Torres Shire Council

IPA Planning Scheme

17 July 2007

Adoption

The local government for Torres Shire adopted this planning scheme on 17 July 2007.

Commencement

The planning scheme took effect on 17 July 2007.

State planning policies

The Minister for Local Government, Planning, Sport and Recreation has identified the following State planning policies as having been appropriately reflected in the planning scheme:

- SPP 1/92: Development and the Conservation of Agricultural Land:
- SPP 1/03: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide; and
- SPP 2/02: Planning and Managing Development involving Acid Sulfate Soils.

Integrated Planning Act 1997, section 6.1.54 (Provisions applying for State-controlled roads):

The Minister for Local Government and Planning has given notice that Integrated Planning Act 1997, section 6.1.54 applies to the planning scheme.

Accordingly, item 9 in Integrated Planning Regulation, schedule 2 applies for a referral for development that is not contiguous to a State-controlled road.

The Planning Scheme and Native Title Issues – An Explanatory Note

Torres Shire is unique among Queensland Local Government councils in that:

- Most of its population resides on islands off the northern tip of mainland Queensland; and
- It is the most northerly Australian local government and is geographically close to mainland Papua New Guinea; and
- Its population comprises primarily Indigenous Torres Strait Islanders and Aborigines and approximately 80% of the Shire's land is subject to Native Title grant/claims.

This planning scheme has been prepared under the *Queensland Integrated Planning Act* (IPA) to control development in the Shire. Areas that are not within the jurisdiction of the Council of the Shire of Torres are not affected by the provisions of the planning scheme. It is noted that some of these areas will include land subject to tenure arrangements provided by other State legislation including the *Community Services (Aborigines) Act*, *Community Services (Torres Strait) Act*, *Torres Strait Islander Land Act*, *Aborigines and Torres Strait Islanders (Land Holding) Act* and the *Land Act*.

The Council is mindful of both its statutory obligations imposed by State law and its desire to involve the community in the planning process as it relates to development and future growth in the Shire. In this regard, the Council acknowledges the following two specific issues.

Wasaga Expansion

In relation to the town of Wasaga on Horn Island, consultation with the Native Title holders is acknowledged as particularly important. Expanding the town of Wasaga is critical to providing new land on which to house the Shire's growing population which is one of the primary purposes of the new planning scheme.

Currently, an Indigenous Land Use Agreement (ILUA) exists between the Kaurareg people, the Council and the State. This tri-partite agreement makes provision for the setting aside of areas of land on Horn Island for "future acts". These include the provision of a reticulated sewerage scheme and the development of land beyond the current limits of Wasaga for urban purposes.

A consultation process has been underway with the Kaurareg people to find an agreed form for the expansion of Wasaga. Once agreement is reached, it is expected that this planning scheme will be amended to reflect the agreed outcomes for expansion of Wasaga.

The Council is committed to ongoing consultation with the Native Title holders to bring the process to fruition.

Development Assessment

Under the IPA, decisions on individual development applications made under this planning scheme are not contingent upon the determination of issues relating to land title. In other words, planning decisions that the Council is required to make under the IPA about the best use for land are not dependent on who currently owns the land.

The IPA requires that an applicant for assessable development must obtain the consent of the land owner as part of any planning application. On land where Native Title has been statutorily recognised, this means that the consent of the Native Title holders must be sought and provided by an applicant.

However, a land owner is not necessarily obliged to provide such a consent if the land owner does not favour a development proposal being put forward for their land and irrespective of any provision of this planning scheme or of any planning approval issued under this scheme, the right to enter upon and use land depends on the permission of the land's owner(s). Consequently, this planning scheme is not intended to circumvent or diminish the need for any person to obtain permission from and respect Native Title holders in relation to the use of their land.

To the extent that this planning scheme seeks to regulate development on land (including land subject to Native Title), the Council has sought to consult with the landowners as required by the IPA and the ILUA.

The Council is required under S23.2 of the ILUA to continue to negotiate in good faith with the Native Title Party in reviewing the Council's Planning Scheme in relation to the ILUA area and will continue to meet that requirement. These negotiations were commenced in 2002 through intensive workshop discussions at Horn Island which produced consolidated information embracing a number of diverse opinions and negotiations will continue as part of the overall consultative process.

The Council's commitment to consultation with Native Title holders is therefore ongoing.

Additionally, it is the Council's policy to encourage potential developers of land, particularly if the land is subject to a Native Title claim, to consult in person with the Native Title claimants at the earliest opportunity. The Council continues to assist with this consultative process by providing the relevant contact details and making introductions as appropriate.

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PART 1 - INTRODUCTION

Division 1 – Relationship to the Integrated Planning Act

1.1 Purpose of the Planning Scheme

(1) Torres Shire Council has prepared this planning scheme as a framework for managing development within the Shire[1] in a way that advances the purpose of the *Integrated Planning Act 1997* (IPA)[2] by identifying:

(a) Exempt, self-assessable and assessable development[3]; and

(b) Outcomes sought to be achieved in the Shire as the context for assessing development.

1.2 Planning Scheme functions as part of IDAS

(1) The planning scheme functions as part of IDAS[4] and must be read together with the Act.

1.3 Planning Scheme seeks to achieve Outcomes

(1) The planning scheme seeks to achieve outcomes that are identified according to the following levels:

(a) Desired environmental outcomes;

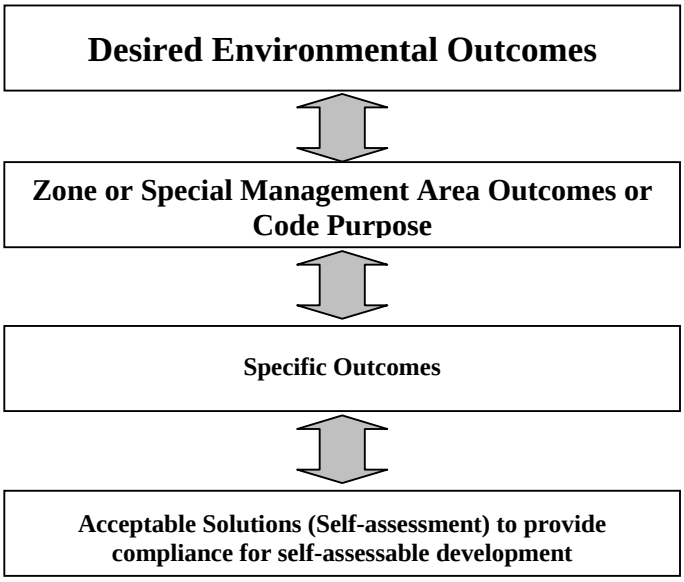
(b) Overall outcomes for zoned land, special management areas or codes;

(c) Specific Outcomes for code assessment;

(d) Probable solutions for a specific outcome, or acceptable solutions for complying with a self-assessable code

The following diagram depicts the levels of outcomes contained within the Scheme.

[1] This planning scheme does not apply to land administered by Island Councils constituted under the *Community Services (Torres Strait) Act 1984* by virtue of section 44 of that Act.
[2] The purpose of the IPA (Section 1.2.1) is to seek to achieve ecological sustainability by:
(a) coordinating and integrating planning at the local, regional and State levels; and
(b) managing the process by which development occurs; and
(c) managing the effects of development on the environment (including managing the use of premises).
[3] Nothing in this Planning Scheme can alter the level of assessment for a specific type of development listed in Schedule 8 of the IPA.
[4] IDAS – Integrated Development Assessment System – is the system detailed in Chapter 3 of the IPA for integrating State and Local Government assessment processes for development.



1.4 Relationship of Probable Solutions (Code-assessment) to assessable development

(1) For assessable development, Acceptable Solutions (Self-assessment):

(a) provide a guide to achieving the related Specific Outcomes in whole or in part and

(b) do not limit the assessment manager's discretion under the Act[5] to impose conditions on a development approval.

1.5 Deciding applications for assessable development

(1) For the purposes of making a decision about an application requiring code assessment in accordance with Section 3.5.13 of the Act, development that is identified in this planning scheme as inconsistent development does not comply and conflicts with the applicable code in which it is identified as being inconsistent.

(2) For the purposes of making a decision about an application requiring impact assessment in accordance with Section 3.5.14 of the Act, development that is identified in this planning scheme as inconsistent development conflicts with the planning scheme.

[5] IPA, Chapter 3 (Integrated Development Assessment System (IDAS)), Part 5 (Decision stage), Division 6 (Conditions)

Division 2 – Planning Scheme Structure

1.6 Division into Zones and Precincts

(1) The planning scheme divides the Shire into 7 zones as follows:

(a) Residential Zone;

(b) Business Zone;

(c) Industry Zone;

(d) Open Space and Recreation Zone;

(e) Conservation Zone;

(f) Special Purpose Zone; and

(g) Non Urban Zone.

(2) The Residential Zone incorporates 2 preferred use precincts as follows:

(a) Residential 1 (R1) precinct; and

(b) Residential 2 (R2) precinct.

(3) The inclusion of land in a zone does not imply that all or any part of such land is capable of development.

(4) Land included in the above zones and precincts is shown on the planning scheme Zoning Maps.

1.7 Types of Overlays

(1) Special Management Areas overlay the planning scheme area as identified on the Overlay Maps and Schedules and as set out in Table 1:

Table 1 – Special Management Areas

Special Management Areas	Overlay Map Reference	Schedule Reference
◗ Protected Areas (defined by the *Nature Conservation Act 1992*)		Schedule 9
◗ Extractive Resources	OM2	
◗ Erosion Prone Land	OM3	
◗ Wetlands	OM2	
◗ Acid Sulfate Soils	OM1, OM2	
◗ Steep Land	OM1, OM2	
◗ Water Supply Catchment	OM1	
◗ Heritage Places		Schedule 3

1.8 Roads and watercourses and areas appearing to be unzoned

(1) If a road reserve or watercourse in the planning scheme area is not shown as being covered by a zone on the Zoning Maps[6], the following applies:

[6] Reference should also be made to the schedule of unmapped islands that forms part of the Zoning Maps.

(a) If the road reserve or watercourse is adjoined on both sides by land in the same zone – the road reserve or watercourse has the same zoning as adjoining land; or

(b) If the road reserve or watercourse is adjoined on one side by land in a zone and adjoined on the other side by land in another zone – the road reserve or watercourse has the same zoning as the adjoining land and the centreline of the road reserve or watercourse is the boundary between the two zones; or

(c) If the road reserve or watercourse is adjoined on one side only by land in a zone – the entire road reserve or watercourse has the same zoning as the adjoining zoned land.

(2) To remove any doubt, it is declared that subsection (1) also applies to a closed road reserve if the road reserve is closed after the commencement day.

(3) Areas above the high water mark other than road reserves and watercourses that are not shown as being covered by a zone are deemed to be included within the zone that adjoins the land. To remove any doubt, if an area is adjoined by more than one zone, then the applicable zoning will be determined in the same manner as described in (1)(b) of this section.

1.9 Determining if Development is Exempt, Self-assessable or Assessable under the Planning Scheme

(1) The planning scheme includes tables for identifying if development is exempt, self-assessable or assessable under the zones and if it is assessable under the Special Management Areas as follows:

(a)	Residential Zone	Table 2	A -	Material change of use
			B -	Other forms of development
(b)	Business Zone	Table 3	A -	Material change of use
			B -	Other forms of development
(c)	Industry Zone	Table 4	A -	Material change of use
			B -	Other forms of development
(d)	Open Space and Recreation Zone	Table 5	A -	Material change of use
			B -	Other forms of development
(e)	Conservation Zone	Table 6	A -	Material change of use
			B -	Other forms of development
(f)	Special Purpose Zone	Table 7	A -	Material change of use
			B -	Other forms of development
(g)	Non Urban Zone	Table 8	A -	Material change of use
			B -	Other forms of development

(2) The Tables of Assessment Categories also distinguish between assessable development that is categorised under the planning scheme as requiring code assessment or impact assessment.

(3) If a development is affected by zoning and Special Management Areas, the higher level of assessment category nominated within the tables applicable to the particular form of development shall prevail as follows:

(a) code assessable prevails over self-assessable;

(b) impact assessable prevails over self-assessable and code assessable; and

(c) development that is identified as exempt, is exempt from assessment under the planning scheme.

(4) A 'temporary event'[7] is exempt development under this planning scheme.

(5) Land identified for community infrastructure identified in Schedule 6 to this planning scheme is, pursuant to chapter 2, part 6 of the Act, exempt to the extent that development would otherwise be self-assessable or assessable under this planning scheme.

(6) To remove any doubt, in the event that development is located beyond the high water mark (i.e., over the sea) and is thereby exempt from assessment under this planning scheme, any facility, activity or aspects associated with the development which is located on zoned land or affected by a special management area shall be deemed to be development in its own right[8] and shall be assessable in accordance with the provisions of sections (1) to (5) of this section.

1.10 Types of Codes

(1) The planning scheme includes the following codes:

(a) Codes for Zones identified on the Zoning Maps; and

(b) Codes for Special Management Areas identified on the Overlay Maps and/or by Schedule 3 or 9; and

(c) Codes for development for a stated purpose or development of a stated type; and

(d) Codes for issues

(2) Codes for Zones identified on the Zoning Maps and Special Management Areas identified on the Overlay Maps and Schedules are included in Part 3 of this planning scheme as follows:

(a) Residential Zone Code

(b) Business Zone Code

(c) Industry Zone Code

(d) Open Space Zone Code

(e) Conservation Zone Code

(f) Special Purpose Zone Code

(g) Non Urban Zone Code

(h) Special Features Code

(i) Cultural Features Code

[7] Temporary event is an administrative term defined in division 2, schedule 1 of this planning scheme.
[8] Ordinarily development such as car parking would be considered to be ancillary to a use and as such, it may not be assessable development for a car park, but rather it would only be assessable as part of the assessable use to which it is ancillary. This provision is intended to deem facilities, activities and aspects of a development that may otherwise be considered as ancillary to a development proposal to be assessable as stand alone development with the level of assessment dependent on the zoning and the affect of any special management area in which they are located.

(3) Codes for development for a stated purpose or development of a stated type are included in Part 4 Division 2 of this planning scheme as follows:

(a) Annexed Apartment Code

(b) Caretaker's Residence Code

(c) Child Care Centre Code

(d) Dual Occupancy Code

(e) Home-based Business Code

(f) Market Code

(g) Multiple Dwelling Unit Code

(h) Service Station and Car Wash Code

(i) Short-term Accommodation Code

(j) Telecommunication Facilities Code

(4) Codes for specific issues are included in Part 4 Division 3 of this planning scheme as follows:

(a) Advertisement Code

(b) Clearing Code

Division 3 - Interpretation

1.11 Dictionary

(1) The dictionary in schedule 1 defines particular words used in this planning scheme as follows:

(a) Defined uses and other development (Division 1); and

(b) Administrative terms (Division 2).

(2) Terms defined in the IPA have the same meaning as in the IPA.

(3) Any undefined term in this planning scheme shall have the meaning assigned to it in common usage, unless the context otherwise indicates or requires. For undefined terms, a common reference that will be relied on by Council is the latest edition of the Macquarie Australian Dictionary.

1.12 Footnotes

(1) Where footnotes appear in the 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 if further or better detail is required of the information provided.

1.13 Explanatory Notes

(1) The Torres Shire Council Planing Scheme Explanatory Notes are declared to be extrinsic material under the Statutory Instruments Act 1992, section 15, that assist interpretation of provisions of this planning scheme.

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PART 2 - SHIRE WIDE OUTCOMES

Division 1 – Ecological Sustainability

2.1 Achieving the Desired Environmental Outcomes

(1) The desired environmental outcomes are based on the elements of ecological sustainability defined by the IPA and are the basis for the measures included in the planning scheme.

(2) Ecological sustainability for the Shire will be advanced if each desired environmental outcome is realized to the extent practicable having regard to all other desired environmental outcomes.

2.2 Desired Environmental Outcomes

(1) The desired environmental outcomes for Torres Shire are:

(a) Sustainable Communities

(i) Growth and new development within the Shire focuses on the existing Thursday (Waiben) Island and Ngurupai (Horn) Island (Wasaga) township areas to facilitate the efficient use, timely and orderly expansion and continued operation of infrastructure.

(ii) Thursday (Waiben) Island continues to function as the main urban centre and as the administrative hub for the Shire, the Torres Strait and the Northern Peninsula Area.

(iii) Wasaga township on Ngurupai (Horn) Island expands to alleviate pressure caused by the shortage of land for new residential, commercial and industrial land on Thursday (Waiben) Island.

(iv) A range of housing types is provided to fulfil residents' lifestyle, life stage and affordability needs and reflects the cultural needs of local communities.

(v) Physical and social infrastructure essential to community well-being is safeguarded and provided in a timely manner, consistent with community social and economic priorities and environmental concerns.

(vi) Development occurs in an area which is intended for the development and in which services and facilities required in respect of the development are existing, planned, or provided by the development.

(b) Cultural Strength and Diversity

(i) Places and landscapes which reflect the community's history and identity are protected and conserved.

(ii) Development on Ngurupai (Horn) Island (including Wasaga township) is consistent with the Indigenous Land Use Agreement between the Council and the Kaurareg people.

(iii) The Shire's tourist and other industries develop in a sensitive manner which respects the cultural traditions of the Shire's island and mainland communities.

(iv) Development reflects the community's reasonable expectations and harmonises with the natural environment, so as to maintain and enhance the Torres Strait 'sense of place'.

(c) Healthy Environment

(i) The Shire's natural environment including its extensive coastal areas, Great Barrier Reef World Heritage Area, wetlands, beaches and esplanades, waterways, Protected Areas[9], undeveloped landscapes and areas of significant native vegetation is protected from adverse effects from clearing, soil degradation and pollution due to erosion and contamination, acidification, salinity, waste disposal or other modifications to natural processes.

(ii) Development minimises risks relating to health, safety, property damage and environmental harm resulting from natural and other hazards, including flooding, acid sulfate soils, storm surge, cyclonic weather events, landslip and disease (both flora and fauna), including mosquito borne disease.

(iii) Development does not adversely affect the community's health and safety or the amenity enjoyed by people in different areas of the Shire.

(d) Economic Prosperity

(i) Employment opportunities within the Shire are optimised through the timely provision of developable land and sustainable use of the Shire's natural and cultural assets to meet the needs of its growing population.

(ii) Development occurs in a planned manner, where the required services and facilities can be readily and efficiently made available.

(iii) Natural resources, including agricultural land, extractive materials and mineral deposits are protected and managed to ensure their current use and future availability.

(iv) The Shire's land, air and water movement system, including motorised and non-motorised modes of transport is used efficiently and expanded to meet the needs of new development.

[9] As defined by the *Nature Conservation Act 1992*.

PART 3 - DEVELOPMENT ASSESSMENT CATEGORIES AND PROVISIONS FOR ZONES AND SPECIAL MANAGEMENT AREAS

Division 1 - Preliminary

3.1 Development Assessment Categories and Assessment Criteria

(1) This part contains assessment tables which set out whether development is exempt, self-assessable or assessable within zones and whether it is assessable in any special management area.

(2) The assessment tables comprise:

(a) Part A – specifying assessment categories for making a material change of use, including works associated with a material change of use[10;] and

(b) Part B – specifying assessment categories for building word, operational work and reconfiguring a lot, not associated with a material change of use.

(3) The assessment tables identify in:

(a) Column 1:
- (i) For Part A – Development Purposes the subject of the assessment table.
- (ii) For Part B – Development Types the subject of the assessment table.

(b) Column 2:
- (i) For Part A – the assessment category for the Development Purpose mentioned in Column 1 and any circumstance applying to the determination of the nominated level of assessment.
- (ii) For Part B – the assessment category for the Development Type mentioned in Column 1 and any circumstance applying to the determination of the nominated level of assessment.

(c) Column 3:
- (i) For Parts A and B – the codes applying to self-assessable and assessable development.

(4) The codes nominated in Column 3 as assessment criteria for development are:

(a) Applicable codes for self-assessable development for which compliance with the self-assessment solutions is mandatory.

(b) Applicable codes for code assessable development for which development complies with the code if the development is consistent[11] with the specific and overall outcomes[12].

[10] Works associated with an application for material change of use may be assessed together with the material change of use.
[11] Inconsistent development conflicts and does not comply with an applicable code – refer Section 1.5 of this planning scheme.
[12] For code assessable development, self-assessment solutions.

(c) Relevant planning scheme provisions for impact assessable development for which development conflicts with the planning scheme if in Council's opinion it is inconsistent with the overall outcomes of a code.

(5) The applicability of a code for self-assessable development is limited to the elements of the code for which self-assessment solutions are specified in the Tables of Assessment.

(6) If pursuant to (2)(a) above assessable development for material change of use includes assessment of associated works, codes applicable to the assessment of such works identified in Column 3 of the Table of Assessment Categories for development other than material change of use in the same zone also apply to the assessment of the assessable development.

Division 2 – Residential Zone

3.2 Table of Assessment Categories and Assessment Criteria

Table 2A - Material Change of Use

Column 1 Development Purpose	Column 2 Assessment Category	Column 3 Assessment Criteria
1. EXEMPT DEVELOPMENT:		
Park	**Exempt** All circumstances	
2. SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT UNDER THE ZONING:		
(a) If for any of the following defined purposes:		
Accommodation building	**Code assessable** If located in the R2 precinct.	Applicable Codes ◗ Residential Zone Code Short-term Accommodation Code
Annexed apartment	**Self-assessable** All circumstances except if Code assessable	Applicable Codes ◗ Residential Zone Code Elements: S12, S13, S14, S16, S17 ◗ Annexed Apartment Code Elements: S1, S2
	Code assessable If nominated as self-assessable, but unable to comply with the Self-assessment Solutions for the relevant elements of the applicable codes	Applicable Codes ◗ Residential Zone Code ◗ Annexed Apartment Code
Bed and breakfast	**Code assessable** If located in the R2 precinct	Applicable Codes ◗ Residential Zone Code ◗ Short-term Accommodation Code
Caretaker's residence	**Code assessable** All circumstances	Applicable Codes ◗ Residential Zone Code ◗ Caretaker's Residence Code
Dual occupancy	**Code assessable** If located in the R2 precinct	Applicable Codes ◗ Residential Zone Code ◗ Dual Occupancy Code

Column 1 Development Purpose	Column 2 Assessment Category	Column 3 Assessment Criteria
Dwelling house	**Self-assessable** If on a lot (or proposed lot) ≥ 600m^2	Applicable Codes ◗ Residential Zone Code Elements: S10, S11, S12, S13, S14, S16, S17
	Code assessable If on a lot (or proposed lot) ≥ 450 m^2 but < 600 m^2	Applicable Codes ◗ Residential Zone Code
Home based business	**Self-assessable** All circumstances except if Code assessable	Applicable Codes ◗ Residential Zone Code Elements: S10, S11, S12, S13, S14, S16, S17 ◗ Home-based Business Code Elements: S1, S2
	Code assessable If nominated as self-assessable, but unable to comply with the Self-assessment Solutions for the relevant elements of the applicable codes	Applicable Codes ◗ Residential Zone Code ◗ Home-based Business Code
Local utility	**Self-assessable** All circumstances except if Code assessable	Applicable Codes ◗ Residential Zone Cod Elements: S11, S12, S13, S14, S16, S17
	Code assessable If nominated as self-assessable, but unable to comply with the Self-assessment Solutions for the relevant elements of the applicable codes	Applicable Codes ◗ Residential Zone Code
Multiple dwelling units	**Code assessable** If located in the R2 precinct	Applicable Codes ◗ Residential Zone Code ◗ Multiple Dwelling Units Code
(b) If for: ◗ **a defined purpose listed in (a) above, but not meeting the specified circumstance listed in Column 2 in (a) above for the nominated level of assessment, or** ◗ **a purpose not listed in (a) above or not defined in this planning scheme:**		
All	**Impact assessable** All circumstances	

Column 1 Development Purpose	Column 2 Assessment Category	Column 3 Assessment Criteria
3. ASSESSABLE DEVELOPMENT WITHIN A SPECIAL MANAGEMENT AREA:		
All	**Code assessable** All purposes if located:	Applicable Codes
	(a) in a Steep Land Special Management Area or Water Supply Catchment Special Management Area identified on the Special Features and Resources Overlay; or (b) in or adjacent[13] a Protected Area Special Management Area; Extractive Resources Special Management Area; Wetland Special Management Area or Waterway Special Management Area identified on the Special Features and Resources Overlay; or (c) in the Acid Sulfate Soil Special Management Area beneath the 5 m contour identified on the Special Features and Resources Overlay and involving excavation or fill of more than 1000m^3 of soil or sediment; or (d) in the Acid Sulfate Soil Special Management Area beneath the 20 m contour identified on the Special Features and Resources Overlay and involving excavation of more than 1000m^3 of soil or sediment below 5 m AHD; or (e) in an Erosion Prone Land Special Management Area identified on the Special Features and Resources Overlay.	For circumstances (a) to (e): ◗ Special Features Code. - the applicable element(s) are those corresponding to the Special Management Area(a) in which the development is located.

[13] Refer to Division 2 of schedule 1 to this planning scheme for the meaning of the term "adjacent".

Table 2B - Development other than Material Change of Use

Column 1 Development Type	Column 2 Assessment Category	Column 3 Assessment Criteria
1. BUILDING WORK NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
All	**Code assessable** If:	Applicable Codes
	(a) exceeding the maximum height specified as the Self-assessment Solution in the Residential Zone Code; or	◗ Residential Zone Code
	(b) exceeding the maximum site cover specified as the Self-assessment Solution in the Residential Zone Code; or	◗ Residential Zone Code
	(c) failing to meet the minimum setback specified as the Self-assessment Solution in the Residential Zone Code.	◗ Residential Zone Code
2. OPERATIONAL WORK NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
Clearing	**Code assessable** All circumstances	Applicable Codes ◗ Clearing Code ◗ Residential Zone Code
Placement of an Advertisement	**Self-assessable** If associated with a Home-based Business	Applicable Codes For all circumstances: ◗ Advertisement Code Elements: S1, S2 When associated with a Home-based Business: ◗ Home-based Business Code Elements: S1, S2
	Code assessable All other circumstances	Applicable Codes For all circumstances: ◗ Advertisement Code When associated with a Home-based Business: ◗ Home-based Business Code
Excavation or Filling	**Code assessable** If involving >500 m^3 of material.	Applicable Codes ◗ Residential Zone Code
Telecommunication Facilities	**Code assessable** If in connection with a Telecommunications Facility (Medium Impact).	Applicable Codes ◗ Residential Zone Code ◗ Telecommunication Facilities Code

Column 1 Development Type	Column 2 Assessment Category	Column 3 Assessment Criteria
3. OPERATIONAL WORK ASSOCIATED WITH RECONFIGURING:		
All	**Code Assessable** All circumstances.	Applicable Codes For all circumstances: ◗ Residential Zone Code ◗ Advertisement Code ◗ Clearing Code If in a Special Management Area identified on the Special Features Overlay: ◗ Special Features Code – the applicable element(s) are those corresponding to the Special Management Area(s) in which the development is located.
4. RECONFIGURING A LOT:		
All	**Code assessable** All circumstances except if impact assessable	Applicable Codes ◗ Residential Zone Code If located in a Special Management Area identified on the Special Features Overlay: ◗ Special Features Code – the applicable element(s) are those corresponding to the Special Management Area(s) in which the development is located.
	Impact assessable If proposed lot < 450 m^2 and not associated with a Material Change of Use	
5. OTHER (not listed above):		
All circumstances	**Exempt**	

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3.3 Residential Zone Code

(1) Purpose

(a) The purpose of the Residential Zone Code is the achievement of the overall outcomes sought for the Residential Zone. The Residential Zone within the Shire includes the Residential 1 precinct (R1) and Residential 2 precinct (R2).

(b) The overall outcomes sought for the whole of the Residential Zone are:

(i) Attractive living environments characterised by a high level of amenity comprising:

(A) a range of residential accommodation styles including long-term and short-term accommodation;

(B) better utilisation of available land through higher density residential development where site characteristics permit and where a high standard of residential amenity can be achieved;

(C) short-term accommodation for tourists and visitors located in proximity to urban services and facilities;

(D) well designed residential areas which are sensitive to climatic conditions and provide for the retention of natural features like creeks, gullies, waterways and vegetation;

(E) provision of parks, integrated pedestrian/cycle network, public access to foreshores to promote walking and cycling and decrease reliance on private cars.

(ii) Maintenance and enhancement of the Torres Strait 'island' character;

(iii) Physical and social infrastructure appropriate for the scale and density of development and provided so as not to detract from the character and amenity of localities in which it is situated;

(iv) Allowance for non-residential uses comprising uses supporting residential uses and those of a local business/community nature which support the enjoyment of residential areas by residents, provided such uses do not detract from the character and amenity of localities in which they are established;

(c) Specifically for land included in the Residential 1 (R1) precinct, the following additional outcome is sought:

(i) Predominantly single detached dwelling units on individual allotments

(d) Specifically for land included in the Residential 2 (R2) precinct, the following additional outcomes are sought:

(i) Multi unit development, comprising Accommodation buildings, Dual Occupancies, Multiple dwelling units or Retirement villages, in appropriate locations.

(2) Elements

(i) Consistent Uses

Specific Outcomes

O1 Uses are:

- consistent with the overall outcomes for the Residential Zone, and
- preferred for development in the zone;

as follows:

(a) Residential Purposes comprising long-term accommodation located as follows:

Residential Use	Preferred Location (Precinct)
Annexed apartment	R1, R2
Dual occupancy	R1, R2
Dwelling House	R1, R2
Multiple dwelling units	R2
Retirement village	On-merit, based on impact assessment

(b) Residential Purposes comprising short-term accommodation located as follows:

Residential Use	Preferred Location (Precinct)
Accommodation building	R2
Bed and breakfast	R1, R2
Caravan park	On-merit, based on impact assessment
Institutional residence	On-merit, based on impact assessment

(c) Residential Purposes comprising associated activities located as follows:

Residential Use	Preferred Location (Precinct)
Caretaker's residence	Subservient to a dominant use of premises
Home-based business	Subservient to a dwelling unit

O2 Provided uses are developed:

- to be compatible with surrounding residential purposes by being of similar scale, intensity and character; and
- to support preferred uses; and
- to not adversely affect the amenity of the locality;

the following are consistent with the overall outcomes sought for the Residential Zone:

(a) Local utility;

(b) Shop (if providing for convenience shopping needs within its immediate catchment and no larger than 150m^2 GFA); or

(c) Special purpose (if for the purposes of a community hall or centre or a church)

(ii) Inconsistent Uses

Specific Outcomes

O3 Uses other than:

- preferred uses nominated in O1, or
- consistent uses developed to comply with the provisos set out in O2;

do not comply with the overall outcomes sought for the Residential Zone and conflict with this code.

(iii) Subdivision Design

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
O4 Reconfigured lots are designed and developed with: ◗ sufficient area and suitable proportions for preferred or consistent uses; ◗ a range of allotment sizes; ◗ adequate frontage providing safe and convenient vehicular and pedestrian access;and ◗ do not expose people and works to unacceptable risks from flooding and other hazards.	S4 (a) Other than reconfiguring for a Community Titles Scheme, allotments are developed with areas and dimensions that comply with the design standards set out in Table S1 below. (b) For reconfiguring involving a Community Titles Scheme: (i) the number of lots on the Standard Format Plan comprising the Community Titles Scheme does not exceed the number of allotments complying with the design standards set out in table S 1 below; unless, (ii) the number of lots on the Standard Format Plan accords with the density of development given by a prior related Development Permit for Material Change of Use.

