



Queensland Government Gazette

PUBLISHED BY AUTHORITY

ISSN 0155-9370

Vol. CCXCI]

SATURDAY, 13 MAY, 1989

[No. 25

ORDER IN COUNCIL

At the Executive Building, Brisbane, the eleventh day of May, 1989

Present:

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

Whereas by the *Local Government Act 1936-1988*, it is, amongst other things, provided that the Governor in Council may reject an application or may approve wholly or in part an application made to the Minister by a Local Authority for amendment of a town planning scheme: And whereas the Council of the Shire of Pioneer has made application to the Minister for amendment in the manner hereinafter set forth of the town planning scheme for the Shire of Pioneer (hereinafter referred to as "the scheme") finally approved by Order in Council made on the 24th November, 1983 and published in the *Gazette* of the 26th November, 1983: Now, therefore, The Deputy Governor, for and on behalf of His Excellency the Governor, acting by and with the advice of the Executive Council and in pursuance of the provisions of the said Act, hereby approves in part the aforesaid application and hereby amends the Scheme by including the following provisions relating to Development Control Plan No. 1 - Multiple Dwellings and Accommodation Units as part of the Scheme:-

"DEVELOPMENT CONTROL PLAN NO. 1

MULTIPLE DWELLINGS AND ACCOMMODATION UNITS

This Development Control Plan which forms part of the town planning scheme for the Shire of Pioneer includes the Development Control Plan Map designated D.C.P.-1 Sheet 1.

Nothing in this Development Control Plan shall be construed to confer any rights to use land which rights remain vested in the town planning scheme for the Shire of Pioneer.

This Development Control Plan is comprised of the following parts, namely:-

PART A

1. INTRODUCTION
2. ELEMENTS OF THE PLAN
3. STATEMENT OF OBJECTIVES

PART B

Supporting information is contained in that document entitled "Shire of Pioneer Development Control Plan No. 1 Part B - Supporting Information" copies whereof signed for identification by the Clerk of the Executive Council are held at the office of the Director of Local Government and at the office of the Council of the Shire of Pioneer.

PART A

1. INTRODUCTION

(1) AIMS

The purpose of this Development Control Plan is to provide Council with a planning document so that development applications for multiple dwellings and accommodation units may be assessed against stated location and site development criteria.

To date Council has had no criteria against which to assess particular applications and increasing numbers of development applications, particularly in the Northern Beaches area, have precipitated the need for this Development Control Plan.

It is anticipated that developer confidence will be strengthened by this planning document with developers choosing properties in preferred precincts in preference to other locations not likely to be supported by Council and thereby avoiding delays in obtaining the necessary Council approvals.

By setting specific location and site development criteria Council is endeavouring to preserve the amenity of the existing and future residential neighbourhoods of the Shire whilst encouraging multiple dwelling and accommodation units within preferred precincts.

(2) PLANNED AREA

This Development Control Plan is prepared for the Shire of Pioneer, hereinafter referred to as the "Planned Area".

(3) Relationship to Town Planning Scheme

This Development Control Plan forms part of the town planning scheme for the Shire of Pioneer and shall be read in conjunction with the requirements of the provisions of that scheme.

Rezoning applications for the Residential "B" Zone or consent applications in relation to proposed accommodation units or multiple dwellings or for redevelopment for such purposes, within areas already zoned Residential "B" will be considered by Council in the light of the degree of compliance of such proposals with the provisions of this Development Control Plan.

Nothing, however, in this Development Control Plan shall be construed as conferring any rights to use land, which rights remain vested in the provisions of the Schedule to the Order in Council for the town planning scheme, and the town planning scheme maps.

For the purposes of this Development Control Plan, the terms "Accommodation unit", "Multiple dwelling" and "Site population density" have the meanings ascribed to them in the town planning scheme.

