumstances exist, land zoned Rural is reserved for rural production.

14. *Rural "B"*—The purpose of this Zone is to allow hobby farmers and similar persons sufficient land to erect

a dwelling-house and pursue rural activities without prejudicing the orderly development of any land for rural production for commercial purposes.

15. *Comprehensive Development*—The purpose of this Zone is to give Council sufficient flexibility to permit a variety of uses within a tourist development whilst safeguarding control over land use and design factors such as carparking, type of building, landscaping and buffering from neighbouring properties.

* 99 4.6.88

Division III—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 the consent of the Council	Purposes for which buildings or other structures may not be erected or used or for which land may not be used
1. Business	Dark-blue ..	Advertisement hoardings Caterers' rooms Catering shops Commercial industries Commercial premises Domestic pets Local stores Local utilities Shops	Any purposes other than those permitted by Column III or prohibited by Column V	Agricultural showrooms Agriculture Animal husbandry Bulk stores Bus depots Caravan parks Car repair stations 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 Freight terminals General industries Institutions <i>Host farms 649470</i> Junk yards Kennels Light industries Liquid fuel depots Machinery showrooms Motor vehicle showrooms Multiple dwellings—Class "A" Multiple dwellings—Class "B" Multiple dwellings—Class "C" Noxious or hazardous industries Noxious transport depots Outdoor entertainments Piggeries Roadside stalls Rural buildings Stables Stock salesyards Stockyards Transport terminals Veterinary hospitals Warehouses
2. Commercial ..	Dark-blue with yellow border	<i>6.2.85</i> <i>Advert. signs, hoardings</i> Agricultural showrooms Caterers' rooms Catering shops Commercial industries Commercial premises Domestic pets Indoor entertainments Local stores Local utilities Motor vehicle showrooms Places of worship Shops Showrooms	Any purposes other than those permitted by Column III or prohibited by Column V	Agriculture Animal husbandry Bulk stores Caravan parks Dwelling-houses Extractive industries General industries Heavy industries Institutions <i>Host farms 649470</i> Junk yards Kennels Liquid fuel depots Noxious or hazardous industries Noxious transport depots Outdoor entertainments Piggeries Roadside stalls Rural buildings Stables Stock salesyards Stockyards Veterinary hospitals

* 99 4.6.88

"16. Park Residential - The purpose of this Zone is to provide areas wherein dwelling-houses may be erected on large residential allotments for which all the usual urban services are provided with the exception of sewerage, where, in the opinion of Council, it is not feasible to connect to an existing sewerage scheme."

15711-13

7670

A "Dwelling house:

- (a) on allotments 700m² or greater; or
- (b) on proposed allotments or group titles lots, larger than or equal to 450m² but less than 700m² outside the existing urban area, in accordance with the provisions of Division III of Part VI of this scheme."; and 66 15 10 93

B "Dwelling house:

- (a) outside the existing urban areas on proposed allotments or group titles lots larger than or equal to 300m² but less than 450m², subject to the provisions of Division III of Part VI of this scheme; or
- (b) in the existing urban areas on allotments between 450 and 700m² in accordance with the provisions of Division III of Part VI of this scheme."; 66 15 10 93

- C** "Dwelling House: in accordance with the provisions of Division III of Part VI of this scheme."; 66 15 10 93

Division III—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 the consent of the Council	Purposes for which buildings or other structures may not be erected or used or for which land may not be used
3. Residential "A" ..	Pink	<p>Domestic pets</p> <p>Δ Dwelling-houses GG 15-10-93</p> <p>Local utilities</p> <p>Multiple Dwellings—Class "A" (outside existing urban areas) GG 15-10-93.</p>	<p>GG 15-10-93</p> <p>Any purposes other than those permitted by Column III or prohibited by Column V</p> <p>Multiple Dwellings—Class "A" (in existing urban areas) GG 15-10-93.</p> <p>Host farms 44 96 90</p>	<p>Accommodation units</p> <p>Agricultural showrooms</p> <p>Airline terminals</p> <p>Animal husbandry</p> <p>Bulk stores</p> <p>Bus depots</p> <p>Caravan parks</p> <p>Car repair stations</p> <p>Caterers' rooms</p> <p>Catering shops</p> <p>Commercial industries</p> <p>Commercial premises</p> <p>Extractive industries</p> <p>Freight terminals</p> <p>General industries</p> <p>Heavy industries</p> <p>Hospitals</p> <p>Indoor entertainments</p> <p>Institutions</p> <p>Junk yards</p> <p>Kennels</p> <p>Light industries</p> <p>Liquid fuel depots</p> <p>Machinery showrooms</p> <p>Motor vehicle showrooms</p> <p>Multiple dwellings—Class "A" GG 15-10-93</p> <p>Multiple dwellings—Class "B"</p> <p>Multiple dwellings—Class "C"</p> <p>Noxious or hazardous industries</p> <p>Noxious transport terminals</p> <p>Outdoor entertainments</p> <p>Piggeries</p> <p>Places of assembly</p> <p>Places of worship</p> <p>Roadside stalls</p> <p>Rural buildings</p> <p>Service stations</p> <p>Shops</p> <p>Showrooms</p> <p>Sports and recreation</p> <p>Stables</p> <p>Stock salesyards</p> <p>Stockyards</p> <p>Transport terminals</p> <p>Veterinary clinics</p> <p>Veterinary hospitals</p> <p>Warehouses</p>
4. Residential "B"	Pink with black diagonal hatch	<p>Domestic pets</p> <p>Δ Dwelling-houses GG 15-10-93</p> <p>Local utilities</p> <p>Multiple dwellings—Class "A"</p>	<p>Any purposes other than those permitted by Column III or prohibited by Column V</p>	<p>Agricultural showrooms</p> <p>Agriculture</p> <p>Airline terminals</p> <p>Animal husbandry</p> <p>Bulk stores</p> <p>Bus depots</p> <p>Caravan parks</p> <p>Car repair stations</p> <p>Commercial industries</p> <p>Commercial premises</p> <p>Extractive industries</p> <p>Freight terminals</p> <p>General industries</p> <p>Heavy industries</p> <p>Junk yards</p> <p>Kennels</p> <p>Light industries</p> <p>Liquid fuel depots</p> <p>Machinery showrooms</p> <p>Motor vehicle showrooms</p> <p>Noxious or hazardous industries</p> <p>Noxious transport depots</p> <p>Outdoor entertainments</p> <p>Piggeries</p> <p>Places of worship</p> <p>Roadside stalls</p> <p>Rural buildings</p> <p>Shops</p> <p>Showrooms</p> <p>Sports and recreation</p> <p>Stables</p> <p>Stock salesyards</p> <p>Stockyards</p> <p>Transport terminals</p> <p>Veterinary clinics</p> <p>Veterinary hospitals</p> <p>Warehouses</p> <p>Host farms 44 96 90</p>

Division III—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 the consent of the Council	Purposes for which buildings or other structures may not be erected or used or for which land may not be used
5. Rural/Residential	Light-brown with red border	Agriculture Domestic pets Dwelling-houses Local utilities	Advertisement hoardings Caravan parks Caretakers' residences Educational establishments Extractive industries Home occupations Hospitals Institutions Kennels Local stores Places of assembly Public utilities Roadside stalls Rural buildings Service stations Special uses Sports and recreation Stables Transport terminals Veterinary clinics Veterinary hospitals	Any purposes other than those permitted by Column III or by Column IV
6. Light Industry	Light-purple	Advertisement hoardings Agricultural showrooms Agriculture Bus depots Caretakers' residences Commercial industries Domestic pets Indoor entertainments Light industries Local utilities Machinery showrooms Motor vehicle showrooms Outdoor entertainments (staff amenities only in conjunction with an industry and situated on the land on which such industry is conducted)	Any purposes other than those permitted by Column III or prohibited by Column V <i>Most farms 44A to 40</i>	Accommodation units Dwelling-houses Extractive industries Heavy Industries Multiple dwellings—Class "A" Multiple dwellings—Class "B" Multiple dwellings—Class "C" Noxious and hazardous industries Piggeries Roadside stalls Rural buildings Shops Stables Stock salesyards Stockyards
7. Heavy Industry	Dark-purple with diagonal hatch	Advertisement hoardings Agricultural showrooms Agriculture Animal husbandry Bulk stores Bus depots Caretakers' residences Domestic pets Heavy industries Indoor entertainments (staff amenities only in conjunction with an industry and situated on the land on which such industry is conducted) Junk yards Local utilities Outdoor entertainments (staff amenities only in conjunction with an industry and situated on the land on which such industry is conducted)	Any purposes other than those permitted by Column III or prohibited by Column V <i>Most farms 44A to 40</i>	Accommodation units Airline terminals Caravan parks Caterers' rooms Commercial industries Commercial premises Dwelling-houses Educational establishments Hospitals Hotels Indoor entertainments (except as specified in Column III) Institutions Kennels Local stores Machinery showrooms Motor vehicle showrooms Multiple dwellings—Class "A" Multiple dwellings—Class "B" Multiple dwellings—Class "C" Noxious or hazardous industries Noxious transport depots Outdoor entertainments (except as specified in Column III) Piggeries Places of assembly Places of worship Roadside stalls Rural buildings Shops Showrooms Sports and recreation Stables Stock salesyards Stockyards Veterinary hospitals

Division III—Table of Zones—continued

Column I Zone	Column II Colour on Scheme Maps	Column III Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Column IV Purposes for which buildings or other structures may be erected or used or for which land may be used only with the consent of the Council	Column V Purposes for which buildings or other structures may not be erected or used or for which land may not be used
8. Noxious or Hazardous Industry	Dark-purple with yellow border	Advertisement hoardings Agriculture Animal husbandry Caretakers' residences Domestic pets Junk yards Local utilities Noxious or hazardous industries Noxious transport depots	Any purposes other than those permitted by Column III or prohibited by Column V	Accommodation units Agricultural showrooms Airline terminals Bulk stores Caravan parks Car repair stations Caterers' rooms Catering shops Commercial industries Commercial premises Dwelling-houses Educational establishments Hospitals Hotels Indoor entertainments Institutions Kennels Light industries Local stores Machinery showrooms Motor vehicle showrooms Multiple dwellings—Class "A" Multiple dwellings—Class "B" Multiple dwellings—Class "C" Outdoor entertainments Piggeries Places of assembly Places of public worship Roadside stalls Rural buildings Shops Showrooms Sports and recreation Stables Stock salesyards Stockyards Veterinary clinics Veterinary hospitals
9. Public Open Space	Dark-green	Local utilities Sports and recreation	Any purposes other than those permitted by Column III or prohibited by Column V	Accommodation units Advertisement-boards Agricultural showrooms Agriculture Airline terminals Animal husbandry Bulk stores Bus depots Car repair stations Commercial industries Commercial premises Dwelling-houses Educational establishments Extractive industries Freight terminals General industries Heavy industries Hospitals Hotels Institutions Junk yards Kennels Licensed premises unlimited Light industries Liquid fuel depots Local stores Machinery showrooms Motor vehicle showrooms Multiple dwellings—Class "A" Multiple dwellings—Class "B" Multiple dwellings—Class "C" Noxious or hazardous industries Noxious transport depots Piggeries Roadside stalls Rural buildings Service stations Shops Showrooms Stables Stock salesyards Stockyards Transport terminals Veterinary clinics Veterinary hospitals Warehouses

Division III—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 the consent of the Council	Purposes for which buildings or other structures may not be erected or used or for which land may not be used
10. Private Open Space	Light-green	Agriculture Caterers' rooms Catering shops Domestic pets Local utilities Sports and recreation	Any purposes other than those permitted by Column III or prohibited by Column V Host farms 44.9.6.90	Accommodation units Agricultural showrooms Airline terminals Bulk stores Bus depots Car repair stations Commercial industries Commercial premises Dwelling-houses Extractive industries Freight terminals General industries Heavy industries Hospitals Hotels Institutions Junk yards Kennels Light industries Liquid fuel depots Local stores Machinery showrooms Motor vehicle showrooms Multiple dwellings—Class "A" Multiple dwellings—Class "B" Multiple dwellings—Class "C" Noxious or hazardous industries Noxious transport depots Piggeries Roadside stalls Rural buildings Service stations Shops Showrooms Stables Stock salesyards Stockyards Transport terminals Warehouses
11. Special Purposes	Yellow	Agriculture Caretakers' residences Domestic Pets Educational establishments Hospitals Institutions Local utilities Public utilities Special uses	Any purposes other than those permitted by Column III or prohibited by Column V Host farms 44.9.6.90	Agricultural showrooms Airline terminals Bus depots Car repair stations Caterers' rooms Extractive industries Freight terminals General industries Heavy industries Hotels Junk yards Local stores Machinery showrooms Motor vehicle showrooms Noxious or hazardous industries Noxious transport depots Piggeries Service stations Veterinary clinics Warehouses
12. Special Facilities	Yellow with red border	Uses indicated by red lettering on the scheme map Local utilities	Caretakers' residences Domestic pets Home occupations Uses ancillary to or necessarily associated with those indicated by red lettering	Any purposes other than those permitted by Column III or Column IV

10. Pri

*GG 46-88

<p>11.</p> <p>12.</p>	<p>*16. Park Residential</p> <p>Pink with a light green border</p>	<p>Domestic pets Dwelling-houses Local utilities</p>	<p>Agriculture Carpetakers' residences Educational establishments Home occupations Hospitals Local stores Off-street car parking Places of assembly Places of worship Public utilities Rural buildings Special uses Sports & Recreation Any purposes other than those permitted by Column III or prohibited by Column V</p> <p>Host farms GG 46-90</p>	<p>Accommodation units Advertisement hoardings Agricultural showrooms Airline terminals Animal husbandry Bulk stores Bus depots Car repair stations Caravan parks Caterers' rooms Catering shops Commercial industries Commercial premises Extractive industries Freight terminals General industries Heavy industries Hotels Indoor entertainments Institutions Junk yards Kennels Licensed premises limited Licensed premises unlimited Light industries Liquid fuel depots Machinery showrooms Motor vehicle showrooms Multiple dwellings - Class "A" Multiple dwellings - Class "B" Multiple dwellings - Class "C" Noxious or hazardous industries Noxious transport depots Outdoor entertainments Piggeries Roadside stalls Service stations Shops Showrooms Stables Stockyards Stock salesyards Transport terminals Veterinary clinics Veterinary hospitals Warehouses</p>
-----------------------	--	--	--	--

Division III—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 the consent of the Council	Purposes for which buildings or other structures may not be erected or used or for which land may not be used
13. Rural "A"	Light-brown	Agriculture Animal husbandry Domestic pets Dwelling-houses Local utilities Rural buildings Sports and recreation Stables Stock salesyards Stockyards	Any purposes other than those permitted by Column III or prohibited by Column V	Accommodation units Advertisement hoardings Agricultural showrooms Airline terminals Bulk stores Bus depots Car repair stations Caterers' rooms Catering shops Commercial industries Commercial premises Freight terminals General industries Heavy industries Hospitals Institutions Junk yards Light industries Machinery showrooms Motor vehicle showrooms Multiple dwellings—Class "A" Multiple dwellings—Class "B" Multiple dwellings—Class "C" Noxious or hazardous industries Off-street car parking Service stations Shops Showrooms Transport terminals Warehouses
14. Rural "B"	Dark-brown	Agriculture Animal husbandry Domestic pets Dwelling-houses Local utilities Rural buildings Stables Veterinary clinics Veterinary hospitals	Any purposes other than those permitted by Column III or prohibited by Column V	Accommodation units Advertisement hoardings Airline terminals Bulk stores Bus depots Car repair stations Caterers' rooms Catering shops Commercial industries Commercial premises Freight terminals General industries Heavy industries Hospitals Institutions Junk yards Light industries Machinery showrooms Motor vehicle showrooms Multiple dwellings—Class "A" Multiple dwellings—Class "B" Multiple dwellings—Class "C" Noxious or hazardous industries Noxious transport depots Off-street car parking Service stations Shops Showrooms Transport terminals Warehouses
15. Comprehensive Development	Red	Local utilities	Any purposes other than those permitted in Column III	No purposes

* 99 4.6.88

Part III

EXISTING LAWFUL NON-CONFORMING USES

1. 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 (3) of clause 2 of Division I of Part II hereof. Such a use is hereinafter in this Part referred to as an "existing lawful non-conforming use".

2. (1) A person may continue an existing lawful non-conforming use of any building or other structure but such use shall not be changed except with the prior consent of the Council pursuant to clause 4 hereof.

(2) 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 lawful non-conforming use, or upon the discontinuance for a period of at least six (6) months from any cause whatsoever of such existing non-conforming use, the right to continue such lawful non-conforming use shall cease and determine unless the Council otherwise determines pursuant to subclauses (3) or (4) of this clause.

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

(a) —

(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 on which the demolished, destroyed or substantially damaged building was erected; or

(ii) where such building or other structure is not so substantially damaged as, in the opinion of the Council, to preclude its repair, consent to the repair of such building or other structure; and

(b) consent to the use of the new building or other structure or, as the case may be, 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.

(4) Where an existing lawful non-conforming use of any land, building or other structure is discontinued for a period of at least six (6) months from any cause the Council may, upon application being made to it, consent to such land, building or other structure being again used for such existing lawful non-conforming use.

(5) Subject to the prior consent of the Council and to compliance with the provisions of this scheme and the by-laws 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.

(6) 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 lawful non-conforming use is carried on but any such alterations or additions shall not increase the floor area of the existing lawful non-conforming use by more than twenty (20) per centum and shall be confined within the boundaries of the allotment upon which the building or other structure is erected.

3. A person may continue an existing lawful non-conforming use of land upon which there is no building but such use shall not be changed except with the prior consent of the Council pursuant to clause 4 hereof. Upon the discontinuance for a period of at least six (6) months from any cause whatsoever of such existing lawful non-conforming use, the right to continue such existing lawful non-conforming use shall cease unless the Council otherwise determines pursuant to subclause (4) of clause 2 hereof.

4. The Council may, upon application being made to it, consent to a change of an existing lawful non-conforming use to another lawful 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 lawful non-conforming use.

Part IV

EXISTING LAWFUL FETTERED USES

1. 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 (2) of clause 2 of Division I of Part II hereof. Such a use is hereinafter in this Part referred to as an "existing lawful fettered use".

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

Part V

MISCELLANEOUS PROVISIONS

Division I—Town Planning Certificate

1. An application for a town planning certificate, pursuant to section 33 (9) of the *Local Government Act 1936-1983*, shall be in such form as the Shire Clerk may from time to time determine.

2. The fee payable to the Council for the issue of a town planning certificate shall be as determined by the Council from time to time by resolution.

Division II—Beach Erosion Control Districts

Notwithstanding any provision contained in this town planning scheme the right of any person to use any land or to use any building or other structure, or to erect any building or other structure, or to change the use of any land, building or other structure in an area declared to be a Beach Erosion Control District pursuant to the provisions of the *Beach Protection Act 1968-1974* shall be subject to the provision of that Act and this town planning scheme.

Part VI

PROVISIONS APPLYING TO ALL DEVELOPMENT WHETHER CONSENT IS REQUIRED UNDER THIS SCHEME OR NOT

Division I—Preliminary

Without limiting the generality of any provision herein or in the by-laws contained, no provision of this scheme shall be deemed to confer any right to erect or use a building or other structure or any part thereof for any purpose otherwise than subject to the conditions specified in this Part or in the by-laws provided that the provisions of Divisions II to X inclusive of this Part shall not apply to uses which were existing lawful uses on the appointed day.

Division II—Parking Requirements

1. A person shall not erect or cause to be erected a building or other structure or use land or cause land to be used for any purpose set out in Column 1 of the Table hereunder unless it complies with the minimum parking space requirements shown in Column 2 of the said Table opposite that purpose.

2. For the purposes of this Division the term "parking space" shall mean an area with dimensions not less than five (5) metres by three (3) metres except as provided in subclause (8) herein.

