

# **Mackay City Council**

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## **IDAS Consistent Scheme**

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### **Transitional Planning Scheme Provisions**

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21<sup>st</sup> May 1999

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# MACKAY CITY COUNCIL

## TRANSITIONAL PLANNING SCHEME PROVISIONS

### 1. Introduction

#### 1.1 Application of the Planning Scheme

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- (1) This planning scheme has been prepared in accordance with the provisions of the *Local Government (Planning and Environment) Act* and it applies to the whole of Mackay City.
- (2)
  - (a) Towards the end of the plan making process, new State government planning legislation, the *Integrated Planning Act* (IPA), was introduced. With the IPA's commencement at the end of March 1998, the *Local Government (Planning and Environment) Act* was repealed. The IPA allows for planning schemes to continue to be prepared under the repealed Act and to be implemented as transitional planning schemes. This planning scheme is a transitional planning scheme for the purposes of the IPA.
  - (b) Under the IPA, the making, assessing and deciding of all development applications MUST be in accordance with the procedures set out in Chapter 3 of the IPA and called the Integrated Development Assessment System (IDAS) Chapter 6 of the IPA sets out the transitional provisions relevant to interpreting and using transitional planning schemes under IDAS.
  - (c) The transitional provisions of the IPA allow for transitional planning schemes to be amended to achieve consistency with the concepts and terms used for the purposes of the IDAS. Mackay City Council decided to take the opportunity to make its draft new planning scheme IDAS consistent (in accordance with Section 6.1.7 of the IPA) prior to finally adopting it as the City's transitional planning scheme.
- (3) This transitional planning scheme is intended to promote confidence amongst residents, public authorities and developers by providing clear guidelines about future development and use of premises within the City's urban and rural areas.

It aims to encourage orderly and sound growth while having proper regard to issues of environmental quality, community needs and benefits, and choice.

#### 1.2 Contents of the Transitional Planning Scheme

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- (1) This transitional planning scheme consists of the following:
  - (a) A Strategic Plan for the City comprising:
    - (i) a statement of strategic aims and objectives and how they are intended to be achieved; and
    - (ii) a map identifying the preferred dominant land uses and basic infrastructure for the City.

- (b) Planning scheme provisions for the guidance, regulation and administration of development and use of premises.
- (c) Zoning maps;

and it may in the future include:

- (d) Local Area Plans.
- (2) This transitional planning scheme is supported by any transitional planning scheme policies adopted or amended by Council from time to time in accordance with the relevant provisions of the Act.
  - (3) A document titled "The Planning Scheme for Mackay City - Planning Study Report, 1996" has been prepared which summarises the research and information on which this transitional planning scheme is based. The Planning Study Report supports, but does not form part of, this planning scheme and is available for inspection at the offices of the Council and those of the Department of Communication and Information, Local Government and Planning.

### 1.3 Explanation of the Approach of the Transitional Planning Scheme

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- (1) This transitional planning scheme is based on a performance approach to development control. This approach recognises that there are a number of ways in which development and use of premises can meet desired environmental, social and economic standards. In this approach, presenting **what** desired standards need to be met is considered to be equally important as prescribing **how** such standards should be met.
- (2)
  - (a) For the purposes of this transitional planning scheme (including the Strategic Plan, the planning scheme provisions and all Local Area Plans), each significant aspect of development and use of premises (referred to as an "**element**") is given an **objective** which is capable of being achieved by various means. The means by which each objective is to be achieved are included as **performance criteria**.
  - (b) Each development is required to satisfy, for each relevant element, all the **objectives** and **performance criteria** that apply to the particular development.
- (3) Use only of the performance criteria for designing development may, in some cases, be excessively time consuming and/or costly. For this reason, the provisions include **acceptable solutions** which present one means by which the performance criteria can almost certainly be met. These **acceptable solutions** are not mandatory for assessable development, but where not used, the applicant needs to demonstrate, to Council's satisfaction, the acceptability of proposed alternative solutions.
- (4)
  - (a) Each development proposal must demonstrate to the Council's satisfaction that all applicable **objectives** and **performance criteria** will be achieved. In most cases, use of an **acceptable solution** is deemed to be a satisfactory demonstration of compliance. Where other solutions are proposed, the Council must be satisfied that they meet the objectives and performance criteria as well as, or better than, the acceptable solutions.
  - (b) For the Strategic Plan, **acceptable solutions** are not presented. In many cases, compliance with the detailed provisions contained

elsewhere in the planning scheme can be regarded as a satisfactory solution.

- (5) All development carried out after the commencement day must be, to the Council's satisfaction, in accordance with the relevant provisions of:
- (a) the Strategic Plan by:
    - (i) being generally consistent with the **Vision for the Future**;
    - (ii) upholding the **Principles** for development and use of premises;
    - (iii) meeting the applicable Strategic Aims, Strategic Objectives and General Strategies;
    - (iv) being in accordance with the **Statements of Intent** for the applicable Preferred Dominant Land Use Area or Other Land Use; and
    - (v) achieving the applicable **Objectives and Performance Criteria**;
  - (b) the transitional planning scheme provisions by:
    - (i) being in accordance with the **Statement of Intent and Development Requirements** for the zone in which the land is situated as provided for by Part 4.0;
    - (ii) achieving the applicable **Objectives and Performance Criteria** of Part 5.0; and
    - (iii) where lot reconfiguration is involved, achieving the applicable **Objectives and Performance Criteria** of Part 6.0;
  - (c) any applicable Local Area Plan by:
    - (i) being in accordance with the **Statement of Intent** for the Precinct or Development Area in which the land is situated;
    - (ii) achieving the applicable **Objectives and Performance Criteria**; and
    - (iii) being in accordance with any relevant **Development Requirements**;
  - (d) any applicable State Planning Policy or transitional planning scheme policy.

## 2. Interpretation

### 2.1 Preliminary

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- (1) The following definitions have been formulated with a view to:
  - using plain, modern English as much as possible;
  - providing for a minimum number of application types and maximum flexibility i.e., performance based approach;
  - eliminating duplication in the planning scheme;
  - allowing for ease of interpretation and implementation by the public and Council;
  - more appropriately reflecting existing and likely future issues; and
  - promoting an understanding of the planning issues relevant to Mackay City.
- (2) Where any term used in this transitional planning scheme is not defined in this scheme, but is defined by a Local Law, or a relevant Act, the term shall have the meaning given it by that Local Law or Act.
- (3) Where there is any question about the definition of any use or proposed use, the definition of such use shall be as determined by Council having regard to the nature and scale of the use, and its likely impacts on surrounding areas and the environment.
- (4) Where footnotes appear in this transitional planning scheme, they provide explanatory information only and do not form part of the planning scheme. Reference should be made to any source document cited in any footnote for further or better details of the information provided

### 2.2 Administrative Definitions

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- (1) To assist the understanding of the land use definitions contained in Section 2.2 of this part transitional planning scheme, the following administrative terms have the meanings set out below.

"**Access**" means the practicable means of entry of persons and vehicles onto a lot, either existing or proposed, from a road which abuts the frontage of that lot;

"**the Act**" means the *Integrated Planning Act* or subsequent equivalent Act;

"**Ancillary Use**" refers to a use which is associated with, but incidental and subordinate to, another use;

"**Bedroom**" means a room which is used, intended for use, or capable of use as a bedroom;

"**Buffer**" refers to an area, structure or physical feature separating a source of environmental impact from an area or use sensitive to such impact. A buffer area may include public open space where the buffer function is incidental to and compatible with the use of that open space for other



purposes, but shall not otherwise comprise part of any required park contribution;

**"Building Setback"** refers to a line or lines, fixed by Council, parallel to any boundary of a lot beyond which a building shall not encroach;

**"Commencement Day"** means the day upon which the Order in Council notifying that the Governor in Council has approved this planning scheme is published in the *Gazette* or such later day as may be stated in this transitional planning scheme;;

**"Council"** refers to Mackay City Council;

**"Curtilage"** means the area of land appurtenant to a building or other structure;

**"Defined Urban Area"** means land included in any of the following preferred dominant land use areas as depicted on the Strategic Plan Maps:

- Urban Residential
- Higher Density Residential
- Park Residential
- Future Urban
- Commercial Areas
- Major Business and Industry Areas
- Service and Commercial Industry Areas
- Village Areas
- Tourism Areas

**"Development"** has the meaning given to it in the Section 3.3 of this transitional planning scheme;

**"Dwelling Unit"** means habitable rooms and other spaces used or intended for use as a self-contained unit to accommodate one household;

**"Elevation"** means the vertical distance to a point from the horizontal plane known as the Australian Height Datum;

**"Environmental Authority"** means any licence or approval required under the *Environmental Protection Act*;

**"Environmental Harm or Nuisance"**<sup>1</sup>, including "material" or "serious" environmental harm, have the meanings given in the *Environmental Protection Act*;

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<sup>1</sup> The relevant definitions in Sections 14 to 17 of the *Environmental Protection Act* are summarised as follows:

- **"Environmental harm"** is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value.
- **"Environmental harm"** may be caused by an activity -
  - (a) whether the harm is a direct or indirect result of the activity; or
  - (b) whether the harm results from the activity along or from the combined effects of the activity and other activities or factors.
- **"Environmental nuisance"** is unreasonable interference or likely interference with an environmental value caused by -
  - (a) noise, dust, odour, light; or

**"Existing Use"** means the use of any premises for the purpose for which it was lawfully used before the commencement day or for which a development approval was granted before the commencement day if the approval has not lapsed or been revoked;

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

- (a) two or more persons related by blood, marriage or adoption; or
- (b) not more than six persons, not necessarily related by blood, marriage, adoption, etc; or
- (c) not more than six persons under the age of eighteen years and not necessarily related by blood, marriage or adoption and one or two adult persons having the care and control of them; or
- (d) not more than six persons with disabilities permanently occupying a dwelling where care or assistance is or is caused to be provided by other persons provided that the number of any such other persons resident at the dwelling does not exceed two;

either with or without domestic servants;

**"Frontage"** means any boundary line, or part thereof, of a lot which coincides with the alignment of a road.

**"Ground Level"** means, unless the context otherwise requires:

- (a) in a case where any material excavation with respect to the land the ground level whereof is to be determined has been carried out to facilitate the erection of a building or other structure and that building or part thereof is erected at the commencement day, the likely ground level had that building or other structure or part thereof not been erected.
- (b) in a case where, on the land the ground level whereof is to be determined, any material or substance has been deposited so as to raise the level of that land and;
  - (i) that depositing of material or substance was not in contravention of the Planning Scheme or local law; and
  - (ii) that material or substance remains upon the land;the ground level or probable ground level at the date of registration of the title deed for that lot;
- (c) in any other case, that level at the commencement day.

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- (b) an unhealthy, offensive or unsightly condition because of contamination; or
  - (c) another way prescribed by regulation.

- **"Material environmental harm"** is environmental harm (other than environmental nuisance) that is not trivial or negligible in nature, extent or context;
- **"Serious environmental harm"** is environmental harm (other than environmental nuisance) -
  - (a) that causes actual or potential harm to environmental values that is irreversible, of a high impact or widespread; or
  - (b) that causes actual or potential harm to environmental values of an area of high conservation value or special significance.

**"Habitable Room"** means a room that is designed, constructed or adapted for the activities normally associated with domestic living, and for this purpose:

- (a) includes a bedroom, living room, lounge room, music room, television room, kitchen, dining room, sewing room, study, playroom, sunroom, and the like; and
- (b) excludes, in addition to bathrooms, laundries, water closets, and the like, such rooms or spaces as food storage pantries, walk-in wardrobes, corridors, enclosed verandahs, hallways, lobbies, photographic darkrooms, clothes drying rooms and office spaces of a specialised nature occupied neither frequently nor for extended periods;

**"Height"**, in relation to a building or structure, refers to the height of that building or structure measured from the level of the ground as at the commencement day up to the eaves or ceiling of that building or structure;

**"Industrial Activity"** means:

- (a)
  - (i) the making of any article or part of any article; or
  - (ii) the altering, repairing, servicing, ornamenting, finishing, cleaning, washing, freezing, packing or canning, or adapting for sale, of any article; or
  - (iii) the recycling of any material or article involving receiving and processing (other than only any collecting, stripping, sorting, packing, breaking up or demolition, storage and sale or distribution) of such material or article;
  - (iv) the on-site treatment or disposal of waste material; or
  - (v) the storage, whether for sale or not, of any solid, liquid or gaseous fuel; or
  - (vi) any process of scientific or technological research, and
- (b) when conducted on the same site as any of the above activities:
  - (i) the storage of goods or materials used in connection with or resulting from any of the above activities; or
  - (ii) the sale of goods, resulting from such activities; or
  - (iii) any work of administration or accounting in connection with such activities.

**"Integrated Development"** means development of premises which are comprehensively planned, designed and built (either at one time or staged) and which incorporate common and/or related design elements;

**"Minor Development"**:

- (a) includes building work which:
  - (i) will not increase the floor area of an existing building, or
  - (ii) will only increase the floor area of an existing building by less than 10%, or 25 square metres, whichever is the lesser,
- (b) excludes the erection of any building or structure having a height of greater than 7.5 metres;
- (c) excludes reconfiguring a lot to create additional lots;

- (d) excludes an increase in the area of land used for a particular purpose by more than 50 m<sup>2</sup> or 10%, whichever is the lesser;

**"Minor Quantities of Dangerous Goods"** refers to the storage, handling, use or production of dangerous goods as mentioned in the Australian Code for the Transport of Dangerous Goods by Road and Rail (ADG Code), and flammable and combustible liquids, where the quantity of such dangerous goods and liquids on the site of any factory, industrial workshop or warehouse at any one time is less than the following:

- (a) The storage, use or production of dangerous goods included in Classes 1, 2, 4, 5, 6, 8 and 9 of the ADG Code involves:
- (i) quantities less than those specified in the table below:

**TABLE**

<b>Class</b>	<b>Type</b>	<b>Quantity litres/kilograms</b>
Class 1	Explosives	25 kg/litres
Class 2.1	Flammable gases other than LPG	2,000 litres
Class 2.2	Non-flammable gases	20,000 litres
Class 2.2(5)	Non-flammable oxidising gases	2,000 litres
Class 2.3	Poisonous gases	100 litres
Class 4.1	Flammable Solids	
	a) Packaging Group I	250 kg/litres
	b) Packaging Group II	2,000 kg/litres
	c) Packaging Group III	5,000 kg/litres
Class 4.2	Spontaneously combustible solids	
	a) Packaging Group I	125 kg/litres
	b) Packaging Group II	1,000 kg/litres
	c) Packaging Group III	2,500 kg/litres
Class 4.3	Dangerous when wet solids	
	a) Packaging Group I	250 kg/litres
	b) Packaging Group II	2,000 kg/litres
	c) Packaging Group III	5,000 kg/litres
Class 5.1	Oxidising agents	
	a) Packaging Group I	1,250 kg/litres
	b) Packaging Group II	10,000 kg/litres
	c) Packaging Group III	25,000 kg/litres
Class 5.2	Organic Peroxides	
	a) Packaging Group I	125 kg/litres
	b) Packaging Group II	1,000 kg/litres
	c) Packaging Group III	2,500 kg/litres
Class 6.1 (a)	Poisonous substances	
	a) Packaging Group I	250 kg/litres
	b) Packaging Group II	2,000 kg/litres
	c) Packaging Group III	5,000 kg/litres
Class 6.1 (b)	Harmful substances	
	a) Packaging Group I	1,250 kg/litres
	b) Packaging Group II	10,000 kg/litres
	c) Packaging Group III	25,000 kg/litres
Class 6.2	Infectious substances	100 kg/litres
Class 8	Corrosives	
	a) Packaging Group I	1,250 kg/litres
	b) Packaging Group II	10,000 kg/litres
	c) Packaging Group III	25,000 kg/litres
Class 9	Miscellaneous dangerous substances	25,000 kg/litres

- (ii) provided that the aggregate quantity of all such dangerous goods on the site at any one time:

(A) in the case of liquids, does not exceed 50,000 litres;

- (B) in the case of dangerous goods other than liquids, does not exceed 50,000 kilograms; or
  - (C) in the case of both liquids and other dangerous goods, where the total number of litres and kilograms is added together does not exceed 50,000.
- (b) The storage, use or production of liquefied petroleum gas, flammable liquids included in Class 3 of the ADG Code and/or combustible liquids as defined in *Australian Standard 1940 - The Storage and Handling of Flammable and Combustible Liquids*, both as amended from time to time, involves:
- (i) quantities of gas or liquid stored (as indicated by the design capacity of the storage system) or intended to be stored above ground less than the quantities specified in the Table below:

**TABLE**

Class	Type	Quantity
Class 2.1	Liquefied petroleum gas	8,000 litres
Class 3.1	Flammable liquids	2,500 litres
Class 3.2	Flammable liquids	5,000 litres
None Specified	Combustible liquids	10,000 litres

- (ii) provided that the aggregate quantity of all such types of gas and liquid stored or intended to be stored below ground is less than 250,000 litres.
- (c) The storage of any quantity of liquefied petroleum gas and flammable and combustible liquids where the storage is for part of the lawful use of the premises for the purposes of a Public Utility or Service Station.

For the purposes of this definition, "**Packaging group**" is a categorisation of dangerous goods for packaging purposes, recommended by the United Nations Committee of Experts on the Transport of Dangerous Goods, according to the degree of danger they present as follows:

- (a) Great danger - Packaging Group I
- (b) Medium danger - Packaging Group II
- (c) Minor danger - Packaging Group III

"**Plan of Development**" means a plan which has been approved by Council as part of a development approval. This plan shall be referred to in the conditions of such approval, and shall describe the nature, layout and extent of the approved development of the land by way of any map, diagram, section, detail, schedule or drawing;

"**Plot Ratio**" means the ratio between the total floor area of a building and the area of the site upon which the building is located:

"**Regulated Waste**" refers to non-domestic waste mentioned in the Queensland Government's current *Environmental Protection Regulation*;

"**Relocatable Home**" means a Class 1 building under the Building Code of Australia which is:

- (a) constructed away from the site at which it is erected;
- (b) designed to be moved away from one location to another; and

- (c) ordinarily able to be moved within 24 hours of commencement of work associated with the move;

**"the Repealed Act"** means the *Local Government (Planning and Environment) Act 1990*;

**"Rooming Unit"** means any part of a building used or intended for use to accommodate one household but which is not a self-contained unit;

**"Sensitive Receiving Environment"** refers to any of the following:

- (a) land included in:
- a residential zone; or
  - a Particular Development Zone which is designated for any health, education or community care facility.
- (b) an existing lawful use which Council considers has the potential to be significantly adversely affected by a proposed development; or
- (c) any natural, cultural or community place, process, use or facility which Council considers has the potential to be significantly adversely affected by a proposed development;

**"Scheme Maps"** means the maps forming part of this transitional planning scheme, approved by the Governor in Council and signed for identification by the Clerk of the Executive Council, copies of which are open for inspection at the office of the Council and at the office of the chief executive of the Department of Communication and Information Local Government and Planning.

**"Site"** means any land on which development is carried out or is proposed to be carried out whether such land comprises:

- (a) the whole of any one lot, or parcel of land;
- (b) only part of one lot of land;
- (c) more than one lot of land where each such lot is contiguous with the other or another of such lots; or
- (d) conjointly used lands which are not adjoining lands.

**"Site Coverage"** is defined as the largest area of the site occupied by the building at any level projected on to a horizontal plane and is expressed as a percentage of total site area, provided that;

- (a) in the calculation of site coverage, the area of land occupied by the building shall be calculated by measuring along the external perimeter of the building/s including all verandahs/balconies, patios, passageways, staircases, etc;
- (b) on all zones, the percentage of site coverage shall include all ancillary buildings (e.g., restaurants, foyers, reception areas) except where, in the opinion of the Council, such ancillary buildings are considered to be outbuildings (garage, carports, pergolas and the like); and
- (c) for developments where several buildings of different storeys are proposed to be erected on the one site, the site coverage for the entire development will be assessed on the basis of the site coverage requirements specified in the transitional planning scheme provisions as applicable to the tallest structure.

**"Transitional Planning Scheme Area"** includes the whole of Mackay City Council area;

## 2.3 Use Definitions

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- (1) In this planning scheme, unless the context otherwise indicates or requires:

**"Accommodation Units"** means any premises comprising an integrated development of rooming units. The term includes retirement villages, boarding houses, guest houses, hostels, unlicensed hotels, unlicensed residential clubs, serviced rooms, student accommodation, or any similar use, but does not include bed and breakfast accommodation, a caravan park, a dwelling house, an host farm, an hotel, a motel, multiple dwelling units, or any other development comprising only detached dwelling units. For the purposes of calculating equivalent residential density, each rooming unit shall be taken to equal 0.65 of a dwelling unit;

**"Agriculture"** means any premises used for the growing of crops, pastures, flowers, fruit, vegetables and the like on a commercial basis;

**"Airport"** means an authorised public landing area for aircraft, including facilities for the:

- (a) housing, servicing, maintenance and repair of aircraft;
- (b) assembly of passengers or goods prior to, or the dispersal of passengers or goods subsequent to the embarkation, or disembarkation, of such passengers or goods; and
- (c) convenience and refreshment of passengers and their guests;

**"Animal Husbandry"** means any premises used for the keeping, depasturing or stabling of any animal, bee, bird, fish, insect or reptile. The term includes the use of land for animal breeding establishments, holding yards, hatcheries, temporary supplementary feeding of stock and aquaculture. The term does not include the keeping of domestic pets or those classes of husbandry which are separately defined (including a feedlot, kennels, an ostrich/emu farm, a piggery and a poultry farm);

**"Bed and Breakfast Accommodation"** means a dwelling house with the owner living on site which may provide overnight accommodation and meals for tourists or the travelling public on an occasional basis. The term does not include farm stay accommodation as separately defined;

**"Bulk Landscape Supplies"** means any premises used for the sale or distribution of sand, soil, screenings and other such garden materials where such material is received on the site in quantities greater than 3 cubic metres. The term includes the sale of timber logs, sleepers, and other such garden and landscape materials. The term does not include extractive industry, hardware store or plant nursery as separately defined;

**"Bulk Store"** means any premises used for the bulk storage of goods, where the goods stored or to be stored are not required for an industrial or commercial use on the same parcel of land or on adjoining land in the same ownership. The term does not include a warehouse as separately defined;

**"Caravan Park"** means any premises used for the parking and/or siting of caravans for the purpose of providing accommodation. The term includes the use of camping areas and cabins for short term accommodation where such camping areas and cabins are ancillary to the caravan park use. The term also includes any manager's office and residence, any amenity buildings and recreation and entertainment facilities which cater exclusively for the

occupants of the caravan park. The term does not include the use of premises for a relocatable home park which is separately defined;

**"Caretaker's Residence"** means any premises used as a dwelling-unit for a caretaker in connection with a particular purpose on the same site. This term includes a dwelling unit provided for employees who are required to be accommodated on the same site as the particular purpose in which they are employed;

**"Car Repair Workshop"** means any premises used for commercially servicing, repairing or maintaining motor vehicles or motor vehicle equipment, and the like, including engine tuning, engine reconditioning, radiator repairs and panel beating. The term does not include a service station as separately defined;

**"Catering Shop"** means any premises used for preparing and providing **food and drink for sale to the public, and includes but is not limited to, any of the following activities:**

- Cafe
- Espresso Bar
- Fast-food Outlet
- Kiosk
- Milk Bar
- Premises specified in a tavern licence or a limited hotel license or other license issued under the Liquor Act including those requiring an outdoor dining permit
- Restaurant
- Snack Bar
- Take-away Food Shop
- Tea Room or Tea House

**"Cemetery"** means any premises used for the burial of the dead. The term includes any funeral chapel or parlour or columbarium erected on such premises in connection therewith;

**"Child Care Centre"** means any premises used for the minding, education or care, but not residence, of children under school age. The term includes a kindergarten or a creche. The term does not include family day care as separately defined;

**"Commercial Premises"** means any premises used as a business office or for other business or commercial purposes. The term does not include a health centre, a home-based business, a local store, a professional office, a service industry, a shop or a showroom as separately defined;

**"Crematorium"** means any premises used for the reduction of the human body to ashes after death. The term includes any funeral chapel or parlour or columbarium erected on such premises and work in connection therewith;

**"Dependant Accommodation"** means a self-contained unit which:

- (a) is located within or attached to a dwelling house;



- (b) is occupied or intended to be occupied by an aged, infirm or dependant relative of the resident of the dwelling house or the carer of such relative;
- (c) has direct access to the dwelling house; and
- (d) is located in the rural area in accordance with Council's relevant transitional planning scheme policy.

**"Dwelling House"** means a single detached dwelling unit which is sited on one lot and which provides accommodation for a family. The term does not include a caretaker's residence, a caravan or relocatable home, relatives accommodation or a dwelling unit which forms part of a multiple dwelling units or accommodation units premises;

**"Educational Establishment"** means any premises used for a school, college, university, sheltered workshop, art gallery, cultural centre, museum, library, lecture hall, or for any similar activity, i whether or not residential accommodation and ancillary uses are provided for the occupants of such premises;

**"Environmentally Assessable Industry"** means premises used for any industrial activity which:

- (a) requires an environmental license, or
- (b) involves the use, storage, handling or disposal of any radioactive substance or material, or
- (c) otherwise involves dangerous goods in quantities that are not minor.

The term includes the activities of those industries or any similar industry, in the following groups; but does not include any activity carried out for a separately defined purpose:

The term **"Environmentally assessable industry"** is considered to include any of the following activities (where the activity otherwise falls within the definition of such use) or any similar activity:

- (a) Group I - Animal Products Processing, Food Processing and Beverage Production Activities:
  - (i) Meat processing - slaughtering animals for commercially producing meat or meat products for human consumption, or processing or packaging of meat or meat products for human consumption, in works (other than a retail butcher shop) having a design production capacity of 1,000 tonnes or more a year;
  - (ii) Pet, stock or aquaculture food manufacture - commercially manufacturing or processing pet, stock or aquaculture food (other than an abattoir, slaughter house, rendering works or animal glue or gelatine works);
  - (iii) Rendering operations - commercially processing or extracting substances, including, for example, fat, tallow, derivatives of fat or tallow or proteinacious matter, from animal wastes or by-products (other than an operation using wastes solely derived from an activity mentioned in item (ii)) in works having a design production capacity of more than 10 tonnes a year;
  - (iv) Tanning - commercially operating a tannery or works for curing animal skins or hides, or commercially finishing leather;

- (v) Brewing - commercially producing any beer or other alcoholic beverage in works having a design capacity of 400,000 litres or more a year;
  - (vi) Beverage production - commercially producing any non-alcoholic beverage in works having a design capacity of 200,000 litres or more a year;
  - (vii) Edible oil processing - commercial vegetable oil or oilseed processing in works having a design production capacity of 1,000 tonnes or more a year;
  - (viii) Flour milling - commercial processing of grain crops by crushing, grinding, milling, separating or sizing in works having a design production capacity of 1,000 tonnes or more a year;
  - (ix) Milk processing - separating, evaporating or processing milk (other than on a farm) or manufacturing evaporated or condensed milk, cheese, butter, ice cream or other dairy product in works having a design production capacity of 200 tonnes or more a year;
  - (x) Seafood processing - commercially processing seafood, including removing the scales, gills, intestines or shells, filleting, chilling, freezing or packaging seafood in works having a design production capacity of more than 100 tonnes a year;
  - (xi) Smoking, drying or curing works - smoking, drying or curing meat, fish or other edible products by applying heat, smoke or other dehydration method in works (other than a retail butcher shop or chicken outlet) having a design production capacity of 200 tonnes or more a year;
  - (xii) Sugar milling or refining - crushing sugar cane or manufacturing sugar or sugar cane products (such as molasses or cane syrup) from sugar cane;
  - (xiii) Other food processing - processing of any other food, including bottling, canning and packaging food, in works having a design production capacity of 200 tonnes or more a year.
- (b) Group II - Wood and Paper Product Processing Activities:
- (i) Chemical treatment of timber - commercially treating timber for preservation using chemicals, including, for example, copper, chromium, arsenic, borax and creosote;
  - (ii) Saw milling or wood chipping - sawing, cutting, chipping, compressing, milling or machining timber or drying timber in a kiln, in a mill or works having a design production capacity of more than 100 tonnes a year;
  - (iii) Wood product manufacturing - commercially manufacturing or fabricating wood products, including cabinet-making activities, in works having a design production capacity of more than 1 tonne a year;
  - (iv) Pulp or paper manufacture - manufacturing pulp, paper or cardboard in works having a design production capacity of more than 100 tonnes a year;
  - (v) Printing - commercially printing (other than photocopying), magazines and newspapers.

- (c) Group III - Chemical, Coal and Petroleum Products Activities:
- (i) Alcohol distillation - commercially distilling alcohol in works having a design production capacity of more than 2,500 litres a year;
  - (ii) Chemical manufacturing, processing or mixing - manufacturing or processing an inorganic chemical, organic chemical or chemical product, or mixing inorganic chemicals, organic chemicals or chemical products, in a plant or works having a design production capacity of 200 tonnes or more a year;
  - (iii) Chemical storage - storing chemicals (other than petroleum products), including crude oil, ozone depleting substances, gases or dangerous goods under the *Australian Code for the Transport of Dangerous Goods by Road and Rail* in containers having a design storage volume of more than 1,000 cubic metres;
  - (iv) Coke production - producing, quenching, cutting, crushing or grading coke;
  - (v) Gas production - commercially producing gas by any method, including the reforming of hydrocarbon gas;
  - (vi) Paint manufacture - manufacturing paint in works having a design capacity of more than 10,000 litres a year;
  - (vii) Petroleum product storage - storing petroleum products in tanks or containers having a combined total storage capacity of 500,000 litres or more;
  - (viii) Petroleum refining or processing - refining or processing of crude oil, shale oil or gas in works having a design production capacity of 500,000 litres or more a year;
  - (ix) Power station - operating power by consuming fuel at a rated capacity of 10 megawatt electrical or more.
- (d) Group IV - Metal and Fabricated Metal Products Activities:
- (i) Metal foundry - commercially producing metal products by injecting or pouring molten metal into moulds and associated activities, including, for example, handling of sand, producing moulds and grinding, buffing and polishing metal products, in works having a design production capacity of more than 10 tonnes a year;
  - (ii) Metal works - commercially smelting or processing ores or ore concentrates to produce metal in works having a design production capacity of more than 10 tonnes a year;
  - (iii) Mineral processing - commercially processing, classification, mixing or concentration of mineral ores to produce mineral concentrates in works having a design production capacity of more than 1,000 tonnes a year;
  - (iv) Boiler making or engineering - commercial boilermaking, electrical machine manufacturing or construction or assembly of vehicles, agricultural equipment or heavy machinery;
  - (v) Abrasive blasting - commercially cleaning equipment or structures using a stream of abrasives;

- (vi) Metal forming - pressing, forging, extending, extruding or rolling metal, forming metal into plate, wire or rods or fabricating sheet metal;
  - (vii) Metal surface coating - galvanising, anodising or plating metals in works having a design production capacity of more than 1,000 tonnes a year;
  - (viii) Metal finishing - commercial spray painting, powder coating or enamelling metal surfaces.
- (e) Group V - Non-Metallic Mineral Product Manufacturing:
- (i) Asbestos products manufacture - manufacturing an asbestos product;
  - (ii) Asphalt manufacture - manufacturing asphalt;
  - (iii) Cement manufacture - manufacturing cement;
  - (iv) Clay or ceramic products manufacture - manufacturing clay or ceramic products, including bricks, tiles, pipes, pottery goods and refractories, in works having a design production capacity of more than 200 tonnes a year;
  - (v) Concrete batching - commercially producing concrete or producing concrete products by mixing cement, sand, rock, aggregate or other similar materials in works (including mobile works) having a design production capacity of more than 100 tonnes a year;
  - (vi) Glass or glass fibre manufacture - manufacturing glass or glass fibre in works having a design capacity of more than 200 tonnes a year;
  - (vii) Mineral wool or ceramic fibre manufacture - manufacturing mineral wool or ceramic fibre;
  - (viii) Plaster manufacture - manufacturing or processing plaster in works having a design production capacity of 200 tonnes or more a year.
- (f) Group VI - Waste Recycling, Reprocessing and Disposal:
- (i) Battery reprocessing - reprocessing of any kind of batteries;
  - (ii) Chemical or oil recycling - commercially reprocessing used chemicals, oils or solvents to produce saleable products;
  - (iii) Drum reconditioning - commercially reconditioning metal or plastic drums;
  - (iv) Waste tyres - commercially reprocessing tyres (other than retreading tyres);
  - (v) Incineration facility - operating a facility for incinerating:
    - general waste at a rate of more than 5,000 tones a year; or
    - biomedical or quarantine waste; or
    - regulated waste;

- (vi) Regulated waste recycling, reprocessing, storage, treatment or disposal - operating a facility for recycling, reprocessing, storing, treating or disposing of regulated waste;
- (vii) Compost manufacture - commercially storing, processing, drying or composting organic material or wastes, including, for example, animal manures, sludges and domestic waste, for manufacturing soil conditioners or fertilisers in works having a design production capacity of 200 tonnes or more a year.
- (g) Group VII - Miscellaneous Industrial Activities:
  - (i) Tobacco processing - processing tobacco (other than drying tobacco on a tobacco farm) or manufacturing products from tobacco or a tobacco derivative;
  - (ii) Textile operations - commercial carpet manufacturing, wool scouring or carbonising, cotton ginning or milling, or textile bleaching, dyeing or finishing;
  - (iii) Plastic manufacture - commercially manufacturing plastic, blown plastic foam or fibre reinforced plastic products in works having a design production capacity of more than 1 tonne a year;
  - (iv) Tyre manufacturing or retreading - manufacturing or retreading tyres (other than putting grooves in used tyres at a tyre service centre or service station);
  - (v) Battery manufacture - manufacturing batteries of any kind;
  - (vi) Boat building or repair facility - operating a commercial facility for boat building or repairs;
  - (vii) Crushing, milling or grinding - processing products (other than agricultural products and for the purposes of extractive industry), including, for example, uncured rubber and chemicals, by crushing, grinding, milling or separating into different sizes in works having a design production capacity of 5,000 tonnes or more a year;
  - (viii) Fuel burning - any process involving the use of fuel burning equipment, including a standby power generator and dry cleaning equipment (other than single gas fired equipment with a heat input rating of 500 megajoules an hour or less) that is capable of burning (whether alone or in total) 500 kg or more of fuel an hour.

