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ORDER IN COUNCIL

At the Executive Building, Brisbane, the tenth day of November, 1977

Present:

His Excellency the Governor in Council

WHEREAS by the *Local Government Act 1936-1977* (hereinafter referred to as "the said Act") it is amongst other things enacted that—

- (a) An application by a Local Authority for the approval of a Town-Planning Scheme shall be made to the Minister within ninety days or, if the Minister who is thereunto authorised allows a longer period, the period allowed by the Minister after the last day for the receipt of objections to the scheme;
- (b) The application shall be accompanied by—
 - (i) All objections made and lodged as prescribed on or before the last day for the receipt of objections;
 - (ii) The representations by the Local Authority in respect of all objections made and lodged as prescribed;
 - (iii) Particulars, including the relevant map or maps of the Scheme;
- (c) The Governor in Council shall consider every application made to the Minister as aforesaid and all objections and representations accompanying such applications and may reject the application, or may approve of the application wholly or in part;
- (d) The power of the Governor in Council to approve an application in part includes power to make all such amendments of the scheme as the Governor in Council, having regard to the application and to the objections and representations which accompanied the application, deems fit; and
- (e) Where the Governor in Council approves of the scheme an Order in Council notifying such approval shall be published in the *Gazette* and such Order in Council shall describe so as to identify the scheme approval whereof is hereby notified:

And whereas—

- (f) The Council of the Shire of Laidley (hereinafter referred to as "the said Council") at a meeting of the Council held on the 18th day of July, 1973, passed the following resolution (hereinafter referred to as "the said Resolution"):

"That the Council of the Shire of Laidley hereby resolves to prepare a Town-Planning Scheme for the whole of the Shire of Laidley."

And whereas—

- (g) An application by the said Council for approval of a Town-Planning Scheme (hereinafter referred

Council for the whole of the Shire of Laidley pursuant to the said resolution was made to the Minister within the period prescribed by the said Act;

- (h) The application was accompanied by all objections, representations and particulars with which it was required to be accompanied by the said Act; and
- (i) The Governor in Council, after considering the application and all objections and representations accompanying such application, deems it expedient to approve the application in part:

Now, therefore, His Excellency the Governor, acting by and with the advice of the Executive Council and in pursuance of the provisions of the said Act, doth hereby approve in part the application by the said Council for approval of the said scheme and doth hereby notify that the said scheme, so approved in part, shall be as described in the Schedule hereto.

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

KEITH SPANN, Clerk of the Council.

THE SCHEDULE THE TOWN-PLANNING SCHEME FOR THE SHIRE OF LAIDLEY

The Town-Planning Scheme includes the scheme maps and is divided into the following Parts, namely:—

PART I—DEFINITIONS;

PART II—ZONING;

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

Division II—Table of Zones;

PART III—EXISTING LAWFUL NON-CONFORMING USES;

PART IV—EXISTING LAWFUL FETTERED USES;

PART V—MISCELLANEOUS PROVISIONS.

Part I

DEFINITIONS

1. In this Town-Planning Scheme, unless the context otherwise indicates or requires, the following terms have the meanings respectively assigned to them, that is to say:—

"Accommodation Units"—Any land, building or other structure used or intended for use as a boarding house, cabin, guest house, hostel, unlicensed hotel, motel, unlicensed residential club or serviced rooms; the term does not include caravan park, dwelling houses or multiple dwellings as herein defined;

"Agriculture"—The use of land, buildings or other structures for the growing of crops, fruit, vegetables and the like including horticulture, other than for the domestic needs or personal enjoyment of the occupants of such land building or other

"Allotment"—A piece, parcel or subdivision of land the boundaries of which are separately defined by metes and bounds on a plan of survey deposited in the Survey Office or, in the case of land under the *Real Property Act 1861-1976*, which has been subdivided, any and every subdivision of such land the boundaries of which are separately defined by metes and bounds on the relevant plan of such land registered with the Registrar of Titles under and in accordance with the *Real Property Act 1861-1976*;

"Animal Husbandry" includes the keeping, depasturing and/or stabling of any animal, bird or insect included in Appendix I hereto. The term also includes holding yards and hatcheries:—

APPENDIX I

Bees
Cattle
Dogs (more than 2 over the age of 6 months)
Ducks
Geese
Goats
Horses
Pigeons (except not more than 20 birds when housed in an enclosed, covered structure)
Poultry (except not more than 20 birds when housed in an enclosed, covered structure)
Sheep (more than 1);

"Appointed Day"—The day upon which the Order in Council notifying that the Governor in Council has finally approved this Town-Planning Scheme is published in the *Gazette*;

"Automatic Mechanical Car Wash"—Any land, building or structure, or any part thereof used or intended for use for washing motor vehicles by an automatic or partly automatic process using mechanically operated brushes and washers or either of them and air jet dryers;

"Building"—Any fixed structure which is either wholly or in part enclosed by walls and which is roofed: The term includes any part of a building;

"Bulk Store"—Any land, building or other structure or any part thereof used or intended for use for the bulk storage of goods where the goods stored or to be stored are not required for use in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership; the term includes a wholesale depot;

"By-law"—A By-law of the Council made under the authority of the *Local Government Act 1936-1977* and in force for the time being;

"Caravan Park"—Any land used or intended for use for the parking of caravans and for the purpose of providing temporary accommodation for and rendering services to travellers or tourists: The term does not include accommodation units or multiple dwellings;

"Car Repair Station"—Any land, building or other structure used or intended for use for the purpose of carrying out motor vehicle repairs not being—
(a) body building; or
(b) panel beating which involves dismantling; or
(c) spray painting other than of a touching up character;

"Caterer's Room"—Any land, building or other structure used or intended for use for the holding of receptions at which food is served: The term does not include a hotel or refreshment services as denned herein, or a club;

"Commercial Premises"—Any land, building or other structure or any part thereof used or intended for use as a business office or for other business or commercial purposes not otherwise particularly defined in this Part: The term does not include shops and warehouses as defined herein;

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

"Dwelling House"—Any land, building or other structure which comprises or is intended to comprise only self-contained accommodation for the exclusive use of one family, including such out-buildings as are incidental to and necessarily associated with a dwelling-house: The term does not include an accommodation unit or multiple dwelling as herein defined, or part of an accommodation unit or multiple dwelling;

"Educational Establishment"—Any land, building or other structure used or intended for use as a boarding school, school, college, technical college, academy, lecture hall, cultural centre, gallery or museum: The term does not include an institution

"Erect" includes—

- erect or commence or continue to erect;
- do, or commence or continue to do, any work in the course of or for the purpose of erecting;
- perform any structural work or make any alteration, addition or rebuilding;
- move from one position on an allotment to another position on or partly on the same allotment or another allotment;
- re-erect with or without alteration on or partly on the same or another allotment; or
- where a building is located on more than one allotment—
(i) move to another position on the same allotments or any of them or to another allotment or allotments; or
(ii) re-erect with or without alteration on another position on the same allotments or any of them or on another allotment or allotments;

"Existing Use"—The use of any land, building or other structure for the purpose for which it was lawfully used before the appointed day or for which a permit was granted before the appointed day if the permit has not expired;

"Extractive Industry"—Any industry involving the extraction of sand, gravel, clay, turf, soil, rock, stone or similar materials from land and including, when carried out on the land from which any such substances are extracted or on land adjacent thereto, the treatment of such materials and the manufacture of products from such materials: The term includes a mine;

"Forestry" includes any land, building or other structure used or intended to be used for the planting, growing and harvesting of trees as a commercial venture: The term does not include a State Forest within the meaning of the *Forestry Act 1959-1976*;

"General Industry"—Any industry which is not otherwise defined or described herein;

"General Store"—Any building or other structure or any part thereof not exceeding two hundred square metres in floor space, used or intended for use for the sale by retail of general merchandise including a wide range of food;

"Home Occupation"—An occupation or profession other than motor vehicle repairing, panel beating, spray painting or welding, carried on in or under a dwelling-house or within the curtilage of a dwelling-house by a person resident therein and in the conduct of which—

- no source of power other than one or more single-phase electric motors of not more than 750 watts is used except with and in accordance with the conditions of an express permission of the Council; and
- the floor area used (whether temporarily or permanently) does not exceed more than one third of the total floor area of the dwelling-house, except with and in accordance with the conditions of an express permission of the Council; and
- not more than three persons are engaged therein; and
- no load is imposed on any public utility greater than that which is normally required by other uses permitted in the zone in which the dwelling-house is situated; and
- no sign other than a sign not exceeding 0.3 square metres in area, and bearing only the name of the occupier and of the occupation is displayed, except with and in accordance with the conditions of an express permission of the Council; and
- no goods are publicly displayed on the premises; and
- except in the case of horticultural nurseries, florists, and market gardens, no part of the curtilage is used in the course of or for the purposes of the home occupation, other than for visitor parking or for access, except with and in accordance with the conditions of an express permission of the Council; and
- there is no operation of the home occupation between the hours of 7 p.m. and 7 a.m. except with and in accordance with the conditions of an express permission of the Council: The term does not include any occupation or profession which causes injury to or has a prejudicial effect on the capacity of the land;

(h) there is no operation of the home occupation between the hours of 7 p.m. and 7 a.m. except with and in accordance with the conditions of an express permission of the Council: The term does not include any occupation or profession which causes injury to or has a prejudicial effect on the capacity of the land;

"Hospital"—Any land, building or other structure used or intended for use as a hospital, sanatorium, nursing home, or home for aged, infirm, incurable or convalescent persons: The term includes buildings and other structures associated with such uses, but does not include an institution, as herein defined;

"Hotel"—Any land, building or other structure or any premises specified in a licensed victualler's licence, tavern licence or limited hotel licence issued under the *Liquor Act 1912-1975*;

"Indoor Entertainment"—Includes the use of any room, building or structure not being of a temporary nature for any activity purpose or pursuit which affords or is calculated to afford interest or amusement or for any public performance of any such activity purpose or pursuit, irrespective of whether or not food is provided: Without limiting the generality of the foregoing the term includes the use of any land building or structure for any of the activities or purposes included in Appendix II.

APPENDIX II

Amusement halls
Art galleries
Bazaars
Billiard saloons
Bowling centres
Broadcasting studios
Cinemas
Circuses (indoor)
Clubs (non-residential)
Concert halls
Courts (covered)
Covered swimming pools
Dance halls
Exhibitions
Gymnasiums
Meetings halls (other than places of worship)
Music halls
Premises specified in a cabaret licence issued under the *Liquor Act 1912-1975*
Schools of Art
Side shows (indoor)
Skating rinks (indoor)
Stadiums (indoor)
Theatres (indoor);

"Industry" includes—

- any of the following operations:—
(i) Any manufacturing process whether or not such process results in the production of a finished article; or
(ii) The breaking up or dismantling of any goods or any article for trade, sale or gain or ancillary to any business; or
(iii) The extraction of sand, gravel, clay, minerals, turf, soil, rock, stone or similar substances from land; or
(iv) Repairing and servicing of articles including vehicles, machinery, buildings or other structures; but not including on-site work on buildings; or
(v) Any operation connected with the installation of equipment and services and the extermination of pests, but not including on-site work on buildings or other structures or land; or
(vi) The dismantling of motor vehicles, whether the dismantling is carried out by one operation or by a series of operations; and
- when conducted on land upon which any of the above operations are carried on:—
(i) The storage of goods used in connection with or resulting from any of the above operations; or
(ii) The provision of amenities for persons engaged in such operations; or
(iii) The sale of goods, resulting from such operations; or
(iv) Any work of administration or accounting in connection with such operation;
- any industry or any class of industry, particularly described or defined in this scheme; the term does not include a bulk store, car repair station, home occupation, junk yard, service station or warehouse;
- a branch of an industry or a group of industries;

"Institution"—Any land, building or other structure used or intended for use as—

- a home or other institution for mentally or physically handicapped persons; or

"Junk Yard"—Any land, building or other structure used or intended for use in the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottles or other scrap materials or scrap goods, or used for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery and for the sale of parts thereof;

"Kennel"—Any land, building or other structure used or intended for use for the boarding of dogs or for the breeding of dogs for sale or profit;

"Light Industry"—Any industry included under the definition of Home Occupation or Service Industry which does not comply with the requirements of that definition and any industry included in Appendix III hereto, which—

- does not, in the opinion of the Council, impose a load on any public utility undertaking, greater than that which is required for the normal development of the locality in which the industry is carried on; and
- does not, in the opinion of the Council, by reason of the carriage of goods or materials used or produced thereby, create traffic upon public roads in the locality in which the industry is carried on which causes congestion or danger to users of such roads or requires roads of a higher standard of construction than those required for the normal development of the locality in which the industry is carried on; and
- does not, in the opinion of Council, cause smoke, fumes or hazards likely to cause undue disturbance and/or annoyance to persons or affect property not connected with the industry.