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)

Table S1 – Design Standards for Subdivision in the Residential Zone

Precinct	Minimum Lot Size (m^2)	Minimum Frontage (metres)	Minimum rectangle able to be accommodated behind the street setback
R1	(a) 450 m² where able to be connected to a reticulated sewerage system	◗ 15 metres	◗ 10 metres x 15 metres
	(b) 1000 m² where unable to be connected to a reticulated sewerage system	◗ 17 metres	◗ 10 metres x 15 metres
	(c) 300 m² if subsequent to a Development Permit. for Material Change of Use for an integrated house and land project[14]	◗ 10 metres	◗ 10 metres x 15 metres
R2	(a) 800 m², unless (b) applies	◗ 20 metres	◗ 15 metres x 25 metres
	(b) 300 m² if subsequent to a Development Permit for Material Change of Use for an integrated house and land project12	◗ 10 metres	◗ 10 metres x 15 metres

O5 **Rear Allotments**

Rear access allotments provided in circumstances where suitable conditions exist having regard to the topography and amenity of the locality of the site.

S5 (a) The number of proposed rear allotments does not exceed the following:

Total Number of Proposed Residential Lots	Number of Rear Allotments
1-5	1
6-10	2
10-20	3
>20	10% of total number of lots proposed (rounded up to the next whole number

[14] Integrated house and land project refers to development comprising both the subdivision of land and construction of small lot housing as an integrated project starting with a large parcel and ending with completed small lot housing.

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
	(b) No two rear allotments adjoin, except: (i) where it is proposed to construct a common access driveway over which reciprocal access rights are proposed to be available to each lot; or (ii) where the access driveways for the allotments do not adjoin. (c) The rear allotment, exclusive of the access driveway, meets the requirements of O4 above (excluding frontage requirements). (d) The proposed access driveway is a minimum 4 metres wide, except where it adjoins another access driveway, where the width of each driveway may be reduced to 3 metres.
O6 **Neighbourhood Design** The subdivision design for a new neighbourhood or part of a new neighbourhood creates a positive identity through: (a) A clear hierarchy of internal roads; (b) An open space network linking with other existing or potential open space; (c) Incorporation of any significant site characteristics, landmarks and views; (d) A safe and functional pedestrian and bicycle path system integrated with the open space and road networks; and (e) The retention of remnant vegetation and the protection of riparian corridors in open space.	
O7 **Street Network and Design** (a) The street network of a subdivision has a clear functional hierarchy and each street fulfils its function in the network;	

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
(b) The design features of each street provide for: (i) Safe and efficient movement of pedestrians and vehicles; (ii) Provision for parked vehicles; (iii) Provision for landscaping; (iv) Location, construction and maintenance of public utilities; and (v) Provision for batters, retaining walls, drainage systems or other required structures.	
O8 **Urban Design and Character** A street network and allotments orientated to take into account prevailing breezes and to reduce exposure to solar radiation, such that the majority of allotments in new residential areas are oriented so that dwellings can be built on them to take advantage of the south-east prevailing breeze (or any modification of this breeze caused by local topography).	
O9 **Public Open Space** Sufficient open space is: (a) Provided in convenient locations; (b) Of a quality to meet the recreational demands of the community; (c) Enhances visual amenity; (d) Incorporates and protects existing features of environmental and cultural value; and (e) Maintains public access along foreshores.	

(iv) Residential Density

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)		
O10	Density of residential development is compatible with local amenity expressed by the overall outcomes sought for the Residential Zone.	S10	(a)	Not more than one (1) Dwelling house is constructed on any allotment.
			(b)	Multi-unit residential purposes[15] do not exceed a density of one dwelling unit per 150m^2 of site area.

(v) Character and Amenity

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)		
O11	Uses and works located, designed and operated to avoid significant adverse impacts on: ◗ existing environmental conditions relating to air, water and soil, ◗ visual quality of landscapes in terms of loss of significant natural features or obstructing significant local and distant views of important natural features and landmarks, ◗ the amenity of adjacent properties and public spaces, and ◗ the health and safety of people using the premises and adjacent premises.	S11	(a)	Land used for non-residential uses buffered from adjoining properties used for residential uses by provision of: (i) 1.8 metre high solid fence along common side and rear boundaries; (ii) 3 metre wide landscaped area along any road frontages (to standard nominated in Schedule 7 of this planning scheme); and (iii) 3 metre wide landscaped area adjacent side and rear boundaries common with premises used for residential purposes (to standard nominated in Schedule 7 of this planning scheme).
			(b)	Outdoor lighting designed, constructed and operated in accordance with *Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*.

[15] Multi-unit residential purposes refers to an Accommodation building, Dual occupancy, Multiple dwelling units or Retirement village as defined in Division 1 of schedule 1 to this planning scheme.

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
	(c) Land subject to reconfiguration and subsequent use for residential uses buffered along common boundaries with land included in the Business Zone or Industry Zone by provision of: (i) 1.8 metre high solid fence along common side and rear boundaries; and (ii) a minimum 3 metre wide landscaped area adjacent to the common boundary/s (to standard nominated in Schedule 7 of this planning scheme).
O12 Building and structures are: ◗ of a type and scale which have an attractive, functional appearance; ◗ constructed of materials and finishes compatible with other development in the area: ◗ integrated with the physical attributes of the site, including appropriate provision for access to natural light and ventilation, privacy, noise attenuation, drainage, landscaping, outlook and off-street parking; ◗ designed to adequately screen materials stored outside buildings when viewed from adjacent premises and public spaces; ◗ which are not out of character with the prevailing development in the area; and ◗ which will not adversely affect neighbouring residences by reason of intrusive noise or of loss of light or privacy.	S12 (a) Height: Buildings and structures do not exceed: **Precinct** — **Maximum Height (metres)** R1 — 8.5 metres R2 — 12 metres (b) Setbacks: (i) Buildings and structures setback: **Circumstances** — **Setback Distance (metres)** Major road frontage where road reserve width ≥30 metres — 3 metres Other major road frontage — 6 metres Side and Rear Boundaries — As per the BCA (c) Site Cover Total coverage for buildings and structures does not exceed:

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)

Precinct	Height of Building (metres)	Maximum Site Cover (%)
R1	All	50%
R2	≤ 8.5 metres	40%
	8.6 – 12 metres	35%

(d) Outbuildings

(i) The maximum size for outbuildings is 72 m^2; and

(ii) When built to the boundary of a lot, maximum wall length of 9 metres.

(iii) The length of wall does not exceed 15 metres to side and rear boundaries without articulation.

(vi) Safety and Security

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O13	Personal safety and property security optimised through the design of buildings and spaces incorporating: ◗ opportunities for surveillance; ◗ clear definition of boundaries between private and public spaces; ◗ robust construction materials; and ◗ appropriate security lighting.	S13	Development is designed and constructed in accordance with the standards nominated in Schedule 5 – *Design Standards for Community Safety*.

(vii) Vegetation Management

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O14	Clearing does not impact adversely on ecological or landscape values.	S14	(a) Vegetation is retained within 15 metres of wetlands or the high bank of a permanent waterway; and (b) Vegetation is retained on land with slopes ≥ 1 in 6.

(viii) Flood Immunity

Specific Outcomes	
O15	Development is immune to flood events which result to unacceptable risk to health and safety or unacceptable risk of property damage.

(ix) Vehicle Parking and Movement

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
O16 Development is provided with an on-site parking and movement system designed and constructed to: ◗ be integrated with the site layout including: – direct access to a road providing a level of service required to accommodate traffic generated by the use; and – appropriately designed footpath crossovers; and – provision for safe pedestrian movement between public footpath and facility entry points; and ◗ accommodate all modes of transport generated by the use; and ◗ facilitate non-discriminatory accessibility; and ◗ provide for safe and efficient loading and unloading of goods; and ◗ allow for vehicle queuing necessary for the use; and ◗ provide for passenger set down/pick up necessary for the use.	S16 (a) Parking is provided on-site: (i) at the rate nominated in division 1 of schedule 2 to this planning scheme; and (ii) laid out, constructed and maintained in accordance with the standards nominated in Division 2 of Schedule 2 to this planning scheme. (b) Loading/unloading facilities are laid out, constructed and maintained in accordance with the standards nominated in Division 2 of Schedule 2 to this planning scheme. (c) Vehicle queuing and set-down/pick-up areas are laid out, constructed and maintained in accordance with the standards nominated in Division 2 of Schedule 2 to this planning scheme. (d) Vehicular access is designed and constructed in accordance with the standards nominated in division 2 of schedule 4 to this planning scheme. (e) Bicycle and pedestrian paths are integrated with site design to facilitate both on-site movement and connection to the Shire bicycle and pedestrian networks in accordance with the standards nominated in Division 2 of Schedule 4 to this planning scheme.

(x) Infrastructure

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O17	Water supply, wastewater and sullage, drainage, roads, power and communications provided to meet the appropriate standards of service and construction at least whole-of-life cost, which: ◗ comprise components and materials that are: – readily accessible and available; and – robust and reliable in terms of operational life and purpose; and – easily maintained without unnecessarily requiring specialist expertise or equipment; and ◗ are integrated with the design, construction and operation of existing systems and facilitate orderly provision of future systems.	S17	Water supply, wastewater and sullage, drainage, roads, power and communications are: (a) provided to meet the standard of service nominated in Division 1 of schedule 4 to this planning scheme, and (b) constructed in accordance with standards nominated in Division 2 of Schedule 4 to this planning scheme.

(xi) Excavation or Filling

Specific Outcomes	
O18	Excavation or filling is carried out so that the visual amenity of the area and the privacy of adjoining properties are not compromised and excavation of filling does not result in: ◗ the instability of a site or adjacent land; or ◗ a detrimental change to the run off characteristics of a site or nearby land; or ◗ a reduction of the water quality of receiving waters.

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Division 3 – Business Zone

3.4 Table of Assessment Categories and Assessment Criteria

Table 3A - Material Change of Use

Column 1 Development Purpose	Column 2 Assessment Category	Column 3 Assessment Criteria
1. EXEMPT DEVELOPMENT:		
Park	**Exempt** All circumstances	
2. SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT UNDER THE ZONING:		
(a) If for any of the following defined purposes:		
Caretaker's residence	**Code assessable** All circumstances	Applicable Codes ◗ Business Zone Code ◗ Caretaker's Residence Code
Child care centre	**Code assessable** All circumstances	Applicable Codes ◗ Business Zone Code ◗ Child Care Centre Code
Funeral parlour	**Code assessable** All circumstances	Applicable Codes ◗ Business Zone Code
Garden Centre	**Code assessable** All circumstances	Applicable Codes ◗ Business Zone Code
Health centre	**Code assessable** All circumstances	Applicable Codes ◗ Business Zone Code
Indoor entertainment	**Code assessable** All circumstances	Applicable Codes ◗ Business Zone Code
Indoor sports facility	**Code assessable** All circumstances	Applicable Codes ◗ Business Zone Code
Light industry	**Code assessable** All circumstances	Applicable Codes ◗ Business Zone Code

Column 1 Development Purpose	Column 2 Assessment Category	Column 3 Assessment Criteria
Local utility	**Self-assessable** All circumstances except if Code assessable	Applicable Codes ◗ Business Zone Code Element: S8 (a)
	Code assessable If nominated as self-assessable, but unable to comply with the Self-assessment Solutions for the relevant elements of the applicable codes	Applicable Codes ◗ Business Zone Code
Market	**Code assessable** All circumstances	Applicable Codes ◗ Business Zone Code ◗ Market Code
Office	**Code assessable** All circumstances	Applicable Codes ◗ Business Zone Code
Shop	**Code assessable** All circumstances	Applicable Codes ◗ Business Zone Code
Showroom	**Code assessable** All circumstances	Applicable Codes ◗ Business Zone Code
Take-away food store	**Code assessable** All circumstances	Applicable Codes ◗ Business Zone Code
(b) If for: ◗ **a defined purpose listed in (a) above, but not meeting the specified circumstance listed in Column 2 in (a) above for the nominated level of assessment, or** ◗ **a purpose not listed in (a) above or not defined in this planning scheme:**		
All	**Impact assessable** All circumstances	

Column 1 Development Purpose	Column 2 Assessment Category	Column 3 Assessment Criteria
3. ASSESSABLE DEVELOPMENT WITHIN A SPECIAL MANAGEMENT AREA:		
All	**Code assessable** All purposes if located:	Applicable Codes
	(a) in a Steep Land Special Management Area or Water Supply Catchment Special Management Area identified on the Special Features and Resources Overlay; or (b) in or adjacent16 a Protected Area Special Management Area; Extractive Resources Special Management Area; Wetland Special Management Area or Waterway Special Management Area identified on the Special Features and Resources Overlay; or (c) in the Acid Sulfate Soil Special Management Area beneath the 5 m contour identified on the Special Features and Resources Overlay and involving excavation or fill of more than 1000m3 of soil or sediment; or (d) in the Acid Sulfate Soil Special Management Area beneath the 20 m contour identified on the Special Features and Resources Overlay and involving excavation of more than 1000m3 of soil or sediment below 5 m AHD; or (e) in an Erosion Prone Land Special Management Area identified on the Special Features and Resources Overlay.	For circumstances (a) to (e): ◗ Special Features Code – the applicable element(s) are those corresponding to the Special Management Area(s) in which the development is located.

[16] Refer to Division 2 of schedule 1 to this planning scheme for the meaning of the term "adjacent".

Table 3B - Development other than Material Change of Use

Column 1 Development Type	Column 2 Assessment Category	Column 3 Assessment Criteria
1. BUILDING WORK NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
All	**Code assessable** If:	Applicable Codes
	(a) exceeding the maximum height specified as the Self-assessable Solution in the Business Zone Code; or	◗ Business Zone Code
	(b) exceeding the maximum site cover specified as the Self-assessable Solution in the Business Zone Code; or	◗ Business Zone Code
	(c) failing to meet the minimum setback specified as the Self-assessment Solution in the Business Zone Code.	◗ Business Zone Code
2. OPERATIONAL WORK NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
Clearing	**Code assessable** All circumstances	Applicable Codes ◗ Clearing Code ◗ Business Zone Code
Placement of an Advertisement	**Self-assessable** All circumstances except if Code assessable	Applicable Codes ◗ Advertisement Code Elements: S1, S2
	Code assessable If nominated as self-assessable, but unable to comply with the Self-assessment Solutions for the relevant elements of the applicable codes	Applicable Codes ◗ Advertisement Code ◗
Excavation or Filling	**Code assessable** If involving >500 m^3 of material.	Applicable Codes ◗ Business Zone Code
Telecommunication Facilities	**Code assessable** If in connection with a Telecommunications Facility (Medium Impact).	Applicable Codes ◗ Business Zone Code ◗ Telecommunication Facilities Code

Column 1 Development Type	Column 2 Assessment Category	Column 3 Assessment Criteria
3. OPERATIONAL WORK ASSOCIATED WITH RECONFIGURING		
All	**Code assessable** All circumstances	Applicable Codes For all circumstances: ◗ Business Zone Code ◗ Advertisement Code ◗ Clearing Code If in a Special Management Area identified on the Special Features Overlay: ◗ Special Features Code – the applicable element(s) are those corresponding to the Special Management Area(s) in which the development is located.
4. RECONFIGURING A LOT:		
All	**Code assessable** All circumstances	Applicable Codes ◗ Business Zone If located in a Special Management Area, identified on the Special Features Overlay: ◗ Special Features Code – the applicable element(s) are those corresponding to the Special Management Area(s) in which the development is located.
5. OTHER (not listed above):		
All circumstances	**Exempt**	

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3.5 Business Zone Code

(1) Purpose

(a) The purpose of the Business Zone Code is the achievement of the overall outcomes sought for the Business Zone.

(b) The overall outcomes sought for the Business Zone are:

(i) Provision of commercial uses in areas of high accessibility;

(ii) Provision of entertainment, recreational and community infrastructure uses that are necessary for the community they serve and provide a focus of activity for residents and visitors to the area;

(iii) Well-designed business centres on Thursday (Waiben) Island and Ngurupai (Horn) Island characterised by:

(A) Allotment and building layout and form suitable to accommodate the range of consistent uses,

(B) infrastructure services to meet the particular requirements for the type and scale of development,

(C) premises sympathetic to the surrounding natural and built environment by contributing to the retention or attainment of a desirable streetscape and character;

(D) high standard of buildings situated within attractive and safe urban spaces;

(E) pedestrian and cyclist network linking to surrounding residential areas and providing an alternative to use of the private car; and

(F) maintenance and enhancement of the Torres Strait island character;

(iv) Provision of well designed, mixed-use commercial/residential premises which preserve or enhance the ground floor shop front presentation to the street.

(v) Development of key nominated sites within the Business Zone in a manner that enhances the unique social and environmental values of the sites.

(2) Elements

(i) Consistent Uses

Specific Outcomes	
O1	Uses are: ◗ consistent with the overall outcomes sought for the Business Zone, and ◗ preferred for development in the zone; as follows: (a) All Commercial Purposes.

Specific Outcomes	
O2	Provided uses are developed: ◗ to be compatible with surrounding Commercial Purposes by being of similar scale, intensity and character; and ◗ to support preferred uses, and ◗ to not adversely affect the amenity of the locality; or ◗ to provide recreational or community facilities that are more appropriately located in the Business zone; the following uses are consistent with the overall outcomes sought for the Business Zone: (a) Accommodation building; (b) Caretaker's residence; (c) Car park; (d) Car wash; (e) Child care centre; (f) Indoor entertainment; (g) Indoor sports facility; (h) Light industry (if located within an existing building and not exceeding 100m^2 GFA); (i) Local utility; (j) Multiple dwelling (where located to the rear of, or on floors above a ground floor commercial use) ; (k) Special purpose; (l) Telecommunications facility (medium impact); or (m) Transport terminal.
O3	The following additional uses are consistent with the overall outcomes sought for the nominated sites within the Business Zone: Lot 114 on TS84 – old IBIS slipway on Douglas Street at See Hop Beach: Consistent Uses: Mixed use development that achieves a number of positive commercial, community and/or recreational outcomes. Uses exhibit a high standard of design and emphasise opportunities for public access and enjoyment of the foreshore area. Lot 83 on TS58 – old power station site at Victoria Parade, Thursday Island: Consistent Uses: Commercial uses (including tourist related uses) that enhance the functioning of the area as a gateway for water-borne visitors to Thursday Island. Development respects and preferably positively features the cultural heritage features of the site associated with the historic stone steps.

(ii) Inconsistent Uses

Specific Outcomes	
O4	Uses other than: ◗ preferred uses nominated in O1, or ◗ consistent uses developed to comply with the provisos set out in O2, or O3; do not comply with the overall outcomes sought for the Business Zone and conflict with this code.

(iii) Subdivision Design

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
O5 Reconfigured lots are designed and developed with: ◗ sufficient area and suitable proportions for preferred or consistent uses; ◗ adequate frontage providing safe and convenient vehicular and pedestrian access; and ◗ do not expose people and works to unacceptable risks from flooding or other hazards.	S5 (a) Other than reconfiguring for a Community Titles Scheme, allotments are developed with areas and dimensions that comply with the design standards set out in Table S2 below. (b) For reconfiguring involving a Community Titles Scheme: (i) the number of lots on the Standard Format Plan comprising the Community Titles Scheme does not exceed the number of allotments complying with the design standards set out in the table below; unless, (ii) the number of lots on the Standard Format Plan accords with the density of development given by a prior related Development Permit for Material Change of Use.

Table S2 – Development Standards for Subdivision in the Business Zone

Minimum Frontage (metres)	Rectangle able to be accommodated behind the street setback
◗ 10 metres	◗ 10 x 20 metres

(iv) Residential Density

Specific Outcomes
O6 Residential density compatible with local amenity expressed by the overall outcomes sought for the Business Zone.

(v) Character and Amenity

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
O7 **Use and Amenity** Uses and works located, designed and operated to avoid significant adverse impacts on: ◗ existing environmental conditions relating to air, water and soil, ◗ the amenity of adjacent properties and public spaces, and ◗ the health and safety of people using the premises and adjacent premises ◗ streetscape	S7 (a) Fencing If a site is located adjacent to land within the Residential Zone, a 1.8 metre high screen fence is established on the boundary. (b) Service Areas Rubbish bin storage areas are designed to be visually unobtrusive, while providing easy, practical access to service vehicles. (c) Plant and Equipment Mechanical plant and equipment are located so they are not visually obtrusive and do not cause adverse visual or acoustic impacts on adjoining premises. (d) Façade lighting Façade lighting does not impact adversely on the amenity of surrounding uses or users of adjacent roads.
O8 Building and structures are: ◗ Of a type and scale which have an attractive, functional appearance; ◗ constructed of materials and finishes compatible with other development in the area: ◗ integrated with the physical attributes of the site, including appropriate provision for access to natural light and ventilation, privacy, noise attenuation, drainage, landscaping, outlook and off-street parking; and ◗ which adequately screen materials stored outside buildings when viewed from adjacent premises and public spaces.	S8 (a) Built form (i) Height Buildings and structures do not exceed 12 metres. (ii) Setbacks

Circumstance	Minimum setback (metres)
Setback from Douglas Street	0 metres (also the maximum setback in this instance)
Setback from other streets	3 metres
Side and rear boundaries	In accord with BCA
If abutting land in the Residential Zone	3 metres or half the height of the building, whichever is the greater

(iii) Site Cover

Site coverage does not exceed 80 %.

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
	(b) Building Appearance: (i) Buildings adjacent to the street or other public space, address the street or space by having a front door and windows facing the street or space; (ii) Building design, roof form, detailing and materials visible from public areas and adjoining properties are not in strong visual contrast with the character of attractive neighbouring buildings. Materials to be avoided include: – glazed curtain walls; – unrelieved painted, render or similar finishes; – unarticulated concrete finishes; – unarticulated cladding systems; or – fluorescent or iridescent paints. (iii) Buildings have a maximum unarticulated length of 15 metres to the public street frontage; (iv) Buildings viewed from the public street and adjoining properties, have a dominant roof form which responds to Torres Shire's tropical climate and rainfall conditions; and (v) Buildings on corner sites reinforce the corner by truncating the façade. (c) Pedestrian Comfort (i) Building design provides awnings or other sun and rain shelters for the full width of the footpath along all facades addressing streets; and (ii) Awnings or other sun and rain shelters articulate with and are of a design compatible with that on adjoining premises.

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
	(d) Access Provision (i) On-site parking is located towards the rear of the premises, linked and integrated with parking on adjoining premises as appropriate; and (ii) Access driveways and car parking areas occupy no more than 30% of the length of the street frontage of the premises. (e) Landscaping (i) Open-air car parking areas are planted and maintained with shade trees every 6 linear car bays. (ii) Notwithstanding any Self-assessment Solution nominated in a specific use code, if abutting land in the Residential Zone, a minimum 3 metre wide landscaping area along the common boundary/s (to standard nominated in Schedule 7 of this planning scheme).

(vi) Safety and Security

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O9	Personal safety and property security optimised through the design of buildings and spaces incorporating: ◗ opportunities for surveillance; ◗ clear definition of boundaries between private and public spaces; ◗ robust construction materials; and ◗ appropriate security lighting.	S9	Development is designed in accordance with the standards nominated in Schedule 5 to this planning scheme.

(vii) Vegetation Management

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O10	Clearing does not impact adversely on ecological or landscape values.	S10	(a) Vegetation is retained within 15 metres of wetlands or the high bank of a permanent waterway; and (b) Vegetation is retained on land with slopes ≥ 1 in 6.

(viii) Flood Immunity

Specific Outcomes	
O11	Development is immune to flood events which result to unacceptable risk to health and safety or unacceptable risk of property damage.

(ix) Vehicle Parking and Movement

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O12	Development is provided with an on-site parking and movement system designed and constructed to: ◗ be integrated with the site layout including: – direct access to a road providing a level of service required to accommodate traffic generated by the use; and – appropriately designed footpath crossovers; and – provision for safe pedestrian movement between public footpath and facility entry points; and ◗ accommodate all modes of transport generated by the use; and ◗ facilitate non-discriminatory accessibility; and ◗ provide for safe and efficient loading and unloading of goods; and ◗ allow for vehicle queuing necessary for the use; and ◗ provide for passenger set down/pick up necessary for the use.	S12	(a) Parking is provided on-site: (i) at the rate nominated in Division 1 of Schedule 2 to this planning scheme; and (ii) laid out, constructed and maintained in accordance with the standards nominated in Division 2 of Schedule 2 to this planning scheme. (b) Loading/unloading facilities are laid out, constructed and maintained in accordance with the standards nominated in Division 2 of Schedule 2 to this planning scheme. (c) Vehicle queuing and set-down/pick-up areas are laid out, constructed and maintained in accordance with the standards nominated in Division 2 of Schedule 2 to this planning scheme. (d) Vehicular access is designed and constructed in accordance with the standards nominated in Division 2 of Schedule 4 to this planning scheme. (e) Bicycle and pedestrian paths are integrated with site design to facilitate both on-site movement and connection to the Shire bicycle and pedestrian networks in accordance with the standards nominated in Division 2 of Schedule 4 to this planning scheme.

(x) Infrastructure

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O13	Water supply, wastewater and sullage, drainage, roads, power and communications provided to meet the appropriate standards of service and construction at least whole-of-life cost, which: ◗ comprise components and materials that are: – readily accessible and available; and – robust and reliable in terms of operational life and purpose; and – easily maintained without unnecessarily requiring specialist expertise or equipment; and ◗ are integrated with the design, construction and operation of existing systems and facilitate orderly provision of future systems.	S13	Water supply, wastewater and sullage, drainage, roads, power and communications are: (a) provided to meet the standard of service nominated in Division 1 of Schedule 4 to this planning scheme, and (b) constructed in accordance with standards nominated in Division 2 of Schedule 4 to this planning scheme.

(xi) Excavation or Filling

Specific Outcomes	
O14	Excavation or filling is carried out so that the visual amenity of the area and the privacy of adjoining properties are not compromised and excavation or filling does not result in: ◗ the instability of a site or adjacent land; or ◗ a detrimental change to the run off characteristics of a site or nearby land; or ◗ a reduction of the water quality of receiving waters.

Division 4 – Industry Zone

3.6 Table of Assessment Categories and Assessment Criteria

Table 4A - Material Change of Use

Column 1 Development Purpose	Column 2 Assessment Category	Column 3 Assessment Criteria
1. EXEMPT DEVELOPMENT:		
Park	**Exempt** All circumstances	
2. SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT UNDER THE ZONING:		
(a) If for any of the following defined purposes:		
Aquaculture	**Code assessable** All circumstances except if Impact assessable **Impact assessable** If constituting an environmentally relevant activity[17]	Applicable Codes Industry Zone Code ◗
Car wash	**Code assessable** All circumstances	Applicable Codes ◗ Industry Zone Code ◗ Service Station And Car Wash Code
Caretaker's residence	**Code assessable** All circumstances	Applicable Codes ◗ Industry Zone Code ◗ Caretaker's Residence Code
Funeral parlour	**Code assessable** All circumstances	Applicable Codes ◗ Industry Zone Code
Garden centre	**Code assessable** All circumstances	Applicable Codes ◗ Industry Zone Code
General industry	**Code assessable** All circumstances	Applicable Codes ◗ Industry Zone Code
Landscape supplies	**Code assessable** All circumstances	Applicable Codes ◗ Industry Zone Code

[17] As defined in the *Environmental Protection Act 1994, section 18*

Column 1 Development Purpose	Column 2 Assessment Category	Column 3 Assessment Criteria
Light industry	**Code assessable** All circumstances	Applicable Codes ◗ Industry Zone Code
Local utility	**Self-assessable** All circumstances except if Code assessable	Applicable Codes ◗ Industry Zone Code Elements: S6 (a)
	Code assessable If nominated as self-assessable, but unable to comply with the Self-assessment Solutions for the relevant elements of the applicable codes	Applicable Codes ◗ Industry Zone Code
Machinery repair station	**Code assessable** All circumstances	Applicable Codes ◗ Industry Zone Code
Produce store	**Code assessable** All circumstances	Applicable Codes ◗ Industry Zone Code
Rural service industry	**Code assessable** All circumstances	Applicable Codes ◗ Industry Zone Code
Sales or hire premises	**Code assessable** All circumstances	Applicable Codes ◗ Industry Zone Code
Service station	**Code assessable** All circumstances	Applicable Codes ◗ Industry Zone Code ◗ Service Station And Car Wash Code
Showroom	**Code assessable** All circumstances	Applicable Codes ◗ Industry Zone Code
Storage premises	**Code assessable** All circumstances	Applicable Codes ◗ Industry Zone Code
Take-away food store	**Code assessable** All circumstances	Applicable Codes ◗ Industry Zone Code
Transport terminal	**Code assessable** All circumstances	Applicable Codes ◗ Industry Zone Code
Vehicle depot	**Code assessable** All circumstances	Applicable Codes ◗ Industry Zone Code

Column 1 Development Purpose	Column 2 Assessment Category	Column 3 Assessment Criteria
Veterinary surgery	**Code assessable** All circumstances	Applicable Codes ◗ Industry Zone Code
(b) If for: ◗ **a defined purpose listed in (a) above, but not meeting the specified circumstance listed in Column 2 in (a) above for the nominated level of assessment, or** ◗ **a purpose not listed in (a) above or not defined in this planning scheme:**		
All	**Impact assessable** All circumstances	

3. ASSESSABLE DEVELOPMENT WITHIN A SPECIAL MANAGEMENT AREA:		
All	**Code assessable** All purposes if located:	Applicable Codes
	(a) in a Steep Land Special Management Area or Water Supply Catchment Special Management Area identified on the Special Features and Resources Overlay; or (b) in or adjacent[18] a Protected Area Special Management Area; Extractive Resources Special Management Area; Wetland Special Management Area or Waterway Special Management Area identified on the Special Features and Resources Overlay; or (c) in the Acid Sulfate Soil Special Management Area beneath the 5 m contour identified on the Special Features and Resources Overlay and involving excavation or fill of more than 1000m^3 of soil or sediment; or (d) in the Acid Sulfate Soil Special Management Area beneath the 20 m contour identified on the Special Features and Resources Overlay and involving excavation of more than 1000m^3 of soil or sediment below 5 m AHD; or (e) in an Erosion Prone Land Special Management Area identified on the Special Features and Resources Overlay.	For circumstances (a) to (e): ◗ Special Features Code – the applicable element(s) are those corresponding to the Special Management Area(s) in which the development is located.

[18] Refer to Division 2 of schedule 1 to this planning scheme for the meaning of the term "adjacent".