**"Extractive Industry"** means any premises used for commercially winning or treating on or under the land or on adjacent land, gravel, rock, sand, soil, stone, turf or other similar materials. The term does not include mining within the meaning of the *Mineral Resources Act*,

**"Family Day Care"** means that part of a dwelling house used for the reception and minding or care of more than two children, for a day or part of a day, for fee or reward by a person residing on the premises and which is conducted in accordance with the *Family Day Care Regulations*, as amended from time to time;

**"Farm Stay Accommodation"** means any premises used as overnight tourist accommodation, where such accommodation is provided in conjunction with and is ancillary to bona fide rural farming activities being conducted upon the same site. The term does not include accommodation units, bed and breakfast accommodation, a caravan park, a dual occupancy,

a hotel, a motel, multiple dwelling units or a relocatable home park as separately defined;

**"Feedlot"** means any premises used for the keeping of cattle where such animals are sustained on prepared or manufactured fodder except for drought or other emergency feeding. The term includes cattle feedlots within the meaning of the *Stock Act*;

**"Forestry"** means any premises used for the planting, growing and harvesting of trees as a commercial venture. The term does not include a State Forest within the meaning of the *Forestry Act* or logging;

**"General Industry"** means any premises used for any industrial activity which is not separately defined;

**"Hardware Store"** means any premises used for display and sale, by retail, of any of the articles listed below and includes any space used for ancillary storage of articles for sale or hire:

- Building supplies
- Domestic hardware
- Fence post and palings
- Plumbing supplies
- Sand and/or gravel in small quantities
- Sawn timber
- Solid fuel
- Stock feed
- Veterinary supplies

**"Health Centre"** means any premises used as a maternal and child welfare centre, an x-ray centre or a district clinic, or for the providing of professional services of a physiotherapist, medical practitioner, dentist, psychiatrist, or chiropractor or for other approved health services. The term does not include a hospital as separately defined;

**"Home-Based Business"** means an occupation or profession carried on, in, under or within the curtilage of a dwelling house, by a resident of the dwelling house where such occupation or profession is wholly or substantially carried on at or from such premises;

**"Hospital"** means any premises used as a hospital, sanatorium, nursing home, or home for infirm, incurable or convalescent persons, including buildings and other structures associated with such use;

**"Hotel"** means any premises used for the sale of liquor for consumption on the premises, whether or not the premises are also used for:

- the sale of liquor for consumption elsewhere, and/or
- facilities for dining, dancing and similar entertainments, and/or
- overnight accommodation.

**"Indoor entertainment"** means any premises used or intended for use for any sporting or other recreational activity or leisure pastime which is

conducted wholly or mainly indoors. The term includes the following activities or any similar activity:

- Amusement parlour or centre
- Art gallery
- Billiard saloon
- Bowling centre or indoor bowls
- Cinema
- Circus (indoor)
- Club (non-residential) (licensed or unlicensed)
- Commercial or community swimming pool (indoor)
- Concert hall
- Convention venue
- Court or rink (indoor) other than for private/domestic use
- Dance hall
- Gymnasium
- Meeting hall (other than places of worship)
- Music hall
- Premises specified in a Cabaret Licence issued under the *Liquor Act* (including night clubs)
- School of art
- Side show (indoor)
- Skating rink (indoor)
- Sound lounge
- Squash court
- Stadium (indoor)
- Theatre (indoor)
- Youth centre.

The term does not include a clubhouse or ancillary building used in association with an outdoor entertainment or park as separately defined;

**"Institution"** means any premises used as:

- (a) an institution for the care, treatment and/or accommodation of the mentally ill;
- (b) a penal institution, a reformatory, a prison or any other institution for the reform or training of persons committed thereto by a Court; or
- (c) an orphanage; or
- (d) any other similar institution;

**"Junk Yard"** means any premises used for 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;

**"Kennels"** means any premises used for the breeding or boarding of dogs or cats or both, for commercial gain, subject to compliance with Council's relevant local laws and policies;

**"Local Community Facility"** means any premises used for social welfare purposes, counselling, the provision of community advice or instruction or the like. The term does not include an institution as separately defined or any business or commercial operation which is separately defined;

**"Local Store"** means any premises used for the display and sale by retail of food and groceries where:

- (i) the gross floor area so used is not greater than 200 square metres; and
- (ii) the premises are not so used before 6.00 am nor after 9.00 pm on any day, except for ancillary storage, maintenance or security surveillance.

The term includes the use of premises for ancillary storage or any other ancillary purpose including preparation of food, sale of newspapers, books and magazines and other similar articles;

**"Local Utility"** means any premises used by a government, semi-government, statutory or local authority in the course of a minor public utility undertaking relating to the provision of water supply, sewerage, electricity, gas, telecommunications, transport or drainage services where these activities involve the following:

- (a) telecommunication facilities which are determined to be "low impact" as defined for the purposes of the *Telecommunications Act*; or
- (b) otherwise:
  - (i) the construction or use of any building or other structure having a floor area of not greater than 50 m<sup>2</sup> or a height greater than 5 metres, or
  - (ii) the use of land of not more than 800 m<sup>2</sup> in area;

**"Logging"** means any premises used for the harvesting of naturally grown trees as a commercial venture. The term does not include agriculture or forestry as separately defined;

**"Major Industry"** means any premises used for an industry which is prescribed by the *State Development and Public Works Organisation Act*, is the subject of a special Act of Parliament, or is the subject of a development agreement with the Queensland Government;

**"Maritime Services"** means any premises used for any industry or activity of a maritime nature other than aquaculture or an Environmentally assessable industry as separately defined. The term includes the use of premises for any of the following activities:

- Boat building
- Boat hire/charter offices
- Drydock facilities
- Marina
- Marine engineering, maintenance and repairing



- Oceanarium
- Ships chandler
- Warehouses associated with waterfront activities
- Wharves, docks and moorings;

**"Motel"** means any premises used for the temporary accommodation of travellers, where such accommodation is provided in serviced guest rooms or suites each containing its own ablution facilities but not being self-contained in terms of food preparation and laundry areas. The term includes a self-contained manager's residence and office, dining room and facilities for the provision of meals to such travellers. Dining facilities which are open for patronage by the general public as well as travellers are not included. For the purposes of calculating equivalent residential density, a motel room/suite shall be taken to equal 0.65 of a dwelling unit;

**"Multiple Dwelling Units"** means any premises used for two or more dwelling units on any one lot ;

**"Off-Street Car Park"** means any premises used solely for the temporary parking or temporary storage of motor vehicles;

**"Ostrich/Emu Farm"** means premises used for the keeping, breeding, depasturing, feeding and/or watering of ostriches and/or emus;

**"Outdoor Entertainment"** means any premises used for any sporting or recreational activity, or other leisure pastime, which is conducted wholly or mainly outdoors. The term includes the following activities or any similar activity, and the term also includes the provision of clubhouse and other ancillary facilities, but does not include a park as separately defined:

- Circus (outdoor)
- Commercial or community swimming pool (outdoor)
- Coursing track
- Court or rink (outdoor) other than for private/domestic use
- Cycling track
- Drive-in theatre
- Exhibition
- Fair
- Golf driving or archery range
- Golf putting course
- Model car, boat or aeroplane operation
- Race track
- Riding school (excluding stabling)
- Showground
- Side Show (outdoor)
- Speedway
- Stadium (outdoor)

- Theatre (outdoor)
- Trotting track
- Zoo;

**"Outdoor Sales Premises"** means any premises used for the display and retail sale of such goods as agricultural equipment, boats, caravans, large machinery, motor vehicles, modular swimming pools, trucks and trailers, in a predominantly outdoor setting. The term includes an ancillary office, servicing area and the ancillary indoor display and retail sale of goods. The term does not include bulk landscape supplies, machinery showroom, plant nursery, roadside stall or showroom as separately defined;

**"Park"** means the use for conservation or recreational purposes of land which is normally open to the public with or without charge and includes any vehicle parking areas associated therewith. The term includes a children's playground and a sports field or outdoor court;

**"Piggery"** means any premises used for the keeping, pasturing, feeding or watering of pigs;

**"Place of Worship"** means any premises used primarily for the public religious activities of a religious organisation, community or association. The term does not include an educational establishment as separately defined;

**"Plant Nursery"** means any premises used for the propagation and sale by retail of plants, shrubs and trees suitable for use in gardening or landscaping. The term includes the ancillary use of such premises for the sale, displaying or offering for sale of any one or more of the following where suitable for use in gardening or landscaping:

- seeds or other propagative plant material;
- landscaping materials where such material is stored in bins in quantities of less than 3 cubic metres and received in quantities not exceeding 1 cubic metre;
- garden tools or equipment, where no such tool or item of equipment has a motor of more than 1 kW.

The term does not include bulk landscape supplies, a hardware store or extractive industry as separately defined, or the storage, servicing or maintenance of vehicles, plant or equipment used in the business of a landscaping contractor. The term also does not include the use of any earthmoving machinery in conjunction with the business;

**"Poultry Farm"** means any premises used for the keeping of poultry. The term "poultry" means any fowl, duck, goose, turkey or the young thereof;

**"Professional Office"** means any premises used for the provision of services from any professional person(s), including but not limited to, accountants, architects, artists, computer programmers/technicians, drafters, engineers, graphic designers, landscape architects, lawyers, photographers, surveyors and town planners;

**"Public Utility"** means any premises used for the purposes of any major utility installation or undertaking for:

- the public supply of water, hydraulic power, telecommunications, electricity or gas;

- (b) the provision to the public of telephone services or sewerage or drainage works;
- (c) public transport services operated by a public authority, including a statutory corporation.

The term does not include a local utility or major industry as separately defined;

**"Relocatable Home Park"** means any premises used for the parking or location thereon of two or more relocatable homes for the purpose of providing residential accommodation. The term includes ancillary amenities buildings, a kiosk and recreational facilities where maintained for the use of patrons of the relocatable home village. The term does not include a caravan park or a motel as separately defined;

**"Roadside Stall"** means any premises which fronts a road and which is for the display and sale to the public of rural produce where the adjoining land is used for rural purposes;

**"Rural Storage Building"** means any building used for the storage of farm implements or produce for the farm on which it is located. The term does not include a stable as separately defined;

**"Rural Service Industry"** means any premises used for handling, treating, processing, packing or distributing primary products and includes the servicing in a workshop of plant and equipment used or intended for use for rural purposes in the locality;

**"Seaport"** means a seaport for which the Mackay Port Authority is responsible including the following facilities:

- (a) mooring, servicing, maintenance and repair of vessels;
- (b) loading and unloading facilities for goods and passengers;
- (c) infrastructure facilities for vessels including petroleum based products;
- (d) equipment used for navigation purposes; and
- (e) pilotage services.

**"Service industry"** means premises used for any small-scale industrial activity which:

- (a) occupies not more than 450 square metres of gross floor area; and
- (b) otherwise has no or little potential to cause material or serious environmental harm or nuisance; and
- (c) involves no dangerous goods, or only minor quantities of dangerous goods.

The term includes the following activities or any similar activity:

- (a) making any of the following:
  - dental prostheses
  - fashion accessories
  - flags and pennants
  - footwear
  - garments
  - jewellery

- millinery
  - optical goods (being spectacles and the like)
  - rubber stamps
  - soft furnishings
  - toys
  - trophies
- (b) assembling any of the following from components manufactured elsewhere:
- aids and appliances for the disabled
  - audio-visual equipment and computers or computer equipment
  - barbecues
  - bicycles (not motorised)
  - blinds
  - camera and other portable photographic equipment
  - clocks and watches
  - furniture
  - musical instruments
  - portable domestic electrical appliances
  - portable domestic lighting, fittings and accessories
  - portable office machinery and equipment
  - power tools
  - recording and sound equipment
  - scientific and electronic instruments and equipment
  - sewing machines
  - sports equipment (other than ammunition, vehicles and water craft)
  - television and video equipment
  - umbrellas
- (c) repairing or servicing any of the following:
- any goods mentioned in (a) or (b) above
  - drawing or writing instruments
  - leather goods
  - mowers (including motor mowers and portable gardening equipment)
  - travel goods
- (d) providing any of the following services:
- book-binding
  - document duplicating or copying
  - engraving (by hand)
  - laboratory facilities
  - locksmith services
  - photocopying
  - photographic film processing

- photographic plate-making, sing-making and similar processes
- picture framing
- plan printing
- restoration of small articles of a personal or domestic nature (other than furniture), or works of art
- studio facilities;

whether or not goods are made, made in part, repaired or finished only for sale on the site, or the premises are used only for the receipt or return of goods to be serviced, cleaned, altered or repaired.

**"Service Station"** means any premises used 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 activities, namely:

- (a) The sale by retail of:
  - (i) lubricating oils and greases; or
  - (ii) batteries and/or tyres ; or
  - (iii) accessories and other things associated with vehicles motivated by internal combustion engines; or
  - (iv) power and lighting kerosenes; or
  - (v) goods for the comfort and convenience of travellers by motor vehicles;
  - (vi) other products manufactured or distributed by oil companies and motor accessory manufacturers;
- (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 compressed 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 re-delivery 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 four hours; or
  - (ix) The washing of motor vehicles;
- (c) The rendering of minor services incidental to any of the foregoing;
- (d) The hiring of equipment on a small scale basis for domestic gardening purposes;

**"Shop"** means any premises used for the display and sale of goods to the public, and for a hairdressing salon, a barber's shop and a video outlet, but does not include any separately defined purpose;

**"Shopping Centre"** means any premises, comprising one or more buildings in the form of an integrated development established in a coordinated manner and which has a gross floor area of not less than 200 m<sup>2</sup>, which is used predominantly for a shop or shops, together with any one or more of the following business premises:

- Catering shop
- Commercial premises
- Indoor entertainment
- Health centre
- Professional office
- Service industry (having a gross floor area of not more than 100 square metres)
- Showroom;

**"Shopping Complex"** means any shopping centre premises, having a gross floor area of not less than 30 000 m<sup>2</sup>;

**"Showroom - Agricultural"** means any premises used for the display and sale by retail and servicing of implements or machines used for any purpose in agriculture;

**"Showroom - General"** means any premises used for the display and sale to the public of goods of a bulky nature where the activity is conducted primarily indoors and where the gross floor area is greater than 250 m<sup>2</sup>. The term includes but is not limited to the display and sale of such articles as carpet, caterer's supplies, electrical goods, homewares, furniture, liquor and wines, motor parts, produce and textiles. The term does not include a showroom-machinery, an outdoor sales premises, or a shop as separately defined;

**"Showroom - Machinery"** means any premises used for the display and sale by retail of motor vehicles, caravans and/or boats and their accessories. The term includes, when carried out in conjunction with such display or sale, the servicing of any such item sold from the site, and the storage for sale purposes of any petroleum products. The term does not include a service station, other showrooms or a car repair workshop as separately defined herein;

**"Special Purpose"** means any premises used for any of the following activities; but term does not include a local utility, major industry, park or a public utility as separately defined:

- Ambulance station
- Community hall/centre
- Fire brigade
- Local, State and Federal government offices
- Public purposes not otherwise defined
- Senior Citizens Centre
- State Emergency Services depot

- Statutory authority purposes not otherwise defined
- Welfare premises not otherwise defined;

**"Sport and Recreation"** means any premises used for any of the following activities, or any similar activities and includes any associated club-house or ancillary buildings:

- Archery
- Athletics
- Baseball
- Basketball
- Boating
- Cricket
- Football
- Golf
- Hockey
- Lacrosse
- Netball
- Rowing, sailing and yachting
- Softball
- Tennis
- Vigoro;

**"Stable"** means any premises, not being solely land, used for the stabling or keeping of a horse or horses including 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 horses. The term includes a roofed yard;

**"Stockyard"** means any premises used for the holding of livestock for commercial purposes. The term includes a public livestock market but does not include a rural building as separately defined;

**"Tourist Facility"** means any premises used for any activity designed to primarily attract tourists whether or not such activity is associated with accommodation facilities for tourists. The term tourist facility shall be followed by a second term describing the type of tourist facility and this combination of terms shall describe the use;

**"Transport Depot"** means any premises used for the overnight storing of buses, taxis or other road transport vehicles, including freight. The term includes the servicing of such vehicles on the premises, and any office premises used in the conduct of such business whether on or not on the same site as the storage premises;

**"Transport Terminal"** means any premises used for a road transport passenger terminal, a water transport passenger terminal, air transport passenger terminal, a bus station or heliport. The term does not include a transport depot as separately defined;

**"Vehicle Hire Premises"** means any premises used for the hiring of motor cars, trucks, motorcycles, mopeds, boats or other registered vehicles. The term includes facilities for cleaning, servicing and making minor repairs to the machinery available for hire;

**"Veterinary Hospital"** means any premises used for or in connection with the treatment of sick or injured animals where such animals are accommodated overnight or for longer periods in premises constructed of soundproof materials. The term does not include animal husbandry as separately defined;

**"Warehouse"** means any premises used for the storage of goods, merchandise or materials in large stocks pending their distribution or sale for the purposes of resale only.



### 3. Development and Use of Premises

#### 3.1 Division of the City into Zones

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- (1) For the purposes of this transitional planning scheme, the City is divided into zones. The zones are shown on the scheme maps.
- (2) The division of the City into zones recognises that the City has areas with differing character and role. The zoning of land is intended:
  - (a) to facilitate the achievement of the Strategic Plan;
  - (b) to recognise that within each different part of the City:
    - (i) a compatible mix of land uses is desired, as mainly expressed in the Statement of Intent and Table of Development Assessment for each zone; and
    - (ii) development and the use of premises is to be managed to achieve high standards and to avoid unacceptable levels of adverse impact, generally through compliance with the relevant development requirements and criteria; and
  - (c) to assist the provision of necessary public infrastructure and community services.
- (3) The zones into which the City is divided are as follows:

<b>Zone Name</b>	<b>Colour as shown on the Scheme Maps</b>
Rural	Light Brown
Rural Residential	Brown
Park Residential	Orange
Urban Residential	Pink
Higher Density Residential	Red
Central Business	Blue
Commercial	Light Mid Blue
Local Business	Light Blue Hatch
Light Industry	Light Purple
General Industry	Purple
Open Space	Green
Particular Development	Yellow with Black Lettering
Comprehensive Development	Red Hatch

- (4) Regardless of the contents of any planning scheme map, any land comprising:
  - (a) opened or dedicated roads;
  - (b) parts of any river, creek or stream; and
  - (c) Crown Land in the right of the Commonwealth of Australia;is land not included in any zone<sup>2</sup>

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<sup>2</sup> The assessment categories specified in Schedule 8 of the Act still apply to development of any such unzoned land.

## 3.2 Existing Uses and Approved Development

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- (1) In accordance with the relevant provisions of the Act, an existing lawful use of any premises may continue.
- (2) The right to develop in accordance with any approval granted but not exercised prior to the commencement day may be exercised in accordance with the relevant provisions of the Act.

## 3.3 Development After the Commencement Day

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- (1) This transitional planning scheme deals with the following aspects of development<sup>3</sup>:
  - (a) making a material change of use,
  - (b) reconfiguring a lot, and
  - (c) the layout, siting and design (but not the structural or other technical aspects) of:
    - (i) building work;
    - (ii) operational work, and
    - (iii) drainage work.
- (2) (a) Within the City, development assessment and approval shall be as described in Chapters 3 and 6 of the Act.
  - (b) For assessment purposes, development may be:

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<sup>3</sup> In summary the Act defines:

- (a) **“material change of use”** as -
  - the start of a new use of the premises; or
  - the re-establishment on the premises of a use that has been abandoned; or
  - a material change in the intensity or scale of the use of the premises;
- (b) **“reconfiguring a lot”** as -
  - creating lots by subdividing another lot; or
  - amalgamating 2 or more lots; or
  - rearranging the boundaries of a lot; or
  - dividing land into parts by agreement (other than a lease for a term not exceeding 10 years); or
  - creating an easement giving access to a lot from a constructed road;
- (c) **“building work”** as -
  - building, repairing, altering, underpinning, moving or demolishing a building or other structure; or
  - excavating or filling that is incidental to the main work on the building or other structure; or
  - excavating or filling that may adversely affect the stability of the building or other structure;
- (d) **“operational work”** as -
  - extracting gravel, rock, sand or soil from the place where it occurs naturally; or
  - planting trees or other works for an ongoing forestry business (whether in a native forest or a plantation); or
  - excavating or filling that materially affects premises or their use; or
  - placing an advertising device on premises; or
  - undertaking work (other than destroying or removing vegetation) in, on, over or under premises that materially affects premises or their use;but does not include building, drainage or plumbing work.
- (e) **“drainage work”** as installing, repairing, altering or removing -
  - a sanitary drain for carrying sewage from sanitary plumbing to a sewer, or on-site sewerage system; or
  - a property sewer; or
  - an on-site sewerage system, including a common effluent drain

- **exempt** - for which a development permit is not necessary and which need not comply with any code or this transitional planning scheme;
  - **self-assessable** - for which a development permit is not necessary but which must comply with the standards and requirements of this transitional planning scheme applying to that development, and, if building work, the Standard Building Regulations;
  - **assessable requiring code assessment** - for which a development permit is necessary and which is subject to assessment of the matters referred to in Section 6.1.29(3) of the Act; or
  - **assessable requiring impact assessment** - for which a development permit and public notification are necessary and which is subject to assessment of the matters referred to in Section 6.1.29(3) of the Act.
- (3) The following is **exempt development** throughout the City:
- (a) Development specified as “exempt” in part 3, schedule 8 of the Act.<sup>4</sup>
  - (b) Development of public housing in accordance with part 6, chapter 5 of the Act.
  - (c) Development specified as “exempt” in a preliminary approval.
  - (d) Development which is not assessable development requiring use of the impact assessment process and to which no standards or requirements of this transitional planning scheme or any codes are applicable.
- (4) (a) Subject to the other provisions of this part, development being material change of use to which this transitional planning scheme applies is assessable development using the impact assessment process, except:
- (i) in the circumstances described in the relevant Tables of Development Assessment in Part 4 of this transitional planning scheme; or

<sup>4</sup> In summary, part 3 of Schedule 8 of the Act provides for the following to be “exempt” development:

- (1) Material change of use or operational work for an activity authorised under the *Mineral Resources Act 1989*, including the various mine-specific agreement acts, the *Petroleum Act 1923* (other than in relation to oil refineries) and the *Petroleum (Submerged Lands) Act 1982*.
- (2) Building work declared under the Standard Building Regulation to be exempt development.
- (3) Material change of use for a Class 1 or Class 2 building under the Building Code of Australia, if the use is for providing specified short term crisis accommodation.
- (4) Operational work associated with:
  - (a) management practices for the conduct of an agricultural use; and
  - (b) weed control, pest control, fire hazard reduction and the conservation or restoration of natural areas; and
  - (c) the use of premises for forestry.
- (5) Reconfiguring a lot other than a lot within the meaning of the *Land Title Act 1994*.
- (6) Reconfiguring a lot under the *Land Title Act 1994*, if the plan of subdivision:
  - (a) is a building format plan that does not subdivide land on or below the surface of the land; or
  - (b) under the *Land Title Act 1994*, section 50(g), does not require the approval of a local government; or
  - (c) is in relation to the acquisition of land for a purpose set out in the *Acquisition of Land Act 1967*, schedule 2.
- (7) Development a person is directed to carry out under a notice, order or direction made under a State law.
- (8) Operational work or plumbing or drainage work (including maintenance or repair work) if the work is carried out by or on behalf of a public sector entity authorised under a State law to carry out the work.
- (9) Operational work that is digging or boring into land by an authorised person under the *Coastal Protection and Management Act 1995*, section 70.
- (10) Certain operational works carried out under the *Transport Infrastructure Act 1994*.

- (ii) where specified as “assessable” or “self-assessable” in parts 1 and 2 of Schedule 8 of the Act,<sup>5</sup> or
  - (iii) where specified as “self-assessable” or “assessable using the code assessment process” in a preliminary approval.
- (b) (i) Where an application for development is subject to the impact assessment process, the application shall be assessed and decided as if the development required town planning consent under the repealed Act where:
- (A) the development is in relation to a purpose specified in Column 1 of a relevant Table of Development Assessment in circumstances described in Column 3 of the Table; or
  - (B) the development is referred to in Sections 3.5 or 3.6 of this transitional planning scheme; or
  - (C) the development is specified in a preliminary approval as requiring assessment using the impact assessment process.
- (ii) Otherwise, the application shall be assessed and decided as if the development required an amendment to the planning scheme under the repealed Act.
- (5) (a) Subject to the other provisions of this part and Schedule 8 of the Act, development being reconfiguring a lot and any associated operational work, is assessable development requiring use of the code assessment process.
- (b) Except that where development is reconfiguring a lot to create one or more additional lots, and that development is assessable but not consistent with the intent of the applicable zone, the impact assessment process shall be used as if an amendment to the planning scheme was required under the repealed Act.

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<sup>5</sup> (1) Part 1 of Schedule 8 of the Act provides for the following to be “assessable” development:

- (a) Making a material change of the use of premises (other than a material change in the character, intensity or scale of the use of the premises):
  - if the premises is a registered place under the *Queensland Heritage Act 1992*; or
  - within a harbour; or
  - on strategic port land under the *Transport Infrastructure Act 1994*; or
  - for a piggery, beef cattle lot feeding enterprise, or any noxious industry or land use within a catchment area under the *Water Resources Act 1989*; or
  - prescribed under a regulation as requiring assessment in relation to contaminated land.
- (b) Development prescribed under a regulation under the Environmental Protection Act 1994 for carrying out an environmentally relevant activity under that Act.

(2) No material change of use is presently specified as “self-assessable” in part 2 of Schedule 8 of the Act.

(3) Part 2 of Schedule 8 of the Act provides for the following to be “self-assessable” work:

- (a) Building work in relation to a Class 10 building under the Building Code of Australia, part A3 (other than “exempt” building work) that is:
  - i. a greenhouse, pergola, gazebo, shed or the like; or
  - ii. a fence, other than swimming pool fencing required to be constructed by the Building Act 1975, part 4B; or
  - iii. a non-load bearing aerial, antenna, flagpole, mast or tower, that is:
    - (A) not more than 10 m high if it is detached from a building, or
    - (B) not more than 2.5 m high if it is attached to a building,
 except in:
    - a designated landscape area under the *Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987*; or
    - a registered place under the *Queensland Heritage Act 1992*.
- (b) Building work carried out by or on behalf of the State, a public sector entity or a local government

- (6) Subject to the other provisions of this Part and Schedule 8 of the Act, to the extent that this transitional planning scheme applies to it, development which is building work, operational work or drainage work is self-assessable except where involving:
- (a) building work:
    - (i) on land having slopes generally greater than 1 in 5 (20%), or
    - (ii) relating to any part of a Dwelling house above a height of 7.5 m on land in a Rural Residential, Park Residential or Urban Residential Zone, or
    - (iii) relating to a Dwelling house on a lot less than 450 m<sup>2</sup> in area, or
    - (iv) which will result in additional habitable floor space on land situated within the area of influence of the Mackay Airport, or within the City Entry Corridors; or
  - (b) operational work being:
    - (i) the excavation or filling of land, to a depth of more than 200 mm, which is on a site in, or within one kilometre of a defined urban area and is not part of other approved development, or
    - (ii) engineering works for vehicle access, movement and parking on premises, or
    - (iii) landscaping, or
    - (iv) the installation of outdoor lighting (other than for domestic purposes) within the area of influence of the Mackay Airport; or
  - (c) drainage work being the installation of an on-site effluent treatment and disposal system;

in which case the development is assessable using the code assessment process.

- (7) (a) Council will only approve an application for assessable development requiring use of the impact assessment process where it is satisfied that there are sufficient planning grounds to justify approval, including a need by the community for the development for which approval is being sought, and compliance with the relevant provisions of this transitional planning scheme (including the Strategic Plan and any applicable Local Area Plans).
- (b) Council intends that development proposals should:
- (i) contribute to the achievement of the Strategic Plan or be otherwise consistent with the Strategic Plan;
  - (ii) accord with Council's transitional Planning Scheme Policy dealing with Sequencing of Development or satisfy Council with respect to arrangements relating to the provision of infrastructure/services for the proposed development;
  - (iii) be in the public or community interest;
  - (iv) achieve outcomes which Council considers are desirable in terms of public/community benefits/need, notwithstanding that the nature and/or scale of a particular proposal may not be consistent with the intent of the existing zoning of the land.

- (c) Council will assess and decide applications for assessable development having regard to the relevant matters specified in Section 7.4 of this transitional planning scheme.
- (8) Where any provision of a Local Area Plan is not consistent with the provisions of the transitional planning scheme, that provision shall take precedence over the relevant transitional planning scheme provisions in the area subject to the Local Area Plan.

### 3.4 Development Subject to Other Legislation<sup>6</sup>

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- (1) Material change of use for the purposes of a mixed use development in accordance with a Scheme approved under the provisions of the *Mixed Use Development Act*, is deemed by that Act to be exempt development under this transitional planning scheme;
- (2) Subject to the provisions of the *Queensland Heritage Act*, the Council may relax, vary or dispense with any requirements of this transitional planning scheme applying to development where the Council is satisfied that the development:
  - (a) is in relation to a building or place having historic, cultural or environmental significance; and
  - (b) would facilitate the conservation of the building or place, and the retention of its historic, cultural or environmental significance; and
  - (c) is for a purpose or a use which the Council considers would not cause unreasonable detriment to the amenity of the surrounding area.

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<sup>6</sup> Other Queensland and Commonwealth legislation current at the commencement day which may have relevance to a development proposal includes:

Body Corporate and Community Management Act (1997)  
Carriage of Dangerous Good Act (1984)  
Chemical Usage (Agricultural and Veterinary) Control Act (1988)  
Coastal Protection and Management Act (1995)  
Cultural Record (Landscapes Queensland and Queensland Estate) Act (1987)  
Dangerous Goods Act (1985)  
Environmental Protection Act (1994)  
Fisheries Act (1994)  
Forestry Act (1959)  
Hazardous Substances (Chlorofluorocarbons and Other Ozone Layer Depleting Substances) Regulation Act (1988)  
Health Act (1937)  
Integrated Planning Act (1997)  
Local Government (Planning and Environment) Act (1990)  
Marine Parks Act (1982)  
Mineral Resources Act (1992)  
Nature Conservation Act (1992)  
Native Title Act (1993) (Commonwealth)  
Pollution of Waters by Oil and Noxious Substances Act (1986)  
Queensland Marine (Sea Dumping) Act (1985)  
Rural Lands Protection Act (1985)  
State Development and Public Works Organisation Act (1971)  
Transport Infrastructure Act (1994)  
Water Resources Act (1989)

### 3.5 Heritage Conservation

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- (1) (a) In recognition of the contribution made by the existing building stock and the streets of the City to the character and feel of Mackay, Council requires that such buildings and streets be retained.
- (b) In order for Council to exercise some control over the retention of the City's heritage buildings/places, the demolition or removal of such buildings:
- (i) within the precincts indicated on any Council Heritage Regulatory Map; and
  - (ii) elsewhere in the City where the building is a recognised "Place of Environmental or Heritage Interest";
- is assessable using the code assessment process where minor development is proposed, or assessable using the impact assessment process (as if the development required town planning consent under the repealed Act) otherwise.
- (2) (a) Any development involving a place of heritage interest, immediately adjacent to a place of heritage interest or within a recognised heritage precinct, should:
- (i) be compatible with the existing character of the locality with respect to siting, scale, form, design, landscaping and use of external materials;
  - (ii) not obscure the appearance or prominence of an existing place of heritage interest when viewed from adjacent streets or other public or semi-public spaces, nor interrupt important vistas to such a building;
  - (iii) not have buildings or other major structures sited between a place of heritage interest and its street frontage;
  - (iv) ensure that new buildings are setback from the street such that the prominence of the place of heritage interest is not compromised;
  - (v) ensure that ancillary buildings are sited and designed in a complementary manner;
  - (vi) ensure that the design and carrying out of new development occurs with minimal disturbance to the original fabric of the place of heritage interest as much as is reasonably practicable; and
  - (vii) maintain the pattern or "grain" of the original layout of lots, buildings or other structures on the site.
- (b) Where premises are proposed to be developed in a residential heritage precinct, the development site should be limited to a maximum area of 4 000m<sup>2</sup>.
- (c) Retention and recycling of the front facade only of places of heritage interest should be avoided in favour of recycling all of the building.