APPENDIX III

Aerated water manufacturing
Aluminium working (up to 0.4 hectares in area)
Animal food manufacturing
Artificial limb manufacturing
Bag manufacturing
Banana ripening
Battery works
Bedding manufacturing
Belting manufacturing
Binding material manufacturing
Blacksmithing
Blind manufacturing
Bonded stores
Boot and shoe manufacturing
Bottling
Bowser repairing
Brake repairing
Brass working (up to 0.4 hectares in area)
Bristle and hairgoods manufacturing
Broom manufacturing
Brush manufacturing
Builder's workshops and yards
Cabinet making
Canning
Cannister manufacturing
Canvas goods manufacturing
Caravan hiring
Caravan manufacturing (up to 0.4 hectares in area)
Cardboard box and articles manufacturing
Car manufacturing (maximum floor area 300 square metres)
Carpentry
Carrier's depots
Cement products works (up to 0.4 hectares in area)
Cereal food manufacturing
Chaff milling
Chemical manufacturing
Cleaning contractor's establishments
Cleansing materials manufacturing
Clothing manufacturing
Coach building
Coat hanger manufacturing
Coir goods manufacturing
Cold stores
Concrete product making
Condiment factories
Cooperages
Coppersmithing
Cordial manufacturing
Cork product works
Corset making
Cosmetic manufacturing
Cotton goods manufacturing
Dental goods manufacturing
Diecasting (up to 0.4 hectares in area)
Dried-fruit manufacturing
Edible oil processing

Fence posts and paling depots
Fibre-glass manufacturing
Fishing gear manufacturing
Fishmongering
Food preserving works
Freezing
Fruit products manufacturing
Fruit ripening
Funeral parlours
Fur goods manufacturing
Furniture manufacturing
Furniture storage
Gas appliances workshops
Gasket manufacturing
Glass-cutting and silvering
Glazing
Harness manufacturing
Hat manufacturing
Herb products manufacturing
Hessian manufacturing
Home industries
Hosiery manufacturing
House removing depots
House stump manufacturing
Ice-cream depots (other than manufacturing)
Ice works
Icing sugar manufacturing
Implement and machinery assembly
Ink manufacturing
Instrument manufacturing
Iron and steel merchant (up to 0.4 hectares in area)
Jam manufacturing
Jewel case manufacturing
Joineries
Jute goods manufacturing
Leadlight works
Leathergoods manufacturing
Locksmith's establishments
Marble and terazzo works
Margarine manufacturing
Mattress manufacturing
Mechanical repairing (up to 0.4 hectares in area)
Medical goods manufacturing
Monumental masons
Motor engineering works (up to 0.4 hectares in area)
Motor mechanics works (up to 0.4 hectares in area)
Motor trimmers
Musical instrument manufacturing
Napery manufacturing
Neon sign works
Net making
Oar making
Ornament manufacturing
Packaging
Painter's depots
Paint spraying works
Panel beating
Paper products manufacturing
Parcel delivery depots
Pattern making
Peanut products manufacturing
Plaster modelling and moulding
Plaster works
Plastic goods manufacturing
Polish manufacturing
Process engraving
Produce stores
Pure foods manufacturing
Radiator repairing
Radio works
Rope works
Saddleries
Salt-lick manufacturing
Saw manufacturing
Shopfitting
Smallgoods manufacturing
Smoker's requisites manufacturing
Stationery manufacturing
Stereo manufacturing
Stockfood manufacturing
Stonemasons
Stone working
Straw hat manufacturing
String manufacturing
Surgical supplies manufacturing
Tent manufacturing
Textile goods manufacturing
Timber yards (up to 0.4 hectares in area)
Tradesmen's workshops and yards
Transport depots

Umbrella manufacturing
Upholstering
Wax products manufacturing
Wheelwrights
Wire working
Wood, coke and coal depots (up to 0.4 hectares in area);

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

- the bulk storage for wholesale distribution of petrol, oil, petroleum products or other flammable fuels; or
- the retail distribution of drums containing petrol, oil, petroleum or other flammable fuels;

"Lot Feeding of Stock"—Any land, building or other structure or any part thereof used or intended for use for the keeping of stock where such animal are kept at a density greater than 30 animals per hectare;

"Multiple Dwelling"—Any land, building or other structure used or intended for use as flats or home units;

"Noxious, offensive or hazardous Industry"—Any industry included in Appendix IV hereto:—

APPENDIX IV

Acetylene manufacturing
Acid manufacturing
Aluminium working
Ammonia manufacturing
Ammunition manufacturing
Animal by-products manufacturing
Animal food manufacturing
Bacon manufacturing
Battery smelting
Battery works
Boiling-down
Bone milling
Brass working
Candle manufacturing
Canning
Carbide manufacturing
Caustic soda manufacturing
Celluloid manufacturing
Cement and lime manufacturing
Cement products works
Chemical manufacturing
Concrete manufacturing
Cosmetic manufacturing
Crushing
Diecasting
Disinfectant pest-destroyer and germicide manufacturing
Distilling
Drug manufacturing
Explosives manufacturing
Fat extracting
Fat melting
Fertiliser manufacturing
Fireworks manufacturing
Fish products manufacturing
Flammable liquid bottling
Flammable liquid manufacturing
Flock manufacturing
Food preserving works
Foundries
Garbage and refuse disposal
Gas manufacturing
Gas products manufacturing
Glue manufacturing
Gunpowder manufacturing
Kerosene manufacturing
Match manufacturing
Meat preserving
Mineral separating
Oilcloth and linoleum manufacturing
Oil manufacturing
Oil refining
Oxygen manufacturing
Petroleum products manufacturing
Petrol refining
Photographic film manufacturing
Plastic manufacturing
Poison manufacturing
Poultry dressing
Preserving
Radio active waste disposing
Rubber milling
Sand blasting
Seafood preserving
Skin drying

Solder manufacturing
Stone crushing and screening
Turpentine manufacturing
Varnish manufacturing
White ant and borers exterminators manufacturing
Wool scouring
Zinc oxide manufacturing;

"Outdoor Entertainment"—Outdoor entertainment includes—

- the use of any land or any structure temporarily erected on land for any activity, purpose or pursuit which affords or is calculated to afford interest or amusement or for any public performance of any such activity, purpose or pursuit;
- without limiting the generality of the foregoing, the use of any land or any such structure as aforesaid for any of the activities, purposes or pursuits included in Appendix V:—

APPENDIX V

Boating
Children's playgrounds
Circuses (outdoor)
Commercial or community swimming pools (uncovered)
Coursing tracks
Courts (uncovered)
Cycling tracks
Drive-in theatres
Exhibitions
Fairs
Fauna and/or flora sanctuaries
Model car, boat or aeroplane operations
Parks
Picnic races
Race tracks
Showgrounds
Side shows (outdoor)
Speedways
Stadiums (outdoor)
Theatres (outdoor)
Trotting tracks
Zoological and/or botanical gardens

"Passenger Terminal"—Any land, building or other structure used or intended for use as an airline terminal, a road transport passenger terminal, a water transport passenger terminal, a bus station or heliport, but does not include the overnight storing of buses or other road transport passenger vehicles;

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

"Place of Worship"—Any land, building or other structure used or intended for use as a church, chapel or other place of public worship or religious instruction or place used for the purpose of religious training;

"Poultry Farm"—Any land, building or other structure used for the keeping of poultry where the number of birds exceeds twenty;

"Professional Office"—Any land, building or other structure or any part thereof used or intended for use for the provision of professional services or the giving of professional advice by a medical practitioner, dentist, veterinary surgeon, accountant, architect, surveyor, town planner, taxation consultant, valuer, engineer, real estate agent and other professional practitioners;

"Refreshment Services"—Any use included in Appendix VI hereto:—

APPENDIX VI

Cafes
Espresso bars
Kiosks
Milk Bars
Restaurants
Snack Bars
Soft Drink Shops
Tea Gardens
Tea Rooms;

"Rural Industry"—Any industry handling, treating, processing or packing primary products; The term includes the servicing on land in the Rural Zone of plant or equipment used for agricultural or forestry purposes, but does not include industries

"Scheme Maps"—The maps respectively forming part of this Town-Planning Scheme finally approved by the Governor in Council and signed for identification by the Clerk of the Executive Council, copies whereof are open for inspection at the Office of Council and at the Office of the Director of Local Government.

"Service Industry"—Any industry included in Appendix VII hereto which—

- does not occupy an area of more than two hundred (200) square metres (whether on one or more levels or floors); and
- does not, in the opinion of the Council, impose a load on any public utility undertaking greater than that which is required for the normal development of the locality in which the industry is carried on; and
- does not, in the opinion of the Council, by reason of the carriage of goods or materials used or produced thereby, create traffic upon public roads in the locality in which the industry is carried on which causes congestion or danger to users of such roads or requires roads of a higher standard of construction than those required for the normal development of the locality in which the industry is carried on;
- does not, in the opinion of Council, cause smoke, fumes or hazards likely to cause undue disturbance and/or annoyance to persons or affect property not connected with the industry:—

APPENDIX VII

Artificial flower manufacturing
Biscuit manufacturing
Bookbinding
Boot and shoe repairing
Bread manufacturing
Cake manufacturing
Cake ornament manufacturing
Car hiring (including drive-yourself-cars)
Clock and watch manufacturing or repairing
Confectionery manufacturing
Contractor's depots
Cycle repairing
Delivery depots
Dressmaking
Driving instruction
Dry cleaning and dyeing
Duplicating and copying
Electrical goods repairing and maintenance
Engraving
Film developing and printing
Furniture repairing
Laundry
Lawnmower repairing
Lock and key manufacturing and repairing
Milk depots
Millinery manufacturing
Musical instrument repairing
Newspaper publication
Pastry cooking
Pest control
Printing
Signwriting
Sports goods manufacturing and repairing
Tailoring
Taxicab depots
Tool repairing and sharpening;

"Service Station"—Any land, building or other structure used or intended for use only for the sale by retail of petrol and automotive distillate or any derivatives therefrom, capable of use in internal combustion engines, and for all or any of the following purposes, namely:—

- The sale by retail of—
 - lubricating oils and greases;
 - batteries and tyres;
 - accessories and other things associated with land or water borne vehicles motivated by internal combustion engines;
 - power and lighting kerosenes;
 - goods for the comfort and convenience of travellers by motor vehicles;
 - other products manufactured or distributed by oil companies and motor accessory manufacturers;
- The carrying out of all or any of the following operations, namely:—
 - The fitting, removal and exchange of tyres;

- (v) The lubrication and greasing of motor vehicles;
- (vi) The adjustment of carburettors;
- (vii) The cleaning and adjusting and replacement of spark plugs;
- (viii) The receipt of tyres for retreading and other processes and the redelivery thereof;
- (ix) Running repairs of a minor nature and of a type which do not normally immobilise a land or water borne vehicle for a period longer than four hours;
- (x) Washing of motor vehicles other than by the use of an automatic or partly automatic process using mechanically operated brushes and washers or either of them and air jet dryers;

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

"Shop" includes any land, building or other structure or any part thereof used or intended for use for the purpose of displaying or offering goods for sale by retail. The term does not include any of the uses listed in Appendix VI (Refreshment Services);

"Showroom"—Any land, building or other structure, or any part thereof used or intended for use for the display and/or sale of agricultural equipment, boats, caravans, motor vehicles or the like.

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

- (a) Cemeteries, crematoria;
- (b) Federal Government purposes;
- (c) Local Government purposes;
- (d) State Government purposes;
- (e) Statutory Authority; or
- (f) Any other public purpose not specifically included in any other definition contained in the Part;

"Sports and Recreation"—Any use included in Appendix VIII hereto:—

APPENDIX VIII

- Archery
- Athletics
- Basketball
- Baseball
- Boating
- Bowling—other than indoor bowling
- Children's playgrounds
- Cricket
- Croquet
- Football
- Gardens
- Golf
- Hockey
- Parks
- Picnic areas
- Playing fields
- Tennis
- Vigoro

"Stable"—Any land, building or other structure used or capable of being used for the stabling or keeping of a horse and includes any shed, loose box or stall used or capable of being used for the keeping, stabling, feeding, watering, grooming, shoeing or veterinary treatment of a horse: The term includes a roofed yard;

"Stall"—Any structure of a temporary or semi-permanent nature from which goods are sold including produce grown on the same land or in the case of property owned by a professional fisherman including fish, oysters or crabs, etc., caught by the proprietor;

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

"Use", in relation to land, includes the carrying out of excavation work in or under land and the placing on land of any material or thing which is not a building or other structure: The term includes any use which is incidental to and necessarily associated with the lawful use of the land in question;

"Warehouse"—Any land, building or other structure

"Zones"—The divisions respectively into which the town-planning scheme area is divided by this Town-Planning Scheme for the purposes thereof.

2. Where any term used in this town-planning scheme is not herein defined, but is defined in a By-law the term shall, for the purposes of this Town-Planning Scheme and unless the context otherwise indicates or requires, have the meaning assigned to it by that By-law.

Part II

ZONING

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

3. For the purposes of this Town-Planning Scheme, the Town-Planning Scheme Area is hereby divided into the following zones:—

- (a) Those parts of the Town-Planning Scheme Area defined under Zone 1 and shown coloured dark blue on the scheme maps as Business Zones are hereby declared to be Business Zones;
- (b) Those parts of the Town-Planning Scheme Area defined under Zone 2 and shown coloured light blue on the scheme maps as Commercial Zones are hereby declared to be Commercial Zones;
- (c) Those parts of the Town-Planning Scheme Area defined under Zone 3 and shown coloured red on the scheme maps as Residential-High Density Zones are hereby declared to be Residential-High Density Zones;
- (d) Those parts of the Town-Planning Scheme Area defined under Zone 4 and shown coloured pink on the scheme maps as Residential-Low Density Zones are hereby declared to be Residential-Low Density Zones;
- (e) Those parts of the Town-Planning Scheme Area defined under Zone 5 and shown coloured dark purple on the scheme maps as General Industry Zones are hereby declared to be General Industry Zones;
- (f) Those parts of the Town-Planning Scheme Area defined under Zone 6 and shown coloured light purple on the scheme maps as Light Industry Zones are hereby declared to be Light Industry Zones;
- (g) Those parts of the Town-Planning Scheme Area defined under Zone 7 and shown coloured yellow on the scheme maps as Special Purposes Zones are hereby declared to be Special Purposes Zones;
- (h) Those parts of the Town-Planning Scheme Area defined under Zone 8 and shown coloured dark green on the scheme maps as Public Open Space Zones are hereby declared to be Public Open Space Zones;
- (i) Those parts of the Town-Planning Scheme Area defined under Zone 9 and shown coloured light green on the scheme maps as Private Open Space Zones are hereby declared to be Private Open Space Zones;
- (j) Those parts of the Town-Planning Scheme Area defined under Zone 10 and shown coloured light brown on the scheme maps as Rural "A" Zones are hereby declared to be Rural "A" Zones;
- (k) Those parts of the Town-Planning Scheme Area defined under Zone 11 and shown coloured dark brown on the scheme maps as Rural "B" Zones are hereby declared to be Rural "B" Zones;
- (l) Those parts of the Town-Planning Scheme Area defined under Zone 12 and shown coloured grey on the scheme maps as Railway Zones are hereby declared to be Railway Zones;
- (m) Those parts of the Town-Planning Scheme Area defined under Zone 13 and shown coloured aqua on the scheme maps as Drainage Problem Area Zones are hereby declared to be Drainage Problem Area Zones;
- (n) Those parts of the Town-Planning Scheme Area defined under Zone 14 and shown coloured pink with dark brown border on the scheme maps as Rural Residential Zones are hereby declared to be Rural Residential Zones.