Table 4B - Development other than Material Change of Use

Column 1 Development Type	Column 2 Assessment Category	Column 3 Assessment Criteria
1. BUILDING WORK NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
All	**Exempt** All circumstances except if Code Assessable.	
	Code assessable If: (a) exceeding the maximum height specified as the Self-assessable Solution in the Industry Zone Code; or (b) exceeding the maximum site cover specified as the Self-assessable Solution in the Industry Zone Code; or (c) failing to meet the minimum setback specified as the Self-assessment Solution in the Industry Zone Code.	Applicable Codes ◗ Industry Zone Code ◗ Industry Zone Code ◗ Industry Zone Code
2. OPERATIONAL WORK NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
All	**Exempt** All circumstances except if Self-assessable or Code Assessable.	
Clearing	**Code assessable** All circumstances	Applicable Codes ◗ Clearing Code ◗ Industry Zone Code
Placement of an Advertisement	**Self-assessable** All circumstances except if Code assessable	Applicable Codes ◗ Advertisement Code Elements: S1, S2
	Code assessable If nominated as self-assessable, but unable to comply with the Self-assessment Solutions for the relevant elements of the applicable codes	Applicable Codes ◗ Advertisement Code
Excavation or Filling	**Code assessable** If involving >500 m^3 of material.	Applicable Codes ◗ Industry Zone Code
Telecommunication Facilities	**Code assessable** If in connection with a Telecommunications Facility (Medium Impact).	Applicable Codes ◗ Industry Zone Code ◗ Telecommunication Facilities Code

Column 1 Development Type	Column 2 Assessment Category	Column 3 Assessment Criteria
3. OPERATIONAL WORK ASSOCIATED WITH RECONFIGURING		
	Code assessable All circumstances	Applicable Codes For all circumstances: ◗ Industry Zone Code ◗ Advertisement Code ◗ Clearing Code
4. RECONFIGURING A LOT:		
All	**Code assessable** All circumstances	Applicable Codes ◗ Industry Zone Code If located in a Special Management Area, identified on the Special Features Overlay: ◗ Special Features Code – the applicable elements are those corresponding to the Special Management Area(s) in which the development is located.
5. OTHER (not listed above):		
All circumstances	**Exempt**	

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3.7 Industry Zone Code

(1) Purpose

(a) The purpose of the Industry Zone Code is the achievement of the overall outcomes sought for the Industry Zone.

(b) The overall outcomes sought for the Industry Zone are:

(i) Demand for industrial use is satisfied so that a range of industrial activities are accommodated in appropriate locations; which

(A) are convenient to high order transport networks, and

(B) satisfy demand for industrial use, and

(C) maximise local employment opportunities;

(ii) Industrial areas are well-designed and characterised by:

(A) subdivision layout which provides for the range of preferred uses to be conducted in the zone, and

(B) the provision of infrastructure services commensurate with the type and scale of development, and

(C) premises that are designed to be sympathetic to the surrounding natural and built environment by contributing to the retention or attainment of a desirable streetscape and character;

(iii) Appropriate interfaces are provided between industrial areas and adjoining land located in another zone.

(iv) Provision of recreational or entertainment purposes that contribute to public security, provided by uses operating outside peak industrial business hours; and

(v) Non-industrial purposes (other than recreational or entertainment purposes) are established only where ancillary to and necessarily associated with development for industrial purposes or providing immediate support services for use by industry and workers.

(2) Elements

(i) Consistent Uses

Specific Outcomes	
O1	Uses are: ◗ consistent with the overall outcomes sought for the Industry Zone, and ◗ preferred for development in the zone; as follows: (a) All Industrial Purposes.

Specific Outcomes	
O2	Provided uses are developed: ◗ to be compatible with surrounding Industrial Purposes by being of similar scale, intensity and character; and ◗ to support preferred uses; and ◗ to not adversely affect the amenity of the locality; or ◗ to provide additional security benefits to the locality by operating outside of peak industrial business hours the following are consistent with the overall outcomes sought for the Industry Zone: (a) Adult products shop; (b) Caretaker's residence; (c) Funeral parlour; (d) Garden centre; (e) Indoor entertainment; (f) Indoor sports facility; (g) Local utility; (h) Produce store; (i) Sales or Hire Premises; (j) Showroom; (k) Special purpose (l) Take-away food premises (not exceeding 100 m^2 GFA) (m) Telecommunications facility (medium impact); or (n) Veterinary surgery.

(ii) Inconsistent Uses

Specific Outcomes	
O3	Uses other than: ◗ preferred uses nominated in O1, or ◗ consistent uses developed to comply with the provisos set out in O2; do not comply with the overall outcomes sought for the Industry Zone and conflict with this code.

(iii) Subdivision Design

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
O4 Reconfigured lots are designed and developed with: ◗ sufficient area and suitable proportions for preferred or consistent uses; ◗ adequate frontage providing safe and convenient vehicular and pedestrian access; and ◗ do not expose people and works to unacceptable risks from flooding or other hazards.	S4 (a) Other than reconfiguring for a Community Titles Scheme, allotments are developed with areas and dimensions that comply with the design standards set out in Table S3 below. (b) For reconfiguring involving a Community Titles Scheme: (i) the number of lots on the Standard Format Plan comprising the Community Titles Scheme does not exceed the number of allotments complying with the design standards set out in Table S3 below; unless, (ii) the number of lots on the Standard Format Plan accords with the density of development given by a prior related Development Permit for Material Change of Use.

Table S3 – Design Standards for Subdivision in the Industry Zone

Minimum Lot Size (m^2)	Minimum Frontage (metres)	Minimum Depth (metres)
◗ 1 000 m^2	◗ 20 metres	◗ 40 metres

(iv) Character and Amenity

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
O5 Uses and works located, designed and operated to avoid significant adverse impacts on: ◗ existing environmental conditions relating to air, water and soil, ◗ the efficient and safe operation of the Shire's movement systems, ◗ the amenity of adjacent properties and public spaces, and ◗ the health and safety of people using the premises and adjacent premises.	S5 (a) Fencing Notwithstanding any Self-assessment Solutions specified in a Specific Use Code, if site abuts land in the Residential Zone or land in the Business Zone used for residential purposes, a 1.8 metre high solid screen fence is established on the common boundary/s. (b) Stockpiling of Materials The use does not involve exposed stockpiles of raw or processed material greater than a total volume of 30 m^3.

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
	(c) Hours of Operation (i) Outdoor industrial activities are restricted to between 7 am and 7 pm Monday to Saturday and not at all on Sunday; and (ii) Indoor industrial activities occurring between 7 pm and 7 am or on Sundays are limited to office and administrative tasks. (d) Traffic Impacts (i) The most direct practical route for heavy vehicles accessing the site does not traverse residential streets; and (ii) Heavy vehicle movements are restricted to between 7 am and 7 pm Monday to Saturday and not at all on Sunday.
O6 Building and structures are: ◗ of a type and scale which have an attractive, functional appearance; ◗ constructed of materials and finishes compatible with other development in the area: ◗ integrated with the physical attributes of the site, including appropriate provision for access to natural light and ventilation, privacy, noise attenuation, drainage, landscaping, outlook and off-street parking; and ◗ which adequately screen materials stored outside buildings when viewed from adjacent premises and public spaces.	S6 (a) Built Form (i) Height Buildings and structures do not exceed: – 12 metres, or – 8.5 metres, if site abuts land in the Residential Zone or land in the Business Zone used for residential purposes. (ii) Setbacks Buildings and structures setback in accordance with the following:

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)

Setback from:	Minimum Setback (metres)
Any road which forms the principal site frontage where the width of the road reserve ≥30 metres	3
Any road which forms the principal site frontage where the width of the road reserve is <30 metres	6
Any secondary road frontage	3
The common boundary/s, if site abuts land in the Residential Zone or land in the Business Zone used for residential purposes	10
Other side or rear boundary	As per the BCA
Any waterway or wetland	20 metres from the high bank

(iii) Site Cover

The maximum amount of a site covered by buildings and structures is 65 %.

(b) Building Appearance

(i) The main entrance to the building easily identifiable and directly accessible from the street;

(ii) The office space of each building sited and oriented towards the principal road frontage of the site;

(iii) A building with materials, colours and architectural details of high standards, and in accordance with the following:

- Materials: brick, masonry, glass, colorbond;
- Colours: "earthy tones", greens, blues, greys; and
- External Walls: having a modern/high quality appearance.

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
	(c) Service Areas (i) Waste storage areas and loading/unloading areas located for convenient use and collection, adequately screened from public view and not located closer than 3 metres to any road frontage or 1.5 metres to any other site boundary which adjoins land not in the Industry Zone; and (ii) Outdoor storage areas sited so as to be visually unobtrusive from the street or any nearby residential or other incompatible use, or effectively screened through the use of fencing and landscaping elements. (d) Landscaping Provision of on-site landscaping: (i) along the full length of the road frontage/s of the site, apart from vehicle access points, where such landscaping has a average width of 3 metres and a minimum width of 2 metres (to standard nominated in Schedule 7 of this planning scheme); (ii) elsewhere on site to screen outdoor storage areas and other unsightly open areas from public view; (iii) minimum area of landscaping is 10% of the total site area; (iv) densely planted buffer areas, having a minimum width of 10 metres established and maintained along any boundary of the site which abuts land in the Residential Zone or land in the Business Zone used for residential purposes (to standard nominated in Schedule 7 of this planning scheme); and (v) Open-air car parking areas are planted with shade trees every 6 linear car bays.

(v) Safety and Security

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O7	Personal safety and property security optimised through the design of buildings and spaces incorporating: ◗ opportunities for surveillance; ◗ clear definition of boundaries between private and public spaces; ◗ robust construction materials; and ◗ appropriate security lighting.	S7	Development is designed in accordance with the standards nominated in Schedule 5 to this planning scheme.

(vi) Vegetation Management

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)		
O8	Clearing does not impact adversely on ecological or landscape values.	S8	(a)	Vegetation is retained within 15 metres of wetlands or the high bank of any permanent waterway; and
			(b)	Vegetation is retained on land with slopes ≥ 1 in 6.

(vii) Flood Immunity

Specific Outcomes	
O9	Development is immune to flood events which result to unacceptable risk to health and safety or unacceptable risk of property damage.

(viii) Vehicle Parking and Movement

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
O10 Development is provided with an on-site parking and movement system designed and constructed to: ◗ be integrated with the site layout including: – direct access to a road providing a level of service required to accommodate traffic generated by the use; and – appropriately designed footpath crossovers; and – provision for safe pedestrian movement between public footpath and facility entry points; and ◗ accommodate all modes of transport generated by the use; and ◗ facilitate non-discriminatory accessibility; and ◗ provide for safe and efficient loading and unloading of goods; and ◗ allow for vehicle queuing necessary for the use; and ◗ provide for passenger set down/pick up necessary for the use.	S10 (a) Parking is provided on-site: (i) at the rate nominated in Division 1 of Schedule 2 to this planning scheme; and (ii) laid out, constructed and maintained in accordance with the standards nominated in Division 2 of Schedule 2 to this planning scheme. (b) Loading/unloading facilities are laid out, constructed and maintained in accordance with the standards nominated in Division 2 of Schedule 2 to this planning scheme. (c) Vehicle queuing and set-down/pick-up areas are laid out, constructed and maintained in accordance with the standards nominated in Division 2 of Schedule 2 to this planning scheme. (d) Vehicular access is designed and constructed in accordance with the standards nominated in Division 2 of Schedule 4 to this planning scheme. (e) Bicycle and pedestrian paths are integrated with site design to facilitate both on-site movement and connection to the Shire bicycle and pedestrian networks in accordance with the standards nominated in Division 2 of Schedule 4 to this planning scheme.

(ix) Infrastructure

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O11	Water supply, wastewater and sullage, drainage, roads, power and communications provided to meet the appropriate standards of service and construction at least whole-of-life cost, which: ◗ comprise components and materials that are: – readily accessible and available; and – robust and reliable in terms of operational life and purpose; and – easily maintained without unnecessarily requiring specialist expertise or equipment; and ◗ are integrated with the design, construction and operation of existing systems and facilitate orderly provision of future systems.	S11	Water supply, wastewater and sullage, drainage, roads, power and communications are: (a) provided to meet the standard of service nominated in Division 1 of Schedule 4 to this planning scheme, and (b) constructed in accordance with standards nominated in Division 2 of Schedule 4 to this planning scheme.

(x) Excavation or Filling

Specific Outcomes	
O12	Excavation or filling is carried out so that the visual amenity of the area and the privacy of adjoining properties are not compromised and excavation or filling does not result in: ◗ the instability of a site or adjacent land; or ◗ a detrimental change to the run off characteristics of a site or nearby land; or ◗ a reduction of the water quality of receiving waters.

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Division 5 – Open Space and Recreation Zone

3.8 Table of Assessment Categories and Assessment Criteria

Table 5A - Material Change of Use

Column 1 Development Purpose	Column 2 Assessment Category	Column 3 Assessment Criteria
1. EXEMPT DEVELOPMENT:		
Park	**Exempt** All circumstances	
2. SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT UNDER THE ZONING:		
(a) If for any of the following defined purposes:		
Local utility	**Self-assessable** All circumstances except if Code assessable	Applicable Codes ◗ Open Space and Recreation Zone Code Element: S6
	Code assessable If nominated as self-assessable, but unable to comply with the Self-assessment Solutions for the relevant elements of the applicable codes	Applicable Codes ◗ Open Space and Recreation Zone Code
Outdoor sport and recreation	**Code assessable** All circumstances	Applicable Codes ◗ Open Space and Recreation Zone Code
(b) If for: ◗ **a defined purpose listed in (a) above, but not meeting the specified circumstance listed in Column 2 in (a) above for the nominated level of assessment, or** ◗ **a purpose not listed in (a) above or not defined in this planning scheme:**		
All	**Impact assessable** All circumstances	

Column 1 Development Purpose	Column 2 Assessment Category	Column 3 Assessment Criteria
3. ASSESSABLE DEVELOPMENT WITHIN A SPECIAL MANAGEMENT AREA:		
All	**Code assessable** All purposes if located:	Applicable Codes
	(a) in a Steep Land Special Management Area or Water Supply Catchment Special Management Area identified on the Special Features and Resources Overlay; or (b) in or adjacent[19] a Protected Area Special Management Area; Extractive Resources Special Management Area; Wetland Special Management Area or Waterway Special Management Area identified on the Special Features and Resources Overlay; or (c) in the Acid Sulfate Soil Special Management Area beneath the 5 m contour identified on the Special Features and Resources Overlay and involving excavation or fill of more than 1000m^3 of soil or sediment; or (d) in the Acid Sulfate Soil Special Management Area beneath the 20 m contour identified on the Special Features and Resources Overlay and involving excavation of more than 1000m^3 of soil or sediment below 5 m AHD; or (e) in an Erosion Prone Land Special Management Area identified on the Special Features and Resources Overlay.	For circumstances (a) to (e): ◗ Special Features Code – the applicable element(s) are those corresponding to the Special Management Area(s) in which the development is located.

Table 5B - Development other than Material Change of Use

Column 1 Development Type	Column 2 Assessment Category	Column 3 Assessment Criteria
1. BUILDING WORK NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
All	**Exempt** All circumstances except if Code Assessable.	
	Code assessable If:	Applicable Codes

[19] Refer to Division 2 of schedule 1 to this planning scheme for the meaning of the term "adjacent".

Column 1 Development Type	Column 2 Assessment Category	Column 3 Assessment Criteria
	(a) exceeding the maximum height specified as the Self-assessable Solution in the Open Space Zone Code; or (b) exceeding the maximum site cover specified as the Self-assessable Solution in the Open Space Zone Code; or (c) failing to meet the minimum setback specified as the Self-assessment Solution in the Open Space Zone Code.	◗ Open Space and Recreation Zone Code ◗ Open Space and Recreation Zone Code ◗ Open Space and Recreation Zone Code
2. OPERATIONAL WORK NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
All	**Exempt** All circumstances except if Self-assessable or Code Assessable.	
Clearing	**Code assessable** All circumstances	Applicable Codes ◗ Clearing Code ◗ Open Space and Recreation Zone Code
Placement of an Advertisement	**Self-assessable** All circumstances except if Code assessable **Code assessable** If nominated as self-assessable, but unable to comply with the Self-assessment Solutions for the relevant elements of the applicable codes	Applicable Codes ◗ Advertisement Code ◗ Elements: S1, S2 Applicable Codes ◗ Advertisement Code
Excavation or Filling	**Code assessable** If involving >500 m^3 of material.	Applicable Codes ◗ Open Space and Recreation Zone Code
Telecommunication Facilities	**Code assessable** If in connection with a Telecommunications Facility (Medium Impact).	Applicable Codes ◗ Open Space and Recreation Zone Code ◗ Telecommunication Facilities Code

Column 1 Development Type	Column 2 Assessment Category	Column 3 Assessment Criteria
3. OPERATIONAL WORK ASSOCIATED WITH RECONFIGURING		
All	**Code assessment** All circumstances	Applicable Codes For all circumstances: ◗ Open Space and Recreation Zone Code ◗ Advertisement Code ◗ Clearing Code
4. RECONFIGURING A LOT:		
All	**Code assessable** All circumstances	Applicable Codes ◗ Open Space and Recreation Zone Code ◗ If located in a Special Management Area, identified on the Special Features Overlay: ◗ Special Features Code – the applicable element(s) are those corresponding to the Special Management Area(s) in which the development is located.
5. OTHER (not listed above):		
All circumstances	**Exempt**	

3.9 Open Space and Recreation Zone Code

(1) Purpose

(a) The purpose of the Open Space and Recreation Zone Code is to facilitate the achievement of the overall outcomes sought for the Open Space and Recreation Zone.

(b) The overall outcomes sought for the Open Space and Recreation Zone are:

(i) The community's need for a range of active and passive recreational opportunities including facilities at regional, district and local levels is satisfied through the provision of land and infrastructure and equitable accessibility;

(ii) Areas which present significant constraints to development or possess important ecological or scenic values are conserved;

(iii) Recreational activities within areas of conservation value are co-located based on synergies between activities and the environmental values of host areas;

(iv) A network of open spaces throughout the Shire is established through corridors providing movement opportunities for people and wildlife and access to foreshore areas/beaches and other significant natural and cultural features.

(2) Elements

(i) Consistent Uses

Specific Outcomes	
O1	Uses are: ◗ consistent with the overall outcomes sought for the Open Space and Recreation Zone, and ◗ preferred for development in the zone; as follows: (a) Outdoor recreation: (i) not involving the construction of buildings or structures, or (ii) if involving the construction of buildings or structures, such buildings or structures are sited outside identified areas of constraint relating to: – inundation by floodwater or storm surge, – vegetation management, or – movement corridors for both fauna and people.

Specific Outcomes	
O2	Provided uses are developed: ◗ to be compatible with surrounding Recreation Purposes by being of similar scale, intensity and character, and ◗ to support preferred uses, and ◗ to not adversely affect the amenity of the locality; or ◗ to provide recreational or community facilities that are appropriately located in the Open Space and Recreation Zone to facilitate community accessibility; the following are consistent with the overall outcomes sought for the Open Space and Recreation Zone: (a) Caretaker's residence; (b) Local utility; or (c) Recreation Purposes comprising Indoor entertainment or Indoor sports facility, provided: (i) not involving the construction of buildings or structures; or (ii) if involving the construction of buildings or structures, such buildings or structures are sited outside identified areas of constraint relating to: – inundation by floodwater or storm surge, – vegetation management; and/or – movement corridors for both fauna and people.

(ii) Inconsistent Uses

Specific Outcomes	
O3	Uses other than: ◗ preferred uses nominated in O1, or ◗ consistent uses developed to comply with the provisos set out in O2; do not comply with the overall outcomes sought for the Open Space and Recreation Zone and conflict with this code.

(iii) Subdivision Design

Specific Outcomes	
O4	Reconfigured lots are designed and developed with: ◗ sufficient area and suitable proportions for preferred or consistent uses; ◗ adequate frontage for safe and convenient vehicular and pedestrian access; ◗ regard to maintaining ecological functions and processes occurring within and adjacent to the site; and ◗ do not expose people and works to unacceptable risks from flooding or other hazards.

(iv) Character and Amenity

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O5	Uses and works located, designed and operated to avoid significant adverse impacts on: ◗ existing environmental conditions relating to air, water and soil, ◗ the amenity of adjacent properties and public spaces, ◗ visual quality of landscapes in terms of "green break" separations and obstructing significant local and distant views of natural features and landmarks; and ◗ the health and safety of people using the premises and adjacent premises.	S5	(a) Accessibility There is community access to the site at all times, except where: (i) an organised activity such as a sporting event or carnival requires temporary exclusive use; or (ii) access will be restricted to protect the ecological values of the site (e.g., for the duration of a breeding season or to allow bush regeneration); or (iii) infrastructure requires restricted access (e.g., for safety in the case of drainage works). (b) Traffic Impact Vehicle access to the site is not directly from a residential street. (c) Outdoor Lighting All outdoor lighting is designed, constructed and operated in accordance with *Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*. (d) Noise Recreational purposes do not exceed noise generation levels interpreted under the *Environmental Protection (Noise) Policy* provisions, as 'unreasonable', or the following: **Period** / **Noise Level at Noise Sensitive Place** 0700 – 2000: Background noise level plus 5 dB(A) 2000 – 0700: Background noise level plus 3 dB(A) Measured as the adjusted maximum sound pressure level Lmax adj T (e) Plant and Equipment Mechanical plant and equipment are located so they are not visually obtrusive and do not cause adverse visual or acoustic impacts on adjoining premises.

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O6	Buildings and structures are: ◗ of a type, scale and height which have an attractive, functional appearance; ◗ constructed of materials and finishes compatible with other development in the area; ◗ integrated with the physical attributes of the site, including appropriate provision for access to natural light and ventilation, privacy, noise attenuation, drainage, landscaping, outlook and off-street parking; and ◗ designed to adequately screen materials stored outside buildings when viewed from adjacent premises and public spaces	S6	(a) Height Buildings and structures do not exceed 8.5 metres (b) Setbacks Buildings and structures setback: (i) 6 metres from any road frontage; and (ii) 10 metres from the boundary of land included in the Residential Zone. (c) Site Cover Maximum cumulative site cover for buildings does not exceed 10%.

(v) Community Safety

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O7	Personal safety and property security optimised through the design of buildings and spaces incorporating: ◗ opportunities for surveillance; ◗ clear definition of boundaries between private and public spaces; ◗ robust construction materials; and ◗ appropriate security lighting.	S7	Development is designed in accordance with the standards nominated in Schedule 5 to this planning scheme.

(vi) Vegetation Management

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O8	Clearing does not impact adversely on ecological or landscape values.	S8	(a) Vegetation is retained within (i) 50 metres of wetlands or the high bank of a river; and/or (ii) 25 metres of the bank of any other waterway; and (b) Vegetation is retained on land with slopes ≥ 1 in 6.

(vii) Flood Immunity

Specific Outcomes	
O9	Development is immune to flood events which result to unacceptable risk to health and safety or unacceptable risk of property damage.

(viii) Vehicle Parking and Movement

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
O10 Development is provided with an on-site parking and movement system designed and constructed to: ◗ be integrated with the site layout including: – direct access to a road providing a level of service required to accommodate traffic generated by the use; and – appropriately designed footpath crossovers; and – provision for safe pedestrian movement between public footpath and facility entry points; and ◗ accommodate all modes of transport generated by the use; and ◗ facilitate non-discriminatory accessibility; and ◗ provide for safe and efficient loading and unloading of goods; and ◗ allow for vehicle queuing necessary for the use; and ◗ provide for passenger set down/pick up necessary for the use.	S10 (a) Parking is provided on-site: (i) at the rate nominated in Division 1 of Schedule 2 to this planning scheme; and (ii) laid out, constructed and maintained in accordance with the standards nominated in Division 2 of Schedule 2 to this planning scheme. (b) Loading/unloading facilities are laid out, constructed and maintained in accordance with the standards nominated in Division 2 of Schedule 2 to this planning scheme. (c) Vehicle queuing and set-down/pick-up areas are laid out, constructed and maintained in accordance with the standards nominated in Division 2 of Schedule 2 to this planning scheme. (d) Vehicular access is designed and constructed in accordance with the standards nominated in Division 2 of Schedule 4 to this planning scheme. (e) Bicycle and pedestrian access is integrated with site design to facilitate both on-site movement and connection to the Shire bicycle and pedestrian networks in accordance with the standards nominated in Division 2 of Schedule 4 to this planning scheme.

(ix) Infrastructure

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O11	Water supply, wastewater and sullage, drainage, roads, power and communications provided to meet the appropriate standards of service and construction at least whole-of-life cost, which: ◗ comprise components and materials that are: – readily accessible and available; and – robust and reliable in terms of operational life and purpose; and – easily maintained without unnecessarily requiring specialist expertise or equipment; and ◗ are integrated with the design, construction and operation of existing systems and facilitate orderly provision of future systems.	S11	Water supply, wastewater and sullage, drainage, roads, power and communications are: (a) provided to meet the standard of service nominated in Division 1 of Schedule 4 to this planning scheme, and (b) constructed in accordance with standards nominated in Division 2 of Schedule 4 to this planning scheme.

(x) Excavation or Filling

Specific Outcomes	
O12	Excavation or filling is carried out so that the visual amenity of the area and the privacy of adjoining properties are not compromised and excavation or filling does not result in: ◗ the instability of a site or adjacent land; or ◗ a detrimental change to the run off characteristics of a site or nearby land; or ◗ a reduction of the water quality of receiving waters.

Division 6 – Conservation Zone

3.10 Table of Assessment Categories and Assessment Criteria

Table 6A - Material Change of Use

Column 1 Development Purpose	Column 2 Assessment Category	Column 3 Assessment Criteria
1. SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT UNDER THE ZONING:		
(a) If for any of the following defined purposes:		
Park	**Code assessable** All circumstances	Applicable Codes ◗ Conservation Zone Code
Local utility	**Code assessable** All circumstances	Applicable Codes ◗ Conservation Zone Code
(b) If for: ◗ **a defined purpose listed in (a) above, but not meeting the specified circumstance listed in Column 2 in (a) above for the nominated level of assessment, or** ◗ **a purpose not listed in (a) above or not defined in this planning scheme:**		
All	**Impact assessable** All circumstances	

Column 1 Development Purpose	Column 2 Assessment Category	Column 3 Assessment Criteria
2. ASSESSABLE DEVELOPMENT WITHIN A SPECIAL MANAGEMENT AREA:		
All	**Code assessable** All purposes if located:	Applicable Codes
	(a) in a Steep Land Special Management Area or Water Supply Catchment Special Management Area identified on the Special Features and Resources Overlay; or (b) in or adjacent[20] a Protected Area Special Management Area; Extractive Resources Special Management Area; Wetland Special Management Area or Waterway Special Management Area identified on the Special Features and Resources Overlay; or (c) in the Acid Sulfate Soil Special Management Area beneath the 5 m contour identified on the Special Features and Resources Overlay and involving excavation or fill of more than 1000m^3 of soil or sediment; or (d) in the Acid Sulfate Soil Special Management Area beneath the 20 m contour identified on the Special Features and Resources Overlay and involving excavation of more than 1000m^3 of soil or sediment below 5 m AHD; or (e) in an Erosion Prone Land Special Management Area identified on the Special Features and Resources Overlay.	For circumstances (a) to (e): ◗ Special Features Code – the applicable element(s) are those corresponding to the Special Management Area(s) in which the development is located

Table 6B - Development other than Material Change of Use

Column 1 Development Type	Column 2 Assessment Category	Column 3 Assessment Criteria
1. BUILDING WORK NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
All	**Exempt** All circumstances except if Code Assessable.	
	Code assessable If:	Applicable Codes

[20] Refer to Division 2 of schedule 1 to this planning scheme for the meaning of the term "adjacent".

Column 1 Development Type	Column 2 Assessment Category	Column 3 Assessment Criteria
	(a) Requiring approval under the Building Act.	◗ Conservation Zone Code
2. OPERATIONAL WORK NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
Clearing	**Impact assessable** All circumstances	
Placement of an Advertisement	**Impact assessable** All circumstances	
Other operational work	**Code assessable** All circumstances	Applicable Codes ◗ Conservation Zone Code
	In connection with a Telecommunications Facility (Medium Impact).	Applicable Codes ◗ Conservation Zone Code ◗ Telecommunication Facilities Code
3. OPERATIONAL WORK ASSOCIATED WITH RECONFIGURING:		
All	**Code assessment** All circumstances	Applicable Codes For all circumstances: ◗ Conservation Zone Code ◗ Advertisement Code ◗ Clearing Code
4. RECONFIGURING A LOT:		
All	**Impact assessable** All circumstances	
5. OTHER (not listed above):		
All circumstances	**Exempt**	

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3.11 Conservation Zone Code

(1) Purpose

(a) The purpose of the Conservation Zone Code is to facilitate the achievement of the overall outcomes sought for the Conservation Zone.

(b) The overall outcomes sought for the Conservation Zone are:

(i) Conservation of areas which possess important ecological or scenic values or present significant constraints to development;

(ii) Natural resources, including water bodies, forests, heathlands, coastlines and other places or features of local, regional or State interest are protected;

(iii) Areas of cultural or historical significance are protected;

(iv) Community appreciation and enjoyment of natural areas through provision of walking paths and cycling tracks and interpretative centres in locations where ecological and scenic values will not be diminished.

(v) Limited tourism, community purpose and recreational uses are developed and operated in a manner that:

(A) Protects the conservation values and ecological processes of the site and surrounding landscape;

(B) Rehabilitates degraded land;

(C) Has a presentation that is compatible with the amenity and character of the surrounding landscape;

(D) Is able to be provided with infrastructure (including practical access) commensurate with the nature and scale of the proposed development.

(2) Elements

(i) Consistent Uses

Specific Outcomes	
O1	Uses are: ◗ consistent with the overall outcomes sought by the Conservation Zone, and ◗ preferred for development in the zone; as follows: (a) Outdoor Sport and Recreation (b) Park (c) Tourist facility where such uses: (i) Do not involve the construction of buildings or structures; or (ii) if involving the construction of buildings or structures, such buildings or structures are sited outside identified areas of constraint relating to: – inundation by floodwater or storm surge; and/or – vegetation management; and/or – movement corridors for both fauna and people; and/or – high biodiversity or habitat for rare and threatened species.

Specific Outcomes	
O2	Provided uses are developed: ◗ to be compatible with surrounding Conservation Purposes by being of similar scale, intensity and character, and ◗ to support preferred uses, and ◗ to not adversely affect the amenity of the locality; or ◗ to provide recreational or community facilities that are appropriately located in the Conservation Zone to facilitate community accessibility; the following are consistent with the overall outcomes sought for the Conservation Zone: (a) Caretaker's residence; (b) Local utility.

(ii) Inconsistent Uses

Specific Outcomes	
O3	Uses other than: ◗ preferred uses nominated in O1, or ◗ consistent uses developed to comply with the provisos set out in O2; do not comply with the overall outcomes sought for the Conservation Zone and conflict with this code.

(iii) Subdivision Design

Specific Outcomes	
O4	Reconfigured lots are designed and developed with: ◗ sufficient area and suitable proportions for preferred or consistent uses; ◗ adequate frontage for safe and convenient vehicular and pedestrian access; ◗ do not expose people and works to unacceptable risks from flooding or other hazards; ◗ do not fragment areas containing native vegetation or possessing important ecological values; ◗ regard to maintaining ecological functions and processes occurring within and adjacent to the site; and ◗ are located so as to minimise the need for clearing and other works to create an access.

(iv) Character and Amenity

Specific Outcomes	
O5	Uses and works located, designed and operated to avoid significant adverse impacts on: ◗ existing environmental conditions relating to air, water and soil, ◗ the amenity of adjacent properties and public spaces, and ◗ the health and safety of people using the premises and adjacent premises.

Specific Outcomes	
O6	Building and structures of a type and scale: ◗ which have an attractive, functional appearance; ◗ constructed of materials and finishes contemporary to the area and employ textures and colour schemes which blend with the natural environment; ◗ integrated with the physical attributes of the site, including appropriate provision for access to natural light and ventilation, privacy, noise attenuation, drainage, landscaping, outlook and off-street parking; ◗ which adequately screen materials stored outside buildings when viewed from adjacent premises and public spaces; and ◗ which are located so as to minimise the need for clearing native vegetation.

(v) Community Safety

Specific Outcomes	
O7	Personal safety and property security optimised through the design of buildings and spaces incorporating: ◗ opportunities for surveillance; ◗ clear definition of boundaries between private and public spaces; and ◗ robust construction materials.