THE TABLE

Column 1	Column 2
Purpose	Minimum Parking Areas
Accommodation units (where not specifically mentioned elsewhere in this Table)	One point five (1.5) spaces for each accommodation unit
Bowling alley ..	Three (3) spaces for each bowling lane
Caterers' room or Catering shop	One (1) space for each fifteen (15) square metres or part thereof of gross floor area
Car repair station ..	One (1) space for each ninety (90) square metres or part thereof of gross floor area
Club (licensed) ..	One (1) space for each fifteen (15) square metres or part thereof of the total floor area

Column 1	Column 2
Purpose	Minimum Parking Areas
Club (unlicensed) ..	One (1) space for each forty-five (45) square metres or part thereof of the total floor area
Guest house ..	One (1) space for each bedroom, fifty (50) percent of which must be covered
Hospital ..	One (1) space for every four (4) beds; in addition one (1) space for every two (2) employees, and a further space for each staff doctor
Hostel and tenement	One (1) space for each twenty-two (22) square metres or part thereof of gross residential area
Hotel ..	One (1) space for each three (3) square metres or part thereof of the net bar room area; in addition one (1) space for each three (3) square metres or part thereof of the net lounge and beer garden floor area, and a further one (1) space for each guest suite and one (1) further space for each three (3) employees
Hotel (unlicensed or private)	One (1) space for every bedroom; in addition one (1) space for each ten (10) bedrooms, in addition one (1) paved washing bay six (6) metres by three point five (3.5) metres for each development of more than ten (10) bedrooms
Indoor entertainment (Other than bowling alley, squash court or place of assembly)	One (1) space for every twenty (20) square metres or part thereof of the total area
Industry (all classes)	One (1) space for every two (2) workers at the time of peak accumulation (two (2) heaviest overlapping shifts) or two (2) spaces for each one hundred (100) square metres or part thereof of the total floor area whichever is the greater
Motel ..	One (1) space for each motel unit. An additional one (1) space for each three (3) employees
Multiple dwelling (Class "A")	In accordance with the provisions of clause 66.15-10-4
Office or commercial premises	One (1) space for each forty-five (45) square metres or part thereof of the total floor area
Place of worship or assembly	One (1) space for every ten (10) seats or places
Service station ..	Five (5) spaces for the first lubricating bay and four (4) spaces for each additional lubricating bay
Serviced room ..	One (1) space for each bedroom
Shop, drive-in shopping centre	<p>(a) In the case of an isolated shop or where shops form part of a group of shops, the combined gross floor area of which does not exceed six hundred and fifty (650) square metres, then one (1) space shall be provided for each fifteen (15) square metres or part thereof of the gross floor area</p> <p>(b) In the case of a drive-in shopping centre or shops with a gross floor area in excess of six hundred and fifty (650) square metres, three (3) spaces shall be provided for each forty (40) square metres or part thereof of gross floor area.</p> <p>For the purpose of this clause, a drive-in shopping centre is a group of shops forming a common building or structure in the form of an integrated development</p>
Showroom (agricultural showroom, electrical showroom, furniture showroom, or motor vehicle showroom)	One (1) space for each thirty (30) square metres or part thereof of gross floor area

Column 1	Column 2
Purpose	Minimum Parking Areas
Squash court ..	Four (4) spaces for each squash court
Tyre repair station ..	One (1) space for each ninety-six (96) square metres or part thereof of gross floor area
Warehouse or bulk store	One (1) space for every two (2) employees
Any other use not specified in this Table	Sufficient space/s to accommodate the amount of vehicular traffic likely, in the opinion of the Council to be generated by the particular development

The requirements of this Division shall not apply to any dwelling-house wherein any home occupation is conducted or carried on unless the area upon which the home occupation is conducted or carried on is more than thirty (30) square metres.

(1) A parking area shall be—

- level or at such a gradient as in the opinion of the Council is suitable for vehicular parking;
- laid out to the satisfaction of the Council in such a manner as to provide adequate access to each parking space and to permit the free circulation of vehicles entering, leaving and parking;
- constructed, drained, sealed, marked and maintained to the satisfaction of the Council;
- readily accessible for vehicular use;
- indicated by means of a sign or signs to the satisfaction of the Council.

(2) A parking area shall be located upon the allotment upon which the development is to be carried out; provided that the Council may by special consent, approve of a parking area located upon an adjacent allotment or allotments in cases where no part of the parking area is more than two hundred (200) metres from the allotment upon which the development is to be carried out.

(3) The Council may require that access to the parking area be provided from two (2) roads, in which case the access ways and roads shall be at least six point five (6.5) metres wide.

66.15-10-4 A parking area required by this Division shall be—

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

(5) Adequate space shall be provided within the site of the building or development for the loading, unloading and fuelling of vehicles (where applicable) and for the picking up and setting down of passengers.

(6) Any parking space the side of which is located against a wall or similar obstruction shall have a minimum width of three (3) metres.

(7) A building or other structure shall not be erected or used and land shall not be used for any purpose in an industrial zone where the site has an area greater than six hundred (600) square metres unless—

- there is provided at least one (1) truck bay with a minimum width of three point five (3.5) metres a minimum depth of fifteen (15) metres exclusive of driveways and a minimum clear height of three point five (3.5) metres;
- provision is made for the turning of vehicles on the land to enable them to move in a forward direction when being driven from and to the adjoining road.

(8) Notwithstanding the provisions of this Division the Council may dispense with or may modify all or any of the parking requirements herein if it considers that dispensation or modification is necessitated by the exceptional circumstances of the particular use and the Council may, upon request being made to it in that behalf, and in its absolute discretion from time to time in any particular case, forgo all or any of its car parking space requirements and accept a cash payment (of

such amount as the Council may from time to time determine by resolution) in lieu thereof to enable the Council to provide alternative off-street car parking space.

Division III—Residential Uses

Accommodation Units and Multiple Dwellings

2. 1. The provisions of this Division shall apply to buildings and appurtenant structures which are to be used wholly, or in part for the purpose of accommodation units, multiple dwellings—Class "B", or multiple dwellings—Class "C" and which are to be erected within the Area of the Shire after the appointed day (whether or not the consent of the Council to the use of any land, building or other structure for the purpose is required under this town planning scheme).

2. 2. The distance from any side boundary of the site to a building thereon shall be measured horizontally from such boundary to the outermost projection of the building provided that where a chimney stack is not more than two point five (2.5) metres in width the distance is measured from the boundary to a point three hundred and fifty (350) millimetres from the outermost projection of the chimney stack unless some other projection of the building is nearer to that boundary in which case the distance shall be measured to that projection.

3. 3. The outermost projection shall mean the fascia provided the gutter does not project more than one hundred and fifty (150) millimetres beyond the line of the fascia. If the gutter projects more than one hundred and fifty (150) millimetres beyond the line of the fascia the outermost projection shall mean the face of the gutter nearest to the boundary less one hundred and fifty (150) millimetres. If there is no fascia then the outermost projection in the case of the gables shall mean the boundary board or the end of the rafters and in the case of a flat roof without a gutter, the edge of the flat roof. The requirements of this clause shall apply where the provisions of clause 2 in respect of chimney stacks do not apply. In any other cases not specifically detailed the outermost projection shall be determined by the Council.

4. 4. Where distances are prescribed by this Division and are related to the height of the building, the height shall be measured from ground level to the top of the fascia board or to the top of the parapet wall or to half the height of the gable as the case may be, or if the foregoing are not applicable to such part of the building as the Council or its authorised officer may determine. Where the site is not level the ground level on either side of the building shall be the average of the levels at the front and rear corners of the building on that side.

5. 5. The following conditions shall apply to all accommodation unit buildings, multiple dwellings—Class "B", and multiple dwellings—Class "C" unless the Council in view of the exceptional circumstances of a particular development and upon application being made to it for a variation of the conditions grants approval to the variation of the conditions contained hereunder:—

Minimum clearance from a road frontage—seven point five (7.5) metres;

Minimum clearance from a rear boundary—four point five (4.5) metres;

Minimum clearance from a side boundary—

for a building not exceeding four point five (4.5) metres in height—one point five (1.5) metres;

for a building which exceeds four point five (4.5) metres in height—two (2) metres (plus an additional zero point five (0.5) metres for every three (3) metres or part thereof by which the building exceeds seven point five (7.5) metres in height).

6. 6. Where a prepared building is not parallel to a side boundary and the distance from such side boundary is less than the minimum permitted by clause 2 hereof then such distance may, at the discretion of the Council be determined to be—

(1) the average distance between the building and the side boundary in question. However, no part shall be less than half the distance prescribed in this Division; or

(2) the distance from the central point of a straight line drawn from the two (2) points of the buildings which are nearest to the boundaries in question but no portion of the buildings shall be less than half the distance prescribed by this Division from that boundary.

7. 7. In the case of a proposed accommodation unit building or a proposed multiple dwelling—Class "B" building or a proposed multiple dwelling—Class "C" building which is a composite building that part of the composite building not used for the purpose of human habitation shall be disregarded in the application of the foregoing provision of this Division.

8. 8. Any outbuilding appurtenant to a building subject to the provisions of this Division shall be subject to those provisions provided that a single storey outbuilding may be erected on or nearer than one point five (1.5) metres to the side boundary or on or nearer than four point five (4.5) metres to rear boundaries of the land if such outbuilding does not abut any building which is subject to provisions of this Division.

9. 9. (1) For the purposes of this Division, any question as to—

- (a) the number of storeys contained in any building; or
- (b) whether any building or type of building is of one, two or more storeys; or
- (c) whether any floor or floor area is a basement or sub-basement,

shall be determined by the Council or an authorised officer of the Council in accordance with a policy of the Council in such regard which is adopted by the Council by resolution from time to time.

(2) An application for the erection of a building or other structure for use as accommodation units or a multiple dwelling—Class "B" or a multiple dwelling—Class "C" received by the Council prior to the date of the coming into force of this Division which application had not been rejected or approved (either unconditionally or with conditions) by the Council before that date shall be dealt with and decided by the Council and the erection of a building or other structure pursuant to an approval by the Council of such application may proceed as if the provisions of this Division were not in force.

(3) Where prior to the date of the coming into force of this Division approval had been obtained from the Council for the erection of a building or other structure for use as accommodation units or a multiple dwelling—Class "B" or a multiple dwelling—Class "C" and the rights conferred by that approval had not been exercised at the said date such rights may be exercised in accordance with that approval.

10. 10. On and after the date of the coming into force of this Division the following provisions shall apply to the erection of a building or other structure for use as an accommodation unit, a multiple dwelling—Class "B" or a multiple dwelling—Class "C":—

(1) The site on which the building or other structure is to be erected shall have an area of at least eight hundred (800) square metres: Provided that this subclause shall not apply to an allotment in existence and zoned Residential "B" on the appointed day;

(2) The width of the site on which the building or other structure is to be erected, measured along a line six (6) metres from and parallel to the road frontage shall be at least twenty (20) metres. In the case of a corner allotment the road frontage shall be taken to be the frontage to the principal road; For the purposes of this subclause the term "principal road" means the road determined by the Council in a particular case to be the principal road;

(3) A landscaped open space area of eleven (11) square metres per habitable room shall be provided on the site and landscaped to the satisfaction of the Council: Provided that the Council may vary the area of eleven (11) square metres per habitable room having regard to the particular circumstances of the location or the topography of the site. For the purpose of this Division the term "habitable room" shall have the meaning assigned to that term by the Standard Building By-laws made pursuant to the Building Act 1975-1981. At least fifty (50) per centum of the total landscaped open space area required pursuant to this subclause shall be provided in one area, and the dimensions of such an area shall not exceed a maximum ratio of length to breadth of two point five to one (2.5:1);

(4) The landscaped open space area provided pursuant to subclause (3) shall at all times be kept clear of all obstacles such as clothes hoists, driveways, parking spaces and receptacles;

such amount as the Council may from time to time determine by resolution) in lieu thereof to enable the Council to provide alternative off-street car parking space:

Division III—Residential Uses

- (1) Development for the purposes of Dwelling Houses on proposed allotments less than 700m² and Multiple Dwellings—Class "A" shall comply with the following requirements:

- (a) Development shall be undertaken only in accordance with a Plan of Development submitted to and approved by the Council;
- (b) The Plan of Development shall show a concept layout of all building areas, other structures, land uses, allotments or sites, roadways, car parking and landscaping at a scale as required by the Council. The Plan shall be identified by number and date;
- (c) The Council may approve of minor amendments to the Plan of Development provided that the density of development and the use of the land are not altered;
- (d) In considering a Plan of Development, Council shall take into account the following matters:
 - (i) topography of the site;
 - (ii) availability of services;
 - (iii) existing zones and subdivision in the area;
 - (iv) existing or planned development intensity in the area;
 - (v) access to the site;
 - (vi) the situation, suitability and amenity of the subject development in relation to the surrounding area;
 - (vii) landscaping and buffer zones;
 - (viii) the designation of land on the Strategic Plan Map;
 - (ix) the fundamental objectives of AMCORD in:
 - (A) ensuring cost-effective residential development reflecting appropriate community standards for health, safety, and amenity; and
 - (B) providing for the widest possible choice of housing and residential allotments; and
 - (x) any other relevant provisions of the Scheme, the Strategic Plan, Development Control Plans and Statements of Planning Policy (if applicable);
- (e) The development shall comply with the Performance Criteria and/or Deemed-to-Comply Criteria as contained within Part B (Elements of Control) of AMCORD. Only those elements of control of relevance to the intensity and scale of the development shall be involved in assessing an application pursuant to the provisions of this clause. Deviations from the stated Deemed-to-Comply Criteria will only be approved where it can be demonstrated that the requirements of the relevant Performance Criteria can be met to the satisfaction of the Council;
- (f) Where land is to be subdivided in accordance with the provisions of the Building Units and Group Titles Act 1980-1988, as amended, Public Open Space as referred to in element B11 of AMCORD shall be substituted by the term Communal Open Space. In this context reference to the term community within this Element shall refer to the community to be served by the proposed development and not to the broader community. The provision of communal open space shall be solely in accordance with the provisions of the Performance Criteria of Element B11 of AMCORD;
- (g) The development on lots between 300m-450m² shall be constructed as an entity or in stages approved by the Council and marketed as a House/Land Package. All buildings within a stage shall be substantially completed prior to commencement of buildings within further stages of the development. All buildings shall be designed and constructed in accordance with the approved Plan of Development.

Where the land is to be subdivided, all buildings shall obtain building approval and be substantially commenced, prior to the release of survey plans. Any building not in accordance with the Plan of Development shall not be approved by Council; and
- (h) Where land is to be subdivided in accordance with the provisions of the Real Property Act, the minimum allotment size shall not be less than 300m² for a Dwelling House*.

metres in height—two (2) metres (plus an additional zero point five (0.5) metres for every three (3) metres or part thereof by which the building exceeds seven point five (7.5) metres in height).

7. 6. Where a prepared building is not parallel to a side boundary and the distance from such side boundary is less than the minimum permitted by clause 2 hereof then such distance may, at the discretion of the Council be determined to be—

- (1) the average distance between the building and the side boundary in question. However, no part shall be less than half the distance prescribed in this Division; or
- (2) the distance from the central point of a straight line drawn from the two (2) points of the buildings which are nearest to the boundaries in question but no portion of the buildings shall be less than half the distance prescribed by this Division from that boundary.

8. 7. In the case of a proposed accommodation unit building or a proposed multiple dwelling—Class "B" building or a proposed multiple dwelling—Class "C" building which is a composite building that part of the composite building not used for the purpose of human habitation shall be disregarded in the application of the foregoing provision of this Division.

9. 8. Any outbuilding appurtenant to a building subject to the provisions of this Division shall be subject to those provisions provided that a single storey outbuilding may be erected on or nearer than one point five (1.5) metres to the side boundary or on or nearer than four point five (4.5) metres to rear boundaries of the land if such outbuilding does not abut any building which is subject to provisions of this Division.

10. 2. (1) For the purposes of this Division, any question as to—

- (a) the number of storeys contained in any building; or
- (b) whether any building or type of building is of one, two or more storeys; or
- (c) whether any floor or floor area is a basement or sub-basement,

shall be determined by the Council or an authorised officer of the Council in accordance with a policy of the Council in such regard which is adopted by the Council by resolution from time to time.

(2) An application for the erection of a building or other structure for use as accommodation units or a multiple dwelling—Class "B" or a multiple dwelling—Class "C" received by the Council prior to the date of the coming into force of this Division which application had not been rejected or approved (either unconditionally or with conditions) by the Council before that date shall be dealt with and decided by the Council and the erection of a building or other structure pursuant to an approval by the Council of such application may proceed as if the provisions of this Division were not in force.

(3) Where prior to the date of the coming into force of this Division approval had been obtained from the Council for the erection of a building or other structure for use as accommodation units or a multiple dwelling—Class "B" or a multiple dwelling—Class "C" and the rights conferred by that approval had not been exercised at the said date such rights may be exercised in accordance with that approval.

11. 18. On and after the date of the coming into force of this Division the following provisions shall apply to the erection of a building or other structure for use as an accommodation unit, a multiple dwelling—Class "B" or a multiple dwelling—Class "C":—

- (1) The site on which the building or other structure is to be erected shall have an area of at least eight hundred (800) square metres: Provided that this subclause shall not apply to an allotment in existence and zoned Residential "B" on the appointed day;
- (2) The width of the site on which the building or other structure is to be erected, measured along a line six (6) metres from and parallel to the road frontage shall be at least twenty (20) metres. In the case of a corner allotment the road frontage shall be taken to be the frontage to the principal road; For the purposes of this subclause the term "principal road" means the road determined by the Council in a particular case to be the principal road;
- (3) A landscaped open space area of eleven (11) square metres per habitable room shall be provided on the site and landscaped to the satisfaction of the Council: Provided that the Council may vary the area of eleven (11) square metres per habitable room having regard to the particular circumstances of the location or the topography of the site. For the purpose of this Division the term "habitable room" shall have the meaning assigned to that term by the Standard Building By-laws made pursuant to the Building Act 1975-1981: At least fifty (50) per centum of the total landscaped open space area required pursuant to this subclause shall be provided in one area, and the dimensions of such an area shall not exceed a maximum ratio of length to breadth of two point five to one (2.5:1);
- (4) The landscaped open space area provided pursuant to subclause (3) shall at all times be kept clear of all obstacles such as clothes hoists, driveways, parking spaces and receptacles;

- (5) A landscaped open space area provided pursuant to subclause (3) shall at all times be maintained in usable condition for that purpose and except in the case of town houses, courtyard houses and cluster houses, shall be available for the use of all residents of the building or other structure;
- (6) A building or other structure proposed to be erected for use as an accommodation building, a multiple dwelling—Class "B" or a multiple dwelling—Class "C" shall not occupy more than—
- fifty (50) percentum of the site if all parts of it are one (1) storey;
 - forty (40) percentum of the site if any part of it is two (2) storeys in height and no part of it is higher than two (2) storeys;
 - thirty-five (35) percentum of the site if any part of it is three (3) storeys in height and no part of it is higher than three (3) storeys;
 - thirty-one and two-thirds (31⅓) percentum of the site if any part of it is four (4) storeys in height and no part of it is higher than four (4) storeys;
 - twenty-eight and one-third (28⅓) percentum of the site if any part of it is five (5) storeys in height and no part of it is higher than five (5) storeys;

- (f) twenty-five (25) percentum of the site if any part of it is six (6) storeys or more in height;

Provided that—

- where the Council grants consent to the erection of a restaurant on the ground storey of a building or other structure four (4) storeys or over in height then the building or other structure may occupy not more than thirty-five (35) percentum of the site on the ground storey only. Storeys above the ground storey shall comply with the provisions of this subparagraph;
- within the Business and Commercial Zones, the ground storey of a building or other structure four (4) storeys or over in height may, with the consent of the Council, occupy not more than fifty (50) percentum of the site. Storeys above the ground storey shall comply with the provisions of this subparagraph.

12. N. The ratio of gross floor area (inclusive of all walls, columns and balconies whether roofed or not but excluding the areas hereinafter mentioned) to the area of the site on which the building or other structure is to be erected, including any under cover car parking area not hereinafter excluded, shall not be greater than that specified in the graph contained in the following Table, provided that the provisions of this clause shall not apply to allotments of lesser area than one thousand (1000) square metres.

TABLE

The Table of Plot Ratios

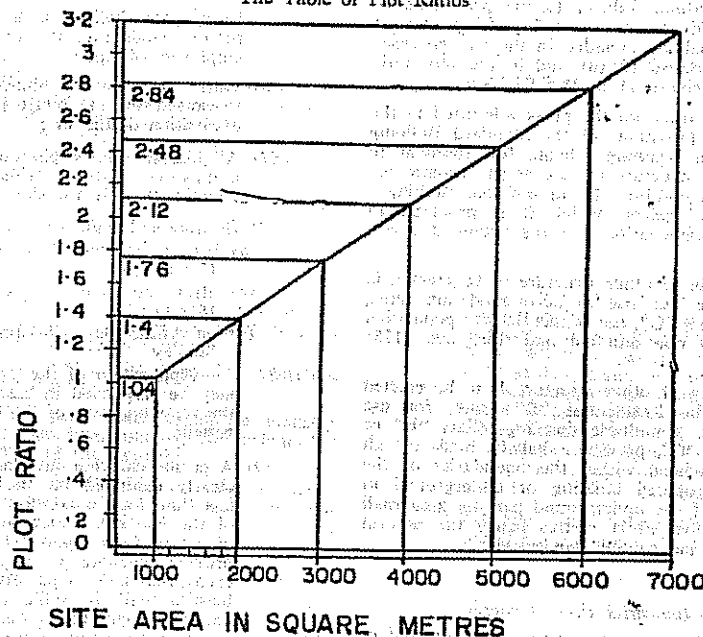


TABLE SHOWING SITE COVERAGE AND PLOT RATIOS
Plot Ratio Control not applicable to allotments less than one thousand (1000) square metres.