2. ELEMENTS OF THE PLAN

This Development Control Plan indicates those precincts, within the Planned Area, in which the preferred dominant land use is for the development of multiple dwellings and accommodation units. It also provides guidelines for the preferred mode of development of multiple dwellings and accommodation units so as to enhance and safeguard the amenity of the existing and future residential areas of the Shire. The elements of the plan are as follows:-

This DCP is applicable only to development in the Residential "B" Zone and to development to which the provisions of AMCORD do not apply.

The terms contained in this Development Control Plan are as defined in the town plan for the Shire of Pioneer.

This Development Control Plan will be used as a guide by Council when dealing with applications submitted to Council for rezoning of lands to Residential "B", or for the consent of Council, for the purposes of multiple dwellings or accommodation units, within the Planned Area.

All such rezoning and consent applications will be dealt with strictly in accordance with Local Government Act (Section 33) The Town Planning By-Laws (Chapter 36) and the town planning scheme. However, any applications for rezoning or consent in respect of multiple dwellings or accommodation units which do not conform with the provisions of this Development Control Plan, are unlikely to receive favourable consideration by Council.

3. STATEMENT OF OBJECTIVES

(1) AMENITY

- (a) Objective - To enhance and safeguard the amenity of the existing and future residential areas of the Shire.
- (b) Implementation -
 - (i) Preserving the existing urban areas where it is desired to retain the predominantly low density single unit residential land by excluding these lands from the precincts within the planned area for this DCP-1.
 - (ii) Those areas where higher density residential development may be allowed to establish in accordance with criteria contained herein have been delineated as the precinct areas within the planned area for this DCP-1.

(2) PREFERRED LOCATION OF FUTURE DEVELOPMENT

- (a) Objective - To ensure that accommodation units and multiple dwellings are developed in those precincts considered as suitable by Council, based on criteria contained herein. It is also intended that the preparation of this Development Control Plan will promote developer confidence by providing positive guidance as to the location and type of development likely to be favourably considered by Council.
- (b) Implementation -
 - (i) The preferred precincts for future multiple dwellings or accommodation units are those shown on the accompanying Development Control Plan Map, designated DCP-1 Sheet 1. Each precinct is distinguished from other precincts by a reference to the number in the sequence from 1 to 21 as indicated on the Development Control Plan Map.
 - (A) Accommodation units may be favourably considered in Precincts 1, 9, 10, 11, 12, 13, 14 and 15.
 - (B) Accommodation units are unlikely to be favourably considered in any other precincts or in other areas of the Shire not specified herein.
 - (C) Multiple dwellings - Classes "A", "B" or "C" may be favourably considered in Precincts 2, 5, 8, 9, 10, 11, 12, 13, 14 and 15.
 - (D) Multiple dwellings - Class "A" (duplexes) may be favourably considered in Precincts 6, 7, 16, 17, 18, 19, 20 and 21, to the exclusion of all other multiple dwellings.
 - (E) Multiple dwellings - Classes "B" or "C" may be favourably considered in Precincts 1, 3 and 4, in addition to multiple dwellings - Class "A".
 - (F) Multiple dwellings are unlikely to be favourably considered in other areas of the Shire not specified herein.

(3) DEVELOPMENT CRITERIA

- (a) Objective - To establish appropriate development criteria for multiple dwellings and accommodation units to be used by Council when assessing the merits of rezoning or consent applications.
- (b) Implementation -
 - (i) Notwithstanding the provisions of Clause (2) of this Plan, multiple dwellings or accommodation units shall meet the following criteria:-
 - (A) Not be located within areas which are not sewered or not capable of being sewered or where the capacity of existing sewers is inadequate, except in the case of Multiple dwellings - Class "A" (duplex units) as dealt with in paragraph (b) herein;
 - (B) Be desirably located within walking distance of shops, recreation areas, business centres and public transport;
 - (C) Not be permitted in residential areas where the existing character and, in Council's opinion, preferred form of development is low density detached housing;