4. Subject to the provisions of Parts III and IV of this Town-Planning Scheme—

- (a) The purpose for which any building or other structure may be erected or used or for which land may be used without the consent of the Council in each Zone shall be the purposes set forth in Column III of the Table of Zones herein opposite

- (b) The purposes for which any building or other structure may be erected or used or for which land may be used only with the consent of the Council in each Zone shall be the purposes set forth in Column IV of the Table of Zones herein opposite the name of the relevant Zone under the heading "Purposes for which buildings or other structures may be erected or used or for which land may be used only with the consent of the Council";
- (c) The purposes for which any building or other structure may not be erected or used or for which land may not be used in each Zone shall be the purposes set forth in column V of the Table of Zones herein opposite the name of the relevant Zone under the heading "Purposes for which buildings or other structures may not be erected or used or for which land may not be used".

5. Where any building or other structure or any land is used or intended for use for more than one purpose, it shall be deemed, for the purposes of this Town-Planning Scheme, to be used or intended for use for each of those purposes.

6. Subject to the provisions of Parts III and IV of this Town-Planning Scheme, no person shall—

- (a) without the consent of the Council, erect or use any building or other structure or use land in any Zone for a purpose set forth in column IV of the Table of Zones herein opposite the name of that Zone; or
- (b) erect or use any building or other structure or use land in any Zone for a purpose set forth in column V of the Table of Zones herein opposite the name of that Zone.

7. Notwithstanding that, pursuant to this Town-Planning Scheme, a building or other structure may be erected or used, or land may be used, on any Zone without the consent of the Council, or that, because of consent of the Council, any building or other structure may be erected or used or land may be used in any Zone for a purpose specified in such consent, nevertheless, subject to this Town-Planning Scheme, all relevant By-laws shall apply and be in force in respect of such erection or use.

Division II—Table of Zones

Column I	Column II	Column III	Column IV	Column V
Zone	Colour on Scheme Maps	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be erected or used or for which land may not be used
1. Business	Dark-blue	Commercial premises (on any floor except ground floor) General store Home occupation Professional office (on any floor except ground floor) Refreshment service Shop	Any purposes other than those permitted by Column III or prohibited by Column V	Animal husbandry Dwelling-house Extractive industry Forestry General industry Junk yard Kennel Light industry Liquid fuel depot Lot feeding of stock Noxious, offensive or hazardous industry Piggery Poultry farm Rural industry Stable
2. Commercial	Light-blue	Commercial premises Home occupation Professional office Showroom	Any purposes other than those permitted by Column III or prohibited by Column V	Animal husbandry Dwelling-house Extractive industry Forestry General industry Junk yard Kennel Light industry Liquid fuel depot Lot feeding of stock Noxious, offensive or hazardous industry Piggery Poultry farm Rural industry Stable
3. Residential— High Density	Red	Dwelling-house Home occupation Multiple dwelling not exceeding 2 storeys in height (minimum site frontage 30 metres)	Any purposes other than those permitted by Column III or prohibited by Column V	Bulk store Car repair station Caterer's room Commercial premises Extractive industry Forestry General industry Hotel Indoor entertainment Junk yard Kennel Light industry Liquid fuel depot Lot feeding of stock Noxious, offensive or hazardous industry Passenger terminal Piggery Poultry farm Rural industry Service industry Stable

Division II—Table of Zones—continued

Column I	Column II	Column III	Column IV	Column V
Zone	Colour on Scheme Maps	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be erected or used or for which land may not be used
4. Residential— Low Density	Pink	Dwelling house Home occupation	Any purposes other than those permitted by Column III or prohibited by Column V	Accommodation unit Automatic mechanical car wash Bulk store Car repair station Caterer's room Commercial premises Extractive industry Forestry General industry Hotel Indoor entertainment Junk yard Kennel Light industry Liquid fuel depot Lot feeding of stock Noxious, offensive or hazardous industry Passenger terminal Piggery Poultry farm Rural industry Service industry Shop Showroom Stable Stall Warehouse
5. General Industry ..	Dark-purple ..	Agriculture Animal husbandry Bulk store Care repair station General industry Home occupation Light industry Warehouse	Any purposes other than those permitted by Column III or prohibited by Column V	Accommodation unit (other than required for use and occupation in conjunction with a use specified in Column III or Column IV and situated on the land on which such use is conducted) Caterer's room Dwelling-house (other than those required for use and occupation in conjunction with a use specified in Column III or Column IV and situated on the land on which such use is conducted) Hospital Indoor Entertainment (other than those provided as staff amenities in conjunction with an industry and conducted on the land on which such industry is conducted) Lot feeding of stock Multiple-dwelling (other than those required for use and occupation in conjunction with a use specified in Column III or Column IV and situated on the land on which such use is conducted) Outdoor entertainment (other than those provided as staff amenities in conjunction with an industry and conducted on the land on which such industry is conducted) Piggery Place of worship Poultry farm Shop
6. Light Industry ..	Light-purple ..	Agriculture Animal husbandry Bulk store Car repair station Home occupation Light industry Service industry	Any purposes other than those permitted by Column III or prohibited by Column V	Accommodation units (other than those required for use and occupation in conjunction with a use specified in Column III or Column IV and situated on the land on which such use is

Division II—Table of Zones—continued

Column I	Column II	Column III	Column IV	Column V
Zone	Colour on Scheme Maps	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be erected or used or for which land may not be used
6. Light Industry— continued				Dwelling-house (other than those required for use and occupation in conjunction with a use specified in Column III or Column IV and situated on the land on which such use is conducted) Extractive industry Hospital Indoor entertainment (other than those provided as staff amenities in conjunction with an industry and conducted on the land on which such industry is conducted) Lot feeding of stock Multiple dwelling (other than those required for use and occupation in conjunction with a use specified in Column III or Column IV and situated on the land on which such use is conducted) Noxious, offensive or hazardous industry Outdoor entertainment (other than those provided as staff amenities in conjunction with an industry and conducted on the land on which such industry is conducted) Piggery Place of worship Poultry farm Shop
7. Special Purposes ..	Yellow ..	Any use indicated by red lettering on the scheme maps Home occupation	Any purposes other than those permitted by Column III	
8. Public Open Space	Dark-green ..	Sports and recreation	Any purposes other than those permitted by Column III or prohibited by Column V	Accommodation units (other than those required for use and occupation in conjunction with a use specified in Column III or Column IV and situated on the land on which such use is conducted) Bulk Store Caravan park Car repair station Commercial premises Dwelling-house (other than those required for use and occupation in conjunction with a use specified in Column III or Column IV and situated on the land on which such use is conducted) Educational establishment Extractive industry General industry General store Home occupation Hospital Hotel Institution Junk yard Kennel Light industry Liquid fuel depot Lot feeding of stock Multiple dwelling Noxious, offensive or hazardous industry Passenger terminal Piggery Place of worship Poultry farms Professional office Rural industry Service industry Service station

Division II—Table of Zones—continued

Column I	Column II	Column III	Column IV	Column V
Zone	Colour on Scheme Maps	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be erected or used or for which land may not be used
9. Private Open Space	Light-green	Agriculture Sports and recreation	Any purposes other than those permitted by Column III or prohibited by Column V	Bulk store Car repair station Commercial premises Dwelling-house (other than those required for use and occupation in conjunction with a use specified in Column III or Column IV and situated on the land on which such use is conducted) Extractive industry General industry General store Junk yard Kennel Light industry Liquid fuel depot Lot feeding of stock Noxious, offensive or hazardous industry Passenger terminal Piggery Poultry farm Professional office Rural industry Service industry Service station Shop Showroom Warehouse
10. Rural "A" <i>See amendment 2. 3/6/95</i>	Light-brown	Agriculture (except in the use of a parcel of land which adjoins land which is included in the Residential-High, or Low Density Zones) Animal husbandry (except in the use of a parcel of land which adjoins land which is included in the Residential-High, or Low Density Zones) Dwelling-house (one dwelling house only shall be allowed on each Sub-division or parcel of land) Home occupation	Any purposes other than those permitted by Column III or prohibited by Column V	Commercial Premises General industry Light Industry Multiple dwelling (other than a multiple dwelling containing no more than two units) Service industry Shop Warehouse
11. Rural "B"	Dark-brown	Agriculture (except in the use of a parcel of land which adjoins land which is included in the Residential-High, or Low Density Zones) Animal husbandry (except in the use of a parcel of land which adjoins land which is included in the Residential-High, or Low Density Zones) Dwelling-house (one dwelling house only shall be allowed on each Sub-division or parcel of land) Home occupation	Any purposes other than those permitted by Column III or prohibited by Column V	Commercial premises General industry Light industry Multiple dwelling (other than a multiple dwelling containing no more than two units) Service industry Shop Warehouse
12. Railway	Grey	Railway purposes		Any purposes other than those permitted by Column III and IV
13. Drainage Problem Area	Aqua		Any purposes other than those prohibited by Column V	Animal husbandry Extractive industry Forestry Junk yard Kennel Noxious, offensive or

Division II—Table of Zones—continued

Column I	Column II	Column III	Column IV	Column V
Zone	Colour on Scheme Maps	Purposes for which buildings or other structures may be erected or used or for which land may be used without consent of the Council	Purposes for which buildings or other structures may be erected or used or for which land may be used only with consent of the Council	Purposes for which buildings or other structures may not be erected or used or for which land may not be used
14. Rural Residential	Pink with dark-brown border	Agriculture (except in the use of a parcel of land which adjoins land which is included in the Residential-High, or Low Density Zones) Animal husbandry (except in the use of a parcel of land which adjoins land which is included in the Residential-High, or Low Density Zones) Dwelling-house (one dwelling house only shall be allowed on each sub-division or parcel of land) Home occupation	Any purposes other than those permitted by Column III or prohibited by Column V	Commercial premises Extractive industry General industry Light industry Lot feeding of stock Multiple dwelling (other than a multiple dwelling containing no more than two units) Noxious, offensive or hazardous industry Piggery Poultry farm Service industry Shop Warehouse

Part III

EXISTING LAWFUL NON-CONFORMING USES

8. The following provisions shall apply to an existing use which, had it not been in existence before the appointed day, would, having regard to the Zone in which it is carried on, constitute a purpose for which any building or other structure may not be erected or used or land may not be used in that Zone pursuant to subclause (c) of clause 4 hereof. Such a use is hereinafter in this Part referred to as "an existing non-conforming use".

9. (a) A person may continue an existing non-conforming use of any building or other structure, but such use shall not be changed to another non-conforming use except with the prior consent of the Council pursuant to clause 11 hereof.

(b) Upon the demolition or destruction of any building or other structure in which an existing non-conforming use was carried on, or upon the occurrence of damage to any such building or other structure which, in the opinion of the Council, is so substantial as to preclude the continuance of such non-conforming use, or upon the discontinuance for a period of at least six months from any cause whatsoever of such existing non-conforming use, the right to continue such existing non-conforming use shall cease and determine unless the Council otherwise determines pursuant to subclauses (c) or (d) of this clause.

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

(1)—

(i) Where such building or other structure is demolished or destroyed or so substantially damaged as, in the opinion of the Council to preclude its repair, consent to the erection of a new building or other structure upon the land upon which the demolished, destroyed or substantially damaged building was erected; or

(ii) Where such building or other structure is so substantially damaged as, in the opinion of the Council, to permit its repair, consent to the repair, of such building or other structure; and

(2) Consent to the use of the new building or other structure or, as the case may be, the repaired building or other structure for the existing non-conforming use carried on in the demolished, destroyed or substantially damaged building or other structure immediately prior to its demolition, destruction or substantial damage.

Subject to the prior consent of the Council any new building or other structure or any repaired building, or other structure as aforesaid may have a greater floor area than that of the demolished, destroyed or substantially damaged building or other structure and may, subject to the By-laws, and, if a notice of realignment has been given by the Council affecting the land in question, to the provisions of paragraph (ii) of subsection (10) of section 35 of the *Local Government Act 1936-1977* cover the whole of the allotment upon which the demolished, destroyed or substantially damaged

application being made to it, subsequently consent to such land, building or other structure being again used for such existing non-conforming use.

(e) The Council may, upon application being made to it, consent to the execution of repairs, alterations or additions to any building or other structure in which an existing non-conforming use is carried on but any such alterations or additions shall be confined within the boundaries of the allotment upon which the building or other structure is erected. Subject to the prior consent of the Council, any alterations or additions as aforesaid may increase the floor area of the building or other structure concerned and may, subject to the By-laws, and if a notice of realignment has been given by the Council affecting the land in question, to the provisions of paragraph (ii) of subsection (10) of section 35 of the *Local Government Act 1936-1977*, cover the whole of the allotment upon which the building or other structure is erected.

10. A person may continue an existing non-conforming use of any land upon which there is no building but such use shall not be changed to another non-conforming use except with the prior consent of the Council pursuant to clause 11 hereof. Upon the discontinuance for a period of at least six months from any cause whatsoever of such existing non-conforming use, the right to continue such existing non-conforming use shall cease, unless the Council otherwise determines pursuant to subclause (d) of clause 9 hereof.

11. The Council may, upon application being made to it, consent to a change of an existing non-conforming use to another non-conforming use if, in the opinion of the Council, such changed use will be less injurious to the amenity of the locality in question than the existing non-conforming use.