Site Area	25% Site Coverage	Plot Ratio	Total Floor Area
Square Metres	Square Metres		Square Metres
1 000	250	1.04	1 040
1 214	303.5	1.12	1 359.68
1 821	445.25	1.34	2 440.14
2 000	500	1.4	2 800
2 428	607	1.55	3 763.4
3 000	750	1.76	5 280
3 035	758.75	1.78	5 402.3
3 042	760	1.78	5 402.3
4 000	1 000	2.12	8 480
4 249	1 062.25	2.21	9 390.29
4 856	1 214	2.43	11 800
5 000	1 250	2.48	12 400
5 463	1 365.75	2.65	14 476.95
6 000	1 500	2.84	17 040
6 070	1 517.5	2.87	17 420.9
6 677	1 669.25	3.08	20 565.16
7 000	1 750	3.2	22 400
7 000+		3.2	

The following areas shall be excluded for the purposes of calculating the gross floor area under this clause:

- The areas (inclusive of all walls and columns) at any topmost storey of lift motor rooms or air conditioning or other mechanical or electrical plant and equipment room;
- The area of any unenclosed private balcony whether roofed or not which is accessible only from one (1) accommodation unit which is within two point five (2.5) metres of the back wall of such balcony up to a maximum of twenty (20) percentum of the gross floor area of the floor upon which the subject balcony is situated;
- Where the Council or its authorised officer permits, the area of any building or other structure (inclusive of all walls and columns) which extends less than one (1) metre above the natural ground level at any location. Should the ground level of a site be or proposed to be changed from its natural state then the Council or authorised officer may stipulate the level which shall be regarded as the natural ground level for this calculation having regard to the general level of the surrounding land and roadways.

(3) 12. A building or other structure shall not exceed sixteen (16) storeys in height: Provided that—

- (1) where the Council grants consent to a restaurant on the ground storey then such building or other structure may have a height of not more than seventeen (17) storeys;
- (2) where the building or other structure is to be erected within the Residential "B" Zone it may have a height of not more than seventeen (17) storeys.

13. A building or other structure shall not be erected so that the shadow which would be cast by that building or other structure at three (3) o'clock in the afternoon on the twenty-second (22nd) day of June in any year will cover any part of a public foreshore, beach, or foreshore of any tidal waterway. Any question as to the extent or demarcation of any public foreshore, beach, or foreshore of a tidal waterway shall be determined by the Council in a particular case.

14. In the case of the erection of a building or other structure of more than three (3) storeys the prior approval of the Council shall be obtained to a layout showing the landscaping and the location of the building or other structure on the site.

15. Where the parking area required pursuant to the provisions of Division II of Part VI of this town planning scheme in relation to accommodation units, multiple dwellings—Class "B" or multiple dwellings—Class "C" is provided at basement or sub-basement level, such parking area shall be excluded from the site coverage requirement specified in clause 10 (6) and from the plot ratio requirement specified in clause 11 of this Division. Subject to the provisions of clause 11 (3) of this Division a covered parking area at ground level or above shall be included in the site coverage requirement specified in clause 10 (6) and in the plot ratio requirement specified in clause 11 of this Division.

16. There shall be marked on the plans submitted to the Council pursuant to the provisions of the Standard Building By-laws or of this town planning scheme for approval to erect a building or other structure for use as an accommodation unit, multiple dwelling—Class "B" or multiple dwelling—Class "C" the space or spaces, which it is proposed to reserve for vehicle accommodation and the proposed access thereto from a road.

17. For each building or other structure to be erected in a Residential "B" Zone, for use as accommodation units, or multiple dwelling—Class "C", the residential site population density shall not exceed one hundred and thirty-five (135) persons per hectare.

18. Where a building or other structure is to be erected on land included in the Residential "B" Zone, for use as accommodation units, a multiple dwelling—Class "B" or multiple dwelling—Class "C", provision shall be made for all vehicles to be accommodated within the boundaries of the site coverage of the proposed building or underground in which case the ceiling of the underground parking area shall be at least zero point five (0.5) metres below the natural ground level, land-filled and suitably landscaped.

Division IV—Industrial Uses—General

1. A building or other structure shall not be erected or used and land shall not be used for any purpose within the Service Industry Zone or the Noxious or Hazardous Industry Zone unless—

- (1) a minimum area of fifteen (15) percentum of the site, not including any area to be used by vehicles, is provided for recreational use and landscaping, to the satisfaction of the Council;
- (2) a landscaped area at least six (6) metres in depth and adjoining the main street frontage is provided. Access to the remainder of the site may be provided through this landscaped area, and the area so landscaped to the satisfaction of the Council, shall form all or part, as the case may be, of the recreation and landscaped area set out in subclause (1) hereof;
- (3) the storage of any material or vehicle or machinery is visually screened, to the satisfaction of the Council, from any road to which it has frontage.

Division V—Extractive Industry

1. In considering an application to erect a building or other structure or to use land for the purpose of an extractive industry the Council shall take into consideration whether—

- (1) the proposed site is in a locality which, in the opinion of the Council, is or is likely to become a residential locality;

(2) the roads giving access to the proposed site area in the opinion of the Council, are constructed to a standard sufficient to carry traffic of the nature that the extractive industry would be likely to generate.

2. The following conditions and requirements shall apply with respect to the use of any land or building or other structure or the erection of any building or other structure for the purpose of extractive industry:—

- (1) Each entrance to or exit from a site of an extractive industry shall be not less than six (6) metres wide and not greater than nine (9) metres wide and be situated at least nine (9) metres from any other entrance to or exit from the site;
- (2) Each entrance to or exit from a site of an extractive industry shall be so located as to not, in the opinion of Council, create or be likely to create a new traffic hazard or to increase an existing traffic hazard;
- (3) Where the site contains a proposed excavation that will be one point two five (1.25) metres or more below the level of the unexcavated ground immediately alongside or where the ponding of water is likely to occur, such areas shall be enclosed by a manproof fence at least two (2) metres in height and constructed to the satisfaction of the Council;
- (4) Every gate in the fence required by the preceding subclause shall be a manproof gate constructed to the satisfaction of the Council;
- (5) Every gate shall be kept locked except when the person conducting the extractive industry, or an employee of such person, is on the site;
- (6) Water shall not be allowed to accumulate so as to exceed one (1) metre in depth in an uncovered excavation of the site;
- (7) All blasting and explosions shall be so conducted that stone, rock or other materials are wholly contained within the site;
- (8) Blasting and explosions shall not be conducted—
 - (a) before the hour of seven o'clock in the morning (7 a.m.); or
 - (b) after the hour of six o'clock in the evening (6 p.m.); or
 - (c) on Anzac Day, Christmas Day, Good Friday or Sunday.

Application of the provisions of this subclause may be suspended in cases of emergency provided the prior approval of the Council is granted in that behalf;

- (9) A person carrying out blasting, shall erect and keep clearly exhibited on the approaches to, and not less than four hundred (400) metres from the site of the blasting, notices of warning which shall be of a type to be approved by the Council and shall provide adequate warning to those working in the excavation and to passers-by: Such person, before blasting shall give sufficient advance warning of that danger by operating a warning bell, whistle or other device approved by Council, at least five (5) minutes prior to commencement of blasting. Such bell, whistle or other device shall operate continuously until blasting is completed;
- (10) No process of extractive industry shall be carried out within—
 - (a) twenty (20) metres of a road; or
 - (b) nine (9) metres of any land that is not being used for extractive industry purposes;
- (11) A person shall not cause nor allow any clay, gravel, ore, rock, sand, silt, sludge, soil, stone or overburden resulting from extractive industry to—
 - (a) enter a swamp, watercourse or water storage;
 - (b) enter a drain or sewer;
 - (c) enter a drainage or sewerage easement; or
 - (d) cause injury to or interference with the use of any land that is not being used for the purpose of extractive industry;
- (12) All buildings or other structures and stockpile shall be located and maintained so as to prevent dust, sand or soil blowing on to any road or on to land that is not being used for the extractive industry;
- (13) A person shall not take an excavation to greater depth or extent than is authorised by the Council in respect of such excavation;

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

3. Where it is proposed to use any land, building or other structure for the purpose of carrying on an extractive industry and the Council is of the opinion that reclamation of any excavation will be necessary, the person proposing to carry out such excavation shall—

- (1) prior to the commencement of the excavation, deposit with the Council such amount as the Council may by resolution determine to be retained by the Council until the extractive industry ceases on the subject land and until such person shall have complied with the provisions of this Division: Provided that the Council may accept a Bank Guarantee in lieu of such deposit;
- (2) progressively reclaim such excavation to the satisfaction of the Council and ensure that the excavation remaining to be reclaimed shall not at any time by measurement exceed the excavation that could be reclaimed if the deposit referred to in subclause (1) of this clause were used to pay for such reclamation at a rate on a per cubic metre basis as the Council may from time to time by resolution determine.

If such excavation is to be filled, except from the Council refuse and rubbish as filling, without fee, upon its being delivered to the site. If vegetable or other matter likely to attract vermin or flies is used in the filling of such excavation, cover such vegetable or other matter as directed by the Council if suitable material for the purpose is available on the site. Where reclamation is to be carried out by this means, Council shall have due regard to the benefit resulting therefrom and allowance shall be made when determining the amount of deposit, guarantee, or rate determined pursuant to the provisions of this subclause hereof;

- (3) ensure that—
 - (a) any face permitted to remain in the excavation is so sloped or battered as to remain stable, with all loose material removed therefrom;
 - (b) such slopes are planted with protective vegetation as directed by the Council;
- (4) within three (3) years after extractive industry ceases on the subject land complete the reclamation to the satisfaction of the Council;
- (5) a deposit paid to the Council pursuant to clause (a) hereof or moneys paid to the Council pursuant to subclause (2) hereof shall be placed in a Trust Fund of the Council for the purpose;
- (6) where a person convicted of a breach of the provisions of subclause (2) hereof fails to comply with the provisions of subclauses (3) or (4) hereof the Council may cause the necessary work to be carried out and may deduct the cost thereof from the moneys deposited by such person and if such cost exceeds the amount of the deposit and moneys lodged with the Council on a rate per cubic metre basis, if any, such person shall forthwith, on demand, pay to the Council the amount of such excess;
- (7) upon the completion of the works referred to in subclause (1) the deposit and moneys lodged with the Council on a rate per cubic metre basis (if any) or the balance thereof, or the guarantee, as the case may be, shall be paid to the person entitled to receive such moneys or guarantee.

Division VI—Business, Commercial and Shopping Uses

1. A building or other structure shall not be erected or used and land shall not be used for any purpose in the Business Zone or the Commercial Zone unless—

- (1) except as hereinafter prescribed, the ratio of floor area (excluding all floor area on basement or sub-basement levels as may be determined by the Council) to site area is not greater than six to one (6:1);
- (2) where arcades are provided for the free and unobstructed movement of pedestrian traffic, the Council shall determine the width of the space required; such space shall not be included in the

plot ratio and the maximum permissible floor area shall be increased by an amount equal to twice the area provided for pedestrian arcades at ground floor level;

- (3) the building or other structure covers not more than eighty (80) per centum of the site at ground floor level: The remaining uncovered area of twenty (20) per centum shall not be construed to be pedestrian arcade space for the purpose of increasing the maximum permissible plot ratio;
- (4) the location of the area not covered by buildings or other structures at ground floor level is considered satisfactory by the Council, which shall have regard to the future servicing of the site and the adjacent sites, the loading and unloading of goods and materials, the passage of vehicles, the provision of light and air and the movement of pedestrians;
- (5) the area required to be not covered by buildings or other structures at ground floor level is not used for parking purposes or for the storage of goods and materials, unless the Council so determines;
- (6) the height of any space required for the movement of vehicles is at least that determined by the Council to be necessary.

2. A building or other structure shall not be erected or used and land shall not be used for the purpose of a local store within the Residential "A" Zone, or the Residential "B" Zone where the proposed use is within a radial distance of four hundred (400) metres of land for which approval has been granted for the erection of a building or other structure for use as a local store, or within four hundred (400) metres of any land within a Business or Commercial Zone. 95
4.6.88
or the
Park
Residential
Zone

Division VII—Service Stations

1. A building or other structure shall not be erected or used and land shall not be used for the purpose of a service station or a car repair station unless—

- (1) the site is more than ninety (90) metres from the junction or intersection of two (2) or more Main Roads declared pursuant to the provisions of the Main Roads Act or from the junction of two (2) or more roads which the Council considers will have, within a period of twenty (20) years, an average daily traffic flow of more than five thousand (5 000) vehicles, or from the junction of a Main Road declared pursuant to the provisions of the Main Roads Act and a road which the Council considers will have, within a period of twenty (20) years, an average daily traffic flow of more than five thousand (5 000) vehicles;
- (2) the site has frontage to a Main Road declared pursuant to the provisions of the Main Roads Act or has frontage to a road which the Council considers will have within a period of twenty (20) years, an average daily traffic flow of more than five thousand (5 000) vehicles, and
 - (a) where the site is a corner lot, the frontage to such road is at least thirty-six (36) metres; or
 - (b) where the site is not a corner lot, the frontage to such road is at least forty (40) metres;
- (3) the site has frontage to any road, other than as specified in subclause (2) hereof thirty-six (36) metres;
- (4) the width of a vehicular crossing over a footpath is less than nine (9) metres;
- (5) any vehicular crossing over a footpath is at least seven (7) metres to a road intersection;
- (6) any vehicular crossing over a footpath is at least nine (9) metres from any other such vehicular crossing;

- (7) separate entrances to and exits from the site are provided and such entrances and exits are separated by physical barriers constructed on the road alignment and so identified by suitable signs readily visible to persons using the adjoining road or entering upon or leaving the site;
- (8) where the site is a corner lot, and if the Council so requires, separate entrances and exits are provided to and from each of the adjoining roads and a physical barrier is erected so that a vehicle entering the site shall, when leaving it, use an exit leading only to the road from which entrance was gained;

- (9) inlets to bulk fuel storage tanks are so situated on the site as to ensure that tankers, while discharging fuel into such tanks, shall stand wholly within the site;
- (10) fuel pumps are within the site and not closer than five (5) metres to the road alignment;
- (11) the layout of the site is such as to facilitate the movement of vehicles entering upon or leaving the site with the flow of traffic on the adjoining road;
- (12) vehicular access to or from the site or to an adjoining road is situated at least twenty-four (24) metres from any traffic lights on such road;
- (13) the site is suitably landscaped to the satisfaction of the Council.

2. A building or other structure shall not be erected or used or land shall not be used for the purpose of a service station in the Residential "B" Zone, if the catchment area of the proposed site coincides with any part of the catchment area of any existing service station, or a proposed service station for which approval has been granted by the Council.

3. For the purposes of this clause the term "catchment area" shall refer to an area containing accommodation units, dwelling houses and multiple dwellings—Class "A" which are capable of accommodating two thousand five hundred (2 500) persons based upon two point four (2.4) persons per accommodation unit, three point two (3.2) persons per dwelling-house, and five point six (5.6) persons per multiple dwelling—Class "A" and which are closest in terms of travel distance for motor vehicles to the proposed site, any existing service station site or proposed service station site for which approval has been granted by the Council.

4. Any person who desires to obtain the consent of the Council to erect or use a building or other structure for the purpose of a service station in the Residential "B" Zone, shall furnish evidence to the satisfaction of the Council that the requirements of paragraph (2) herein would not be contravened.

5. A building or other structure shall not be erected or used for the purpose of a service station within the Residential "B" Zone, unless the site—

- (1) adjoins a Business Zone, Commercial Zone; or
- (2) abuts a main road, or a road which the Council considers will have, within a period of twenty (20) years, an average daily traffic flow exceeding five thousand (5 000) vehicles.

Division VIII—Hotels

1. A building or other structure shall not be erected or used and land shall not be used for the purpose of an hotel unless—

- (1) within the Residential "A" Zone or the Residential "B" Zone, the site abuts a Main Road declared pursuant to the provisions of the Main Roads Act or a road which the Council considers will have, within a period of twenty (20) years, an average daily traffic flow exceeding five thousand (5 000) vehicles;
- (2) where the site is located within the Business Zone, the Commercial Zone, the Light Industry Zone, the site size is at least six thousand (6 000) square metres;
- (3) where the site is located within the Residential "A" Zone, the Residential "B" Zone, the site size is at least twelve thousand (12 000) square metres;
- (4) where the site is located within the Residential "A" Zone, the Residential "B" Zone, the distance between the building or other structure and any boundary of the site is at least fifteen (15) metres;
- (5) any open parking area is landscaped to the satisfaction of the Council.

Division IX—Caravan Parks

1. A building or other structure shall not be erected or used or land shall not be used for the purpose of a caravan park unless—

- (1) the area of the allotment or parcel of land used or intended to be used for a caravan park is twenty thousand (20 000) square metres or more, unless the Council determines that special circumstances warrant a lesser area;
- (2) the requirements of the Council in respect of drainage, disposal of waste water, adequate and suitable water supply and adequate and suitable sewerage or septic tank facilities are complied with at all times.

Division X—Drive-in Theatres

1. A building or other structure shall not be erected or used and land shall not be used for the purpose of a drive-in theatre unless—

- (1) any vehicular entrance to or exit from such drive-in theatre is located not less than ninety (90) metres from a Main Road declared pursuant to the provisions of the Main Roads Act;
- (2) there is within the site of the drive-in theatre, a vehicular driveway, at least sixty (60) metres in length and twenty (20) metres in width, leading from the entrance to the site of the ticket office;
- (3) the screen of the drive-in theatre is so located or protected that no image projected thereon shall be visible and identifiable from a Main Road declared pursuant to the Main Roads Act.

APPENDIX A

THE STRATEGIC PLAN

This Strategic Plan which forms part of the town planning scheme for the Shire of Pioneer includes the Strategic Plan Map and is divided into the following parts, namely:—

PART A

1. INTRODUCTION
2. PREFERRED DOMINANT LAND USES
3. URBAN
4. RURAL
5. SHOPPING AND COMMERCIAL
6. INDUSTRY
7. OPEN SPACE
8. TOURIST AND ENTERTAINMENT FACILITIES
9. TRAFFIC AND TRANSPORT

PART B—SUPPORTING INFORMATION

Supporting information contained in that document marked "Shire of Pioneer Strategic Plan Part B—Supporting Information" copies whereof signed for identification by the Clerk of the Executive Council are held at the office of the Director of Local Government and at the office of the Pioneer Shire Council.

PART A

INTRODUCTION

1. The strategic plan is prepared in accordance with the provision of the *Local Government Act 1936-1983* and consist of three (3) parts. These parts are:—

- (1) A map identifying the ultimate preferred dominant land uses for the Shire based on present trends and life style;
- (2) A statement of objectives of the Pioneer Shire Council in respect of the preferred dominant land uses for the progressive development of lands within the Shire. The need for these objectives and the method of implementing them has also been established in conjunction with criteria for determining the type, scale, distribution or development form of the various uses which may develop as an integral component of the preferred dominant land uses;
- (3) A document containing supporting information used in the preparation of the plan.

The map and statement of objectives are contained in this part. The supporting information is contained in a separate part. The preparation of both the strategic plan maps and objectives have flowed on from one (1) principal broad aim for the Shire which is in essence a planning ideal. The aim being:—

To enhance and safeguard the health, safety, convenience and the economic, cultural, social and general welfare of the people and the amenities of the district and promote developer confidence through consistent development control of the Shire.

It is the purpose of the strategic plan map and statement of objectives to convert this aim to practical guidelines to be used in the control of development within the Shire.

①

Division XII.- Host Farms

1. Notwithstanding any other provisions of the Town Planning Scheme or any by-law, a host farm shall provide accommodation within, underneath or attached to the dwelling house erected or proposed to be erected on the subject land.
2. No more than two (2) separate accommodation facilities catering for a maximum of eight (8) persons shall be permitted for host farm purposes on the subject land.
3. In the event of the cessation of the use in conjunction with which a host farm is conducted, it shall be a requirement of the Town Planning Scheme that the use of the land as a host farm also ceases.
4. Any existing dwelling house, building or proposed building to be use for the purpose of host farm accommodation, once consent approval has been granted for any such use, shall be made available for inspection annually, or at the request of guests of the host farm, by the Council's Health and Building Inspectors to ensure that the occupancy complies with the conditions of approval.

44 9. 6. 90

ORDER IN COUNCIL

At the Executive Building, Brisbane, the twenty-seventh day of November, 1986

Present:

His Excellency the Governor in Council

WHEREAS by the *Local Government Act 1936-1985*, it is amongst other things provided that the Governor in Council may approve of an application made to the Minister by a Local Authority for amendment of a town planning scheme: And whereas the Council of the Shire of Pioneer has made application to the Minister for amendment in the manner hereinafter set forth of the town planning scheme for the Shire of Pioneer (hereinafter referred to as "the Scheme") finally approved by Order in Council made on the 24th day of November, 1983 and published in the *Gazette* of the 26th day of November, 1983: 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, hereby amends the Scheme by inserting in Part VI of the Schedule to the said Order in Council immediately following Division X the following:—

"DIVISION XI—KEEPING OF PIGS

1. In this clause the term "Watercourse" has the following meaning:—

Includes land on which rainwater or stormwater runoff concentrates and land on or over which rainwater or stormwater runoff usually or occasionally flows in concentration in a defined channel, whether:—

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

The term does not include a closed conduit conveying stormwater.

2. (1) Subject to subclause (2), a new piggery or an expanding existing piggery shall not be located at lesser distances than the separation requirements set out in Table 1 to this clause.