(vi) Vegetation Management

Specific Outcomes	
O8	Clearing does not impact adversely on ecological or landscape values.

(vii) Flood Immunity

Specific Outcomes	
O9	Development is immune to flood events which result to unacceptable risk to health and safety or unacceptable risk of property damage.

(viii) Vehicle Parking and Movement

Specific Outcomes	
O10	Development is provided with an on-site parking and movement system designed and constructed to: ◗ be integrated with the site layout including: – direct access to a road or esplanade providing a level of service required to accommodate traffic generated by the use; and – provision for safe pedestrian movement between public road or esplanade and on site entry points; and ◗ accommodate all modes of transport generated by the use; and ◗ facilitate non-discriminatory accessibility; and ◗ provide for safe and efficient loading and unloading of goods; and ◗ allow for vehicle queuing necessary for the use; and ◗ provide for passenger set down/pick up necessary for the use.

(ix) Infrastructure

Specific Outcomes	
O11	Water supply, wastewater and sullage, drainage, roads, power and communications provided to meet the appropriate standards of service and construction at least whole-of-life cost, which: ◗ comprise components and materials that are: – readily accessible and available; and – robust and reliable in terms of operational life and purpose; and – easily maintained without unnecessarily requiring specialist expertise or equipment; and ◗ are integrated with the design, construction and operation of existing systems and facilitate orderly provision of future systems.

(x) Excavation or Filling

Specific Outcomes	
O12	Excavation or filling is carried out so that the visual amenity of the area and the privacy of adjoining properties are not compromised and excavation or filling does not result in: ◗ the instability of a site or adjacent land; or ◗ a detrimental change to the run off characteristics of a site or nearby land; or ◗ a reduction of the water quality of receiving waters.

Division 7 – Special Purpose Zone

3.12 Table of Assessment Categories and Assessment Criteria

Table 7A - Material Change of Use

Column 1 Development Purpose	Column 2 Assessment Category	Column 3 Assessment Criteria
1. EXEMPT DEVELOPMENT:		
Park	**Exempt** All circumstances	
2. SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT UNDER THE ZONING:		
(a) If for any of the following defined purposes:		
Caretaker's residence	**Code assessable** All circumstances	Applicable Codes ◗ Special Purpose Zone Code ◗ Caretaker's Residence Code
Local utility	**Self-assessable** All circumstances except if Code assessable	Applicable Codes ◗ Special Purpose Zone Code Element: S7
	Code assessable If nominated as self-assessable, but unable to comply with the Self-assessment Solutions for the relevant elements of the applicable codes	Applicable Codes ◗ Special Purpose Zone Code
Special Purpose	**Code assessable** All circumstances	Applicable Codes ◗ Special Purpose Zone Code
(b) If for: ◗ **a defined purpose listed in (a) above, but not meeting the specified circumstance listed in Column 2 in (a) above for the nominated level of assessment, or** ◗ **a purpose not listed in (a) above or not defined in the planning scheme:**		
All	**Impact assessable** All circumstances	

Column 1 Development Purpose	Column 2 Assessment Category	Column 3 Assessment Criteria
3. ASSESSABLE DEVELOPMENT WITHIN A SPECIAL MANAGEMENT AREA:		
All	**Code assessable** All purposes if located:	Applicable Codes
	(a) in a Steep Land Special Management Area or Water Supply Catchment Special Management Area identified on the Special Features and Resources Overlay; or (b) in or adjacent[21] a Protected Area Special Management Area; Extractive Resources Special Management Area; Wetland Special Management Area or Waterway Special Management Area identified on the Special Features and Resources Overlay; or (c) in the Acid Sulfate Soil Special Management Area beneath the 5 m contour identified on the Special Features and Resources Overlay and involving excavation or fill of more than 1000m^3 of soil or sediment; or (d) in the Acid Sulfate Soil Special Management Area beneath the 20 m contour identified on the Special Features and Resources Overlay and involving excavation of more than 1000m^3 of soil or sediment below 5 m AHD; or (e) in an Erosion Prone Land Special Management Area identified on the Special Features and Resources Overlay.	For circumstances (a) to (e): ◗ Special Features Code – the applicable element(s) are those corresponding to the Special Management Area(s) in which the development is located.

Table 7B - Development other than Material Change of Use

Column 1 Development Type	Column 2 Assessment Category	Column 3 Assessment Criteria
1. BUILDING WORK NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
All	**Exempt** All circumstances except if Code Assessable.	
	Code assessable If:	Applicable Codes

[21] Refer to Division 2 of schedule 1 to this planning scheme for the meaning of the term "adjacent".

Column 1 Development Type	Column 2 Assessment Category	Column 3 Assessment Criteria
	(a) exceeding the maximum height specified as the Self-assessable Solution in the Special Purpose Zone Code; or (b) Failing to meet the minimum setback specified as the Self-assessable Solution in the Special Purpose Zone Code.	◗ Special Purpose Zone Code ◗ Special Purpose Zone Code
2. OPERATIONAL WORK NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
All	**Exempt** All circumstances except if Self-assessable or Code Assessable.	
Clearing	**Code assessable** All circumstances	Applicable Codes ◗ Clearing Code ◗ Special Purpose Zone Code
Placement of an advertisement	**Self-assessable** All circumstances except if Code assessable	Applicable Codes ◗ Advertisement Code Elements: S1, S2
	Code assessable If nominated as self-assessable, but unable to comply with the Self-assessment Solutions for the relevant elements of the applicable codes	Applicable Codes ◗ Advertisement Code
Excavation or Filling	**Code assessable** If involving >500 m^3 of material.	Applicable Codes ◗ Special Purpose Zone Code
Telecommunication Facilities	**Code assessable** If in connection with a Telecommunications Facility (Medium Impact).	Applicable Codes ◗ Special Purpose Zone Code ◗ Telecommunication Facilities Code
3. OPERATIONAL WORK ASSOCIATED WITH RECONFIGURING:		
All	**Code Assessable** All circumstances	Applicable Codes For all circumstances: ◗ Special Purpose Zone Code ◗ Advertisement Code ◗ Clearing Code

Column 1 Development Type	Column 2 Assessment Category	Column 3 Assessment Criteria
4. RECONFIGURING A LOT:		
All	**Code assessable** All circumstances	Applicable Codes ◗ Special Purpose Zone Code If located in a Special Management Area, identified on the Special Features Overlay: ◗ Special Features Code – the applicable element(s) are those corresponding to the Special Management Area(s) in which the development is located.
5. OTHER (not listed above):		
All circumstances	**Exempt**	

3.13 Special Purpose Zone Code

(1) Purpose

(a) The purpose of the Special Purpose Zone Code is the achievement of the overall outcomes sought for the Special Purpose Zone.

(b) The overall outcome sought for the Special Purpose Zone is the accommodation of community purposes such as local and major utility installations and other special purposes.

(2) Elements

(i) Consistent Uses

Specific Outcomes	
O1	Uses are: ◗ consistent with the overall outcomes sought for the Special Purpose Zone, and ◗ preferred for development in the zone; as follows: (a) All Community Purposes.
O2	Provided uses are developed: ◗ to be compatible with surrounding Community Purposes by being of similar scale, intensity and character, and ◗ to support preferred uses, and ◗ to not adversely affect the amenity of the locality; the following is consistent with the overall outcomes sought for the Special Purposes Zone: (a) Caretaker's residence.
O3	The following additional uses are consistent with the overall outcomes sought for the nominated sites included in the Special Purpose Zone: For Lots 1, 2, 3, 5 and 6 on RP748024 and Lots 40 and 41 on RP893114 (being the Horn Island Airport: Additional Consistent Uses – Industrial and commercial uses where such uses have a necessary association with aviation activities. Examples include aircraft maintenance and servicing, and shops catering to the needs of tourists. Lot 78 on TS48 (being Quarantine Point, Thursday Island): Additional Consistent Uses – Residential development which provides for the enhancement of the public foreshore. Lot 2 on RP744564 (being Cemetery Hill, Thursday Island. Additional Consistent Uses – Residential development which maximises retention of existing vegetation and utilises building design to minimise the visual impact of development when viewed from the surrounding area. Lot 152 on TS835594 (being Water Reserve, Thursday Island): Additional Consistent Uses – Recreational and cultural uses which maintain remnant rainforest and do not reduce water quality in the catchment.

(ii) Inconsistent Uses

Specific Outcomes	
O4	Uses other than: ◗ preferred uses nominated in O1, or ◗ consistent uses developed to comply with the provisos set out in O2 and O3; do not comply with the overall outcomes sought for the Special Purposes Zone and conflict with this code.

(iii) Subdivision Design

Specific Outcomes	
O5	Reconfigured lots are designed and developed with: ◗ sufficient area and suitable proportions for preferred and consistent uses; ◗ adequate frontage for safe and convenient vehicular and pedestrian access; and: ◗ do not expose people and works to unacceptable risks from flooding or other hazards.

(iv) Character and Amenity

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O6	Uses and works are located, designed and operated to avoid significant adverse impacts on: ◗ existing environmental conditions relating to air, water and soil, ◗ the amenity of adjacent properties and public spaces, and ◗ the health and safety of people using the premises and adjacent premises; and ◗ streetscape.	S6	(a) Plant and equipment Mechanical plant and equipment are located so they are not visually obtrusive and do not cause adverse visual or acoustic impacts on adjoining premises. (b) Outdoor Lighting All outdoor lighting is designed, constructed and operated in accordance with *Australia Standard AS4282 – Control of the obtrusive effects of outdoor lighting*. (c) Noise Community Purposes do not exceed noise generation levels interpreted under the *Environmental Protection (Noise) Policy* provisions, as 'unreasonable', or the following:

Period	Noise Level at Noise Sensitive Place
0700 – 2000	Background noise level plus 5 dB(A)
2000 – 0700	Background noise level plus 3 dB(A)

Measured as the adjusted maximum sound pressure level Lmax adj T.

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
O7 Buildings and structures are: ◗ of a type and scale which have an attractive, functional appearance; ◗ constructed of materials and finishes compatible with other development in the area; ◗ integrated with the physical attributes of the site, including appropriate provision for access to natural light and ventilation, privacy, noise attenuation, drainage, landscaping, outlook and off-street parking; and ◗ designed to adequately screen materials stored outside buildings when viewed from adjacent premises and public spaces	S7 (a) Height Buildings and structures do not exceed 12 metres. (b) Setbacks (i) Buildings and structures setback 3 metres from all road frontages where road reserve width is ≥30 metres; (ii) Buildings and structures setback 6 metres from all road frontages where road reserve width <30 metres, and (iii) For proposals that abut land included in the Residential Zone, all buildings and structures setback a minimum of 6 metres from the boundary

(v) Community Safety

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
O8 Personal safety and property security optimised through the design of buildings and spaces incorporating: ◗ opportunities for surveillance; ◗ clear definition of boundaries between private and public spaces; ◗ robust construction materials; and ◗ appropriate security lighting.	S8 Development is designed in accordance with the standards nominated in Schedule 5 to this planning scheme.

(vi) Vegetation Management

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
O9 Clearing does not impact adversely on ecological or landscape values.	S9 (a) Vegetation is retained within: (i) 50 metres of wetlands or the high bank of a river: and/or (ii) 25 metres of the bank of any other waterway; and (b) Vegetation is retained on land with slopes ≥ 1 in 6.

(vii) Flood Immunity

Specific Outcomes
O10 Development is immune to flood events which result to unacceptable risk to health and safety or unacceptable risk of property damage.

(viii) Vehicle Parking and Movement

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
O11 Development is provided with an on-site parking and movement system designed and constructed to: ◗ be integrated with the site layout including: – direct access to a road providing a level of service required to accommodate traffic generated by the use; and – appropriately designed footpath crossovers; and – provision for safe pedestrian movement between public footpath and facility entry points; and ◗ accommodate all modes of transport generated by the use; and ◗ facilitate non-discriminatory accessibility; and ◗ provide for safe and efficient loading and unloading of goods; and ◗ allow for vehicle queuing necessary for the use; and ◗ provide for passenger set down/pick up necessary for the use.	S11 (a) Parking is provided on-site: (i) at the rate nominated in Division 1 of Schedule 2 to this planning scheme; and (ii) laid out, constructed and maintained in accordance with the standards nominated in Division 2 of Schedule 2 to this planning scheme. (b) Loading/unloading facilities are laid out, constructed and maintained in accordance with the standards nominated in Division 2 of Schedule 2 to this planning scheme. (c) Vehicle queuing and set-down/pick-up areas are laid out, constructed and maintained in accordance with the standards nominated in Division 2 of Schedule 2 to this planning scheme. (d) Vehicular access is designed and constructed in accordance with the standards nominated in Division 2 of Schedule 4 to this planning scheme. (e) Bicycle and pedestrian access is integrated with site design to facilitate both on-site movement and connection to the Shire bicycle and pedestrian networks in accordance with the standards nominated in Division 2 of Schedule 4 to this planning scheme.

(ix) Infrastructure

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O12	Water supply, wastewater and sullage, drainage, roads, power and communications provided to meet the appropriate standards of service and construction at least whole-of-life cost, which: ◗ comprise components and materials that are: – readily accessible and available; and – robust and reliable in terms of operational life and purpose; and – easily maintained without unnecessarily requiring specialist expertise or equipment; and ◗ are integrated with the design, construction and operation of existing systems and facilitate orderly provision of future systems.	S12	Water supply, wastewater and sullage, drainage, roads, power and communications are: (a) provided to meet the standard of service nominated in Division 1 of Schedule 4 to this planning scheme, and (b) constructed in accordance with standards nominated in Division 2 of Schedule 4 to this planning scheme.
O13	Development avoids adverse effects[22] on the safety and operational efficiency of the operational airspace[23] of Ngurupai (Horn) Island and Bamaga Airports and the functioning of aviation facilities[24] associated with the movement of aircraft.		

(x) Excavation or Filling

Specific Outcomes	
O14	Excavation or filling is carried out so that the visual amenity of the area and the privacy of adjoining properties are not compromised and excavation or filling does not result in: ◗ the instability of a site or adjacent land; or ◗ a detrimental change to the run off characteristics of a site or nearby land; or ◗ a reduction of the water quality of receiving waters.

[22] Refer to division 2 of schedule 1 for the meaning of the term “adverse effects”.
[23] Refer to division 2 of schedule 1 for the meaning of the term “operational airspace”.
[24] Refer to division 2 of schedule 1 for the meaning of the term “aviation facilities”.

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Division 8 – Non Urban Zone

3.14 Table of Assessment Categories and Assessment Criteria

Table 8A - Material Change of Use

Column 1 Development Purpose	Column 2 Assessment Category	Column 3 Assessment Criteria
1. EXEMPT DEVELOPMENT:		
Borrow pit	**Exempt** All circumstances	
Local Utility	**Exempt** All circumstances	
Park	**Exempt** All circumstances	
2. SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT UNDER THE ZONING:		
(a) If for any of the following defined purposes:		
Animal keeping	**Code assessable** All circumstances	Applicable Codes ◗ Non Urban Zone Code
Aquaculture	**Code assessable** All circumstances except if Impact assessable **Impact assessable** If constituting an environmentally relevant activity[25]	Applicable Codes ◗ Non Urban Zone Code
Dwelling house	**Code assessable** If on a lot having an areas of at least 1000 m² and being the only Dwelling house on that lot.	Applicable Codes ◗ Non Urban Zone Code
Farming	**Code assessable** All circumstances	Applicable Codes ◗ Non Urban Zone Code
(b) If for: ◗ **a defined purpose listed in (a) above, but not meeting the specified circumstance listed in Column 2 in (a) above for the nominated level of assessment, or** ◗ **a purpose not listed in (a) above or not defined in this planning scheme:**		
All	**Impact assessable** All circumstances	

[25] As defined in the *Environmental Protection Act 1994, section 18*

Column 1 Development Purpose	Column 2 Assessment Category	Column 3 Assessment Criteria
3. ASSESSABLE DEVELOPMENT WITHIN A SPECIAL MANAGEMENT AREA:		
All	**Code assessable** All purposes if located:	Applicable Codes
	(a) in a Steep Land Special Management Area or Water Supply Catchment Special Management Area identified on the Special Features and Resources Overlay; or (b) in or adjacent[26] a Protected Area Special Management Area; Extractive Resources Special Management Area; Wetland Special Management Area or Waterway Special Management Area identified on the Special Features and Resources Overlay; or (c) in the Acid Sulfate Soil Special Management Area beneath the 5 m contour identified on the Special Features and Resources Overlay and involving excavation or fill of more than 1000m^3 of soil or sediment; or (d) in the Acid Sulfate Soil Special Management Area beneath the 20 m contour identified on the Special Features and Resources Overlay and involving excavation of more than 1000m^3 of soil or sediment below 5 m AHD; or (e) in an Erosion Prone Land Special Management Area identified on the Special Features and Resources Overlay.	For circumstances (a) to (e): ◗ Special Features Code – the applicable element(s) are those corresponding to the Special Management Area(s) in which the development is located.

Table 8B - Development other than Material Change of Use

Column 1 Development Type	Column 2 Assessment Category	Column 3 Assessment Criteria
1. BUILDING WORK NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
All	**Exempt** All circumstances except if Code Assessable.	
	Code assessable If:	Applicable Codes

[26] Refer to Division 2 of schedule 1 to this planning scheme for the meaning of the term "adjacent".

Column 1 Development Type	Column 2 Assessment Category	Column 3 Assessment Criteria
	(a) exceeding the maximum height specified as the Self-assessment Solution in Non Urban Zone Code; or (b) failing to meet the minimum setback specified as the Self-assessment Solution in the Non Urban Zone Code.	◗ Non Urban Zone Code ◗ Non Urban Zone Code
2. OPERATIONAL WORK NOT ASSOCIATED WITH MATERIAL CHANGE OF USE:		
All	**Exempt** All circumstances except if Self-assessable or Code Assessable.	
Clearing	**Code assessable** All circumstances	Applicable Codes ◗ Clearing Code ◗ Non Urban Zone Code
Placement of an Advertisement	**Self-assessable** All circumstances except if Code assessable	Applicable Codes ◗ Advertisement Code Elements: S1, S2
	Code assessable If nominated as self-assessable, but unable to comply with the Self-assessment Solutions for the Advertising Code	Applicable Codes ◗ Advertisement Code
Excavation or Filling	**Code assessable** If involving >500 m^3 of material.	Applicable Codes ◗ Non Urban Zone Code
Telecommunication Facilities	**Code assessable** If in connection with a Telecommunications Facility (Medium Impact).	Applicable Codes ◗ Non Urban Zone Code ◗ Telecommunication Facilities Code
3. OPERATIONAL WORK ASSOCIATED WITH RECONFIGURING:		
All	**Code assessment** All circumstances	Applicable Codes ◗ Non Urban Zone Code ◗ Advertisement Code ◗ Clearing Code

Column 1 Development Type	Column 2 Assessment Category	Column 3 Assessment Criteria
4. RECONFIGURING A LOT:		
All	**Code assessable** All circumstances	Applicable Codes ◗ Non Urban Zone Code If located in a Special Management Area, identified on the Special Features Overlay: ◗ Special Features Code – the applicable element(s) are those corresponding to the Special Management Area(s) in which the development is located.
5. OTHER (not listed above):		
All circumstances	**Exempt**	

3.15 Non Urban Zone Code

(1) Purpose

(a) The purpose of the Non Urban Zone Code is the achievement of the outcomes sought for the Non Urban Zone.

(b) The outcomes sought for the Non Urban Zone are:

(i) Extensive tracts of land used for rural or non urban activities such as grazing and horticulture, or which are vacant, are protected from development, which would significantly infringe on the landscape setting and amenity of the Shire;

(ii) Land with productive capacity is preserved for a range of agricultural activities significant to the economy of the Shire;

(iii) Natural vegetation with significant environmental value is protected;

(iv) Provision is made for sport and recreation uses that require a large area of land or a non-urban setting, without compromising rural amenity, the rural economy or the natural environment and biodiversity;

(v) Agriculture, including both extensive and intensive activities is protected from land use conflicts resulting from the location of non-rural activities on rural land;

(vi) Uses and works are located and designed to maximise the efficient use and extension and safe operation of infrastructure; and

(vii) Land is managed in accordance with industry best management practices.

(2) Elements

(i) Consistent Uses

Specific Outcomes	
O1	Uses are: ◗ consistent with the overall outcomes for the Non Urban Zone, and ◗ preferred for development in the zone; as follows: (a) All Rural Purposes.
O2	Provided uses are developed: ◗ to be compatible with surrounding Rural Purposes by being of similar scale, intensity and character, and ◗ to support preferred uses, and ◗ to not adversely affect the amenity of the locality; or ◗ to provide recreational or community facilities that are more appropriately located in the non urban area; the following are consistent with the overall outcomes for the Non Urban Zone: (a) Residential Purposes comprising: (i) Accommodation building (being for the purpose of itinerant workers accommodation); (ii) Bed and breakfast; (iii) Dwelling house (where for the accommodation of the household involved with the dominant rural activity undertaken on the premises);

Specific Outcomes
(b) Landscape supplies; (c) Local utility; (d) Outdoor sport and recreation; or (e) Telecommunications facility (medium impact).

(ii) Inconsistent Uses

Specific Outcomes	
O3	Uses other than: ◗ preferred uses nominated in O1, or ◗ consistent uses developed to comply with the provisos set out in O2; do not comply with the overall outcomes sought for the Non Urban Zone and conflict with this code.

(iii) Subdivision Design

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O4	Reconfigured lots are designed and developed with: ◗ sufficient area and suitable proportions for preferred or consistent uses; ◗ adequate frontage for safe and convenient vehicular and pedestrian access; and ◗ do not expose people and works to unacceptable risks from flooding or other hazards.	S4	(a) Other than reconfiguring for a Community Titles Scheme, allotments are developed with areas and dimensions that comply with the design standards set out in Table S4 below. (b) For reconfiguring involving a Community Titles Scheme: (i) the number of lots on the Standard Format Plan comprising the Community Titles Scheme does not exceed the number of allotments complying with the design standards set out in Table S4 below; unless, (ii) the number of lots on the Standard Format Plan accords with the density of development given by a prior related Development Permit for Material Change of Use.

Table S4 – Design Standards for Subdivision in the Non Urban Zone

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
Minimum Lot Size (hectares)	**Minimum Frontage (metres)**
(a) 50 hectares, unless (b) applies (b) The area shown on an approved plan of development for the material change of use	◗ 250 metres ◗ As per an approved plan of development for the material change of use

(iv) Character and Amenity

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O5	Uses and works located, designed and operated to avoid significant adverse impacts on: ◗ existing environmental conditions relating to air, water and soil, ◗ the amenity of adjacent properties and public spaces, and ◗ the health and safety of people using the premises and adjacent premises	S5	(a) Storage, handling, packaging, processing areas, permanent plant and equipment storage/operation and on-site effluent treatment and disposal areas are located at least the following distance from the nearest sensitive receptor (including land in the Residential Zone): (i) Rural service industry: – 300 metres over open and relatively flat areas, or – 100 metres where natural buffering and screening can, or would, shield direct line-of-sight to sensitive receptors; (ii) Otherwise: – 100 metres over open and relatively flat areas, or – 100 metres where natural buffering and screening can, or would, shield direct line-of-sight to sensitive receptors.

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
	(b) Any buildings, structures or permanent plant storage/operation not otherwise subject to setback provisions in (b) above are located at least the following from any side or rear boundary: (i) 30 metres to a dwelling unit on an adjacent site with installation prior to commencement of a use of at least a 3 metre wide dense landscaped strip to be maintained to that part of the boundary which can ensure effective screening of car parking or activity areas from the dwelling unit (to standard nominated in Schedule 7 of this planning scheme), and/or (ii) 15 metres otherwise.
O6 Buildings and structures are: ◗ of a type and scale which have an attractive, functional appearance; ◗ constructed of materials and finishes compatible with other development in the area; ◗ integrated with the physical attributes of the site, including appropriate provision for access to natural light and ventilation, privacy, noise attenuation, drainage, landscaping, outlook and off-street parking; and ◗ designed to adequately screen materials stored outside buildings when viewed from adjacent premises and public spaces.	S6 (a) Height Buildings and structures, other than those associated with the primary rural activity on the premises, do not exceed 8.5 metres.
O7 Significant adverse effects are not caused on identified water supply catchment areas in terms of: ◗ Surface and groundwater hydrology; ◗ Water quality; and ◗ Quantity and availability of raw water.	

(v) Flood Immunity

Specific Outcomes
O8 Development is immune to flood events which result to unacceptable risk to health and safety or unacceptable risk of property damage.

(vi) Vegetation Management

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O9	Clearing does not impact adversely on ecological or landscape values.	S9	(a) Vegetation is retained within (i) 50 metres of wetlands or the high bank of a river; and/or (ii) 25 metres of the bank of any other waterway. (b) Vegetation is retained on land with slopes ≥ 1 in 6.

(vii) Vehicle Parking and Movement

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O10	Development is provided with an on-site parking and movement system designed and constructed to: ◗ be integrated with the site layout including: – direct access to a road providing a level of service required to accommodate traffic generated by the use; and – appropriately designed footpath crossovers; and – provision for safe pedestrian movement between public footpath and facility entry points; and ◗ accommodate all modes of transport generated by the use; and ◗ facilitate non-discriminatory accessibility; and ◗ provide for safe and efficient loading and unloading of goods; and ◗ allow for vehicle queuing necessary for the use; and ◗ provide for passenger set down/pick up necessary for the use.	S10	(a) Parking is provided on-site: (i) at the rate nominated in Division 1 of Schedule 2 to this planning scheme; and (ii) laid out, constructed and maintained in accordance with the standards nominated in Division 2 of Schedule 2 to this planning scheme. (b) Loading/unloading facilities are laid out, constructed and maintained in accordance with the standards nominated in Division 2 of Schedule 2 to this planning scheme. (c) Vehicle queuing and set-down/pick-up areas are laid out, constructed and maintained in accordance with the standards nominated in Division 2 of Schedule 2 to this planning scheme. (d) Vehicular access is designed and constructed in accordance with the standards nominated in Division 2 of Schedule 4 to this planning scheme. (e) Bicycle and pedestrian access is integrated with site design to facilitate both on-site movement and connection to the Shire bicycle and pedestrian networks in accordance with the standards nominated in Division 2 of Schedule 4 to this planning scheme.

(viii) Infrastructure

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O11	Water supply, wastewater and sullage, drainage, roads, power and communications provided to meet the appropriate standards of service and construction at least whole-of-life cost, which: ◗ comprise components and materials that are: – readily accessible and available; and – robust and reliable in terms of operational life and purpose; and – easily maintained without unnecessarily requiring specialist expertise or equipment; and ◗ are integrated with the design, construction and operation of existing systems and facilitate orderly provision of future systems.	S11	Water supply, wastewater and sullage, drainage, roads, power and communications are: (a) provided to meet the standard of service nominated in Division 1 of Schedule 4 to this planning scheme, and (b) constructed in accordance with standards nominated in Division 2 of Schedule 4 to this planning scheme.
O12	Development avoids adverse effects[27] on the safety and operational efficiency of the operational airspace[28] of Ngurupai (Horn) Island and Bamaga Airports and the functioning of aviation facilities[29] associated with the movement of aircraft.		

(ix) Excavation or Filling

Specific Outcomes	
O13	Excavation or filling is carried out so that the visual amenity of the area and the privacy of adjoining properties are not compromised and excavation or filling does not result in: ◗ the instability of a site or adjacent land; or ◗ a detrimental change to the run off characteristics of a site or nearby land; or ◗ a reduction of the water quality of receiving waters.

[27] Refer to division 2 of schedule 1 for the meaning of the term “adverse effects”.
[28] Refer to division 2 of schedule 1 for the meaning of the term “operational airspace”.
[29] Refer to division 2 of schedule 1 for the meaning of the term “aviation facilities”.

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Division 9 – Special Management Area Codes

3.16 Preliminary

(1) The provisions of this Division comprise the Natural Features Code and the Cultural Features Code.

(2) Applicability of each of these codes is determined by the Table of Assessment Categories and Assessment Criteria for each zone set out in Divisions 2 to 8 of this Part and by reference to Overlay Maps OM1, OM2 and OM3 and to Schedule 3 (Identified Cultural Features) and Schedule 9 (Protected Areas).

3.17 Special Features Code

(1) Purpose

(a) The purpose of the Special Features Code is the achievement of the overall outcomes sought for the special management areas nominated on the Special Features and Resources Overlay within this planning scheme.

(b) The overall outcomes sought for the special management areas nominated on the Special Features and Resources Overlay are that development of identified places, areas, landscapes, features and sites:

(i) is managed to protect the significant values of the various special features and resources in terms of:

(A) physical change;

(B) damage or removal;

(C) visibility;

(D) accessibility; or

(E) visual detraction; and

(ii) avoids or minimises within acceptable levels risk to the natural or built environment, human health or safety.

(2) Elements

(a) Protected Area[30] Special Management Area

Specific Outcomes
O1 Development adjacent to a protected area does not cause significant adverse effects on the protected area, including those related to: (a) management of fire risk, including the use of natural firebreaks; (b) changes to natural drainage; (c) unmanaged public access; (d) effluent disposal; (e) point sources of pollution;

[30] As defined by the *Nature Conservation Act 1992*.

Specific Outcomes
(f) introduction and management of animal and/or plant pests; or
(g) changes to natural activities of animals with respect to the location and effects of uses, fencing, lighting and the like.

(b) Erosion Prone Land Special Management Area

Specific Outcomes
O2 Significant adverse effects are not caused on identified erosion prone areas in terms of:
(a) habitat;
(b) vegetation;
(c) soil cover;
(d) water quality; or
(e) landscape quality.
O3 There are no significant threats to:
(a) public safety;
(b) infrastructure integrity; or
(c) economic value of the erosion prone area

(c) Acid Sulfate Soils Special Management Area

Specific Outcomes
O4 Natural or built environments and human health are not harmed by the production of acidic leachate resulting from development in areas of potential and/or actual acid sulfate soils by:
(a) avoiding disturbance to areas of acid sulfate soils that would produce or contribute to acidic leachate,
(b) treating and managing the disturbance of acid sulfate soils to minimise the volume of acidic leachate within manageable levels, and
(c) treating and managing surface and groundwater flows from areas of acid sulfate soils to minimise environmental harm.

(d) Wetland Special Management Area

Specific Outcomes
O5 There are no significant adverse effects on identified wetlands in terms of:
(a) habitat
(b) water quality
(c) landscape quality
(d) mosquito production, if feature is located within 2 km of an urban residential area.

(e) Extractive Resources Special Management Area

Specific Outcomes
O6 Development involving premises identified as an Extractive Resource Special Management Area on the Natural Features and Resources Overlay, must provide for the winning of the entire resource in an efficient and ecologically sustainable manner.

Specific Outcomes	
O7	Development on a site adjacent to premises identified as an Extractive Resource Special Management Area on the Natural Features and Resources Overlay, must be designed, executed and operated to be compatible with: (a) the winning of the entire resource from the listed site in an efficient and ecologically sustainable manner; and (b) transportation operations associated with the winning of the entire resource.

(f) Steep Land Special Management Area

Specific Outcomes	
O8	Public safety, lives and property are not placed at unacceptable levels of risk.
O9	Development occurs in those parts of the site which are geologically stable and limits the intensity of use elsewhere.
O10	Development is in accordance with an approved geotechnical assessment which adequately demonstrates the site's suitability for the proposed development.
O11	Buildings and structures are designed, sited and erected to maintain: (d) natural landform; (e) natural drainage patterns; (f) existing vegetation.