- (D) Be permitted in areas for which sufficient spare capacity is available within the water supply system or for which planning for the upgrading of water supply is sufficiently advanced;
- (E) Be permitted in areas for which the existing road hierarchy is appropriately developed;
- (F) Not be permitted in areas where, due to the scale of the development the impact of higher volumes of traffic generated will cause potential traffic hazards or endanger pedestrians particularly school children should development be proposed in close proximity to schools;
- (G) Be permitted in areas with a high level of natural amenity;
- (H) Not be permitted in areas which experience inundation or which are not self-draining or for which stormwater reticulation is inadequate;
- (I) Not be permitted where the availability of adequate power supply is not assured;
- (J) Not be permitted in areas involving steep slopes (i.e. slopes in excess of 16%);
- (K) Be desirably located on land which is outside of the erosion prone areas suggested by the Beach Protection Authority when a development is proposed in areas abutting the coastline.

(ii) Notwithstanding the provisions of sub-paragraphs (i)(A) and (i)(D) herein, Multiple dwellings - Class "A" (duplex units) may be permitted in areas outside the defined sewered and reticulated water supply areas provided:-

- (A) That an equivalent means of providing an adequate potable water supply is available; and
- (B) That soil tests indicate that the site is suitable for the installation of septic systems in accordance with the *Severage and Water Supply Act 1949-1988*.

(iii) It is considered that, within the precincts shown on the attached Development Control Plan Map, areas exist in which the above criteria are able to be complied with, in respect of multiple dwellings or accommodation units within those precincts. However, it shall be the responsibility of the applicant who seeks the approval of Council to proposed multiple dwellings or accommodation units within any part of the precinct to demonstrate that the foregoing locational criteria can be complied with.

(iv) Criteria for building bulk controls and external appearance are:-

- (A) The total floor space in a building used for residential purposes shall be consistent with the site population density controls and comply with the provisions of the town planning scheme Schedule in relation to plot ratios (Part VI Division III);
- (B) There shall be adequate open space surrounding the building for the enjoyment of residents;
- (C) The external surface of the building should have sufficient visual texture and complexity of surfaces to be non-offensive from a public viewpoint.

(v) Criteria for shadow effect and privacy controls are:-

- (A) The shadow of a building shall not adversely affect the use of a public place of enjoyment;
- (B) The shadow of a building shall not prevent sufficient sunlight being received on an adjoining property for plant growth;
- (C) In order to achieve privacy, the position of a proposed building or an allotment shall not inhibit the use of open space or habitable rooms in an adjoining residence. This requirement shall be satisfied by means of screen fencing, landscaping or other approved devices.

(vi) Criteria for noise control are:-

- (A) There shall be adequate buffer areas between the proposed building and such activities as shopping centres and industrial areas in order to prevent the nuisance of common noise problems such as those associated with refrigeration units, air-conditioning units and other mechanical equipment;

2. Elements of the Plan

The Development Control Plan provides guidelines for the preferred mode of development of multiple dwellings and accommodation units so as to enhance and safeguard the amenity of the existing and future residential areas of the Shire. The elements of the plan are as follows:

The terms contained in this Development Control Plan are as defined in the town plan for the Shire of Pioneer.

applications submitted to Council for rezoning of land to the Residential "B" Zone, or for the consent of Council, for the purposes of multiple dwellings or accommodation units, within the Planned Area.

All such rezoning and consent applications will be dealt with strictly in accordance with the Local Government (Planning & Environment) Act, the Town Planning By-laws (Chapter 36) and the Town Planning Scheme. However, any applications for rezoning or consent in respect of Multiple Dwellings - Class "B" or accommodation units which do not conform with the provisions of this Development Control Plan, are unlikely to receive favourable consideration by Council." and 66 15.10.93

(a) Objective - To ensure that accommodation units and multiple dwellings - Class "B" are developed based on the criteria contained herein. It is also intended that the preparation of this Development Control Plan will promote developer confidence by providing positive guidance as to the type of development likely to be favourably considered by Council." 66 15.10.93

(i) Accommodation units will be favourably considered by Council in the coastal areas between Shoul Point and Blacks Beach, while it is anticipated that Multiple Dwellings will be predominantly developed in the urban neighbourhood areas designated by the Strategic Plan." 66 15.10.93

(B) The location of equipment such as air-conditioning units, swimming pool filters and other mechanical fixtures associated with the proposed building which could impose on any surrounding residences due to the noise factor, should be located at sufficient distances from neighbouring residences or be adequately silenced.