(2) A person may be permitted by Council to establish a piggery or expand an existing piggery at a lesser distance than that set out in Table 1 if, in the opinion of the Council following consideration of any or all of the matters contained in paragraphs (a) to (f) of this subclause, special circumstances exist which warrant such modification. Provided that no piggery shall be located closer than four hundred (400) metres to a residential 'A' zone or a residential 'B' zone and provided further that any piggery containing more than one thousand (1 000) pigs shall not be located closer than one (1) kilometre to a residential 'A' zone or a residential 'B' zone:—

- (a) prevailing winds;
- (b) topography of the area;
- (c) number of pigs to be kept;
- (d) soil condition of the land;
- (e) waste disposal methods; or
- (f) any other matter relevant to the proposal.

TABLE 1

Number of Pigs	1-80	81-200	201-1 000	1 001-5 000	> 5 000
Distance from a Residential 'A' or Residential 'B' zone	400 m or such further distance as the Council may determine	400 m or such further distance as the Council may determine	1 000 m or such further distance as the Council may determine	1 000 m or such further distance as the Council may determine	1 000 m or such further distance as the Council may determine
Distance from Constructed Roads (Excluding "no through roads" less than 500 m long)	100 m	150 m	200 m	200 m	200 m
Distance from Boundaries of the Piggery Site (other than constructed roads as described above or where there is a neighbouring dwelling house as described below) and Dry Gullies and Channels	20 m	20 m	20 m	20 m	20 m
Distance from Watercourses (Except dry gullies and channels), Wells or Bores	100 m	100 m	100 m	100 m	100 m
Distance from dwelling houses not associated with the Piggery Site	100 m	150 m	200 m	200 m	200 m

3. (1) Subject to subclauses (2) and (3) of this clause, no person shall establish a piggery on a site which is less than eight (8) hectares in area.

(2) A piggery established after the date of the coming into force of this town planning scheme shall include an area for the application of wastes in accordance with Table 2 to this clause.

TABLE 2

Waste Type	Land Disposal Area (ha per pig)
Raw Waste Slurry	0.04
Treated Solid Waste	0.01
Treated Liquid Waste	0.002

For the purposes of calculating the land disposal area as required by Table 2, any areas which are steep, rocky or low-lying shall not be included.

(3) Notwithstanding the provisions of subclauses (1) and (2), a person may be permitted by the Council to establish a piggery on a lesser area than required by this clause, if, in the opinion of Council following consideration of any or all of the matters contained in paragraphs (a) to (f) of subclause (2) special circumstances exist which warrant such modification."

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

S. SCHUBERT

Clerk of the Council

PREFERRED DOMINANT LAND USES

2. The strategic plan map consists of an overall map of the Pioneer Shire showing the anticipated infrastructure and the preferred dominant land uses for the Shire. Details of the contents of this map are as follows:—

- (1) *Urban*—This is shown in pink on the map and essentially shows those areas which are desired to be developed for residential purposes. The term urban is used to indicate that the area is not only confined to residential uses but will include those other uses which service the residential area and are normally found as an integral part of such an area. Child minding facilities, medical centres, churches, recreation facilities and shopping centres within a specified criteria are some of the uses which may locate within the urban area. The urban areas encroach upon lands subject to cane assignment or lands suitable for cane assignment to some degree.
- (2) *Rural*—This is shown in light brown on the map and essentially highlights those areas of valuable sugar cane land and valuable horticultural land which are to be protected as such. These areas are identified on Queensland Department of Primary Industries Maps contained in Part B. The rural area also covers the balance area of the Shire not required for other preferred dominant land uses.
- (3) *Shopping and Commercial*—The more substantial shopping and business areas existing and proposed within the Shire are shown on the map by a blue circle. Further substantial shopping and business areas will develop within the Shire. The location and size of these will be determined in a manner referred to in the statement of objectives.
- (4) *Industry*—Areas within the Shire which are considered to be suitable for industrial purposes are shown in purple on the map. The areas indicated are both existing and future and are shown so people are aware of their extent though flexible in size to varying degrees. The areas encroach upon assigned land or land suitable for cane assignment to some extent.
- (5) *Educational facility*—Existing and anticipated future primary and secondary school locations are shown by a yellow triangle. The anticipated future locations are diagrammatic only and as the demand for further schools arises, these will be located to best meet the needs of the developing population.
- (6) *Special purpose*—Land within the Shire which is or is proposed to be used for substantial government function has been shown in yellow on the map. The uses within this category include colleges, state hospitals, civic centre, rubbish dumps, and the like.
- (7) *Public and Private Open Space*—Areas within the Shire which are existing or proposed as public and private open space are shown by light green on the map. Those areas are quite specifically set aside or proposed as principally open space areas whether publicly or privately owned. Areas where open space is proposed although the extent and specific location are not known are also shown in green.
- (8) *Tourist facility*—An orange triangle is used to indicate those areas which are existing significant tourist facility areas.
- (9) *Possible tourist facility growth area*—Areas within the Shire which are considered to be possible tourist facility growth areas are shown by a broken triangular orange symbol. Further investigation would still be required to determine the form of development which is not suitable at these locations.
- (10) *Future road hierarchy*—The principal road network proposed for the Shire is shown by black lines with the thickness of the lines being greater for the more important roads. The arterial road system is shown by the thickest line and represents the major roads for the Shire. Such roads would carry high volumes of traffic from one part of the Shire to another. This system is supported by a sub-arterial road system shown by a lesser black broken line which cross links the arterial road system and carries lower traffic volumes for generally shorter distances within the Shire. To feed traffic onto the arterial and subarterial road system, a system of collector (sometimes referred to as a distributor) roads is developed which are designed to a greater standard than normal residential streets. These roads are shown by a fine black line.

(11) *Transportation corridor*—To permit the forward planning of a multi-modal transportation rail system and road network linking the Shire with the Mackay Harbour and providing a service in the Mackay Region. The location of this corridor has been shown on the map. This is shown by a continuous series of red circles.

(12) *Shire boundary*—The boundary of the Shire of Pioneer has been shown by a broken black line.

In determining the most appropriate layout of the dominant land uses anticipated within the Shire, reference was made to the broad objectives which the Council aimed to achieve. These objectives not only help formulate the strategic plan map but will serve to guide any amendments to this map as well as to guide all forms of development applications to Council whether they be rezoning, subdivision, consent or building applications.

These objectives which are determined by Council to be appropriate for the development of the Shire of Pioneer follow.

URBAN

3.—

(1) OBJECTIVE

To consolidate existing urban areas.

In order to maximise the use of land which is currently zoned for residential purposes consolidation of existing urban areas will be required before new residential land is made available.

(2) OBJECTIVE

To direct the expansion of the urban area having regard to the orderly progression of basic public utility facilities.

In order to ensure the most economic use of land, the sporadic development of subdivisions in areas isolated from existing urban development will be encouraged by Council.

(3) OBJECTIVE

To ensure that any growth of the urban area does not endanger any environmentally significant areas, is able to be adequately provided with basic utility services and does not incorporate land which has flooding stability or other engineering problems unless such problems can be satisfactorily overcome.

At the time an undeveloped area of the Shire is proposed for urban development the Council must consider a number of issues pertinent to the specific area under consideration. These are—

- (a) the effect of the proposal on the environment. The destruction of the natural environment cannot be condoned in deference to progress and development. It is recognised that protection of certain natural areas is mandatory for the healthy life of the Shire.

In order to calculate the effect of the proposal on the environment, Council may require that an assessment of the environmental importance of the subject area and the impact the development of the area might have on nearby environmentally significant areas be made. Following an initial assessment, an Environmental Impact Statement will be required where necessary. Wherever possible, Council will require that environmentally significant land be retained as open space and be appropriately buffered from any nearby development. Clearing of areas should be carefully and sympathetically effected.

- (b) the provision of basic utility services, to assure the economically efficient development of the Shire. The subject area must be able to be serviced with basic utilities as part of the orderly progression of provision of the services.
- (c) the effect of the proposal on lands subject to cane assignment.
- (d) the physical constraints of the area. The development of areas which have flooding problems or problems of soil stability or erosion will eventually impose a cost on the community for relief of these problems. It is therefore necessary to ensure before development of the area occurs that all engineering development problems may be satisfactorily overcome.

(4) OBJECTIVE

To adequately control the development of the urban area to ensure that:—

- (a) At the time of subdivision of land the following requirements are met with reference to the provisions of the Planning Act 1977:—
 - (i) Adequate recreational open space is provided to meet the needs of the people.

The size of a subdivision and the anticipated number of people living in an area will determine whether large playing fields or dispersed smaller neighbourhood parks are required. Care will be taken to ensure that the parks are usable and distributed throughout the area to be conveniently located for use. It is desirable to link open space areas between subdivisions to provide open space corridors throughout the Shire.

- (ii) A safe and efficient transportation network is provided to cater for all anticipated forms of transport.

The provision and pattern of bikeways and pedestrian ways as well as roadways will be considered at subdivision stage. Ideally main residential areas should be linked to schools and shopping centres by bikeways and pedestrian ways. These routes need not necessarily follow roadways but may provide alternative ways through the subdivision. The roads serving the subdivision will be built to sufficient standard to cater for their anticipated use. The proposed residential densities and the hierarchy of streets will have an effect on road standards.

- (iii) Recognition is given to natural topographic features.

Urban design which is sympathetic to the existing topography of the area can provide interesting urban landscapes and can minimise engineering difficulties which may arise when no account is taken of the natural topography. Wherever possible subdivisions should complement the existing topography with roads following the natural contours of any slopes and areas with visual impact left in their natural state.

- (b) At the time applications for consent are received to establish uses in the urban area the following considerations are made:—

- (i) Any uses in the urban area are those which are complementary to and compatible with residential use.

When determining the acceptability of uses other than residential in the urban area consideration will be given to whether, like kindergarten and general stores, the use is complementary to the residential use, or like home occupations, the use is compatible with the residential use. Any uses which do not service the residential area or conflict with the residential uses and may be reasonably located elsewhere will not be approved in a residential area.

- (ii) Various uses are so located that conflict is minimised. While such uses as medical centres provide a service for residential areas and may therefore be located in residential areas some conflict between the medical centre use and the dwellings may occur.

Care will be taken to ensure that uses which potentially may conflict are located so that conflicts are minimised.

- (iii) There is no unwarranted commercial intrusion into residential areas.

Applications for the establishment of commercial uses such as restaurants in residential areas along the Highway and other main roads will occur as these locations provide the exposure required for these uses. Careful consideration in terms of the effects of ribbon development and the effect the use may have on adjoining residential development will be given to any such proposal. Wherever possible the integrity of residential areas will be maintained and commercial uses will not be allowed to intrude into the area. The fact that a major road frontage may detract from the residential amenity of the area will not be sufficient reason to allow non-residential uses to proliferate along major roads.

- (iv) Residential amenity is preserved or enhanced.

The effect a proposed use will have on the amenity of an area will be of importance when considering the merits of a proposal. When considering effects on amenity the following will be taken into account—the probability of noise, dust or smell nuisance, the effect on residential privacy, the amount of traffic generated by the use and the aesthetics of the proposal.

If a proposed use is deemed to have a detrimental effect on the amenity of the neighbourhood in which it is proposed, it will not be approved.

- (v) The traffic generated by particular uses does not create an intrusion into residential areas.

Where other than residential uses are established in predominantly residential areas they will be so located that access to the site may be gained along principal roads without creating or encouraging undesirable traffic flows along minor residential roads.

- (vi) An acceptable level of privacy against visual intrusion is maintained.

- (vii) The rights of residential property owners to adequate sunlight are maintained.

- (c) In any building proposal consideration is given to the following:—

- (i) The maintenance of adequate spacing between buildings.

Division III of The Schedule contains provisions to control spacing.

- (ii) The development of buildings which are aesthetically pleasing is promoted.

The improvement of the aesthetics of a building at ground level may be achieved by the incorporation of deep planting, setbacks to provide footpath widening and the setting back of privacy and tennis court walls. The height and shape of the building is also a matter for consideration in this regard. The erection of long, unrelieved windowless walls should be avoided. Balconies on all aspects should be encouraged.

Provisions relating to these matters are contained in Division III and IV of The Schedule.

(5) OBJECTIVE

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

As the broad means to achieve this objective The Schedule and the plan contain a number of different residential zones. The zones are clearly defined, spatially graduated in terms of intensity and flexible with respect to design standards.

The following zones meet with these criteria:—

Rural/Residential

(a) A very low intensity residential zone to allow for houses on large blocks. Whilst such zone is demanded by those people who wish to pursue a rural lifestyle while enjoying proximity to the Shire facilities, it is not desirable to have large areas of land committed to such subdivisions. The reasons for this are the high cost per head of servicing and roads and high land costs, the tendency of investors to "freeze" large tracts of land thereby precluding ordinary subdivisions of land as demanded by the growth of the Shire; and the compromised subdivisions which may occur when the large blocks are resubdivided. It is considered that only those areas which are difficult to subdivide into small blocks because of topographic constraints should be included in this Zone.

CG 15-10-93 Residential "A"

(b) A low intensity residential zone catering for the almost exclusive development of dwelling-houses. This Zone, the least intense of the ordinary residential zones would be appropriate for established areas predominantly developed with dwelling-houses where the introduction of the zone could aid in preserving the character of the area and for newly developing areas on the outskirts of the Shire where standard subdivisions or cluster-house subdivisions could be effected.

CG 15-10-93

Residential "B"

(c) A zone which allows for semi-detached developments and multi-unit areas. It is envisaged that such a zone would be suitable around neighbourhood commercial and recreation nodes. Within Residential "B" Zone improvements can be made to the residential environment by cluster house subdivisions. Cluster housing is an innovative form of subdivision which allows flexibility in the siting of dwellings and open space.

* 99 4.6.88

RURAL

4.

- (1) OBJECTIVE:

To protect the Shire's prime agricultural land including valuable farmland from unnecessary and undesirable intrusions by other land use activities.

The rural areas shown as preferred dominant land use on the strategic plan have been supported by Rural "A" zoning on the town planning scheme maps. These Rural Zones will be maintained, with rezonings for other than rural purposes generally prohibited in order to achieve this objective.

* Residential amenity and safety is maintained through the utilisation of the provisions of AMCORD in the development of residential land and the provision of housing within the Shire, in particular by utilising the elements regarding transport networks, street design and construction, streetscape and the provision of public

not

slab-
they
y. be
g or
anor

sual

to

to

cen

fro-

are

ind
ng,
ick
of
rd.
be

in

ic

le
al
in
s

"AMCORD, in conjunction with the Town Plan will be used to facilitate and 66 15-13 143 regulate a range of allotment sizes and housing types, to meet the projected requirements of the community";

r
y
e
e
i.
g
o
y
;
i
y
s
s

"Residential "A"



- (h) A low to medium density residential zone in which development is primarily less than two storeys and accessed from the ground floor. The zone permits both attached and detached housing types and is the predominant zone in the urban area.";

* 99 4.6.88

"Park Residential"

- 1) A low density zone which is essentially urban in character containing large residential allotments on which the erection of a dwelling-house, a local utility, or the keeping of domestic animals are the exclusive uses permitted as of right. The zone is intended to provide large allotments for which all of the usual urban services are available with the exception of sewerage, where, in the opinion of Council it is not feasible to connect to an existing sewerage scheme.

Applications to rezone any land to Park Residential must demonstrate that the land is suitable for this type of development by ensuring that the land is capable of septic waste disposal, and that the land can be readily connected to a reticulated water supply. In addition, kerb to kerb bitumen streets are required in a Park Residential subdivision.

No application to rezone any land to Park Residential will be supported where the subject application proposes a use which does not meet the objectives of the strategic plan with reference to both urban and rural uses in a manner entirely to the satisfaction of Council.

When considering an application to rezone land to Park Residential the Council shall consider such matters as the soil suitability for the disposal of septic wastes and its value for agriculture, the location of the development in relation to the location of other types of residential development and the avoidance of areas which may be more suitable for closer development at a later stage."

"Residential "B"



- (c) This zone is primarily expected to cater for development in excess of two storeys for residential use and tourist purposes. The requirements of DCP-1 apply to such development.";

It is recognised that Rural "A" lands within the six (6) dominant Urban Neighbourhoods will be lost to rezonings during the life of the town planning scheme.

Areas of valuable cane land have been indicated on plans supplied by the Queensland Department of Primary Industries included in Part B. These valuable cane areas will be protected generally by Rural "A" zonings.

The rural areas will be further protected by the structure of the Rural "A" Zone whereby undesirable uses are prohibited.

SHOPPING AND COMMERCIAL

5.—

(1) OBJECTIVE

To consolidate and encourage the growth of the existing primary business centres.

Council will encourage the consolidation and growth of existing primary business centres.

(2) OBJECTIVE

To develop an infrastructure of neighbourhood and local shopping facilities to meet the convenience needs of the people.

A hierarchical shopping structure is seen as the most desirable method of meeting the shopping needs of the people. Such a hierarchical structure consists of a range of shopping centres with the centres providing the most frequently purchased goods being located as conveniently as practical to the purchaser and the less frequently purchased goods being located in large centres at a location more central to a greater number of people.

The need for and size of a shopping centre dealing in convenience goods will depend on such things as—

- (a) the type and extent of existing shopping facilities in the area—it is envisaged that large neighbourhood centres will develop in new residential areas whereas in existing areas which already contain a number of smaller centres it is envisaged that further small centres will develop to supplement what is existing as infill occurs;
- (b) the development form of the area—shopping centres providing for convenience goods must be located within a reasonable distance of the customer and provide easy access. The area served by such a centre will therefore be dependent on the existence of any physical barriers such as major roads, watercourses or parks as these tend to segregate the areas. The catchments formed vary in size and shape and these lead to differing shopping centre requirements;
- (c) the population structure—the newer developing areas generally have a greater young family make-up than older areas and consequently the number and type of shops is generally more extensive.

and consequently all proposals will be considered on their particular merit. It would be envisaged however, that significant neighbourhood type shopping centres will develop to serve Andergrove and Slade Point. Where small residential pockets are formed through physical constraints or main road locations, then small groups may be allowed to develop for the direct convenience of those people in the area.

(3) OBJECTIVE

To permit, where justified, the establishment of regional and district facilities in locations of high access convenience where such facilities are considered to complement the existing primary centres.

The determination of whether further district or regional shopping facilities may be located in a particular area will depend on such things as—

- (a) the acceptability of further retailing floor space in the area without adversely affecting existing retail establishments which are soundly based. Various floor space standards may be used in the determination of the likely effect of a proposed development, however, these must be tempered by existing figures and observations in the area which is the subject of the application;
- (b) whether the proposal would be more suitably located in the primary shopping area or whether by virtue of the type of retailing proposed (show-rooms, second hand items, auctions) or the land area requirement of the proposal (discount departmental stores) the development would be more suitably located outside the primary shopping areas;
- (c) the suitability of access to the site along principal roads without creating or encouraging undesirable traffic flows along minor residential roads and its central position to the area it is serving;

- (d) its proposed relationship to the surrounding area and whether the proposed shopping centre would unduly affect the amenity of that area.

The situation may also arise where an existing commercial area of a minor or rundown nature is revitalised and expanded to form a distinct shopping function due to some new impetus such as increased access or growth of the surrounding population. The redevelopment of the centre would be encouraged and a cross-section of district facilities both commercial and minor industrial could be catered for and these uses could extend to such activities as a tavern.

(4) OBJECTIVE

At the time of establishment of new business and commercial areas to formulate the basic development criteria.

Although the Shire of Pioneer has many existing commercial and business centres throughout the Shire, there is a demand for the formation of new centres as the Shire expands. To ensure that these centres are developed to best meet the requirements of the area and blend in with its amenity it is necessary for the Council to have an early input into their decision.

This will be achieved by the Council involving itself with the important aspects of the proposed shopping centre at the time a proposal is put forward for rezoning. Should the Council be in favour of the rezoning it would then take steps to ensure that, once the land is rezoned for the desired purpose, it is able to enforce the development of the shopping centre along the lines agreed or required when dealing with the application. Matters to be considered will be the layout of the site, access provisions from the adjoining roads, landscaping provisions, scale of buildings and the suitability of the development with respect to the surrounding amenity.

(5) OBJECTIVE

To set performance standards to ensure adequate parking, landscaping and aesthetics.

Provisions relating to the implementation of this objective are contained in Division IV of The Schedule to the Scheme.

(6) OBJECTIVE

To discourage the mixing of the various uses which establish in the commercial and business centres.

To ensure the adequate functioning of the commercial and business centres it is desirable to segregate the various uses particularly retailing outlets from others. The placement of professional offices, hotels, residential buildings or commercial industrial uses within a row of shops will reduce the effectiveness of the centre.

This situation can be reasonably prevented by—

- (a) limiting the placement of residential buildings in the commercial and business centre to that area above ground level or strategically placed away from the retail area where the site is larger in size than that required to meet the retail need of the area;
- (b) requiring uses which may compromise an existing commercial centre to obtain the town planning consent of Council and in the consideration of these specific attention shall be given to their placement and size.

INDUSTRY

6.—

(1) OBJECTIVE

To provide adequate land for all forms of industrial use.