(g) Water Supply Catchment Special Management Area

Specific Outcomes	
O12	Significant adverse effects are not caused on identified water supply catchment areas in terms of: (a) surface and groundwater hydrology (both upstream and downstream); (b) water quality; (c) quantity and availability of raw water; (d) mosquito production, if feature is located within 2 km of an urban residential area.

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3.18 Cultural Features Code

(1) Purpose

(a) The purpose of the Cultural Features Code is the achievement of the overall outcomes sought for the special management areas nominated on the Cultural Features Overlay and Schedule 3 in this planning scheme.

(b) The overall outcomes sought for the special management areas nominated in the Cultural Features Overlay and/or Schedule 3 in this planning scheme are that identified places, areas, landscapes, features or sites are not subjected to changes that disregard or would significantly reduce the capacity of an individual to appreciate those places, areas, landscapes, features, and sites, their existing character, or the memories or history they represent, in terms of:

(i) visibility;

(ii) visual detraction;

(iii) public accessibility or physical change;

(iv) damage or removal.

(2) Elements

(a) Heritage Place Special Management Area

Specific Outcomes	
O1	Development involving a site listed in schedule 3 to this planning scheme as a Heritage Place Special Management Area, must provide for the conservation and management of the cultural heritage values of the listed site.
O2	Development on sites adjacent to premises listed in schedule 3 to this planning scheme as a Heritage Place Special Management Area must be designed, executed and operated to: ◗ be compatible with the cultural heritage significance of the listed site and not detrimentally impact its values or its setting; and ◗ not obscure the appearance or prominence of the place when viewed from adjacent public or semi-public streets or open spaces, nor intrude into the place.

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PART 4 - DEVELOPMENT ASSESSMENT PROVISIONS FOR A STATED PURPOSE OR STATED TYPE

Division 1 - Preliminary

4.1 Types of Codes

(1) The provisions of this part comprise the following types of codes:

(a) Codes for development of a stated purpose (Division 2) comprising:

(i) Annexed Apartment Code,

(ii) Caretaker's Residence Code,

(iii) Child Care Centre Code,

(iv) Dual Occupancy Code,

(v) Home-based Business Code,

(vi) Market Code,

(vii) Multiple Dwelling Units Code,

(viii) Service Station and Car Wash Code,

(ix) Short-term Accommodation Code,

(x) Telecommunication Facilities Code.

(b) Codes for development of a stated type (Division 3) comprising:

(i) Advertisement Code,

(ii) Clearing Code.

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Division 2 – Specific Use Codes

4.2 Annexed Apartment Code

(1) Purpose

(a) The purpose of the Annexed Apartment Code is the achievement of the overall outcomes sought for the establishment and use of Annexed Apartments.

(b) The overall outcomes sought are:

(i) Annexed apartments that are small in scale and ancillary to the principal use of a site for a Dwelling house;

(ii) Annexed apartments are compatible in form and appearance with the scale, character and amenity desired for the local setting; and

(iii) Acceptable levels of privacy and amenity are achieved for residents of Annexed apartments and adjoining premises.

(2) Elements

(a) Extent of Use

Specific Outcome		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O1	An Annexed apartment is associated with a Dwelling house but is never the dominant use of a premises.	S1	Not more than one (1) Annexed apartment is attached to a Dwelling house.

(b) Siting and Design

Specific Outcome		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O2	An Annexed apartment is: ◗ located in or under the principal Dwelling house or proximate to the principal Dwelling house; and ◗ compatible in scale, bulk and appearance with the principal Dwelling house on the site.	S2	(a) The Annexed apartment: (i) has a gross floor area: – no larger than 80m^2 where located in the Residential Zone; and (ii) contains only one (1) bedroom. (b) The Annexed apartment: (i) is constructed as an integrated component of the principal house in the Residential Zone; or (ii) is located no more than 20 metres from the principal house in any other zone; and (iii) if located in the Residential Zone, is designed and located such that the buildings are presented as one building when viewed from the street.

Specific Outcome	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
	(c) The Annexed apartment shares the same driveway as the principal house.

4.3 Caretaker's Residence Code

(1) Purpose

(a) The purpose of the Caretaker's Residence Code is the achievement of the overall outcomes sought for the establishment and use of Caretaker's Residences.

(b) The overall outcomes sought are:

(i) Caretaker's residences are ancillary to a non-residential use of a premises and are provided where a genuine caretaking or property management need arises;

(ii) Caretaker's residences are compatible with the scale, character and amenity desired for the local setting in form and appearance;

(iii) Acceptable levels of privacy and amenity are achieved for the residents of the Caretaker's residences; and

(iv) Caretaker's residences achieve relevant health, safety and lifestyle standards in a climatically responsive manner.

(2) Elements

(a) Nature of Development

Specific Outcomes	
O1	A caretaker's residence is used as the domicile of a person and their immediate household in connection with the person's occupation of caretaking a dominant lawful use on the same property.

(b) Building Siting and Design

Specific Outcomes	
O2	The floor area of the building occupied by the Caretaker's residence is not greater than $100m^2$.
O3	The Caretaker's residence contains an area of private open space which is directly accessible from a habitable room, and: ◗ if at ground level, has an area of not less than $50m^2$, with no horizontal dimension of less than 5 metres, or ◗ if a balcony, verandah or deck, has an area of not less than $10m^2$ with no horizontal dimension of less than 2.5 metres.
O4	Private open space is screened by a minimum 1.8 metre high solid fence or wall.

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4.4 Child Care Centre Code

(1) Purpose

(a) The purpose of the Child Care Centre Code is the achievement of the overall outcomes sought for the establishment and use of Child Care Centres.

(b) The overall outcomes sought are:

(i) Child Care Centres are well designed and established in locations that best meet the needs of the 0-5 years age group having regard to:

(A) the community need for the type of facility proposed in terms of existing and predicted population profiles within the catchment area; and

(B) access and safety considerations; and

(C) amenity of the locality with particular attention to surrounding land use and building siting and design.

(2) Elements

(a) Location of Child Care Centres

Specific Outcome	
O1	Child care centres are developed in response to a demonstrated need.
O2	Child care centres are safely and conveniently located in proximity to community facilities or educational establishments.

(b) Site Characteristics

Specific Outcome	
O3	Child care centres are developed on sites which have sufficient area and exhibit suitable characteristics to accommodate desired facilities without risk to children's health and safety.

(c) Site Layout and Design

Specific Outcome	
O4	Child care centres comply with the minimum design requirements for the licensed capacity of the proposed facility in accordance with the relevant State legislation.31
O5	Vehicle access, including parking, manoeuvring and setdown/pick up area, located and designed to minimise conflicts between vehicles and pedestrians.
O6	Child care centres provide appropriate shade.

(d) Streetscape and Amenity

Specific Outcome	
O7	Child care centres are developed to compliment the local streetscape and reflect the character of the locality.

[31] Relevant legislation is the Child Care Act 2002, Child Care Regulation 2003 and Building Standard, Child Care Centres (Part 22, Queensland Development Code).

Specific Outcome	
O8	When located adjacent to residential properties, adequate acoustic screening is applied to boundaries to prevent unacceptable noise to neighbours.

4.5 Dual Occupancy Code

(1) Purpose

(a) The purpose of the Dual Occupancy Code is the achievement of the overall outcomes for the establishment and use of Dual occupancies.

(b) The overall outcomes sought are:

(i) Dual occupancies contribute positively to the immediate streetscape, general visual amenity and character of the locality and liveability of residential areas;

(ii) Dual occupancies are compatible with surrounding development in relation to scale, height and bulk of buildings consistent with outcomes for the locality expressed in relevant zone codes;

(iii) Dual occupancies are designed to ensure:

(A) safe and convenient access and parking for residents and visitors;

(B) casual surveillance of the public and communal open space areas;

(C) passive recreation/private open space adequate to satisfy needs of residents of the units; and

(D) relevant health, safety, and lifestyle standards are achieved.

(2) Elements

(a) Site Suitability

Specific Outcomes	
O1	Dual occupancies are developed on sites having a minimum area of 600 m² and a minimum frontage of 20 metres.

(b) Building Siting and Design

Specific Outcomes	
O2	A single common access driveway is provided to the site.

(c) Private Open Space and Landscaping

Specific Outcome	
O3	For each dwelling unit, private open space is provided which has a minimum area of 80 m^2 and: (a) no horizontal dimension is less than 4 metres, and (b) one part with an area of at least 25 m^2 and a minimum dimension of 5 metres and is directly accessible from the main living area of the dwelling unit.

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4.6 Home-based Business Code

(1) Purpose

(a) The purpose of the Home-based Business Code is the achievement of the overall outcomes sought for the establishment and use of Home-based businesses.

(b) The overall outcomes sought are:

(i) Home-based businesses are integrated as a small-scale component of the dwelling unit and remain subsidiary in form and function to the principal residential dwelling unit;

(ii) Home-based businesses are compatible with the scale, character and environmental values exhibited by the local setting;

(iii) Home-based businesses are sited and designed to:

(A) achieve relevant health and safety standards;

(B) minimise to an acceptable level any off-site impacts;

(C) achieve acceptable levels of privacy and amenity for residents of the premises and of adjoining premises, and

(D) operate within the safe and effective design capacity of the utilities and road system servicing the area; and

(iv) Home-based businesses support the economic viability of a household resident on a site without unacceptably impacting on the viability and vitality of the Shire's commercial and industrial centres or its community services.

(2) Elements

(a) Extent of Use

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)		
O1	Home-based business is subservient to the principal use of a dwelling unit for permanent accommodation for a household.	S1	(a)	The floor area used specifically for the Home-based business either in the dwelling unit or in a separate building within the curtilage of the dwelling unit, does not exceed $60m^2$.
			(b)	A maximum of 1 non-resident person is employed.

(b) Amenity

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)		
O2	Home-based business has a form and appearance that does not significantly detract from local amenity.	S2	(a)	Display goods and stored goods or materials are not visible from outside the premises.
			(b)	There is only one sign related to the business activity and the sign is:
			(i)	not greater than $0.3m^2$ in area;
			(ii)	not illuminated; and

Specific Outcomes	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
	(iii) wholly within the premises or on a fence facing the road. (c) There is no hiring out of materials, goods, appliances or vehicles. (d) There is no repairing, servicing, cleaning or loading of vehicles not normally associated with use of premises as a dwelling unit. (e) No more than 10 vehicle trips per day (where 1 vehicle trip equals arriving and departing the site) are generated by the business activity. (f) In the Residential Zone, any commercial vehicle parked on the site: (i) does not exceed 4 tonnes GVM[32], and (ii) is garaged within the curtilage of the dwelling unit behind the building line.

[32] GVM means gross vehicle mass.

4.7 Market Code

(1) Purpose

(a) The purpose of the Market Code is the achievement of the overall outcomes sought for the establishment and use of Markets.

(b) The overall outcomes sought are:

(i) Markets are conducted in a manner compatible with the character and amenity of the local setting in which they are located;

(ii) Public health and safety is not jeopardised as a result of the use of premises for markets;

(iii) Markets do not result in any adverse affect on the amenity of the local area;

(iv) Markets do not adversely affect the operation of other businesses in the vicinity in terms of impacts including access, car parking and competition.

(2) Elements

(a) Amenity

Specific Outcomes		Probable Solutions (Code Assessment)	
O1	Markets are sited on premises having regard to the amenity enjoyed by people using the premises and adjacent premises.	S1	For a Market, premises: (a) are contiguous with business areas and/or community facilities (such as schools, churches or open recreation areas), and (b) have an area of at least 1 000 m^2.

Specific Outcomes	
O2	Markets have a form and appearance that does not significantly detract from local amenity.

(b) Health, Safety and Convenience

Specific Outcomes		Probable Solutions (Code Assessment)	
O3	The health, safety and convenience of people using the Market and people residing in premises adjacent to the Market is maintained with respect to: ◗ pedestrian and vehicle access within and to and from the site, ◗ access for emergency services vehicles, and ◗ significant environmental effects on adjacent premises.	S3	(a) All areas used for vehicle access and parking and pedestrian movement hardstand, have even and well-drained surfaces. (b) Emergency services vehicles have access to all parts of the site. (c) Facilities for the collection and storage of rubbish, including arrangement for the disposal of rubbish from the site, are provided. (d) Allocation of an area for on-site parking of motor vehicles including temporary signage to direct patrons. (e) No system of sound amplification is used on-site.

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4.8 Multiple Dwelling Unit Code

(1) Purpose

(a) The purpose of the Multiple Dwelling Units Code is the achievement of the outcomes for the establishment and use of Multiple Dwelling Units.

(b) The overall outcomes sought are:

(i) The immediate streetscape, general visual amenity and character of the locality and liveability of residential areas in the Shire is enhanced by the development of Multiple dwelling units;

(ii) Development is compatible with surrounding development in relation to scale, height and bulk of buildings and consistent with outcomes for the locality expressed in relevant zone codes;

(iii) Multiple dwelling units are located in areas readily accessible to business centres;

(iv) Developments are designed to ensure:

(A) safe and convenient access and parking for residents and visitors, and

(B) casual surveillance of the public and communal open space areas, and

(C) a mix of functional dwelling unit types offering lifestyle opportunities and energy efficient living, and

(D) passive recreation/private open space adequate to satisfy the needs of residents.

(2) Elements

(a) Site Suitability

Specific Outcomes	
O1	Multiple dwelling units are developed on sites having a minimum area of 1000m^2 and a minimum frontage of 20 metres.

(b) Building Siting and Design

Specific Outcomes	
O2	Buildings have a maximum unarticulated length of 15 metres to the principal road frontage.
O3	The privacy of residents of adjoining premises protected through the design of any part of a dwelling unit above ground level and within 3 metres of a side or rear boundary including: ◗ no balconies overlooking adjoining (outdoor or internal) living areas; or ◗ all upper storey windows overlooking adjoining residential property glazed in opaque glass or screened.
O4	The site layout enhances streetscape appeal through the location of garages or carports: ◗ at the rear of the premises; or ◗ at ground level, below the dwelling units.
O5	Buildings adjacent to the public street address the street through a front door or habitable room windows facing the street.
O6	Individual dwelling units are able to be identified from the street

Specific Outcomes	
O7	Where Multiple dwelling units are located to the rear of, or on floors above ground floor commercial premises: ◗ The ground floor presentation to the street shall maintain the character of a commercial shop frontage; and ◗ The ratio of the total gross floor area of Multiple dwelling units to the gross floor area of ground floor commercial use shall not exceed 2:1. ◗ Off-street car parking for dwelling units shall be clearly delineated and provided to the rear of parking required for the commercial premises.

(c) Private and Communal Open Space and Landscaping

Specific Outcome	
O8	For each dwelling unit, private open space is provided which has a minimum area of 40m^2 and: ◗ No horizontal dimension is less than 4 metres, and ◗ One part with an area of at least 25 m^2 and a minimum dimension of 5 metres and is directly accessible from the main living area of the dwelling unit.
O9	For each dwelling unit above ground story, private open space is provided in the form of a balcony (or balconies) having a minimum area of 8 m^2 and a minimum dimension of 2 metres and is directly accessible from the main living area of the dwelling unit.
O10	Except in the case of Multiple dwelling units established to the rear of or on floors above ground floor commercial uses, a minimum 3 metre wide landscaped area provided adjacent to all road frontages (excluding access driveways).

(d) Fencing

Specific Outcome	
O11	Provision of 1.8 metre screen fence to side and rear boundaries to screen living and open space areas both on the site and on adjoining residential premises.

(e) On-site Service Facilities

Specific Outcome	
O12	Provision of: (a) individual mail boxes located close to each ground storey dwelling unit entry or a common mail box structure located close to the major pedestrian entrance to the site; (b) refuse bin enclosure located for convenient use and collection and adequately screened from public view; (c) open-air clothes drying facilities that are screened from public view; (d) a secure storage space of 6m^3 (minimum) for each dwelling unit; and (e) a vehicle wash-down area: (i) that is located such that vehicles are wholly contained on site; and (ii) that is not located adjacent to or underneath the eating or living areas of any dwelling unit or neighbouring property; and (iii) where the floor is graded to fall to a drainage point located within the wash-down area; and (iv) the drainage of which is by means of a trapped gully connected to the sewer; and (v) that features a hose cock located in the vicinity of the wash-down area.

4.9 Service Station and Car Wash Code

(1) Purpose

(a) The purpose of the Service Station and Car Wash Code is the achievement of the overall outcomes sought for the establishment and use of Service stations and Car wash facilities.

(b) The overall outcomes sought are:

(i) Service stations, whether or not developed with an associated car wash facility, are not located so as to adversely impact upon the amenity of Residential Zoned land.

(ii) Service stations and Car Wash facilities sited and designed so they:

(A) enable convenient accessibility and safe access;

(B) achieve a high standard of appearance;

(C) provide separation and buffering to minimise impacts on adjacent land uses; and

(iii) Development of service stations does not result in risks to public health and safety above acceptable levels.

(2) Elements

(a) Site Layout and Design

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O1	Site is configured to accommodate the building(s), other structures, vehicle access and movement areas, and landscaping.	S1	(a) Site has: (i) an area of at least 1500 m^2; and (ii) a frontage of not less than: – 40 metres where the site is not a corner site, or – 36 metres otherwise. (b) Two vehicle crossings, each between 6 and 9 metres in width, are provided and not closer than 9 metres to: (i) any other vehicle crossing, or (ii) any road intersection. (c) 10% of the site is provided as landscaped area.
O2	Fuel pumps and inlets to bulk storage tanks located to minimise the risk of a dangerous occurrence[33].	S2	(a) Fuel pumps and inlets located in accordance with AS1940–1993: The storage and handling of flammable and combustible liquids; and (b) Inlets located no closer than 5 metres to any boundary of the site.
O3	Operations do not detract from the safety or amenity of residential areas.	S3	Site does not adjoin land in the Residential Zone.

[33] Refer Sub-section 1.8.11 of *AS1940-1993: The storage and handling of flammable and combustible liquids*.

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O4	Customer air and water facilities and automatic car washing facilities located appropriately.	S4	Facilities situated within the site and no closer than 5 metres to any boundary of the site.
O5	Waste storage facilities located to satisfy relevant health and safety standards.		

(b) Ancillary Retail Purposes

Specific Outcomes		Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)	
O6	Retailing of products and/or services not directly associated with maintenance of motor vehicles remains subservient to the primary service station use.	S6	The floor area for ancillary retailing does not exceed: ◗ 100 m^2, or ◗ 50% of the sales floor area exclusive of those parts used for vehicle maintenance (e.g., service bays, etc).

4.10 Short-term Accommodation Code

(1) Purpose

(a) The purpose of the Short-Term Accommodation Code is the achievement of the overall outcomes sought for the development of short-term accommodation facilities, including Accommodation buildings and Bed and breakfast.

(b) The overall outcomes sought are:

(i) Short-term accommodation facilities are located in areas attractive to tourists/travellers due to their natural surroundings and/or in proximity to tourist attractions;

(ii) Short-term accommodation facilities are consistent with the scale of existing buildings and structures in the vicinity, and designed to complement the physical character of the local area; and

(iii) Short-term accommodation facilities are located and designed with regard to the privacy of and amenity enjoyed by residents of the premises and any adjacent premises.

(2) Elements

(a) Site Suitability

Specific Outcomes	Probable Solutions (Code Assessment)
O1 Premises: ◗ located within close proximity to an established urban area or other visitor attraction; ◗ visible, or otherwise in close proximity to transport facilities or routes likely to be used by visitors; and ◗ have easy, safe and convenient access from the Shire road network.	S1 Premises are located within the Business Zone or the R2 precinct of the Residential Zone;
O2 The site is of sufficient size and suitable proportions to provide for adequate on-site and local area amenity, with respect to boundary setbacks, open space, car parking and landscaping.	S2 The site complies with the following:

Proposed Use	Minimum Site Area (m^2)	Minimum Road Frontage (m)
Accommodation Building	1,000	20
Bed and Breakfast	800	20

(b) Building Siting and Design – Accommodation Buildings

Specific Outcomes
O3 Buildings have a maximum unarticulated length of 15 metres to the principal road frontage.

O4 The privacy of residents of adjoining premises protected through the design of any part of a dwelling unit above ground level and within 3 metres of a side or rear boundary including:

- no balconies overlooking adjoining (outdoor or internal) living areas; or
- all upper storey windows overlooking adjoining residential property glazed in opaque glass or screened.

O5 The site layout enhances streetscape appeal through the location of garages or carports:

- at the rear of the premises; or
- at ground level, below the dwelling units.

O6 Buildings adjacent to the public street address the street through a front door or habitable room windows facing the street.

O7 Landscaping established on site to maintain the amenity enjoyed by people using the premises and the adjoining premises.

O8 Public dining facilities are provided only where the premises are sited within or adjoining land included in the Business Zone or at a suitable rural location.

(c) Building Siting and Design – Bed and Breakfast

Specific Outcomes	Probable Solutions (Code Assessment)
O9 Bed and breakfast accommodation: ◗ is integrated with the primary use of premises for a Dwelling house; ◗ is sited and designed having regard to the privacy of people using the premises and the adjoining premises and the amenity enjoyed by those people; and ◗ consistent with the character of the locality in which the premises are situated.	S9 (a) Bed and breakfast accommodation is provided within the curtilage of the Dwelling house occupied (as the principal place of residence) by the household providing the accommodation. (b) The maximum amount of accommodation made available to guests is three bedrooms. (c) Guests are provided with a bedroom capable of being enclosed to provide physical and visual privacy from members of the host household. (d) In the premises: (i) the bedrooms provided for guests are in the same building as the kitchen, bathing and toilet facilities provided for the guests and the accommodation of the owner, (ii) bathing and toilet facilities provided for guests are separate to those used by the host household, and (iii) the only cooking facilities available to the guests are those within and normally used by the residents of the house and at least one substantial meal is offered by the host household to guests each day.

Specific Outcomes	Probable Solutions (Code Assessment)
	(e) The architectural style and materials used in any extensions to the Dwelling house proposed to contain the Bed and breakfast accommodation are consistent with that used in the existing Dwelling House and/or other buildings or structures in the vicinity.

(d) Use of Premises

Specific Outcomes	Probable Solutions (Code Assessment)
O1 Accommodation provided is for short-term duration only.	S10 No visitor at a Bed and Breakfast or Home Stay stays more than 14 nights consecutively.

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4.11 Telecommunication Facilities Code

(1) Purpose

(a) The purpose of the Telecommunication Facilities Code is the achievement of the overall outcomes for the development of telecommunication facilities.

(b) The overall outcomes sought are:

(i) Telecommunications facilities that are compatible with the physical characteristics of the site where they are located and the character of the local area; and

(ii) Telecommunications facilities do not cause nuisance or unacceptable risks to public health and safety.

(2) Elements

(a) Siting and design

Specific Outcomes		Probable Solutions (Code Assessment)	
O1	Development is consistent with the scale of existing buildings and other works on the site and/or in the locality where they are located, and not visually dominant or obtrusive.	S1	(a) Facilities are located underground; or (b) Facilities are: (i) below the level of the predominant tree canopy or surrounding premises; and (ii) camouflaged through the use of colours and materials which blend into the visual landscape; or (iii) integrated with an existing building or structure by: – not involving any freestanding elements; – concealment as an integral part of a building or structure; – not increasing the bulk and height of the building or structure of which it forms a part; and/or (iv) co-located with other utility facilities.
O2	Development sited to minimise overshadowing of adjacent residential premises.	S2	Where facilities are: (a) higher than 8.5 metres in the Residential Zone or 12 metres elsewhere; and (b) greater than 20m^2 in cross-sectional (vertical) area, shadow diagrams are to be submitted which demonstrate that sunlight penetration to the living room windows of dwellings on adjacent sites is not significantly reduced to less than 3 hours between 9am and 3pm on June 21 or December 21.

(b) Health and Safety

Specific Outcomes	Probable Solutions (Code Assessment)
O3 Emissions of light, noise, vibration or radiation are managed to ensure: ◗ nuisance is not caused beyond the site boundaries; ◗ applicable State and national standards and requirements are satisfied; ◗ unacceptable risks to the environment and to personal and public safety are not caused; and ◗ as necessary, public access is restricted to satisfy health and safety requirements.	S3 (a) Emission levels from equipment and infrastructure comply with relevant industry standards as demonstrated through an approved written statement or certification provided by the carrier. and (b) Warning information signage and security fencing is provided on site to prevent unauthorised entry.

Division 3 – Issue Codes

4.12 Advertisement Code

(1) Purpose

(a) The purpose of the Advertisement Code is the achievement of the outcomes sought for the placement and construction of advertising devices.

(b) The overall outcomes sought are:

(i) Advertisements are compatible with the physical characteristics of the site, the character and built form of the premises on the site and the amenity of the local area.

(ii) Advertisements are safely constructed and secured and do not create a hazard.

(iii) The visual amenity of the Shire is protected from adverse effects of the proliferation of advertisements and associated visual clutter.

(iv) The community's ability to find premises and move between places in the Shire is enhanced through the use of advertisements.

(2) Elements

(a) Number of Signs

Specific Outcome	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
O1 Signs do not create visual clutter or visually dominate the built form or landscape.	S1 The total number of signs on a site is limited to: (a) For premises in the residential zone, a single sign associated with a Home-based Business (b) For premises in the Business Zone or Industry Zone: (i) directional signs; (ii) a single wall or fascia sign per tenancy or if a development comprising multiple tenancies, a single pylon sign per site; and (iii) an awning sign per tenancy. (c) For premises used for Recreational Purposes or Community Purposes: (i) directional signs; (ii) a single fascia, wall or over awning sign per tenancy.

(b) Design and Siting

Specific Outcome	Acceptable Solutions (Self-assessment) and Probable Solutions (Code Assessment)
O2 ◗ Advertisements are designed and constructed of materials which complement the material used in the buildings on the site; and ◗ Advertisements are consistent with the scale and integrated with the design of buildings and other works on the site and the locality and contribute to the character and amenity of the streetscape; and ◗ Advertisements are sited on premises to: – avoid confusion with traffic signs, or reduction in their visibility or conspicuous nature; and – avoid hazards to vehicular or pedestrian traffic due to their location or illumination; and – assist with identification purposes rather than advertising. ◗ Advertisements are not located so as to disrupt important viewsheds.	S2 (a) Advertisements are located on the premises to which they relate. (b) Advertisements are limited to wording which identifies: (i) name of the business occupying the premises; and; (ii) location of the premises; and (iii) nature of the business; and (iv) products manufactured or sold by the business premises; and (v) contact details for the business; and (c) Advertisements are located at the front façade or within the frontage setback of a building; and (d) Advertisements are designed and constructed in accordance with the criteria applicable to the type of sign stated in column 1 of Table 5 and illustrated in the corresponding diagram in column 2 of the table; and (e) Advertisements are not painted directly onto a building or any other wall or barrier; and (f) Advertisements are not: (i) lit from an external source which can be seen directly from the road pavement; or (ii) continually changing (e.g. variable message sign); or (iii) similar to or imitating traffic signs and devices; or (iv) rotating; or (v) using flashing or rotating lights.

(3) Definition of types of advertising devices

In this Code:

"awning fascia sign" means a sign attached to the fascia of an awning.

"below awning sign" means a sign attached to and supported below the awning.

"building fascia sign" means a sign attached to the fascia of a building.

"directional sign" means a sign ≤0.3 m^2, indicating the location of a community facility and intended purely to direct members of the public to that facility.

"ground base sign" means a sign permanently attached to the ground on its own supportive structure independent of any building, but not including a pylon sign.

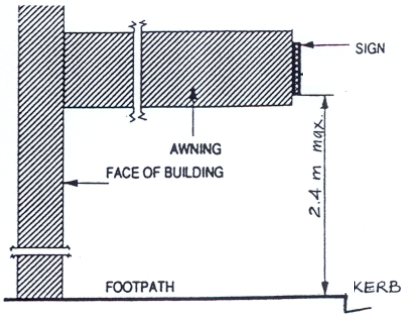
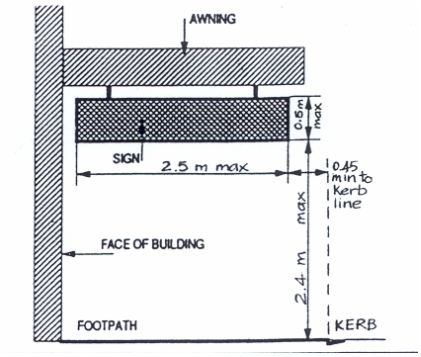
"hanging sign" means a sign suspended from a bracket attached to a wall or a pole.

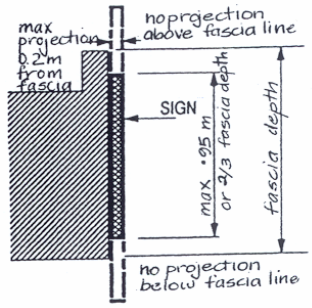
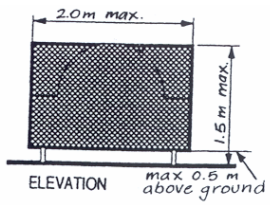
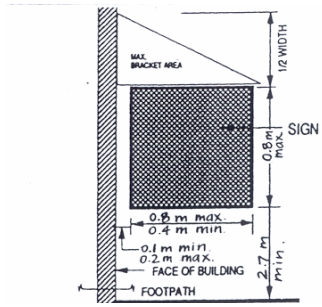
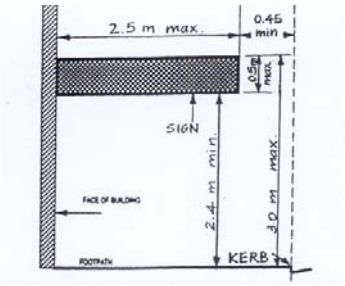
"horizontal projecting wall sign" means a sign attached to and projecting from the street façade of a building with the greater dimension being the projecting horizontal distance.

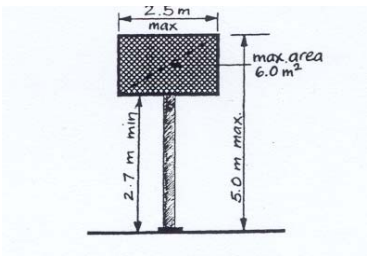
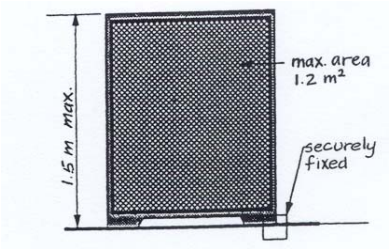
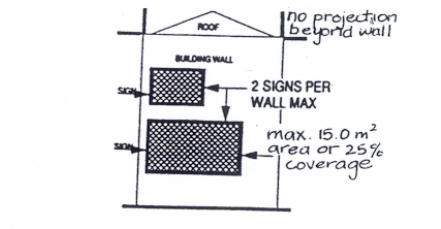
"pole or pylon sign" means a sign erected on a pole or pylon independent of any building or other structure.

"portable sign" means a sign not permanently attached to the ground or building structure that may be easily relocated.

Table 5

Column 1 **Criteria**	**Column 2** **Diagram**
(a) Awning fascia sign	
(i) no projection above or below the fascia of the awning; and (ii) minimum ground clearance of 2.4 metres.	
(b) Below awning sign	
(i) maximum depth of 0.45 metres; (ii) maximum width of 0.3 metres; (iii) no projection beyond the width of the awning or greater than 2.5 metres in length, whichever is the shorter; (iv) no projection within 0.45 metres of the vertical projection of the kerb; (v) not closer than 2.5 metres to any other below awning sign; (vi) minimum ground clearance of 2.4 metres; and (vii) nothing suspended from it.	