- (d) Where alterations and/or additions are proposed to places of heritage interest they should:
- (i) provide a sensitive visual distinction between the original building and the new work;
  - (ii) maintain the visual prominence of the original building fabric; and
  - (iii) ensure mechanical plant and other new services, make minimal impact on the appearance and integrity of the building.
- (e) In circumstances where the conservation of places of heritage interest is not reasonably possible, it is desirable that replacement premises incorporate appropriately presented signs and interpretive material in public or semi-public areas recording the significance of such buildings or places.
- (3) (a) Buildings in the precincts identified on Council's Heritage Regulatory Map to which the provisions of this section apply, are those which are recognised "Places of Environmental or Heritage Interest".
- (b) An application for a development permit for demolition or removal of a building of interest.

will generally be granted where Council is of the opinion that:

- (i) the demolition is unlikely to have any significant adverse effect on the heritage significance or appearance of the building from the street; or
  - (ii) the existing building:
    - is of no heritage significance; and/or
    - is not important to the visual character of the local streetscape; or
  - (iii) the existing building is structurally unsound.
- (c) An application for a development permit to demolish or remove a building of interest will generally be refused where Council considers that having regard to criteria already established under its Heritage Study of Mackay City, the building:
- (i) displays historical, economic or social themes that are of importance to the City;
  - (ii) represents customs or ways of life that are characteristic of the City;
  - (iii) has played an important part in the lives of City residents;
  - (iv) displays aesthetic merit, design characteristics or construction techniques of significance to the City;
  - (v) is associated with a notable City personality or event;
  - (vi) is a notable City or local landmark;
  - (vii) is important to the visual character and amenity of the local streetscape and its removal or demolition would significantly diminish the visual character of the local streetscape; or



- (viii) is in a locality where little redevelopment has occurred such that the visual character and amenity of the local streetscape has remained largely unaffected over time.
- (4) (a) To assess a development application for demolition or removal of a building of interest, Council will be seeking at least the following information:
- (i) a location plan showing the site and surrounding streets;
  - (ii) a description of the site and of adjoining sites;
  - (iii) an assessment of the heritage value and/or streetscape character value of the existing building carried out pursuant to the criteria already established by Council through its Heritage Study of Mackay City. The assessment should include an indication of the age of the building, the style in which it was built and its condition. The assessment should be accompanied by site and streetscape photographs on an annotated location map;
  - (iv) an assessment of the impact of the demolition or removal of the existing building on the visual character and amenity of the streetscape;
  - (v) where other than total demolition is proposed, appropriate plans and full elevations at a standard metric scale and quality of presentation to adequately describe the impact of the proposal on the visual character and amenity of the streetscape.
- (b) In determining such a development application, Council may consider any letters from adjoining landowners expressing their views on the proposal.

## **3.6 Development in Declared Areas**

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### **3.6.1 Identification of Declared Areas**

- (1) Any area declared for the purposes of this Section shall be identified in a schedule and regulatory map.
- (2) Such schedule and regulatory map shall be established and amended as part of this transitional planning scheme in accordance with the relevant provisions of the Act.

### **3.6.2 Drainage Problem Areas**

- (1) When, in the opinion of the Council, any land:
  - (a) is so low-lying;
  - (b) is so affected, whether frequently or infrequently by floods or cyclones; or
  - (c) is, or forms part of, an area which is so difficult or expensive to drain;
 that it is undesirable that any further development should take place thereon, the Council may declare that land to be a "Drainage Problem Area" (DPA).
- (2) Any development which involves making a material change of use, reconfiguring a lot to create additional lots, or carrying out operational work by way of excavation or filling of land (to a depth of more than 200 mm) in a DPA, not being for the purposes of a park, a local utility or a public utility, shall

be deemed to be assessable development requiring use of the impact assessment process (as if the development required town planning consent under the repealed Act).

### **3.6.3 Areas Subject to Flooding**

- (1) When, in the opinion of the Council, any land is so subject to flooding that it is undesirable that any development be carried out involving:
  - (a) the erection of any building so that the floor in the building is below a minimum floor level; or
  - (b) the use of any building which is erected with the floor below a minimum floor level; or
  - (c) excavation or filling;the Council may declare that land to be in an "Area Subject to Flooding" (ASF). Alternatively, the Council may resolve to prepare a Local Area Plan or use any other lawful planning mechanism in relation to controlling development in such an area to minimise damage, risk and/or loss due to flooding.
- (2) The Council may prepare a map showing the ASF and may adopt a minimum floor level in metres above Australian Height Datum applicable to that area.
- (3)
  - (a) The erection of any building in an ASF shall provide for the floor in the building to be above the minimum floor level applicable to that area.
  - (b) Provided that where any development in an ASF involves:
    - (i) the erection and use of part of a building by way of additions to an existing building, and the existing building has, and the erection will have or has, a floor below the declared minimum floor level for that area, or
    - (ii) operational work being the excavation or filling of land to a depth of more than 200 mm other than as part of other approved development;

shall be deemed to be assessable development requiring use of the impact assessment process (as if the development required town planning consent under the repealed Act).

### **3.6.4 Places of Environmental or Heritage Interest**

- (1) When, in the opinion of the Council, any land or any vegetation thereon, or any building or other structure, is of such scenic, ecological, scientific, cultural, historic or other environmental interest or value that it is undesirable that:
  - (a) the land be significantly disturbed or altered; and/or
  - (b) any building or other structure be removed, destroyed or substantially altered; and/or
  - (c) any significant trees or shrubs on the land be removed or otherwise significantly disturbed;the Council may declare that place to be in a "Place of Environmental or Heritage Interest" (PEHI).
- (2)
  - (a) Any development which involves making a material change use or carrying out building or operational work in a PEHI not being for the purposes of a park or a local utility, shall be deemed to be assessable

development requiring use of the impact assessment process (as if the development required town planning consent under the repealed Act).

- (b) Where relevant, in considering an application for development involving a PEHI, or on adjoining land, Council will have regard to "Australia ICOMOS Charter for the Conservation of Places of Cultural Significance" (the Burra Charter) and its accompanying guidelines.

### **3.6.5 Buffer Areas**

- (1) The Council may, as a condition of approval of an application made under this transitional planning scheme, require land to be maintained, other than as public land, as a buffer for adjoining or surrounding land or water.
- (2) The Council shall require all land within a "Buffer Area" to be maintained to its satisfaction and in a manner suited to the purpose the land is intended to serve. Maintenance shall be the responsibility of the landowner(s).
- (3) Any development in a "Buffer Area," not being for the purposes of a local utility or public utility, shall be deemed to be assessable development requiring use of the impact assessment process (as if the development required town planning consent under the repealed Act).

### **3.6.6 Water Catchment Areas**

- (1) When, in the opinion of the Council, land is:
  - (a) within the catchment area of an existing or future major surface water storage, or
  - (b) part of a known intake area for a significant underground source of water,the Council may declare that land to be a "Water Catchment Area."
- (2) Any development which involves making a material change of use, reconfiguring a lot to create additional lots or carrying out operational work by way of excavation or filling of land (to a depth of more than 200 mm) in a "Water Catchment Area," not being for the purposes of a park, a local utility, or a public utility, shall be deemed to be assessable development requiring use of the impact assessment process (as if the development required town planning consent under the repealed Act)..
- (3) Development should not be carried out within a "Water Catchment Area" in any way which would be likely to:
  - (a) cause or contribute to a significant reduction in water quality,
  - (b) cause or contribute to a significant reduction in water yield capacity, or
  - (c) result in the fragmentation of land holdings.

### **3.6.7 Airport Noise Restriction Areas**

- (1) When, in the opinion of the Council having due regard to the requirements of State Planning Policy 2/92 " Planning for Aerodromes and Other Aeronautical Facilities" and the associated guidelines, any land is so affected by noise generated by the operations of the Mackay Airport that it is undesirable that any further development of a particular type should take place thereon, the Council may declare that land to be an " Airport Noise Restriction Area " (ANRA).
- (2) Any development which involves making a material change of use, reconfiguring a lot to create additional lots or building work, in an ANRA, not being for the purposes of a park, a local utility or a public utility, shall be

deemed to be assessable development requiring use of the impact assessment process (as if the development required town planning consent under the repealed Act).

### 3.7 Acid Sulfate Soils

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- (1)
  - (a) Acid Sulfate Soils (ASS) occur predominantly on coastal lowlands with elevations generally below 5 metres AHD, but may occur elsewhere. When such lands are disturbed or drained, toxic quantities of acid, aluminium, iron and heavy metals may contaminate land and adjacent waterways. This can lead to disease and death of vegetation and aquatic fauna, and accelerated structural failure of building foundations, pipes, road surfaces and other infrastructure.
  - (b) Indicators of ASS include:
    - pH <4 in drained water,
    - iron stains and floc,
    - the presence of jarosite (a pale yellow mineral),
    - corrosion,
    - sulfurous smell after rain,
    - blue-grey, blue-green or grey water logged soils with a sulfurous smell.
  - (c) Accordingly, Council intends to ensure that the production of ASS is maintained to within natural or tolerable limits, such that there is no material or serious environmental harm caused to natural systems by the production of ASS.
- (2) The provisions of this section apply to assessable development involving:
  - (a) the disturbance of soils below 5m AHD or the water table level; or
  - (b) lowering of the water table level; or
  - (c) a site which
    - is in a coastal area and includes land below 5m AHD, or
    - includes or adjoins a wetland, or
    - has evidence that ASS may be present, or could occur.”
- (3) Where such development is proposed, Council will request:
  - (a) an ASS Soil Investigation to be undertaken, by a suitably qualified and experienced person, in accordance with the procedures described in the “Sampling and Analysis Procedures for Lowland Acid Sulfate Soils (ASS) in Queensland” (Department of Natural Resources), or any updated equivalent State Government Guidelines and/or requirements; and
  - (b) an ASS map to be produced and provided to Council (and, if applicable, the relevant State Government department) along with all relevant sampling and analysis data, an interpretation of the data, and a statement of the implications for the proposed development.

- (4) Where potential or actual ASS is identified, the Council will require an ASS Management Plan to be prepared, approved and implemented. Such a plan is to include, but not be limited to:
- (a) an ASS map of the area,
  - (b) a detailed description of the depth and location of all ASS identified,
  - (c) the methodology used for sampling and field and laboratory soil analysis,
  - (d) the ASS management practices to be implemented to minimise the creation, or further production of ASS having regard to such issues as neutralisation, stockpiling, burial/capping and leachate, and that will achieve any or all of the following:
    - prevent the oxidation of pyrite (including avoiding the disturbance of ASS by excavation or changes to groundwater levels)
    - treat or manage the ASS (which may include burial, neutralisation, and separation and treatment)
    - prevent, control or minimise the escape of acid sulfate leachate to the surrounding environment
    - allow for the neutralisation of acid leachate from ASS.
  - (e) the monitoring and reporting procedures to be established and implemented, and
  - (f) performance criteria to assess the effectiveness of the ASS management and monitoring programme, and response (including rectification) procedures in emergency situations or where other cases of non-compliance are identified.

## 4. Intent and Requirements for Development in Zones

### 4.1 Rural Zone

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#### 4.1.1 *What is Intended for Land in this Zone*

The preferred dominant land use intents and performance criteria for Rural and Rural Agriculture set out in the Strategic Plan should be read in conjunction with this zone intent.

This zone includes land generally designated as either Rural or Rural Agriculture on the Strategic Plan map.

In areas designated as Rural on the Strategic Plan map, it is intended that the general landscape character and rural setting shall be conserved. This will include preservation of areas of remnant vegetation and encouragement of land holders to facilitate development of wildlife movement corridors based on connecting remnant vegetated areas. Whilst some appropriate uses may be approved within these designated areas, the nature and scale of any use proposals must be in keeping with the rural setting in which the use is proposed to be located.

In areas designated as Rural Agriculture on the Strategic Plan map, it is intended that pursuant to State Planning Policy 1/92, farming/agricultural production is regarded as the primary use and that such use shall be protected from intrusion and conflict caused by other uses establishing in the relevant areas of the zone. In determining any applications for other uses in these areas, Council shall always give priority to protection of the primary usage of the land for agriculture and viable agricultural production and associated rural activities.

Necessary public utility and municipal undertakings are intended on land throughout the zone.

Neither rural residential or park residential development nor the establishment of essentially urban uses, such as offices, shops and other commercial uses, is generally considered appropriate on land throughout the zone. Any proposal for rural residential, park residential or urban development is unlikely to be approved.

Reconfiguring lots in this zone is not intended except where proposals can be undertaken in accordance with circumstances referred to in Part 6.0 of this transitional planning scheme and do not contravene the intent of State Planning Policy 1/92.

#### 4.1.2 Table of Development Assessment

Column 1	Column 2		Column 3
	A	B	
Purpose	Circumstances under which development is self-assessable	Circumstances under which development is assessable using the code assessment process	Circumstances under which development is assessable using the impact assessment process as if town planning consent was required under the repealed Act.
Any of the following: • Agriculture • Animal Husbandry (other than aquaculture) • Forestry • Logging	Where on land having slopes generally less than 1 in 5 (20%)	Other than on land referred to in Column A	None
Animal Husbandry (being aquaculture)	None	Where more than 1 000 metres from the edge of the defined urban area	Other than as referred to in Column 2
Dependant's Accommodation	None	All	None
Dwelling-house	One per lot where on land having slopes generally less than 1 in 5 (20%)	One per lot where on land having slopes generally greater than 1 in 5 (20%)	Other than as referred to in Column 2
Farm Stay Accommodation	None	Where no more than four guest accommodation units are proposed and wholly within the dwelling house	Other than as referred to in Column 2
Home-based Business	None	Where complying with the relevant Acceptable Solutions listed in Part 5.0 and characterised as an office use not exceeding 50 m <sup>2</sup> in floor area.	Other than as referred to in Column 2
Local Utility	All	None	None
Park	All	None	None
Rural Service Industry	None	All	None
Rural Storage Building	All	None	None
Sports and Recreation	None	All	None
Stable	Where situated on land more than 1 000 metres from the defined urban area	Other than as referred to in Column A	None
Tourist Facility	None	None	Where having an agri-tourism or eco-tourism character

Column 1	Column 2		Column 3
	A	B	
Purpose	Circumstances under which development is self-assessable	Circumstances under which development is assessable using the code assessment process	Circumstances under which development is assessable using the impact assessment process as if town planning consent was required under the repealed Act.
Other rural uses being : <ul style="list-style-type: none"> <li>• Ostrich/emu farm</li> <li>• Poultry farm</li> <li>• Kennel/cattery</li> <li>• Feedlot</li> <li>• Stockyard</li> <li>• Piggery</li> </ul>	None	Where complying with the relevant Acceptable Solutions listed in Part 5.0	Other than as referred to in Column 2
Either of the following: <ul style="list-style-type: none"> <li>• Public Utility</li> <li>• Special Purpose</li> </ul>	Where: <ul style="list-style-type: none"> <li>(a) not characterised as an office use; and</li> <li>(b) on land having slopes generally less than 1 in 5 (20%)</li> </ul>	Where: <ul style="list-style-type: none"> <li>(a) not characterised as an office use; and</li> <li>(b) involving land other than as described in Column A</li> </ul>	None
Any of the following: <ul style="list-style-type: none"> <li>• Bed and Breakfast Accommodation</li> <li>• Bulk Landscape Supplies</li> <li>• Caretaker's Residence</li> <li>• Caravan Park</li> <li>• Cemetery</li> <li>• Educational Establishment</li> <li>• Extractive Industry</li> <li>• Local Store</li> <li>• Outdoor Entertainment</li> <li>• Place of Worship</li> <li>• Plant Nursery</li> <li>• Roadside Stall</li> <li>• Showroom-Agricultural</li> <li>• Veterinary Hospital</li> </ul>	None	None	All
Any other purpose	None	Where : <ul style="list-style-type: none"> <li>(a) involving only a change in the scale or intensity of an existing use; and</li> <li>(b) only minor development is required to accommodate the change</li> </ul>	None



### 4.1.3 Requirements for Development

- (1) Number of Dwelling-houses on a Lot
  - (a) Only one (1) Dwelling-house may be erected on any one lot.
  - (b) Except that Council may approve the erection of a second Dwelling-house on a lot where:
    - (i) the lot has an area of not less than 40 ha, or is an existing lot with a slightly smaller area, and
    - (ii) the second dwelling will be used for residential purposes by the owner(s) of the land, or by a bona fide worker or manager associated with the agricultural use of the land.
- (2) Construction of Buildings
  - (a) Any building work in the Rural Zone shall be subject to the requirements of the *Building Act*.
  - (b) Any site to be developed in the Rural Zone shall be provided with an adequate water supply, provided also with an environmentally acceptable means of sewage and other wastewater disposal, external roadworks and connected to an electricity supply, all to Council's satisfaction.
- (3) Siting and Design of Premises

The relevant provisions of Part 5.0 of this transitional planning scheme apply to development on land included in the Rural Zone.
- (4) Reconfiguring of Lots

The relevant provisions of Part 6.0 of this transitional planning scheme apply to any reconfiguring of lots in the Rural Zone. In particular, Element (4) of Section 6.1 applies to proposals to reconfigure lots in the Rural Zone.

## 4.2 Rural Residential Zone

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### 4.2.1 *What is Intended for Land in this Zone*

The preferred dominant land use intents and performance criteria set out in the Strategic Plan should be read in conjunction with this zone intent.

This zone applies to land which is intended for development and use for rural residential purposes. The zone may also include the use of rural residential premises for subservient rural activities such as hobby farming and animal husbandry provided that such subservient uses do not form the primary source of income to the family. Multiple unit forms of residential development are not intended. Apart from home-based business, non-residential uses are intended to be of a community or utility, rather than a commercial nature. Lot sizes shall not be less than 1 hectare within the rural residential Preferred Dominant Land Use (PDLU) designation shown on strategic plan maps 1-4. Outside such nominated areas no further reconfiguration to create additional rural residential lots is intended.

Land included in this zone within the nominated rural residential PDLU area is intended to have access to a basic level of existing or likely community services. The ability to supply each lot with a reliable water supply, to be serviced with electricity to and to have an environmentally acceptable form of wastewater treatment and disposal, will be required.

#### 4.2.2 Table of Development Assessment

Column 1	Column 2		Column 3
	A	B	
Purpose	Circumstances under which development is self-assessable	Circumstances under which development is assessable using the code assessment process	Circumstances under which development is assessable using the impact assessment process as if town planning consent was required under the repealed Act.
Either of the following: <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Forestry</li> </ul>	Where the site has an area of more than 5 ha and land that has slopes generally less than 1 in 5 (20%).	Where the site has an area of between 2 and 5 ha, and land that has slopes generally less than 1 in 5 (20%).	Other than as referred to in Column 2
Dependant's Accommodation	None	All	None
Dwelling-house	Where: <ul style="list-style-type: none"> <li>(a) having a building height of not more than 7.5 m, and</li> <li>(b) on land having slopes generally less than 1 in 5 (20%), and</li> <li>(c) at a density not exceeding the maximum specified in Section 4.2.3 below or one per existing lot.</li> </ul>	At a density not exceeding the maximum specified in Section 4.2.3 below or one per existing lot, and otherwise other than as referred to in Column A.	None
Home-based business	None	Where complying with the Acceptable Solutions listed in Part 5.0 and characterised as an office use not exceeding 50 m <sup>2</sup> in floor area.	Other than as referred to in Column 2
Local Utility	All	None	None
Park	All	None	None
Stable	None	Where in conjunction with a dwelling house and not more than 4 horses are stabled	Other than as referred to in Column 2
Either of the following: <ul style="list-style-type: none"> <li>• Public Utility</li> <li>• Special Purpose</li> </ul>	Where: <ul style="list-style-type: none"> <li>(a) not characterised as an office use; and</li> <li>(b) on land having slopes generally less than 1 in 5 (20%)</li> </ul>	Where: <ul style="list-style-type: none"> <li>(a) not characterised as an office use; and</li> <li>(b) involving land other than as described in Column A</li> </ul>	None

Column 1	Column 2		Column 3
	A	B	
Purpose	Circumstances under which development is self-assessable	Circumstances under which development is assessable using the code assessment process	Circumstances under which development is assessable using the impact assessment process as if town planning consent was required under the repealed Act.
Any of the following: <ul style="list-style-type: none"> <li>• Bed and Breakfast Accommodation</li> <li>• Caretaker's Residence</li> <li>• Family Day Care</li> <li>• Local Store</li> <li>• Roadside Stall</li> <li>• Sport and Recreation</li> <li>• Veterinary Hospital</li> </ul>	None	None	All
Any other purpose	None	Where : (a) involving only a change in the scale or intensity of an existing use and (b) only minor development is required to accommodate the change	None

### 4.2.3 Requirements for Development

- (1) Number of Dwelling-houses on a lot  
Only one (1) Dwelling-house may be erected on any one lot.
- (2) Construction of Buildings and Provision of Utility Services
  - (a) Any building work in the Rural Residential Zone shall be subject to the requirements of the *Building Act*.
  - (b) Any lot to be developed in the Rural Residential Zone shall:
    - (i) be connected to an electricity supply, and
    - (ii) be provided with an environmentally acceptable means of sewage and other wastewater disposal, and
    - (iii) be capable of being serviced with an adequate reliable water supply, and
    - (iv) be provided with external roadworks  
all to the satisfaction of the Council.
- (3) Siting and Design of Premises
  - (a) The relevant provisions of Part 5.0 of this transitional planning scheme apply to development on land included in the Rural Residential Zone.
  - (b) The maximum density for dwelling houses is 1 per hectare.
  - (c) The maximum residential density for residential premises other than dwelling houses is 2 dwelling units per hectare.
- (4) Reconfiguring of Lots
  - (a) The relevant provisions of Part 6.0 of this transitional planning scheme also apply to the reconfiguring of lots in the Rural Residential Zone.
  - (b) Generally, the Council requires all proposed lot reconfigurations for rural residential purposes to include measures to adequately address potential bushfire hazards. Such measures may include a suitable road layout, a lot layout allowing for buildings to be sited on level or gently sloping ground rather than towards the tops of slopes or on ridges, the establishment and maintenance of firebreaks, and/or the provision of an adequate reliable water supply. Council may adopt a planning scheme policy in relation to this issue.

## 4.3 Park Residential Zone

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### 4.3.1 *What is Intended for Land in this Zone*

The preferred dominant land use intents and performance criteria set out in the Strategic Plan should be read in conjunction with this zone intent.

This zone applies to land which is intended for development and use for park residential purposes. Park residential development provides a low maintenance alternative to rural residential living.

Multiple unit forms of residential development are not intended. Apart from home-based business, non-residential uses are intended to be of a community or utility, rather than a commercial nature.

Lot sizes shall not be less than 2 000 m<sup>2</sup> and are intended to be developed with convenient access to the full range of urban services including reticulated water supply, sewerage, electricity, drainage and sealed roads.

### 4.3.2 Table of Development Assessment

Column 1	Column 2		Column 3
	A	B	
Purpose	Circumstances under which development is self-assessable	Circumstances under which development is assessable using the code assessment process	Circumstances under which development is assessable using the impact assessment process as if town planning consent was required under the repealed Act.
Dependant's Accommodation	None	All	None
Dwelling-house	Where: (a) having a building height of not more than 7.5 m, and (b) on land having slopes generally less than 1 in 5 (20%), and (c) at a density not exceeding the maximum specified in Section 4.3.3 below or one per existing lot.	At a density not exceeding the maximum specified in Section 4.3.3 below or one per existing lot, and otherwise other than as referred to in Column A.	None
Home-based business	None	Where complying with the Acceptable Solutions listed in Part 5.0 and characterised as an office use not exceeding 50 m <sup>2</sup> in floor area.	Other than as referred to in Column 2.
Local Utility	All	None	None
Park	All	None	None
Stable	None	Where on a site having direct frontage to Bernborough Avenue and not more than 4 horses are to be stabled on the site.	Other than as referred to in Column 2
Either of the following: • Public Utility • Special Purpose	Where: (a) not characterised as an office use; and (b) on land having slopes generally less than 1 in 5 (20%)	Where: (a) not characterised as an office use; and (b) involving land other than as described in Column A	None

Column 1	Column 2		Column 3
	A	B	
<b>Purpose</b>	<b>Circumstances under which development is self-assessable</b>	<b>Circumstances under which development is assessable using the code assessment process</b>	<b>Circumstances under which development is assessable using the impact assessment process as if town planning consent was required under the repealed Act.</b>
Any of the following: <ul style="list-style-type: none"> <li>• Bed and Breakfast Accommodation</li> <li>• Caretaker's Residence</li> <li>• Family Day Care</li> <li>• Local Store</li> <li>• Roadside Stall</li> <li>• Place of Worship</li> </ul>	None	None	All
Any other purpose	None	Where : (a) involving only a change in the scale or intensity of an existing use; and (b) only minor development is required to accommodate the change	None



### 4.3.3 Requirements for Development

- (1) Number of Dwelling-houses on a Lot  
Only one (1) Dwelling-house may be erected on any one lot
- (2) Construction of Buildings and Provision of Utility Services
  - (a) Any building work in the Park Residential Zone shall be subject to the requirements of the *Building Act*.
  - (b) Any lot to be developed in the Park Residential Zone shall be provided with reticulated water supply, sewerage (where practical), electricity, drainage and external roadworks to the Council's satisfaction.
- (3) Siting and Design of Premises
  - (a) The relevant provisions of Part 5.0 of this transitional planning scheme apply to development on land included in the Park Residential Zone.
  - (b) The maximum density for dwelling houses is 1 per 2 000 m<sup>2</sup>.
  - (c) The maximum density for residential premises other than dwelling houses in the Park Residential Zone is 3 dwelling units per 2 000 m<sup>2</sup>.
- (4) Reconfiguring of Lots
  - (a) The relevant provisions of Part 6.0 of this transitional planning scheme also apply to the reconfiguring of lots in the Park Residential Zone.
  - (b) Generally, the Council requires all proposed lot reconfigurations for park residential purposes to include measures to adequately address potential bushfire hazards. Such measures may include a suitable road layout, a lot layout allowing for buildings to be sited on level or gently sloping ground rather than towards the tops of slopes or on ridges, the establishment and maintenance of firebreaks, and the provision of an adequate reticulated water supply. Council may adopt a planning scheme policy in relation to this issue.

## 4.4 Urban Residential Zone

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### 4.4.1 *What is Intended for Land in this Zone*

The preferred dominant land use intents and performance criteria set out in the Strategic Plan should be read in conjunction with this zone intent.

This zone applies to the majority of residential land in the City and is intended to provide for development for residential purposes and for compatible purposes which directly service residents in the locality. The establishment of quality residential environments in a sequenced and cost-effective manner is desired and the provision of choice in housing is encouraged.

Higher density housing would be appropriate in these areas providing it does not adversely change the character or affect the residential amenity of existing developed areas, and is in relatively close proximity to areas of useable open space and/or shopping and other community facilities. In addition to housing, residential neighbourhoods are intended to accommodate local parkland, shops, churches, schools, child minding centres and other community facilities which serve residents in the locality. Any ancillary uses are intended to be at conveniently accessible locations and of a scale and nature compatible with surrounding premises.

Neither industrial or higher order commercial uses are intended on land in this zone as such uses are likely to have an adverse impact on residential amenity, and are better located on appropriately zoned land.

#### 4.4.2 Table of Development Assessment

Column 1	Column 2		Column 3
	A	B	
Purpose	Circumstances under which development is self-assessable	Circumstances under which development is assessable using the code assessment process	Circumstances under which development is assessable using the impact assessment process as if town planning consent was required under the repealed Act.
Dependant's Accommodation	None	All	None
Dwelling-house	Where: (a) on a lot having an area of not less than 450m <sup>2</sup> , and (b) having a building height of not more than 7.5 metres.	Where: (a) on a lot having an area of not less than: (i) 450 m <sup>2</sup> in an existing residential area; or (ii) 300 m <sup>2</sup> in a new integrated residential subdivision providing a range of lot sizes;  Or (a) having a building height of more than 7.5 metres	Other than as referred to in Column 2.
Home-based Business	None	Where complying with the Acceptable Solutions listed in Part 5.0 and characterised as an office use not exceeding 50 m <sup>2</sup> in floor area.	Other than as referred to in Column 2.
Local Utility	All	None	None
Park	All	None	None
Either of the following: • Public Utility • Special Purpose	Where: (a) not characterised as an office use; and (b) on land having slopes generally less than 1 in 5 (20%)	Where: (a) not characterised as an office use; and (b) involving land other than as described in Column A	None

Column 1	Column 2		Column 3
	A	B	
<b>Purpose</b>	<b>Circumstances under which development is self-assessable</b>	<b>Circumstances under which development is assessable using the code assessment process</b>	<b>Circumstances under which development is assessable using the impact assessment process as if town planning consent was required under the repealed Act.</b>
Either of the following: <ul style="list-style-type: none"> <li>• Caretaker's Residence</li> <li>• Family Day Care</li> </ul>	None	None	All
Any of the following: <ul style="list-style-type: none"> <li>• Bed and Breakfast Accommodation</li> <li>• Child Care Centre</li> <li>• Educational Establishment</li> <li>• Health Centre</li> <li>• Local Community Facility</li> <li>• Local Store</li> <li>• Place of Worship</li> </ul>	None	None	Where on a site having direct access to a Collector or higher order road.
Any other purpose	None	Where : <ul style="list-style-type: none"> <li>(a) involving only a change in the scale or intensity of an existing use, and</li> <li>(b) only minor development is required to accommodate the change</li> </ul>	None

#### 4.4.3 Requirements for Development

- (1) Number of Residential Buildings on an Allotment
  - (a) Only one (1) Dwelling-house may be erected on any one lot except in accordance with the provisions of this clause.
  - (b)
    - (i) The Council may approve the erection of more than one Dwelling-house on a lot where such lot is or forms part of a parcel and is or will be reconfigured in accordance with the Body Corporate and Community Management Act/Land Title Act.
    - (ii) Provided that not more than one Dwelling-house shall be erected on any lot within a community title scheme and Dwelling-houses shall not be erected on any common property.
  - (c) The Council may approve the erection of two or more buildings being for the purposes of Accommodation units or Multiple dwelling units on a lot where the Council is satisfied that the size and shape of the site, and the layout and orientation of the buildings, provide for adequate privacy, sunlight and amenity for each unit existing or to be erected on the site.
- (2) Construction of Buildings and Provision of Utility Services
  - (a) Any building work in the Urban Residential Zone shall be subject to the requirements of the *Building Act*.
  - (b) Any lot to be developed in the Urban Residential Zone shall be provided with reticulated water supply, sewerage, electricity, drainage and external roadworks to the Council's satisfaction.
- (3) Siting and Design of Premises
  - (a) The relevant provisions of the of Part 5.0 of this transitional planning scheme apply to development on land included in the Urban Residential Zone.
  - (b) The maximum residential density is 1 dwelling unit per 400 m<sup>2</sup> for a dwelling house or Multiple Dwelling Units and 1 dwelling per 300 m<sup>2</sup> for other uses as determined by Council.
  - (c) The maximum plot ratio for residential premises (other than Dwelling houses) in the Urban Residential Zone is:
    - (i) 0.5:1, or
    - (ii) 0.6:1 where within 200 metres of public open space, or
    - (iii) 0.7:1 where within 200 metres of a shopping centre site.
- (4) Reconfiguring of Lots

The relevant provisions of Part 6.0 of this transitional planning scheme apply to the reconfiguring of lots in the Urban Residential Zone.

## **4.5 Higher Density Residential Zone**

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### **4.5.1 *What is Intended for Land in this Zone***

The preferred dominant land use intents and performance criteria set out in the Strategic Plan should be read in conjunction with this zone intent.

This zone applies to land which is intended for development and use for higher density residential purposes and is intended to provide for development of multi-unit residential development and compatible purposes which directly service residents in the locality. The establishment of quality residential environments in an environmentally responsible and cost-effective manner is desired and the provision of choice in housing is encouraged.

Development of a variety of multi-unit dwellings, including townhouses, villas and home units, is intended in this zone.

Non-residential purposes that may be appropriate on land in this zone include parks, churches, local shops, community facilities and businesses carried out by residents in their own homes where such business activity does not adversely affect the amenity of the locality by way of noise, traffic generation or otherwise.

Neither industrial or higher order commercial uses are intended on land in this zone as such uses are likely to have an adverse impact on residential amenity, and are better located on appropriately zoned land.

The zone will generally be situated around business centres in the urban area and the townships to promote consolidation.

The zone is intended to provide for both permanent residents and temporary visitors/tourists where Council considers the impact of such temporary accommodation on the residential amenity of the area is acceptable. Larger scale Tourist Facilities may only be established in the Higher Density Residential zone where Council is satisfied that residential amenity is not adversely affected by the premises or the use of premises.

#### 4.5.2 Table of Development Assessment

Column 1	Column 2		Column 3
	A	B	
Purpose	Circumstances under which development is self-assessable	Circumstances under which development is assessable using the code assessment process	Circumstances under which development is assessable using the impact assessment process as if town planning consent was required under the repealed Act.
Accommodation Units	None	Where on a lot with an area of at least 800 m <sup>2</sup> in the area designated CBD Frame under the Strategic Plan and having a height not exceeding 10 m	Other than as referred to in Column 2
Bed and Breakfast Accommodation	None	All	None
Caretaker's residence	Where no other such residence is existing on the site	None	None
Dependant's Accommodation	None	All	None
Dwelling house	Where: (a) on a lot having an area of not less than 450 m <sup>2</sup> and an average width of not less than 15 metres; (b) having a building height of not more than 7.5 metres; and (c) and not contained in a heritage precinct as defined on Council's Heritage Regulatory Map.	Where: (a) on a lot having an area of not less than 300 m <sup>2</sup> ; or (b) on an allotment or lot having an area of not less than 450 m <sup>2</sup> but with an average width less than 15 metres; or (c) having a building height of more than 7.5 metres.	Other than as referred to in Column 2
Local Utility	All	None	None
Multiple Dwelling Units	None	Where: (a) on a lot having an area of at least 800 m <sup>2</sup> , and (b) a building height not exceeding 7.5 metres, and (c) a density and plot ratio not exceeding the maximum specified in Section 4.5.3 below.	Other than as referred to in Column 2

Column 1	Column 2		Column 3
	A	B	
<b>Purpose</b>	<b>Circumstances under which development is self-assessable</b>	<b>Circumstances under which development is assessable using the code assessment process</b>	<b>Circumstances under which development is assessable using the impact assessment process as if town planning consent was required under the repealed Act.</b>
Park	All	None	None
Either of the following: <ul style="list-style-type: none"> <li>Public Utility</li> <li>Special Purpose</li> </ul>	Where: <ul style="list-style-type: none"> <li>(a) not characterised as an office use; and</li> <li>(b) on land having slopes generally less than 1 in 5 (20%)</li> </ul>	Where: <ul style="list-style-type: none"> <li>(a) not characterised as an office use; and</li> <li>(b) involving land other than as described in Column A</li> </ul>	None
Any of the following: <ul style="list-style-type: none"> <li>Child Care Centre</li> <li>Educational Establishment</li> <li>Family Day Care</li> <li>Health Centre</li> <li>Home-based Business</li> <li>Institution</li> <li>Local Community Facility</li> <li>Local Store</li> <li>Motel</li> </ul>	None	None	All
Any other purpose	None	Where : <ul style="list-style-type: none"> <li>(a) involving only a change in the intensity or scale of an existing use, and</li> <li>(b) only minor development is required to accommodate the change.</li> </ul>	None



### 4.5.3 Requirements for Development

(1) Number of Residential Buildings on a Lot

The Council may approve the erection of more than one (1) building including Dwelling houses for the purposes of Multiple dwelling units on a lot where the Council is satisfied that the size and shape of the site, and the layout and orientation of the buildings, provide for adequate privacy, sunlight and amenity for each dwelling unit existing or to be erected on the site.