The Council will give every encouragement to new industries establishing and existing industries expanding and branching into other related fields. The provision of suitably zoned land is a concrete encouragement to industry.

Not all industries have the same requirements with respect to area of land, location or servicing, furthermore some industries are more intense than others and have a greater impact on surrounding areas. Industrial land has therefore been divided into categories according to the requirements and characteristics of the main industry groups.

In accordance with this, three main categories have been interpreted as zones in the Schedule and scheme maps.

These are as follows:—

- (a) **Light Industry Zone.** The industries which fall in this category are those which provide a service to the general public and business centres and do not require large areas of land on which to operate. Light industry is found in small pockets along the length of the Shire close to residential and commercial nodes. The only opportunities for expansion of existing light industry areas is into commercial or residential areas which are undergoing redevelopment and can tolerate the incursion

of light industries. New light industry areas may develop on the urban fringe where appropriate buffering can be established to offset any nuisance occasioned by the use.

- (b) *Heavy Industry.* The location and the future expansion of areas set aside for heavy industry envisages the requirement of large areas of land near the Mackay Harbour or with convenient rail and road access to Paget and Baker's Creek. New heavy industries may develop in these localities or elsewhere on the urban fringe only where appropriate buffering can be established to offset any nuisance occasioned by the use.

- (c) *Noxious or Hazardous Industry Zone.* This category includes those industries such as sugar mills and abattoirs which would present an intolerable nuisance or danger to any nearby residential or commercial development. Because of the large areas of land subject to cane assignments within the Shire and the current level of urban development, it is considered that there is insufficient area to provide for hazardous noxious or offensive industry without very close consideration being given to necessary buffering from other urban areas of the Shire.

(2) OBJECTIVE

To consolidate existing industrial areas.

The advantages of consolidation are that existing services and infrastructure may be fully utilised, fragmentation of land use may be avoided and intrusions into other areas as a result of expansion can be reduced.

In order to maximise the use of land which is currently zoned for industrial purposes, consolidation of existing industrial areas will be required before new industrial land is made available.

(3) OBJECTIVE

To direct industrial growth to areas which—

- are flat or can be developed without excessive excavation;
- have a high level of accessibility;
- are well serviced or may be easily serviced;
- are so located that the development of industry will not detrimentally affect the amenity of surrounding residential areas.

There are a number of constraints which determine the suitability of land for industrial purposes. These are: the topography of the site, most industrial processes require level work areas; the accessibility of the site, industrial areas should be well served with high standard roads and rear accessways wherever necessary; and the provision of services such as water supply and electricity supply without which industry could not function. A further consideration is the effect an industrial area will have on any nearby residential area, desirably industrial areas should be located well away from residential areas so that residential amenity may be preserved. Another important consideration is to ensure very fertile agricultural land subject to cane assignments and close by the sugar mills of Racecourse, Pleystowe, Farleigh and North Eton are not removed from cane cultivation for industrial purposes.

The strategic plan map indicates as possible industrial growth areas, those areas of the Shire which meet the above criteria. Growth into these areas should be encouraged after consolidation of existing areas has occurred. Industry establishing close to residential areas, must be appropriately buffered.

(4) OBJECTIVE

At the time of establishment of new areas to formulate the basic development criteria.

As new industrial areas are developed, it is desirable to promote the most efficient use of land and encourage aesthetically pleasing developments.

In considering applications for rezonings to extend industrial areas or open up new areas, Council will set specific standards to guide development to achieve integrated landscaping and carparking, complementary frontages and joint accesses and loading bays wherever possible. The rezoning of land for industrial purposes will not be approved unless appropriate landscaped buffers are provided around the extremity of the zone. This will particularly apply where the zone adjoins existing or proposed residential areas or abuts a main road.

(5) OBJECTIVE

To set performance standards to ensure adequate parking, landscaping, aesthetics and buffering.

In the development of industrial uses it is necessary to have certain standards to ensure that the area is attractive, that there is sufficient parking in the area to accommodate

workers' vehicles, delivery trucks and client vehicles and that where necessary, buffering is established between the industrial use and any other use. Such standards are contained in Division IV of The Schedule.

(6) OBJECTIVE

To discourage the use of the industrial area for non-industrial activities unless it can be shown that a use is one required as an integral component to service the industrial area.

In order to maximise industrial land, uses which may reasonably be located elsewhere and which do not complement industrial uses should be discouraged from developing on industrial land. Wherever possible non-industrial traffic will not be encouraged to the industrial areas by reason of the establishment of non-industrial activities as it could disrupt the normal industrial activity and the industries could prove hazardous to or annoy the public.

When considering consent applications, favourable consideration may be given to those uses which can provide a service to people employed in the area such as take-away food shops or those which complement the industrial uses such as some offices or bank branches.

Uses which in themselves would attract people to the industrial areas such as entertainments will not be permitted.

Showrooms both industrial and retail, are uses which by definition require large amounts of space. Showrooms, because of their size and because they provide only one service usually unrelated to normal shopping, do not necessarily complement shopping centres. Showrooms may be located in selected light industrial areas where the public attracted by the use will not disrupt the normal industrial activity.

7.—

OPEN SPACE

(1) OBJECTIVE

To retain the areas of natural and environmental significance within their natural state and consolidate such areas and secure them in public ownership.

It is considered to be important that areas of natural and environmental significance are consolidated and secured so that developmental pressures do not encroach onto them or destroy their significance. The level of protection to be afforded to environmentally significant areas depends on the sensitivity of ecological balance within the particular area and its compatibility with passive or active recreational activities.

(2) OBJECTIVE

The provisions of sporting fields to meet the anticipated needs of the population in sizable parcels at convenient locations throughout the Shire.

Desirably sporting fields should be distributed fairly throughout the Shire, although the actual locations are influenced by the distribution of the age group which would utilise such facilities, the availability of flat land, and the accessibility of the site.

The age group which would utilise the sporting fields would generally be in the range of five (5) to, thirty (30) years and for the whole Shire, this group comprised forty-seven (47) percent of the population of the 1976 census, whereas by the year 2001, the percentage of the population in this age group is forecast to drop to only thirty-nine (39) percent. By comparison of these figures throughout the State, the importance of sporting fields at the various localities in the Shire can be gauged.

The amount of land that should be devoted to sporting fields may be ascertained by reference to accepted planning standards. Such standards indicate a minimum of one point six (1.6) to one point eight (1.8) ha per one thousand (1 000) persons, the figure of one point eight (1.8) ha per one thousand (1 000) persons being the standard for Canberra.

To allow for the proportion of people in the five (5) to thirty (30) years age group to decrease marginally over time it is considered that the standard which will be adopted for this Shire is one point seven (1.7) ha per one thousand (1 000) persons based on the permanent population.

Using this standard and based on population projections, the minimum amount of land which should be set aside for sporting fields as at January, 1983 is forty (40) ha. The amount of land being utilised for sporting fields within the Shire at present time is approximately twenty-eight point seven (28.7) ha, which indicates that the Shire has a shortfall, and a further twelve (12) ha of sporting fields is required to bring the total area into line with the desired minimum standard. The development of further land which is under the control of Council will bridge this gap.

Using the figure of forty-two thousand seven hundred and fifty (42 750) as the permanent population figure for the year 2001 and the minimum sporting fields area requirement of one point seven (1.7) ha per one thousand (1 000) people, approximately seventy-three (73) ha of land must be planned within the Shire to meet future demands.

An assessment of the land which would be available for sporting fields is as follows:—

- | | |
|---|-----------|
| (a) Sporting fields being utilised at the present time | 28.7 ha |
| (b) The development of further sporting fields on land which is anticipated would be used for this purpose | 30.7 ha |
| (c) Possible utilisation of part of the refuse disposal lands as sporting fields | say 34 ha |
| (d) Utilisation of part of the land to be acquired for Flood Mitigation purposes | say 35 ha |
| (e) Land anticipated to be dedicated for park through the subdivision of land and which would be suitable for sporting fields | say 36 ha |

This shows that the land likely to be available for sporting activities in the future will not be far short of that which will be required. The following points, however, should be made in this regard:—

- (i) The assessment relies on lands becoming available from both the refuse disposal areas and the area acquired for flood mitigation purposes;
- (ii) The principal sporting fields which may be developed in the future are essentially all located in the area north of the Pioneer River.

(3) OBJECTIVE

To distribute parks throughout the urban area to provide for non-organised recreation, passive relaxation and safe children's play and improve visual amenity in urban areas.

Some of these park areas may be quite small but they all assist in improving the amenity of an area and in providing parks which are conveniently located for use by the people.

As a general standard, it is desirable that a usable park area, particularly for children, be located within four hundred (400) metres of all dwellings, without the need to cross main roads. Basically the Shire is reasonably well catered for in this regard although it does have some areas which are deficient and others which require that people cross a major road to gain access to a usable park. In newly developing areas where land is being subdivided, Council will require that usable park areas are able to be incorporated in the developments to ensure that the needs of the people in these areas will be met. In many cases these parks may also be able to meet the needs of existing areas which adjoin the new development.

Prior to the acquisition of additional land for local parks, a detailed assessment of park adequacy, utilisation by various age groups and appropriateness of improvements provided in parks will be made.

(4) OBJECTIVE

To provide regional open space of a high standard and in sufficient quantity to meet the varying needs of residents and visitors.

Open space areas which are considered to offer a regional facility are the foreshore areas of most beaches, national parks and offshore islands.

In determining the future regional open space needs of the Shire, it is considered that the Shire should endeavour to meet the needs of forty-five thousand (45 000) people and in so doing would be ensuring that the Shire will be able to maintain a recreational image to attract the holidaymaker. The amount of regional open space available at the present time meets all foreseeable requirements of the Shire.

TOURIST AND ENTERTAINMENT FACILITIES

8.—

(1) OBJECTIVE

To provide adequate land and opportunity for all forms of tourist and entertainment facilities

The tourist industry has become an important component in the economic base of the Shire and has a significant effect on population and employment levels. There is therefore a need to encourage the industry by protecting the natural features and fostering man made tourist attractions which will add to the total tourist attraction of the area.

To provide for the growth of the tourist industry, tourist facilities should be recognised as a use distinct from normal recreation uses and areas should be set aside for the purpose of tourist facilities.

In order to achieve this The Schedule and scheme maps provides for a zone for Comprehensive Development. The zone is designed to give Council sufficient flexibility to permit a variety of uses within a tourist project whilst safe-guarding

control over land use and design factors such as carparking, landscaping, management and functioning and buffering from neighbouring properties.

Because of the varied land requirements of different tourist facilities, it is in most cases not practical to zone land in advance of demand for land. It is envisaged that generally land will be zoned for tourist facilities in response to land demands for specific projects.

In order to assist developers in possible locations for proposed tourist and entertainment facilities which Council considers may possibly be used for these purposes have been indicated on the strategic plan map.

(2) OBJECTIVE

To encourage the consolidation of established tourist and entertainment areas.

The advantages of encouraging other facilities to the established areas are that the congregation of like uses aids the planning for transport and other services, it reduces the problems of intrusion of tourist uses into other parts of the Shire and provides a tourist focus which is necessary in a resort Shire.

(3) OBJECTIVE

To direct the establishment of large or intensive tourist and entertainment facilities to areas where the use would not be incompatible with the development of the area.

In order to rationalise the location of tourist and entertainment facilities, the strategic plan map indicates those areas which contain reasonably large areas of land which are generally uncommitted or it is envisaged are able to be redeveloped with little intrusion into adjoining residential areas. The areas indicated on the map are all easily accessible and relatively central to main tourist accommodation areas.

(4) OBJECTIVE

To ensure all new tourist and entertainment facility development meets the following criteria:—

- (a) There is protection or enhancement of existing amenity;
- (b) Adequate carparking facilities are provided;
- (c) There is a high degree of accessibility without interference with residential neighbourhoods;
- (d) Adequate services are available.

When an area undergoing redevelopment or previously undeveloped area is proposed for tourist or entertainment purposes, the above criteria must be met. It is undesirable that tourist facilities should reduce the amenity of established residential areas. The amenity of the residential areas may be reduced by excessive noise, dust or smell, carparking associated with the use overflowing into residential streets, traffic generated by the use using residential streets rather than main traffic routes or the appearance of the facility which may be excessively gaudy, or out of scale with the residential neighbourhood.

In considering applications for rezoning land for tourist purposes, Council will set specific standards for development. Where a tourist facility establishes close to a residential area, adequate buffers will be required to minimise intrusion. The type of entertainment facility and its location with respect to public transport and tourist accommodation will influence the amount of carparking which would be associated with the use. It will be required that carparking on site should be sufficient to obviate the necessity of parking in streets in the vicinity of the facility. Wherever possible access to a tourist facility should be from a principal road, traffic generated by the use should be able to reach and leave the facility without flowing along minor residential streets. If the site for the tourist facility can not be adequately serviced, then the development of the land may be considered premature and the application may be refused.

(5) OBJECTIVE

To set performance standards to ensure adequate landscaping and buffering.

The acceptability of a tourist and entertainment facility in an area may be increased if adequate landscaping and buffering is provided.

Performance standards are necessary to ensure satisfactory developments.

Divisions III, VIII, IX and X of The Schedule contain performance standards which will ensure that adequate landscaping is provided, setbacks and buffering are maintained, and site coverage is controlled.

Where the establishment of a tourist facility requires the Council's consent, the consideration of the acceptability of the use will include consideration of landscaping, buffering, carparking and the aesthetics of the proposal.

(6) OBJECTIVE

To discourage the use of the tourist and entertainment areas for non tourist and entertainment activities unless it can be shown that a use is one required as an integral component to service the tourist and entertainment area.

To maximise areas developing for tourist and entertainment facilities and to provide a tourist centre with no intrusions of commercial or residential use, it is desirable to prohibit unrelated uses from the area. A congregation of entertainment uses provides a focal point for tourists visiting the area, as many tourists are without private transport the uses should be located as closely as possible. A tight congregation of tourist uses reduces intrusions into other areas which may result from uncontrolled expansion of tourist areas.

In a tourist and entertainment area forming part of a Comprehensive Development Zone, priority will be given to tourist activities when considering any applications for uses other than tourist uses. Favourable consideration will only be given to those uses which service and complement the tourist uses.

TRAFFIC AND TRANSPORT

9.-

(1) OBJECTIVE

To create a functional road system to enable people and goods to move throughout the Shire conveniently and safely.

The Main Roads Department's Transport Study for the Pioneer area provides planning data for local agencies responsible for transport in the area and makes recommendations with respect to road construction and planning needs over the next five (5) to ten (10) years.

The study recognises that a linear transport form provides for fast and efficient transportation to employment nodes and facilitates inter community and inter beach travel. It therefore emphasises the need for the consolidation of existing links through the Shire both access the Pioneer River and the Gooseponds, and the upgrading of roads for the transport of sugar cane from farm and factory.

(2) OBJECTIVE

To encourage the provision of public transport.

Whilst public transport is not presently responsible for the movement of a large proportion of people or goods it is a necessary social resource for people who do not have access to a private motor car. Furthermore because of the

increasing cost and the unreliability of supply of fuel it may be necessary to have a public transport base which can be expanded if necessary. Council should therefore encourage the private operators of the existing public transport services to maintain and improve the services.

The encouragement of the further development of existing bus services could take the form of providing better facilities such as terminals and clearways along the route.

(3) OBJECTIVE

To establish a multi-modal corridor with a rail and rapid transit link between Mackay Harbour and the balance of the Shire.

The rail link between Mackay and Erakala will facilitate fast and efficient transport of goods between the harbour and regional factories and farms. It will reduce reliance of road based transport which will become increasingly slow as development intensifies north of the Pioneer River and in neighbouring Mackay city. The rail link should be extended south from Erakala to Paget and supplemented by a heavy transport road as soon as traffic congestion requires and as availability of funds will allow.

(4) OBJECTIVE

To encourage the use of bicycles by providing safe and convenient bikeways.

Numerous studies have shown that the best means of promoting bicycle usage is to provide useful, convenient and safe bikeways. Ideally bikeways and pedestrian pathways should be planned linking public facilities such as schools, parks and business centres with main residential areas.

Consideration should also be given to requiring provision of access ways for cyclists and pedestrians to shops, schools and transport as part of the park system and subdivision design in new suburbs. □ G6 15 10 43

(5) OBJECTIVE

To ensure that adequate carparking is provided in suitable locations to service major traffic generating nodes.

The amount of carparking spaces required to be established in association with particular developments should be sufficient to meet the carparking needs generated by the development taking into account the particular locality of the development. Carparking requirements for types of uses should be clearly specified. Part VI, Division II of The Schedule contains carparking requirements.

Council has adopted as a general policy the practice of creating peripheral car parks around the main commercial areas. This has the advantage of encouraging car drivers to keep out of the central area thereby promoting the central area as a pedestrian precinct.

* AMCORD will be used in the definition of transport networks, and undertaking street design and construction within residential developments in the Residential "A" Zone; and

□ AMCORD will be used in the definition of pedestrian and cyclist networks within residential developments in the Residential "A" Zone.*

PIONEER SHIRE COUNCIL

Department of Local Government,
Brisbane, 24th November, 1983.

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 1936-1983*, has been pleased to approve of the following by-laws made by the Council of the Shire of Pioneer.

R. J. HINZE.

WHEREAS by the *Local Government Act 1936-1983*, 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 Pioneer, with the approval of His Excellency the Governor in Council, that the following by-laws for the general good rule and government of the Area and its inhabitants and which the Council hereby determines are necessary for the proper exercise and performance of the functions of Local Government and the powers and duties of the Council and to implement and to provide for, regulate and control the administration and execution of the town planning scheme in force in the Area shall be in force from the date of publication hereof in the *Gazette*:

The by-laws of the Council of the Shire of Pioneer, published in the *Gazette* of the 6th October, 1938, as amended from time to time, are hereby further amended as follows:—

By omitting Chapter 36 and substituting the following Chapter 36, Town Planning:—

CHAPTER 36

TOWN PLANNING

This Chapter is arranged as follows:—

PART I—INTERPRETATION;

PART II—ADMINISTRATION;

Division I—Application for Consent;

Division II—Application for Rezoning of Land;

Division III—Matters to which the Council shall have regard in considering an Application for Consent or Rezoning of Land;

Division IV—Refusal of Consent;

Division V—Town Planning Certificate;

Division VI—Claim for Compensation;

PART III—OFFENCES.

Part I

INTERPRETATION

1. In this Chapter, the term "the Act" means the *Local Government Act 1936-1983*.

2. In this Chapter, the term "the scheme" means and refers to the town planning scheme for the Shire of Pioneer.

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

Part II

ADMINISTRATION

Division I—Application for Consent

1. (1) Any person who desires to obtain the consent of the Council under the scheme in force in the Shire, shall make application in the form required by the Council, 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 by the Council from time to time by resolution. In the scale or scales of fees different fees may be determined for different classes of applications. Such fees may be retained by the Council but the Council shall apply the advertising fees towards the costs of advertising the application in accordance with the Act.

(2) The application shall be in writing and shall contain the following particulars:—

- (a) The postal address and real property description of the land to which the application relates or applies;
- (b) The area of the land;
- (c) The length of road frontage (frontage to each road, if more than one (1), to be shown separately);
- (d) The nature of the proposed use;
- (e) Where the application relates to the erection of a building, or other structure, the following particulars of such building or structure:—
 - (i) The dimensions or gross floor area;
 - (ii) The number of storeys;
 - (f) The number of motor vehicles for which parking provision is to be made on the land;
 - (g) The number of employees proposed to be engaged on the land;
 - (h) The nature of any machinery proposed to be used on the land;
 - (i) 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; and
 - (j) The name of the occupier, if any.

(3) And the application shall be accompanied by a site and layout plan and, when required by the Council's Shire Engineer or the Shire Clerk, such site plan shall—

- (a) include contour information (existing and proposed if excavation is required); or
- (b) be accompanied by such other information relative to the application as may be requested.

(4) And the application shall be—

- (a) signed by the applicant or applicants or, in the case of a partnership, by one (1) of the partners thereof or, in the case of a company or an unincorporated association, by an authorised officer thereof;
- (b) accompanied by the consent, in writing, of the registered proprietor or proprietors in the case of freehold land or the consent of the registered lessee in the case of land held from the Crown for a leasehold estate, if made by a person who is not the registered proprietor or registered lessee from the Crown;
- (c) addressed to the Shire Clerk.

2. (1) Every application made pursuant to by-law 1 of this Part shall, if it complies with the requirements of this Chapter, be referred to the Council and the Council shall subject to the Act decide the application; provided that any such application shall first be referred to the officer designated by the Council for a report and recommendation thereon.

(2) Upon application for consent, the Council may, subject to the Act—

- (a) give its consent;
- (b) refuse to give its consent; or
- (c) give its consent subject to reasonable and relevant conditions.

(d) 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.

Division II—Application for Rezoning of Land

1. Any person who desires to exclude land from any zone and to include the land so excluded in another zone under the scheme in force in the Shire, shall make application in the form required by the Council, 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 by the Council from time to time by resolution. In the scale or scales of fees different fees may be determined for different classes of applications. Such fees may be retained by the Council but the Council shall apply the advertising fees towards the cost of advertising the application in accordance with the Act.