Column 1 Criteria	Column 2 Diagram
(c) Building fascia sign	
(i) no projection above or below the fascia of the building; (ii) not greater than two-thirds the depth of the fascia, or 0.95 metres, whichever is the lesser; and (iii) no projection more than 0.2 metres from the vertical face of the fascia.	
(d) Ground base sign	
(i) free-standing; (ii) maximum length of 2.0 metres; (iii) maximum height of 1.5 metres; (iv) maximum ground clearance of 0.5 metres; and (v) no part of the framework exposed except for supports.	
(e) Hanging sign	
(i) maximum depth of 0.8 metres; (ii) width between 0.4 metres and 0.8 metres; (iii) distance from the wall between 0.1 metres and 0.2 metres; (iv) height of bracket not greater than half the width of the sign; (v) minimum ground clearance of 2.7 metres; and (vi) not within 1.2 metres of side boundaries.	
(f) Horizontal projecting wall sign	
(i) maximum depth of 0.6 metres; (ii) maximum length of 2.5 metres; (iii) no projection within 0.45 metres of the vertical projection of the kerb; (iv) maximum height of 3.0 metres; and (v) minimum ground clearance of 2.4 metres.	

Column 1 **Criteria**	**Column 2** **Diagram**
(g) Pole or pylon sign	
(i) maximum height of 5.0 metres; (ii) minimum ground clearance of 2.7 metres; (iii) maximum area of 6.0 m^2 for each face; (iv) maximum length of 2.5 metres; (v) maximum width of 0.3 metres; and (vi) no movement or rotation;	
(h) Portable sign	
(i) maximum area of 1.2 m^2 per side; (ii) maximum height of 1.5 metres; (iii) not located on any road reserve, including footpaths and landscaped areas, or public right of way, unless otherwise approved by Council; (iv) not visible from outside the site when the premises are not in use; and securely fixed (e.g., by chain to a pole or a ground anchor point).	
(i) Wall sign	
(i) no more than two signs on any wall; (ii) no projection beyond the walls; and (iii) total maximum area of 15m^2 for all signs or 25% of the area of the wall, whichever is the lesser.	

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4.13 Clearing Code

(1) Purpose

(a) The purpose of the Clearing Code is the achievement of the overall outcomes sought for the control of clearing.

(b) The overall outcomes sought are:

(i) The visual integrity of the natural landscape is not significantly impacted by indiscriminate and unnecessary clearing;

(ii) Ecological features and processes that underpin the biodiversity of the Shire are not disturbed by inappropriate clearing;

(iii) Vegetation in areas vulnerable to land degradation is not cleared, unless such clearing is required for the management of the degradation.

(2) Elements

(a) Vegetation Management

Specific Outcomes	
O1	Nature conservation values and water quality of wetlands, lakes and springs are maintained.
O2	Viable networks of wildlife habitat are maintained.
O3	Watercourses and adjacent habitat are protected by: (a) maintaining bank stability by protecting against erosion and slumping; (b) maintaining water quality by filtering sediments, nutrients and other pollutants; (c) maintaining aquatic habitat; and (d) maintaining wildlife habitat.
O4	The soil resource is protected against the loss of chemical and physical fertility through erosion or mass movement.
O5	The landscape is protected against increased salinity or waterlogging.
O6	Land proposed to be cleared is capable of sustainable use, where the proposed use is for Farming.

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SCHEDULE 1 – DICTIONARY

Division 1 – Definitions of Uses and Other Development Activities

Column 1 Defined Purpose/Development Activity	Column 2 Purpose Group
Accommodation building	Residential Purposes
Adult products shop	Commercial Purposes
Advertisement	Other Development Activities
Animal keeping	Rural Purposes
Annexed apartment	Residential Purposes
Aquaculture	Rural Purposes
Bed and breakfast	Residential Purposes
Borrow pit	Ungrouped Purposes
Car park	Ungrouped Purposes
Car wash	Industrial Purposes
Caravan park	Residential Purposes
Caretaker's residence	Residential Purposes
Child care centre	Community Purposes
Clearing	Other Development Activities
Dual occupancy	Residential Purposes
Dwelling house	Residential Purposes
Extractive industry	Industrial Purposes
Farming	Rural Purposes
Funeral parlour	Commercial purposes
Garden centre	Commercial Purposes
General industry	Industrial Purposes
Health Centre	Commercial Purpose
Home-based business	Residential Purposes
Hotel	Commercial Purposes
Indoor entertainment	Recreational Purposes
Indoor sports facility	Recreational Purposes
Institutional residence	Residential Purposes
Landscape supplies	Industrial Purposes
Light industry	Industrial Purposes
Local utility	Community Purposes
Machinery repair station	Industrial Purposes
Major utility	Community Purposes
Market	Commercial Purposes
Multiple dwelling units	Residential Purposes

Column 1 Defined Purpose/Development Activity	Column 2 Purpose Group
Office	Commercial Purposes
Outdoor sport and recreation	Recreational Purposes
Park	Recreational Purposes
Produce store	Commercial Purposes
Restaurant	Commercial Purposes
Retail warehouse	Commercial Purposes
Sales or hire premises	Commercial Purposes
Service station	Industrial Purposes
Shop	Commercial Purposes
Show room	Commercial Purposes
Special purpose	Community Purposes
Storage premises	Industrial Purposes
Take-away food store	Commercial Purposes
Telecommunications facility (medium impact)	Community Purposes
Tourist facility	Ungrouped Purposes
Transport terminal	Industrial Purposes
Vehicle depot	Industrial Purposes
Veterinary surgery	Commercial Purposes

Column 1 Use or Other Development	Column 2 Definition
Accommodation building[34]	Premises for the purposes of providing accommodation, comprising only rooming units, (including motels, boarding-houses, guest houses, itinerant workers accommodation, hostels, serviced rooms, student accommodation, or any similar use), but does not include a Bed and breakfast, Caravan park, Institutional residence, Retirement village, or any other separately defined residential premises. The term includes a building or buildings or any parts thereof used for the provision of meals to residents (whether or not such facilities are open to public use), common room facilities and the like, or for the purposes of a manager's residence/office, restaurant and conference facilities.
Adult products shop	Premises being: (a) a free-standing betting agency; (b) a free-standing liquor shop; or (c) an establishment for the sale (or hire) of sexually explicit materials.
Advertisement	Means any device, structure or sign intended for advertising purposes that is visible from a road or other public place, and includes any framework or supporting structure that is provided exclusively or mainly as part of the advertisement.

[34] Accommodation building are primarily Class 1(b) or Class 3 buildings under the BCA

Column 1 Use or Other Development	Column 2 Definition
Animal keeping	Premises involving: (a) a hobby or commercially operated boarding and/or breeding and training kennel or cattery, (d) a dog pound, or (e) the keeping of a greater number of animals than constitutes domestic pets under Council Local Laws and where not being associated with farming on the premises.
Annexed apartment	Part of a dwelling house comprising a semi- independent apartment or area providing residential accommodation within or attached to the dwelling house, where the apartment: (a) may be self-contained; but (b) does not have a title separate to that of the dwelling house; and (c) contains only one bedroom; and (d) is visually integrated with the dwelling-house and not able to be identified as forming a separate dwelling unit; and (e) the total site cover of all buildings on the site does not exceed 50%. The term does not include a Caretaker's residence or Retirement village as separately defined.
Aquaculture	Premises for the cultivation of live fisheries resources[35].
Bed and breakfast	Premises for the provision of overnight accommodation, including meals, provided to tourists and travellers by the occupiers of the dwelling house on the site. The term includes any dwelling unit or room provided within the curtilage of the dwelling house.
Borrow pit	Premises for taking quarry-resource material from pits on the land for road building purposes where involving an annual extraction rate of up to 1 500 cubic metres of material.
Car park[36]	Premises for the parking of motor vehicles where such parking is not an ancillary activity on the site.
Car wash	Premises for washing of motor vehicles by means of mechanical, hydraulic or pneumatic means.
Caravan park	Premises for the parking and/or siting of two or more caravans (with or without fixed annexes) and/or relocatable homes for the purpose of providing accommodation for fee or reward. The term includes camping areas and/or onsite cabins for short-term accommodation where such camping areas and cabins are ancillary to caravan and/or relocatable home accommodation. The term also includes any manager's office and residence, any amenity buildings and any recreation and entertainment facilities that cater exclusively for the occupants of the caravan park. The term does not include Accommodation building or Multiple dwelling units as separately defined.
Caretaker's residence[37]	Premises comprising a dwelling unit only for care-taking purposes in association with a non-residential purpose conducted lawfully on the same site and includes enjoyment of domestic pets, domestic horticulture and home occupation.

[35] "fisheries resources" has the meaning prescribed by the *Fisheries Act 1994*
[36] Car parks are Class 7(a) buildings under the BCA
[37] A Caretaker's residence is a Class 4 or Class 1(a) building under the BCA

Column 1 Use or Other Development	Column 2 Definition
Child care centre	Premises operated on a commercial basis for the minding or care, but not residence, of children. The term includes a crèche, nursery school or kindergarten but does not include family day care[38].provided as part of a dwelling house.
Clearing	Means removal or destruction by any means of vegetation where such clearing is not reasonably part of other site development in the form of assessable material change of use, works or reconfiguring a lot.
Dual occupancy	Premises comprising two dwelling units, proposed for separate occupation and intended or capable of being individually titled to provide separate ownership whether or not attached.
Dwelling house[39]	Premises for a single detached dwelling unit on a site together with outbuildings necessary for purposes ancillary to occupation of the dwelling unit and including: (a) keeping of domestic pets (b) domestic horticulture (c) family day care (d) home activities The term does not include an Accommodation building, Dual occupancy or Multiple dwelling units.
Excavation or Filling	Removal or placement of soil, sand, gravel, rock or similar materials which results in a change to the surface profile.

[38] As defined by the Child Care Act 2002, and Child Care Regulation 2003.
[39] Houses are Class 1(a) buildings under the BCA

Column 1 Use or Other Development	Column 2 Definition
Extractive industry	Premises operated as a business for the winning on or from the land, and/or treatment/processing on the land or on adjacent land, of gravel, rock, sand, soil, stone, or other similar materials, including overburden. The purpose includes works undertaken to avoid or mitigate significant environmental impacts during operations and approved rehabilitation works. The purpose does not include: (a) the removal of materials authorised by the *Local Government Act*, or (b) mining within the meaning of the *Mineral Resources Act,* or (c) earthwork associated with *bona fide* rural activities on a rural property such as the construction of a dam. The term also does not include a Borrow pit as separately defined.
Farming	Premises: (a) for the growing of crops, pastures, turf, flowers, fruit, vegetables and the like on a commercial basis, (b) for commercial forestry; (c) for the keeping, feeding, breeding, depasturing or stabling of any animal. The term includes animal breeding establishments, holding yards, hatcheries and the keeping of working farm animals, but does not include Aquaculture, or Animal keeping as separately defined, (d) for the processing and packaging of rural produce grown on site, (e) for the display and sale of any rural produce grown or produced on the site or on adjoining land in a roadside stall[40], (f) for a wholesale nursery for the propagation and growing of potted plants and/or plants to be sold by retail through a garden centre located on another site. The term does not include the sale by retail of any plants or garden/landscape material on the site. The purpose includes earthwork associated with *bona fide* rural activities on a rural property such as the construction of a dam.
Funeral parlour[41]	Premises for the arrangement and conduct of funerals, memorial services and the like by undertakers. The term includes the storage and preparation of cadavers for burial or cremation and the display and sale of goods associated with the conduct of funerals.
Garden centre	Premises for the display and sale, by retail, of plants suitable for gardening or landscaping whether or not such plants are grown on the site. The term includes ancillary activities for the display and sale of such items as seeds, pots, packaged fertilisers and potting mixes and gardening tools.
General industry[42]	Premises for a business purpose for any industrial activity that is not separately defined.

[40] Refer to non-purpose definition of 'roadside stall'
[41] Funeral parlours are Class 6(c) buildings under the BCA
[42] General industry premises are generally Class 8 buildings under the BCA.

Column 1 Use or Other Development	Column 2 Definition
Health centre[43]	Premises for the medical or paramedical care or treatment of people not resident on the site. The term includes such typical premises as medical and dental surgeries; clinics for specialists as well as physiotherapy, massage and naturopathy; pathology labs; counselling rooms, psychiatric and psychological consulting rooms; nursing services and the dispensing of pharmaceuticals associated with the use of the premises as a health centre. The term does not include Home-based businesses, hospitals (refer Special purpose), or Retirement villages as separately defined.
Home-based business	An occupation or profession carried on as a commercial enterprise in, under or otherwise on the same site as a dwelling unit and ancillary to the primary use of the premises as a dwelling unit.
Hotel[44]	Premises for the retail sale of liquor that is the subject of a general licence under the *Liquor Act 1992* and may include ancillary activities such as dining facilities, rooming units, a mini-brewery, gaming machines and betting agency.
Indoor entertainment	Premises for any local non-sporting recreational activity or leisure pastime that is conducted wholly or mainly indoors. The term includes such typical premises as: (a) cinemas, (b) theatres, (c) amusement centres (including premises having more than two pinball or electronic game machines), (d) licensed and unlicensed clubs, and the like including facilities for the associated enjoyment and convenience of participants and spectators.
Indoor sports facility	Premises for any local sporting activity which is conducted wholly or mainly indoors, such as indoor sports and fitness centres, gymnasium, bowling, squash courts, skating and the like, including facilities for the associated enjoyment and convenience of participants and spectators. The term does not include a clubhouse associated with or ancillary to an Outdoor sport and recreation or Park.
Institutional residence	Premises for any of the following purposes or any like purpose which is not separately defined and where the premises is under the control of a resident supervisor: (a) a convent/monastery; or (b) home for social welfare accommodation including associated counselling and advisory services; or (c) an orphanage or home for people with physical or mental disabilities; or (d) the care of people not receiving full-time medical treatment who are resident at the premises. The term includes a rehabilitation centre, a refuge, a half-way house or similar activity and accommodation for staff of the facility. The term does not include a gaol, remand centre, nursing home, retirement village, hospital or reformative institution.

[43] Health centres are Class 5 and/or Class 8 buildings under the BCA
[44] Hotels are Class 6 (b) buildings (with any residential part being Class 3 (b)) under the BCA

Column 1 Use or Other Development	Column 2 Definition
Landscape supplies	Premises for the storage and/or sale of sand, soil, screenings and other such garden and landscaping materials where such material is stored on site for sale or distribution in quantities greater than one cubic metre. The term includes the ancillary use of such premises for the sale, or displaying or offering for sale (in any quantity), of such items as: (a) seeds, plants, or other propagative plant material; (b) goods associated with the cultivation of plants; (c) garden ornamentation, furniture or structures; (d) garden tools or equipment. The term does not include Farming, Extractive industry, or Garden centre as separately defined.
Light industry[45]	Premises for business purposes for any small-scale industrial activity which is not ancillary to another on the site and which: (a) does not require an environmental licence, nor is a notifiable activity, under the *Environmental Protection Act*; and (b) involves the storage of only minor quantities of dangerous goods[46] on the site; and (c) is, or is similar to, any of the following: (i) making any of the following: • biscuits, bread, cake or pastry • fashion accessories • flags and pennants • footwear • furniture and cabinet ware • garments • jewellery • millinery • optical goods (being spectacles and the like) • rubber stamps • signs • soft furnishings (including curtains and the like) • surgical prostheses • toys • trophies

[45] Light industry premises are generally Class 8 buildings under the BCA.

[46] As defined in Schedule 1 Division 2 – Dictionary – Administrative Terms.

Column 1 Use or Other Development	Column 2 Definition
	(ii) assembling any of the following from components manufactured elsewhere: • aids and appliances for the disabled • audio-visual equipment • barbecues • bicycles (not motorised) • blinds • camera and other portable photographic equipment • clocks and watches • computers or computer equipment • 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 instruments • sewing machine • sports equipment (other than ammunition, vehicles and water craft) • television and video equipment • umbrellas (iii) repairing or servicing any of the following: • any item mentioned in (i) or (ii) above • canvas goods, tents and camping soft goods • drawing or writing instruments • leather goods (not including small stall-based repair facilities) • motor mowers and portable gardening equipment • power and other tools • small articles of a personal or domestic nature (other than furniture) or works of art

Column 1 Use or Other Development	Column 2 Definition
	(iv) used as: • commercial laundry or dry cleaning establishment • commercial printery, document duplicating or photocopying • engraving (by hand) • laboratory facilities • locksmith services • photographic film processing (where not ancillary to a shop) • photographic plate-making, sign-writing and similar processes • picture framing • artist's or recording studio facilities
Local utility	Premises other than parkland for: (a) any of the undertakings of the Council or other public sector agency for which an environmental authority (under the *Environmental Protection Act*) is not required, including: (i) the conveyance of water, sewerage and stormwater drainage; (ii) the provision of neighbourhood or district community services such as libraries, museums, theatres, galleries, tourist information facilities, and the like; (iii) the provision and maintenance of roads and traffic control devices; (iv) administrative offices; (v) the provision and maintenance of premises and facilities for public spaces and for conservation purposes; and/or (vi) such other public purposes carried out by the Council pursuant to the *Local Government Act*; (b) the reticulation of electricity or gas; (c) public transport facilities other than depots, workshops or offices; (d) postal services; (e) the following telecommunications facilities:[47] (i) communication dishes in any commercial, industrial or rural precinct where the dish has a diameter not exceeding 1800 mm; (ii) pits and manholes which do not unduly vary the streetscape; (iii) groups of up to four payphone cabinets; and (iv) temporary facilities, for the purpose of providing additional network capacity or facilities, during special events or at other times of excessive demand, for a maximum duration of three months.
Machinery repair station[48]	Premises for servicing, repairing or maintaining motor vehicles or motor vehicle equipment, agricultural and mining machinery, plant or other equipment, machinery and the like, including engine tuning, engine reconditioning, radiator repairs and panel beating and where enclosed within a building, spray painting. The term does not include Service stations as separately defined.

[47] Note: Some additional limited telecommunications facilities may be defined as low impact under the Telecommunications (Low Impact Facilities) Determination 1999 and are exempt from the Planning Scheme and provisions.

[48] Machinery repair stations are Class 8 buildings under the BCA

Column 1 Use or Other Development	Column 2 Definition
Major utility	Premises for the purposes of any installation or undertaking for: (a) the generation and/or supply of electricity or gas; (b) the storage and/or treatment of water, sewerage or garbage; (c) the provision of Shire-wide or regional community services such as major multipurpose venues for sport, culture and entertainment activities; (d) public transport facilities by way of depots, workshops or offices; (e) a gaol, reformatory or similar penal establishment; (f) any State or Federal government infrastructure/utility purpose not defined as a Special use; (g) a depot operated by or for the Council, other public authority or statutory corporation; (h) rail or water based transport; (i) air craft landing facilities (including a heliport) and associated navigational aids (j) any infrastructure or utility activity which requires an environmental licence, or is a "notifiable" activity, under the *Environmental Protection Act*; and (k) telecommunication facilities which are not determined to be low impact facilities, and which are of a scale or nature likely to have a significant adverse impact on the natural or built environment, including (but not limited to) any of the following: (i) towers or other structures more than 15 metres in height; (ii) any aboveground facility on or adjoining a site of cultural heritage significance, and (iii) aerial cabling in or immediately adjoining urban areas. The term does not include Local utility as separately defined.
Market	Premises (whether or not for a limited duration or indoors or outdoors), for the sale of home or farm produced products, artefacts and/or general merchandise, where the premises comprise a series of individual stalls, booths or the like. The term includes any eating and amenity facilities provided for the enjoyment of customers.
Multiple dwelling units[49]	Premises that comprise an integrated development of three or more dwelling units on a site, or two or more dwelling units on a site, where such units are provided to the rear of, or on floors above ground floor commercial premises. The term includes outbuildings necessarily associated with human occupation on the site and home activities associated with the individual dwelling units. The term does not include Accommodation building, Bed and Breakfast, Caravan park, Dual occupancy, Institutional residence, Annexed apartment or Retirement village as separately defined, but may include a manager's residence forming part of a multiple dwelling units premises.
Office[50]	Premises for office activities that are oriented towards the provision of administration, clerical, technical, and/or professional services as a business/commercial operation. The term includes a bank but does not include any manufacture and/or selling of goods.

[49] Multiple dwelling units are Class 1(a)(ii) or Class 2 buildings under the BCA
[50] Business offices are Class 5 buildings under the BCA

Column 1 Use or Other Development	Column 2 Definition
Outdoor sport and recreation	Premises for any local sporting or recreational activity, or other leisure pastime, which is conducted wholly or mainly outdoors including facilities for the associated enjoyment and convenience of participants and spectators. The term includes such typical premises as showgrounds, (outdoor) public swimming pools, drive-in theatres, race tracks, golf courses and driving ranges, mock-combat activities, outdoor courts and sportsgrounds, and the like. The term also includes the provision of clubhouse and other ancillary facilities, but does not include a Park.
Park	Premises for free outdoor public recreation and enjoyment, and possibly also for any or all of the following: (a) provision of a visually pleasant landscape, (b) maintenance of natural processes, and protection of environmentally sensitive areas and/or culturally significant places, and/or (c) educational opportunities associated with the recreation and/or conservation values of the park or area. The term includes such ancillary facilities for park users as sporting and playground equipment, shelters, walking trails, car parking areas, educational facilities, barbecue and picnic facilities, seating, toilets and lighting.
Produce store	Premises for the storage and sale of goods required for farming and other rural activities without major production or packaging on-site.
Restaurant[51]	Premises for preparing and selling substantial meals and foods to the public for immediate consumption mainly or exclusively on the premises (such as cafes, coffee shops, bistros, function centres and tea rooms) including entertainment. The term does not include Take-away food store as separately defined nor refreshment areas ancillary to Indoor entertainment, Indoor sports facilities and Outdoor sport and recreation facilities where such areas are provided for the exclusive use of patrons only.
Retirement village[52]	Premises for residential accommodation by (exclusively or primarily) elderly or retired persons where the premises: (a) include dwelling units, and/or rooming units, and/or nursing home facilities; (b) provide on-site opportunities for social and recreational pursuits, including communal facilities; (c) provide on-site medical services for residents; (d) are of an integrated design and layout, and are managed; and (e) comply with the provisions for licensing and transmission of title under the *Retirement Villages Act.* This term does not include Accommodation buildings, hospital (refer Special use), Institutional residences or Multiple dwelling units as separately defined.

[51] Restaurants are Class 6(a) buildings under the BCA
[52] Retirement villages are Class 2, 3 and/or 9 buildings under the BCA

Column 1 Use or Other Development	Column 2 Definition
Sales or hire premises	Premises for: (a) the sale, hire or leasing of any construction or industrial plant and equipment, motor vehicles, caravans, boats, agricultural and other machinery, trailers, other demountable and transportable structures, and the like, where such items are stored thereat; or (b) the displaying for sale, hire or leasing of any of the items referred to in (a) above; or (c) a timber yard. The term includes any ancillary activity of the premises for: (a) routine servicing of any of the items sold, hired or leased, and/or (b) any ancillary sale or hiring out of portable tools, machinery or equipment.
Service station[53]	Premises for the sale by retail of petrol and automotive distillate or any derivatives there-from; and for all or any of the following ancillary purposes, namely: (a) the sale by retail of lubricants and greases, batteries, tyres, motor vehicle accessories and spare parts, power or lighting kerosene, food and goods for the comfort and convenience of travellers where such does not constitute a Convenience restaurant as defined (b) the carrying out of all or any of the following operations: (i) fitting, removal and exchange of tyres and receipt of tyres for retreading or the like; (ii) repairing of tubes; (iii) supply of compressed air; (iv) charging of batteries; (v) lubrication and greasing of motor vehicles; (vi) cleaning and adjustment and replacement of spark plugs; and (vii) running repairs of a minor nature and of a type which do not normally immobilise a vehicle for a period longer than a day. (c) the rendering of minor services incidental to any of the foregoing.
Shop[54]	Premises for displaying and/or the retail selling of goods to the public. The term also includes premises offering personal grooming services, a commercial art gallery, a video library and premises for the selling of primary produce (whether raw or modified) which cannot satisfy the limitations set out in the definition of roadside stall[55], but does not include any purpose which is otherwise separately defined.
Showroom[56]	Premises, having a gross floor area of more than 450 square metres, for displaying and/or selling bulky domestic goods such as electrical goods, furniture, furnishings, household appliances, hardware and building supplies, sporting equipment, computer hardware and software, liquor or the like, wholly or mainly indoors. The term does not include Garden centres, Shop or Sales and hire yards as separately defined.

[53] Service Station premises are Class 6(d) buildings under the BCA
[54] Shops are Class 6 buildings under the BCA
[55] Refer non-purpose definition of 'roadside stall'.
[56] Showrooms are Class 6(d) buildings under the BCA

Column 1 Use or Other Development	Column 2 Definition
Special purpose	Premises for: (a) cultural, or educational purposes, (b) a health service, hospital, nursing home or other residential health care facility (not being part of a retirement village); (c) Federal Government purposes (having the character of an office use); (d) State Government purposes (having the character of an office use); (e) Statutory Authority purposes (having the character of an office use); (f) any other welfare or public purposes not separately defined. The term includes any of the following activities, or any similar activity: (a) ambulance station, first aid station, fire brigade, police station, emergency services depot; (b) cemetery and crematorium; (c) church, chapel, synagogue, temple, mosque or other place of worship; (d) community hall or centre, senior citizens centre, youth centre, galleries; (e) school, pre-school, college, university and ancillary residential components for staff and students at the premises; (f) a dwelling unit ancillary to the premises, but does not include Child care centre, Local utility, Major utility or Telecommunications facility (Medium Impact) as separately defined.
Storage premises	Premises comprising: (a) a builder's yard or construction or earthmoving contractor's yard; or (b) a container depot; or (c) otherwise for the storage and handling of goods, generally in bulk, whether or not any of those goods are sold by wholesale, where such premises are not for a separately defined purpose. The term includes as ancillary activities: (a) any facilities on the premises for the garaging, inspecting, cleaning and routine servicing of vehicles and containers involved in the Storage premises; and (b) storage of goods in covered stacks or in enclosed structures not being a building but being in the nature of silos, bins, tanks (whether or not underground) or transport containers. The term does not include storage that is an ancillary activity for another use on the same site, or the storage of dangerous goods other than in minor quantities.
Take-away food store[57]	Premises for preparing and selling take-away meals and foods to the public, whether or not facilities are also provided for eating on the premises. The term includes milk bars, snack bars, kiosks and the like and the inclusion of any drive-through facility. The term does not include Restaurant as separately defined.
Telecommunicat-ions facility (medium impact)	Any line, equipment, apparatus, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used by a holder of a carrier's license under the *Telecommunications Act*, or for use, in or in connection with a system or series of systems that carries or is capable of carrying, communications by means of guided or unguided electromagnetic energy whether such facility is manned or remotely controlled, and not being a Local utility or Major utility.

[57] Take-away food stores are Class 6(a) buildings under the BCA

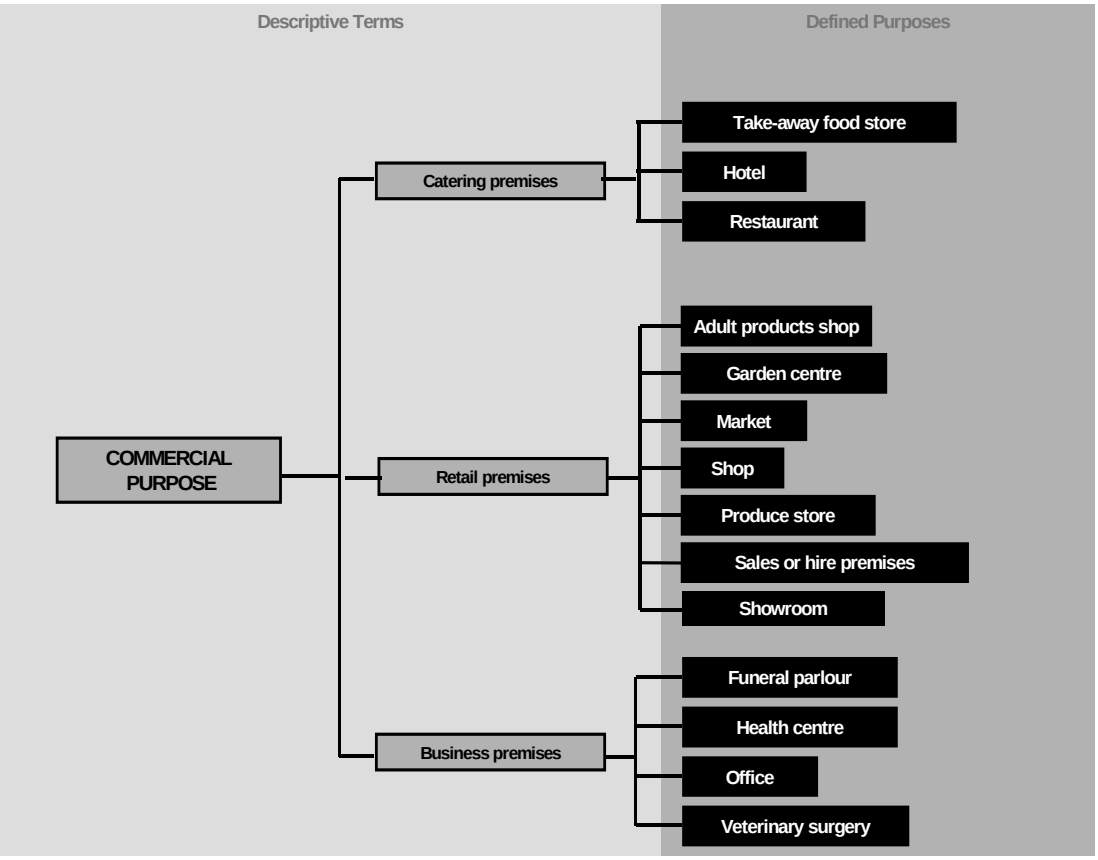
Column 1 Use or Other Development	Column 2 Definition
Tourist facility	Premises providing for the entertainment or recreation of primarily the touring or holidaying public through appreciation of the natural and/or cultural assets of Torres Shire. The purpose includes refreshment and accommodation elements where integrated as ancillary aspects to the facility.
Transport terminal[58]	Premises for a road transport, rail transport or air transport (including heliport) passenger and/or goods terminal, a bus or coach station. The term does not include Vehicle depots as separately defined.
Vehicle depot	Premises for the overnight or longer storage (either in the open or covered) of any one or more buses, trucks, taxis, other motor vehicles, trailers, caravans and/or boats for commercial or public purposes and/or premises used as an operational base or depot for any such vehicles. The term includes: (a) the repair and maintenance of any such vehicles on the premises; or (b) the sale of any such vehicles by wholesale. The term does not include facilities ancillary to another activity on the same site, the retail sale of vehicles, or Car park, Sales or hire premises, or Transport terminal as separately defined.
Veterinary surgery	Premises for treating sick or injured animals, including overnight accommodation of animals undergoing treatment on the site. The term does not include Animal keeping or Intensive animal husbandry as separately defined.