Part IV

EXISTING LAWFUL FETTERED USES

12. The following provisions shall apply to an existing use which had it not been in existence before the appointed day would, having regard to the Zone in which it is carried on, constitute a purpose for which any building or other structure may be erected or used only with the consent of the Council in that Zone pursuant to subclause (b) of clause 4 hereof. Such a use is hereinafter in this Part referred to as "an existing fettered use".

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

Part V

MISCELLANEOUS PROVISIONS

14. The Council shall keep a record of—

- (a) all existing registered non-conforming uses;
- (b) all consents, permissions and approvals granted by the Council under this Town-Planning Scheme and of all conditions attached to such consents, permissions and approvals;
- (c) all orders and decisions made by it under this

LAIDLAY SHIRE COUNCIL

Department of Local Government,
Brisbane, 10th November, 1977.

HIS Excellency the Governor, acting by and with the advice of the Executive Council and in pursuance of the provisions of the *Local Government Act 1936-1977* has been pleased to approve of the following By-laws made by the Council of the Shire of Laidley.

R. J. HINZE.

WHEREAS by the *Local Government Act 1936-1977* a Local Authority is empowered to make By-laws for all or any of the purposes in the said Act mentioned, and whereas by section 33 of the said Act mentioned a Local Authority is empowered to make such By-laws as are necessary or convenient to implement a town-planning scheme and to provide for, regulate and control the administration and execution of a town-planning scheme, and it is further provided that a By-law may be amended or repealed at any time by the Local Authority: It is hereby resolved by the Council of the Shire of Laidley, with the approval of His Excellency the Governor in Council, that the following By-laws for the general good rule and government of the Area and its inhabitants, and which the Council hereby determines are necessary for the proper exercise and performance of the functions of Local Government and the powers and duties of the Council and to implement and to provide for, regulate and control the administration and execution of any town-planning scheme in force in the Area, shall be in force from the date of publication hereof in the *Gazette*.

The By-laws of the Council of the Shire of Laidley published in the *Gazette* of 3rd September, 1907, as amended from time to time, are hereby further amended as follows:—

By inserting the following Chapter:—

CHAPTER No. 21

TOWN-PLANNING

This Chapter is arranged as follows:—

- PART I—INTERPRETATION;
- PART II—ADMINISTRATION;
- PART III—OFFENCES;
- PART IV—SPECIAL REQUIREMENTS IN RELATION TO PARTICULAR DEVELOPMENT;
- PART V—PARKING AREAS;
- PART VI—DRAINAGE PROBLEM AREAS;
- PART VII—MISCELLANEOUS PROVISIONS.

Part I

INTERPRETATION

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

"The Act"—The *Local Government Act 1936-1977*.
"The Town-Planning Scheme Area"—Means and refers to the whole of the Shire of Laidley.

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

Part II

ADMINISTRATION

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

The application shall be—

- (a) in writing;
- (b) signed by the applicant or applicants or, in the case of a partnership, by one of the partners thereof or, in the case of a company or an unincorporated association, by an authorised officer thereof;
- (c) accompanied by the consent, in writing, of the registered proprietor or registered lessee from the

(d) addressed to the clerk and truly set forth the following particulars:—

- (i) The full Real Property Office description of the land, together with the postal address thereof;
- (ii) The name of the registered proprietor in the case of freehold land or the name of the registered lessee in the case of land held from the Crown for a leasehold estate;
- (iii) The name of the occupier;
- (iv) The use desired to be made of the land;
- (v) The use being made of the land (including any building or other structure thereon) at the date of application;
- (vi) A description of the building or other structures erected on the land and the use being made thereof at date of application;
- (vii) The height and number of storeys of proposed buildings;
- (viii) A site plan and layout and, when requested by the clerk or the Council, an elevation of any buildings or other structures proposed to be erected on the land;
- (ix) The number of persons engaged and proposed to be engaged in the particular use;
- (x) The total connected load of any mechanical power proposed to be employed in the particular use; and
- (xi) Such other information relative to the application as may be requested by the clerk or the Council.

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

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

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

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

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

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

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

Local Government Act 1936-1977

CLAIM FOR COMPENSATION

To Laidley Shire Council,

I, (full name), of , being a person—

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

Situation: .
Parish: .
Real Property Description: .
Area .
Title Deed , volume ,
folio ,
the nature of my estate or interest therein being : or

*(ii) who has incurred expenditure pursuant to a town-planning certificate given to me by the Council,

hereby claim that my said estate or interest has been injuriously affected (or, as the case may be, that I have incurred expenditure which has been rendered abortive) by reason of the following:—

And consequently I claim as compensation for injurious affection (or as the case may be, for such expenditure) the sum of \$, which sum is made up as follows:—

I will produce documentary evidence of my title to the

Dated this day of , 19 .
Witness:

Signature of Claimant:

*Cross out whichever inapplicable.

6. The Council may refuse an application to use land or to erect or use a building or other structure for any purpose in a Zone in which the consent of the Council to the use or erection in question is required under any Town-Planning Scheme in force in the Area if—

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

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

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

Part III

OFFENCES

1. A person who in any respect contravenes or fails to comply with any provision of this Chapter shall be guilty of an offence under this Chapter and liable to a penalty not exceeding two hundred dollars (\$200) and additionally in the case of a continuing offence, to a daily penalty not exceeding twenty dollars (\$20) for each and every day on which the offence is continued.

Any offence under this Chapter may be prosecuted in a summary way under the *Justices Act 1886-1975*.

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

Part IV

SPECIAL REQUIREMENTS IN RELATION TO PARTICULAR DEVELOPMENT

Development of Service Stations

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

2. (i) After the date of gazettal of this By-law service stations established in any part of the Town-Planning Scheme area shall be situated only on sites for which Council Consent has been received and as far as practicable these shall be corner sites when located in areas zoned other than Rural A and Rural B.

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

- (a) for a corner site—thirty (30) metres on any frontage;
- (b) for other than a corner site in areas zoned other than Rural A and Rural B—thirty-two (32) metres on the frontage and twenty-eight (28) metres minimum depth;
- (c) for other than a corner site in areas zoned Rural A and Rural B—forty (40) metres on the frontage and twenty-eight (28) metres minimum depth.

3. (i) Except as hereinafter provided motor fuel pumps shall be set back not less than seven (7) metres from road

(ii) If the site is in a Residential High Density Zone or Residential Low Density Zone or abuts a Residential High Density Zone or Residential Low Density Zone clearances of buildings and structures from other boundaries shall be not less than 6 metres.

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

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

- (a) where the consent is to erect a service station building on land on which a service station was not being conducted at the date of the application, remove all existing structures before the new building is used as a service station;
- (b) dedicate as a road free of cost to the Council such part of the land as the Council requires to be so dedicated for corner truncation. A deceleration and acceleration lane not more than six (6) metres wide along the frontages of the sites shall be provided when required by the Council.

The maximum area which may be required under this paragraph to be dedicated for the purpose of a corner truncation free of cost to the Council shall not exceed the area of a truncation at a right angled corner of ten (10) metres by three (3) equal chords.

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

- (c) form and grade the footway for the full length of the frontage of the site, form and grade the decleration and acceleration lanes and areas of truncation, construct the footway, deceleration and acceleration lanes and roadway on the truncated area and provide a concrete kerb and channelling to the standard required by the Council;
- (d) construct reinforced industrial crossings over water channelling and footways;
- (e) provide to the satisfaction of the Council such stormwater drainage as is considered necessary by the construction of the aforesaid works and, in connection therewith, any stormwater drainage requirements considered by the council to be in excess of normal unconcentrated run-off shall be the responsibility of the developer who shall pay the costs of any additional drainage installation. The drainage is to be carried to a point at which it may be lawfully discharged without causing nuisance or annoyance to anyone.

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

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

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

5. The applicant may at his option carry out those parts of such works relating to the construction of the footway, concrete kerb and channel and reinforced industrial crossings in accordance with specifications laid down by the Council and under the supervision of the Council's engineer or he may pay to the Council such sum so shall be approved by the Council and which shall be assessed in accordance with current Council construction costs as being the cost of such

The Council shall be the sole constructing authority for all works on the road pavement outside the line of the kerb and channel, but the applicant shall be responsible for the cost of all such works along the frontage or frontages of the land to be developed as may be deemed necessary by the Council and he shall pay to the Council such sum as shall be approved by the Council and which shall be assessed in accordance with current Council construction costs as being the cost of such works, in which event the Council shall, subject to the provisions of this Chapter, complete such works within a time agreed between the parties.

6. All service station buildings shall be constructed in fire-resistant materials within the meaning of the Act and of the By-laws of the Council as defined in the *Local Government Act 1936-1977* as amended.

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

Development in a Business or Commercial Zone

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

- (a) If a detached dwelling-house is on the site on which the proposed building is to be erected it shall be removed from the site before such proposed building is occupied unless, in the case of a shop, the approved building plans for the proposed business provide for the dwelling-house being attached thereto and pursuant thereto the dwelling-house is so attached;
- (b) A detached dwelling-house shall not be erected on land on which a shop is erected or in respect of which consent for the erection of a shop has been applied for;
- (c) The owner of the land on which a building may be erected without the consent of the Council, or the applicant for consent where consent to erect a building is required under the Town-Planning Scheme and has been granted shall—
 - (i) construct a pedestrian footpath at least four (4) metres wide, or of such lesser width as Council may decide, taking into account the exceptional circumstances of the site, with not less than two (2) metres of concrete path for the full length of the road frontage or, where there is more than one such frontage, such frontages to the land the subject of the application, with one (1) metre of concrete path on any frontage except a frontage onto which a business opens;
 - (ii) construct concrete kerb and channelling to the Council's specification for the full length of the road frontage or, if there is more than one such frontage, such of these frontages as the Council shall determine;
 - (iii) construct a reinforced industrial crossing or crossings over water channelling and footpath when in the opinion of the Council the provision of such industrial crossing or crossings is necessary;
 - (iv) the applicant may at his option carry out those parts of such works relating to the construction of the footpath, concrete kerb and channel and industrial crossing or crossings in accordance with specifications laid down by the Council and under the supervision of the Council's engineer or he may pay to the Council such sum as shall be approved by the Council and which shall be assessed in accordance with current Council construction costs as being the cost of such works, in which event the Council shall, subject to the provisions of this Chapter, complete such works within a time agreed between the parties;
 - (v) provide to the satisfaction of the Council, such stormwater drainage as is considered necessary by the construction of the aforesaid works, and in connection therewith, any stormwater drainage requirements considered by the Council to

installation. The drainage is to be carried to a point at which it may be lawfully discharged without causing nuisance or annoyance to anyone.

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

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

If Council is satisfied that the drainage works which it may require under this subparagraph (v) will not be adequate and it will be in the opinion of the Council unreasonably costly for it to complete such drainage works adequately, the Council may refuse the application;

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

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

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

- (vii) Prior to any development taking place, submit a plan of layout and elevation showing the location and size of the proposed buildings, parking areas and any other items which the Clerk requires to be shown, and at least one elevation of the proposed development;
- (d) The works referred to in subparagraph (i), (ii), (iii) and (v) of paragraph (c) inclusive, shall be carried out before the new building is occupied;
- (e) The owner or applicant shall bear the cost of any alterations necessary to public utility mains, services or installations involved in the construction of the abovementioned works;
- (f) The materials used in and the execution of the abovementioned works shall be to the requirements and satisfaction of the Council;
- (g) The proposed building shall be constructed of fire resistant materials as defined in the *Local Government Act 1936-1977* as amended.
- (h) If an awning is provided over the footpath it shall be cantilevered;
- (i) That all of that part of the site on which vehicles will be parked and/or driven shall be bitumen or concrete surfaced to the satisfaction of Council; and
- (j) Unless otherwise specified by Council, provision shall be made within the curtilage of the site for the loading and unloading of vehicles.

(2) The requirements set out in subparagraph (ii) of paragraph (c) and in paragraphs (i) and (j) of clause (1) shall

(3) This By-law is limited in its application to buildings the erection whereof is commenced after the appointment day and—

- (a) which are new buildings; or
- (b) where such erection is connected with an existing building or buildings on the site in question, the floor space or aggregate of the floor space whereof will be increased by more than fifty per centum (50%) by reason of such erection.

Development in any Industry Zone

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

- (i) construct reinforced concrete industrial type crossing from roadway to property alignment at approved locations where vehicular access to the property is required; and
- (ii) if Council deems necessary—
 - (a) construct a pedestrian footpath six (6) metres wide, with not less than two (2) metres of concrete path for the full length of the road frontage or, where there is more than one such frontage, such frontages to the land the subject of the application;
 - (b) construct concrete kerb and channelling to the Council's specification for the full length of the road frontage or, if there is more than one such frontage, such of those frontages as the Council shall determine;
 - (c) the applicant may at his option carry out those parts of such works relating to the construction of industrial crossings, pedestrian footpath or footpaths and concrete kerb and channelling in accordance with specifications laid down by the Council and under the supervision of the Council's engineer or he may pay to the Council such sums as shall be approved by the Council and which shall be assessed in accordance with current Council construction costs as being the cost of such works in which event the Council shall, subject to the provisions of this Chapter, complete such works within a time agreed between the parties;
 - (d) provide to the satisfaction of the Council such stormwater drainage as is considered necessary by the construction of the aforesaid works and, in connection therewith, any stormwater drainage requirements considered by the Council to be in excess of normal unconcentrated run-off shall be the responsibility of the developer who shall pay the cost of any additional drainage installation. The drainage is to be carried to a point at which it may be lawfully discharged without causing nuisance or annoyance to anyone.