(1) The application shall be in writing and shall contain the following particulars:—

- (a) The postal address of the land to which the application relates or applies;
- (b) The real property description or full description of the land to which the application relates or applies;
- (c) The name of the prescribed person pursuant to subsection 6 (b) of section 33 of the Act;

- (d) The name of the occupier, if any;
- (e) The use desired to be made of the land;
- (f) The use being made of the land (including any building or other structure thereon) at the date of application; and
- (g) Such other information relative to the application as may be requested by the Council's Shire Engineer or the Shire Clerk.

(2) And the Application shall be—

- (a) signed by the applicant or applicants or, in the case of a partnership by one (1) of the partners thereof or, in the case of a body corporate or an unincorporated association, by an authorised officer thereof;
- (b) accompanied by the consent in writing of the prescribed person, where he is not the applicant;
- (c) addressed to the Shire Clerk.

2. Upon application for rezoning of land, the Council may subject to the Act—

- (1) approve it;
- (2) refuse to approve it; or
- (3) approve it subject to reasonable and relevant conditions.

Division III—Matters to which the Council shall have regard in considering an Application for Consent or Rezoning

1. The Council, in respect of any application for its consent to the erection or use of a building or other structure, or the use of land, or rezoning of land, shall take into consideration the following:—

- (1) The character of the proposed or any possible development in relation to the adjoining land and amenity of the locality;
- (2) The size and shape of the parcel of land to which the application relates, the siting of the proposed development and the area to be occupied by the development in relation to the size and shape of the adjoining land and the development thereon;
- (3) Any representation made by any Statutory Authority in relation to the application or to the development of the area and the rights and powers of any such Authority;
- (4) The provision of the scheme in force in the Shire;
- (5) All objections which have been duly lodged with the Council; and
- (6) Other considerations as required by the Act.

2. In respect of any application for the consent of the Council under the scheme in force in the Shire—

- (1) to the erection or use of any building or other structure or to the use of land for the purpose of an extractive industry, the Council shall take into consideration the advisability of imposing conditions to secure the reinstatement of the land, the removal of waste material of refuse and the securing of public safety and the amenity of the neighbourhood;
- (2) to the erection or use of any building or other structure or to the use of any land for the purpose of an hotel, accommodation unit, service station, car repair station, indoor entertainment, outdoor entertainment or industrial use or to the carrying out of any other development likely to cause increased vehicular traffic on any road in the vicinity thereof, the Council shall take into consideration whether, having regard to the proposed erection or use—
 - (a) adequate vehicular entrances and exits are provided so as to not endanger persons and vehicles using any such road;
 - (b) space sufficient to provide for the parking or standing of such number of vehicles as the Council may determine, is provided on the site or on land adjoining the site not being a public road;
 - (c) the layout of any buildings or other structures on or to be erected on the site is satisfactory in relation to the provision of space for the parking and standing of vehicles, the provision of space for the loading, unloading or fuelling of vehicles and the traffic facilities within the site;
 - (d) the location of the site is such that it will not cause or encourage ribbon development;
 - (e) the location of the site is such that it will not in the opinion of the Council cause or unduly increase any traffic hazard;

- (f) where the site is within a Business Zone, Commercial Zone or Comprehensive Development Zone, the location of the site is such that it will not cause any unnecessary or undesirable interruption in the shopping amenity of the area.

Division IV—Refusal of Consent

1. Without limiting the generality of the provisions of Divisions I, II and III of this Part, the Council may refuse an application for consent 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 the scheme in force in the Shire if—

- (1) the proposal would, if permitted, create or be likely to create a traffic hazard or increase an existing traffic hazard;
- (2) the proposed building or other structure 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 noise or vibration;
- (3) 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, provided that the Council may consent to the proposal after the necessary drainage or filling or both has been satisfactorily carried out;
- (4) the proposal is not in the public interest;
- (5) the proposal does not comply with any provision of the scheme or of any by-laws made by the Council.

Division V—Town Planning Certificate

1. (1) An application for a town planning certificate, pursuant to section 33 (9) of the Act shall be in such form as the Council may from time to time determine.

(2) The fee payable to the Council for the issue of a town planning certificate shall be as determined by the Council from time to time by resolution.

(3) The Council shall, within seven (7) days of the receipt by it of an application in that behalf, accompanied by the amount of the application fee, give to any person a certificate, called a town planning certificate, setting forth in respect of the land specified in the application—

- (a) the zone or zones in which such land is situated;
 - (b) the provisions, if any, of the scheme relating to proposed roads and proposed road widenings which affect such land or any building or other structure thereon;
 - (c) particulars of all consents, permissions, and approvals granted by the Council to such land.
- (4) The Council shall keep a record of—
- (a) all consents, permissions and approvals granted by the Council under the scheme and of all conditions attached to such consents, permissions and approvals;
 - (b) all orders and decisions made by it under the scheme;
 - (c) all decisions of The Local Government Court on appeals from decisions of the Council under the scheme in force in the Shire.

Division VI—Claim for Compensation

1. 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 1936-1983

CLAIMS FOR COMPENSATION

To Pioneer Shire Council:

I (full name), of , being a person—

* (1) who has an estate or interest in the following land:—

Situation:

Parish:

Real Property Office Description:

Area:

Title Deed: , volume , folio ,

the nature of my estate or interest therein being ; or

- (d) The name of the occupier, if any;
 - (e) The use desired to be made of the land;
 - (f) The use being made of the land (including any building or other structure thereon) at the date of application; and
 - (g) Such other information relative to the application as may be requested by the Council's Shire Engineer or the Shire Clerk.
- (2) And the Application shall be—
- (a) signed by the applicant or applicants or, in the case of a partnership by one (1) of the partners thereof or, in the case of a body corporate or an unincorporated association, by an authorised officer thereof;
 - (b) accompanied by the consent in writing of the prescribed person, where he is not the applicant;
 - (c) addressed to the Shire Clerk.
2. Upon application for rezoning of land, the Council may subject to the Act—
- (1) approve it;
 - (2) refuse to approve it; or
 - (3) approve it subject to reasonable and relevant conditions.

Division III—Matters to which the Council shall have regard in considering an Application for Consent or Rezoning

1. The Council, in respect of any application for its consent to the erection or use of a building or other structure, or the use of land, or rezoning of land, shall take into consideration the following:—

- (1) The character of the proposed or any possible development in relation to the adjoining land and amenity of the locality;
- (2) The size and shape of the parcel of land to which the application relates, the siting of the proposed development and the area to be occupied by the development in relation to the size and shape of the adjoining land and the development thereon;
- (3) Any representation made by any Statutory Authority in relation to the application or to the development of the area and the rights and powers of any such Authority;
- (4) The provision of the scheme in force in the Shire;
- (5) All objections which have been duly lodged with the Council; and
- (6) Other considerations as required by the Act.

2. In respect of any application for the consent of the Council under the scheme in force in the Shire—

- (1) to the erection or use of any building or other structure or to the use of land for the purpose of an extractive industry, the Council shall take into consideration the advisability of imposing conditions to secure the reinstatement of the land, the removal of waste material of refuse and the securing of public safety and the amenity of the neighbourhood;
- (2) to the erection or use of any building or other structure or to the use of any land for the purpose of an hotel, accommodation unit, service station, car repair station, indoor entertainment, outdoor entertainment or industrial use or to the carrying out of any other development likely to cause increased vehicular traffic on any road in the vicinity thereof, the Council shall take into consideration whether, having regard to the proposed erection or use—
 - (a) adequate vehicular entrances and exits are provided so as to not endanger persons and vehicles using any such road;
 - (b) space sufficient to provide for the parking or standing of such number of vehicles as the Council may determine, is provided on the site or on land adjoining the site not being a public road;
 - (c) the layout of any buildings or other structures on or to be erected on the site is satisfactory in relation to the provision of space for the parking and standing of vehicles, the provision of space for the loading, unloading or fuelling of vehicles and the traffic facilities within the site;
 - (d) the location of the site is such that it will not cause or encourage ribbon development;
 - (e) the location of the site is such that it will not in the opinion of the Council cause or unduly increase any traffic hazard;

(f) where the site is within a Business Zone, Commercial Zone or Comprehensive Development Zone, the location of the site is such that it will not cause any unnecessary or undesirable interruption in the shopping amenity of the area.

Division IV—Refusal of Consent

1. Without limiting the generality of the provisions of Divisions I, II and III of this Part, the Council may refuse an application for consent 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 the scheme in force in the Shire if—

- (1) the proposal would, if permitted, create or be likely to create a traffic hazard or increase an existing traffic hazard;
- (2) the proposed building or other structure 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 noise or vibration;
- (3) 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, provided that the Council may consent to the proposal after the necessary drainage or filling or both has been satisfactorily carried out;
- (4) the proposal is not in the public interest;
- (5) the proposal does not comply with any provision of the scheme or of any by-laws made by the Council.

Division V—Town Planning Certificate

1. (1) An application for a town planning certificate, pursuant to section 33 (9) of the Act shall be in such form as the Council may from time to time determine.

(2) The fee payable to the Council for the issue of a town planning certificate shall be as determined by the Council from time to time by resolution.

(3) The Council shall, within seven (7) days of the receipt by it of an application in that behalf, accompanied by the amount of the application fee, give to any person a certificate, called a town planning certificate, setting forth in respect of the land specified in the application—

- (a) the zone or zones in which such land is situated;
- (b) the provisions, if any, of the scheme relating to proposed roads and proposed road widenings which affect such land or any building or other structure thereon;
- (c) particulars of all consents, permissions, and approvals granted by the Council to such land.

(4) The Council shall keep a record of—

- (a) all consents, permissions and approvals granted by the Council under the scheme and of all conditions attached to such consents, permissions and approvals;
- (b) all orders and decisions made by it under the scheme;
- (c) all decisions of The Local Government Court on appeals from decisions of the Council under the scheme in force in the Shire.

Division VI—Claim for Compensation

1. 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 1936-1983

CLAIMS FOR COMPENSATION

To Pioneer Shire Council:

I (full name), of , being a person—

* (i) who has an estate or interest in the following land:—

Situation:

Parish:

Real Property Office Description:

Area:

Title Deed: , volume , folio ,

the nature of my estate or interest therein being ; or

PIONEER SHIRE COUNCIL

Department of Local Government,
Brisbane, 24th November, 1983.

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 1936-1983*, has been pleased to approve of the following by-laws made by the Council of the Shire of Pioneer.

R. J. HINZE.

WHEREAS by the *Local Government Act 1936-1983*, a Local Authority is empowered to make by-laws for all or any of the purposes in the said Act mentioned, and it is further provided that a by-law may be amended or repealed at any time by the Local Authority: It is hereby resolved by the Council of the Shire of Pioneer, with the approval of His Excellency the Governor in Council, that the following by-laws for the general good rule and government of the Area and its inhabitants, and which the Council hereby determines are necessary for the proper exercise and performance of the functions of Local Government and the powers and duties of the Council, shall be in force from the date of publication hereof in the *Gazette*.

The by-laws of the Council of the Shire of Pioneer, published in the *Gazette* on the 6th October, 1938, as amended from time to time are hereby further amended as follows:—

By omitting Chapter 35 and substituting the following Chapter:—

"CHAPTER 35

SUBDIVISION OF LAND

By-law No.	Description
1.	Interpretation
2.	Application for Chapter
3.	Approval Required
4.	Application to Council
5.	Particulars on Proposal Plan
6.	Subdivisional Design
7.	Subdivision for Lease Purposes
8.	Consideration of Application
9.	Refusal of Application
10.	Notification of Disapproval or Approval
11.	Documents
12.	Plan of Survey
13.	Notification of Amendments as required by the Registrar of Titles
14.	Lapse of Approval—Proposal Plan Application
15.	Minimum Area, Frontage and Depth
16.	Truncation
17.	Submission of Engineering Plans
18.	Road Design and Construction
19.	Drainage Design and Construction
20.	Water Supply and Sewerage Services
21.	Services in Roads
22.	Boundary Roads
23.	Subdivision of Land Abutting on to an Access Restriction Strip
24.	Building
25.	Public Garden and Recreation Space
26.	Council Engineer's Certificate of Completion of Construction
27.	Easements
28.	Power of Entry
29.	Road Names
30.	Practical Access
31.	Fees
32.	Execution of Work
33.	Electricity
34.	Penalty Clause <i>Survey Mark Certificate</i>
35.	Penalty Clause

18.7.85

INTERPRETATION

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

"the Act"—The *Local Government Act 1936-1983*;

"Access"—The practical means of entry of persons and vehicles onto every allotment either existing or proposed, from a constructed road which abuts the frontage thereof. For the purpose of this definition the term "constructed road" is a dedicated road which has been constructed to the appropriate standards specified in this by-law;

"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 1861-1981* 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 1861-1981*;

"Applicant"—Means a private person or company who or which has made application to the Council under this Chapter for approval to subdivide land or open a new road;

"Approved"—Means approved by the Council;

"Approved design"—A design approved of, or prepared by the Council, for the future subdivision of land pursuant to the subdivisional design requirements of this Chapter;

"Licensed surveyor"—A registered surveyor whose registration is endorsed under the *Land Surveyors Act 1977*;

"Building site"—That part of an allotment on which, in the opinion of the Council, a building may be satisfactorily erected;

"Business Zone"—Includes all land in that part of the Shire declared to be a Business Zone, under any town planning scheme in force in the Shire;

"Construction"—In the case of a road, lane or pathway includes provision for draining, levelling, grassing, paving, sealing, kerbing, channelling, turn-outs and crossovers and otherwise making and building such road, lane or pathway in accordance with the specifications laid down in this Chapter;

"Council Engineer"—The person appointed by the Council to be Engineer for the purposes of this Chapter. The term includes an engineer or any officer of the Council from time to time authorised by the Council to carry out the duties of the Council Engineer for the purposes of this Chapter.

"Cul-de-sac"—A street in which one (1) end has no direct vehicular connection with another street; a street is classified as one (1) cul-de-sac when it reaches a point beyond which there is no other exit. This definition applies regardless of the number of small culs-de-sac which branch off from that point;

"Frontage"—Any boundary line or part thereof, of a property or allotment, which coincides with the alignment of a road;

"Industrial Zone"—Includes all land in that part of the Shire declared to be a Light Industry Zone, Hazardous, Noxious or Offensive, Heavy Industry or other Industrial Zone under any town planning scheme in force in the Shire;

59
4.6.88 * "Plan of subdivision"—Any plan which divides or subdivides any land into allotments or otherwise whether or not such division or subdivision includes any new road, pathway, lane or reserve;

"Plan"—Includes any map, diagram, drawing, section or detail;

"Proposed allotment"—Each of several parts of any land which is proposed to be subdivided into an allotment;

"Radial distance"—The distance measured in a straight line from the nearest points of the land to be subdivided;

"Residential Zone"—Includes all land in that part of the Shire declared to be a Residential "A" Zone, Residential "B" Zone or Rural/Residential Zone under any town planning scheme in force in the Shire;

"Rural Zone"—Includes all land in that part of the Shire declared to be a Rural "A" Zone, or Rural "B" Zone or other Rural Zone under any town planning scheme in force in the Shire;

"Subdivision", "subdivide" and similar expressions mean and refer to dividing into parts whether the dividing is—

- by sale, conveyance, transfer or partition; or
- by any agreement, dealing or instrument *inter vivos* (other than a lease for any term not exceeding five (5) years without right of renewal) rendering different parts thereof immediately available for separate disposition or separate occupation; or
- by procuring the issue of a certificate of title under the *Real Property Act 1861-1981* in respect of a part of the land.

59
4.6.88 *

"Park Residential Zone" includes all land in that part of the Shire declared to be a Park Residential Zone under any town planning scheme in force in the Shire;

(2) 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 Shire, 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.

Application for Chapter

2. The provisions of this Chapter shall apply throughout the Area of the Shire of Pioneer.

Approval Required

3. A private person or company shall not subdivide any land whether such subdivision provides for the opening of a road or not, otherwise than in accordance with an approval granted by the Council under this Chapter.

Application to Council

4. (1) Every owner of land desiring to open a new road on, or to subdivide such land, shall himself or by his authorised agent make application to the Council in accordance with the form of application required by the Council and shall at the time of making application lodge the fee determined by Council from time to time by resolution.

(2) The application shall be accompanied by a proposal plan, and when required by the Council, the proposal plan shall be prepared by a licensed surveyor which shall be submitted in triplicate.

(3) The proposal plan shall be a black and white print or shall be drawn in ink on tracing cloth or drawing paper, and not on tracing paper, and accurately plotted with the northpoint upwards, and drawn to the scales (which shall be endorsed on the plan) as set out hereunder:—

<i>Area of Allotment Size in Subdivision</i>	<i>Scale</i>
(a) Less than 0.1 hectare—a scale not less than	1:1 000
(b) Greater than 0.1 hectare, but not exceeding 0.5 hectare—a scale not less than	1:2 000
(c) Greater than 0.5 hectare but not exceeding 2 hectares—a scale not less than	1:5 000
(d) Greater than 2 hectares but not exceeding 30 hectares—a scale not less than	1:10 000
(e) Greater than 30 hectares—a scale not less than	1:20 000

The plan shall be properly drafted and shall be coloured so as to show all new roads and reserves tinted pink, existing roads and reserves tinted brown, and the boundaries of the land to be subdivided edged green. Where separate ownerships are involved in the proposed subdivision such shall be indicated clearly on the plan by the light shading of all separately owned parcels in other distinctive colours.

(4) Prior to the Council granting its approval or consent to a proposed development, it shall have due regard to the effect that such a proposal, if implemented, will have on the environment. Any application lodged with the Council for approval or consent which is for a development of a type included in the policy statement for works requiring Environmental Impact Studies adopted by the Council from time to time by resolution shall be deemed to be incomplete unless it is accompanied by such a study report and statement of impact. A copy of the policy statement so adopted by Council shall be available for purchase at the Office of the Council upon payment of a fee determined by Council from time to time by resolution, which fee shall not exceed the cost of reproduction or printing.

Particulars on Proposal Plan

5. (1) The proposal plan shall be lodged in triplicate, be signed and dated by the person who prepared it, and shall show the following information and particulars:—

- The full real property description of the land and the name and postal address of the owner of the land;
- The location of all watercourses, waterholes and creeks and all maximum determinable flood levels;
- The lines of all existing services including sewers and water, gas and electricity mains;

(d) All roads, with their respective names and widths, onto which the land to be subdivided abuts, and all allotments adjoining the land, all easements over the land, and all allotments properly numbered into which the land is proposed to be subdivided, together with the approximate measurements and area of each proposed allotment, reserve, road, lane and pathway, as determined by preliminary survey and design;

(e) The proposed names of all new roads in the subdivision;

(f) The size and situation of all buildings on the land proposed to be subdivided and, in the case where more than two (2) proposed parcels abut on to the side boundary of an adjoining parcel, or where the building site of any proposed parcel could affect the adjoining property, the position of any building within ten (10) metres of the common boundary of adjoining land;

(g) If applicable, the area to be transferred to the Council as trustee for public garden or recreation space shall be shown in the location proposed by the subdivider;

(h) All proposed drainage easements; and

(i) Where the subdivision involves a new road or where no new road is involved, but the method of surface drainage is important, sufficient levels to enable proper consideration of the proposal shall be obtained. Unless the Council agrees otherwise, these levels shall be referred to as Australian Height Datum and shall be shown in the form of contours. In addition, the plan shall show the catchment areas of all drainage upon the property properly defined. In the case of a subdivision of land within a residential zone the contours of the land shall be shown at a contour interval of point five (0.5) metre but if the gradient of the ground is steeper than one to five (1:5) the contour interval may be two (2) metres.

(2) In the case of a subdivision containing one (1) or more residential allotments, whether in a residential zone or not, but in which the whole of the land is not proposed to be immediately subdivided, the balance of the land shall be designed and shown by broken lines on the proposal plan, together with all the necessary topographical information, so as to show the existing and proposed means of access to each separate parcel and the situation of the separate parcels in relation to public convenience present and prospective. Where necessary, the road system shall be shown through and over adjoining lands.

In the case of rural subdivision, the proposed layout of the road system for the future development of the whole subdivision shall be indicated, together with all other relevant information. Where necessary the road system shall be shown over adjoining lands to indicate the proper relationship of roads with the future road systems of the locality generally.

(3) In addition to the foregoing particulars, the applicant shall furnish any further particulars which the Council deems necessary.

Subdivisional Design

6. (1) It shall be unlawful to subdivide—

- any land so that any boundary or the area of any allotment would cause any existing building to contravene the relevant by-laws of the Council; or
- any parcel of land on which an existing building is situated, so that a subdivision line passes through the building,

except where Council may approve upon application for dispensation being made to it, of such subdivision where the applicant gives to the Council an undertaking and such security as may be required, that such part of the building will be removed, within a period stipulated by the Council as will leave the remainder of the building situated on one (1) allotment and in conformity with the provisions of the by-laws of the Council.

(2) With regard to this clause, nothing shall be construed to prevent the erection of any building partly on two (2) or more contiguous, vacant allotments held under the same ownership.