(2) Construction of Buildings and Provision of Utility Services

(a) Any building work in the Higher Density Residential Zone shall be subject to the requirements of the *Building Act*.

(b) Any lot to be developed in the Higher Density Residential Zone shall be provided with reticulated water supply, sewerage, electricity, drainage and external roadworks to the Council's satisfaction.

(3) Siting and Design of Premises

(a) The relevant provisions of the Part 5.0 of this transitional planning scheme apply to development on land included in the Higher Density Residential Zone.

(b) The maximum density for all residential premises in the Higher Density Residential Zone is:

i) the equivalent of one dwelling unit per 100 m<sup>2</sup> of site area for sites with a minimum site area of 2 000 m<sup>2</sup> in the area designated CBD Frame under the Strategic Plan, or

(ii) one dwelling unit per 200 m<sup>2</sup> of site area otherwise.

(c) The maximum plot ratio for residential premises in the Higher Density Residential Zone is:

(i) 1.8:1 where within the designated CBD Frame area under the Strategic Plan; or

(ii) 0.9:1 otherwise.

(4) Reconfiguring of Lots

The relevant provisions of Part 6.0 of this transitional planning scheme apply to the reconfiguring of lots in the Higher Density Residential Zone.

## 4.6 Central Business Zone

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### 4.6.1 *What is Intended for Land in this Zone*

The preferred dominant land use intents and performance criteria set out in the Strategic Plan should be read in conjunction with this zone intent.

The zone applies to the Mackay Central Business District (CBD).

This zone is intended to provide for the City's highest order and most intense retail, commercial, community and entertainment uses. The CBD is intended to remain the dominant component of the City's hierarchy of centres and the primary centre serving the greater Mackay region.

The CBD is intended to serve as a major employment area and is the preferred location for specialist retailing, tourism, regional government offices and major commercial establishments. Other uses which cater for City-wide and regional demands and which contribute to the establishment of a vibrant and attractive CBD may also be favourably considered by Council.

Development in this zone will need to comply with the special requirements applicable to the heritage precincts identified by Council in Section 5.7 of this planning scheme and with urban design and landscaping guidelines adopted by Council from time to time.

#### 4.6.2 Table of Development Assessment

Column 1	Column 2		Column 3
	A	B	
Purpose	Circumstances under which development is self-assessable	Circumstances under which development is assessable using the code assessment process	Circumstances under which development is assessable using the impact assessment process as if town planning consent was required under the repealed Act.
Any of the following: <ul style="list-style-type: none"> <li>• Catering Shop</li> <li>• Commercial Premises</li> <li>• Hardware Store</li> <li>• Health Centre</li> <li>• Local Community Facility</li> <li>• Local Store</li> <li>• Off-street Carpark</li> <li>• Professional Office</li> <li>• Public Utility</li> <li>• Service industry</li> <li>• Shop</li> <li>• Showroom - General</li> <li>• Showroom - Machinery</li> <li>• Special Purpose</li> <li>• Transport Terminal</li> <li>• Vehicle Hire Premises</li> <li>• Veterinary Hospital</li> </ul>	Where only minor development is required to accommodate the use	Other than as referred to in Column A, where not requiring the erection of any building having a height of more than 10 metres and/or 3 storeys to accommodate the use.	Other than as referred to in Column 2
Either of the following: <ul style="list-style-type: none"> <li>• Accommodation units</li> <li>• Multiple Dwelling Units</li> </ul>	None	None	Where in a mixed use building and having no habitable room at or below ground storey level.
Indoor Entertainment	Where other than an amusement parlour or centre, cinema or night club and the development is only minor	Where other than an amusement parlour or centre, cinema or night club other than as referred to in Column A	Other than as referred to in Column 2
Local Utility	All	None	None
Park	All	None	None

Column 1	Column 2		Column 3
	A	B	
<b>Purpose</b>	<b>Circumstances under which development is self-assessable</b>	<b>Circumstances under which development is assessable using the code assessment process</b>	<b>Circumstances under which development is assessable using the impact assessment process as if town planning consent was required under the repealed Act.</b>
Place of Worship	None	All	All
Shopping Centre	None	All	None
Shopping Complex	None	All	None
Any of the following: <ul style="list-style-type: none"> <li>• Caretaker's Residence</li> <li>• Child Care Centre</li> <li>• Educational Establishment</li> <li>• Motel</li> <li>• Tourist Facility</li> </ul>	None	None	All
Any Other Purpose	None	Where : (a) involving only a change in the intensity or scale of an existing use ; and (b) only minor development is required to accommodate the change	None

### 4.6.3 Requirements for Development

- (1) Construction of Buildings and Provision of Utility Services
  - (a) Any building work in the Central Business Zone shall be subject to the requirements of the *Building Act*.
  - (b) Any lot to be developed in the Central Business Zone shall be provided with reticulated water supply, sewerage, electricity, drainage and external roadworks to the Council's satisfaction.
- (2) Siting and Design of Premises
  - (a) The relevant provisions of Part 5.0 of this transitional planning scheme apply to development on land included in the Central Business Zone.
  - (b) The maximum density for all residential premises in the Central Business Zone is:
    - (i) the equivalent of one dwelling unit per 50 m<sup>2</sup> of site area for sites with a minimum site area of 2 000 m<sup>2</sup>, or
    - (ii) one dwelling unit per 100 m<sup>2</sup> of site area otherwise.
  - (c) The maximum plot ratio for residential premises (other than Dwelling houses) in the Central Business Zone is 3:1.
- (3) Reconfiguring of Lots

The relevant provisions of Part 6.0 of this transitional planning scheme apply the reconfiguring of lots in the Central Business Zone.

## 4.7 Commercial Zone

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### 4.7.1 *What is Intended for Land in this Zone*

The preferred dominant land use intents and performance criteria set out in the Strategic Plan should be read in conjunction with this zone intent.

This zone applies to the Mt Pleasant Shopping Centre site which is intended as a sub-regional centre serving areas to the north of the Pioneer River.

The zone provides for the establishment of a wide range of shopping, banking, office, medical, commercial and professional services and municipal and social and community facilities in and directly adjoining the Mt Pleasant Shopping Centre site.

It is not intended that large scale office premises should be established in this zone as it is intended that the primary location for offices should be in the City Centre. Any office premises developed in this zone should be limited to uses which provide for local service needs rather than offices which are intended to meet regional needs.

#### 4.7.2 Table of Development Assessment

Column 1	Column 2		Column 3
	A	B	
Purpose	Circumstances under which development is self-assessable	Circumstances under which development is assessable using the code assessment process	Circumstances under which development is assessable using the impact assessment process as if town planning consent was required under the repealed Act.
Any of the following: Catering shop Commercial premises Health centre Local Community Facilities Local Store Off-street car park Public utility Service industry Shop Shopping Complex Showroom - General Special purpose Transport terminal	Where only minor development is required to accommodate the use	Other than as referred to in Column A, where not requiring the erection of any building having a height of more than 10 metres to accommodate the use.	Other than as referred to in Column 2.
Either of the following: • Accommodation units • Multiple Dwelling Units	None	Non	Where is a mixed use building and having no habitable rooms at or below ground storey level.
Indoor Entertainment	Where other than an amusement parlour or centre, cinema or night club and the development required to accommodate the use is only minor	Where other than an amusement parlour or centre, cinema or night club other than as referred to in Column A, and where not requiring the erection of any building having a height of more than 10 m to accommodate the use.	Other than as referred to in Column 2.
Local Utility	All	None	None
Park	All	None	None

Column 1	Column 2		Column 3
	A	B	
<b>Purpose</b>	<b>Circumstances under which development is self-assessable</b>	<b>Circumstances under which development is assessable using the code assessment process</b>	<b>Circumstances under which development is assessable using the impact assessment process as if town planning consent was required under the repealed Act.</b>
Professional Office	Where only minor development is required to accommodate the use	Other than as referred to in Column A and where the proposed gross floor area is less than 100 m <sup>2</sup>	None
Any of the following: <ul style="list-style-type: none"> <li>• Caretaker's Residence</li> <li>• Child Care Centre</li> <li>• Educational Establishment</li> <li>• Plant Nursery</li> </ul>	None	None	All
Any other purpose	None	Where : (a) being an existing use; and (b) only minor development is required to accommodate the change.	None



### **4.7.3 Requirements for Development**

- (1) Construction of Buildings and Provision of Utility Services
  - (a) Any building work in the Commercial Zone shall be subject to the requirements of the *Building Act*.
  - (b) Any lot to be developed in the Commercial Zone shall be provided with reticulated water supply, sewerage, electricity, drainage and external roadworks to the Council's satisfaction.
- (2) Siting and Design of Premises
  - (a) The relevant provisions of Part 5.0 of this transitional planning scheme apply to development on land included in the Commercial Zone.
  - (b) The maximum plot ratio for premises in the Commercial Zone is 1.0.
- (3) Reconfiguring of Lots

The relevant provisions of Part 6.0 of this transitional planning scheme apply to the reconfiguring of lots in the Commercial Zone.

## **4.8 Local Business Zone**

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### **4.8.1 *What is Intended for Land in this Zone***

The preferred dominant land use intents and performance criteria set out in the Strategic Plan should be read in conjunction with this zone intent.

The zone applies to the numerous small neighbourhood and convenience shopping facilities and adjacent lands throughout the City's urban and rural areas.

The intent of this zone is to provide for the establishment of neighbourhood and convenience centres in order to provide local shopping facilities and small-scale business, professional and community services in convenient locations which serve the needs of immediately surrounding residents. Offices or services which serve other than local needs are not intended to be located in zoned areas.

The facilities/services provided in this zone are not intended to provide sufficient range or depth of merchandise to fully cater for the weekly shopping trip.

Industrial uses are not intended to establish in the Local Business Zone.

#### 4.8.2 Table of Development Assessment

Column 1	Column 2		Column 3
	A	B	
Purpose	Circumstances under which development is self-assessable	Circumstances under which development is assessable using the code assessment process	Circumstances under which development is assessable using the impact assessment process as if town planning consent was required under the repealed Act.
Any of the following: <ul style="list-style-type: none"> <li>• Catering Shop</li> <li>• Health Centre</li> <li>• Local Store</li> <li>• Shop</li> </ul>	Where only minor development is required to accommodate the use	Other than as referred to in Column A, where not involving any building having a height of more than 2 storeys	Other than as referred to in Column 2
Caretaker's Residence	None	All	None
Indoor Entertainment	Where other than an amusement parlour or centre, cinema or night club and the development required to accommodate the use is only minor	Where other than an amusement parlour or centre, cinema or night club and the development is not minor	None
Local Utility	All	None	None
Park	All	None	None
Either of the following: <ul style="list-style-type: none"> <li>• Professional Office</li> <li>• Showroom - General</li> </ul>	Where only minor development is required to accommodate the use	Other than as referred to in Column A and where the proposed gross floor area is less than 100 m <sup>2</sup>	None
Any of the following: <ul style="list-style-type: none"> <li>• Child Care Centre</li> <li>• Local Community Facility</li> <li>• Plant Nursery</li> </ul>	None	None	All
Any other purpose	None	Where : <ul style="list-style-type: none"> <li>(a) involving only a change in the intensity or scale of an existing use ; and</li> <li>(b) only minor development is required to accommodate the change.</li> </ul>	None

### **4.8.3 Requirements for Development**

(1) Construction of Buildings and Provision of Utility Services

- (a) Any building work in the Local Business Zone shall be subject to the requirements of the *Building Act*.
- (b) Any lot to be developed in the Local Business Zone shall be provided with reticulated water supply, sewerage, electricity, drainage and external roadworks to the Council's satisfaction.

(2) Siting and Design of Premises

The relevant provisions of Part 5.0 of this transitional planning scheme apply to development on land included in the Local Business Zone.

(3) Reconfiguring of Lots

The relevant provisions of Part 6.0 of this transitional planning scheme apply to the reconfiguring of lots in the Local Business Zone.

## 4.9 Light Industry Zone

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### 4.9.1 *What is Intended for Land in this Zone*

Land included in this zone comprises:

- areas outside the City's major industrial areas used or intended for use for industrial purposes and compatible uses, and
- land at the edge of the major industrial areas which can serve as a transition and buffer area for land in the General Industry Zone.

Within the Light Industry Zone, preferred uses are small scale operations having a service or light industrial character and little potential for material or serious environmental harm or nuisance. Such uses include those catering to the service industry needs of the surrounding community, for example service stations, servicing and repairs of family goods and appliances, tyre sales and fitting, plumbers and builders yards, and like activities. In some parts of the zone, a wider range of industrial and related uses may be appropriate depending on local area conditions.

At suitably accessible and more visible locations within the zone, a more commercially-oriented mix of industrial, showroom, and compatible activities may be developed. Such locations are envisaged to be consolidated local centres, at the periphery of larger industrial areas, or as co-ordinated redevelopment of individual sites presently used for industrial purposes.

Where land adjoins or is visible from and close to residential uses, or fronts a heavily trafficked road, development is intended to achieve relatively high standards of appearance and environmental performance. On such land, particular consideration will be given to:

- the siting, design and finish of buildings,
- landscaping,
- vehicle access arrangements, and
- screening and use of open use areas on the site,

to ensure that the amenity of the surrounding area is protected.

Other uses reasonably associated with industrial activities (like the sale of goods resulting from the assembling, repairing, servicing, packing or similar operations on the site, storage facilities and ancillary offices), or those directly serving workers (including catering and recreational facilities), are considered appropriate on land within this zone where part of a larger industrial area.

It is desirable that labour intensive and more commercial uses be established on sites served by public transport.

Uses which are characteristically noisy, generate unpleasant odours, usually involve out of hours operations, have a particular risk of fire, explosion or toxic release, or generate more than occasional flows of heavy vehicle traffic, are considered unacceptable in the zone.

Some land in this zone may be affected by, or affect, the operational requirements of the Mackay Airport. Development on this land is intended to have regard to such requirements so as not to compromise safe and efficient airport operations, and particularly taking into account the provisions of State Planning Policy 2/92.

Public utility works and undertakings are also intended as necessary on land within the zone.

#### 4.9.2 Table of Development Assessment

Column 1	Column 2		Column 3
	A	B	
Purpose	Circumstances under which development is self-assessable	Circumstances under which development is assessable using the code assessment process	Circumstances under which development is assessable using the impact assessment process as if town planning consent was required under the repealed Act.
Any of the following: <ul style="list-style-type: none"> <li>• Bulk Store</li> <li>• Public Utility</li> <li>• Service Industry</li> <li>• Special Purpose</li> </ul>	Where only minor development is required to accommodate the use.	Other than as referred to in Column A.	None
Caretaker's Residence	None	All	None
General Industry	None	None	On a site having an area of not less than 2000m <sup>2</sup>
Local Store	None	All	None
Local Utility	All	None	None
Park	All	None	None
Any of the following: <ul style="list-style-type: none"> <li>• Car Repair Workshop</li> <li>• Off-street Car Park</li> <li>• Service Station</li> <li>• Showroom - Machinery</li> <li>• Transport Depot</li> <li>• Transport Terminal</li> <li>• Warehouse</li> </ul>	Where on a site having an area of not less than 1000 m <sup>2</sup> and only minor development is required to accommodate the use.	Other than as referred to in Column A.	None
Any of the following: <ul style="list-style-type: none"> <li>• Hardware Store</li> <li>• Showroom - General</li> <li>• Vehicle Hire Premises</li> </ul>	None	Where located in the area specified CBD Frame under the Strategic Plan	Other than as referred to in Column 2.

Column 1	Column 2		Column 3
	A	B	
<b>Purpose</b>	<b>Circumstances under which development is self-assessable</b>	<b>Circumstances under which development is assessable using the code assessment process</b>	<b>Circumstances under which development is assessable using the impact assessment process as if town planning consent was required under the repealed Act.</b>
Any of the following: <ul style="list-style-type: none"> <li>• Bulk Landscape Supplies</li> <li>• Catering Shop</li> <li>• Child Care Centre</li> <li>• Educational Establishment</li> <li>• Health Centre</li> <li>• Indoor Entertainment</li> <li>• Outdoor Sales Premises</li> <li>• Plant Nursery</li> <li>• Showroom - Agriculture</li> <li>• Veterinary Hospital</li> </ul>	None	None	All
Any other purpose	None	Where : (a) involving only a change in the intensity or scale of an existing use ; and (b) only minor development is required to accommodate the change.	None

### **4.9.3 Requirements for Development**

(1) Construction of Buildings and Provision of Utility Services

(a) Any building work in the Light Industry Zone shall be subject to the requirements of the *Building Act*.

(b) Any lot to be developed in the Light Industrial Zone shall be provided with reticulated water supply, sewerage, electricity, drainage and external roadworks to the Council's satisfaction.

(2) Siting and Design of Premises

The relevant provisions of Part 5.0 of this transitional planning scheme apply to the development on land included in the Light Industry Zone.

(3) Reconfiguring of Lots

The relevant provisions of Part 6.0 of this transitional planning scheme apply to the reconfiguring of lots in the Light Industry Zone.



## 4.10 General Industry Zone

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### 4.10.1 *What is Intended for Land in this Zone*

This zone applies to the City's major industrial areas at:

- Paget/Ooralea, and
- adjacent to the Mackay Harbour.

These major industrial areas are recognised in the Strategic Plan.

While it is generally intended that the zone accommodate a wide range of manufacturing, other industrial, storage, distribution, and related activities, the suitability of land for particular uses will vary across the zone depending on local conditions. Each establishment is intended to locate on a site which enables all applicable standards and requirements to be met, and proposals will be considered accordingly.

For example, industries which have potential for serious or material environmental harm or nuisance, and industries that are more hazardous, should seek locations where impacts can be effectively managed or controlled to acceptable levels. Specific locational criteria for such industries may include:

- areas where larger land holdings are available,
- sites on which suitable buffer distances from adjoining uses and areas can be maintained, and/or
- areas having direct access to the City's major road network.

Where land in this zone adjoins, or is directly visible and close to, residential areas or other sensitive receiving environments, higher standards of siting, design, environmental performance, buffering and screening will apply. On such land, particular consideration will be given to:

- the siting, design and finish of buildings,
- landscaping,
- vehicle access arrangements, and
- screening and use of open use areas on the site,

to ensure the amenity of the area is protected.

Similarly, activities generating high volumes of traffic, particularly heavy vehicle traffic, should locate in areas having direct access to the City's major road network or access other than through residential areas or other sensitive receiving environments. Where traffic from the site may adversely affect residential or other sensitive uses, any development approval may be subject to the implementation of specific impact management measures. Such measures may include:

- installation of local area traffic management devices;
- agreement regarding preferred routes for service and delivery traffic;
- scheduling of deliveries to times that are compatible with surrounding uses; and
- other fleet and vehicle management practices.

Proposals to establish new uses may also be required to demonstrate compatibility with existing uses on adjoining land. This is likely to most commonly apply where

any proposed or existing use is in an Environmentally Assessable Industry Group I (ie. involving food processing).

Some land in this zone may be affected by, or affect, the operational requirements of the Mackay Airport. Development on this land is intended to have regard to such requirements so as not to compromise safe and efficient airport operations, and particularly taking into account the provisions of State Planning Policy 2/92.

Uses reasonably associated with industrial operations (like the sale of goods resulting from the operations on the site, and branch offices of banks and similar financial institutions), or those directly serving workers (including catering and recreational facilities) are considered appropriate within this zone where a need for any such use can be demonstrated to Council's satisfaction. It is preferred that development of such non-industrial uses be consolidated at identifiable local centres situated at locations which are conveniently accessible to surrounding industries.

#### 4.10.2 Table of Development Assessment

Column 1	Column 2		Column 3
	A	B	
Purpose	Circumstances under which development is self-assessable	Circumstances under which development is assessable using the code assessment process	Circumstances under which development is assessable using the impact assessment process as if town planning consent was required under the repealed Act.
Any of the following: <ul style="list-style-type: none"> <li>• Bulk Store</li> <li>• General Industry</li> <li>• Local Store</li> <li>• Public Utility</li> <li>• Service Industry</li> <li>• Special Purpose</li> </ul>	Where only minor development is required to accommodate the use	Other than as referred to in Column A.	None
Environmentally Assessable Industry	Where: <ul style="list-style-type: none"> <li>(a) i) in Group II, IV, V or VII; and</li> <li>ii) where on a site of not less than 4 000 m<sup>2</sup> which does not adjoin or face a sensitive receiving environment; or</li> <li>(b) in another Group and requiring only minor development to accommodate the use</li> </ul>	Development on a site having an area of not less than 2 000 m <sup>2</sup> involving Group II, IV, V or VII activities only.	Other than as referred to in Column 2
Any of the following: <ul style="list-style-type: none"> <li>• Bulk Landscape Supplies</li> <li>• Junk Yard</li> <li>• Outdoor Sales Premises</li> </ul>	None	Where on a site having an area of at least 2 000 m <sup>2</sup> and located other than adjacent to or having frontage to an arterial road.	Other than as referred to in Column 2
Local Utility	All	None	None
Park	All	None	None

Column 1	Column 2		Column 3
	A	B	
<b>Purpose</b>	<b>Circumstances under which development is self-assessable</b>	<b>Circumstances under which development is assessable using the code assessment process</b>	<b>Circumstances under which development is assessable using the impact assessment process as if town planning consent was required under the repealed Act.</b>
Any of the following: <ul style="list-style-type: none"> <li>• Car Repair Workshop</li> <li>• Off-street Car Park</li> <li>• Service Station</li> <li>• Showroom - Machinery</li> <li>• Transport Depot</li> <li>• Transport Terminal</li> <li>• Warehouse</li> </ul>	Where on a site having an area of not less than 2000 m <sup>2</sup> and the development required to accommodate the use is only minor.	Other than as referred to in Column A.	None
Any of the following: <ul style="list-style-type: none"> <li>• Caretaker's Residence</li> <li>• Catering Shop</li> <li>• Indoor Entertainment</li> </ul>	None	None	All
Any other purpose	None	Where : <ul style="list-style-type: none"> <li>(a) involving only a change in the intensity or scale of an existing use ; and</li> <li>(b) only minor development is required to accommodate the change.</li> </ul>	None

#### **4.10.3 Requirements for Development**

- (1) Construction of Buildings and Provision of Utility Services
  - (a) Any building work in the General Industry Zone shall be subject to the requirements of the *Building Act*.
  - (b) Any lot to be developed in the General Industry Zone shall be provided with reticulated water supply, sewerage, electricity, drainage and external roadworks to the Council's satisfaction.

- (2) Siting and Design of Premises

The relevant provisions of Part 5.0 of this transitional planning scheme apply to the development on land included in the General Industry Zone.

- (3) Reconfiguring of Lots

The relevant provisions of Part 6.0 of this transitional planning scheme apply to the reconfiguring of lots in the General Industry Zone.

## 4.11 Open Space Zone

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### 4.11.1 *What is Intended for Land in this Zone*

The preferred dominant land use intents and performance criteria set out in the Strategic Plan should be read in conjunction with this zone intent.

Land included in this zone is intended to be used for public passive or active recreation and for the development of private recreation facilities. Public space is intended to remain "open" with minimum built form and is to be protected from intrusion by incompatible uses. Private recreational uses are intended to be appropriately sited, give due regard to the environmental capability of the land and address all potential impacts of development.

Other land included in this zone is intended to serve as floodways, to provide buffer areas between incompatible uses and to facilitate the protection of environmentally significant areas. In particular, this includes:

- open space along the Pioneer River;
- open space corridors along major waterways;
- major areas of public parkland;
- major outdoor sporting and recreational facilities;
- State Forests;
- remnant vegetation habitat areas; and
- national and conservation parks, including those covering the islands.

#### 4.11.2 Table of Development Assessment

Column 1	Column 2		Column 3
	A	B	
Purpose	Circumstances under which development is self-assessable	Circumstances under which development is assessable using the code assessment process	Circumstances under which development is assessable using the impact assessment process as if town planning consent was required under the repealed Act.
Any of the following: <ul style="list-style-type: none"> <li>• Caretaker's Residence</li> <li>• Catering Shop</li> <li>• Local Utility</li> <li>• Sports and Recreation</li> </ul>	None	All	None
Outdoor entertainment	None	Where only minor development is required to accommodate the use and the land is not intended to protect an environmentally significant area.	Other than as referred to in Column 2
Park	All	None	None
Either of the following: <ul style="list-style-type: none"> <li>• Public utility</li> <li>• Special purpose</li> </ul>	Where minor development only and where not characterised as an office use.	Other than as referred to in Column A and not characterised as an office use.	None
Any of the following: <ul style="list-style-type: none"> <li>• Indoor Entertainment</li> <li>• Off-street Car Park</li> <li>• Tourist Facilities</li> </ul>	None	None	All
Any other purpose	None	Where : <ul style="list-style-type: none"> <li>(a) involving only a change in the intensity or scale of an existing use, and</li> <li>(b) only minor development is required to accommodate the change</li> </ul>	None

#### **4.11.3 Requirements for Development**

- (1) Construction of Buildings and Provision of Utility Services
  - (a) Any building works in the Open Space Zone shall be subject to the requirements of the *Building Act*.
  - (b) Any lot to be developed in the Open Space Zone shall be provided with reticulated water supply, sewerage, electricity, drainage and external roadworks to the Council's satisfaction.
- (2) Siting and Design of Development

The relevant provisions of Part 5.0 of this transitional planning scheme apply to the development on land included in the Open Space Zone.
- (3) Reconfiguring of Lots

The relevant provisions of Part 6.0 of this transitional planning scheme apply to the reconfiguring of lots in the Open Space Zone.



## **4.12 Comprehensive Development Zone**

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### **4.12.1 *What is Intended for Land in this Zone***

This zone is intended to enable particular areas of the City to be developed in a comprehensive and coordinated manner.

Such areas include tourist areas, villages and future urban lands.

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

Given the expected mixed use nature of development in this zone, local area plans may be prepared specifically to coordinate and provide detailed guidelines for development of areas within this zone. Where there is no Local Area Plan, development is subject to impact assessment (as if the development required town planning consent under the repealed Act).

Local Area Outline Plans may also be prepared by Council to guide development in this zone. All development must be consistent with any such applicable plan which is intended to show major land use areas, preferred movement corridors and the relationship of the local area to surrounding areas. Council may also seek such an Outline Plan to be prepared by an applicant for development.

**4.12.2 Table of Development Assessment**

Column 1	Column 2		Column 3
	A	B	
<b>Purpose</b>	<b>Circumstances under which development is self-assessable</b>	<b>Circumstances under which development is assessable using the code assessment process</b>	<b>Circumstances under which development is assessable using the impact assessment process as if town planning consent was required under the repealed Act.</b>
Local Utility	All	None	None
Park	All	None	None
Either of the following: <ul style="list-style-type: none"> <li>Public utility</li> <li>Special purpose</li> </ul>	Where: <ul style="list-style-type: none"> <li>(a) not characterised as an office use; and</li> <li>(b) on land having slopes generally less than 1 in 5 (20%)</li> </ul>	Where: <ul style="list-style-type: none"> <li>(a) not characterised as an office use; and</li> <li>(b) involving land other than as described in Column A</li> </ul>	Other than as referred to in Column 2
Any other purpose	Where provided for as “self-assessable” under the provisions of an applicable Local Area Plan or an approved Plan of Development.	Otherwise: <ul style="list-style-type: none"> <li>(a) where required to follow the code assessment process under the provisions of an applicable Local Area Plan or an approved Plan of Development; or</li> <li>(b) where not subject to an applicable Local Area Plan or an approved Plan of Development and: <ul style="list-style-type: none"> <li>(i) being an existing lawful use; and</li> <li>(ii) involving minor development only.</li> </ul> </li> </ul>	Where required to follow the impact assessment process under the provisions of an applicable Local Area Plan or an approved Plan of Development.

#### **4.12.3 Requirements for Development**

- (1) Construction of Buildings and Provision of Utility Services
  - (a) Any building or other structure in a Comprehensive Development Zone shall be subject to the requirements of the *Building Act*.
  - (b) Any lot to be developed in the Comprehensive Development Zone shall be provided with reticulated water supply, sewerage, electricity, drainage and external roadworks to the Council's satisfaction.

- (2) Siting and Design of Premises

The relevant provisions of Part 5.0 of this transitional planning scheme apply to the development and use of land in the Comprehensive Development Zone.

- (3) Reconfiguring of Lots

The relevant provisions of Part 6.0 of this transitional planning scheme apply to the reconfiguring of lots in the Comprehensive Development Zone.

## 4.13 Particular Development Zones

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### 4.13.1 *What is Intended for Land in these Zones*

These zones are intended to apply to sites on which only specified uses may be developed.

This zoning is intended to apply to:

- (a) land used for purposes, such as municipal services, public utilities, educational establishments and hospitals, whether or not in private or public ownership; and
- (b) development of premises for which the intent of other zoning does not adequately provide.

The application of these zones is intended to provide for:

- (a) the easy identification of uses and an appreciation of their impact on adjoining land, and
- (b) the protection of such uses from intrusion by other uses.

Development proposed on privately-owned land in a Particular Development Zone shall generally be in accordance with a Plan of Development indicating:

- (a) the type and location of uses on the site, and
- (b) the density of use and, where known, the size and location of proposed buildings and other structures, and details of vehicle access and movement onto and through the site.

#### 4.13.2 Table of Development Assessment

Column 1	Column 2		Column 3
	A	B	
<b>Purpose</b>	<b>Circumstances under which development is self-assessable</b>	<b>Circumstances under which development is assessable using the code assessment process</b>	<b>Circumstances under which development is assessable using the impact assessment process as if town planning consent was required under the repealed Act.</b>
Caretaker's residence	None	Where no other such residence is existing on the site	None
Local Utility	All	None	None
Park	All	None	None
Either of the following: <ul style="list-style-type: none"> <li>Public Utility</li> <li>Special Purpose</li> </ul>	(a) Where only minor development is required to accommodate the use, or (b) Where described in black lettering on the Scheme Map or shown on a Plan of Development	Other than as referred to in Column A	None
Any other purpose	Where: (a) described in black lettering on the Scheme Map; and (b) involving only a change in the scale or intensity of an existing use and (c) requiring only minor development to accommodate the change.	Where: (a) described in black lettering on the Scheme Map; and/or (b) involving only a change in the scale or intensity of an existing use; and (c) requiring development which is not minor to accommodate the change.	None

#### **4.13.3 Requirements for Development**

- (1) Construction of Buildings and Provision of Utility Services
  - (a) Any building work in a Particular Development Zone shall be subject to the requirements of the *Building Act*.
  - (b)
    - (i) Any site to be developed in a Particular Development Zone shall, if considered necessary by Council, be provided with reticulated water supply, sewerage, electricity, drainage and external roadworks to the Council's satisfaction.
    - (ii) Provided that where the site is in a locality to which the Council does not intend to provide a reticulated water supply and/or reticulated sewerage system, the Council may approve development subject to satisfactory alternative provision being made for water supply and/or sewage disposal.
- (2) Siting and Design of Premises

The relevant provisions of any applicable Local Area Plan and of Part 5.0 of this transitional planning scheme apply to the development on land included in a Particular Development Zone.
- (3) Reconfiguring of Lots

The relevant provisions of any applicable Local Area Plan and of Part 6.0 of this transitional planning scheme apply to the reconfiguring of lots in a Particular Development Zone.

## 5. Objectives and Performance Criteria for Development

### 5.1 Application of the Provisions of this Part

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- (1) All development carried out after the commencement day in accordance with this transitional planning scheme is required to comply with all the applicable standards and requirements of Section 5.2 below.
- (2) Additionally, development carried out after the commencement day in accordance with this transitional planning scheme is required to comply with the applicable standards and requirements of the other Sections of this Part as follows:
  - (a) Section 5.3 - for residential development;
  - (b) Section 5.4 - for commercial development;
  - (c) Section 5.5 - for industrial development;
  - (d) Section 5.6 - for local community facilities;
  - (e) Section 5.7 - for heritage protection;
  - (f) Section 5.8 - for development and use of premises in the vicinity of the Mackay Airport; and
  - (g) Section 5.9 - for City entry corridors.
- (3) Development in relation to an existing use is only required to comply with the applicable standards and requirements of this Part to the extent that, in Council's opinion, is reasonable and relevant.
- (4) Where there is any question about whether or not a standard or requirement applies to a particular development, the applicability of that standard or requirement shall be as determined by Council having regard to the nature and scale of the development and the circumstances of the proposal.