(v) (vii) Landscaping:-

(A) The area of the site to be used for landscaping and the materials used in the landscaping should be chosen to ensure:

that a locality is not visually dominated by man-made forms;

that landscaping is of a type which at maturity will soften and screen buildings and where necessary act as a privacy screen and visual barrier;

the visual enhancement of the locality, in particular the streetscape;

(B) The landscaped area shall comply with the minimum requirements of the town planning scheme Schedule (Part VI Division III);

(C) Species selection shall involve those elements which are common to and acceptable to the particular area, to the satisfaction of Council. Species which are likely, in the opinion of Council, to interfere with underground services will not be permitted.

(v) (viii) Car Parking:-

(A) Vehicle parking spaces shall be provided on the site in sufficient quantity to store all vehicles expected to be drawn to the site by residents, visitors and employees;

(B) Vehicle parking areas shall comply with the minimum requirements of the town planning scheme Schedule (Part VI Division II).

(v) (ix) Improvements External to the Site:-

(A) Council shall only give its approval to the development of a site for the purposes of accommodation units or multiple dwellings where the external road and street system provides adequate access in terms of carrying capacity, street function and standard of construction, with due regard to the nature and extent of the development proposed. These matters shall be assessed in accordance with Council's Roadworks Policy;

(B) Council shall only give its approval to the development for multiple dwellings or accommodation units where the stormwater drains in the road reserve fronting the subject land are enclosed;

(C) Access from adjoining roadways to the subject land shall not be such as to require major reconstruction of the footpath, to the detriment of adjoining landowners;

(D) Paved footpaths shall be constructed on the frontage of each development, to a standard determined by Council.

(v) (x) The Preservation of Scenic Views and the Restriction of Building Height:-

(A) Development of multiple dwellings or accommodation units shall be controlled to the extent that significant scenic views within the Shire shall be preserved from intrusion by buildings;

(B) No part of a building, unless it be a ground storey, shall be permitted to intrude into a view which in the opinion of Council, should reasonably be retained as a scenic view;

(C) Due to the high level of natural amenity associated with the beach centres, most of which are characterised by attractive ocean views, development should utilise the slope of the land to full advantage, and where feasible, be of a terraced/stepped style, such as that illustrated in Diagram No. 1. Undercover and multi-level parking is preferred for efficient use of sites and aesthetic reasons. Development at these centres should at all times preserve the integrity of the ridgeline where applicable;

(D) Building heights should be such as to preserve views available to residents at Meadow Street and Malcolmson Street to the Gooseponds, in a manner illustrated in Diagram No. 2. Terraced home unit developments such as those depicted in Diagram No. 1 would be encouraged.

(v) (xi) Any approval granted for the erection of multiple dwellings or accommodation units shall be subject to the following conditions relating to access as relevant to each application:-

(A) Access to the development will be provided such that vehicles entering or leaving the site do so in a forward direction;