(3) (a) In any case where in its opinion the complete subdivision of land would involve the construction and drainage of a road or roads, the Council, when considering any proposal for subdivision of such land which proposal

does not include a road or does not in its opinion include a full road system for the complete subdivision of the land, may, whether it approves such proposal or not, require the applicant to submit for its consideration a design for the complete subdivision of the land, and may approve such design or substitute another design for it, and if the applicant does not submit a design within ninety (90) days after being required to do so, may itself prepare such a design. A design which has been so approved or substituted or prepared by the Council is hereinafter referred to as "the approved design". The further subdivision of the land or any part thereof shall not, save with the approval of the Council, be effected otherwise than in conformity with the approved design. An approved design shall be deemed to be a decision of the Council and an applicant shall have a right of appeal in respect thereof.

(b) The approved design or a design substituted for it by an order of the Local Government Court, on appeal from the Council's decision (the making of which substituted design is hereby authorised, and which shall thereupon be deemed to be the approved design), shall be recorded by the Shire Clerk and shall be binding on the owner of the land and his successors in title, and on any person hearing and determining an appeal against the Council's decision on an application for a further subdivision of the parcel or any part of the parcel. A copy of the approved design certified by the signature of the Shire Clerk, shall be admissible in evidence.

(c) If such design is so prepared by the Council then at such time as the owner proceeds with the subdivision of the land, or part thereof, whether he be the owner at the time of the preparation of the plan or otherwise, he shall pay to the Council its cost in preparing such design, and the plan shall not be sealed by the Council until such payment is made.

(d) When an approved design has been made, the Council Engineer may prepare an estimate of the cost of construction of roadworks and drainage in the land the subject of such design, and the Council when considering any proposal before it respecting the subdivision of such land or part of such land, which does not include a full road system for such land, may require as a condition of approval of such proposal, that the subdivider shall pay to the Council such sum as in the opinion of the Council is a fair proportion of such estimated cost, having regard to the nature of the proposal before it. Such sum shall be held by the Council in trust for the purpose of making, or of contributing to the cost of making, the necessary roads and drainage in the land, as it shall think fit.

(e) A person shall not erect, re-erect, or commence to erect or re-erect a building on any part of the parcel of land shown on the approved design as a future road or so that any part of the building is within six (6) metres from any such road.

Subdivision for Lease Purposes

7. In the case of an application for approval of a subdivision where such subdivision is by any agreement, dealing or instrument *inter vivos* (other than a lease for any term not exceeding five (5) years without right of renewal) rendering different parts thereof immediately available for separate disposition or separate occupation, the applicant shall submit with such application the relevant agreement dealing or instrument in triplicate executed by the parties concerned, together with one (1) unsigned copy for the Council's records and one (1) further copy of the plan of the subject land as incorporated in such agreement, dealing or instrument.

Such plan shall be in a form acceptable to the Registrar of Titles. The boundaries of the proposed subdivision shall be coloured red and shall be shown in relation to the boundaries of the whole of the allotment of which the subdivision forms part. The boundaries of the whole allotment shall be shown in green.

The correct real property office description of all of the relevant land shall be shown on the copies of the plan submitted to the Council.

If the Council approves such application for approval the consent of the Council shall be endorsed on the three (3) executed copies of the relevant agreement, dealing or instrument which shall then be returned to the applicant.

Consideration of Application

8. (1) In respect of an application for approval of the opening of a road, the Council shall take into consideration—

- (a) the situation and planning of the road in relation to public convenience, present and prospective and to inter-communication with neighbouring localities within or without the Area;

- (b) the method of draining the road necessary in the circumstances, present and prospective, and the disposal of the drainage;
- (c) whether or not, the owner will transfer or convey to the Council in fee-simple for a nominal consideration necessary drainage reserves;
- (d) the character or construction of the roads necessary in the circumstances, present and prospective;
- (e) whether or not kerbing, guttering and footpaths should be provided;
- (f) the treatment of junction or intersection of roads;
- (g) the classification of the road as hereinafter provided;
- (h) whether the locality is a residential locality;
- (i) if a proposed new road will be a lane, whether or not a lane should be permitted in the circumstances.

(2) In respect of an application for approval of a subdivision of land (whether the subdivision involves the opening of a road or not) the Council shall take into consideration—

- (a) the size and shape and utility of each separate parcel;
- (b) the length of road frontage of each separate parcel;
- (c) the situation and planning of the separate parcels in relation to public convenience, present and prospective;
- (d) the existing and proposed means of access to each separate parcel;
- (e) whether or not the owner will transfer or convey to the Council in fee-simple free of cost necessary drainage reserves;
- (f) whether the locality is or probably will become a residential locality;
- (g) whether the land or part thereof is low lying so as not to be reasonably capable of being drained, or is not fit to be used for residential purposes;
- (h) the minimum area, frontage and depth of each separate parcel of land as prescribed in by-law 15 of this Chapter;
- (i) the amount of public garden and recreation space to be provided in the land to be subdivided;
- (j) the truncating of land abutting on road junction or intersection of roads;
- (k) the situation and planning of the separate parcels in relation to the costs of supplying water, gas and electricity to the several parcels including in particular whether the subdivision could be redesigned so as to reduce those costs or any thereof, and either to the supplier or to the consumer or both;
- (l) the availability of essential services including electricity to each separate parcel;
- (m) whether in accordance with this Chapter, the applicant, in respect of electricity supply, should be required to provide, by arrangement with the electric authority, for the undergrounding of such supply.

(3) Provided that the Council shall not take into consideration the matter set out in paragraphs (e), (g), (i), (j), (l) and (m) of subclause (2) of clause 8 of this by-law unless, in its opinion, the land the subject of the application is situated in a part of the area which is being used or will, if the subdivision is effected, be used for residential, commercial or industrial purposes.

Refusal of Application

9. Without in any way limiting the discretion of the Council, it shall be a sufficient reason for refusing approval of any proposal plan if—

- (a) a new road within the subject land or any existing road or street bounding the land to be subdivided is of less width than the minimum standard width prescribed by the Act for the classification of such road as determined under the Act, or in the case of a cul-de-sac the turning area is of lesser dimensions than will adequately accommodate the turning of vehicles and the provision of services;
- (b) provision is not made for public garden and recreation space in accordance with the provisions of by-law 25 of this Chapter;

- (c) provision is not made for the availability of essential services, including electricity, in each separate lot;
- (d) except where the zoning is Rural "A" or Rural "B" or Special Purposes, the land therein comprised is intersected by or is bounded or partly bounded on any side by a line of railway, and a road is not shown on such plan adjacent to such line of railway on each side thereof, or on the side of such line which is adjacent to such land, as the case may be;
- (e) the site or orientation of any existing building or any building which could be erected on such land would be for any reason unsatisfactory;
- (f) provision is not made for the transfer free of cost to the Council of any drainage reserves or drainage easements of a width which in the opinion of the Council may be necessary to enable the allotments or parcels of land and any new or existing roads, to be sufficiently drained into a public drain or onto an existing road or water course to or along which the drainage from such land or any such road may lawfully be discharged or caused to flow;
- (g) provision is not made for the granting, free of all cost to the Council, of all other easements which may be required by the Council for the laying of any utility service mains and for the provision of access and for the maintenance thereof;
- (h) any allotment proposed is so low-lying as not to be, in the opinion of the Council, reasonably capable of being drained by gravitation at all times; or in the case of an allotment which is low-lying but is capable of being filled and drained, provision is not made in the proposal to effect such filling and drainage, to the satisfaction of the Council;
- (i) the proposal includes any low-lying allotment capable of being filled and/or drained, but which cannot be so filled and/or drained, without requiring filling or drainage on an existing road or roads, and/or adjacent properties;
- (j) provision is not made for such connecting or other roads as may be considered necessary by the Council within the subdivision or to connect up with similar roads or proposed roads in adjoining subdivisions, or possible roads in the future subdivisions or adjoining land, to ensure the proper development of the surrounding locality;
- (k) every road corner shown therein and upon which abuts or abut only an allotment or allotments comprised therein is not rounded or truncated to the satisfaction of the Council;
- (l) provision is not made to carry out such works on the land proposed to be subdivided as will provide proper drainage of proposed allotments;
- (m) provision is not made for access from constructed roads into each proposed allotment;
- (n) provision is not made for any improvement in aspect or grade of any allotment deemed desirable by the Council to preserve the amenity of the locality;
- (o) in accordance with this by-law provision is not made for the reticulation of water supply, or sewerage, or both water supply and sewerage, to the land to be subdivided;
- (p) the depth of any allotment exceeds four (4) times the frontage to a road or the mean width of the allotment or parcel if such allotment or parcel is irregular in shape;
- (q) a proposed allotment shown thereon does not conform with the clauses of this by-law.
- (r) the proposal does not comply with an approved Plan of Development or the provisions of AMCORD to the satisfaction of Council. 26.15.10.13

Notification of Disapproval or Approval

10. (1) If the application and proposal plan are not approved, the Clerk shall notify the Council's decision to the applicant accordingly in writing pursuant to the provisions of subsection (15) of section 34 of the *Local Government Act 1936-1983* and shall return the proposal plan to the applicant.

(2) If the application and proposal plan are approved subject to conditions, the Clerk shall notify the Council's decision to the applicant accordingly in writing pursuant to the provisions of subsection (15) of section 34 of the *Local Government Act 1936-1983* and shall return the proposal plan to the applicant.

The duplicate copy of the proposal plan shall be retained by the Council. In the case of a proposal plan approved subject to certain amendments the Council may either mark the required amendments on the copy of the proposal plan and return it to the applicant, or it may require the applicant to prepare new plans incorporating the amendments, and submit them in triplicate to the Council.

Documents

11. The cost of preparation and duty stamping of all contracts and agreements required by this by-law shall be borne by the applicant.

Plan of Survey

12. (1) It shall be unlawful for a licensed surveyor to amend any plan of survey after it has been submitted to the Council for endorsement and sealing, without informing the Council of such amendments, and amending the relevant copies to conform therewith. In no case shall such amendments be made as would contravene the terms and conditions of the Council's approval.

(2) If the survey plan conforms with the Council's approval and if all the terms and provisions of this by-law have been complied with, it shall be approved and sealed by the Council and returned to the applicant. The applicant shall, within six (6) months after the date of the notation of approval of the Council on the plan, lodge the said plan, together with a fee for deposit in the office of the Registrar of Titles for registration.

Notification of Amendments as required by the Registrar of Titles

13. In the event of the Registrar of Titles, upon lodgement of a plan of subdivision approved by the Council, requiring the alteration of such plan in any particular, the licensed surveyor who prepared such plan, shall within a period of one (1) month from the date of effecting such required alterations notify the Council accordingly in writing, and shall forward to the Council copies of the altered plan.

Lapse of Approval—Proposal Plan Application

14. (1) After a period of two (2) years after the date of notification of approval (or approval subject to conditions of the proposed plan, or such extended period as may be approved by the Council), the approval shall lapse unless the applicant within such period or such extended period shall either—

- (a) execute to the satisfaction of the Council and in accordance with the conditions of approval the work of constructing and draining the roads, the provision of water supply or sewerage services involved in the proposal and other works the execution of which is a condition of approval; or
- (b) subject to subsection (7) of section 34 of the Act, pay to the Council such sum as may be agreed upon with the Council, as the cost of executing such work and agreed with the Council as to when such work shall be executed by the Council; or
- (c) give to the Council security to its satisfaction that he will execute such work mentioned in subclause (a) of this clause to its satisfaction within such time as may be fixed by the Council.

(2) Unless the applicant complies with the foregoing requirements of the clause, the approval or approval subject to conditions, of the application shall be deemed to have lapsed.

(3) If the approval for the application and proposal plan should lapse and the subdivider desires to have the proposal plan approved, a fresh application shall be required to be lodged, together with the necessary application fee. In such case, Council shall not be bound by its previous decision and shall reconsider the proposal and impose such new conditions as it may deem fit in accordance with the provisions of this Chapter.

Minimum Area, Frontage and Depth

15. (1) The minimum area, minimum frontage to a road and minimum depth for any one (1) allotment or parcel of land in the respective zone shall be as follows:—

Zone	Minimum Area	Minimum Frontage	Special Provisions
Business	500 m ²	15 m	
Commercial	500 m ²	15 m	
Residential "A"	500 m ² 700 m² 66 15 10 93	20 m 15 m 66 15 10 93	In the subdivision of land in the Residential "A" Zone the Council may permit— (i) any corner allotment having a minimum area less than eight hundred (800) square metres provided that the lesser area has been caused by a road truncation on a corner of that allotment (ii) a subdivision fronting the turning circle of a cul-de-sac or the alignment of a curved road where the frontage is less than twenty (20) metres at the road alignment, but the distance between the side boundaries of the subdivision at points six (6) metres from the road alignment is not less than twenty (20) metres
Residential "B"	800 m ²	20 m	
Rural/Residential	2 ha	80 m	As determined by Council
Light Industry	1 000 m ²	30 m	As determined by Council
Heavy Industry	1 500 m ²	30 m	As determined by Council
Noxious or Hazardous Industry	2 000 m ²	30 m	As determined by Council
Private Open Space	1 000 m ²	30 m	As determined by Council
Public Open Space	1 000 m ²	30 m	As determined by Council
Special Purposes	1 000 m ²	30 m	As determined by Council
Special Facilities	As determined by Council	As determined by Council	As determined by Council
Rural "A"	60 ha		Where evidence is given to the complete satisfaction of the Council that the subdivision of land is required to enable an allotment to be provided to be used for residential purposes by the owner of the land or spouse, child or parent of the owner then Council may permit an allotment having an area between two (2) ha and eight hundred (800) square metres to be subdivided from the original parcel of land provided that— (a) the proposed allotment is in the opinion of Council suitable for residential purposes (b) that access to the proposed allotment is provided to Council's requirements; and that (c) the applicant gives security to the satisfaction of the Council that a dwelling will be erected on the proposed allotment within a period of twelve (12) months from the date of approval of the subdivision proposal. No further allotments will be so approved by the Council until a house has been erected on the allotment so subdivided
Rural "B"	60 ha		
Comprehensive Development	40 ha	30 m	As determined by Council

(2) (a) Notwithstanding the provisions of this by-law the Council may vary any of such provisions where it is considered to be necessary because of—

- (i) the unique size, shape, location or topography of existing and proposed allotments;
- (ii) the unique character of the proposed use intended to be made of the land following subdivision as set out in the application for approval of the proposed subdivision;
- (iii) the existing and future amenity of the locality.

(b) In respect of subclause (a) hereto, the Council may approve of any frontage for an allotment abutting on a cul-de-sac or any allotment of irregular shape where—

- (i) the allotment is of such shape as to provide an adequate building site;
- (ii) adequate access is provided; and
- (iii) it is not detrimental to the amenity of the locality.

Truncation

16. (1) Subject to subsection (16c) of section 33 of the Local Government Act, no plan of subdivision shall be approved unless such subdivision provides for corner truncation of the land at—

- (a) the intersection of existing roads, whether at right angles or otherwise whose alignments form boundaries or parts thereof of the land;

- (b) the intersection of new roads;
- (c) the intersection of a new and existing road;
- (d) a corner where, in the opinion of the Council, a future road will intersect an existing road;
- (e) a corner which will be situated, in the opinion of the Council, at the intersection of future roads;
- (f) at any angle exceeding ten (10) degrees, not being an intersection, in an existing road.

(2) No plan of subdivision shall be approved unless such truncation is provided except where hardships (which shall not include the existence of a building on the required truncation) is occasioned thereby, in which case the Council may waive the truncation if it considers the amenities of the district will not be injuriously affected.

(3) Truncations at right angle corners shall be six (6) metres by three (3) equal chords unless the Council in its discretion requires a truncation of greater dimensions.

(4) In the case of truncation other than at right angled corners, the truncations shall be provided as required by the Council.

(5) The applicant shall, prior to the endorsement by the Council of its approval of a plan of survey or the release by the Council of any security given for the due performance of road, drainage or other works, remove all fences, trees and other obstructions whatsoever from the truncated area.

(6) The area truncated shall be dedicated as a road free of cost to the Council.

* 99 4.6.88

Park Residential	2000m ²	30m	<p>In the subdivision of land in the Park Residential Zone the Council may permit:</p> <p>(1) any corner allotment having a minimum area less than two thousand (2000) square metres provided that the lesser area has been caused by a road truncation on a corner of that allotment;</p> <p>(2) a subdivision fronting the turning circle of a cul-de-sac or the alignment of a curved road where the frontage is less than thirty (30) metres at the road alignment, but the distance between the side boundaries of the subdivision at points six (6) metres from the road alignment is not less than thirty (30) metres.</p>
------------------	--------------------	-----	---

15.
Land in C

Business
Commerce
Residential

Δ (a) The carriageway appropriate for residential streets shall be established with regard to the provisions of AMCORD for roads in the Residential "A" Zone." GG 15-10-93

○ (c) (i) in a Residential "B" Zone, Park Residential, Business Zone, Commercial Zone or Industrial Zone, concrete kerb and channels shall be provided on each side of the carriageway of the new road; and

(ii) in a Residential "A" Zone, kerb and channels of a standard approved by Council and shall be of a type in accordance with the provisions of AMCORD." GG 15-10-93

□ "except in a Residential "A" Zone where the distance shall be in accordance with the provisions of Element D7 of AMCORD." GG 15-10-93

⦿ "except in the Residential "A" Zone where the provisions of AMCORD apply" GG 15-10-93

Residential
Rural/R
Light In
Heavy I
Noxious
Private
Public
Special
Special
Rural
Rural

Comp
the
consi

Δ GG
may
cul-di

* (iii) in the Residential "A" zone of a suitable width to fulfil the provisions of Elements D6, D7 and D8 of AMCORD." GG 15-10-93

GG 4-6-88

Park Residential

GG 4-6-88

Park Residential

Local
appr
of th

Δ (iv) compliance with an approved Plan of Development." GG 15-10-93

Submission of Engineering Plans

17. (1) In any subdivision involving new road or works on an existing road, the applicant shall submit to Council, road and drainage plans, together with specification properly prepared by a qualified engineer. The Council shall consider the plans and specifications without delay and shall notify the applicant of its approval or otherwise.

(2) The Council may, at the request of the subdivider, undertake the preparation of plans and specifications for road and drainage works required on any subdivision and/or the supervision of the construction thereof. In such case, the Council shall charge the subdivider for such work in accordance with the scale of fees laid down from time to time by the Association of Consulting Engineers, Australia.

(3) Final inspection will be carried out by the Council Engineer on all road and drainage works associated with the subdivision of the land.

Road Design and Construction

18. (1) No plan of subdivision showing a new road in any subdivision shall be approved unless such road is constructed to the satisfaction of the Council.

(2) In all subdivisions involving new roads, the Council shall take into consideration the existing and probable future development of the locality, present and future traffic requirements, together with the amenities of the district, and shall determine the nature of the locality, the construction requirements, and the width of each road in accordance therewith.

(3) In special circumstances wherein a road or part of a road, not being reasonably a requirement for the approval of a subdivisional proposal, is deemed necessary by the Council to provide access to or from a subdivision approved prior to the coming into effect of this Chapter the Council may waive all or part of the construction thereof subject to the dedication of such road, or part of a road, free of cost to the Council.

(4) On the completion of any subdivisional roadworks, the subdivider shall provide a certificate to the Council, from a qualified engineer stating that the works have been carried out properly and in accordance with the plans and specifications approved by the Council, together with a certificate stating that sufficient moneys are being held on behalf of the subdivider to meet the cost of any maintenance required during a maintenance period not exceeding six (6) months.

On receipt of such certificates, and being satisfied with the construction of the roads the Council shall, at the request of the subdivider, seal the plan of subdivision, provided that such plan also conforms with the original proposals as approved by the Council.

(5) Any applicant, instead of executing the work of constructing and draining the roads, as hereabove provided, may, after obtaining approval of road and drainage plans and specifications, submit detailed estimates of the cost of the work and then either—

(a) pay to the Council such sum as may be determined by the Council as the cost of executing such work and agree with the Council as to when such work shall be executed by the Council; or

(b) on completion of such earthworks and drainage deemed necessary by the Council may, instead of completing the roadworks forthwith, give to the Council security to its satisfaction that he will execute such further work as is required to complete the roads within such time as may be fixed by the Council.

(6) Without in any way limiting the Council's powers to require a greater standard of construction in a subdivision involving the opening of any new road, the applicant for approval of the subdivision shall construct the road to the following requirements:—

(a) The minimum width of a road shall be—

(i) in a Residential "A" Zone or Residential "B" Zone, Business Zone, Commercial Zone, Rural/Residential Zone or Rural "A" or Rural "B" Zone—twenty (20) metres;

(ii) in a Light Industry Zone, Heavy Industry Zone or Noxious or Hazardous Industry Zone—twenty-five (25) metres.

(b) The minimum pavement width shall be—

(i) in a Residential Zone or Rural/Residential Zone—eight (8) metres;

(ii) in a Light Industry Zone, Heavy Industry Zone or Noxious or Hazardous Industry Zone—thirteen (13) metres;

(iii) in a Rural "A", Rural "B" Zone—five point five (5.5) metres.