### 5.2 Provisions for Development Generally

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This section sets out minimum performance criteria by which development will be assessed by the Council and offers some acceptable solutions or ways of achieving these criteria. This approach is intended to facilitate more innovative design solutions.

The general criteria which apply to the entire planning scheme area are in relation to designing for:

- Site Access;
- Vehicle Parking;
- On-site Vehicle Movement;
- Landscaping;
- Electricity Facilities;
- Site Drainage;

- Earthworks;
- Vegetation Protection;
- Signs;
- Geotechnical Considerations;
- Environmental Noise Management;
- Setback from Cane Tramlines;
- Building Lines;
- Roadworks;
- Infrastructure Services;
- Stormwater Drainage;
- Beach Protection; and
- Protection of Views.

### 5.2.1 **Vehicle Access, Parking and On-Site Movement**

**(1) Element:** Site Access

**Objective:** To ensure that adequate and safe provision is made for vehicles to enter and leave the site.

**Performance Criteria**

- (a) For sites proposing direct access to a road under the control of the State Government, access arrangements to the satisfaction of the relevant State Government Department and the Council.
- (b) The provision of access driveways located to minimise conflicts and designed to operate efficiently and safely taking into account:
  - the size of the parking area;
  - the amount and type of vehicle traffic;
  - the type of use (e.g., long-term, short-term, regular, casual);
  - frontage-road traffic conditions; and
  - the capacity of the adjoining street system.

**Acceptable Solutions**

- (a) Access arrangements which meet the requirements of the relevant State Government Department comply with any applicable Council requirements, policies and guidelines.
- (b) The provision of access driveways which are located and designed in accordance with the provisions of Australian Standards AS 2890.1-1986 and AS 2890.2-1989.



**(2) Element: Vehicle Parking**

**Objective: To ensure the provision of sufficient and convenient parking for the amount and type of vehicle traffic expected to be generated.**

**Performance Criteria**

- (a) Vehicle parking spaces having adequate areas and dimensions to meet user requirements including disabled users.
- (b) Provision of sufficient parking spaces to accommodate the amount and type of vehicle traffic expected to be generated by the development. Such provision shall be on-site, except where Council is satisfied that development:
- is in relation to an existing building and adequate on-site parking cannot reasonably be provided; or
  - is for a non-residential purpose and satisfactory parking is to be provided on other land within 100 m of the subject site; or
  - is for a non-residential purpose in the Central Business District and parking is better provided on public land for which the applicant pays a contribution in-lieu.
- (c) Vehicle parking spaces having adequate and secure covered structures capable of withstanding cyclonic conditions.
- (d) The parking area designed, constructed and maintained:
- at a gradient suitable for vehicle parking;
  - such that it is effectively drained and sealed;
  - such that spaces are clearly marked and signed as appropriate, and for the exclusive use for the parking of vehicles associated with the development on the site.
- (e) On-site vehicle parking is provided where it is convenient, attractive and safe to use.

**Acceptable Solutions**

- (a) Parking spaces meeting the design requirements of Australian Standards AS 2890.1-1986 and AS 2890.2-1989 for car and commercial vehicle parking respectively.
- (b) (i) The number of on-site car parking spaces provided being not less than the number specified for a particular use in accordance with Council's relevant transitional planning scheme policy.
- (ii) The provision of at least one bus parking space (with a minimum width of 4m, a minimum length of 20m and a minimum height of 4m), where development is for the purpose of:
- a motel or serviced apartment complex having at least 20 units;
  - a major sporting or entertainment facility; or
  - a transport terminal.
- (c) Site specific measures apply but could include basement parking areas or garages within buildings.
- (d) The provision of a parking area which:
- is sealed;
  - has gradients in accordance with the relevant provisions of Australian Standards AS 2890.1-1986 and AS 2890.2-1989;
  - drains adequately and in such a way that adjoining and downstream land is not adversely affected; and
  - has spaces clearly marked, and, if appropriate, signed.
- (e) Short-term visitor parking is provided at the front or on the main approach side of the site, with easy access to the building entry.

- (3) Element:** On-site Vehicle Movement
- Objective:** To ensure that adequate and safe provision is made for the on-site movement of vehicles.

**Performance Criteria**

**Acceptable Solutions**

- |  |   |
|--|---|
| <p>(a) Except for Dwelling Houses, and development in relation to an existing building where Council is satisfied that this criteria could not reasonably be met, sufficient area or appropriate circulation arrangements to enable all vehicles expected to use the site to drive both on and off the site in forward gear.</p> | <p>(a) Circulation and/or turning areas complying with the requirements of Australian Standards AS 2890.2-1989.</p>   |
| <p>(b) An on-site circulation system providing adequate and safe access to all parking, loading/unloading and manoeuvring areas.</p>   | <p>b) Circulation driveways complying with the requirements of Australian Standards AS 2890.1-1986 and AS 2890.2-1989 and Councils relevant local planning policy.</p>  |
| <p>(c) Where vehicle queuing is expected, provision for an adequate queuing area that enables vehicles to stand without obstructing the free flow of moving traffic or unduly conflicting with pedestrian movement.</p>  | <p>(c) (i) Queuing areas complying with the requirements of Australian Standards AS 2890.2-1989 and of any relevant NAASRA guidelines.</p> <p>(ii) The provision of on-site queuing and/or set down/pick up facilities as appropriate for development for the purposes of any:</p> <ul style="list-style-type: none"> <li>• Caravan park (reception area);</li> <li>• Catering shop (with drive-through facilities);</li> <li>• Child care centre</li> <li>• Educational establishment (being a school, college, university or the like, other than in a business area);</li> <li>• Hospital;</li> <li>• Hotel (with drive-through facilities);</li> <li>• Motel or Serviced Apartment (reception area);</li> <li>• Off-street car park (with entry/exit control facilities);</li> <li>• Service station;</li> <li>• Shopping complex ;</li> <li>• Transport terminal.</li> </ul> |
| <p>(d) On-site driveways, turning areas and vehicle standing areas designed, constructed and maintained:</p> <ul style="list-style-type: none"> <li>• at gradients suitable for intended vehicle use;</li> <li>• in compliance with design for access by persons with physical disabilities.</li> </ul>                          | <p>(d) The provision of vehicle manoeuvring and loading/unloading areas which:</p> <ul style="list-style-type: none"> <li>• are adequately sealed;</li> <li>• have gradients in accordance with the relevant provisions of Australian Standards AS 2890.1-1986 and AS 2890.2-1989 and AS 1427;</li> <li>• are available at all times they are required to be used; and</li> <li>• drain adequately and in such a way that adjoining and downstream land is not adversely affected.</li> </ul>   |

## 5.2.2 On-Site Works

(1) **Element:** Landscaping

**Objective:** To establish landscaping on each site that is environmentally responsive, provides shade, enhances the appearance of the development and, where applicable, effectively buffers incompatible development.

### Performance Criteria

(a) Landscaping generally which is designed, established and maintained to:

- be an appropriate scale relative both to the street reserve width and to the size and nature of the development;
- incorporate significant existing vegetation, where possible;
- be sensitive to site attributes, such as streetscape character, natural landform, existing vegetation, views, land capability, availability of water and drainage;
- provide summer shade and screen winter winds;
- maximise areas suitable for on-site infiltration of stormwater;
- include suitable irrigation systems;
- allow adequate lighting and pedestrian and vehicular safety;
- effectively screen service and outdoor storage areas, such as garbage collection areas, from views from outside the site;
- be suitable to the tropical climate and incorporate local native species; and
- allow adequate casual surveillance of public areas.

(b) Landscaping for residential development which additionally serves to:

- improve privacy and minimise overlooking between dwelling and/or rooming units;
- provide an adequate screen to incompatible development on adjoining land; and
- integrate and form linkages with parks, reserves and transport corridors, if applicable.

### Acceptable Solutions

(a) (i) Planting, paving and other landscape treatment shown on a Landscape Plan or Plan of Development to the satisfaction of the Council, and having particular regard to the provisions of Element (3) of this Section and Council's relevant transitional planning scheme policy.

(ii) Any plan showing landscaping proposed by a qualified Landscape Architect unless otherwise approved by Council.

(iii) On any site within a "City Entry Corridor" as identified in the Strategic Plan, a landscaped buffer area provided along the applicable road frontage having a minimum width of:

- 10 metres where in an urban area, or
- 20 metres where in a rural area.

(b) Site specific measures apply.

**Performance Criteria**

- (c) For each outdoor parking area, suitable landscaping established and maintained to:
- visually enhance the area along any road frontage;
  - screen the area from any adjoining residential or other sensitive use;
  - provide visual relief and shade throughout the area; and
  - compatible with local native species.

**Acceptable Solutions**

- (c) Landscaping of outdoor parking areas which provides for:
- (i) planting of trees and shrubs in a strip 6 m wide along any road frontage at a density and a scale appropriate to the size of the parking area and the function of the adjoining road;
  - (ii) planting of trees and shrubs and/or provision of walls or fencing to a height of at least 1.8 m along any boundary to land used or likely to be used for residential or other sensitive purpose to provide an effective buffer and/or screen; and
  - (iii) planting of trees and shrubs in median areas throughout the parking area and including 1 shade tree for every 10 parking spaces.

(2) **Element:** Electricity Facilities

**Objective:** To ensure that electricity transformers are integrated within the development (where required).

**Performance Criteria**

- (a) All development shall be provided with such facilities to ensure adequate electricity supply.

**Acceptable Solutions**

- (a) Transformers shall be located in an accessible location and shall be adequately screened by planting or fencing.

(3) **Element:** Site Drainage

**Objective:** To provide an effective and adequate on-site stormwater drainage system which can be economically maintained.

**Performance Criteria**

- (a) Design for drainage which takes into proper consideration:
- the scope for on-site stormwater retention, including the collection of water for re-use, and the use of communal carparks for stormwater retardation;
  - the scope for on-site stormwater retention, including the collection of water for re-use, and the use of communal carparks for stormwater retardation;
  - the scope for on-site infiltration;
  - the need for a stormwater system that can be economically maintained;
  - the protection of downstream water quality;
  - the safety of pedestrians and vehicles;
  - location of discharge;

**Acceptable Solutions**

- (a) (i) Design and construction of roof and allotment/lot drainage systems that comply with the requirements of:
- (A) Queensland Urban Drainage Manual - s.5.18 "Roof and Allotment Drainage";
  - (B) Australian Standard - AS 2180; and the downstream capacity;
  - (C) Australian Standard - AS 3500.3.
  - (D) Councils relevant transitional planning scheme policy.
- (ii) On-site drainage designed to ensure that adjoining land and the existing downstream system are not adversely affected.
- (iii) On-site drainage provided and maintained to protect the quality of downstream water to within acceptable limits.

**Performance Criteria**

- provision for land which falls away from the road;
  - development with a high proportion of impervious area such that runoff is likely to be high; and
  - construction of buildings, structures or paving up to site boundaries such that natural flow paths may be blocked or concentrated.
- (b) Security of tenure for rights to convey and/or discharge stormwater.

**Acceptable Solutions**

- (b) Easements provided where drainage systems traverse private property.

(4) **Element:** Building or Operational Works Involving Excavation and/or Filling

**Objective:** To ensure development does not exacerbate existing flooding or drainage problems, cause undesirable erosion and sedimentation problems, and is provided with adequately safe and stable foundation conditions.

**Performance Criteria**

- (a) Any cut and fill on a site placed and treated such that:
- ponding will not occur on adjoining sites;
  - the excavation will not adversely affect the stability of, or the filling will not encroach upon, any land adjoining the site;
  - any erosion and sedimentation is avoided or contained on site;
  - any building or other structures are provided with sound and stable foundation conditions; and
  - the stability of any building or other structure on the site or on adjoining sites is not adversely affected.

**Acceptable Solutions**

- (a) A stormwater drainage plan and geotechnical report prepared by a qualified, as determined by Council, registered professional or NPER-3 Civil Engineer (Geotechnical specialisation) which indicates site fill levels, levels on adjoining sites and cut and soil and subsoil conditions, submitted prior to any development approval being issued for building work.

(5) **Element:** Vegetation Protection

**Objective:** To protect and, where possible, enhance the biological and scenic values of significant areas of native vegetation on sites where development is carried out.

**Performance Criteria**

- (a) Clearing of native trees or shrubs undertaken such that significant degradation of land or water resources does not occur through:
- (i) damage to land within a water catchment resulting from increased erosion or mass movement;
  - (ii) increased risk of downstream waterlogging or salinity problems;
  - (iii) reduction in capability of land for sustainable agriculture production; or
  - (iv) reduction in scenic values.

**Acceptable Solutions**

- (a) (i) Retention and enhancement of native vegetation other than:
- to protect property from possible bushfire hazards to the satisfaction of the local rural fire brigade and the Council; or
  - to undertake approved building or other siteworks in accordance with an approved Land Management Plan.
- (ii) Clearing of native vegetation on one part of the site accompanied by effective revegetation, with native trees and shrubs, on

another environmentally sensitive part of the site in accordance with an approved Land Management Plan.

(b) Areas of significant remnant native vegetation retained as public or private open space and/or, where necessary, enhanced through additional planting and other management measures.

(b) Agreement reached between the land owner, and the Council and/or the relevant State government department, to put in place formal arrangements providing for the protection of significant remnant native vegetation.

(6) **Element:** Geotechnical Considerations

**Objective:** To ensure the underlying geology and soil strata is suitable for a development.

**Performance Criteria**

(a) Geotechnical investigations carried out to prove the suitability of the underlying geology and/or soil strata in respect to a development, particularly in hillside areas and on land with slopes in excess of 15%.

**Acceptable Solutions**

(a) A geotechnical report prepared by a suitably qualified, as determined by Council, registered professional or NPER-3 Civil Engineer (Geotechnical specialisation) shall be submitted and approved by Council prior to the issue of any development permit.

(7) **Element:** Environmental Noise Management

**Objectives:** (a) To ensure that noise generated by a use does not unduly intrude upon the amenity of adjoining uses to the point where a nuisance is created.

(b) To ensure that uses sensitive to external noise are protected from unacceptable noise impacts.

**Performance Criteria**

(a) Premises designed and constructed to ensure that either noise nuisance is not generated, or noise intrusion is avoided or mitigated.

**Acceptable Solutions**

(a) Inclusion of appropriate noise attenuation features (for example building materials or landscaping or fencing) in, or design orientation of, premises to ensure noise levels amended by, or affecting, the use comply with the acceptable levels outlined in the Environmental Protection (Noise) Policy 1997, any relevant Council transitional planning scheme policy, or other relevant published guidelines or standards.

(8) **Element:** Setback from Cane Tramlines

**Objective:** To ensure that all new premises are setback an appropriate distance from cane tramlines.

**Performance Criteria**

Buildings sited such that there is no significant loss of amenity for residents in areas of new development due to the operation of cane trams.

**Acceptable Solutions**

Buildings setback a minimum of 50 metres from cane tramlines and 100 metres from level crossings and sidings.

(9) **Element:** Building Lines

**Objective:** To ensure that all new development within the areas identified on Council's Road Widening Regulatory Map are setback an appropriate distance from road alignment(s).

**Performance Criteria**

Buildings setback an appropriate distance from road alignment(s) identified on Council's Road Widening Regulatory Map.

**Acceptable Solutions**

- (i) Site specific solutions apply;
- (ii) Generally the following setbacks should be maintained:
  - Arterial, Sub-arterial or Rural Roads - 20 m;
  - Arterial or Sub-arterial within urban areas - 10 m, except within the CBD where buildings may be constructed on the frontage alignment;
  - Otherwise - 6 m, except within the CBD where buildings may be constructed on the frontage alignment.

### 5.2.3 External Works

(1) **Element:** Roadworks

**Objective:** To ensure that the design and construction of road pavement, pavement edge and footpath serving each site provides for the needs for all road users.

**Performance Criteria**

- (a) Development that provides for:
  - (i) a vehicle crossing or crossings, from the carriageway to the frontage of the land, constructed and finished to standards sufficient to accommodate expected vehicle use;
  - (ii) footpath formation which matches acceptable adjoining conditions or is in keeping with the required profile for roads in the locality;
  - (iii) pedestrian pavement where warranted by expected pedestrian use;
  - (iv) appropriate kerb and channelling other than along rural roads;
  - (v) construction and pavement of road as required to meet design and treatment standards appropriate to the locality;
  - (vi) alteration or repair to existing road pavements, kerb and channelling, vehicle crossing, footpath or drainage works, required as a result of the construction works for the development at no cost to the Council or other road authority.

**Acceptable Solutions**

- (a) Works undertaken by the applicant, or where agreed, by Council at the applicant's expense, to provide for:
  - (i) reinforced concrete industrial vehicle crossing or crossings where the premises are to be used for other than a rural purpose;
  - (ii) footpath formation suitable to site specific conditions;
  - (iii) pedestrian pavement for the full length of the road frontage or frontages of the land:
    - at least 1.2 m wide where the premises adjoin a sub-arterial road or collector street or are for a commercial purpose; or
    - for the full footpath width where premises are situated in either the Central Business Zone or Commercial Zone.
  - (iv) suitable kerb and channelling integrated with the stormwater drainage system.
  - (v) where the road:
    - is partly paved, construction and pavement of the carriageway between the existing pavement and the edge of the carriageway along the full frontage or frontages of the land; or

## Performance Criteria

- (b) For premises which generate high volumes of traffic or significant heavy vehicle traffic, paved road access provided between the site and a suitable part of the existing road network.

## Acceptable Solutions

- is not paved, construction and pavement of the road for a width of at least 6 m from the nearest paved section of carriageway; and
  - the alteration or repair of existing roadworks required as a result of the construction works for the development completed at the developer's expense.
- (vi) Site specific measures apply.
- (b) (i) Works undertaken by the applicant, or where agreed, by Council at the applicant's expense, to provide for pavement of the road for a width of at least 6 m from the nearest paved section of an existing Arterial, Sub-arterial or Industrial Road, or adequately paved Rural Road.
- (ii) Where applicable, a road maintenance contribution determined and paid in accordance with the Council's relevant transitional planning scheme policy.

## (2) Element: Infrastructure Services

**Objective: To ensure the adequate provision of services for the premises and its users.**

### Performance Criteria

- (a) Sufficient and environmentally sound provision made for the following utility services:
- water supply;
  - sewage disposal;
  - electricity supply;
  - telephone services; and
  - wastewater disposal.
- (b) Where required, parkland, stormwater, water supply and sewerage headworks determined and appropriate contributions made.
- (c) Where necessary, alterations or repairs to public utility mains, services or installations and drainage works, involved in or caused by the construction works for the development made at no cost to the service authorities or the Council.

### Acceptable Solutions

- (a) Premises established on land that is:
- connected to a reticulated water supply where available, or otherwise provided with an adequate and reliable source of potable water;
  - sewered where a sewerage system exists, or otherwise provided with acceptable sewage disposal facilities;
  - connected to an electricity supply;
  - provided with telephone services; and
  - provided with acceptable wastewater disposal facilities;
- where the water supply, sewerage and wastewater disposal facilities are in accordance with the Council's relevant transitional planning scheme policy.
- (b) Parkland, stormwater, water supply and sewerage headworks determined and contributions made in accordance with the Council's relevant transitional planning scheme policy.
- (c) Alterations or repairs to public utility mains, services or installations, and drainage works as required as a result of the construction works completed at the developer's expense.



(3) **Element:** Stormwater Drainage

**Objective:** To provide a suitable and adequate stormwater system which can be economically maintained.

**Performance Criteria**

The provision or upgrading of a drainage system which has the capacity to control the quantity and quality of stormwater flows under normal operating conditions to acceptable levels and is designed:

- to maximise retention of natural drainage features and batters;
- to make full use of any scope for on-site stormwater retention, including the collection of water for re-use, and the use of car parking areas for stormwater retardation;
- to prevent ponding for a prolonged period;
- to ensure that existing downstream systems are not adversely affected;
- to be accessible, durable, cost-effective and easily maintainable;
- to prevent accumulation of silts and blockages by debris; and
- to direct all drainage to the street gutters or other point of lawful discharge.

**Acceptable Solutions**

- (i) An approved stormwater drainage system provided by the applicant to comply with the following:

Land Use Type	System Design Rainfall Event (Minor Storm)
Residential	1 in 5 years
Central Business Commercial	1 in 15 years
Industrial	1 in 5 years
Open Space	1 in 1 years

- (ii) A contribution paid by the applicant, where a stormwater drainage system is needed to be established or upgraded to meet the increased demand from the proposed development, in accordance with the Council's requirements.
- (iii) Environmental controls put in place and maintained as part of the drainage system, in accordance with the Council's requirements, which may include:
- treatments to prevent or minimise erosion and scouring;
  - detention ponds/wetlands;
  - other filtration measures;
  - trash racks;
  - channelling, benching or other measures to direct flows.

(4) **Element:** Beach Protection

**Objective:** To ensure the objectives of the Coastal Protection and Management Act are taken into account in assessing relevant development applications made under this transitional planning scheme.

**Performance Criteria**

The construction of buildings or other structures outside the buffer area of the Coastal Control District.

**Acceptable Solutions**

Development having proper regard to the provisions of the Coastal Protection and Management Act.

(5) **Element:** Protection of Views

**Objective:** To identify and safeguard existing scenic views from encroachment by unsympathetic development.

**Performance Criteria**

The construction of buildings or other structures which does not detract from scenic views across the built and natural areas of the City.

**Acceptable Solutions**

- (a) Unless specified elsewhere in this planning scheme, buildings and other structures which do not exceed three storeys, or 9 metres, in height.
- (b) Where considered desirable by Council to provide for the protection of views Council may require the height of a proposed building or other structure to be reduced. In doing so, Council may permit an increase in site cover as recompense for the reduction in its height, so that the floor area which could otherwise be developed under the relevant provisions of this transitional planning scheme for a site can be maintained.

## 5.3 Provisions for Residential Development

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### 5.3.1 Dwelling Houses on Lots between 450 and 700 m<sup>2</sup> in Area

(1) **Element:** Form of Development

**Objective:** To provide for an increased choice of housing through integrated smaller lot residential development which demonstrates high standards of siting and design.

**Performance Criteria**

Development as shown on a Plan of Development which demonstrates to Council that the proposal satisfactorily meets people's housing needs, by complying with the "Intent" and "Performance Criteria" of the relevant "Elements" the Queensland Residential Design Guidelines, where the development involves:

- lots having areas less than 700 m<sup>2</sup> and more than 450 m<sup>2</sup> and average widths less than 18 metres in the Urban Residential Zone or 15 metres in the Higher Density Residential Zone;

**Acceptable Solutions**

Development complying with a Plan of Development showing details of all:

- allotments or lots;
- roads (if proposed);
- building envelopes;
- public and private open space areas;
- building layout and orientation;
- on and off-site car parking areas;
- fencing; and
- landscaping;

all of which are in accordance with the "Acceptable Solution" or "Suggested Solutions" of the relevant elements of the Queensland Residential Design Guidelines.

### 5.3.2 Accommodation Units, Multiple Dwelling Units, and Dwelling Houses on Lots Not Greater than 450 m<sup>2</sup>

(1) **Element:** Site Suitability

**Objective:** To provide for integrated residential development on land that is topographically suitable, adequately serviced and has access to community, recreational, social and emergency facilities.

#### Performance Criteria

- (a) Premises developed on sites that are:
- physically suited to or able to make provision for easy pedestrian movement,
  - well drained, and
  - not subject to any sources of unpleasant odour, excessive noise or other pollution, and
  - subject to or potentially subject to cooling summer breezes.
- (b) Premises developed on sites accessible to or served by:
- ambulance, fire-fighting, and other emergency services,
  - local community, recreation, and commercial facilities,
  - district or regional community, recreation and commercial facilities, and
  - the transport network.
- (c) Premises developed on a site with vehicle access from a road having adequate capacity for the traffic volumes expected to be generated.

#### Acceptable Solutions

- (a) (i) Land having a slope of less than 1 in 20 (5%).
- (ii) Land allowing buildings and open space areas to be oriented generally to the north and east.
- (iii) Land that does not adjoin or is buffered from heavily trafficked roads, railways or significant industrial areas and that is not isolated by expanses of undeveloped or rural land.
- (b) The site is in or adjoining an existing urban area or village, and preferably within easy walking distance of shops, open space and/or public transport facilities.
- (c) For Accommodation Units and Multiple Dwelling Units, the site has vehicle access other than from an Access Place or Access Street.

(2) **Element:** Site Layout

**Objective:** To achieve a coherent site layout that provides a pleasant, attractive, manageable and safe living environment.

#### Performance Criteria

- (a) The site is of sufficient size to meet projected requirements of people with different housing needs.
- (b) The site layout connects into the neighbourhood through:
- adequate pedestrian, cycle and vehicle access;
  - visual links to views or features of significance;
  - buildings facing street and public open spaces; and
  - building, streetscape and landscape design relating to the surrounding neighbourhood character.

#### Acceptable Solutions

- (a) A site having an area of:
- (i) 800 m<sup>2</sup> or more, and a minimum frontage of 20 metres for multiple dwelling units and accommodation units;
- (ii) 300 m<sup>2</sup> or more and a minimum frontage of 10 metres for a dwelling house.
- (b) Measures appropriate to site specific conditions.

### Performance Criteria

- (c) Site layout which:
- provides useable open space conveniently accessible to residents and which is capable of being efficiently and cost-effectively maintained; and
  - takes account of attractive neighbouring sites and streetscape.
- (d) Internal road/driveway layout which discourages speeding and provides safe, convenient, economical and all-weather access and parking for vehicular traffic.
- (e) Footpath layout which:
- provides safe, direct and low gradient footpaths provided within and adjacent to the site, and
  - discourages use of the site as a pedestrian through-route for non-residents and provides privacy to interior spaces from all passersby.
- (f) Buildings sited and designed:
- to maximise use of prevailing breezes for natural ventilation;
  - so that openings (windows and external doors) located in opposite and adjacent walls wherever possible to facilitate capture of prevailing breezes and cross ventilation;
  - to provide adequate shading for external openings, terraces and balconies; and
  - planting, fencing and screening designed to provide for summer shade.
- (g) Buildings sited to provide a clearly delineated transition space from public territory to the front doors of units.

### Acceptable Solutions

- (c) Measures appropriate to site specific conditions.
- (d) The design and routing of roadways/driveways in accordance with Queensland Streets principles.
- (e) Footpaths which have a hard and non-slip surface and are well drained.
- (f) (i) The orientation and design of dwellings minimise solar gain, especially through minimising and screening openings to the west, and providing of roof overhangs, shutters, balconies and verandahs.
- (ii) Ceiling fans provided to major habitable rooms.
- (iii) The openable window area in habitable rooms is not less than 15% of the floor area.
- (g) (i) The site layout ensures that the front entrance of each dwelling is easily found, and that reasonable amenity is maintained between dwellings.
- (ii) The site layout contributes to personal and property safety and to the security of the neighbourhood by ensuring that dwellings and units do not face away from public places making casual surveillance difficult.

(3) **Element:** Building Appearance

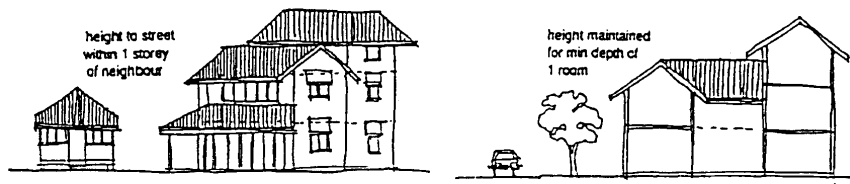
**Objective:** To ensure that, when viewed from a public street, the external design of buildings is attractive and visually compatible with surrounding development or identified heritage elements and the locality or with the identified future character of a locality.

**Performance Criteria**

- (a) Buildings adjacent to a public street should address the street.
- (b) Building height in relation to the street frontage maintains a compatible scale with adjacent development.

**Acceptable Solutions**

- (a) The frontages of buildings address the street except on lots with frontages facing due west.
- (b) Differences in height between existing buildings and new buildings are not more than one storey when viewed from the public street.



Building height related to neighbouring development at the public street frontage



Infill urban housing design is responding to changing community expectations



- (c) Buildings designed to take into account relevant features that determine the prevailing character of the surrounding streetscape.
- (c) (i) Building design is in accordance with specific requirements pertaining to particular heritage precincts.
- (ii) For urban infill housing that abuts an existing public street, information submitted that demonstrates how the development fits in with an existing attractive streetscape and detailed information provided on adjacent building setbacks, window openings and internal use of rooms or buildings.
- (iii) Dominant external design features such as roof pitch, materials, colour, setback, tree cover, garages, driveways and front fences complement the character of the existing area.
- (iv) The majority of the roof form viewed from the public street being pitched and having an angle not less than 5% below the dominant roof pitch in the site's visible locality. Where adjacent roofs are flat, steeper roof pitches that contribute to the streetscape are acceptable. Alternatively, it is demonstrated that the proposed roof will make a positive contribution to the streetscape.
- (v) Building design, roof form, detailing and materials visible from public areas which are not in strong visual contrast with the character of attractive buildings in the site's visible locality.
- (d) Building design, detailing and finish provide an appropriate scale to the street and add visual interest and differentiation between residential buildings when viewed from public streets.
- (d) (i) Buildings having a maximum unarticulated length of 15 m to the street frontage. Punctuation by bay windows, verandahs, balconies or wall offsets is considered to be adequate articulation.
- (ii) Buildings detailed or articulated to enable individual dwellings to be identified from public and communal streets.
- (iii) Existing buildings in sound conditions and which contribute significantly to the streetscape character retained or incorporated where possible into new premises. Items of heritage or conservation significance retained and sympathetically treated.
- (iv) In areas of existing predominantly timber walled housing, new buildings being either timber walled or having masonry walls rendered and painted.
- (v) Carports and garages being compatible with the building design and adjacent development.

- (vi) For each dwelling, the maximum width of garage or carport opening that faces the street being 6 m or 50% of the frontage width, whichever is the lesser distance.

**(4) Element: Building Setbacks**

**Objective: To ensure buildings are setback from the street, side and rear boundaries, so as to provide adequate space, where required, for landscaping, outdoor activities, visual and acoustic privacy and for the establishment of an appropriate residential character and visual bulk.**

**Performance Criteria**

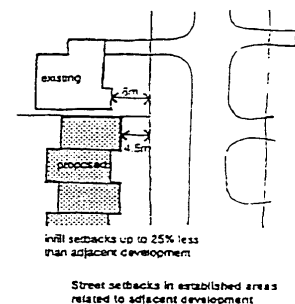
- (a) Buildings are setback in such a way that:
- allowance is made for efficient use of the site;
  - landscaping is able to be provided at the front of the site;
  - pedestrians do not feel the building is overbearing;
  - residents are provided with an adequate sense of visual and acoustic privacy; and
  - some visitor carparking is able to be provided at an easily visible location at the front of the site; and
  - 
  - the building is integrated into the existing or proposed streetscape.

**Acceptable Solutions**

- (a) (i) The building setback as follows:

Street Type	Minimum Setback when the Street is:	
	The Principal Street Frontage	A Side Street Frontage
Access Place or Access Street	4.5 m	3 m
Collector Street	6 m	4.5 m
Sub-arterial or Arterial	10 m	6 m

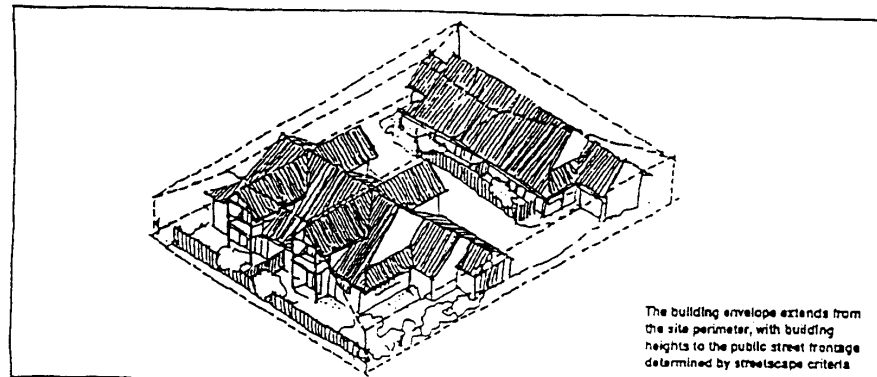
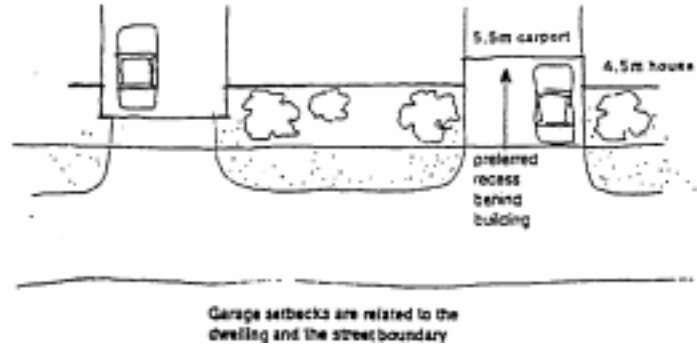
- (ii) In established areas, setbacks from the principal and any side street frontage being no smaller than 25% less than that of adjacent development provided the setbacks in (i) are satisfied.



- (iii) Carports having no setback from the street frontage where the relevant requirements of Element (3) of this Section are satisfied, provided that such carports are not enclosed by gates or roll-a-doors, and that supporting posts are setback at least 1 metre from the frontage.
- (iv) Garages being at least 1 metre behind the dwelling with a

5.5 metre minimum setback where the relevant requirements of Element (3) of this Section are satisfied.