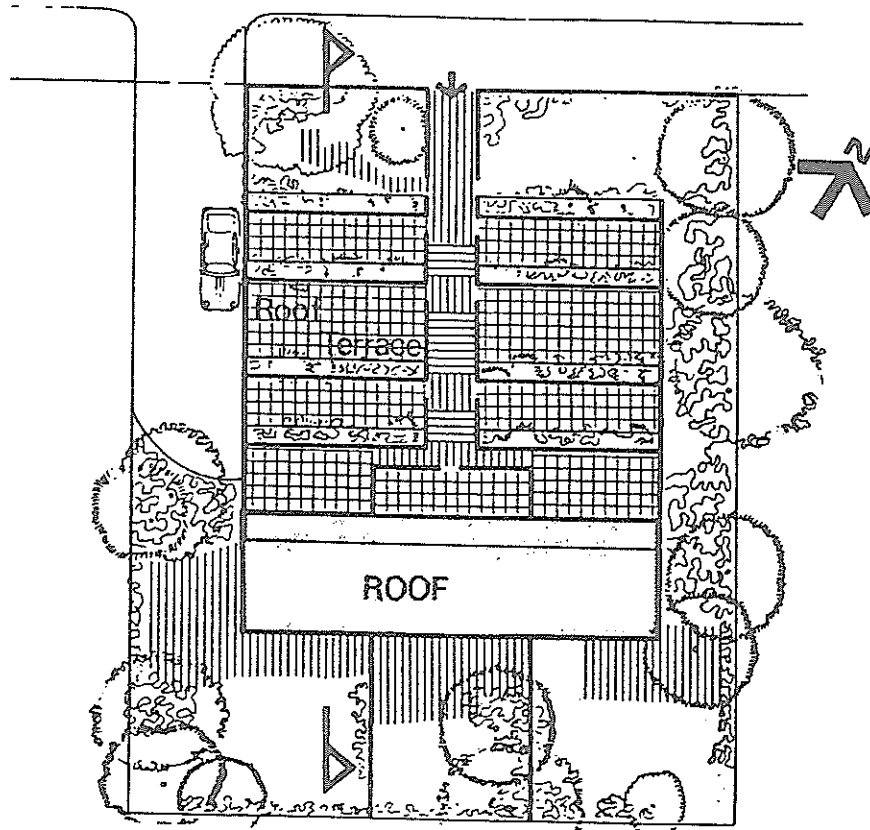
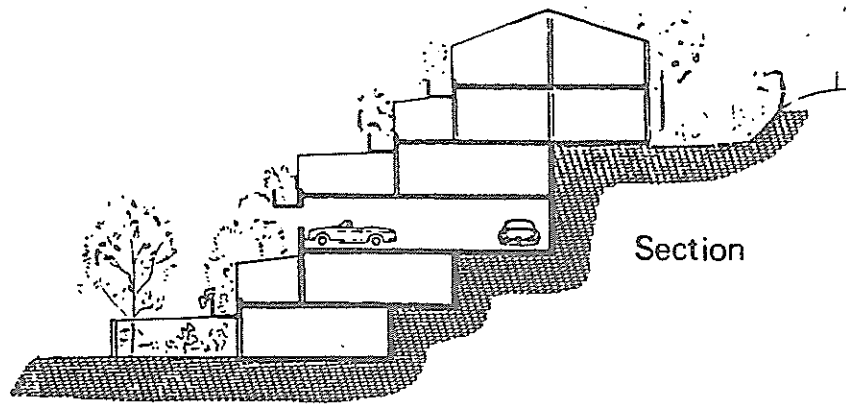
(B) The situation of the access shall not create an inconvenient or hazardous means of vehicular access to the carriageway of the adjoining street;

(C) The adjoining street shall be constructed to a standard in accordance with the provisions of Council's Roadworks Policy as determined from time to time, or alternatively, the applicant may be required to make financial provision for the cost of upgrading the adjoining street.

(v) (xii) Any approval granted for the erection of multiple dwellings or accommodation units shall be subject to the following conditions relating to garbage disposal as relevant to each application:-

(A) An enclosed structure shall be provided to store all garbage bins in a location suitable for collection. This structure shall not be less than six (6) metres distance from a door or window opening to any building;