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

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

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

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

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

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

- (f) Prior to any development taking place, submit a plan of layout and elevation showing the location and size of the proposed buildings, parking areas and any other items which the Clerk requires to be shown, and at least one elevation of the proposed development;
 - (g) The works referred to in subparagraphs (a), (b), (d) and (e) of paragraph (1) of clause (1) shall be carried out before the new building is occupied.
- (2) In any Industry Zone—
- (a) parking areas for employees' vehicles shall be provided within the curtilage of the site of every industry or business established after the date of gazettal of this By-law in the circumstances and at the time hereunder set out;
 - (b) the Council may also require parking areas to be provided from time to time for the parking of customers' vehicles and of vehicles used in connection with the industry or business to the extent determined by the Council having regard to the nature and extent of the industry or business proposed or existing;
 - (c) such parking area provision shall be made by the owner of the land on which the industry or business is or will be conducted;
 - (d) all internal roads and parking areas on the land or adjoining land which lead to or pass or are adjacent to any industry or business engaged in any manner in the preparation, manufacture or packaging of food for human consumption shall be paved with bitumen to the satisfaction of the Council. Paving with bitumen of internal roads and parking areas in other industrial sites shall be dependent on the proposed industry and shall be provided if it is deemed necessary by the Council.

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

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

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

Construction of Multiple Dwellings and Accommodation Units

10. By-laws 11 to 16, both inclusive, of this Part apply in addition to the requirements of any other By-law relating to multiple dwellings and accommodation units.

11. The minimum frontages to a road or roads of any land or lands upon which a multiple dwelling or accommodation units may be erected shall be 30 metres.

12. Except as hereinafter provided, the nearest point of any part of any building, other than a garage, to any boundary of the allotment shall be not less than—

- (a) from any front or rear boundary—6 metres;
- (b) from any side boundary—3 metres per storey.

13. The total area covered by all buildings on the land, when measured from the outer surface of their walls, plus the area of any projections beyond the walls, including overhanging eaves, but insofar only as they project more than 1

A landscaped open space area of twelve square metres per habitable room shall be provided on the site and landscaped to the satisfaction of the Council. For the purpose of this clause a habitable room shall not include a kitchen, bathroom or laundry but shall include all other rooms.

At least half of the total landscaped open space area required shall be provided in one area, with a maximum ratio of length to breadth of two and one-half to one with a minimum width of five metres.

The landscaped open space area shall be kept clear of all obstacles such as clothes hoists, driveways, parking spaces and receptacles.

14. The total number of storeys is limited to two in the Residential Low Density Zone and three in the Business Zone.

15. In addition to the requirements of any other By-law the following conditions and requirements shall apply with respect to every building erected after the date of gazettal of this By-law for the purpose of a multiple dwelling or an accommodation unit whether the building is for a purpose permitted by the Town-Planning Scheme or for which the consent of the Council is required under the Town-Planning Scheme:—

- (a) If a detached dwelling-house is on the site on which the proposed building is to be erected it shall be removed from the site before such proposed building is occupied;
- (b) A detached dwelling-house shall not be erected on land on which a multiple dwelling or accommodation unit is erected or in respect of which consent for the erection of a multiple dwelling or accommodation unit has been applied for;
- (c) The owner of the land on which a building may be erected without the consent of the Council, or the applicant for consent where consent to erect a building is required under the Town-Planning Scheme and has been granted shall—
 - (i) construct a pedestrian footpath at least 4 metres wide, with not less than 1 metre of concrete path for the full length of the road frontage or, where there is more than one such frontage, such frontages to the land the subject of the application;
 - (ii) construct concrete kerb and channelling to the Council's specification for the full length of the road frontage or, if there is more than one such frontage, such of these frontages as the Council shall determine;
 - (iii) construct a reinforced industrial crossing or crossings over water channelling and footpath when in the opinion of the Council the provision of such industrial crossing or crossings is necessary;
 - (iv) the applicant may at his option carry out those parts of such works relating to the construction of the footpath, concrete kerb and channel and industrial crossing or crossings in accordance with specifications laid down by the Council and under the supervision of the Council's engineer or he may pay to the Council such sum as shall be approved by the Council and which shall be assessed in accordance with current Council construction costs as being the cost of such works, in which event the Council shall, subject to the provisions of this Chapter, complete such works within a time agreed between the parties;
- (v) provide to the satisfaction of the Council such stormwater drainage as is considered necessary by the construction of the aforesaid works, and in connection therewith, any stormwater drainage requirements considered by the Council to be in excess of normal unconcentrated run-off shall be the responsibility of the developer who shall pay the costs of any additional drainage installation. The drainage is to be carried to a point at which it may be lawfully discharged without causing nuisance or annoyance to anyone.

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

The applicant may at his option carry out those parts of such works relating to the construction of stormwater drainage in accordance with specifications laid down by the Council and under the supervision of the Council's engineer or he may pay to the Council such

current Council construction costs as being the cost of such works, in which event the Council shall, subject to the provisions of this Chapter, complete such works within a time agreed between parties.

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

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

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

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

- (vii) prior to any development taking place, submit a plan of layout and elevation showing the location and size of the proposed buildings, parking areas and any other items which the Clerk so requires be shown, and at least one elevation of the proposed development;
- (d) The works referred to in subparagraphs (i), (ii), (iii) and (v) of paragraph (c) inclusive shall be carried out before the new building is occupied;
- (e) The owner or applicant shall bear the cost of any alterations necessary to public utility mains, services or installations involved in the construction of the abovementioned works;
- (f) The materials used in and the execution of the abovementioned works shall be to the requirements and satisfaction of the Council;
- (g) The proposed building shall be constructed of fire resistant materials as defined in the *Local Government Act 1936-1977* as amended;
- (h) That all of that part of the site on which vehicles will be parked and/or driven shall be bitumen surfaced.

16. This clause is limited in its application to buildings the erection whereof is commenced after the appointed day and—

- (a) which are new buildings; or
- (b) where such erection is connected with an existing building or buildings on the site in question, the floor space or aggregate of the floor space whereof will be increased by more than fifty per centum (50%) by reason of such erection.

17. The Council may dispense with or may modify all or any of the requirements of By-laws 12 to 16 of this Part if it considers that dispensation or modification is necessitated by the exceptional circumstances of the particular site.

Construction of Dwellings

18. By-laws 19 to 21, both inclusive, of this Part apply in addition to the requirements of any other By-law relating to dwellings.

19. Except as hereinafter provided, the nearest point of any part of any building, other than a garage, to any boundary of the allotment shall be not less than—

- (a) 6 metres—from any front or rear boundary;
- (b) 2 metres—from any side boundary.

20. The total area covered by all buildings on the land, when measured from the outer surface of their walls, plus the area of any projections beyond the walls, including overhanging eaves but, insofar only as they project more than 1 metre horizontally from the wall shall not exceed 30 per centum of the total area of the land.

21. The total number of storeys is limited to two.

22. The Council may dispense with or may modify all or

Extractive Industries

Definitions

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

"Extractive Industry"—Any industry involving the extraction of sand, gravel, clay, turf, soil, rock, stone or similar materials from land and including, when carried out on the land from which such materials are extracted or on land adjacent thereto, the treatment of such materials and the manufacture of products from such substances: The term includes a mine;

"Permittee"—A person for the time being carrying on or causing to be carried on or concerned in the carrying on of an extractive industry on land, pursuant to the provisions of any Town-Planning Scheme in force in the Area relating to the use of land for extractive industry, and whether the special consent of the Council to such use under such Town-Planning Scheme is or is not required;

"Shire Engineer"—The person appointed by the Council to be engineer of the Shire: The term includes an engineer from time to time authorised by the Council to carry out the duties of the shire engineer for the purposes of this Part;

"Subject Land"—Land in the Area on which an extractive industry is or is to be carried out.

Compliance with Requirements

24. In respect of an extractive industry, whether established before or after the coming into force of a Town-Planning Scheme in the Area, and if established thereafter, whether the special consent of the Council thereto under the Order in Council published in the *Gazette* notifying approval by the Governor in Council of such Town-Planning Scheme is or is not required—

- (a) the permittee shall at all times comply with all requirements of the Council hereinafter set out in this Part; and
- (b) the owner or the occupier of land within the Area, not being the permittee under this Part, shall not permit nor suffer another person to carry on an extractive industry on such land unless he satisfies himself that such person is a permittee under this Part.

Points of Ingress and Egress

25. (1) Each entrance to or exit from the subject land shall be between six (6) metres and eight (8) metres wide and be situated at least ten (10) metres from another entrance to or exit from such land.

(2) Each such entrance or exit shall be so located as not, in the opinion of the Council, to create a new traffic hazard or increase an existing traffic hazard.

Fencing

26. (1) So much of the subject land as contains an excavation that is one (1) metre or more below the level of the unexcavated ground immediately alongside or adjacent to the said excavation shall be enclosed by a chain-mesh fence at least two (2) metres high.

(2) Such fence shall be so constructed and maintained that in the opinion of the Council a person cannot enter the subject land except by climbing over the fence or by passing through a gateway therein.

(3) Such gate shall be the same height as the fence and shall be so constructed and maintained that a person, in the opinion of the Council, cannot enter the subject land except by passing through the open gate or by climbing over the closed gate.

(4) Every such gate shall be kept locked at all times except when a gatekeeper is present thereat.

(5) The Council may, by resolution, modify or dispense with the provisions of this clause in a case where it is satisfied that the circumstances thereof warrant such modification or dispensation.

Safety Precautions

27. (1) Water shall not be allowed to accumulate so as to exceed one (1) metre in depth in an uncovered excavation on the subject land.

(2) Clause (1) of this By-law does not apply to a settling pond which in the opinion of the Council is used in connection with the winning of sand by hydraulic sluicing or other method.

Blasting and Explosions

28. (1) Blasting and explosions on the subject land shall be conducted in such a manner that a stone, rock, soil or other material or projectile does not escape nor is ejected from such land.

- (b) after the hour of six o'clock in the evening (6 p.m.); or
- (c) On Anzac Day, Christmas Day, Good Friday or Sunday,

unless in an emergency and with the prior approval of the Clerk.

(3) The permittee shall, before commencing any blasting on the subject land, erect and keep exhibited on the approaches to, and not less than four hundred (400) metres from the site of such blasting, notices of warning which shall be of a type to be approved by the Shire Engineer and shall provide adequate warning to any person working in, or around the excavation or within the vicinity of the site, or passing thereby. Between five (5) minutes and ten (10) minutes before blasting, the permittee shall, by bell, whistle or other means to be approved by the Shire Engineer, give sufficient warning of that danger. Such bell, whistle or other signal shall be kept continuously in operation until blasting is completed.

Mode of Operation

29. (1) The carrying on of an extractive industry is prohibited within—

- (a) sixty (60) metres of the alignment of a road;
- (b) twenty (20) metres of a boundary of land that is not being used for extractive industry where such boundary is not common with a boundary of a zone;
- (c) one hundred (100) metres of a boundary of land where such boundary is common with a boundary of a zone; or
- (d) one hundred (100) metres of any boundary of land that is not being used for extractive industry where such extractive industry constitutes a non-conforming use.

(2) The Council may, by resolution, modify or dispense with the provisions of clause (1) of this By-law in a case where it is satisfied that the circumstances thereof warrant such modification or dispensation.

(3) The permittee shall not, in the opinion of the Council, cause nor allow any clay, gravel, rock, sand, silt, sludge, soil, stone, overburden or other material resulting from extractive industry to—

- (a) enter a swamp, watercourse or water storage;
- (b) enter a drain or sewer;
- (c) enter a drainage or sewerage easement; or
- (d) cause injury to or interference with the use of land that is not being used for extractive industry,

(4) Buildings or other structures, and stockpiles on the subject land shall be, in the opinion of the Council, so located and maintained as to prevent dust, sand or soil blowing on to a road, or land that is not being used for extractive industry.

(5) The permittee shall not excavate, dig or drill on the subject land to a depth greater than that authorised by the Council in respect of the excavation.

Tree Planting and Maintenance

30. (1) Shrubs and trees shall be so planted and maintained as to screen effectively, to the satisfaction of the Council, the activities on the subject land from a person standing at ground level on any part of land used for residential purposes.

(2) The Council may permit the planting of young shrubs and trees which when planted are not of sufficient height or development to comply with clause (1) of this By-law.

(3) The Council may dispense with clause (1) of this By-law on the ground that compliance therewith would, in the opinion of the Council, be unreasonable.

Land Reclamation

31. (1) Where the Council is of the opinion that reclamation of an excavation on the subject land will be necessary, the permittee shall—

- (a) deposit with the Council an amount not exceeding two thousand dollars (\$2,000) as the Council may, by resolution, determine, to be retained by it until the extractive industry ceases on such land, and until the permittee shall have complied with the provisions of this clause, provided however that the Council may, in lieu of such deposit, accept a bond guaranteed by a Bank or an Insurance Company acceptable to the Council in lieu of such deposit;

- (b) progressively reclaim such excavation to the satisfaction of the Council, and ensure that the excavation remaining to be reclaimed shall not at any time by measurement exceed the excavation

- (c) ensure that—
 - (i) in the opinion of the Council the face of an excavation permitted to remain is so sloped or battered as to remain stable, with all loose material removed therefrom; and
 - (ii) all slopes are planted with protective vegetation as directed by the Council or the Shire Engineer; and
- (d) within three (3) years after the extractive industry ceases on the subject land, complete such reclamation, rehabilitation and restoration thereof to the satisfaction of the Council.

(2) The deposit paid to the Council pursuant to subclause (1) of this clause shall be placed in the Council's Trust Fund.

(3) Where the permittee is convicted of a breach of the provisions of paragraph (b) of clause (1) of this By-law or fails to comply with the provisions of paragraphs (c) or (d) of such subclause, the Council may cause the necessary work to be carried out and may deduct the cost thereof from the moneys deposited by the permittee and if such costs exceeds the amount of the deposit, the permittee shall forthwith, on demand, pay to the Council the amount of such excess.

(4) Upon the completion of the works referred to in subclause (1) of this clause, the deposit (if any) or the balance of the deposit as the case may be, shall be paid to the permittee.