- (v) Buildings sited within a building envelope which complies with that illustrated below:



- (vi) The following may encroach without restriction:
- pergolas, screens or sunblinds, light fittings, electricity or gas meters, aerials; or
  - unroofed terraces, landings, steps or ramps not more than 1 m in height.
- (vii) A minimum setback of 3 m provided from the carriageway edge for dwellings fronting driveways. Garages and carports having a 5.5 m setback from the carriageway edge to facilitate driveway carparking.
- (viii) Where appropriate as part of a streetscape design, setbacks being sufficient to allow the planting of large-canopy trees where these cannot be provided in the street reserve.



- (b) Walls of buildings are sited and are of such length and height that there is no significant loss of amenity to adjacent dwellings and land.
- (b) (i) A rear boundary setback of at least 4 m being provided.
- (ii) A side boundary setback of 1.5 m, and preferably 2.5 m for living/family rooms and bedrooms (to maintain on-site acoustic and visual privacy), for walls up to a maximum of 3.5 m in height being provided. For any part of the wall over 3.5 m in height, the minimum setback being 1.5 m plus 0.3 m for every 1 m of height over 3.5 m.
- (iii) Walls built to side boundaries where:
- the maximum wall height is 3.5 m unless matching an existing or simultaneously constructed wall;
  - the maximum wall length to an abutting property boundary matches an existing boundary wall;
  - the maximum wall length to any abutting property boundary where there is no existing boundary wall on the abutting property being no more than 50% of the length of that boundary, or 12 m, whichever is the lesser distance;
  - adequate daylight and sunlight is available.

(5) **Element:** Landscaping

**Objective:** To establish landscaping on each site that is environmentally responsive, that positively contributes to the improvement of the streetscape and, where applicable, acts to blend new premises into the streetscape and neighbourhood.

**Performance Criteria**

Landscape design which contributes to the creation of a lush, sub-tropical appearance.

**Acceptable Solutions**

The design of the landscape should, as appropriate:

- provide shading to buildings and private open spaces;
- define a theme for new streets, or complement or improve existing streetscapes and integrate with new development;
- complement the functions of the street;
- reinforce desired traffic speed and behaviour;
- be of an appropriate scale relative to both the street reserve width and the building bulk;
- improve privacy and minimise overlooking between dwellings;
- promote safety and casual street surveillance;
- incorporate existing vegetation, where possible;
- appropriately account for streetscapes and landscapes of heritage significance;
- be sensitive to site attributes, such as streetscape character, natural landform, existing vegetation, views, land capability, availability of water on site, and drainage;
- assist in microclimate management;
- maximise absorptive landscaped areas for on-site infiltration of stormwater;
- integrate and form linkages with parks, reserves and transport corridors;
- enhance opportunities for pedestrian comfort;
- consider lines of sight for pedestrians, cyclists and vehicles;
- provide adequate lighting for pedestrian and vehicular safety;
- provide attractive and coordinated street furniture and facilities to meet user needs; and
- satisfy maintenance and utility requirements and minimise their visual impact.

(6) **Element:** Fences and Walls

**Objective:** To ensure that front fences and walls, where used, do not have a detrimental impact upon the streetscape and adjacent buildings.

**Performance Criteria**

- (a) Front fences and walls which:
- enable some outlook from buildings to the street for safety and surveillance;
  - assist in highlighting entrances and in creating a sense of communal identity within the streetscape;
  - are designed and detailed to provide visual interest to the streetscape;
  - are constructed of materials compatible with proposed buildings, and with attractive visual examples of fences and walls in the streetscape to offer a sense of continuity;
  - are compatible with facilities in the street frontage area, such as mail boxes and garbage collection areas.
- (b) The use and/or design of fences and walls in streetscapes of significance is appropriate to the heritage or environmental context.

**Acceptable Solutions**

- (a) (i) Front fences and walls being no more than 1.2 m high if solid. This height may be increased to 1.8 m if the fence has openings which make it not less than 50% transparent;
- (ii) The provision of solid front fences and walls to 1.8 m high limited to where the main private open space is in front of the dwelling, fronting other than an Access Place or Access Street, and with length limited to 75% of the frontage.

**PROVIDED THAT:**

Some surveillance of the street is maintained from the dwelling, and fences do not exceed 10 m in length without some articulation or detailing to provide visual interest.

- (b) Front fences and walls being designed to use similar or compatible materials to that used in attractive premises existing in the visible locality.

(7) **Element:** Public and Private Open Space

**Objective:** To provide, where appropriate, public (or communal) open space and private open space that is both useable and meets user requirements for outdoor activities and landscaping.

**Performance Criteria**

- (a) Communal open space and any associated facilities provided to suit projected user needs taking into account:
- the overall housing density;
  - the quality and extent of alternative public or private open space;
  - the relationship to adjoining open space areas;
  - the need to distinguish communal open space clearly from public or private open space;
  - the type of activity permitted on the communal open space;
  - future maintenance requirements;
  - the need to maintain the privacy of nearby dwellings; and
  - the need for landscaping to enhance a sense of enclosure, while allowing informal surveillance and meeting security needs.
- (b) Private open space provided for each dwelling unit to suit projected user needs by:
- being clearly defined for private use,
  - being directly accessible from a main living area;
  - having dimensions capable of accommodating some outdoor recreational needs and some space for service functions.
  - taking account of requirements for privacy, outlook and maximum year-round use.

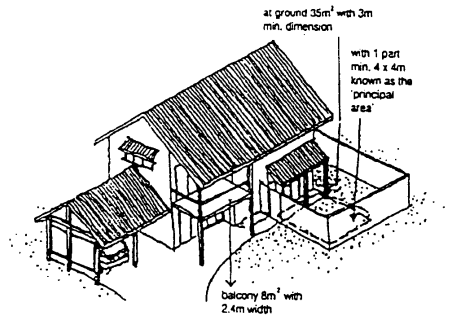
**Acceptable Solutions**

- (a) (i) A landscaped area providing 11 m<sup>2</sup> per habitable room (bedroom, lounge, sleepout, etc.) for premises in the Central Business Zone, or 30% of the site area for premises in the CBD Frame area specified under the Strategic Plan, at least 50% of which is in one principal location with a maximum depth to width ratio of 2:1. The principal landscaped area shall be exclusive of areas used for roadways or parking areas.
- (b) (i) At-ground private open space:
- Private open space for the dwelling having a total minimum area of 35 m<sup>2</sup>, where:
- the minimum dimension is 3 m;
  - one part of the private open space is the principal area. This area should be not less than 16 m<sup>2</sup> with a minimum dimension of 4 m. It should not be steeper than 1 in 20 (5%) and should be directly accessible from a living room of the dwelling;
  - screening is provided where appropriate, to ensure privacy to the users of the open space; and
  - preferred orientation is between 30° east or west of due north.

The site layout should generally place the principal area of ground level private open space for a dwelling away from the public street frontage.

- (ii) Above ground private open spaces:

The principal private open space of the dwelling being provided in the form of a balcony having a minimum area of 8 m<sup>2</sup>, and a minimum dimension of 2.5 m with direct access from a main living room of the dwelling.



Guidelines for minimum dimensions of private open space, where provided

**(8) Element: Security**

**Objective: To site and design buildings to meet projected user requirements for security.**

**Performance Criteria**

- (a) Site planning which defines territory and ownership of all open space.
- (b) Buildings designed to overlook public and communal streets and other public areas to maximise casual surveillance.
- (c) Appropriate lighting provided and building entries designed to provide a sense of security to residents.

**Acceptable Solutions**

- (a) Private, communal and public open space clearly differentiated and physically defined.
- (b)
  - (i) Buildings that are adjacent to public or communal streets or public space having at least one habitable room's window with an outlook to that area.
  - (ii) Landscaping and fencing which does not reduce the safety of residents and is placed in such a way as to minimise screening near security risk areas such as doors and windows.
- (c)
  - (i) Lighting provided to all pedestrian paths between public and shared areas, parking areas and building entries.
  - (ii) Shared entry lobbies serving a maximum of six dwelling units and able to be locked.
  - (iii) Pedestrian site access and carparking being clearly defined, appropriately lit, visible to others and providing direct access to buildings from areas likely to be used at night.

- (iv) Buildings designed to minimise access between roofs, balconies and windows of adjoining dwelling or rooming units.

(9) **Element:** Privacy

**Objective:** To site and design buildings to meet projected user requirements for visual and acoustic privacy.

**Performance Criteria**

**Acceptable Solutions**

- |   |   |
|---|---|
| <p>(a) Direct overlooking of main internal living areas of other dwelling or rooming units is minimised by building layout, location and design of windows and balconies, screening devices and landscaping or by remoteness.</p> | <p>(a) (i) A minimum 9 m separation (or 12 m where above first floor level) provided between the windows of habitable rooms of facing dwelling or rooming units.</p> <p>(ii) Direct views between living area windows of adjacent dwelling or rooming units screened or obscured.</p> <p>(iii) Direct views from living rooms of dwelling or rooming units into the principal area of private open space of other dwelling or rooming unit screened or obscured.</p> <p>(iv) Screening or obscuring by:</p> <p style="margin-left: 20px;">(A) 1.8 m high solid fences or walls between ground floor level windows; and/or</p> <p style="margin-left: 20px;">(B) screening that has a maximum area of 25% openings, is permanently fixed and is made of durable materials; and/or</p> <p style="margin-left: 20px;">(C) effective landscape screening either by existing dense vegetation or new planting.</p> |
| <p>(b) Site layout and building design protect internal living and sleeping areas from uncontrollable high levels of external noise.</p>  | <p>(b) A site layout which provides for:</p> <ul style="list-style-type: none"> <li>• active recreational areas, parking areas, vehicle accessways, and service equipment areas separated from bedroom areas of dwelling or rooming units;</li> <li>• parking areas, streets and shared driveways having a line of sight separation of at least 3 m from bedroom windows;</li> <li>• openings of adjacent dwelling or rooming units being separated by a distance of at least 3 m;</li> <li>• dwelling or rooming units adjacent to high levels of uncontrollable external noise being designed to minimise the entry of that noise; and</li> <li>• mechanical plant or equipment designed and located to minimise noise nuisance.</li> </ul>   |
| <p>(c) Building design and layout minimises transmission of structural-borne sound.</p>   | <p>(c) Shared walls and floors between dwelling or rooming units being constructed to limit noise transmission in accordance with the provisions of the <i>Building Code of Australia</i>.</p>  |

(10) **Element:** Daylight and Ventilation

**Objective:** To provide dwellings with adequate daylight to habitable rooms and to private open spaces and to facilitate energy efficient housing by designing for good ventilation.

**Performance Criteria**

- (a) Habitable rooms which receive adequate daylight for the carrying out of daily tasks and private open space which receives adequate sunlight, having regard to both on-site and adjacent development.
- (b) Building sited and designed:
- to maximise use of cooling breezes,
  - to have windows located, sized and shaded to facilitate heating and cooling, and
  - with an area of roof with appropriate orientation and pitch suitable for the installation of solar collectors.

**Acceptable Solutions**

- (a) (i) Dwelling or rooming units sited to comply with the *Building Act* by locating windows:
- (A) to face a court or other outdoor space open to the sky, or an open verandah, open carport or the like; or
- (B) to be placed not less than a horizontal distance of 1.5 m from any facing building.
- (ii) A wall opposite and existing habitable room window being setback from that window a minimum distance of half the height of that wall.
- (b) (i) All or most dwelling or rooming units sited to have main living areas oriented generally to the east or north.
- (ii) Buildings with windows that are appropriately sized and shaded to reduce summer heat load and permit entry of winter sun.

(11) **Element:** Shadow

**Objective:** To ensure that the effects of shadow cast by buildings or other structures on adjoining properties is minimised.

**Performance Criteria**

- (a) Buildings taller than two storeys, sited and designed to ensure that a shadow is not cast which will cover outdoor living areas (whether or not on the same parcel of land) for long periods of time.

**Acceptable Solutions**

- (a) For buildings more than two storeys in height, submission of properly prepared shadow diagrams showing that ground-level private open space is capable of receiving not less than 4 hours of sunlight on 21 June each year.

(12) **Element:** Service Facilities

**Objective:** To provide on-site service facilities, such as garbage bin enclosures, recycling bins, mail boxes, clothes drying areas and external storage facilities (when provided), which can be conveniently reached and are visually unobtrusive or screened.

**Performance Criteria**

- The provision of garbage bin areas, clothes drying areas, mail boxes and, where provided, external storage facilities, which are:**
- of useable size,
  - suitably located for convenient use, and
  - designed to be visually attractive or screened.

**Acceptable Solutions**

- (i) Individual mail boxes located close to each ground floor dwelling unit entry, or a mail box structure located close to the major pedestrian entrance to the site.
- (ii) Garbage bin storage areas located for convenient use and collection and adequately screened from public view.
- (iii) Open air clothes drying facilities provided so as to be easily accessible having adequate sunlight and air

circulation and being visually screened from the street.

- (iv) A secure space of 6 cubic metres per dwelling unit set aside exclusively for storage. This space may form part of a carport or garage.

### 5.3.3 Caravan and Relocatable Home Parks

- (1) **Element:** Form of Development

**Objective:** To ensure that all new caravan and relocatable home parks are established on suitable sites and designed to comply with the provisions of the "*Guidelines on Good Design for Caravan Parks and Relocatable Home Parks - Solutions for Queensland*" document published by the Queensland Government.

#### Performance Criteria

- (a) A proposed development which demonstrates to Council that the premises satisfactorily meet people's housing needs, by complying with the "*Objectives*" and "*Performance Criteria*" of the *Guidelines on Good Design for Caravan Parks and Relocatable Homes Parks - Solutions for Queensland*.

#### Acceptable Solutions

- (a) Premises complying with a Plan of Development showing details of all:
- internal access roads;
  - individual sites;
  - separate use areas;
  - communal facilities;
  - recreation areas and open space; and
  - park infrastructure;
- all of which are in accordance with the "*Acceptable Solutions*" of the State Government Guidelines.

### 5.3.4 Motels

- (1) **Element:** Site Suitability

**Objective:** To ensure that motels are established on suitable sites having regard to accessibility and amenity.

#### Performance Criteria

- (a) The motel is appropriately located, with respect to major roads and established urban areas, to meet the needs of its expected users and without adversely affecting the amenity of the locality.
- (b) The site has sufficient area and dimensions to accommodate the siting and construction of buildings, the provision of open space and vehicle access and parking in accordance with the performance criteria for the other Elements of this Section.

#### Acceptable Solutions

- (a) The motel sited:
- adjacent to or in close proximity to a major road,
  - such that the existing or future residential amenity of the locality would not be adversely affected,
  - at a location which enables convenient and satisfactory vehicle access,
  - away, or buffered, from any development that is incompatible with residential use, and
  - so as to be conveniently located in relation to business areas or tourist facilities.
- (b) (i) A site having an area of 2 000 m<sup>2</sup> or more, and a minimum frontage of 30 m.
- (ii) Where containing more than 20 rooms, on-site parking and manoeuvring being provided for a bus.



(2) **Element:** Building Siting and Design

**Objective:** To permit flexibility in the siting and design of buildings which maintain a scale, height, bulk and orientation appropriate to the character and amenity of the locality.

<b>Performance Criteria</b>	<b>Acceptable Solutions</b>
<p>(a) Buildings sited and of such length and height that there is no significant loss of amenity to adjacent buildings and land.</p> <p>This is achieved through:</p> <ul style="list-style-type: none"><li>• building heights similar to those in the streetscape, with higher buildings or parts of buildings sited back from the street;</li><li>• in residential areas, setbacks that are progressively increased as wall heights increase, to reduce bulk and overbearing; and</li><li>• in residential areas, buildings setback from side and rear boundaries and appropriately oriented, for privacy.</li></ul>	<p>(a) (i) Buildings sited within a building envelope defined as follows:</p> <p>(A) planes projected at 45° from a height of 3.5 m above natural ground level at the side and rear boundaries, to a maximum height of 9 m on land in the Higher Density Residential Zone, and</p> <p>(B) a maximum height along and in the vicinity of any street frontage consistent with the streetscape criteria given in Element (3) of this Section.</p> <p>(ii) In residential areas, the provision of side and rear setbacks equal to half the height of the building at that point, but not less than 3 m.</p>
<p>(b) The buildings, facilities and vehicle movement and parking areas designed and located to minimise the extent of noise generated beyond the site boundaries.</p>	<p>(b) (i) Restaurant facilities not being available where the motel is sited outside a business area.</p> <p>(ii) Parking areas, driveways, plant and equipment and communal facilities sited away, or buffered, from residential buildings on adjoining land.</p>
<p>(c) Direct overlooking of main living areas of adjoining residential land is minimised by building layout, location and design of windows and balconies, screening devices and landscaping or by remoteness.</p>	<p>(c) (i) A minimum 9 m separation (or 12 m where above first floor level) provided to the windows of habitable rooms of facing dwellings on adjoining land.</p> <p>(ii) Direct views into the principal area of private open space of dwellings on adjoining land screened or obscured.</p> <p>(iii) Screening or obscuring provided by:</p> <p>(A) 1.8 m high solid fences or walls along the boundaries of the site; and/or</p> <p>(B) screening that has a maximum area of 25% openings, is permanently fixed to the building and is made of durable materials; and/or</p> <p>(C) landscape screening either by existing dense vegetation or new planting.</p>
<p>(d) Landscaping which satisfies the Performance Criteria of Element (1) of Section 5.2.2..</p>	<p>(d) (i) The provision of on-site landscaping having an area of 11 m<sup>2</sup> per habitable room and not less than 30% of the total area of the site with at least 50% being in one principal location with a maximum depth to width ratio of 2:1.</p> <p>(ii) Fences and walls designed to use similar or compatible materials to</p>

### Performance Criteria

- (e) The building is setback from the street in such a way that:
  - allowance is made for efficient use of the site,
  - landscaping is able to be provided at the front of the site, and
  - any residents on adjoining land are provided with an adequate sense of visual and acoustic privacy.
- (f) The location and quality of lighting on buildings, signs and the site generally, designed to minimise glare into any adjoining residential buildings.

### Acceptable Solutions

- that used in existing attractive developments in the locality.
- (e) The building is setback as follows:
    - 10 m to an Arterial or Sub-Arterial Road or 20 m to a Rural Road, or
    - 6 m otherwise.
  - (f) Lighting levels complying with Australian Standard AS 1158-1986.

### (3) Element: Streetscape

**Objective: To contribute to attractive streetscapes which reinforce the functions of a street, enhance the amenity of buildings, and which are sensitive to the built form, landscape and environmental conditions of the locality.**

#### Performance Criteria

- (a) The building is integrated into the existing or proposed streetscape character.
- (b) Building height in relation to the street frontage maintains a compatible scale with surrounding development.
- (c) Buildings designed to take into account relevant features that determine the prevailing character of the surrounding streetscape.
- (d) Street elevations submitted for Council approval and showing the building design, detailing and finish at an appropriate scale to the street and adding visual interest.

#### Acceptable Solutions

- (a) The building setback an equal or greater distance than adjoining buildings and landscaped in accordance with the provisions of Element (2) of this Section.
- (b) Differences in building height between existing buildings and new development not more than one storey when viewed from the public street (as measured for a minimum depth of one room back from the street).
- (c) Building design, roof form, detailing and materials visible from public areas that are not in strong visual contrast with the character of attractive buildings in the locality.
- (d)
  - (i) Buildings having a maximum unarticulated length of 15 m to the street frontage. Punctuation by bay windows, verandahs, balconies or wall offsets is considered to be adequate articulation.
  - (ii) Existing buildings in sound condition and which contribute significantly to the streetscape character, or having heritage significance, retained or incorporated where possible.

### 5.3.5 *Bed and Breakfast Accommodation*

(1) **Element:** Form of Development

**Objective:** To ensure an adequate standard in the provision of an alternative form of tourist accommodation which is of a low key and low occupancy basis.

#### **Performance Criteria**

- (a) Bed and Breakfast Accommodation operated in conjunction with a single functional family in a dwelling house.
- (b) Signage is limited to a single, small and relatively unobtrusive sign at or within the frontage of a site.

#### **Acceptable Solutions**

- (a) (i) Bed and Breakfast accommodation limited to a dwelling house which is occupied by the owner or lessee and wherein a maximum of two bedrooms are made available to the travelling public.
- (ii) Visitors able to be provided with a bedroom capable of being enclosed to prevent visual or other intrusion by members of the host family.
- (iii) The bedroom provided for visitors being in the same building as the kitchen, bathing and toilet facilities provided for the visitor and the accommodation of the owner.
- (iv) The only cooking facilities provided and available to the visitor being those within and normally associated with the residents of the owner and at least one substantial meal shall be offered to the visitor each day.
- (b) The owner displaying in a prominent position the street number of the premises and displaying on the fence of the premises or the building the approved bed and breakfast logo. Provided that such logo does not exceed a size of 0.3 m<sup>2</sup> and may only be illuminated if it is displayed on the building and then only with an incandescent globe with a wattage not exceeding 40 watts. Signs indicating the nature or use of the premises not being displayed.

(2) **Element:** Operation

**Objective:** To ensure that Bed and Breakfast Accommodation facilities are operated in a suitable manner.

#### **Performance Criteria**

- (a) The number of visitors to be accommodated to be limited in accordance with the ability of the premises to provide accommodation without detrimentally impacting on the residential amenity of the locality.
- (b) Compliance with Council's relevant Local Laws.

#### **Acceptable Solutions**

- (a) Not more than two on-site car parking spaces being provided for the exclusive use of visitors in addition to car parking provided for the owner and resident family. The owner not accepting visitors or offering accommodation to visitors who travel to the site by private vehicle if it means that more cars are to be parked in association with the establishment than the number of car parking spaces available on site.
- (b) All premises shall comply with Council's Local Laws that are relevant.

### 5.3.6 Farm Stay Accommodation

(1) **Element:** Form of Development

**Objective:** To ensure an adequate standard in the provision of accommodation facilities for tourists in association with a bona fide farm or active enterprise within the rural area of the City.

#### Performance Criteria

(a) Accommodation facilities designed and located as ancillary to main *bona fide* farming rural use.

#### Acceptable Solutions

- (a) (i) Visitors being provided with a bedroom capable of being enclosed to prevent visual or other intrusion by members of the host family.
- (ii) The bedroom provided for visitors shall be in the same building as the bathing and toilet facilities provided for the visitors.
- (iii) The only cooking facilities available to the visitor shall be those within and normally associated with the residence of the host family and normal meals shall be made available to the visitor at least three times each day.
- (iv) Where the bedroom is located in a building remote from the kitchen, access between the two buildings shall be by way of a sealed pathway with a minimum width of one metre provided with appropriate under-drainage and where necessary for safety, the installation of night lighting.
- (v) A maximum of four accommodation units being made available for guests.

(2) **Element:** Operation

**Objective:** To ensure that Farm Stay Accommodation facilities are operated in a suitable manner.

#### Performance Criteria

(a) Compliance with Council's relevant Local Laws.

#### Acceptable Solutions

(a) All premises shall comply with Council's Local Laws that are relevant.

### 5.3.7 Dependant Accommodation

(1) **Element:** Form of Development

**Objective:** To provide for the accommodation of aged and/or infirm relatives in association with a family living in a dwelling house.

#### Performance Criteria

(a) The design of the premises having the appearance of a single dwelling house.

#### Acceptable Solutions

- (a) (i) Dependant's accommodation unit attached to the dwelling house and designed to give the general appearance of a single dwelling house.
- (ii) In the rural zone the design being in accordance with Councils relevant transitional planning scheme policy.

**Performance Criteria**

- (b) The size of the unit being limited.
- (c) The unit being for use by an aged or infirm relative of a resident of a dwelling house or the carer of an infirm resident.
- (d) The design and construction of the unit being such that it can be removed/converted to be part of the dwelling house upon cessation of use as dependant's accommodation.

**Acceptable Solutions**

- (b) Dependant's accommodation unit containing not more than one bedroom, small living/dining area, cooking facilities and amenities.
- (c) (i) The dependant's accommodation not being rented as a separate dwelling unit.  
(ii) A register of dependant's accommodation units shall be kept by Council and an annual inspection of any such unit may be carried out.
- (d) The dependant's accommodation being so constructed that on the relative ceasing to require the use of the facilities, the area can be reconverted or reinstated as part of the dwelling house.

**5.3.8 Home-Based Business**

(1) **Element:** Extent of Use

**Objective:** To ensure that occupations carried on by residents in their own homes remain at a scale appropriate to a residential locality.

**Performance Criteria**

- (a) The use is conducted by not more than three (3) persons, two (2) of whom reside in the Dwelling house.
- (b) The use is limited to a small area of the Dwelling house and/or a small part of the site within the curtilage of the Dwelling house.
- (c) Signage is limited to a single, small and relatively unobtrusive sign at or within the frontage of the site.
- (d) The use is conducted only during times of the day when surrounding residents are not likely to be disturbed.
- (e) The use does not encourage or contribute to a concentration of non-residential activities in a residential locality.

**Acceptable Solutions**

- (a) The use conducted by people who are resident in the Dwelling house.
- (b) (i) The floor area used (whether temporarily or permanently) does not exceed more than one-third of the total floor area of the Dwelling house.  
(ii) The site area occupied by the use within the curtilage of the Dwelling house is not greater than 10% of the area of the lot on which the Dwelling house is located, with a maximum area of 80 m<sup>2</sup> occupied by the use.
- (c) The provision of only a single sign, not exceeding 0.3 m<sup>2</sup> in area, and bearing only the name of the occupier and of the occupation or profession.
- (d) No work attracts clients between the hours of 7:00 pm and 8:00 am.
- (e) The use conducted on a lot that does not adjoin any other lot used or approved for use for a Home-based business.

(2) **Element:** Amenity

**Objective:** To ensure that the residential amenity of the locality in which the use is conducted is not adversely affected.

**Performance Criteria**

**Acceptable Solutions**

- |  |   |
|--|---|
| (a) The use is conducted on the site so as not to be visually intrusive.   | (a) (i) Except in the case of trade storage, horticultural nurseries, florists and market gardens, no part of the curtilage is used in the course of or for the purpose of the home-based business on other than for visitor parking or access.<br><br>(ii) In the case of trade storage, horticultural nurseries, florists and market gardens, that part of the site used for the home occupation is located at the rear of the Dwelling-house and any vehicle, or stored equipment or materials are screened from view from all public places and adjoining Dwelling-houses.<br><br>(iii) There is no public display of goods on the premises.  |
| (b) Traffic, noise odour or waste is not generated, or load imposed on any public utility, significantly greater than that which is normally required by other uses preferred in the zone in which the Dwelling-house is situated. | (b) Site specific conditions are taken into account, including: <ul style="list-style-type: none"><li>• sources of power other than one (1) or more single-phase electric motors having a total connected load of not more than 0.75 kW are not used; and</li><li>• no servicing of motor vehicles being undertaken as part of the use; and</li><li>• any commercial vehicle parked on the site, does not exceed 2 tonnes gross weight and is housed behind the building line in a building not greater than 50 m<sup>2</sup> in floor area; and</li><li>• noise emitted by the use of the premises not exceeding 5 decibels measured at any boundary of the site;</li><li>• solutions considered acceptable to Council being used to deal with matters relating to waste removal and prevention of odour nuisance.</li></ul> |

## 5.4 Provisions for Commercial Development

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### 5.4.1 Central Business District

- (1) **Element:** Land Use

**Objective:** To ensure that the role and function of the CBD as the region's principal commercial centre is maintained.

**Performance Criteria**

Premises used for purposes consistent with the stated intent of the Central Business Zone and being of a high standard of design.

**Acceptable Solutions**

Site specific measures apply.

- (2) **Element:** Siting and Design

**Objective:** To ensure that development in the CBD serves to reinforce the Centres status and function, and contributes to the creation of an appealing and vibrant City Centre.

**Performance Criteria**

(a) Development which is consistent with or complementary to the existing or intended streetscape character.

(b) Within heritage precincts, the design of premises includes recognised heritage elements.

(c) Building scale and height contributing to a coherent and human scale environment.

(d) Buildings designed to provide adequate weather protection for pedestrians.

**Acceptable Solutions**

(a) Site specific measures apply.

(b) Within heritage precincts, development complies with the design requirements for that precinct set out in Section 5.7 of the planning scheme.

(c) (i) Building heights maintain the predominant horizontal massing of existing built forms;  
(ii) In streetscapes where existing built form cannot be used to establish building height, the building height being between 10 and 20 m in the CBD Frame area as identified in the Strategic Plan and 30 m in the CBD area as identified in the Strategic Plan;  
(iii) On corner sites, a building truncation of 4 m by 4 m is provided to facilitate pedestrian movement.

(d) Provision of cantilever awnings over footpath area(s) adjacent to the building.

- (3) **Element:** Accessibility

**Objective:** To ensure that convenient and safe access is provided to all premises in the CBD.

**Performance Criteria**

(a) Premises which can be serviced by an appropriate level of carparking.

(b) Convenient and safe access is provided to premises for vehicles, cyclists, pedestrians and people with disabilities.

**Acceptable Solutions**

(a) Site specific measures in relation to vehicle access and carparking requirements apply.

(b) (i) Adequate provision made for bicycle storage facilities; and  
(ii) Development adequately caters for the needs of people with disabilities at least in accordance with relevant Australia Standards provisions.

(4) **Element:** Safety and Security

**Objective:** To ensure that the CBD is a safe and attractive place which encourages social interaction.

**Performance Criteria**

**Premises which are designed to achieve a safe and secure environment.**

**Acceptable Solutions**

- (a) All buildings sited, orientated and designed to maximise casual surveillance of public spaces and designed to avoid opportunities for personal concealment.
- (b) Appropriate lighting and landscaping incorporated.

#### 5.4.2 Local Shops and Shopping Centres

(1) **Element:** Site Suitability

**Objective:** To ensure that local shops and shopping centres are established on suitable sites having regard to accessibility, size and location, and the desirability of consolidating existing community centres.

**Performance Criteria**

- (a) Development on a site having sufficient area and dimensions to accommodate the building or buildings, associated parking area, service vehicle provisions, and landscaping.
- (b) Development on a site being conveniently accessible to the population of the catchment area it is intended to serve, ie. either a residential neighbourhood or a village and its surrounding rural community.

**Acceptable Solutions**

- (a)
  - (i) A site having a minimum area of 600 m<sup>2</sup> for a single shop.
  - (ii) On-site carparking and service vehicle provision complying with the relevant Acceptable Solutions of Section 5.2.1.
- (b)
  - (i) Development on sites within or adjoining existing shopping facilities.
  - (ii) Development on sites adjoining existing community facilities (including schools, community, halls, churches).
  - (iii) Development of new local shopping facilities on a site within convenient walking distance (ie. not more than about 500 m) of most surrounding residences, at the centre of, or at a "gateway" location to the neighbourhood and at least 2 kilometres from an existing local shopping facility for new stand alone premises.

(2) **Element:** Scale of Premises

**Objective:** To ensure that on land included in the Local Business zone, the scale of premises is compatible with the character and amenity of the locality.

**Performance Criteria**

**Premises limited to a size and nature consistent with the provision of local or neighbourhood commercial facilities.**

**Acceptable Solutions**

- (i) On land included in the Local Business Zone providing for a specified gross floor area, a shop or shops and any related business premises having a maximum gross floor area of 200 m<sup>2</sup>.
- (ii) Buildings having a maximum height of two storeys.



(3) **Element:** Building Form

**Objective:** To ensure that the premises are attractive and compatible with the desired amenity and character of the locality.

**Performance Criteria**

The building is integrated into the existing or proposed streetscape in such a way that respects the desired character and amenity of the locality but maintains a visually appropriate form.

**Acceptable Solutions**

- (a) The building setback from the road frontage a minimum of 6 m and landscaped, or built up to the frontage and a footpath awning provided;
- (b) All or most of the carparking area situated at the front, or on the approach side, of the site;
- (c) Buildings having a residential or rural character by incorporating any or all of:
  - verandahs,
  - high pitched roof forms,
  - rectangular building plan form; and
  - extensive use of timber, brick, corrugated iron and similar "traditional" materials.
- (d) Landscaping complying with the relevant Acceptable Solutions of Elements (1) of Section 5.2.2.

(4) **Element:** Service Areas

**Objective:** To provide on-site service areas, such as garbage bin enclosures, loading/unloading areas and outdoor storage and/or display areas (when provided), which can be conveniently reached and are visually attractive or screened.

**Performance Criteria**

Premises having garbage bin areas, loading/unloading areas and any outdoor storage and/or display facilities:

- of sufficient size;
- suitably located for convenient use, including disabled access; and
- designed to be visually attractive or screened.

**Acceptable Solutions**

- (i) Garbage bin storage and loading/unloading areas located for convenient use and collection and adequately screened from public view.
- (ii) Outdoor storage areas sited so as to be visually unobtrusive from the street or appropriately screened.

### 5.4.3 Child Care Centres

(1) **Element:** Site Suitability

**Objective:** To ensure that child care centres, are located such that they are compatible with the surrounding land uses considering their proposed size and scale, and such that they do not compromise the health or safety of children or staff specifically in regard to noise and other external factors.

#### Performance Criteria

- (a) Premises developed on a site having sufficient area and dimensions to accommodate the building(s), other structures, vehicle access and parking areas.
- (b) Premises developed on a site which is located adjacent to or in close proximity to:
- public transport, nodes or along public transport routes;
  - designated areas of open space or recreation;
  - designated shopping centres and other community nodes, and
  - schools or similar facilities.
- (c) Premises developed on a site which allows for safe and convenient vehicle access, including provision of access:
- from a road other than a local residential street;
  - by way of a separate entrance to and exit from the site;
  - by way of adequately spaced, sized and located vehicle crossings; and
  - where warranted by local traffic conditions, by way of a deceleration and/or acceleration lane, and/or right-turn only lane facilities.