(iv) in the Residential "A" zone in accordance with Elements B6, B7 and B8 of AMCORD. 66 15.10.43

(c) (i) Each proposed road is to be specifically designed both in layout and structural strength to cope with the frequencies and loadings of traffic likely to use it, as determined by the Council. The minimum requirements pertaining hereto shall be as follows:—

Access to an arterial road shall be limited to specified points as designated by the Council;

Each subdivider whose property fronts onto or includes an arterial road shall be required to provide these roads to such a standard as shall be determined by the Council.

(ii) The definition of catchment shall be deemed to include all such household units, the traffic from which could, as determined by the Council, be assigned to that part of the road having regard to distance and time of travel provided that special consideration shall be given to specific traffic generators such as schools, shopping areas, parks for organised sport, etc.

(iii) In deciding the carriageway appropriate for any residential streets regard shall be given to the optimum catchment of that street as herein defined, provided that regard also shall be given to the character and function of each street in determining the appropriate carriageway.

(d) All road pavements must be sealed to a standard as the Council shall determine by resolution from time to time;

(e) In a Residential Zone, Business Zone, Commercial Zone or Industry Zone, concrete kerb and channels shall be provided on each side of the carriageway of the new road;

(f) The distance between kerbs shall be fixed by Council with respect to future traffic on the road, but shall not be less than eight (8) metres between kerbs;

(g) The footpaths are to be formed to pavement levels approved by the Council, except for a new road in a Rural "A", Rural "B", or Rural/Residential Zone;

(h) The table drain gradients are to be a maximum of sixteen (16) per centum and a minimum of point (0.5) per centum for earth table drains and point two five (0.25) per centum for concrete channels unless otherwise approved by the Council. Minimum gradients will only be accepted in flint localities;

(i) Footpaths, earth table drains and road shoulders shall be stabilised by grassing or other means to the satisfaction of the Council. If earth table drains cannot be satisfactorily stabilised then a concrete kerb and channel must be provided or some other approved form of stabilisation provided.

(j) All turnouts including any conduit crossing thereunder or concrete inverts for any new road shall be connected to the existing road pavement.

(k) The minimum road pavement depth shall be two hundred (200) millimetres of consolidated gravel, provided that the Council, having regard to the subgrade materials of the roads may direct a greater depth of consolidated gravel to be provided. To fix this greater depth the Council may require the applicant to provide samples of the subgrade materials on the roads. Each sample shall weigh not less than twenty (20) kilograms and shall be taken from such place as the Council directs. The applicant shall have the samples tested by an analyst and submit the analyst's signed report to the Council.

(l) No cul-de-sac shall provide access to more than twenty (20) allotments unless otherwise specified by the Council. The minimum radius of any cul-de-sac will be eleven (11) metres to the kerb line and eighteen (18) metres to property alignment.

(m) In an Industrial Zone the minimum radius for a curve in a road as measured to the centre-line of the road shall be:—

(i) Major access road—one hundred and fifty (150) metres;

(ii) Local service road—ninety (90) metres.

(n) All new roads fronting or within the subdivision must, if they are two hundred and forty (240) metres or greater in length, be intersected or met by a connecting road.

(7) (a) In a Residential Zone, a road other than a pathway shall not be opened as a blind road.

(i) unless there is also provided at least one (1) pathway to give access from the blind end into a principal road, secondary road, or residential road; or

(ii) unless such road gives access at its blind end to a railway station, reserve or river bank; or

(iii) except where, in exceptional circumstances, Council approves.

(b) In a Residential Zone, a pathway shall not be opened as a blind road unless one (1) end communicates with an arterial road, collector road or residential road, and the blind end gives access to a railway station, reserve or river bank.

(8) Notwithstanding the provisions of this by-law the Council may vary any of such provisions where it is considered to be necessary because of—

- (i) the unique size, shape, location or topography of existing and proposed allotments;
- (ii) the unique character of the proposed use intended to be made of the land following subdivision as set out in the application for approval of the proposed subdivision;
- (iii) the existing and future amenity of the locality.

Drainage Design and Construction

19. Without in any way limiting the Council's powers to require a greater standard of construction in a subdivision, the applicant for approval of the subdivision shall adequately drain every road abutting or within the subdivision and every proposed parcel of land within the subdivision to the following requirements:—

- (1) The drainage shall be carried to a point at which it may be lawfully discharged without causing nuisance or annoyance to any person; and shall be designed and constructed to be adequate for an intensity of rainfall occurring on the average once in five (5) years, or once in fifty (50) years where major drain lines cross private property, except in any Business Zone, Commercial Zone or Industrial Zone where the drainage shall be adequate for an intensity of rainfall occurring on the average once in ten (10) years;
- (2) If drainage is to be carried through land not owned by the applicant, the applicant must satisfy the Council that there is a legal right of drainage through the land and support for any conduit that might at any time be installed in favour of the land to be subdivided;

GG 15-10-83
GG 4-6-88
Parker
Residential Zone

(3) Except in exceptional circumstances, the Council shall require the drainage to be piped. The length of underground piping required for the stormwater drainage shall be—

- (a) in a Residential Zone, Business Zone, Light Industry Zone, Heavy Industry Zone, Noxious or Hazardous Industry Zone and Commercial Zone, stormwater shall be piped across the full width of the subdivision;
- (b) in all Rural Zones and the Rural/Residential Zone stormwater is only required to be piped within the road boundaries;
- (4) In the exceptional circumstances in which the Council allows drainage to be by open drains, those drains shall be lined to the satisfaction of the Council.

Water Supply and Sewerage Services

20. (1) The provisions of this by-law shall apply to every application for approval of subdivision of land which, in the opinion of the Council is situated in part of the Shire of Pioneer and which is being used or will, if the subdivision is effected, be used for residential, business, commercial or industrial purposes. GG 15-10-83.

(2) In the case of every application made for approval to subdivide land to which this by-law applies, the application shall not be approved except subject to the following conditions (unless the Council in its discretion shall consider that, by reason of the size, shape, location or topography of the said land or of the proposed new allotments or by reason of any prior works or contributions, that such conditions or any one (1) or more of them should not be imposed) namely:—

- (a) That the applicant shall provide for the reticulation of water supply to each and every allotment into which the proposed subdivision is to be subdivided by supplying all necessary materials and works including structures and equipment and performing all necessary works at the expense of the applicant or, at the applicant's option and with the Council's approval, the applicant may enter into an agreement with the Council for the supply of materials and works including structures and equipment and performance of works by the Council at the expense of the applicant;
- (b) That the applicant shall provide for the reticulation of sewerage to each and every allotment of the land to be subdivided by supplying all necessary materials and works including structures and equipment and performing all necessary works at the expense of the applicant, or, at the option of the applicant and with Council's approval, the applicant may enter into an agreement with

the Council for the supply of materials and works including structures and equipment and performance of works by the Council at the expense of the applicant;

(c) That the applicant shall contribute towards the cost of the provision of a water supply service to the said land (other than by reticulation) by way of paying to the Council a contribution towards the costs (whether incurred before or after the making of the application) in connection with the construction of mains and the augmentation of existing mains and the construction of pumping stations and the augmentation of existing pumping stations required to be undertaken by the Council for such provision or any of these costs, other than the cost of constructing a main or a pumping station which is in existence at the date of coming into operation of this Chapter;

(d) That the applicant shall contribute towards the cost of the provision of a sewerage service to the said land (other than by reticulation) by a contribution towards the costs (whether incurred before or after the making of the application) in connection with the construction of mains and the augmentation of existing mains and the construction of pumping stations and the augmentation of existing pumping stations required to be undertaken by the Council for such provisions or any of those costs, other than the cost of construction of a main or pumping station which is in existence at the date of coming into operation of this Chapter.

(3) (a) If the Council shall impose as a condition of approval of an application to which this by-law applies a condition that the applicant shall provide materials and perform works for the reticulation of a water supply and the reticulation of sewerage, the applicant shall within six (6) months or such longer period as the Council may allow from the date of notification of such approval lodge with the Council for examination by the Council Engineer such plans specifications and other information as the said Engineer may reasonably require and an estimate of cost of such materials and work prepared by a consulting engineer registered under the *Professional Engineers' Act 1929-1975*, and shall amend such plans and specifications as reasonably required by the Council Engineer in accordance with good engineering practice and within the said period of six (6) months or such longer period as the Council may allow the applicant shall enter into a written agreement with the Council whereby the applicant agrees to supply such materials and perform such works in accordance with the approved plans and specifications and if the applicant shall fail so to do then the aforesaid approval shall lapse and be of no force or effect whatsoever provided always that if the application shall be for the subdivisions of a parcel of land in stages then the Council shall also state in the relevant condition of approval the date on which the aforesaid period of six (6) months shall commence in respect of each approved stage of subdivision and that date shall, for the purposes of this subclause of this clause of this by-law, be deemed to be the date of notification of approval.

(b) The Council shall not endorse its approval on and seal any plan intended for registration by the Registrar of Titles in respect of land to which the last preceding subparagraph applies unless and until the applicant shall have carried out his obligation to supply materials and perform works or shall have given security to the entire satisfaction of the Council for the supply of material and performance of works.

(4) (a) If the Council shall require an applicant to contribute towards the cost of the provision of a water supply service or the provision of sewerage (other than by reticulation) to the land to be subdivided in accordance with subclauses (c) and (d) of clause (2) of this by-law then the Council shall state in the relevant condition of approval the amount of contribution required (which amount) shall be reasonable in the opinion of the Council having regard to the reasonably foreseeable extent of usage of the facility concerned by, through, or as a result of the proposed subdivision) and such contribution shall be paid within the time specified in the relevant condition of approval (which shall be not less than six (6) months except with the consent of the applicant): Provided always that the Council may allow a longer time for payment than six (6) months: And provided further that the Council may in its absolute discretion accept security for payment at any specified time in lieu of actual payment: And provided further that where the applicant has sought and the Council has approved subdivision in stages then the period within which payment must be made or security given shall be deemed to commence on a date to be specified by the Council in the relevant condition of approval in respect of each stage.

* (c) in the Residential "A" zone, suitable with regard to the requirements of element B12 of AMCORD. GC 15-10-45.

A "Where possible in a Residential "A" zone water supply service trenches should also be used for the provision of other urban services in the subdivision in accordance with the provisions of AMCORD. GC 15-10-93.

- ☐ (4) Subdivision in the Residential "A" Zone will be required to be provided with sufficient public and private open space in accordance with the provisions of elements B3 and B11 of AMCORD, respectively." and 6615-10-93.

(b) If the applicant shall fail to make payment or give security as required by the Council pursuant to the last preceding subparagraph then the approval of the subdivision shall be deemed to have lapsed and shall be of no force or effect whatsoever.

(5) Where the Council has imposed as a condition of approval that the applicant shall contribute towards the cost of the provision of water supply and the cost of provision of sewerage or the cost of provision of water supply or the cost of provision of sewerage as hereinbefore provided the Council shall not endorse its approval on and seal any plan of subdivision intended for registration of the Registrar of Titles to which such condition of approval applies until the applicant shall have complied with such condition in the manner hereinbefore provided.

(6) All materials supplied and work performed by the applicant or by the Council pursuant to this by-law shall be to the reasonable satisfaction of the Council Engineer and shall in all respects comply with the provisions of all relevant Statutes, Statutory Regulations and by-laws. The Council Engineer may by himself or his nominated delegate supervise and test and generally may inspect all materials and work but no supervision testing or inspection shall relieve an applicant of any obligation undertaken by the applicant pursuant to this by-law or imposed on the applicant by any agreement entered into pursuant to this by-law.

(7) Every agreement entered into pursuant to this by-law shall provide (*inter alia*) for maintenance of materials and works at the expense of the applicant for such period or periods as the Council Engineer may see fit (provided that no such period shall exceed twelve (12) months) and for the payment by the applicant to the Council of a cash deposit equal to five (5) per centum of the total cost of the works to cover such maintenance or at the option of Council the giving by the applicant to the Council of security to the entire satisfaction of the Council for payment to the Council of the cost of all maintenance works.

(8) Every agreement entered into between an applicant and the Council pursuant to this by-law shall be prepared and stamped by the Council. The applicant shall pay to the Council on demand all stamp duties and shall also pay to the Council on demand its solicitors' costs in respect of this agreement.

Services in Roads

21. The applicant shall install public utility conduits together with kerb markers for such conduits at his expense as directed by the Council Engineer, and all street name plates on new roads to the requirements and satisfaction of the Council Engineer.

Boundary Roads

22. (1) If the Council is satisfied that for the proper subdivision of lands in two (2) or more ownerships a new road should be constructed along the common boundary of those lands, it may permit the applicant for subdivision of any of those lands to provide a road of lesser width than twenty (20) metres; but not less than ten (10) metres with a concrete kerb and channel and a footpath formed to permanent levels, along one (1) side of the carriageway and a bitumen sealed strip. The width of road and bitumen seal shall be as determined by the Council from time to time.

(2) If the Council is satisfied that for the proper subdivision of lands in two (2) or more ownerships, a new road should be constructed wholly within one (1) of those parcels of land and that in the future subdivision of the adjoining land allotments should be so surveyed as to abut on to that road the Council may bear half the cost of constructing the road and may, by agreement with the applicant, pay to the applicant compensation for the value of one half (½) of the road.

(3) If the Council exercises its powers under clauses (1) and (2) of this by-law, the applicant shall transfer to the Council in fee-simple a piece of land point one (0.1) metre wide along that part of the road that is conterminous with the boundary of the subdivision. For the purposes of this chapter, such piece of land shall be termed an "access restriction strip".

(4) All costs, charges and expenses whatsoever connected with or incidental to the transfer to the Council of an access restriction strip shall be paid by the applicant.

Subdivision of Land Abutting on to an Access Restriction Strip

23. (1) If land within a subdivision is separated from a road of less than twenty (20) metres, by an access restriction strip, an application for approval of such subdivision shall when that road to its full width for its classification, shall extend the bitumen seal to the standard required by the

Council for the zone in which the property is located and for the road classification shall construct (if required) a concrete kerb and channel along the edge of that widened bitumen and shall form a footpath to permanent levels.

(2) If land within a subdivision is separated by an access restriction strip from a road constructed under clause 2 of by-law 22 of this Chapter an applicant for approval of such subdivision shall pay the Council the cost incurred and any compensation paid by the Council under that clause.

(3) Whenever clauses (1) and (2) of this by-law apply, the Council shall dedicate the access restriction strip as a road and all costs, charges and expenses whatsoever connected with or incidental to that dedication must be paid by the applicant.

Building

24. Where there is a dwelling on any allotment or parcel of land, no plan for the erection of any dwelling shall be approved, nor shall any person erect or re-erect any other dwellings as aforesaid on such allotment or parcel, until a plan of subdivision of the said land shall have been approved by the Council except where permitted by Council in a Rural "A", Rural "B", Rural "C" and Special Purposes Zone.

* Building Units Plan or Group Title 66/15-10-93

Public Garden and Recreation Space

25. (1) Where land proposed to be subdivided is used for residential, commercial or industrial purposes or will, if the subdivision is effected, be used for residential, commercial or industrial purposes, the Council may require the applicant to either—

- provide land for public garden and recreation space in accordance with clause (2) of this by-law; or
- pay a sum of money to the Council in accordance with clause (3) of this by-law.

(2) Where Council considers that an area of the land to be subdivided should be provided for use as public garden or recreation space or both, the area of land to be provided for such use from the land to be subdivided shall be comprised of land that is a fair average of the type of land to be subdivided and shall be ten (10) per centum of the area of the land to be subdivided.

Provided that where special circumstances of a particular case so require, the Council may require the provision of a lesser area than aforesaid.

(3) Where the Council considers that an area of the land to be subdivided need not be provided for use as public garden or recreation space it may require the applicant to pay and, if it does so, the applicant shall pay to the Council an amount of one hundred dollars (\$100) for each allotment proposed in the plan of subdivision.

Any sum so paid to the Council shall be expended by the Council within a period of three (3) years from the date of payment on any or all of the following works or things to be carried out within the land to be subdivided or within four (4) kilometres from a point that is, as near as may be, the centre point of that land, namely:—

- The acquisition or development (or both) of land for use as public garden or recreation space or both;
- The provision of capital work for the improvement or enlargement of existing public garden or recreation space or both.

The moneys required to be paid to the Council pursuant to the provisions of this clause shall be paid to the Council at the time of lodging with the Council of the certified surveyor's plan of subdivision for endorsement and sealing.

66/15-10-93

Council Engineer's Certificate of Completion of Construction

26. Notwithstanding the receipt by the Council Engineer of a certificate pursuant to the requirements of this Chapter the works which are the subject of such a certificate shall not be deemed to have been executed to the satisfaction of the Council Engineer until he issues to the Shire Clerk a certificate of completion of construction and he shall not issue such certificate of completion of construction until a period of six (6) months has elapsed after receipt of the certificate pursuant to the requirements of this Chapter.

Easements

27. The applicant shall bear the cost of the preparation and of the registration in the Titles Office in favour of the Council of all easements required to be provided by him pursuant to this Chapter. The applicant shall lodge a copy of the easement documents as registered in the Titles Office for retention by the Council.

Power of Entry

28. The Chairman, members or officers of the Council or any of them may enter upon and inspect the land within the proposed subdivision (including the road, drainage, water supply and/or sewerage works) at any time until the plan of subdivision has been approved by the Council.

Road Names

29. (1) An applicant may submit three (3) suggested names for each proposed new road.

(2) Subject to clause (4) of this by-law, the Council may allocate a name submitted by such applicant as the name of a new road, or allocate such other name as it deems appropriate.

(3) Subject to clause (4) of this by-law, the Council may alter the name of a road from time to time.

(4) The Council shall not allocate a name to a road which is then the name of any other road in the area.

(5) The Council as it considers necessary shall supply and erect road names upon roads within the subject land and also at each intersection of a road within the subject land with a road outside the subject land.

(6) The cost of supplying and erecting road names shall be paid to the Council by the applicant.

(7) All signs shall be aluminium reflective type erected on pipe posts to the standard as used by the Council.

Practical Access

30. Where the boundary of the land to be subdivided lies along an existing dedicated road which does not, in the opinion of the Council, give satisfactory access to all proposed allotments, the applicant shall construct works on that section as required by the Council and the provisions of this Chapter.

Fees

31. Any person applying for approval of Council pursuant to this Chapter shall at the time of making such application, pay to the Council the relevant fee as may be fixed by the Council from time to time by resolution.

Execution of Work

32. After a period of two (2) years from the date of notification of approval (or approval subject to conditions) of the application and proposal plan, or such extended period as may be approved by the Council, the approval shall lapse unless the applicant, within such period or such extended

period, as may be approved by the Council, the approval shall lapse unless the applicant, within such period or such extended period, shall either—

- (1) execute to the satisfaction of the Council and in accordance with the condition of approval of work of constructing and draining the roads involved in the proposal and any other works the execution of which is a condition of approval; or
- (2) subject to subsection (7) of section 34 of the Local Government Act, pay to the Council such sum as may be agreed upon with the Council as the cost of executing such work and agree with the Council as to when such work shall be executed by the Council; or
- (3) give to the Council security to its satisfaction that he will execute such work mentioned in clause (1) of this by-law to its satisfaction within such time as may be fixed by the Council.

Electricity

33. The applicant shall be responsible for providing by arrangement with the relevant electric authority, electricity supply to each separate parcel of land in any new sub-division and for the underground reticulation of such supply and shall give the Council, if so required by the Council, proof that he has made such an arrangement provided that in any case in which in the opinion of the Council special circumstances exist it may dispense wholly or in part with the underground reticulation of such electricity supply and/or may agree to pay some or all of the costs of the underground reticulation of such supply. #66 151043

Penalty Clause

34. Any person who contravenes or fails to comply with any by-law of this Chapter shall, unless where otherwise expressly provided, be liable to a penalty not exceeding five hundred dollars (\$500.00); and in the case of a continuing offence to a daily penalty not exceeding fifty dollars (\$50.00) for every day on which such breach is continued after notice of the breach being served on the applicant by the Council.

Certificate

The foregoing resolution was passed on the twenty-third day of December, 1982, at a Special Meeting of the Council of the Shire of Pioneer called for that purpose and the requirements of subsection (27) of section 31 of the Local Government Act 1936-1982 have been complied with in respect of the by-laws the subject of such resolution.

G. S. WHITE, Chairman.

T. P. CHORFON, Shire Clerk.

"Survey Mark Certificate"

34. Where required by the Council, the applicant shall lodge a certificate signed by a licensed surveyor stating that after the completion of all works associated with the subdivision, survey marks were reinstated where necessary and all survey marks are in their correct position in accordance with the plan of survey as of a particular date.

The Certificate shall be in a form prescribed by the Council. The Council shall not endorse and seal the plan of survey until the required certificate has been lodged, or alternatively, where it has sealed the plan of survey prior to the completion of all works, the Council shall withhold the release of securities lodged with it for the due performance of the works until the certificate relating to the survey marks has been submitted.

"Where possible such service should be in a common trench with water supply telephone services in accordance with the provisions of AMCORD." #66 151047