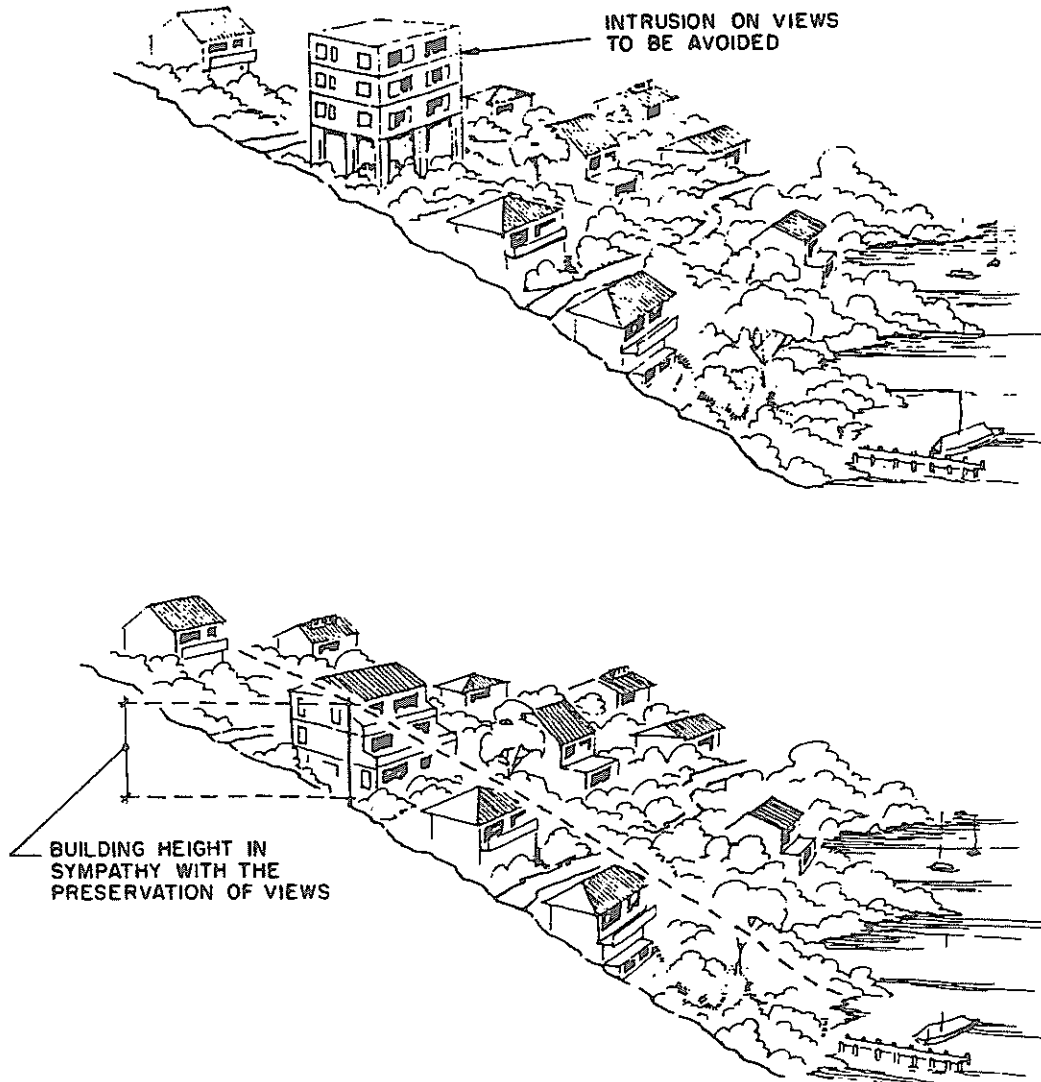
(B) In areas where no Council garbage disposal service operates, arrangements shall be made by the developer to dispose of garbage, to the satisfaction of Council.



DESIRABLE MODE OF DEVELOPMENT
Plan
MAINTAINING THE INTEGRITY OF THE RIDGELINE

Diagram No. 1

Reference Source: New South Wales and Environment Commission
Planning Control of Residential Development
Technical Bulletin No. 3 April, 1976.



DESIRABLE MODE OF DEVELOPMENT

Diagram No. 2

Reference Source: Department of Environment and Planning.
Residential Development Standards.
Technical Bulletin No. 15.

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

E. J. BIGBY, Clerk of the Council