#### Acceptable Solutions

- (a) (i) The site having an area of at least 2 000 m<sup>2</sup>.
- (ii) The site having a frontage of not less than 40 metres.
- (iii) On-site carparking and vehicle access requirements complying with the relevant Acceptable Solutions of Section 5.2.1.
- (iv) Landscaping complying with the relevant Acceptable Solutions of Element (1) of Section 5.2.1.
- (b) The site is situated:
- abutting/adjacent to middle order roads such as sub-arterial or collector roads;
  - not more than 100 metres from compatible facilities such as a school or library or designated shopping centre; and
  - not more than 100 metres from existing or likely future public transport roads or along public transport routes.
- (c) (i) The layout and design of the centre minimises on site conflicts between the car parking area and children.
- (ii) The internal vehicle circulation system serving the centre being designed to allow the safe drop-off and collection of children and the safe movement and parking of staff, parent, visitor and service vehicles. The design should take account of the safety of pedestrians, existing pedestrian and cyclist routes, nearby traffic generators, subdivision layout and street design.
- (iii) On site parking being designed so that vehicles may be driven in a forward direction both when entering and leaving the premises.
- (iv) The set down area operating in a one-way direction.

## Performance Criteria

- (d) The premises being in an area where the health or safety of the children or staff who use the centre are not compromised.

## Acceptable Solutions

- (v) Passenger setdown and pickup area being located between the front of the building and the primary road frontage to ensure that such areas are visible from the road. The design of this area should also ensure that a child can be lifted out of either side of the car without danger from moving vehicles.
- (vi) The setdown area being designed so as to permit the nose to tail standing of the required number of vehicles subject to sufficient lanes existing to permit the reasonable free-flow of any vehicles from the setdown area and shall operate in a one way direction.
- (d) (i) The premises appropriately located in a relatively quiet area, away from heavy traffic, pollution, harmful chemicals, radiation, gases and offensive odours.
- (ii) The site having no soils which may be contaminated by pollutants which represent a health or safety risk to children.
- (iii) The premises located so as to ensure that the children and staff are not exposed to air of unacceptable quality. Maximum concentrations of air pollutants should not exceed those recommended by the National Health and Medical Research Council.
- (iv) The applicant ensuring that the site will not be classified as "Disqualified Premises" under the Child Care Act, by ensuring that the premises are not adjacent to activities that:
- generate excessive heat, noise or environmental pollution: or
  - are likely to expose children to spray or other drift from aerial spraying, crop dusting or fertilising; or
  - involve the manufacture or storage of flammable or combustible materials or dangerous chemicals.

(2) **Element:** Site Layout

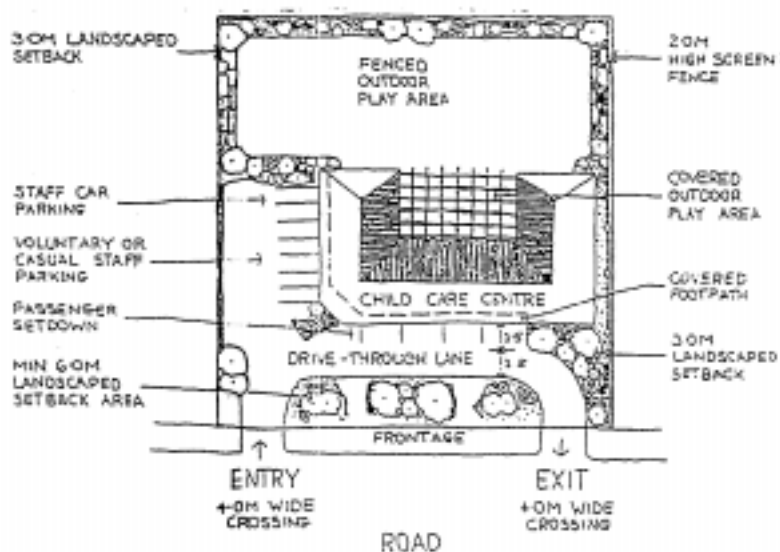
**Objective:** To ensure that the design of a proposed child care centre complements the existing character and amenity of the area in which it is to establish and provides for high standards in safety and appearance.

**Performance Criteria**

**Acceptable Solutions**

- (a) The scale of the premises being compatible with surrounding character and amenity.
- (b) Building(s), vehicle parking and access areas and outdoor play areas located so as to provide an efficient layout and to minimise adverse effects on adjoining property owners.

- (a) Building scale similar to adjacent buildings.
- (b) (i) The site layout being along the following lines:



- (d) Landscaping which satisfies the Performance Criteria of Element(1) of Section 5.2.2.
  - (i) Landscaping designed to maintain or improve the amenity and safety of the area, in addition to screening the child care centre.
  - (ii) The landscaping designed to enhance the visual amenity of the site.
  - (iii) The areas to be landscaped with trees, shrubs, lawn and other landscape features, designed by a Landscape Architect, and a plan submitted for development approval.
  - (iv) Existing vegetation and other

## Performance Criteria

- (e) Fencing used which provides effective screening of adjacent/ adjoining residential uses.
- (f) Signage designed and constructed to provide adequate identification whilst ensuring the amenity of the particular locality is not negatively affected.

## Acceptable Solutions

natural features on the site being retained wherever possible, with attractive or interesting views from the site enhanced.

- (v) Plant species chosen for their safety, suitability and interest for children, hardiness, and ease of maintenance. They should provide:
  - protection from prevailing winds;
  - screening for privacy;
  - shelter and enclosure;
  - shade;
  - reduction of reflection from bright surfaces;
  - emphasis of pedestrian and vehicular routes;
  - educational interest; and
  - interesting and quiet play areas, capable of supervision.

The colour and perfume of plant species should also be considered when choosing plant species. Further, care should be taken in the location of species so as not to create structures that children may use to climb over fences.

- (vi) Toxic, allergic, prickly and other unsafe plants not being grown on the site.
- (e) Premises located within residential areas having a 1.8 metre high solid screen fence on all side and rear boundaries. It is considered that in most instances a solid brick or block wall would be appropriate.
- (f)
  - (i) Within residential areas, signage being limited to one sign having an area no greater than 2 m<sup>2</sup>.
  - (ii) Signage advising of access to and the location of the carparking areas being provided on site.
  - (iii) Use of illuminated limited to sites signs within commercial areas.
  - (iv) All security/ night lighting designed and constructed to the satisfaction of the Director of Planning and Development so as to ensure that light emitted from the subject land does not cause nuisance or annoyance to residents in the immediate vicinity or to passing motorists.

(3) **Element:** Community Need

**Objective:** To ensure, as much as possible, that child care centres locate only where there is a genuine need to establish and where the likelihood of long term detrimental impact on other centres is minimal.

**Performance Criteria**

- (a) The community need for the proposed child care centre is properly demonstrated.

**Acceptable Solutions**

- (a) (i) An application for a child care centre within a residential area being supported by information demonstrating the community need for the centre in the particular locality. This would include at least the following information:
- an identification of the proposed catchment area for the centre;
  - a description of the demographic profile and future population growth for the residential area in which it is to be based including the number of the children in the area;
  - a description of the location and type of any other centres and an analysis of the waiting lists/ vacancies and any other relevant information that may be available;
  - a description of the size and surrounding amenity of the site; and
  - a description of the location in relation to other community services, parks, schools, shops etc.
- (ii) An application for an employment area based child care centre being supported by information demonstrating the need for the centre in the particular locality. This would include at least the following information:
- confirmation that the centre is located in a recognised existing or proposed employment centre or on a road that serves these areas;
  - an assessment of the existing or proposed workforce and likely demographic profile thereof;
  - an assessment of other child care centres in the locality and analysis of their waiting list/ vacancies and any other relevant information that may be available;
  - the site size and a description of the surrounding amenity of the site;

## Performance Criteria

## Acceptable Solutions

- an assessment of the location of the site in relation to potential hazards; and
- a description of the location in relation to other community services, parks, schools and shops;
- (iii) Child care centres that are dependant upon a much wider catchment than the immediate residential area to be viable not being located within residential neighbourhoods, but rather on sub arterial roads which can accommodate the additional traffic generated by the use.
- (iv) An application for a child care centre being supported by a traffic report evaluating the expected traffic generation of the centre and its potential impact on the road network.

(4) **Element:** Management of Operations

**Objective:** To ensure that child care centre operations are managed so that the impact of the centre on its locality is minimised.

### Performance Criteria

Operating hours limited to minimise impact on locality.

### Acceptable Solutions

Hours of operation of child care centres located within residential areas being limited to Monday to Friday from 6.00 am to 6.00 pm.

## 5.4.4 Service Stations

(1) **Element:** Site Suitability

**Objective:** To ensure that the site proposed for a service station is large enough to accommodate the premises together with adequate buffer strips, has sufficient road frontage to enable safe vehicle crossings, and is suitably located to enable safe and convenient access.

### Performance Criteria

(a) Premises developed on a site having sufficient area and dimensions to accommodate the building(s), other structures, vehicle access and movement areas, and landscaping.

### Acceptable Solutions

- (a) (i) The site having an area of at least 1 200 m<sup>2</sup>.
- (ii) The site having a frontage of not less than:
  - (A) 40 m where the site is not a corner site; or
  - (B) 35 m otherwise.
- (iii) On-site carparking and vehicle parking provision complying with the relevant Acceptable Solutions of Section 5.2.1.
- (iv) Landscaping complying with the relevant Acceptable Solutions of Element (1) of Section 5.2.2

- (b) Premises developed on a site which allows for safe and convenient vehicle access, including provision for access:
  - from a road other than a local residential street;
  - by way of separate entrance to and exit from the site;
  - by way of adequately spaced, sized and located vehicle crossings;
  - where warranted by local traffic conditions, by way of a deceleration and/or an acceleration lane, and/or right-turn only lane facilities.
- (b) (i) The site situated not more than 100 m from the intersection of 2 or more roads, one of which is an Arterial Road or Sub-arterial Road.
- (b) (ii) The site is provided with not less than 2 vehicle crossings, each not more than 9 m in width and not closer than 10 m to:
  - any other vehicle crossing; or
  - any road intersection.
- (b) (iii) The approval of the Main Roads Department to proposed access arrangements where access is intended from a road under that Department's control.

(2) **Element:** Site Layout

**Objective:** To ensure that premises provide for high standards of safety and appearance.

**Performance Criteria**

**Acceptable Solutions**

- |   |   |
|---|---|
| <p>(a) Fuel pumps being located:</p> <ul style="list-style-type: none"> <li>• wholly within the site;</li> <li>• such that vehicles while fuelling are standing wholly within the site;</li> <li>• a safe distance from all site boundaries.</li> </ul>   | <p>(a) Fuel pumps situated within the site and not closer than 7.5 m to any boundary of the site.</p>   |
| <p>(b) Inlets to bulk fuel storage tanks being situated so that fuel delivery vehicles are standing wholly within the site when filling the tanks.</p>  | <p>(b) Inlets appropriately situated within the site.</p>   |
| <p>(c) Customer air and water facilities and any automatic mechanical car washing facilities located such that:</p> <ul style="list-style-type: none"> <li>• vehicles using, or waiting to use such facilities are standing wholly within the site; and</li> <li>• an adequate buffer can be provided to any adjoining residential land.</li> </ul> | <p>(c) Facilities situated within the site and not closer than 7.5 m to any boundary of the site.</p>   |
| <p>(d) Bulk gas storage cylinders being located:</p> <ul style="list-style-type: none"> <li>• wholly within the site;</li> <li>• such that vehicles while refilling are standing wholly within the site;</li> <li>• a safe distance from all site boundaries.</li> </ul>  | <p>(d) Bulk gas storage cylinders situated within the site and not closer than 7.5 m to any boundary of the site.</p>                                     |
| <p>(e) Adequate buffering of residential/accommodation uses on adjoining properties.</p>  | <p>(e) Provision of 4.5 m wide landscaped buffer within the site and along the boundary to any lot developed for residential/ accommodation purposes.</p> |



## 5.5 Provisions for Industrial Development

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### 5.5.1 Urban Industries

(1) **Element:** Site Suitability

**Objective:** To ensure that industrial uses at urban locations are established on suitable land having particular regard to topography, accessibility, provision for utility services, surrounding land use, and the desirability of consolidating areas of industrial use.

**Performance Criteria**

- (a) Premises developed on land included in an industrial zone under this transitional planning scheme, or at a location indicated by the Strategic Plan as preferred for industry.
- (b) Premises developed on a site having sufficient area and dimensions to accommodate the building or buildings, associated parking area, service vehicle provision, storage areas, landscaping, vehicle access and on-site vehicle movement.

**Acceptable Solutions**

- (a) Site-specific measures apply.
- (b)
  - (i) A regular-shaped site having an area of at least 1 000 m<sup>2</sup> in the Light Industry zone or 2 000 m<sup>2</sup> in the General Industry zone and a frontage of not less than 20 m in the Light Industry zone or 30 m in the General Industry zone.
  - (ii) On-site vehicle access, parking and movement provisions complying with the relevant Acceptable Solutions of Section 5.2.1, or which accord with the provisions of applicable planning scheme policies.

(2) **Element:** Site Layout

**Objective:** To achieve a coherent site layout that provides an efficient, safe and attractive working environment.

**Performance Criteria**

- (a) The site layout takes into account on-site topography, drainage, utility services, access, vegetation and microclimate considerations.
- (b) The site layout and building forms assist in minimising noise generation, and screening unsightly open storage and service areas from public view.
- (c) The site layout contributes as much as possible to energy efficiency and water conservation.
- (d) The site layout contributes to security of people and property.

**Acceptable Solutions**

- (a) A site analysis plan prepared and submitted showing how considerations referred to in the Performance Criteria are proposed to be taken into account.
- (b) The storage of any material or vehicles or machinery is visually screened from any road.
- (c)
  - (i) The building sited to maximise the exposure of occupants to cooling summer breezes.
  - (ii) The building's windows and doors located, sized and shaded, and its layout and materials chosen, to facilitate energy conservation.
  - (iii) Landscaping which maximises summer shading.
- (d)
  - (i) Landscaping and fencing which do not reduce the safety of pedestrians and are placed in such a way as to minimise screening near security risk areas (eg. building entries).
  - (ii) Pedestrian site access and car parking which is clearly defined, appropriately lit, visible to others and provides direct access to buildings from areas which may be

used at night.

(3) **Element:** Landscaping

**Objective:** To establish and maintain on-site landscaping that creates a pleasant and safe working environment, is environmentally responsive, enhances the appearance of the development, helps the development blend into the streetscape, and helps to provide a buffer to nearby incompatible uses.

**Performance Criteria**

- (a) Landscaping which satisfies the Performance Criteria of Elements (1) of Section 5.2.2, and which complies with the guidelines contained in the Queensland Government's "Integrated Employment Areas" publication.

- (b) Where applicable, landscaping which includes densely planted buffer areas to adjoining land used or likely to be used for residential or other incompatible purposes.

**Acceptable Solutions**

- (a) (i) The provision of on-site landscaping:
- (A) along the full length of the road frontage of the site, apart from vehicle access points, where such landscaping has a minimum width of 5 m and:
- along an Arterial or Sub-arterial Road, a minimum width of 10 m;
  - provided that in the CBD Frame area as identified in the Strategic Plan, frontage landscaping may be waived in lieu of providing a footpath awning.
- (B) elsewhere on the site in association with fencing to screen outdoor storage areas and other unsightly open areas from public view;
- provided that the minimum area of such landscaping is:
- for sites along an Arterial or Sub-arterial Road, 10% of the total site area, or
  - for other sites, 7.5% of the total site area.
- (b) Densely planted buffer areas, having a minimum width of 10 metres, established and maintained along any boundary of the site which adjoins land used or intended for use for residential, or other incompatible purposes.

(4) **Element:** Building Setbacks

**Objective:** To ensure that buildings are sited so that efficient use can be made of the land and an attractive streetscape can be established and maintained.

**Performance Criteria**

- (a) The building is setback from the road frontage in such a way that:
- allowance is made for efficient use of the site;
  - significant landscaping is able to be provided at the front of the site;
  - some visitor carparking is able to be provided at an easily visible location at or near the front of the site;
  - the building contributes to an attractive streetscape character; and
  - the location of utility services and drainage paths are taken into account.
- (b) The building is sited in relation to side and rear boundaries such that:
- allowance is made for efficient use of the site;
  - the requirements of the *Building Act* can be satisfied;
  - the location of utility services and drainage paths are taken into account; and
  - existing or likely future use of adjoining land is not significantly adversely affected.

**Acceptable Solutions**

- (a) The building is setback not less than:
- 10 metres from an Arterial or Sub-arterial Road or Collector Street;
  - 6 metres from any other road;
- provided that in the CBD Frame area as identified in the Strategic Plan, buildings may be built up to two principal site frontages and a footpath awning provided.
- (b) The building is setback:
- not less than 10m to any boundary adjoining land used or intended for use for residential, park residential or other sensitive purposes;
  - otherwise, more than 5 metres or less than 0.3 metres from any side or rear boundary.

(5) **Element:** Building Scale and Appearance

**Objective:** To ensure that buildings are designed and finished to be attractive when viewed from a public street.

**Performance Criteria**

- (a) The front of the building designed and oriented to address the street.
- (b) The building designed and finished to have a high quality, modern appearance.

**Acceptable Solutions**

- (a) (i) The main entry to the building easily identifiable from the street and directly accessible through the front of the building.
- (ii) The office space of each building sited and oriented towards the principal road frontage of the site.
- (b) (i) A building with materials, colours and architectural details of a high standard, and in accordance with the following:
- Materials - brick, masonry, glass, colorbond;
  - Colours - "earth tones", greens, blues, greys; and
  - External Walls - having a modern/ high quality appearance.

### Performance Criteria

- (c) The building having a height and bulk that allow for the building to be set into the landscape/streetscape without becoming visually dominant.
- (d) The building having a form and finish recognisable as being traditionally appropriate to its proposed use.

### Acceptable Solutions

- (ii) In the CBD Frame area as identified in the Strategic Plan, utilisation of the "Customorb" Colorbond profile and quad guttering is preferred.
- (c) A building:
  - occupying not more than 60% of the area of the site;
  - having a gross floor area not greater than the area of the site; and
  - having a height of not more than 10 metres above natural ground level or finished ground level, whichever is the lower.
- (d) Development specific measures apply.

## (6) Element: Fences and Walls

**Objective: To ensure that fences and walls are erected and maintained in a manner consistent with a high quality appearance.**

### Performance Criteria

- (a) Fences and walls which:
  - are finished and maintained to be visually attractive and to contribute to or blend with the site's landscaping.
  - where appropriate, are designed and detailed to provide visual interest to the streetscape;
  - are constructed of materials which are compatible with the buildings on the site;
  - can provide effective screening from adjoining residential or other incompatible use; and
  - where appropriate, assist in highlighting entrances and paths.

### Acceptable Solutions

- (a) (i) Where possible, fencing erected along the building line rather than the street frontage and/or screened by landscaping.
- (ii) Retaining walls terraced and landscaped or otherwise detailed to be visually attractive and not appearing to be overbearing.
- (iii) Solid fencing or walls provided to screen views and/or buffer noise to adjoining residential or other incompatible use.

## 5.5.2 Intensive Animal Industries

### (1) Element: Site Suitability

**Objective: To ensure that piggeries, poultry farms, ostrich and emu farms, feedlots, abattoirs, other animal product processing plants and kennels are established on suitable sites having particular regard to site size and location, topography, likely environmental impacts, and surrounding land use.**

### Performance Criteria

- (a) Premises developed on a site which has a suitable shape and sufficient area to provide for adequate setbacks of buildings, pens and waste disposal areas from:
  - site boundaries,
  - dwellings,
  - watercourses, wells or bores,
  - significantly trafficked roads, and
  - similar use on adjoining land.

### Acceptable Solutions

- (a) (i) Premises developed on a site having an area of not less than:
  - 16 ha for a piggery, ostrich and emu farm, feedlot or abattoir, or
  - 10 ha for a poultry, ostrich or emu farm or animal processing plant or kennel.
- (ii) Pigs or poultry kept on a part of a site that is not closer than 500 m to another piggery or poultry farm respectively.

- |  |   |
|--|---|
| <p>(b) Premises developed on a site which:</p> <ul style="list-style-type: none"> <li>• comprises undulating or flat terrain,</li> <li>• has adequate vehicle access,</li> <li>• is not subject to flooding, and</li> <li>• is supplied with a reliable, good quality water supply, and a secure power supply.</li> <li>• is connected to an electricity supply.</li> </ul>  | <p>(b) Premises developed on a site which:</p> <ul style="list-style-type: none"> <li>• has land with slopes less than 10%,</li> <li>• is sufficiently elevated to facilitate ventilation and drainage,</li> <li>• is not on land subject to flooding at a frequency of greater than 1 in 50 years,</li> <li>• is otherwise not low-lying,</li> <li>• has sealed road access,</li> <li>• is provided with a reliable water supply and has a capacity to store a minimum of 2 days' supply.</li> </ul>   |
| <p>(c) Premises developed on a site which is unlikely to have any significant adverse effect on any town, village, residential area (whether urban or low density residential in nature) or other existing sensitive use having regard to:</p> <ul style="list-style-type: none"> <li>• noise,</li> <li>• odour,</li> <li>• water quality,</li> <li>• visual impact,</li> <li>• traffic generation,</li> <li>• any other relevant matter.</li> </ul> | <p>(c) (i) Development for which an environmental impact study, management plan and/or other suitable report or statement, has been prepared which satisfies the Council that significant adverse effects are not likely taking into account:</p> <ul style="list-style-type: none"> <li>• the type and intensity of proposed use,</li> <li>• the existing character of the locality,</li> <li>• waste disposal methods,</li> <li>• local topography,</li> <li>• soil conditions,</li> <li>• groundwater and surface water resources,</li> <li>• prevailing winds, and</li> <li>• any other relevant matter.</li> </ul> |

(2) **Element:** Site Layout and Management

**Objective:** To facilitate the development and management of sites in accordance with acceptable environmental standards.

**Performance Criteria**

- (a) Buildings, pens, other structures and waste disposal areas sited, constructed and managed such that the maximum number of animals intended to be kept or processed on the land can be accommodated without having any significant adverse environmental impacts outside the site.

**Acceptable Solutions**

- (a) (i) Development and management in compliance with the relevant State Government guidelines, licences and requirements.
- (ii) Development and management in compliance with all relevant Council requirements.
- (iii) Buildings (other than for residential, administrative or amenity purposes), yards, pens, areas for the keeping and/or grazing of animals, other structures and waste disposal areas setback not less than the distances shown below:

## Performance Criteria

## Acceptable Solutions

Setback from:	Feedlots	Poultry, Ostrich and Emu Farm or Processing Plant	Kennel
Road Frontage	200 m	100 m	50 m
Natural Watercourse	200 m	100 m	50 m
Side or Rear Boundary	20 m	20 m	20 m
Any dwelling on surrounding land	200 m	150 m	100 m

- (b) Landscaping:
- of building and storage areas which effectively screens views from surrounding roads and neighbouring sites;
  - of entry roads and car parking areas which is visually attractive and provides adequately shaded areas; and
  - of use areas which assists in visual screening from, and noise buffering to, any surrounding sensitive uses.
- (c) The site developed in a manner which minimises noise generation.
- (iv) Piggeries, kennels, abattoirs, ostrich and emu farms situated on land not closer than 1 000 metres to any Rural Residential, Park Residential, Urban Residential or Higher Density Residential zoned land:
- (v) Fencing provided and maintained to prevent the escape of animals, where live animals are kept on the site.
- (vi) Waste disposal areas of an adequate size to provide for the amount of waste generated on the site are situated only where risk of contaminating groundwater supply or surface water resource is acceptable in terms of licensing requirements under the Environmental Protection Act.
- (b) Landscaping in accordance with an approved Landscape Plan or Site Development Plan which includes provision for a minimum 10m wide, suitably treated, buffer strip around the perimeter of the whole site or of use areas within the site.
- (c) The use generating noise not greater than  $L_{abgT} + 5dB(A)$  at any boundary of the site during business hours.

### 5.5.3 Rural Service Industries

(1) **Element:** Suitability of Use

**Objective:** To allow for the development of suitable industries on rural land having particular regard to the character and use of land in the locality, the nature of the proposed use and likely environmental impacts.

#### Performance Criteria

- (a) Premises developed on a site which meets the relevant Performance Criteria applicable to "Industry" under the provisions of the Strategic Plan.
- (b) Premises developed for a use which meets the relevant Performance Criteria applicable to "Industry" under the provisions of the Strategic Plan.

#### Acceptable Solutions

- (a) Premises developed on land at a location indicated by the Strategic Plan as preferred for industry of the type being proposed.
- (b) (i) Premises are developed for a use for:
  - handling, treating, processing, storing and/or packing local agricultural produce, and/or
  - serving the needs of the local rural community.
- (ii) Development in relation to small-scale premises having:
  - an adequate water supply,
  - vehicle access on appropriate standard roads,
  - suitable provision for waste disposal, and
  - limited demand for other services.

(2) **Element:** Site Layout

**Objective:** To ensure premises are developed so as to be compatible with the general use of land in the locality.

#### Performance Criteria

- (a) The site layout takes into account on-site topography and drainage, existing vegetation and the location of dwellings and other sensitive uses in the surrounding area.
- (b) Any non-residential buildings, structures and open use areas setback from site boundaries so as to ensure that the amenity of adjoining land and the rural character of the locality are maintained.

#### Acceptable Solutions

- (a) A site analysis plan prepared and submitted showing how the considerations referred to in the Performance Criteria are proposed to be taken into account.
- (b) Non-residential buildings, structures and open use areas setback not less than:
  - 20 m from any road frontage of the site,
  - 10 m from all other site boundaries, and
  - 100 m from any existing dwelling.

**Performance Criteria**

- (c) Landscaping which satisfies the Performance Criteria of Element (1) of Section 5.2.2 and including densely planted buffer areas to adjoining land used or likely to be used for residential, park residential or other sensitive purposes.

**Acceptable Solutions**

- (c) The provision of on-site landscaping which:
- (i) retains existing significant native vegetation,
  - (ii) effectively screens all non-residential buildings, structures and outdoor use areas from view from surrounding roads and dwellings, and
  - (iii) has a minimum area of 10% of the total use area of the site.

**5.5.4 Extractive Industries**

- (1) **Element:** Site Planning

**Objective:** To ensure that the significant impacts of extractive industry on the environment are adequately addressed in the planning of the operations.

**Performance Criteria**

- (a) Development which is planned to provide for:
- adequate buffering to protect the surrounding area from significant noise, dust and visual impacts of operations;
  - suitable vehicle access;
  - protection against erosion;
  - acceptable quality of water leaving the site;
  - public safety; and
  - acceptable rehabilitation measures.
- (b) The provision of documentation to demonstrate that environmental management requirements have been properly identified, and can be effectively implemented and monitored.

**Acceptable Solutions**

- (a) The formulation of an appropriate environmental management program which addresses environmental impacts in relation to:
- site establishment works;
  - method and staging of operations; and
  - rehabilitation works;
- and which describes:
- the program's objectives;
  - all protection and mitigation measures;
  - implementation responsibilities;
  - clean-up and emergency procedures;
  - monitoring programs; and
  - performance-achievement criteria.
- (b) Development for which an environmental impact study, management plan, and/or other suitable report or statement has been prepared with satisfies the Council that adequate management, technical and financial resources are to be provided to meet environmental management commitments.

- (2) **Element:** Management of Operations

**Objective:** To ensure that extractive industry operations are managed so that significant environmental impacts are contained within the site itself.

**Performance Criteria**

- (a) Vehicle access to and from, and within, the site provided so as:
- to be adequate for the type and volume of traffic to be generated;
  - not to create or worsen any

**Acceptable Solutions**

- (a) (i) Vehicle access arrangements which meet the applicable requirements of the relevant State Government Department where direct access is proposed to a



## Performance Criteria

- significant traffic hazard, and
  - not to have significant adverse effects on the amenity of the locality.
- (b) The siting and extent of operations allowing for an area to be provided around the perimeter of the site to effectively buffer surrounding areas from noise, dust and visual impacts.
- (c) On-site drainage designed, constructed and maintained:
- (i) to prevent ponding in excavated areas,
  - (ii) to avoid erosion,
  - (iii) to prevent pollution of groundwater and surface water, and
  - (iv) to protect the quality of downstream water.
- (d) Blasting, crushing, screening and loading carried out safely and so that disturbance to surrounding uses is minimised.
- (e) Operation areas fenced to prevent unauthorised or accidental public entry.

## Acceptable Solutions

- road under that Department's control.
- (ii) The proposed access route to the site is along sealed roads which will not carry excessive volumes of heavy vehicle traffic through residential or park residential areas.
  - (iii) Each access driveway has a width of between 6 and 9m and located not less than 9m from any other access driveway to the site.
  - (iv) All driveways and internal roads designed, constructed and maintained in compliance with the Council's engineering standards.
- (b) (i) Extraction and processing activities not being carried out within 20 m of any boundary of the site, or within 300 m for gravel quarries or 2 000 m for hard rock quarries, of any existing dwelling on surrounding land.
- (ii) A densely vegetated buffer strip, having a minimum width of 20m, provided to all boundaries of the site and including any areas of significant existing native vegetation.
  - (iii) Extraction and processing activities oriented and/or sited away from existing dwellings on surrounding land.
  - (iv) Extraction and processing activities screened from view from any significantly trafficked public roads and urban areas by natural features and/or landscaping.
- (c) (i) Banks and channels constructed to divert stormwater runoff away from excavated areas.
- (ii) Sediment basins provided as required to detain stormwater runoff from disturbed areas.
  - (iii) Adequate bunding, treatment and disposal provisions for industrial wastes.
  - (iv) Lining and/or other suitable treatment of erosion-prone areas.
- (d) (i) (A) Blasting operations limited to within the hours of 9:00 am to 5:00 pm Monday to Friday.
- (B) Other operations limited to within the hours of 6:00 am to 6:00 pm Monday to Saturday.
  - (C) No operations conducted on Sundays or public holidays.
- (ii) The site is suitably signed to warn the public of operations and safety hazards.
- (e) People-proof fencing having a minimum height of 1.8 m erected and maintained at a safe distance around excavated

**Performance Criteria**

- (f) All aspects of the operations carried out in compliance with all relevant statutory requirements, including licensing from the Council.

**Acceptable Solutions**

areas and ponded water having a depth of one metre or more.

- (f) Operations carried out in accordance with the Council's Local Laws, and all relevant State Government requirements.

(3) **Element:** Rehabilitation

**Objective:** To ensure that following excavation operations, disturbed areas are rehabilitated to achieve a stable landform and an agreed land use suitability.

**Performance Criteria**

- (a) Rehabilitation in accordance with a management plan providing for:
- progressive/staged rehabilitation works,
  - appropriate clean-up works (taking particular account of areas of possible soil contamination),
  - agreed landform and soil profiles,
  - suitable revegetation, and
  - establishment phase requirements.
- (b) Rehabilitation works bonded to ensure the effective return of disturbed areas to acceptable land use suitability.

**Acceptable Solutions**

- (a) Site specific measures apply.
- (b) Performance works bonded to the satisfaction of the Council, with bonded monies progressively returned as staged works completed.

### 5.5.5 Aquaculture

(1) **Element:** Form of Development

**Objective:** To ensure that all new aquaculture industries are established on suitable sites and designed to comply with the provisions of the relevant "Environment Industry Guidelines" prepared under the Environmental Protection Act 1994 and published by the relevant State Government Department.

**Performance Criteria**

- (a) Development which complies with the provisions of the relevant "Environment Industry Guidelines" prepared under the Environmental Protection Act.

**Acceptable Solutions**

- (a) Development that complies with a Plan of Development and an environmental impact assessment which are in accordance with the relevant "Environment Industry Guidelines".

## 5.6 Local Community Facilities

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(1) **Element:** Site Suitability

**Objective:** To ensure that the site proposed for a local community facility is large enough to accommodate the development together with adequate provision for buffering (as necessary) and is suitably located with due regard to the amenity of an area.

**Performance Criteria**

- (a) Premises developed on a site having sufficient area and dimensions to accommodate the building(s), vehicle access and movement areas and landscaping.
- (b) Premises within an existing dwelling house in a primarily residential area.

**Acceptable Solutions**

- (a) (i) The site having an area of at least 1 000 m<sup>2</sup>.
- (ii) On-site carparking complying with the relevant Acceptable Solutions of Section 5.2.1.
- (iii) Landscaping complying with the relevant Acceptable Solutions of Element (1) of Section 5.2.2.
- (b) A local community facility contained within the curtilage of dwelling house which complies with the following requirements:
- no source of power other than one or more single phase electric motors of not more than 0.4 kW is used;
  - no load is imposed on any public utility greater than that which is normally required for the operation of a dwelling house;
  - no signage other than a sign not exceeding 0.3 square metres in area and bearing only the name of the occupier and of the occupation is displayed;
  - not more than two persons, are employed in the operation; and
  - no public display of goods on the premises and no sale of goods manufactured or fabricated at locations other than the subject premises.

## 5.7 Heritage Protection

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- (1) **Element:** Building Retention

**Objective:** To encourage the retention of buildings/places which are determined by Council to have heritage significance.

**Performance Criteria**

Retention of all significant heritage buildings which are located within the precincts identified on Council's Heritage Regulatory Map.

**Acceptable Solutions**

Renovation to ensure that the original architectural character of the buildings is maintained.

- (2) **Element:** Building Design

**Objective:** To ensure that all development proposed within the precincts identified on Council's Heritage Regulatory Map is designed to recognise and incorporate the building elements and spatial patterns relevant to the particular precinct.

**Performance Criteria**

(a) All new development and redevelopment of existing buildings in the identified heritage precincts recognising and incorporating the building elements and spatial patterns that are relevant to the particular precinct as identified in the "Heritage Context Study" which forms part of the Planning Study to this transitional planning scheme.