Special Conditions in Respect of Other Uses

32. A person shall not erect nor cause to be erected a building or other structure nor use land nor cause land to be used for any purpose set out in Column 1 of the Schedule hereunder in contravention of any of the requirements set out in Column 2 of such Schedule opposite that purpose:—

THE SCHEDULE

Column 1 Purpose	Column 2 Requirements
Bird aviaries and pigeon lofts	Buildings and structures shall be so located that they are not less than six (6) metres from any residential building, three (3) metres from any side boundary and six (6) metres from any other boundary
Church, place of public worship and church hall	A new building to be erected on land in a Residential High Density Zone or a Residential Low Density Zone acquired after the appointed day shall be so located that a part thereof shall not be within six (6) metres of any external boundary of the land on which it is located. This requirement does not apply to a building for use as a residence
Columbarium	When located on land in a Residential High Density Zone or a Residential Low Density Zone, which has a common boundary with other land whereon a residential building is located, shall have a clearance from the common boundary with such other land of not less than ten (10) metres and shall be screened to the satisfaction of the Council so that a part thereof is not visible from such other land or from a road which forms a boundary of the land on which the columbarium is located. These requirements are limited in their application to land acquired for use as a columbarium after the appointed day
Dairy	1. Bails and other non-residential structures or buildings shall be so located as to be not less than sixty (60) metres from a residential building 2. Cattle shall not be kept nearer than fifteen (15) metres from a residential building
Goat farms	The goats shall at all times be kept in an enclosure so located that it is not less than sixty (60) metres from a residential building
Kennel	The dogs shall at all times be kept in an enclosure so located that it is not less than sixty (60) metres from a residential building; provided, however, the sick bay provided in connection with a kennel may be situated under or near the owner's residence
Piggery	1. Buildings and other structures shall be so located that they are not less than two hundred (200) metres from a residential building or from a road, not less than sixty (60) metres from a natural watercourse, and not less than twenty (20) metres from any other boundary of the allotment or parcel of land on which the piggery is located 2. A piggery shall not be established on an allotment or parcel of land the area of which is less than two (2) hectares 3. An industry other than a rural industry shall not be permitted on the same site as a piggery
Poultry farm or poultry abattoir	Buildings and other structures shall be so located that they are not less than sixty (60) metres from a residential building, natural watercourse or road and not less than twenty (20) metres from any other boundary of the allotment or parcel of land on which the poultry

THE SCHEDULE—continued

Column 1 Purpose	Column 2 Requirements
Stable	1. The area of the allotment or parcel of land on which a stable may be erected shall be not less than two (2) hectares 2. A horse shall not be kept nearer than fifteen (15) metres from a residential building
Stock, lot feeding of	Stock shall at all times be kept in an enclosure so located that it is not less than 800 metres from the boundary of any land included in a Residential High Density Zone or Residential Low Density Zone or Future Urban Zone

33. By-law 32 of this Part shall not apply to uses which are existing uses on the appointed day.

34. The requirements set out in Column 2 of the Schedule to By-law 32 of this Part shall be in addition to any other requirements which the Council lawfully imposes.

35. Subject to the requirements of this Part as to the provision of industrial crossings in relation to a particular building or use, it shall be a condition of every consent granted by the Council pursuant to the Town-Planning Scheme to use land or to erect or use a building on land that the applicant shall provide at his own cost exits and entrances for vehicles to and from the site, whether by way of an existing or proposed road, to the requirements and satisfaction of the Council.

36. Wherever it is a requirement of this Part or of the Council that industrial crossings or parking areas to be provided, or that provision be made for the loading and unloading of vehicles, the location thereof shall be determined by the Council. The construction of all road and drainage works, parking areas and industrial crossings shall be to the satisfaction of the Council.

Part V

PARKING AREAS

Application of Part

1. (1) The provision of this Part shall not apply—
 - (a) to an existing use; or
 - (b) for the use of a dwelling-house for the purpose of a home occupation if the total floor area used (whether temporarily or permanent) for such purposes does not exceed 30 square metres.

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

Duty of Compliance

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

Parking Requirements

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

Use	Minimum Parking Spaces
Accommodation units, dwellings, houses and multiple dwellings	1 domestic garage or covered parking space to each dwelling-house and one domestic garage or covered parking space to each unit in a multiple dwelling capable of separate occupation or in any case in such lesser ratio as the Council may in its discretion determine from time to time
Bulk store	1 parking space for every 2.5 (2½) employees or 1 parking space for each 200 square metres of the total floor area whichever is the greater
Caterers' rooms	1 parking space for each 10 square metres of the total floor area or 1 parking space for every 2.5 (2½) persons assessed on the maximum number to be catered for

Use	Minimum Parking Spaces
Hospital	1 parking space for every four (4) beds; in addition 1 parking space for every two (2) employees (except where employees' quarters are located in close proximity to the hospital) and a further 1 parking space for each staff doctor
Hotel	1 parking space for each square metre of the bar floor area; in addition 1 parking space for each three (3) square metres of the lounge and beer garden floor area, and a further 1 parking space for each guest suite
Industries (all classes)	1 parking space for every 2.5 (2½) employees or 1 parking space for each one hundred (100) square metres of the total floor area whichever is the greater
Indoor entertainments	1 parking space for each twenty (20) square metres of the total floor area or 1 parking space for every three (3) persons entertained at any one time, calculated at the maximum capacity; whichever is the greater
Places of public worship	1 parking space for every ten (10) seats or places
Produce store	1 parking space for each twenty-five (25) square metres of the total floor area
Professional office	1 parking space for each fifty (50) square metres of the total floor area or 1 parking space for every two (2) employees whichever is the greater
Refreshment services	1 parking space for each twenty (20) square metres of the total floor area
Service stations	5 parking spaces for the first lubricating bay and 4 parking spaces for each additional lubricating bay
Shops	In the case of a single shop or where shops form part of a group of shops the combined gross floor area of which does not exceed seven hundred (700) square metres 1 parking space for each fifteen (15) square metres of gross floor area exceeding one hundred (100) square metres but not exceeding seven hundred (700) square metres. Where the total gross floor area exceeds seven hundred (700) square metres ten (10) parking spaces for each one hundred (100) square metres of gross floor area
Showroom	1 parking space for each twenty-five (25) square metres of the total floor area
Special uses, institutions and outdoor entertainments	Sufficient parking space/s to accommodate the amount of vehicular traffic likely, in the opinion of the Council, to be generated by the particular development
Warehouse	1 parking space for every 2.5 (2½) employees or 1 parking space for each two hundred (200) square metres of the total floor area whichever is the greater

(2) The parking space referred to in clause (1) of this By-law shall be a space of 18 square metres the minimum width of which shall be 3 metres.

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

- (a) at least twelve (12) metres wide;
- (b) at least six (6) metres deep;
- (c) of such a gradient as in the opinion of the Council's engineer to be suitable for vehicular parking;
- (d) laid out to the satisfaction of the Council's engineer in such manner as to provide adequate access to each parking space and to permit free circulation of vehicles entering, leaving and parking;
- (e) constructed, sealed, marked and maintained to the satisfaction of the Council's engineer unless and until the Council rescinds or modifies such requirement;
- (f) each space to be readily accessible for parking from access lanes;
- (g) indicated by means of a sign or signs to the satisfaction of the Council's engineer;
- (h) located and constructed in such a position and manner respectively so as not, in the opinion of the Council to create any additional traffic hazard in the locality.

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

(3) Where the allotment upon which a parking area is required pursuant to this Part is less than twelve (12) metres

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

- (5) A parking area required by this Part shall be—
- (a) kept exclusively for parking; and
 - (b) used exclusively for parking; and
 - (c) maintained in a fit and proper condition for parking purposes.

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

Part VI

DRAINAGE PROBLEM AREAS

Definitions

1. In this Part, unless the context otherwise indicates or requires, the following terms have the meanings respectively assigned to them, namely:—

"Drainage Problem Area"—Any land in a Drainage Problem Area Zone;

"Land" includes a tract of land of any area, as well as an allotment, part of an allotment, or a number of allotments of land whether contiguous or not.

Prohibitions in a Drainage Problem Area Zone

- (1) In a drainage problem area a person shall not—
- (a) erect a building for any purpose;
 - (b) change the use of an existing building from a non-residential purpose to a residential purpose;
 - (c) rebuild or enlarge an existing building;
 - (d) excavate or fill the land, construct any drainage works, or divert surface water by any other means

except with the written consent of the Council and in accordance with the conditions, if any, to which such consent is subject.

- (2) The Council may in its absolute discretion—
- (a) refuse its consent under this clause; or
 - (b) grant its consent under this clause unconditionally or
 - (c) grant its consent under this clause subject to reasonable and relevant conditions.

(3) A person to whom the consent of the Council has been granted under this clause shall comply with the conditions (if any) to which such consent is subject.

(4) Subject to the provisions of subsection (16D) of section 33 of the Act when a person to whom the consent of the Council has been granted under this clause fails to comply with the conditions to which such consent is subject, the Council may, either in addition to or in lieu of taking or exercising any other proceeding or remedy, cancel such consent.

(5) The Building Inspector or other authorised officer of the Council shall not approve at building application for any building if such building is situated in a drainage problem area unless the written consent of the Council under this Part has been first had and obtained and is in force.

Part VII

MISCELLANEOUS PROVISIONS

Policy Planning Maps or Statements

1. The Council may, from time to time or at any time prepare or have prepared and adopt by resolution policy planning maps or statements for the good rule and government of the Shire, and for the ordered guidance of Shire growth and land use, and such policy planning maps or statements shall be available for inspection by the public at the Council office at all times during which its office is open for the transaction of public business.

2. Any policy planning map or statement adopted by resolution of the Council shall be deemed to express the policy of the Council in relation to the desirable use of the land to which it relates, but it shall not for any purpose be deemed to be a rezoning of the land comprised therein.

3. The Council may, from time to time or at any time, amend by resolution any policy planning map or statement, and all such amendments shall be shown on the policy planning maps or statements available for inspection at the Council office.

4. In respect of any application for consent under this scheme, the Council shall take into consideration the principles and policies shown on the policy planning maps or expressed

Traffic

5. For the purposes of this scheme the Council shall determine by investigation and planning and specify by resolution, any road which it considers will, within a period of twenty (20) years from the date of the resolution, be required to carry an average daily flow of more than five thousand (5 000) vehicles. Any such determination may be varied from time to time in like manner.

6. Unless otherwise authorised by the Council there shall be no development of any land having a frontage to a road, determined under By-law 5 of this Part, unless the following requirement is complied with:—

A person shall not enter or leave the carriageway of such road for the purpose of gaining access to or from such land except by means of access provided, with the prior consent of the Council, for that purpose.

Visibility at intersections or junctions or roads

7. (a) In this By-law "corner area" means, in relation to a corner allotment which has not been truncated, that part of the allotment, which, if it were truncated six (6) metres on each frontage by three (3) equal chords, would be the area of truncation.

(b) Except with the prior written consent of the Council, and notwithstanding anything to the contrary contained in any By-law, no person shall on any corner allotment occupied or owned by him which has not been legally truncated erect or cause or permit to be erected on the corner area any fence, hoarding or other structure, or any tree, shrub, hedge or other plant growth likely to cause visual obstruction of a height greater than seventy-five (75) centimetres or such lesser height as the Council may determine from time to time having regard to the road levels measured from the level of the footway or roadway immediately adjoining the same.

(c) The consent of the Council as aforesaid may be given subject to such reasonable and relevant terms and conditions as may be set out in the form of consent and may be revoked by the Council at any time by written notice given to any person in occupation of the land, or, if there is no occupier, to the owner of the land.

(d) Any person who fails to comply with any terms or conditions of such consent shall be guilty of an offence.

8. (a) If upon any corner area there exists any fence, hoarding or other structure or any tree, shrub, hedge or other plant growth of height greater than seventy-five (75) centimetres or such lesser height as the Council may determine having regard to the road levels measured from the level of the footway or roadway immediately adjoining the said fence, hoarding or other structure or tree, shrub, hedge or other plant growth, the Council may by notice in writing to the occupier of the land or, if there is no occupier, then the owner, require him to reduce and keep reduced the height of such fence, hoarding or other structure or tree, shrub, hedge or other plant growth to not more than seventy-five (75) centimetres or such lesser height as the Council may determine from time to time having regard to the road levels measured as aforesaid. The said notice shall state a time (not being less than thirty (30) days from the giving thereof) with which the reduction in height shall be effected.

(b) If the occupier or owner to whom the notice is given fails within the time specified in the notice to reduce the height of the fence, hoarding or other structure, or tree, shrub, hedge or other plant, growth as the case may be, as required by the notice, or fails to keep the height reduced as required by the notice, he shall be guilty of an offence, and the Council by its officers, servants, agents and any person authorised by it may enter upon the land and do all such things as may be necessary to reduce the height of the fence, hoarding or other structure or tree, shrub, hedge or other plant growth to seventy-five (75) centimetres or such lesser height as the Council may determine from time to time having regard to the road levels and may recover the cost of so doing from the person in default. Until the cost is paid it shall be a charge on the land and recoverable as rates.

Certificate

The foregoing resolution was passed on the tenth day of March, 1976, at a special meeting of the Council of the Shire of Laidley, called for that purpose and the requirements of subsection (27) of section 31 of the Local Government Act 1936-1976 have been complied with in respect of the By-laws the subject of such resolution.

B. L. Fox, Shire Clerk.

R. L. PITT, Chairman.

LAIDLAY SHIRE COUNCIL

Department of Local Government, Brisbane, 10th November, 1977.

HIS Excellency the Governor, acting by and with the advice of the Executive Council, and in pursuance of the provisions of the Local Government Act 1936-1977, has been pleased to approve of the following By-laws made by the Council of the Shire of Laidley.