[58] Transport terminal premises are a Class 9(b) building under the BCA

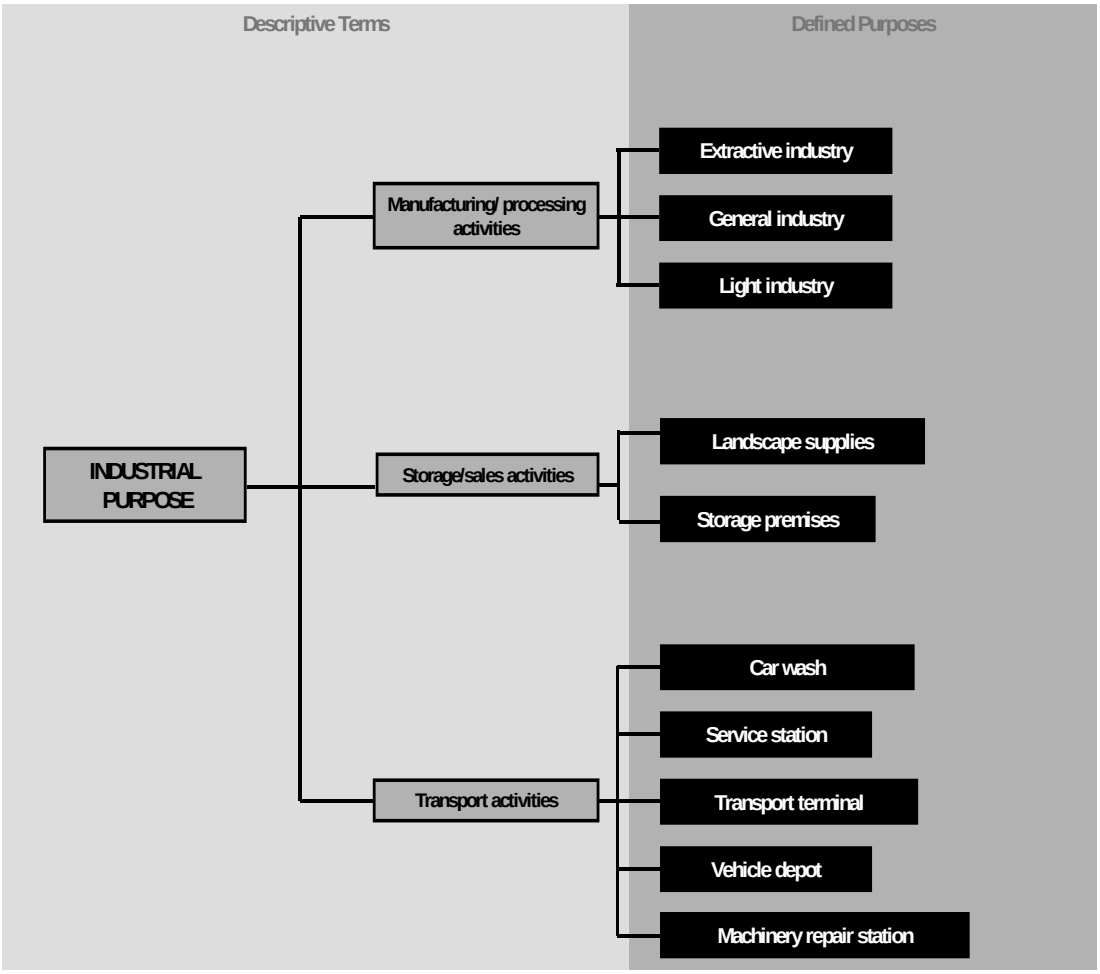
Division 2 – Administrative Terms

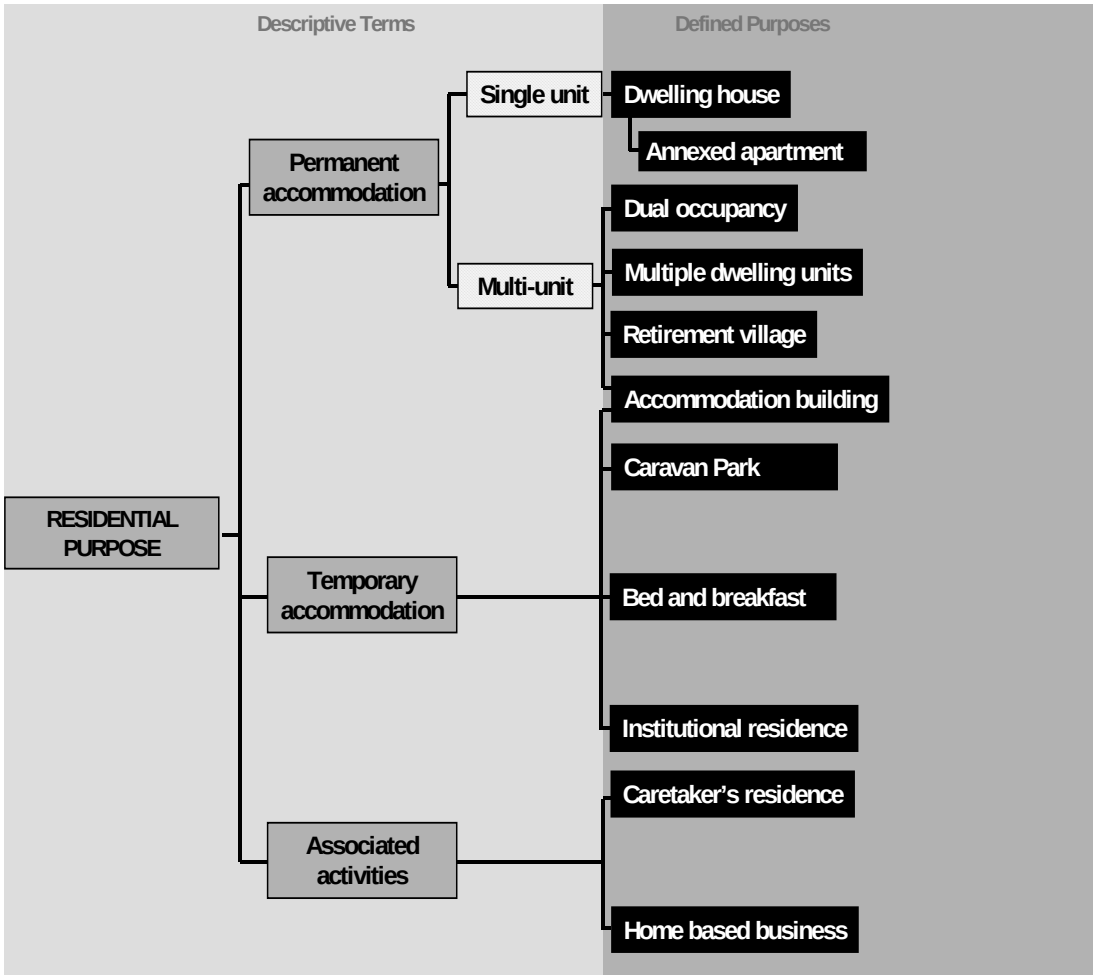
Nesting of Defined Purposes:

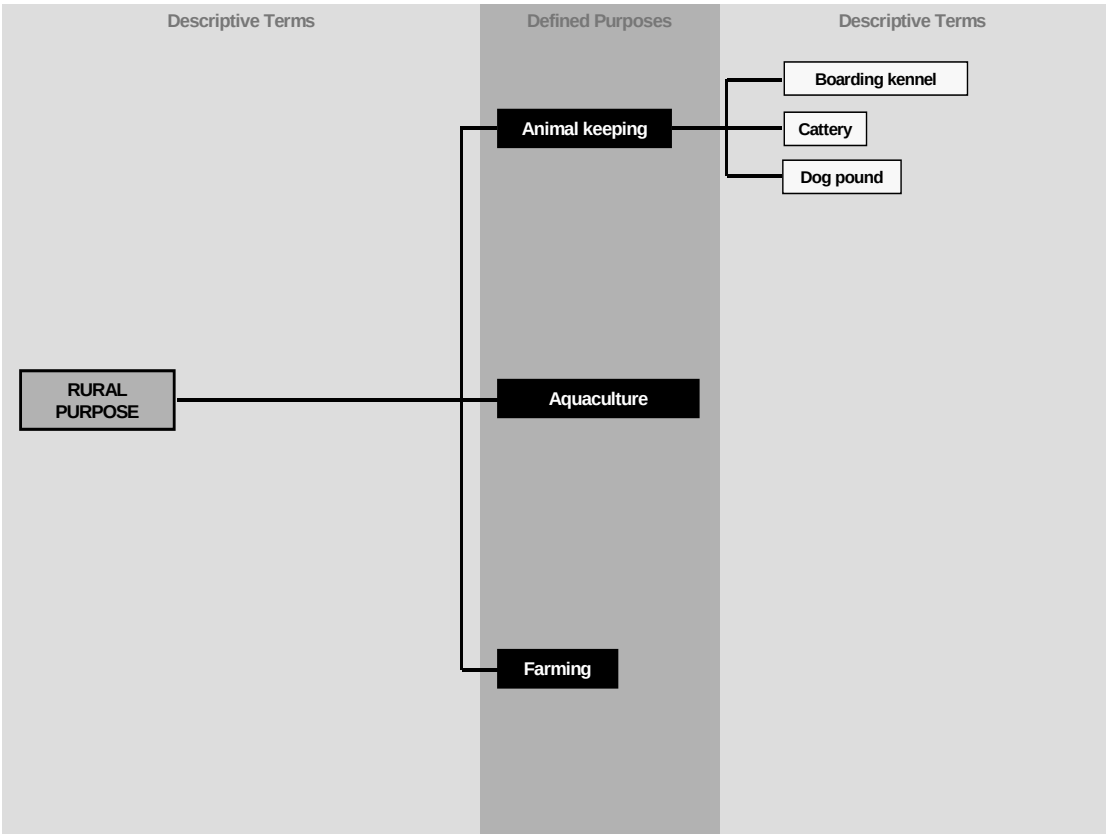
The following diagrams identify Administrative Terms[59] used in this planning scheme to describe nested groups of Defined Purposes and Other Development Activities[60] illustrated in the specific nesting diagram:

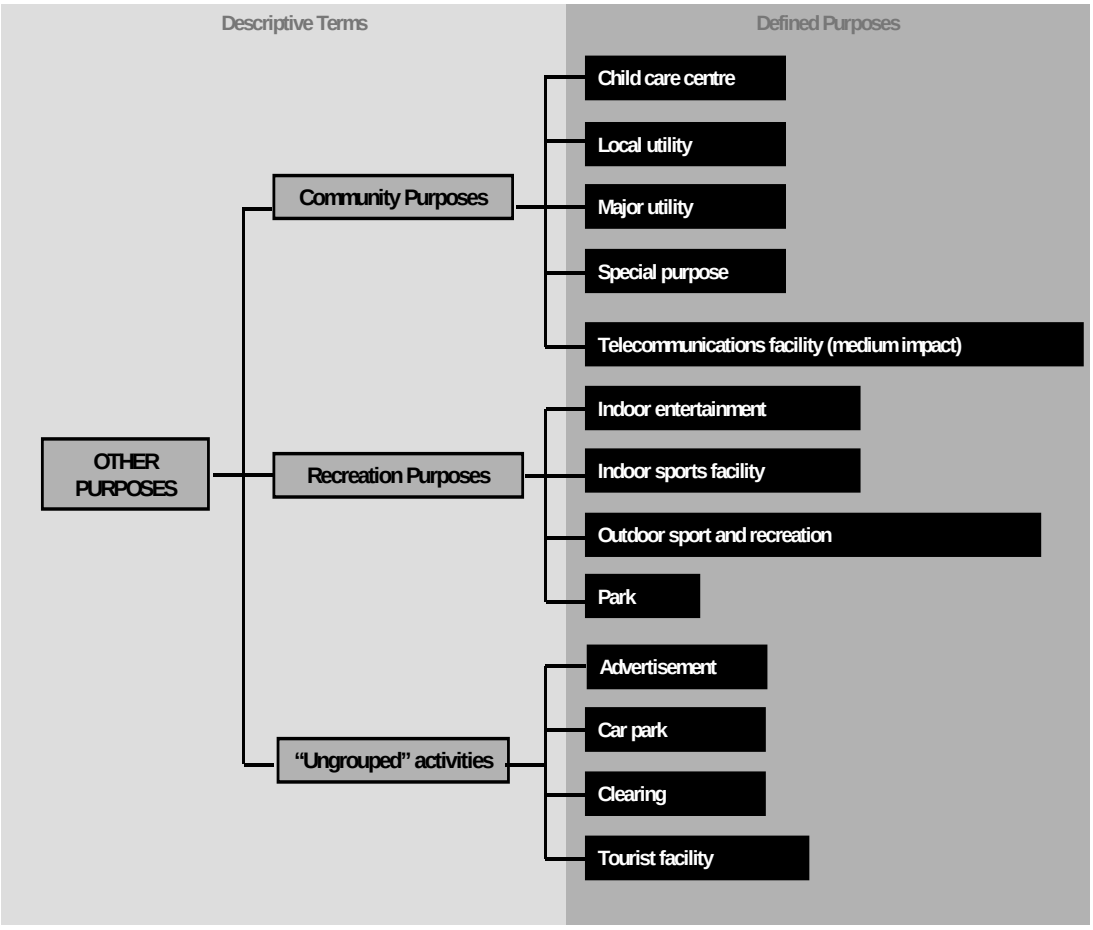


[59] As defined in Division 2 of schedule 1 to this planning scheme.
[60] As defined in Division 1 of schedule 1 to this planning scheme.


Descriptive Terms
Defined Purposes
INDUSTRIAL PURPOSE
Manufacturing/ processing activities
Storage/sales activities
Transport activities
Extractive industry
General industry
Light industry
Landscape supplies
Storage premises
Car wash
Service station
Transport terminal
Vehicle depot
Machinery repair station


Descriptive Terms
Defined Purposes
RESIDENTIAL PURPOSE
Permanent accommodation
Single unit
Multi-unit
Temporary accommodation
Associated activities
Dwelling house
Annexed apartment
Dual occupancy
Multiple dwelling units
Retirement village
Accommodation building
Caravan Park
Bed and breakfast
Institutional residence
Caretaker's residence
Home based business


Descriptive Terms
Defined Purposes
Descriptive Terms
Boarding kennel
Animal keeping
Cattery
Dog pound
RURAL PURPOSE
Aquaculture
Farming


Descriptive Terms
Defined Purposes
OTHER PURPOSES
Community Purposes
Recreation Purposes
"Ungrouped" activities
Child care centre
Local utility
Major utility
Special purpose
Telecommunications facility (medium impact)
Indoor entertainment
Indoor sports facility
Outdoor sport and recreation
Park
Advertisement
Car park
Clearing
Tourist facility

Other Administrative Terms:

(1) To assist the understanding of the provisions of the planning scheme, the following terms have the meanings set out below:

Column 1 Term	Column 2 Meaning
the Act	The *Integrated Planning Act 1997*
Adjacent	For the purposes of the: (a) Protected Areas Special Management Area, the term means premises that contain or share a common boundary with or are within 100 metres of the boundary of premises subject to a development application; or (b) Extractive Resources Special Management Area, the term means premises that contain or share a common boundary with or are within 500 metres of the boundary of premises subject to a development application. (c) Wetlands Special Management Area or Waterways Special Management Area, the term means premises that contain or share a common boundary with premises subject to a development application.
Adverse effects	As described in Annex 2 of *State Planning Policy 1/2002 Development in the Vicinity of Certain Airports and Aviation Facilities*.
Ancillary activity	An activity that is necessarily associated with a particular development but is incidental and subordinate to that development.
Aviation facilities	As defined in section 9 of *State Planning Policy 1/2002 Development in the Vicinity of Certain Airports and Aviation Facilities*.
BCA	The current edition of the *Building Code of Australia*
Buffer	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 park land where the buffer function is incidental to and compatible with the use of that park for other purposes, but shall not otherwise comprise part of any required park contribution
Building envelope	The area defined on a plan that: (a) is defined by metes and bounds; and (b) shows the outer limits of the siting and wall height (where relevant) of each building, structure, private open space, driveway, parking area, garage and carport
Building setback	The horizontal distance between the wall of a building and the lot boundary or wall of another building on the same lot excluding: (a) roof overhangs, sun hoods and cantilevered awnings; and (b) cantilevered balconies, whether or not roofed.
Commencement day	The day upon which this planning scheme is adopted by Council in accordance with the Act
Council	The Council of the Shire of Torres
Cultural heritage significance	Of a building, other structure, premises or place, includes its aesthetic, architectural, historic, scientific, technological or archaeological significance to the present generation or past and future generations. Such significance may be attached to: (a) a building (and may include its surroundings and/or its fittings and furniture), (b) a monument, fence, wall or other structure, (c) a tree, garden or other landscape element, and/or (d) the whole or part of a site or place

Column 1 Term	Column 2 Meaning
Domestic pets	The keeping of animals within the curtilage of a dwelling unit in accordance with Council's relevant Local Law.
Dwelling unit	A building or part of a building used as a self contained residence for one household which includes: (a) food preparation facilities; and (b) bath or shower; and (c) closet pan and wash basin. It includes out–buildings and works normal to a dwelling.
Environmental value	A quality or physical characteristic of the environment, or part of the environment, that is conducive to ecological health or public amenity or safety
Existing	A use, building, other structure or premises that was lawfully in existence, or approved, immediately before the commencement day. Whether such use, building, other structure or premises remains lawful at any given time shall be determined in accordance with the relevant provisions of the Act
Gross floor area	The sum of the areas (inclusive of all walls, columns and balconies whether roofed or not) of all storeys of a building or buildings, excluding: (a) the areas (inclusive of all walls and columns) at any topmost storey of lift motor rooms or air conditioning or other mechanical or electrical plant and equipment rooms; (b) the area of that part of any private balcony whether roofed or not and accessible only from one dwelling or rooming unit, where the combined area of such balconies does not exceed 20% of the maximum allowable gross floor area of the building; (c) the area of any public lobby at ground storey level; (d) the area of any public mall, covered public walkways, or public toilets in a shopping centre; (e) the areas (inclusive of all walls and columns) at any ground storey level (in the case of residential development), or any level below ground storey, of all space used or intended for use for the parking and manoeuvring of motor vehicles
Ground level	In relation to a lot, means the level of the ground on the lot at the date of registration of that lot's title deed.
Ground storey	The storey which has its floor level closest to ground level, measured at the middle of the front wall of the building
Habitable room	As defined in the BCA.
Height	In relation to a building or structure, refers to the vertical distance between ground level and the highest point of that building or structure

Column 1 Term	Column 2 Meaning
Household	An individual or group of individuals whether related or unrelated living together as a single domestic unit
Industry[61]	The term includes any of the following activities: (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; or (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; (vi) any process of scientific or technological research other than for educational purposes or as a minor activity ancillary to a non-industrial purpose on the site; and (b) when conducted as an ancillary activity 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; or (iv) amenities for the comfort and enjoyment of persons working at the premises
Landscape gardening purposes	Means works undertaken in relation to trees, shrubs and other plants which include: (a) planting, pruning, shaping and removing trees, shrubs and other plants located within the curtilage of a dwelling unit; (b) mowing of grass; and (c) domestic horticulture associated with a dwelling unit where up to 15% of a lot may be cleared to provide areas specifically for the planting, growing and harvesting of crops, flowers, fruits and vegetables for domestic consumption.
Mass movement	The term includes soil creep, earth flow, slumping, landslide or rock avalanche.

[61] Premises used for an industry are Class 8 buildings under the BCA.

Column 1 Term	Column 2 Meaning
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, 3, 4, 5, 6, 8 and 9 of the ADG Code involves: (i) quantities less than those specified in the table below:

	Class/Type	Quantity litres/ kilograms
Explosives	Class 1	25 kg/litres
Flammable gases other than LPG Class 2.1	Class 2	
Liquefied petroleum gases	Class 2.1	8,000 litres
Non-flammable/non-toxic gases	Class 2.2	100,000 litres

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

Non-flammable oxidizing gases	Class 2.2(5)	100,000 litres
Poisonous gases	Class 2.3	100 litres
Flammable liquids	Class 3	
	Packaging Group I	20,000 kg/litres
	Packaging Group II	50,000 kg/litres
	Packaging Group III	100,000 kg/litres
Combustible liquids	CI/CII	500,000 kg/litres
Flammable Solids	Class 4.1	100 kg/litres
	Packaging Group I	250 kg/litres
	Packaging Group II	2,000 kg/litres
	Packaging Group III	5,000 kg/litres
Spontaneously combustible solids	Class 4.2	
	Packaging Group I	125 kg/litres
	Packaging Group II	1,000 kg/litres
	Packaging Group III	2,500 kg/litres
Dangerous when wet solids	Class 4.3	
	Packaging Group I	250 kg/litres
	Packaging Group II	2,000 kg/litres
	Packaging Group III	5,000 kg/litres
Oxidising agents	Class 5.1	
	Packaging Group I	1,250 kg/litres
	Packaging Group II	10,000 kg/litres
	Packaging Group III	25,000 kg/litres
Organic Peroxides	Class 5.2	
	Packaging Group I	125 kg/litres
	Packaging Group II	1,000 kg/litres
	Packaging Group III	2,500 kg/litres
Poisonous substances	Class 6.1(a)	
	Packaging Group I	250 kg/litres
	Packaging Group II	2,000 kg/litres
	Packaging Group III	5,000 kg/litres
Infectious substances	Class 6.2	100 kg/litres
Corrosives	Class 8	
	Packaging Group I	1,250 kg/litres
	Packaging Group II	10,000 kg/litres
	Packaging Group III	25,000 kg/litres
Miscellaneous dangerous substances	Class 9	25,000 kg/litres
Goods to dangerous to be transported		200 kg/litres

Column 1 Term	Column 2 Meaning
	(ii) provided that the aggregate quantity of all such dangerous goods on the site at any one time: - in the case of liquids, does not exceed 50,000 litres; - in the case of dangerous goods other than liquids, does not exceed 50,000 kilograms; or - 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 following (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:
Operational airspace	As defined in section 9 of *State Planning Policy 1/02 Development in the Vicinity of Certain Airports and Aviation Facilities*.
Outbuilding	A roofed structure such as a garden shed or garage on the same allotment as a dwelling house, but not forming part of the dwelling house.
Overlay	A layer in the planning scheme that identifies special management areas and is subject to the provisions of Division 9 of Part 3 of this planning scheme
Plan of Development	A plan which has been approved by Council as part of a development approval. This plan shall be incorporated into the conditions of such approval, and shall specify the nature, layout, and extent of the proposed development of the land
Planning scheme area	The whole of the Shire of Torres
Precinct	A geographical division of land in a zone identified for the purposes of this planning scheme
QRDG	The current version of the *Queensland Residential Development Guidelines*

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

Great danger	Packaging Group I
Medium danger	Packaging Group II
Minor danger	Packaging Group III

Column 1 Term	Column 2 Meaning
Relocatable home	A Class 1 building under the BCA that is: (a) factory assembled or built in components and assembled on-site; and (b) designed to be transported from one location to another; and (c) ordinarily able to be moved
Roadside stall	Premises, not exceeding 25m^2 in gross floor area used or intended to be used mostly on an irregular or casual basis for the sale by retail of primary produce grown on the land on which the premises are located. Such produce is sold mostly in small quantities to the travelling public. The term does not include "Produce Store" or "Shop" as defined in this planning scheme
Sensitive receptor	Refers to: (a) a dwelling unit, rooming unit or relocatable home; (b) a child care centre, kindergarten, school or other educational institution; or (c) a health centre or hospital.
Site	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; or (b) only part of one lot; or (c) more than one lot where each lot is contiguous with the other or another lot; or (d) conjointly used lands which are not adjoining lands; (e) and which in rural areas may be a total farm holding operated by the land holder
Site cover	The area of a site covered or proposed to be covered by a building or structure which is expressed as a percentage and measured to: (a) include covered car parking areas and the area contained within the projection of the outer limits of the building onto a horizontal plane; and (b) exclude: (i) driveways and vehicle manoeuvring areas; and (ii) any building or structure used for private recreational purposes as part of a residential purpose; and (iii) roof overhangs and sun hoods; and (iv) balconies whether or not roofed.
Site density	The maximum number of dwelling units or lots permitted on a particular site, or in the case of staged development, that part of the site included in any particular stage: (a) expressed as a ratio between the number of dwelling units or lots and the area of the site, and (b) where the area of the site excludes any balance area and land set aside for public recreation or conservation purposes
Special management area	Part of the planning scheme area requiring special management because of a particular natural or cultural feature or resource that needs to be taken into account in the development and use of premises in that area and is subject to the provisions of Division 9 of Part 3 of this planning scheme

Column 1 Term	Column 2 Meaning
Storey	The space within a building which is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but not a space that contains only: (a) a lift shaft, stairway or meter room, or (b) a bathroom, shower room, laundry or toilet, or (c) garaging designed for not more than three vehicles, or (d) a combination of the above.
Temporary event	An irregular, infrequent, itinerant or random event such that the activity is not conducted for a period of either: (a) 7 hours consecutively, or (b) more than 2 days in every month or 30 consecutive day period, or (c) more than 24 days in a year or consecutive 365 day period (d) in which the activity does not constitute a material change of use of premises. Activities include, but are not limited to, premises used for: (a) a carnival, circus, fair, fete, rodeo, show, community use, or a temporary use pursuant to an authority under the Liquor Act 1992, or the like which is:- (i) of a temporary nature; and (ii) not conducted on a regular basis (that is weekly or monthly) at a fixed venue; or (b) displaying temporary advertising matter; or (c) short-term accommodation where: (i) there is a building approval for the erection of a house on the premises; and (ii) the occupant of the short-term accommodation is the holder of a current owner/builder licence from the relevant government agency; and (iii) suitable arrangement have been made for the provision of ablution, toilet and dishwashing facilities, sewage and sullage collection and disposal, electricity, solid waste collection and disposal and potable water supply; and (iv) such accommodation is for a specified period not exceeding six months; or (d) such other use or activity that is specified in a relevant Planning Scheme Policy.
Zone	A geographical division of the planning scheme area for the purposes of this planning scheme

SCHEDULE 2 - CARPARKING

Division 1 – On-site Carparking Requirements

Column 1 Purpose	Column 2 Minimum Car Parking Requirement	Column 3 Minimum Service Vehicle Space Provision
Rural Purposes:		
Rural purpose	Sufficient spaces to accommodate the amount of vehicle traffic likely to be generated by the particular use	Sufficient space to accommodate the largest service vehicle likely to visit the site
Residential Purposes:		
Accommodation building	1 covered space per dwelling unit or rooming unit and 1 visitor space per 4 dwelling units or rooming units	SRV, where more than 10 dwelling units or rooming units
Bed and breakfast	1 space per room used for the accommodation of travellers or tourists	-
Caravan park	1 covered space per site and 1 visitor space per 4 sites	HRV
Caretaker's residence	1 covered space	-
Dual occupancy	2 spaces, including 1 covered space per dwelling unit. (Tandem car parking will be accepted, providing both car parking spaces are contained wholly within the site. The second car parking space must not impede vehicular access or car parking spaces for the other dwelling unit)	-
Dwelling house	2 spaces (Tandem parking is acceptable where the vehicles are parked wholly within the site)	-
Home-based Business	Sufficient spaces to accommodate the amount of vehicle traffic likely to be generated by the particular use	-
Institutional residence	Sufficient spaces to accommodate the amount of vehicle traffic likely to be generated by the particular use	SRV
Multiple dwelling units	1 covered space per dwelling unit plus 1 visitor space per 4 dwelling units	SRV, where more than 10 dwelling units
Retirement village	1 covered space per dwelling unit plus 1 visitor space per 4 dwelling units	HRV
Other residential purpose	Sufficient spaces to accommodate the amount of vehicle traffic likely to be generated by the particular use	Sufficient space to accommodate the largest service vehicle likely to visit the site
Commercial Purposes:		
Adult products shop	1 space per $25m^2$ GFA	HRV
Funeral parlour	1 space per employee (with a minimum of 5 spaces) plus 1 space per 10 persons capable of	SRV

Column 1 Purpose	Column 2 Minimum Car Parking Requirement	Column 3 Minimum Service Vehicle Space Provision
	being accommodated in the development	
Garden centre	1 space per 300m^2 of site area with a minimum of 6 spaces	AV
Health centre	4 spaces per consulting room plus 1 ambulance space	SRV
Hotel	1 space per rooming unit plus 1 space per 10 m² of bar, lounge, beer garden or other public area plus 1 space per 50 m² of liquor sales area plus a queuing lane for 12 vehicles for any drive through bottle shop	AV
Market	1 space per 25m^2 GFA or total use area	AV
Office	1 space per 50m^2 GFA	-
Produce store	1 space per 25m^2 GFA	AV
Restaurant	1 space per 15m^2 GFA	SRV
Sales or hire premises	1 space per 300m^2 of site area with a minimum of 6 spaces	AV
Shop	1 space per 25m^2 if ≤ 700m^2 GFA and additional 1 space per 10m^2 for GFA exceeding 700m^2.	HRV if ≤ 700m^2 GFA and AV if > 700m^2 GFA
Showroom	1 space per 30m^2 GFA	AV
Take-away food store	1 space per 15m^2 GFA	SRV
Tourist facility	Sufficient spaces to accommodate the amount of vehicle traffic likely to be generated by the particular use, and having regard to the minimum requirements of this schedule for the component uses	AV
Veterinary clinic	1 space per 25m^2 GFA	-
Other commercial purpose	Sufficient spaces to accommodate the amount of vehicle traffic likely to be generated by the particular use	Sufficient space to accommodate the largest service vehicle likely to visit the site
Industrial Purposes:		
Car wash	2 spaces plus queuing space within the site for 4 vehicles using or awaiting use of each washing bay	-
Extractive industry	Sufficient spaces to accommodate the amount of vehicle traffic likely to be generated by the particular use	AV
General industry	1 space per 100m^2 GFA or 1 space per employee at the time of peak accumulation (two heaviest overlapping shifts), whichever is the greater	AV if site has an area ≥ 2000m^2. Otherwise, HRV
Landscape supplies	1 space per 300m^2 of site area with a minimum of 6 spaces	AV
Light industry	1 space per 30 m² GFA or 1 space per 200m² of site area or 4 spaces per tenancy, whichever is greater	AV if site has an area ≥ 2000m^2. Otherwise, HRV

Column 1 Purpose	Column 2 Minimum Car Parking Requirement	Column 3 Minimum Service Vehicle Space Provision
Machinery repair station	1 space per 50m^2 GFA	AV
Service station	Minimum of 5 spaces plus 4 spaces per workshop service bay	AV
Storage premises	2 spaces per 100m^2 GFA	AV
Transport station	1 space per 10m^2 GFA of waiting area	HRV
Vehicle depot	Sufficient spaces to accommodate the amount of vehicle traffic likely to be generated by the particular use	AV
Other industrial purpose	Sufficient spaces to accommodate the amount of vehicle traffic likely to be generated by the particular use	Sufficient space to accommodate the largest service vehicle likely to visit the site
Community Purposes:		
Child care centre	1 space per 5 children, with 60% of the required parking to be designated for staff and may be provided in tandem.	-
Special purpose	As below:	
◗ Church or other place of worship	1 space per 10 seats	
◗ Educational establishment	1 space per employee plus 1 space per 10 students plus set down areas, plus 1 bus parking space per every 50 students	HRV
◗ Hospital	1 space per 4 beds plus 1 space per employee plus 1 ambulance space per 50 beds	AV
Other community purpose	Sufficient spaces to accommodate the amount of vehicle traffic likely to be generated by the particular use	Sufficient space to accommodate the largest service vehicle likely to visit the site
Recreational Purposes:		
Indoor entertainment	1 space per 20m^2 GFA	Sufficient space to accommodate the largest service vehicle likely to visit the site
Indoor sports facility	As below:	Sufficient space to accommodate the largest service vehicle likely to visit the site
◗ Basketball, volleyball, netball courts	2 spaces per court	Sufficient space to accommodate the largest service vehicle likely to visit the site
◗ Bowling alley	3 spaces per alley plus a setdown and pickup area	Sufficient space to accommodate the largest service vehicle likely to visit the site
◗ Gymnasium	1 space per 20m^2 GFA	Sufficient space to accommodate the largest service vehicle likely to visit the site
◗ Indoor cricket	15 spaces per pitch	Sufficient space to accommodate the largest service vehicle likely to visit the site