(b) Building facade treatments which recognise and incorporate relevant architectural elements.

(c) Advertising signage designed to recognise and be compatible with the heritage significance of the particular precinct.

**Acceptable Solutions**

(a) (i) Development sited and designed to recognise and incorporate the building elements (such as lot size, building scale and massing, roof design, construction and materials and stylistic devices) and spatial patterns for the precinct in which the site is situated;

(ii) The building designed by a recognised heritage architect or architect with relevant experience with heritage buildings.

(b) New building facades which include ornamentation and fenestration in keeping with the design of other buildings in the particular precinct.

(c) Site specific solutions apply.

## 5.8 Development and Use of Premises in the Vicinity of the Mackay Airport

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(1) **Element:** Airspace Management

**Objective:** To ensure that the lower limits of the Mackay Airport airspace is protected from encroachment by inappropriate development having regard to the provisions of State Planning Policy 2/92.

**Performance Criteria**

(a) Buildings or other structures erected so as to avoid any obstruction of or potential hazard to aircraft moving in the vicinity of Mackay Airport.

**Acceptable Solutions**

(a) Where a proposed building or structure is to be located within the area of influence of Mackay Airport, Council being satisfied that the Obstacle Limitation Surface (OLS) for the Airport is not compromised by seeking the following details to support any application:

- maximum height of proposed building or structure, given in relation to Australian Height Datum including vent pipes, aerials, lightning protection devices and the like;
- nature of building or structure (eg, crane, multi-storey building, etc. );
- in the event of temporary structures such as cranes and the like, the height and approximate duration of site occupancy; and
- Australian Map Grid (AMG) co-ordinates of the highest projection, and having regard to the provisions of State Planning Policy 2/92.

(2) **Element:** Operational Requirements

**Objective:** To protect the Airport's existing and future operational requirements by providing for the most appropriate and compatible development and use of surrounding lands having particular regard to the provisions of State Planning Policy 2/92.

(a) Development and use of premises which does not cause an obstruction or other potential hazard to aircraft movement associated with the airport by way of:

- attracting birds and/or bats to the area which could cause or contribute to bird-strike hazard,
- providing very bright lighting, or lighting similar to runway lighting, which can distract or confuse aircraft pilots,
- interfering with navigation or communication facilities, or
- creating a smoke hazard.

(a) (i) Development and use of premises within 3 kms of the centre of the airport site, being other than uses which are generally attractive to birds or bats. Uses which are undesirable in this regard include:

- fruit tree farming,
- turf farming,
- piggeries,
- wildlife sanctuaries,
- horse riding centres,
- race tracks,
- fair grounds,
- outdoor theatres,
- food processing plants,
- rubbish tips.

- AND
- (ii) Street lighting, outdoor security lighting (other than for domestic premises) and sportsfield lighting which is unlikely to confuse or distract pilots of landing aircraft and has regard to the guidelines in *Lighting in the Vicinity of Airports - Advice to Designers* (Civil Aviation Safety Authority).
- AND
- (iii) Land use practices which do not create smoke hazards by, for example and as applicable:
- using green harvesting of sugar cane, and
  - mulching (rather than burning) cleared vegetation.
- (b) Development which does not introduce premises in the area surrounding the airport which are:
- sensitive to noise interference or nuisance, or
  - at high risk from an aircraft collision.
- (b) (i) No development of premises:
- for more intense residential use within the 15 ANEF contour,
  - for long term residential use or community use within the 25 ANEF contour,
  - for short term residential use within the 30 ANEF contour,
  - for commercial use within the 35 ANEF contour,
- AND
- (ii) Development of premises being:
- for long term residential use or community use between the 15 to 25 ANEF contours,
  - for short term residential use between the 20 to 30 ANEF contours, or
  - for commercial use between the 25 and 35 ANEF contours,
- incorporating effective noise attenuation measures which may include (but are not limited to):
- use of appropriate building materials,
  - double-glazing of windows, and
  - roof and/or wall insulation, and
- having particular regard to Australian Standard AS2021-1985: Acoustics-Aircraft Noise Intrusion - Building Siting and Construction.
- AND
- (iii) Development which does not introduce or intensify residential, community or commercial use in the safety zones at the ends of runways extending:
- 1500 m beyond the main take-off runway,
  - 1000 m beyond other runways, and
  - 300 m either side of the extended runway centreline.

## 5.9 City Entry Corridors

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(1) **Element:** Form of Development

**Objective:** To ensure that development along the City's main entrance corridors identified on the Strategic Plan enhances the City image by maintaining the rural vistas and landscape attributes contributing to the character of the City.

**Performance Criteria**

**Development of premises :**

- to achieve a high standard of appearance through building setbacks, landscape buffers and appropriate building design;
- to avoid visually intrusive signage, bunting or garish colour schemes and not detract from the setting in which the premises is to be located;
- so as not to constitute ribbon development; and
- of a scale that does not detract from the rural vistas and landscape attributes of the City.

**Acceptable Solutions**

**Building design, height and bulk, colour scheme, signage and landscaping which satisfies Council's strategic objectives in respect to the City Entry Corridors or which accords with applicable transitional planning scheme policies adopted by Council from time to time.**

## 6. Reconfiguring of Lots

### 6.1 Design

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(1) **Element:** Existing Buildings

**Objective:** To ensure proposals to reconfigure lots do not result in existing buildings being situated contrary to this transitional planning scheme and the "Building Act".

**Performance Criteria**

The proposal to reconfigure the lot providing for each and any existing building sited in accordance with the relevant provisions of this transitional planning scheme and the *Building Act*.

**Acceptable Solutions**

**Any and each existing building:**

- (i) shown on the proposal plan sited to comply with the relevant provisions of this transitional planning scheme and the *Building Act*; or
- (ii) subject to an undertaking that it be removed (wholly or in part) such that no non-conformity will result.

(2) **Element:** Overall Design

**Objective:** To ensure each proposal to reconfigure a lot is consistent with the economic and orderly growth of the locality in which it is situated.

**Performance Criteria**

The proposed lot layout is consistent with, or would not otherwise prejudice, the desirable future development of land in the locality.

**Acceptable Solutions**

**A lot layout in accordance with an overall design for major roads and drainage works for the area:**

- (i) as prepared by the Council, or
- (ii) as prepared and submitted by the applicant and approved by the Council.



(3) **Element:** Lot Areas and Dimensions

**Objective:** To provide for lots having areas and dimensions which meet user requirements and have proper regard for environmental characteristics.

**Performance Criteria**

- (a) Each lot having an area and frontage which:
- accords with the intent and development requirements for the zone in which it is situated; and
  - which is accessible to pedestrians and vehicles.

**Acceptable Solutions**

- (a) Each lot being generally consistent with the minimum area and dimensions as set out below:

Zones	Minimum Area	Minimum Frontage	Minimum Depth
Rural	60 ha	As determined by Council having regard to the viability of the land for primary production purposes	
Rural Residential			
- within the Rural Residential PDLU shown on the Strategic Plan Maps	1 ha	60m	60m
- otherwise		As Existing	
Park Residential	2 000 m <sup>2</sup>	30m	50 m
Urban Residential	300 m <sup>2</sup>	10 m	30 m
Higher Density Residential			
- CBD Frame	2 000m <sup>2</sup>	30 m	40 m
- Otherwise	800m <sup>2</sup>	20 m	40 m
Central Business	As determined by Council having regard to the intended land uses		
Commercial	1 000m <sup>2</sup>	20m	40m
Local Business	600m <sup>2</sup>	20m	30m
Light Industry	1 000 m <sup>2</sup>	25m	40m
General Industry	2 000 m <sup>2</sup>	30m	60m
Open Space	As determined by Council having regard to the circumstances of the particular application		
Particular Development	As determined by Council having regard to the intended land uses		

- (b) Notwithstanding the relevant provisions of this part or any Local Area Plan, where reconfiguring a lot is proposed in relation to a public purpose or a community facility, or other development in a Particular Development Zone, each new lot :

- is consistent with other provisions of this transitional planning scheme, including the Strategic Plan,
- enables the siting and construction of any building and/or other structure in accordance with the provisions of the transitional planning scheme and the *Building Act*,

- (b) (i) The proposed lot reconfiguration is for the purpose of any public utility, special purpose, or community facility, such as a community hall or church.
- (ii) Site-specific measures apply.

## Performance Criteria

- makes any required provision for open space and/or landscape area, vehicle access, on-site movement and parking, provides as necessary for the disposal of sewage effluent, stormwater drainage and a supply of water, and
  - makes adequate provision for any other area necessarily required for the conduct of the use intended for the site.
- (c) Each lot comprising land with physical characteristics suitable for the conduct of the use intended for the site having regard to:
- stability,
  - flooding,
  - slope,
  - scenic values,
  - land capability,
  - soil suitability,
  - micro-climatic conditions, and
  - availability of access.
- (d) The Council is satisfied that the lot reconfiguration will not create any additional lots and will result in an improvement to existing conditions, notwithstanding that the proposal may not be in accordance with the relevant provisions of an applicable Local Area Plan or other provisions of this Part.
- (e) Reconfiguring of a lot in the Urban Residential Zone to create lots having areas above 300 m<sup>2</sup> which:
- is subject to Council's express approval of the proposed siting of buildings, where the average width of the allotments is less than 18 metres,
  - is consistent with other provisions of this transitional planning scheme, including the Strategic Plan,
  - enables the siting and construction of any building and/or other structure in accordance with the provisions of the transitional planning scheme and the *Building Act*,

## Acceptable Solutions

- (c) (i) Site-specific measures apply, consistent with the relevant provisions of any applicable Local Area Plan.
- (ii) Where land is situated in the Rural Zone refer to Element (4) below.
- (d) (i) The proposal involves the amalgamation of two or more lots.
- (ii) It is proposed to make a minor adjustment to an existing lot boundary where the utility of the existing lot(s) is to be improved.
- (iii) The proposal involves the reconfiguring of two or more lots such that an equal or lesser number of lots is created and the utility and accessibility of the lots is improved.
- (e) Development proposed with lots between 300 m<sup>2</sup> and 450 m<sup>2</sup> shown on a Plan of Development submitted to and approved by Council as part of or prior to the application for subdivisional approval.
- A Development Schedule is included on or accompanies the Plan of Development which reinforces that subsequent detailed housing design must comply with the provisions of this transitional planning scheme.
- The Plan of Development shows for each lot :
- its area;
  - its dimensions;

**Performance Criteria**

- makes any required provision for open space and/or landscape area, vehicle access, on-site movement and parking, provides as necessary for the disposal of sewage effluent, stormwater drainage and a supply of water, and
- makes adequate provision for any other area necessarily required for the conduct of the use intended for the site.

**Acceptable Solutions**

- front, rear and side boundary setbacks and maximum height of each building (including nominated "built to boundary" locations); location of primary private open space areas;
- finished site levels;
- vegetation proposed to be retained;
- drainage overland flow paths.

(4) **Element:** Additional Lots in the Rural Zone

**Objective:** To provide for the reconfiguring of lots in the Rural Zone such that viable and sustainable rural use of land is protected or enhanced pursuant to State Planning Policy No 1/92 and the rural character of the locality is maintained.

**Performance Criteria**

- (a) Reconfiguring of lots where it is proven that:
- the potential to sustain commercial agricultural production on the property to be subdivided will not be adversely affected by the proposal;
  - the type of crops that the property to be subdivided can be used to grow will not be limited as a result of the subdivision;
  - such subdivision will provide for an overriding need in terms of public benefit;
  - such lot reconfiguration is located so that farming of the land either alone or in combination with surrounding parcels is not practical e.g., the property is an isolated parcel surrounded by urban land uses.
  - Council is satisfied that the proposed lot reconfiguration will facilitate the establishment and operation of an intensive animal industry or rural service industry which supports the City's agricultural base.
  - 
  -

**Acceptable Solutions**

- (a) (i) The application for the reconfiguring of a lot is supported by a report prepared by a suitably qualified specialist which establishes the agricultural quality of the land pursuant to State Planning Policy No 1/92; and
- (ii) The Report [referred to in (i) above] provides an assessment which shows how the lot(s) can be reconfigured without adversely affecting the agricultural productivity of the site; and
- (iii) Confirmation from the Queensland Department of Primary Industries that it concurs with the findings and recommendations of the assessment required under (i) above; and
- (iv) The proposed lot reconfiguration does not result in the loss or alienation of good quality agricultural land.
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(5) **Element:** Road Design

**Objective:** To ensure roads are designed to perform their intended functions in the road network safely and efficiently.

**Performance Criteria**

(a) Each road being design to function within a road network consisting of the following types of road:

Road Type	Character & Function
Local Residential Street (Access Place and Access Street)	A minor road provided local residential access with shared traffic, pedestrian and recreation use, but with pedestrian priority, or a road providing local residential access with shared traffic, pedestrian and recreation use with local traffic priority.
Collector Street (Type A)	road providing local residential access and local traffic movement.
Collector Street (Type B)	A road providing local residential access and local traffic movement with provision for dedicated on-street parking adjacent to specific sites creating increased traffic generation.
Sub-Arterial Road	A road which carries both local and through-traffic with little or no access to abutting properties.
Arterial Road	A road with through-traffic priority.
Industrial/Commercial Road	A road which has the primary function of providing access to industrial/commercial properties
Park Residential Road	A road which has the primary function of providing access to park residential properties.
Rural Residential Road	A road which has the primary function of providing access to rural living properties.
Rural Road	A road which has the primary function of providing access to rural properties.

**Acceptable Solutions**

(a) A road layout complying with the desired hierarchy and providing for operating conditions as follows:

Road Type	Maximum Number of Dwellings Served	Maximum Speed (km/hr)
Cul-de-sac	30	40
Loop Road	50	40
Collector Streets (Types A & B)	300	40
Sub-Arterial	1000	60
Arterial Road Industrial/ Commercial Road	1000 Site specific conditions apply; separate traffic study required	60/70 60
Park Residential Road	300	60
Rural Residential Road	Site specific Conditions apply	
Rural Road	Site specific Conditions apply	

Or otherwise complying with the provisions of "Queensland Streets-Design Guidelines for Subdivisional Streetworks" or Rural Road Design Australia 1989 and Austroads Intersections at Grade

(b) Each road having sufficient reserve and pavement width to cater for all the functions that the road is expected to fulfil, including

- the safe and efficient movement of all users,
- provision for parked vehicles,
- provision of public utilities landscaping, sound attenuation; and
- public transport use

(b) A road layout providing the following:

Road Type	Reserve Width		Minimum Pavement Width
	Min.	Ave	
Access Place	14 m	15 m	6.0 m
Collector Street (Type A)	16 m	17.5 m	7.5 m
Collector Street (Type B)	20 m	20 m	12.0 m
Sub-Arterial Road	30 m	30 m	Divided Road 14 m
Arterial Road	As required by Department of Main Roads		
Industrial Road	22 m	22 m	14.0 m
Commercial Road	24 m	24 m	14.0 m
Park Residential Road	17.5 m	17.5 m	7.5 m
Rural Residential Road	20 m	20 m	6.0 m + 2 x 1.0 m sealed shoulders
Rural Road	20 m	20 m	6.0 m + 2 x 1.0 m sealed shoulders

- (c) The road layout designed to have street intersections:
- as T-junctions or controlled by roundabouts or other appropriate means, and
  - adequately spaced to enable efficient and safe operation.

- (c) A road layout showing internal street intersections:
- as T-junctions or controlled by roundabouts or other suitable physical means, and
  - spaced as follows:

Road Type	Minimum Intersection Spacing	
	On same side of Through Road	On opposite side of Through Road
Access Street	60 m	40 m
Collector Street	60 m	40 m
Sub-Arterial Road	100 m	100 m
Commercial/Industrial	60 m	60 m

with roundabouts separated by at least 70 m

- (d) The roads are designed to make provision to adjoining potential development sites.

- (d) The road layout indicating possible connections to external roads and provision to service adjoining development sites.

(6) **Element:** Public Open Space

**Objective:** To ensure that sufficient public open space is provided in convenient locations and of a quality to meet the recreational demands of the community and to enhance visual amenity.

**Performance Criteria**

**Acceptable Solutions**

- Where the lot reconfiguration proposal is for residential (including both urban and low density residential), industrial or commercial purposes, a contribution for public open space made in accordance with the relevant provisions of the Act.
- Public open space provided:
  - in locations such that maintenance costs can be reasonably minimised,
  - in locations which form or could form a linked open space system that could be used for pedestrian and cycling paths,
  - which is appropriately located, sized, shaped and/or developed to satisfy the local, district and/or metropolitan recreational needs of the community, and
  - which could have a multi-functional role.
- Bicycle/pedestrian pathways provided in accordance with the major pedestrian/cycleway network identified in Council's Master Bikeways Plan.

- Land, money, works, or any combination of these, given for public open space purposes in accordance with the provisions of Council's transitional planning scheme policy for park contributions.
- Land, money, works, or any combination of these, given for public open space purposes in accordance with the provisions of Council's transitional planning scheme policy for park contributions.
- Reconfiguration of lots which takes into account the need to provide pedestrian and cycle paths and safe access to these paths in order to provide access for pedestrians and cyclists to major activity centres.

## 6.2 Engineering Standards

(1) **Element:** Road Construction

**Objective:** To ensure the provision of road pavement and edges that serve the functional requirements and amenity characteristics of the street.

### Performance Criteria

(a) Road pavement surfaces of a quality and durability suitable to the intended traffic volumes and loads, the provision of all-weather access, the discharge of rainfall, the safe passage of vehicles and pedestrians, and the maintenance of a reasonable, comfortable riding quality.

(b) The pavement edge treatment constructed:

- to prevent edge fretting,
- to perform required drainage functions,
- to provide the appropriate level of control for vehicle movement,
- to allow ready access to abutting properties at suitable locations, and
- to contribute to the desired streetscape character of the locality.

### Acceptable Solutions

- (a) Road construction in accordance with the following:
- (i) for residential and park residential streets:
    - flexible pavement construction based on the ARRB residential street pavement design method using equivalent standard axle loadings based on an average traffic generation rate of 10 veh/d per allotment and a 20 year design life (ARRB, 1989); or
    - concrete pavement based on the CCA design table; or
    - interlocking block pavement based on the ARRB interlocking block pavement design method;
  - (ii) for rural roads, construction to standards given in Council guidelines and/or "Rural Road Design" (Austroads 1989);
  - (iii) for industrial/commercial streets:
    - as for residential/park residential streets with AC surfacing.
  - (iv) for other roads, construction to standards given in Council guidelines and/or approved specifications.
- (b) (i) Kerb types provided as follows:

Street Type	Kerbing
Local Residential Street	Mountable
Collector Street - Type A - Type B	Mountable Barrier
Sub-Arterial	Carrier
Arterial Road	As required by the Department of Main Roads
Industrial Road	Barrier
Commercial	Barrier
Park Residential	Mountable
Rural Residential/Rural Road	Sealed Shoulder with table drain/kerb and channel

(ii) Kerb and channel profiles as

### Performance Criteria

- (c) Roads constructed in accordance with geometric designs which provide for safe operations in keeping with the intended function of the road.
- (d) Roads constructed with footpath formations appropriate to intended:
  - pedestrian and/or cyclist use,
  - drainage functions, and
  - disabled access.

### Acceptable Solutions

- specified in Council guidelines.
- (iii) Pavement edge material of concrete (for other than Rural or Rural Residential roads where a sealed shoulder verge is provided).
- (c) Road construction (all roads) in accordance with Council guidelines and specifications.
- (d) Footpaths formed in accordance with Council guidelines and the following:

Street Type	Paved Footpath Requirement (1.2 m wide)	Cyclepath Requirement (2.5 m wide)
Local Residential Street	No*	No*
Collector Street (Type A)	Yes (both sides)	No*
Collector Street (Type B)	Yes (both sides)	No*
Sub-Arterial		
• CBD	Yes - Full width	No
• otherwise	Yes (both sides)	Yes (one side)
Arterial Road	As required by Department of Main Roads	
Commercial Road		
• CBD	Yes - Full Width	No
• otherwise	Yes (both sides)	No*
Industrial Road		
• CBD	Yes - Full Width (both sides)	No*
• otherwise	No*	No*
Rural Residential/Park Residential Road	No	No
Rural Road	No	No

\* Not required unless part of pedestrian/cycleway network or in a High Density Residential Area

## (2) Element: Drainage Network

**Objective:** To provide for a stormwater drainage system which can adequately control inundation and flooding, prevent damage to the built and natural environment, and be economically maintained.

### Performance Criteria

- (a) In urban areas, the major drainage network having the capacity to control stormwater flows under normal, and minor system blockage, conditions for a 1 in 50 year rainfall event so that:
  - floor levels are not less than the estimated flood level resultant from a 1 in 100 year flood or a 1 in 50 year flood where located in a declared "Area subject to Flooding".
  - floodways are restricted to areas where there is no damage to property or hazards for motorists, and
  - runoff is directed to a lawful point of discharge through competently designed and constructed outlet

### Acceptable Solutions

- (a) In urban areas, the minor and major drainage network complying with the design requirements of the "Queensland Urban Drainage Manual" (QUDM) and Council Guidelines.
  - Q5/15 Flows  
An underground system, is to be provided to cater for Q5/15 flows. Where flows are in excess of approximately 10 cumecs than consideration can be given to low flow pipes with a lower return period.
  - Q50/Flows  
For flows in excess of Q5/15 and up to Q50, the excess flow can be accommodated by surface drains

## Performance Criteria

works.

- (b) In urban areas, the minor drainage system having the capacity to control stormwater flows under normal operating conditions as follows or in accordance with the recommendations of the QUDM as resolved by Council:

Land Use Type	System Design Rainfall Event
Residential	1 in 5 years
Central Business	1 in 15 years
Commercial	1 in 5 years
Industrial	1 in 5 years
Open Space	1 in 1 year

and designed:

- to prevent ponding for a prolonged period,
  - to ensure that existing downstream systems are not adversely affected,
  - to be accessible, durable, cost-effective and easily maintainable,
  - to prevent accumulation of silts and blockages by debris,
  - to allow the safe passage of vehicles at reduced operating speeds on streets affected by runoff, and
  - to direct all drainage to the front of all lots and discharged into the street gutters, unless the topography deems it necessary to do otherwise, whereby an inter-lot drainage system is to be installed in accordance with Council Guidelines.
  - to control the quantity and quality of runoff.
- (c) In rural areas, drainage designed to maintain, as much as possible, natural drainage systems so as to minimise any diversion and concentration of runoff, and to protect downstream areas from any adverse effects.

## Acceptable Solutions

such that flows are contained within the boundaries of a drainage reserve, drainage easement or street.

- For flows in excess of Q50 flows may extend beyond designed Q50 drainage paths on the basis that there is preferably a positive drainage outlet available and minimum risk of property damage.
- (b) In urban areas the major drainage system complying with the following:
- (i) Design based on standards detailed in the Queensland Urban Drainage Manual (QUDM).
  - (ii) Calculation of discharge based on criteria detailed in the "Queensland Urban Drainage Manual" (QUDM)
  - (iii) Culvert design in accordance with "Urban Road Design - Volume 2" (Queensland Transport).

- (c) In rural areas, the drainage system designed to fit the local topography and maintain natural drainage paths and flows.



**Performance Criteria**

- (d) The quality of site stormwater discharge is equal to or better than that prior to development of the site.
- (e) A lawful point of downstream stormwater discharge is obtained.

**Acceptable Solutions**

- (d) Environmental controls put in place and maintained as part of the drainage system, in accordance with the Council's requirements, which may include:
- treatments to prevent or minimise erosion and scouring;
  - detention ponds/wetlands;
  - other filtration measures;
  - trash racks;
  - channelling, benching or other measures to direct flows.
- (e) Site-specific measures apply.

**(3) Element: Water Supply and Sewerage**

**Objective: To ensure the provision of an adequate, reliable, safe, efficient and potable supply of water, and a system of sewage disposal which is adequate to maintain public health and acceptable environmental standards.**

**Performance Criteria**

- (a) Each lot provided with an adequate supply of potable water. Where the Council provides or intends to provide a reticulated water supply to the area, such provision is to involve connection to the reticulated system in accordance with the Council's requirements.
- (b) For each lot, provision made for the treatment and disposal of sewage wastes such that acceptable public health and environmental standards are maintained. Where the Council provides or intends to provide a reticulated sewerage system to the area, such provision is to involve connection to the reticulated system in accordance with the Council's requirements.

**Acceptable Solutions**

- (a) Where a reticulated water supply is or is proposed to be provided to the area:
- (i) payment, by the applicant, of a contribution for water supply headworks and works external in accordance with the relevant Council transitional planning scheme policy,
  - (ii) arrangements agreed with the Council for the construction of required external works,
  - (iii) the applicant undertaking all necessary internal works in accordance with designs, plans, schedules and specifications submitted to and approved by Council, and
  - (iv) the design and construction of water supply mains and fixtures to be undertaken by a suitably qualified person and in accordance with Council's adopted guidelines.
- (b) (i) Where a reticulated sewerage system is or is proposed to be provided to the area:
- payment, by the applicant, of a contribution for sewerage headworks and external works in accordance with the relevant Council transitional planning scheme policy,
  - arrangements agreed with the Council for the construction of the required external works,
  - the applicant undertaking all necessary internal works in accordance with designs, plans, schedules and specifications submitted to and approved by Council, and

- the design and construction of sewerage mains and fixtures to be undertaken by a suitably qualified person and in accordance with the Council's adopted guidelines.
- (ii) Where a reticulated sewerage system is not proposed to be provided by Council, a competent engineering report is submitted with the application showing that the proposed method of effluent disposal is suitable for the site and complies with any applicable guidelines adopted by the Council.

(4) **Element:** Other Public Utilities

**Objective:** To ensure subdivided land is adequately serviced with electricity and telephone in a timely, cost-effective, coordinated and efficient manner, and is adequately street lighted and signed.

**Performance Criteria**

- (a) Electricity and telephone services provided in conformity with the cost-effective performance measures of MEB and Telstra/Optus, including (where applicable and possible) such provision coordinated in common trenching in order to minimise construction costs for underground services.
- (b) Street lighting and signs provided in accordance with the Council's requirements to ensure the safety of both vehicles and pedestrians, and to facilitate access and movement.

**Acceptable Solutions**

- (a) (i) Arrangements agreed with MEB and Telstra/Optus for the provision of electricity, and telephone services to each lot, and evidence of such agreement submitted to the Council.
- (ii) Such arrangements including provision for underground electricity services where required under this planning scheme, or Local Area Plan, or an adopted Council policy or guideline.
- (b) Arrangements agreed with the Council for the provision of street lighting and street signs, including lighting for urban lot reconfigurations at the following locations:
- intersections,
  - cul-de-sac heads,
  - bends,
  - pedestrian crossings,
  - elsewhere as required by the Council.

## 6.3 General Requirements

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### 6.3.1 General Provisions for Design and Construction of Works

- (1) The applicant shall carry out at no expense to Council and to Council's satisfaction, all works which are necessary to conform to the conditions of the Council's development approval for the reconfiguring of the lot and associated operational work in accordance with the relevant provisions of the Act.
- (2)
  - (a) Construction of any operational work associated with the reconfiguring of a lot shall be supervised, at the applicant's expense, by a registered civil engineer and on completion of such work the applicant shall give to the Council a certificate from such engineer to the effect that such work has been completed in accordance with the plans and specifications approved by the Council;
  - (b) The applicant before commencing such work shall give the Council at least seven (7) days' notice of the applicant's intention to do so, and if work ceases for a period in excess of fourteen (14) days, shall give the Council at least forty-eight (48) hours notice of the intention to recommence work.
  - (c) Certification of work shall include the submission of a full set of transparency drawings showing "as constructed" information surveyed by a Licensed Surveyor, in accordance with the requirements of the Council.
- (3)
  - (a) The Council may from time to time adopt standards to be adhered to in the preparation of plans and construction of any operational work associated with the reconfiguring of a lot, and may amend, alter or add to such standards from time to time;
  - (b) All details of operational work shall be to the requirements of the Council's adopted engineering standards provided that where, in the opinion of the Council, the works or conditions encountered are outside the scope of the Council's adopted standards, the design and construction of such work shall be to the requirements of the Council.
- (4) All material supplied and work performed by the applicant shall be to the reasonable satisfaction of the Council and shall comply in all respects with the provisions of all relevant statutory regulations and Local Laws. The Council, or a nominated delegate, may 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 that applicant pursuant to this Section or imposed on the applicant by any agreement entered into pursuant to this Section.

### 6.3.2 Sealing of Plan

- (1) The Council shall approve plans of subdivision in accordance with the relevant provisions of the Act<sup>7</sup> and this Section.
- (2)
  - (a) Notwithstanding the provisions of paragraph (1), where an application is for development of Dwelling houses subject to a Plan of Development showing lots smaller than 450 m<sup>2</sup> in area, the Plan of Subdivision creating the lots shall only be endorsed with Council's approval where

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<sup>7</sup> The provisions of Chapter 3 Part 7 of the Act refer.

the Plan of Subdivision is in accordance with the relevant proposal plan or Plan of Development which has been approved by the Council, with approved building envelopes being shown.

- (b) Provided that where the lot has an area of less than 300 m<sup>2</sup>, the Plan of Subdivision shall only be endorsed with Council's approval where the dwelling on the site has been substantially completed.
- (3) In the event that the Registrar of Titles, upon lodgement of a Plan of Subdivision approved by the Council, requires the alteration of such plan in any particular way, the Licensed Surveyor who prepared such plan, shall notify the Council accordingly in writing within a period of one (1) month from the date of effecting such required alterations, and shall forward to the Council copies of the altered plan.

### **6.3.3 Reconfiguring a Lot for Lease Purposes**

- (1) (a) In the case of a formal application for approval of a Plan of Subdivision where the lot reconfiguration is by an agreement (other than a lease for a term not exceeding ten 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.
- (b) Such plan shall be in a form acceptable to the Registrar of Titles. The boundaries of the area proposed to be leased shall be coloured red and shall be shown in relation to the boundaries of the whole of the lot of which the area proposed to be leased forms part. The boundaries of the whole lot shall be shown in green.
- (c) The correct real property description of all of the subject land shall be shown on the copies of the plan submitted to the Council.
- (d) If the Council approves such application, such approval shall be endorsed on the three (3) executed copies of the relevant agreement, dealing or instrument which shall then be returned to the applicant.

### **6.3.4 Easements**

- (1) All easement documentation required to be provided pursuant to this Part shall be prepared by, or to the satisfaction of, the Council and all costs of and incidental to obtaining, preparing, stamping and lodging of the easement documentation for registration shall be borne by the applicant.

## **7. Administration**

### **7.1 Transitional Planning Scheme Policies**

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7.1.1 To support the local planning intents, standards and requirements of this transitional planning scheme, the Council may from time to time adopt transitional planning scheme policies.

7.1.2 Transitional planning scheme policies shall be prepared, adopted, amended and repealed in accordance with the relevant provisions of the Act.

### **7.2 Development Approval**

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- (1) A person who desires to obtain development approval under this transitional planning scheme shall make application to the Council in accordance with the relevant provisions of this Part, and of the Act and its Regulations.
- (2) Each application must be in the approved form in accordance with the Act.
- (3) Council may request further information about the application, in accordance with the relevant provisions of the Act, before deciding the application.
- (4) Each properly made application shall be decided by the Council in accordance with the relevant provisions of the Act.

### **7.3 Application Fees**

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- (1) Application fees shall be calculated in accordance with a scale or schedule of fees determined by the Council from time to time by resolution.
- (2) The scale or schedule of fees may establish different fees for different classes of application.
- (3) Application fees will generally be retained by the Council, unless otherwise determined by the Council.

### **7.4 Consideration of Applications**

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Without limiting its discretion, the Council shall, before determining an application, take into consideration any or all of the following matters as relevant to the application:

- (1) The provisions of this transitional planning scheme, including the Strategic Plan and any applicable Local Area Plan;
- (2) The provisions of any relevant State planning policy or planning scheme policy;
- (3) The size and shape of the site to which the application relates, the siting of the proposed development and the area to be occupied by the development in relation to the size and shape of the adjoining land and the development thereon;
- (4) The character of the proposed premises development in relation to the character of premises on adjoining land and in the locality;

- (5) The existing and future amenity of the neighbourhood and the likely impact of the proposed development on that amenity;
- (6) Whether the proposed development is likely to have any adverse environmental impacts, and, if so, whether adequate safeguards have been or will be made to prevent any adverse impact on the environment of the locality;
- (7) Whether the proposed development would create a traffic problem or increase an existing traffic problem;
- (8) Whether the proposed means of ingress to and egress from the site are adequate, and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles on the site;
- (9) Whether adequate provision has been or will be made for landscaping of the site;
- (10) Whether the site should be drained or filled or both drained and filled to make the site satisfactory for the erection and use of any building or other structure proposed thereon;
- (11) Whether the site or any part thereof is, or is likely to be, subject to inundation by floodwaters;
- (12) Any direction or advice given by a referral agency in relation to the application;
- (13) The findings of any study or report prepared in relation to the application;
- (14) The community need for and benefit from the proposal;
- (15) The circumstances of the case and the public interest;
- (16) Where applicable any and every objection and/or submission to the proposed development made pursuant to the Act; and
- (17) Any other relevant matter required under the Act to be considered<sup>8</sup>.

## **7.5 Delegation**

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Subject to the relevant provisions of the *Local Government Act*, the Council may delegate its powers to make determinations and decisions under this transitional planning scheme.

## **7.6 Provision of Security**

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The Council may require financial security to be provided to secure the fulfilment of any reasonable and relevant condition or requirement imposed by the Council. The amount and form of such security shall be determined by the Council.

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<sup>8</sup> For this transitional planning scheme, such matters include those set out in the repealed Act for the type of application that would have had to be made for the proposed development if that Act had not been repealed.

# Appendix A

# Sample

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