R. J. HINZE.

WHEREAS by the Local Government Act 1936-1977, a Local Authority is empowered to make By-laws for all or any of the purposes in the said Act mentioned, and it is further provided that a By-law may be amended or repealed at any time by the Local Authority: It is hereby resolved by the Council of the Shire of Laidley, with the approval of His Excellency the Governor in Council, that the following By-laws for the general good rule and government of the Area and its inhabitants, and which the Council hereby determines are necessary for the proper exercise and performance of the functions of Local Government and the powers and duties of the Council shall be in force from the date of publication hereof in the Gazette.

The By-laws of the Council of the Shire of Laidley, published in the Gazette of 3rd September, 1977, as amended from time to time are hereby further amended as follows:—

By inserting the following Chapter:—

CHAPTER No. 22 SUBDIVISION OF LAND

This Chapter is arranged as follows:—

- 1. Interpretation
2. Applications
3. Stage Development
4. Minimum Sizes of Subdivisions
5. Ratio of Depth to Frontage
6. Discretionary Powers
7. Filling and Drainage
8. Truncations
9. Grounds for Refusal of Proposal Plan
10. Consideration of Application by Council
11. Approval of Proposal Plan
12. Refusal of Proposal Plan
13. Execution of Work
14. Plans and Specifications
15. Supervision of Road and Drainage Construction
16. Boundary Roads and Half Metre Strips
17. Subdivision of Land Abutting on 0.5 Metres Strip
18. Engineering Standards
19. Water Supply and Sewerage Services
20. Road Names
21. Certified Plan of Survey to be submitted

See facing insert

Interpretation

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

"Allotment"—A piece, parcel or subdivision of land the boundaries of which are separately defined by metes and bounds on a plan of survey deposited in the Survey Office, or, in the case of land under the Real Property Act 1861-1976, which has been subdivided, any and every subdivision of such land the boundaries of which are separately defined by metes and bounds on the relevant plan of such registered with the Registrar of Titles under and in accordance with the Real Property Act 1861-1976;

"Applicant"—A private person or a Company applying to the Council under this Chapter for approval to subdivide land or open a new road;

"Business Zone" includes all land in the part of the Shire declared to be in a Business Zone under any Town-Planning Scheme in force for the time being for the Shire;

"Commercial Zone" includes all land in the part of the Shire declared to be in a Commercial Zone under any Town-Planning Scheme in force for the time being for the Shire;

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

"General Industry Zone" includes all land in the part of the Shire declared to be in a General Industry Zone under any Town-Planning Scheme in force for the time being for the Shire;

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

"Residential-High Density Zone" includes all land in the part of the Shire declared to be in a Residential-High Density Zone under any Town-Planning Scheme in force for the time being for the Shire;

"Residential-Low Density Zone" includes all land in the part of the Shire declared to be in a Residential-Low Density Zone under any Town-Planning Scheme in force for the time being for the Shire;

"Rural "A" Zone" includes all land in the part of the Shire declared to be in a Rural "A" Zone under any Town-Planning Scheme in force for the time being for the Shire;

"Rural "B" Zone" includes all land in the part of the Shire declared to be in a Rural "B" Zone under any Town-Planning Scheme in force for the time being for the Shire;

"Subject Land"—Land which is the subject of an application for the opening of a new road or for the subdivision thereof;

"The Act"—The Local Government Act 1936-1977.

2. (i) An applicant shall submit to the Council an application in the form prescribed by the Council and provided for that purpose, properly completed in every detail and signed by the owner of the subject land or his authorised agent and shall pay to the Council the fee for the time being payable in respect of such application. The amount of the fee payable in respect of an application shall be fixed in each year by the Council by resolution.

(ii) An application pursuant to clause (i) of this By-law shall be accompanied by a proposal plan which shall be prepared and submitted in quadruplicate and shall be printed or reproduced on a medium which is durable and stable in dimension. The proposal plan shall be accurately plotted with the north point upwards, and drawn to a scale, to be indicated thereon, of

- 1:1 000 in respect of proposed allotments which do not exceed two thousand (2 000) square metres in area;
1:2 000 in respect of proposed allotments which exceed two thousand (2 000) square metres but do not exceed one (1) hectare, in area;
1:5 000 in respect of proposed allotments which exceed one (1) hectare in area.

Information to be shown on proposal plan

(iii) The proposal plan which shall be signed and dated by the person who prepared it, shall show the following information:—

- (a) The full Real Property Office description of the land and the name of the registered proprietor of such land;
(b) The contours or the levels of the natural surface of the subject land above some known or stated datum sufficient to determine the intended level, the rate or rates of inclination and the cross falls of each new road, the natural drainage features and any problems connected with access to a proposed allotment shown on the proposal plan;
(c) The catchment areas of all drainage upon the subject land and any further information as to drainage required by the Council;
(d) The location of all watercourses, waterholes and creeks and all determinable flood levels within the subject land;
(e) The lines of all existing sewers and drains and of all existing pipes or mains for the supply of water, gas, electricity and other services;
(f) All existing and new roads, with their respective names and widths, of which the subject land has or will have a frontage, all existing easements over, adjoining or effecting such land, all allotments into which such land is proposed to be subdivided each marked with a distinct lot number and the approximate measurements and the area thereof and of each reserve, road, land and pathway, as determined by preliminary survey and design;
(g) All the allotments into which the subject land has already been subdivided, each marked with distinctive numbers or symbols and dimensions. The total number and area of such allotments shall also be set out on a table on the proposal plan;

(h) The size and situation of all buildings on the subject land and in the case where two or more proposed allotments abut on to the side boundary of an adjoining allotment or where the building

9. Boundary Roads and Half Metre Strips

17. Subdivision of Land

20. Electricity supply system
21. Road names
22. Certified plan of survey to be submitted.

A

"Access Restriction Strip"—Land transferred in fee-simple to the Council by an applicant for the purpose of restricting access to adjoining land. Such strip shall have a width of not less than point one (0.1) metres."

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(j) In the case of a proposal to subdivide the subject land into proposed allotments but in which part only of the subject land is proposed to be immediately subdivided into such proposed allotments, the balance of the subject land shall be designed and shown by broken lines on the proposal plan, together with the necessary topographical information.

The design shall also show the existing and proposed means of access to each separate proposed allotment, and the situation of each proposed allotment in relation to public convenience, present and prospective. Where necessary the road system shall be shown through and over adjoining lands;

(k) The extent of filling proposed to be carried out on the subject land;

(l) Where the longitudinal grade along the centre line of a new road as indicated by the contours or levels shown under subclause (b) of clause (iii) of this By-law exceed five per centum (5%), a longitudinal section of such road shall be plotted from the contours or levels showing the natural surface and the details of the proposed vertical alignment of the road;

(m) Where the transverse grade of the natural surface of a new road exceeds seven per centum (7%) as indicated by the contours or levels shown under subclause (b) of clause (iii) of this By-law, cross sections of such road, in addition to the longitudinal section, shall be plotted. The cross section shall show clearly the profile of the new road in question, the location of the crown of such road, the cross falls provided, the location of table drains, catch drains, or kerb and channel, the extent of the cuts or fills and the slopes of the batters to be provided;

(n) In every case involving the opening of a new road, a typical cross section of such road shall be plotted;

(o) Every longitudinal or traverse section of a new road shall clearly show the horizontal and vertical scales adopted in the plotting thereof.

(iv) The applicant shall also furnish such further particulars or information in relation to the proposal as the Council deems necessary.

Stage development

3. If a proposal plan provides for a new road or roads and the applicant proposes to subdivide the subject land or carry out the developmental works therein in stages at different times (in this Chapter referred to as "Stage development") he shall apply in the first instance for the Council's approval to the proposal in principle and subject to such approval being granted shall, if he desires to proceed with the proposal, make separate applications for the final approval of the Council to the proposal for each stage.

The applicant shall show on the proposal plan submitted for approval in principle the boundaries of each proposed stage development and shall mark each stage in numerical order to indicate the proposed order of development and shall state in his application the respective dates on which he proposes to commence developmental work in the several stages and the proposed dates of completion thereof.

The approval in principle of the Council shall be required for stage development and for the order of development. In deciding these matters the Council shall have regard to the following matters:—

(a) Its obligations, if any, to provide water supply and sewerage services in accordance with the By-laws of this Chapter; and

(b) To the distance of each proposed stage from existing Council water mains or sewerage mains or proposed sewerage treatment works,

whether within or without the subject land.

The order of development approved by the Council shall in every case conform with the progressive installation of services.

If it approves the proposal plan for stage development in principle the Council shall at the same time determine and advise the applicant of the conditions, which, being reasonable and relevant, will apply to the complete development of the whole of the subject land.

Where the provisions of By-law 21 of this Chapter apply, the Council shall not give final approval to the proposal

Minimum Sizes of Subdivisions

4. (a) The minimum area and frontage that shall be permitted in subdivision of land for any purpose in the following zones shall be as per the following table except as thereafter provided for:—

Zone	Minimum Area	Minimum Frontage
Business	400 sq metres	20 metres
Commercial	400 sq metres	20 metres
Residential—High Density	900 sq metres	30 metres
Residential—Low Density	800 sq metres	20 metres
General Industry	2 000 sq metres	25 metres
Light Industry	1 000 sq metres	20 metres
Rural "A"	16 hectares	200 metres
Rural "B"	4 hectares	120 metres

By-laws for boundary clearances and there is a building being used for a permitted use under any Town-Planning Scheme in force for the time being for the Shire on each separate allotment.

(c) The minimum area and frontage that shall be permitted in the subdivision of land in a Rural A Zone shall be 16 hectares provided that the Council may approve a proposal for the subdivision of an allotment in such zone of less than the prescribed minimum area and frontage where the purpose of such subdivision is—

(i) to excise therefrom one residential lot which complies with clause (a) of this By-law and is intended for the erection thereon of a dwelling-house to be used bona fide by a person engaged in agricultural or forestry pursuits on the balance of the land from which the residential lot is to be excised; or

(ii) To excise therefrom one residential lot which complies with clause (a) of this By-law and on which is erected a dwelling-house which is intended to continue to be used

(d) The minimum area and frontage that shall be permitted in the subdivision of land in a Rural-Residential Zone shall be 2 hectares and 70 metres, respectively, provided that the Council may vary these requirements having regard to—

(i) The size, shape, location and topography of existing and proposed allotments;

(ii) the character of the likely use of the land following subdivision as set out in the application for approval of the proposed subdivision;

(iii) the existing and future amenity of the locality; and

(iv) the availability of services to the subject land."

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keeping with the amenity of the locality.

Filling and Drainage

7. (a) Allotments in Residential-High Density, Residential-Low Density, Business, Commercial, General Industry or Light Industry Zones shall be filled and drained, where necessary, so that the whole of the land comprising the subdivision, including new roads, is above flood level and is drained to the satisfaction of the Council.

Unless otherwise determined by resolution of Council the flood level shall be calculated on the basis of a 1 in 50 year flood as determined in accordance with the current recommended practice of the Institute of Engineers Australia.

(b) Allotments and new roads in a Rural "A" or Rural "B" Zone shall be filled and drained where necessary, so that such allotments and new roads are self draining in accordance with the permanent levels fixed by Council for adjacent existing roads. Where it is proposed that a dwelling-house be erected on an allotment in any of such areas, there shall be at least 600 square metres of such allotment situated above the fifty (50) year flood such land being suitable for the location of a dwelling-house.

8. (1) Subject to the provisions of subsection (16c) of section 33 of the Act, in respect of an application for approval of the opening of a new road, the applicant shall provide for corner truncation of the subject land at—

(a) the intersection of existing roads whether at right angles or otherwise, whose alignment forms

(b) the intersection of new roads;

(c) the intersection of a new and an existing road;

(d) at an angle, not being an intersection, in an existing road.

(2) Truncations at right-angles corners shall be six (6) metres by three (3) equal chords unless the Council in its discretion requires a truncation of greater dimensions in which case the Council shall pay to the applicant the value of the part of the truncated area which is in excess of the area comprised in a six (6) metres by three (3) equal chord truncation.

(3) In the case of truncations other than at right-angled corners, the truncations shall be provided as required by the Council provided that if the area of truncation required by the Council exceeds that of a six (6) metres by three (3) equal chords truncation at a right-angled corner the Council shall pay to the applicant the value of the part of the truncated area which is in excess of the area comprised in a six (6) metres by three (3) equal chords truncation of a right-angled corner.

(4) The applicant shall prior to the endorsement by the Council of its approval of a plan of survey or the release by the Council of any security given for the due performance of road, drainage or other works, remove all fences, trees and other obstructions whatsoever from the truncated area and subject to the provisos to this clause (4) an authorised surveyor shall sign and furnish to the Council a certificate that such obstructions have been removed: Provided that if an existing building encroaches on the truncated area then the Council shall not require the owner or a person having an estate or interest in the land out of which the truncation was provided to remove the obstruction until the building is proposed to be re-built to the new alignment: and provided further, that the part of such building which is on the truncated area shall not be re-built or added to after dedication of the truncated area as a road.