Column 1 Purpose	Column 2 Minimum Car Parking Requirement	Column 3 Minimum Service Vehicle Space Provision
◗ Skating rinks	1 space per 20m^2 GFA plus a setdown and pickup area	Sufficient space to accommodate the largest service vehicle likely to visit the site
◗ Squash, badminton courts	2 spaces per court	Sufficient space to accommodate the largest service vehicle likely to visit the site
Outdoor recreation	As below:	Sufficient space to accommodate the largest service vehicle likely to visit the site
◗ Court games (e.g., tennis)	2 spaces per court	Sufficient space to accommodate the largest service vehicle likely to visit the site
◗ Golf course	2 spaces per hole plus 1 space per 10m^2 GFA of bar, lounge and other entertainment areas	Sufficient space to accommodate the largest service vehicle likely to visit the site
Other recreational purposes	Sufficient spaces to accommodate the amount of vehicle traffic likely to be generated by the particular use	Sufficient space to accommodate the largest service vehicle likely to visit the site
Other Purposes:		
Any other purpose	Sufficient spaces to accommodate the amount of vehicle traffic likely to be generated by the particular use	Sufficient space to accommodate the largest service vehicle likely to visit the site

Where:

SRV = small rigid vehicle; HRV = heavy rigid vehicle; AV = articulated vehicle

for which minimum loading/standing bay dimensions are as follows:

Vehicle Type	Width	Length	Vertical Clearance
SRV	3.5 metres	7.0 metres	3.5 metres
HRV	3.5 metres	11.0 metres	4.5 metres
AV	3.5 metres	17.5 metres	4.5 metres

Division 2 – Design Standards for On-site Carparking and Movement Spaces, Bicycle Parking Facilities and Access Driveways

Column 1 Aspects	Column 2 Design Standards
Parking Spaces	◗ Australian Standard AS2890.1-1993: Parking Facilities – Off-street Carparking
Provision for Disabled Access and Parking	◗ Australian Standard AS1428.1-2001: Design for access and mobility – General requirements for access – New building work; and ◗ Australian Standard AS2890.1-1993: Parking Facilities – Off-street Carparking
Vehicle Movement Spaces (including circulation driveways and turning areas)	◗ Australian Standard AS2890.1-1993: Parking Facilities – Off-street Carparking: and ◗ Australian Standard AS2890.2-1993: Off-street parking – Commercial vehicle facilities; and ◗ Development meets the minimum design service vehicle access requirements for driveways, on-site circulation, loading and unloading and manoeuvring on-site for the design service vehicle for the particular purpose specified in Column 3 in Division 1 of this Schedule.
Service Vehicle Loading/Unloading Areas	◗ Australian Standard AS2890.2-1993: Off-street parking – Commercial vehicle facilities; and ◗ Development meets the minimum design service vehicle access requirements for driveways, on-site circulation, loading and unloading and manoeuvring on-site for the design service vehicle for the particular purpose specified in Column 3 in Division 1 of this Schedule.
Vehicle Queuing Facilities	◗ Australian Standard AS2890.1-1993: Parking Facilities – Off-street Carparking
Bicycle Parking Facilities	◗ AUSTROADS Guide to Traffic Engineering Practice, Part 14 – Bicycles

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SCHEDULE 3 – IDENTIFIED CULTURAL FEATURES[62]

Column 1 Cultural feature	Column 2 Property description or location	Column 4 Reason for listing
1. Ken Brown Oval, Thursday Island	Cultural and sporting venue, Victoria Parade, Thursday Island	Torres Shire Cultural Heritage Study (May 2002)
2. Possession Island National Park	All of Possession Island, monument on north-west coast	Torres Shire Cultural Heritage Study (May 2002)
3. Children's Memorial Park, Thursday Island	Contains three memorials and time capsule, corner of Douglas and Normanby Streets, Thursday Island	Torres Shire Cultural Heritage Study (May 2002)
4. Remnant Rain Forests. Thursday Island	Located on Green Hill (adjoining fort) and Rose Hill (Council depot).on Thursday Island	Only two small patches of rain forest remain on the island; this ecosystem has a limited range
5. Stand of Carbeen (Eucalyptus tessellaris) on Thursday Island	Hospital Point, Thursday Island	Last stand of this eucalypt on the island and most are incorporated within the landscaping of the grounds of the hospital or park; about 20 trees remain
6. Remnant stands of Eucalyptus cambageana (Thursday Island bloodwood) and wongai	Water Reserve and Millman Hill, Thursday Island	Millman Hill and the Water Reserve contain the majority of the remaining natural vegetation on the island
7. See Hop Beach, Thursday Island	Beach and picnic area at Douglas Street, Thursday Island	Historic centre of pearling and maritime uses and community recreation. The beach area includes remnant significant shade trees and outdoor eating areas
8. Green Hill Fort Site, Thursday Island	Off Chester Street, Thursday Island	Listed on Queensland Heritage Register Listed on Register of the National Estate
9. Lion's Lookout, Thursday Island	Milman Hill, Thursday Island	Torres Shire Cultural Heritage Study (May 2002)
10. Ngurupai (Horn) Island WW2 Airstrip	Off Airport Road, Ngurupai (Horn) Island	Torres Shire Cultural Heritage Study (May 2002)
11. Slit Trench and Machine Gun Trench, Ngurupai (Horn) Island	Off King Point Road, Ngurupai (Horn) Island	Torres Shire Cultural Heritage Study (May 2002)
12. P47 Thunderbolt Wreck, Ngurupai (Horn) Island	Off Airport Road, Ngurupai (Horn) Island	Torres Shire Cultural Heritage Study (May 2002)

[62]Note that the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003* also provide for a "cultural heritage duty of care" in relation to Aboriginal and Torres Strait Islander cultural heritage matters.

Column 1 Cultural feature	Column 2 Property description or location	Column 4 Reason for listing
13. 34th Australian Heavy Anti-Aircraft Battery, Ngurupai (Horn) Island	Off King Point Road, Ngurupai (Horn) Island	Torres Shire Cultural Heritage Study (May 2002)
14. 36th Radar Station Unit, Ngurupai (Horn) Island	Ngurupai (Horn) Hill, Ngurupai (Horn) Island	Torres Shire Cultural Heritage Study (May 2002)
15. 26th Australian Infantry Battalion, Ngurupai (Horn) Island	Off King Point Road, Ngurupai (Horn) Island	Torres Shire Cultural Heritage Study (May 2002)
16. 5th Australian Machine Gun Battalion, Ngurupai (Horn) Island	Off Airport Road, Ngurupai (Horn) Island	Torres Shire Cultural Heritage Study (May 2002)
17. 95 000 Gallon Water Tanks, Ngurupai (Horn) Island	Three sites at various locations (Videon Creek site is fenced), Ngurupai (Horn) Island	Torres Shire Cultural Heritage Study (May 2002)
18. Wreck of B17, Ngurupai (Horn) Island	Off Airport Road, Ngurupai (Horn) Island	Torres Shire Cultural Heritage Study (May 2002)
19. 17th Australian Field Company Camp, Ngurupai (Horn) Island	Off Airport Road, Ngurupai (Horn) Island	Torres Shire Cultural Heritage Study (May 2002)
20. 157th Australian Light Anti-Aircraft Battery, Ngurupai (Horn) Island	Off Airport Road, Ngurupai (Horn) Island	Torres Shire Cultural Heritage Study (May 2002)
21. 34th Australian Heavy Anti-Aircraft Battery, A Section, Ngurupai (Horn) Island	Greenant Hill (Double Hill), Ngurupai (Horn) Island	Torres Shire Cultural Heritage Study (May 2002)
22. World War Two Facilities, Maururra (Wednesday) Island	Navy barracks, signal station, Maururra (Wednesday) Island	Torres Shire Cultural Heritage Study (May 2002)
23. World War Two Facilities, Palliug (Goods) Island	Command post, engine room and barracks, Palliug (Goods) Island	Torres Shire Cultural Heritage Study (May 2002)
24. World War Two Facilities, Booby Island	Booby Island	Torres Shire Cultural Heritage Study (May 2002)
25. Dispersal Bays and Taxi Ways, Ngurupai (Horn) Island	Off Airport Road, Ngurupai (Horn) Island	Torres Shire Cultural Heritage Study (May 2002)
26. Fuel Dump Dispersal Area, Ngurupai (Horn) Island	Various locations, hundreds of 44 gallon drums can be found on the Ngurupai (Horn) Island	Torres Shire Cultural Heritage Study (May 2002)
27. Cemetery, Wasaga, Ngurupai (Horn) Island	All that remains is one cross, Southern end Wees Street, Wasaga, Ngurupai (Horn) Island	Torres Shire Cultural Heritage Study (May 2002)
28. Residence, Thursday Island	John Street (3 houses east from corner of John and Blackall Streets), Thursday Island	Torres Shire Cultural Heritage Study (May 2002)
29. Café Gallery, Thursday Island	Corner of Douglas and Blackall Streets, Thursday Island	Torres Shire Cultural Heritage Study (May 2002)

Column 1 Cultural feature	Column 2 Property description or location	Column 4 Reason for listing
30. University of Queensland Office, Thursday Island	Douglas Street (adjacent to former Pearling Sheds)	Torres Shire Cultural Heritage Study (May 2002)
31. Nursery and Friday Island Kazu Pearl Shop, Thursday Island	Douglas Street, Thursday Island	Torres Shire Cultural Heritage Study (May 2002)
32. Maloney Carriers, Thursday Island	Douglas Street, Thursday Island	Torres Shire Cultural Heritage Study (May 2002)
33. See Hop's Bakery, Thursday Island	Douglas Street, Thursday Island	Torres Shire Cultural Heritage Study (May 2002)
34. Former Blacksmith, Thursday Island	Douglas Street (adjacent to Rainbow Motel), Thursday Island	Torres Shire Cultural Heritage Study (May 2002)
35. R & F Self Service Store, Thursday Island	52 Douglas Street, Thursday Island	Torres Shire Cultural Heritage Study (May 2002)
36. Japanese Club, Thursday Island	Operating as a service station and residence, Douglas Street, Thursday Island	Torres Shire Cultural Heritage Study (May 2002)
37. Federal Hotel, Thursday Island	Corner of Victoria Parade and Jardine Street, Thursday Island	Torres Shire Cultural Heritage Study (May 2002)
38. Torres Hotel, Thursday Island	Douglas Street, Thursday Island	Torres Shire Cultural Heritage Study (May 2002)
39. Burns Philp Store, Thursday Island	Victoria Parade, Thursday Island	Torres Shire Cultural Heritage Study (May 2002)
40. Former Pearl Shell Sheds, Thursday Island	Douglas Street (adjacent to See Hop's Bakery), Thursday Island	Torres Shire Cultural Heritage Study (May 2002)
41. Slipways, Thursday Island	Eastern end of Douglas Street, Thursday Island	Torres Shire Cultural Heritage Study (May 2002)
42. Former Gold Mine, Ngurupai (Horn) Island (old mining artefacts from the early 20th century including stamper)	Cable Bay Road, Ngurupai (Horn) Island	Torres Shire Cultural Heritage Study (May 2002)
43. Former Power House, Thursday Island	Victoria Parade, Thursday Island	Torres Shire Cultural Heritage Study (May 2002)
44. Palliug (Goods) Island Pearling Station	Palliug (Goods) Island	Torres Shire Cultural Heritage Study (May 2002)
45. Wai Weer Pearling Station	Wai Weer Island	Torres Shire Cultural Heritage Study (May 2002)
46. Pearling Station, Prince of Wales Island	Prince of Wales Island	Torres Shire Cultural Heritage Study (May 2002)
47. Dr. Wassell's Monument, Thursday Island	Thursday Island Cemetery	Torres Shire Cultural Heritage Study (May 2002)
48. Our Lady of the Sacred Heart Church, Thursday Island	120 Douglas Street, Thursday Island	Listed on Queensland Heritage Register

Column 1 Cultural feature	Column 2 Property description or location	Column 4 Reason for listing
49. Quetta Anglican Church, Community Hall and Bishop's Residence, Thursday Island	Douglas Street, Thursday Island	Listed on Queensland Heritage Register
50. Thursday Island Cemetery	Aplin Road, Aplin (Thursday Island)	Listed on Queensland Heritage Register
51. Former Quarantine Station, Gearlug (Friday Island)	Located on eastern side of Gearlug (Friday) Island	Torres Shire Cultural Heritage Study (May 2002)
52. Pabaju (Albany) Island Cemetery	Pabaju (Albany) Island	Torres Shire Cultural Heritage Study (May 2002)
53. 'Leper' Station, Dayman Island	Dayman Island	Torres Shire Cultural Heritage Study (May 2002)
54. Post Office Cave, Booby Island	Booby Island	Torres Shire Cultural Heritage Study (May 2002)
55. Thursday Island Customs House	2 Victoria Parade, Thursday Island	Listed on Queensland Heritage Register
56. Thursday Island Court House	Aubrey Parade, Thursday Island	Torres Shire Cultural Heritage Study (May 2002)
57. Booby Island Light station	All of Booby Island	Listed on Queensland Heritage Register and Register of the National Estate
58. Former Quarantine Tramway (Narrow Gauge) and Boiler, Thursday Island	Continuation of Cook Esplanade, Thursday Island	Last remaining railway left on Thursday Island and approximately 30 metres still remains
59. Former Quarantine Jetty,, Thursday Island	Continuation of Cook Esplanade, Thursday Island	Torres Shire Cultural Heritage Study (May 2002)
60. Concrete Water Tanks, Thursday Island	Thirteen in various locations, some above ground, some below, Thursday Island	Torres Shire Cultural Heritage Study (May 2002)
61. Palliug (Goods) Island Lighthouse, Signal Station and Pilot Station	Palliug (Goods) Island	Register of the National Estate
62. Thursday Island Post Office	Douglas Street, Thursday Island	Torres Shire Cultural Heritage Study (May 2002)
63. "Little Yokohama" Thursday Island	Demolished, site built over since World War Two.	Torres Shire Cultural Heritage Study (May 2002)
64. Stone Steps, Thursday Island	Located in Victoria Parade, Thursday Island adjoining old power station	1940s construction exhibiting quality stonework and resonate the war years when Thursday Island was a garrison town.
65. Old Stone Flagged Street Drains, Thursday Island	Located in Hastings, John, Milman, Hargraves and Blackall Streets, Thursday Island	Torres Shire Cultural Heritage Study (May 2002)

Column 1 Cultural feature	Column 2 Property description or location	Column 4 Reason for listing
66. Streetscape See Hop Corner, Thursday Island	Between Jetty Street and See Hop Beach, Thursday Island	Important streetscape at the end of the main street due to presence of old established trees and also the original buildings of the pearling industry
67. Streetscape Victoria Esplanade, Thursday Island	Between Jetty Street and Hospital Point	Important streetscape in the town of Thursday Island due to the presence of old buildings, the coast line and the island of Muralug (Prince of Wales) beyond as a backdrop
68. Streetscape, Back Beach, Thursday Island	Stephen Street between Hospital and Poruma Street, Tamwoy	Significant scenic stretch of roadway within the town of Thursday Island with views west towards Gearlug (Friday), Wai Weer and Palliug (Goods) islands as well as remnant mangrove habitat

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SCHEDULE 4 - INFRASTRUCTURE

Division 1 – Standards of Service

(1) The following table identifies the planned standards of service for infrastructure in the Shire (excluding roads):

Column 1 Zone	Column 2 Standards of Service	
Residential	Water supply	Reticulated water supply in accordance with Council Policy for residential and fire fighting use
	Sewerage and waste water	Reticulated sewerage scheme to be provided
	Electricity	The standards of service nominated by the relevant electricity supply authority
	Telecommunications	The standards of service nominated by the relevant telecommunications supply authority
Business	Water supply	Reticulated water supply in accordance with Council Policy for defined purposes and fire fighting use
	Sewerage and waste water	Reticulated sewerage scheme to be provided
	Electricity	The standards of service nominated by the relevant electricity supply authority
	Telecommunications	The standards of service nominated by the relevant telecommunications supply authority
Industry	Water supply	Reticulated water supply in accordance with Council Policy for defined purposes and fire fighting use
	Sewerage and waste water	Reticulated sewerage scheme to be provided
	Electricity	The standards of service nominated by the relevant electricity supply authority
	Telecommunications	The standards of service nominated by the relevant telecommunications supply authority
Open Space and Recreation	Water supply	Reticulated supply where in conjunction with building works, in accordance with Council Policy
	Sewerage and waste water	On site disposal of effluent in accordance with the On-site Sewerage Code
	Electricity	The standards of service nominated by the relevant electricity supply authority
	Telecommunications	The standards of service nominated by the relevant telecommunications supply authority
Conservation	Water supply	For residential use a potable water supply is to be demonstrated

Column 1 Zone	Column 2 Standards of Service	
	Sewerage and waste-water	On site disposal of effluent in accordance with the On-site Sewerage Code
	Electricity	The standards of service nominated by the relevant electricity supply authority
	Telecommunications	The standards of service nominated by the relevant telecommunications supply authority
Special Purposes	Water supply	Reticulated supply where in conjunction with building works, in accordance with Council Policy
	Sewerage and waste water	On site disposal of effluent in accordance with the On-site Sewerage Code
	Electricity	The standards of service nominated by the relevant electricity supply authority
	Telecommunications	The standards of service nominated by the relevant telecommunications supply authority
Non Urban	Water supply	For residential use a potable water supply is to be demonstrated
	Sewerage and waste-water	On site disposal of effluent in accordance with the On-site Sewerage Code
	Electricity	The standards of service nominated by the relevant electricity supply authority
	Telecommunications	The standards of service nominated by the relevant telecommunications supply authority

(2) Planned service levels - roads

(a) Unsealed Roads

(i) Roads shall only be unsealed if they have an AADT less than 100;

(ii) The desirable level of service for carriageway widths for unsealed roads shall be taken as the widths recommended by the Austroads Guide to the Design of Rural Roads;

(iii) Generally the minimum carriageway requirement of unsealed roads shall therefore be taken as two (2) lanes, 3.0 metres wide, giving a total pavement width of 6.0 metres.

(b) Sealed Roads

(i) Specifications and standards for sealed roads are set out in the table below:

Item	***Indicator***	***Standard Requirement***	
		Distributor	***Collector***
Carriageway	Subgrade	CBR > 3	CBR > 3
	Pavement Type	MRS Type 4.3 or better (CBR 45)	MRS Type 4.3 or better (CBR 45)
	Pavement Thickness	225 mm	150 mm
	Pavement Width	7.0 m	6.0 m
	Shoulder Width	1.0 m	0.5 m
	Seal Width	8.0 m	7.0 m

	Seal Type	Prime AMC00 2 Coat Bitumen C170	Prime AMC00 2 Coat Bitumen C170
	Stone Size	14 mm (first coat) 10 mm (second coat)	14 mm (first coat) 10 mm (second coat)
	Reserve Width	17 m	13 m
Associated Infrastructure	Footpath Type	Grass	Grass
	Footpath Width	4.5 m	3 m
	Drainage Type	Kerb and underground stormwater	Kerb and underground stormwater
	Features	Rubbish traps installed	Rubbish traps installed

Division 2 – Construction Standards

(1) The construction standards for infrastructure, including works for reconfiguring a lot, are the following[63]:

(a) For roads:

(i) AUSTROADS – Guide to Traffic Engineering Practice Series

(ii) Main Roads – Standard Drawings

(iii) AAPA – Sprayed Sealing Design and Section

(iv) AMCORD – Queensland Streets, Queensland Residential Design Guidelines

(v) AUSTROADS – Pavement and Design

(vi) Main Roads – Road Planning and Design Manual MUTCD

(b) For stormwater drainage:

(i) Australian Rainfall and Runoff

(ii) Queensland Urban Drainage Manual

(c) For water supply:

(i) Water Resources Commission – Planning and Design of Urban Water Supply Schemes

(ii) Standard Water Law

(d) For sewerage Thursday (Waiben) Island:

(i) Water Resources Commission – Planning and Design of Sewerage Schemes Vol 142

(ii) Standard Sewerage Law

(e) For wastewater treatment and disposal (other than Thursday (Waiben) Island):

(i) On-site Sewerage Code

(ii) AS/NZS 1547:2000 - *On-site domestic-wastewater management*.

[63] In accordance with *Statutory Instruments Act 1992*, section 23, the documents referred to are those current at the time of assessment.

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SCHEDULE 5 – DESIGN STANDARDS FOR COMMUNITY SAFETY

Column 1 Community Safety Element	Column 2 Standard
Surveillance	
◗ Building Design	◗ No concealed or recessed openings; ◗ Avoid blind corners involving a change in direction of 75° or greater; and ◗ Building entries and exits are limited and located at the front of the building (except for controlled emergency exits).
◗ Nightlighting	◗ Nightlighting designed and installed in accordance with Australian Standard AS1158: Public Lighting Code.
◗ Landscaping	◗ Planting of species with clear trunks to a height of 1.8 metres and low ground covers less than 1.0 metre in height.
Boundary Definition	Integration of the following features into site design: ◗ fencing; ◗ changes in surface finishes; ◗ landscape treatments; and ◗ clear premises identification such as premises numbering or appropriate signage.
Construction Materials and Finishes	◗ Use of vandal resistant surface treatments (i.e., paint and stain resistant finishes).
Reconfiguring a Lot	◗ Lot frontages are orientated towards streets and open spaces so that casual surveillance of and from public spaces is facilitated.

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SCHEDULE 6 - COMMUNITY INFRASTRUCTURE

The following table includes details of development which is designated for community infrastructure pursuant to chapter 2, part 6 of the IPA: In accordance with section 1.10(5) of this planning scheme, the listed development is exempt from consideration under this planning scheme.

Column 1 Physical Address	Column 2 Real Property Description	Column 3 Date of Designation	Column 4 Type of Community Infrastructure	Column 5 Matters included in the designation under section 2.6.4[64] of the Act
Douglas Street, Thursday Island	Lot 2 on RP737855		Thursday Island Courthouse	1 Magistrates Courts, registry office, 2 interview rooms, a conference room, a dispute resolution area, 2 holding cells, facilities for witnesses and victims of domestic violence, and associated infrastructure.

[64] Section 2.6.4 (What designations may include) indicates that a designation may include:

(a) requirements about works or the use of the land for the community infrastructure such as the height, shape, bulk or location of the works on the land, vehicular access to the land, vehicular and pedestrian circulation on the land, hours of operation of the use, landscaping on the land and ancillary uses of the land; and

(b) other requirements designed to lessen the impacts of the works or the use of the land for community infrastructure, such as procedures for environmental management.

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SCHEDULE 7 – MINIMUM STANDARDS FOR ON-SITE LANDSCAPING

(1) Physical Preparation

(a) Landscape areas to be constructed of raised beds with imported topsoil.

(b) Beds to be edged with treated timber, formed concrete or pavers.

(c) Beds to be provided with a minimum 50 mm layer of mulched hardwood or similar organic material.

(d) A water connection point is to be available for irrigation.

(2) Selection of Plants

(a) At least 75% of plants should be species endemic to the region and selected in response to proposed site irrigation, long-term maintenance requirements and the encouragement of native birds and wildlife.

(b) Trees shall be selected and placed such that at their ultimate size, they are no closer than 4 metres from overhead electricity or telecommunications poles or lines and no closer than 7.5 metres from streetlights.

(c) Trees and shrubs are to be selected for their shade and visual buffer qualities. In this regard, palms are not to be relied upon, except as accent plants only.

(d) Plants toxic to humans or with spines should not be used.

(e) While not an exhaustive list, the following species are acceptable for landscape plantings[65]:

Preferred Species List

Botanical Name	Common Name	Notes
Acmena smithii	Lillypilly	Noted for its attractive red flushes of new growth and profuse small berries
Alstonia scholaris	Milky Pine, Cheesewood	Produces strap like long fruits and profuse fragrant pink flowers
Callistemon sp (Little John)	Bottle Brush (Little John)	Low flowering shrub that produces distinctive wooden fruits
Calophyllum inophyllum	Mastwood, Satin Touriga	Produces large green fruits and has foliage similar to a fig tree as well as small white flowers
Carmona retusa	Carmona	

[65] Taken from *Torres Strait Vegetation Review and Mapping* prepared by Environment Science and Services (NQ) and dated 16 September 1994

Botanical Name	Common Name	Notes
Cupaniopsis anacardioides	Beach Tamarind	Dense evergreen tree producing small pumpkin light fruits in the spring
Dillenia alata	Red Beech, Golden Guinea	Produces bright yellow flowers in winter and masses of fruit
Eriostemon banksii	Eriostemon	
Erythrina variegata	Coral Pea	Produces stunning flowers
Eucalyptus cambageana	Waiben Bloodwood	Hardy tree adapted to dry tropics; brown bloodwood like bark and pale yellowish white flowers in winter
Eucalyptus phoenicia	Cooktown Scarlet Gum	Profusely flowering with stunning red flowers
Eucalyptus platyphylla	Horn Island White Gum	Ornamental white trunk and endemic to Ngurupai Island
Eucalyptus tessellaris	Carbeen	Ornamental white branches above a tessellated grey trunk; narrow leafed and related closely to the Ghost Gum of Central Australia
Ficus benjamina	Weeping Fig	Excellent shade tree with weeping habit and form
Ficus microcarpa nitida	Curtain Fig	Excellent shade tree that creates a curtain like buttress with age
Gardenia sp (Glennie River)	Glennie River Gardenia	Low shrub flowering
Gyrocarpus americana	Helicopter Tree	Noted for its helicopter like leaves and buds
Helicteres isora	Helicteres	
Hibbertia banksii	Hibbertia	
Leptosepernum purpurescens	Turkey Bush (Purple Stemmed)	Profusely flowering low shrub
Lomandra longifolia	Mat Rush	Low shrub suitable for road verges
Lophostemon sauveolens	Swamp Mahogany	Large green leaves and gum tree like habit
Manilkara leucadendra	Weeping Tea-tree	Attractive foliage and a small shrubby tree
Melaleuca leucodendra	Paperbark	Ornamental tree with profuse white flowers and paper bark trunk
Myrtella obtusifolia	Pink Rose	

Botanical Name	Common Name	Notes
Pandanus spiralis	Pandanus, Screw Palm	Predominantly a coastal species found on beaches or coastal swamps; produces a bread fruit and has an ornamental format
Pongamia pinnata	Pongamia Tree	
Terminalia catappa	Sea Almond	Attractive flowering tree that is well suited to coastal climates
Terminalia sericocarpa	Damson Tree	Large leafed tree producing dense shade and suitable for coastal locations
Thespesia populnea	Tulip Tree	Attractive ornamental tree with large yellow flowers and deciduous habit

(3) Density of Plantings

(a) Plantings should utilize advanced stock. Trees should be no less than 2 metres in height, well-branched and planted from a minimum 25 litre container.

(b) Mass planting should incorporate a three tier approach of tress, shrubs and ground cover at the following densities:

(i) Ground Cover – Up to 0.6 metre centres

(ii) Shrubs – Up to 1.5 metre centres

(iii) Trees – Up to 3 metre centres for landscape buffer/screen areas and up to 6 metre centres for other areas

(4) Maintenance

(a) Landscaped areas should be subject to regular and on-going maintenance, including through the timely replacement of damaged or dead plants.

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SCHEDULE 8 - FLOOD IMMUNITY FOR SPECIFIC PURPOSES

Column 1		Column 2
Purposes		**Probability of Event** **(% likelihood of occurrence in any one year)**
Residential Purposes	All, except:	1%
	(a) Retirement Village	0.2%
	(b) Institutional Residence	
Commercial Purposes	All, except:	1%
	(a) Market	2%
Industrial Purposes	All, except:	1%
	(a) Landscape Supplies	2%
Rural Purposes	All, except:	N/A
	(a) Extractive Industry	2%
Other Purposes	All, except:	1%
	(a) Hospital	0.2%
	(b) Institution Use (excluding halfway house and drug rehabilitation centre)..	0.2%
	(c) Park	30%
	(d) Public Utility (premises for the purposes of any installation or undertaking for the generation and/or supply of electricity or gas; storage and for treatment of water, sewerage or garbage; a gaol, reformatory or similar penal establishment; a depot operated by or for the Council, other public authority or statutory corporation.)	0.5%
	(e) Special Purpose (incorporating an activity namely, ambulance station, first aid station, fire brigade, police station, emergency service depot).	0.5%
Roads	All, except:	1%
	(a) Roads in the Non Urban Zone at watercourse crossings	50%
	(b) Other roads at watercourse crossings	20%

Where:

Probability of Event	Meaning
0.2%	1 in 500 year magnitude storm or flood waters has a 0.2% chance of occurring in any one year.
0.5%	1 in 200 year magnitude storm or flood waters has a 0.5% chance of occurring in any one year.
1%	1 in 100 year magnitude storm or flood waters has a 1% chance of occurring in any one year.
2%	1 in 50 year magnitude storm or flood waters has a 2% chance of occurring in any one year.
30%	1 in 3 year magnitude storm or flood waters has a 30% chance of occurring in any one year.

SCHEDULE 9- PROTECTED AREAS

The following table includes details of land which is protected under State legislation.

Name	Protected Area Type
Round Island Conservation Park	Conservation Park
Jardine River National Park	National Park
Possession Island National Park	National Park
Booby Island Reserve	Reserve for Environmental Purposes

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PLANNING SCHEME POLICY 1 – ADDITIONAL IDENTIFIED CULTURAL FEATURES OR NATURAL FEATURES OR RESOURCES

1. Additional areas declared by the State

(1) The Council may add other items to those identified on the Natural Features and Resources Overlay Maps or Cultural Features Overlay Maps and Schedules (Schedule 3) if other area/s are recognised as follows –

(a) protected area, critical habitat or area of major interest under the *Nature Conservation Act 1992*;

(b) area subject to a mining lease, mineral development licence or mining claim under the *Mineral Resources Act 1989*;

(c) key resource area identified by the Department of Natural Resources and Mines.

2. The Council will receive and consider nominations

(1) The Council will receive and consider nominations from any person for additional items to be included on the Natural Features and Resources Overlay Maps or Cultural Features Overlay Maps and Schedules (Schedule 3).

(2) The Council may accept a nomination as originally proposed or may accept a modified nomination after negotiation with the nominator and/or landholder.

(3) If the Council accepts a nomination or proposed nomination, it will initiate an amendment to the planning scheme mapping and schedules to include the new item, including, if appropriate, a new descriptive category.

(4) If appropriate, the Council will also initiate an amendment to the planning scheme to include -

(a) changes to the development assessment categories;

(b) one or more specific outcomes, with or without Self-assessment Solutions, in the applicable overlays code.

3. Making a nomination

(1) A nomination should be made in writing to the local government and -

(a) describe the nature of the feature or resource;

(b) identify its specific location on one or more lots, preferably by description and on a map;

(c) describe the value of the feature or resource (including any heritage significance), or the potential risk that the feature may pose to the environment or human health or safety;

(d) describe development or effects of development that may significantly adversely affect the values of that feature or resource, or increase the risk posed by the feature to the environment or human health or safety.

(2) For paragraph (b), if the person making the nomination considers public knowledge of the specific location may threaten the feature or resource, a more general description may be provided.