Grounds for Refusal of Proposal Plan

9. Without in any way limiting the discretion of the Council, the Council may refuse a proposal plan if—

(a) a proposed allotment shown thereon does not conform with the By-laws of this Chapter; or

(b) the subject land is intersected by or is bounded or partly bounded on any side by a line of railway, and a road is not shown on such plan adjacent to such line of railway on each side thereof, or on the side of such line of railway which is adjacent to such land, as the case may be; or

(c) the site or orientation of an existing building or a building which could be erected on such land would be for any reason unsatisfactory; or

(d) provision is not made for public garden and recreation space of ten per centum (10%) of the total area of the subject land, in addition to and apart from the area of any road or easement within the area of the subject land; such provision to be of fair average land; or where the Council considers that an area of the land to be subdivided need not be provided for use as public garden or recreation space the applicant has not agreed in writing to pay the sum of \$100 for each allotment in the plan of subdivision; or

(e) provision is not made for the transfer to the Council of drainage reserves or drainage easements which may be necessary to enable the proposed allotments and any new road or roads to be sufficiently drained into a public drain or existing road or watercourse at or along which drainage from such proposed allotments or such new roads may lawfully be discharged or caused to flow; or

(f) provision is not made for any other easement which may be required by a public authority for laying of water or gas mains or electric energy and transmission lines, or for other utility service mains of a like nature; or

(g) in such proposal plan, a section of a new road 200 metres or more in length, is not intersected or met by a connecting road or pathway; or

(h) (where the proposal plan involves the opening of a new road) provision is not made for corner truncations in accordance with clause 4 of By-law 8 of this Chapter at all road corners which are not already truncated; or

(i) the subject land or part thereof is, in the opinion of the Council, not reasonably capable of being drained; or

(j) in accordance with this Chapter, provision is not made for the reticulation of water supply, or sewerage, or both water supply and sewerage, to the subject land; or

(k) a new road within the subject land is of less width

Consideration of Application by Council

10. The Council may approve an application for approval to subdivide land, or refuse it, or approve it subject to reasonable and relevant conditions:

Provided that in respect of stage development—

(a) if the Council approves the application for approval in principle of the proposal plan for stage development pursuant to By-law 3 of this Chapter, the Council shall in accordance therewith determine the conditions which shall apply to the development of the whole of the subject land;

(b) the Council shall not refuse to approve the application for final approval of a stage if, in respect of that stage, all the requirements of this Chapter and the conditions imposed by the Council when granting approval in principle for the proposal for stage development have been carried out by the applicant and the conditions imposed by the Council on the application for final approval shall conform with those imposed by it when approving in principle the proposal plan for the stage development.

Approval of Proposal Plan

11. (i) Where a proposal plan has been approved by the Council, notification of such approval shall be furnished to the applicant by the Clerk and the original of the proposal plan, duly endorsed by the Clerk with such approval, shall be returned to the applicant. The remaining copies of the proposal plan shall be retained by the Council.

(ii) Where the proposal plan is approved by the Council subject to conditions, notification of such approval shall be furnished to the applicant by the Clerk and the reasons for the conditions shall be stated in the notification. The Council may either mark amendments required to be made by reasons of such conditions on the original of the proposal plan and return it to the applicant, or it may require the applicant to prepare a new proposal plan incorporating such amendments, and submit it in duplicate to the Council.

(iii) In clause (i) and (ii) of this By-law the term "proposal plan" shall, in relation to stage development, include the proposal plan submitted for the approval of the Council to the principle of stage development of the whole of the subject land, and also the proposal plan for each stage in respect of which an application for final approval of the Council, thereto has been made.

Refusal of Proposal Plan

12. Where a proposal plan is not approved by the Council the Clerk shall notify the applicant accordingly and the reasons for such refusal shall be stated in such notification.

Execution of Work

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

(a) execute to the satisfaction of the Council and in accordance with the conditions of approval the work of constructing and draining the roads involved in the proposal and any other works the execution of which is a condition of approval; or

(b) subject to subsection (7) of section 34 of the Act, pay to the Council such sum as may be agreed upon with the Council as the cost of executing such work, and agree with the Council as to when such work shall be executed by the Council; or

(c) give to the Council security to its satisfaction that he will execute such work mentioned in clause (a) of this By-law to its satisfaction within such time as may be fixed by the Council.

Plans and Specifications

14. (i) The applicant shall prior to proceeding with the construction of road and drainage works on the subject land submit to the Council plans of such road and drainage construction prepared to the satisfaction of the Council, and specifications, which may be either standard specifications as from time to time selected by the Council, or specifications prepared to the satisfaction of the Council and shall be signed by an engineer, the holder of a current certificate as engineer prescribed by regulations made under the *Local Government Act 1936-1977*, or possessing such other qualifications as may be acceptable to the Council.

(ii) Cross sections of a new road shall—

(a) show the existing levels thereof at the proposed road boundaries and at the centre line of the proposed formation;

(b) be at intervals of not more than twenty (20) metres

- (c) if so directed by the Council, include cross sections of roads outside the subject land for a distance of one hundred (100) metres from the point at which they are met by roads that are within the subject land.
- (iii) Every drainage plan shall show the existing levels at intervals of twenty (20) metres or such lesser intervals as are directed by the Council.

Supervision of Road and Drainage Construction

15. (i) A person shall not carry out road or drainage construction until such time as the plans and specifications thereof have been received and approved by the Council.

(ii) Roads and drainage construction shall be carried out under the supervision of an engineer holding a certificate as Local Government Engineer pursuant to Regulations gazetted under the Act (or other engineer qualifications acceptable to the Shire Engineer) and to the satisfaction of the Council.

(iii) The applicant, his servants, agents, engineers, and surveyors and every person engaged in the construction of roads or drainage shall obey every written direction given by the Shire Engineer to bring the work into conformity with the plans and specifications approved by the Council.

Access Restriction

Boundary Roads and Half-Metre Strips

16. (i) If the Council is satisfied that for the proper subdivision of lands in two (2) or more ownerships a new road should be constructed along the common boundary of such lands, it may permit the first applicant for subdivision of any such lands to provide a road having a width of ten (10) metres or any greater width as the Council may consider appropriate.

(ii) The Council may require such new road to have a bitumen seal to a width of five (5) metres and one (1) concrete kerb and kerb and channel.

(iii) If the Council is satisfied that for the proper subdivision of lands in two (2) or more ownerships a new road should be constructed wholly within the land of one of such ownership and that in the future subdivision of the adjoining land allotments should be so surveyed as to abut on such new road the Council may pay to the applicant one-half of the cost of constructing such new road (including one-half of the cost of such new road is constructed).

power under clauses (ii) all transfer to the metres wide along with the boundary

whatsoever connected paid by the applicant.

one (0.1) butting on 0.5 metres Strip

and abuts upon a boundary road, under a permit granted pursuant the applicant shall widen the road to a greater width as the Council may consider appropriate, extend the bitumen seal of such road up to a width of eight (8) metres and construct a concrete kerb and channel along the edge of such extended seal, where required by the Council.

(ii) If the subject land is separated from a road by a piece of land decimal five (0.5) metres wide transferred to the Council under clause (iv) of By-law 16 of this Chapter, the applicant shall pay to the Council the cost incurred by the Council under clause (iii) of the said By-law 16 and the Council shall dedicate such land as a road and all costs, charges and expenses whatsoever connected with or incidental to such dedication shall be borne by the applicant.

Engineering Standards

18. The following engineering standards shall apply to the design and construction of subdivisional works:—

(1) New and Existing Roads—

(a) Roads shall be classified by the Council in relation to the use which they are required to serve and the minimum standard width for each class of road shall be—

(i) for a principal road, thirty-five (35) metres with no frontage development except in a Rural "A" or Rural "B" Zone;

(ii) for a secondary road, twenty (20) metres in a Residential—High Density, Residential—Low Density, Rural "A" and Rural "B" Zone, twenty-five (25) metres in a Business, Com-

Rural Residential,

Rural Residential,

(b) Generally, the pavement width of a new or existing road shall be—

(i) for a principal road, ten (10) metres between kerbs;

(ii) for a secondary road, ten (10) metres between kerbs in a Residential—High Density and Residential—Low Density Zone, thirteen (13) metres between kerbs in a Business, Commercial, General Industry or Light Industry Zone;

(iii) for a residential road, eight (8) metres between kerbs;

(iv) for a pathway, one point five (1.5) metres of concrete paving;

(v) for a secondary road in a Rural "A" or Rural "B" Zone, eight point five (8.5) metres with five point five (5.5) metres of bitumen surfacing for through roads and seven (7) metres with four (4) metres of bitumen surfacing for non-through roads. Where the subdivision fronts an existing bitumen surfaced road the road pavement shall be widened on the subdivided side, if necessary and unless the Council expressly approves otherwise, so that the pavement width measured from the centre of the existing bitumen towards the land to be subdivided shall be four point five (4.5) metres with three (3) metres of bitumen surfacing;

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(c) The pavement thickness shall be based upon foundation conditions applying at the side of each new road to be opened but in any case shall be of a minimum thickness of one hundred and fifty (150) millimetres compacted. Unless otherwise directed by the Council a copy of soil test results shall be forwarded to the Council with the plans relevant to each such new road;

(d) The prepared subgrade of each new road shall be inspected and tested for thickness required from Main Roads Department Flexible Pavement Design Chart before any gravel is spread thereon and the designed pavement thickness shall be modified where necessary;

(e) Before the bitumen seal coat shall be applied the road pavement shall be tested by the Council for thickness, density and flexural strength;

(2) Drainage Systems—

(a) Unless the Council expressly approves otherwise, the underground drainage systems within a subdivision shall be so designed that the combined stormwater flows in the concrete channels in one road shall be no wider than will permit one lane of width 3 metres clear of water in an 8 metre pavement and 5 metres clear of water in a 10 metre pavement. The maximum flow shall not exceed decimal fifteen (0.15) cumecs in any channel;

(b) Unless the Council expressly approves otherwise, all stormwater drainage systems shall be so designed that the stormwater flow can be carried by the pipes running full. The maximum surcharge that shall be acceptable in any manhole or gully and grate due to entry conditions shall be decimal three (0.3) metres, and any such surcharge shall be allowed for in the hydraulic calculations for such stormwater drainage systems;

(c) The approved minimum level of the land being subdivided shall be raised if necessary in order to permit the underground drainage system to be constructed so as to conform to the requirements of subclause (b) of this clause;

(d) All underground drainage lines located in new roads shall be located on an alignment fixed by the Council;

(e) The minimum velocity in any underground drainage line for the design storm shall be one (1) metre per second; variation of such minimum velocity shall be obtained from the Council;

(f) Except with the express permission of the Council all allotments within a subdivision shall be self draining to a road with a minimum gradient of 0.4 per centum;

(g) The minimum longitudinal gradient of the centre line of a new road and of the kerb and channel of such road shall be 0.4 per centum;

(h) The maximum longitudinal gradient of the centre line of a new road shall be 16.5 per centum, unless the Council otherwise agreed when such maximum may be increased to 20 per centum;

shall be extended over the full width of the roadway so that the tops of all fills and the tops of all cuts shall fall a minimum of 0.3 metres outside the road reserve;

(j) The basis of design of stormwater runoff shall conform with the Department of Local Government code with the following variables to be fixed by the Council before the design is undertaken:—

(a) Storm frequency; and

(b) Runoff co-efficient;

(k) The roughness co-efficient "n" to be used in the design of the stormwater drains shall be 0.13;

(l) All engineering plans shall be drawn in accordance with the Australian Standard Engineering Drawing Practice; AS—CZI and submitted on standard size sheets;

(m) In approving the subdivision of land in a Rural "A" or Rural "B" Zone the requirements for minimum gradient and underground drainage systems shall not apply. Road drainage shall consist of earth water tables with reinforced concrete pipe culverts both designed so that stormwater flows from a twenty per cent probability storm shall be passed through the culverts and discharged without flooding the road.

Water Supply and Sewerage Services

19. (i) The provisions of this By-law apply with respect to a water supply service or a sewerage service which the Council is prepared to join with the applicant for approval of a proposal plan in providing for land, the subject of the proposal plan.

(ii) for the purposes of this By-law, where the Council requires an applicant for approval of a proposal plan to provide or to defray the cost of providing any part of a water supply service or a sewerage service to the subject land other than the reticulation of the subject land as necessary to provide the service in question, and the applicant has not consented or agreed to the provision of the said service, then the Council shall be deemed to be not prepared to provide that service:

Provided that this clause (ii) is applied subject to any agreement by the applicant with the Council that he will provide or defray the cost of providing any part of the

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... a proposal plan provides for an increase in ... of a ... the applicant shall at his own ... and an irrevocable agreement with the South Queensland Electricity Board or their successors for the installation of a complete electricity supply system for the whole of the land the subject of the proposal within three months of the date of such agreement or such other longer period approved by the Council before the Council's consent is endorsed on the relevant plan of survey and shall provide the Council with a signed copy of such agreement, provided that the Council may approve of a proposal for the subdivision of an allotment in a Rural "A" Zone without the provision of an electricity service in compliance with this By-law where the Council is satisfied that an electricity service is unlikely to be required or is unnecessary."

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applicant for approval of a proposal plan in providing a water supply service or a sewerage service, or both those services, for the subject land, the Council may approve the proposal plan in principle if it complies with the requirements of this Chapter and is otherwise satisfactory to the Council but the Council shall not grant final approval of the proposal plan unless and until—

(a) the applicant has entered into the agreement with the Council required by this By-law and has furnished to the Council the security provided by this By-law;

(b) the Council has approved the engineering plans and specifications for the reticulation, for the purposes of the service in question, of the subject land;

(c) the Council has approved the engineering plans and specifications for any and every new road provided for in the proposal plan and the applicant has completed in accordance with the engineering plans and specifications as so approved, any earthworks in the said roads which are

(v) The sewerage service shall be provided within twelve months (or such lesser period as may be agreed to by the parties) after notification of the final approval of the proposal plan by such means, including reticulation of the proposed allotments, mains external to the subject land and necessary sewerage works (exclusive of "House drains" as defined in the Standard Sewerage By-laws made under the Sewerage and Water Supply Act 1949-1974), as are agreed upon by the parties.

(vi) The water supply service shall be provided within six months (or such lesser period as may be agreed to by the parties) after notification of the final approval of the proposal plan by such means, including reticulation of the proposed allotments, mains external to the subject land, and any other works necessary to make a supply of water available to every proposed allotment (but exclusive of "water services" as defined in The Standards Water Supply By-laws made under the Sewerage and Water Supply Act 1949-1974), as are agreed upon by the parties.

(vii) The applicant may himself carry out the work of reticulation of the subject land for the purpose of providing the service in question or he may agree with the Council for the carrying out of that work by the Council on his behalf at an agreed upon price. The agreement may provide for the giving by the applicant to the Council of security for the due performance by the applicant of his obligations under the agreement, and additionally may provide that, if the applicant fails to carry out any works as agreed by him or otherwise defaults in his obligations under the agreement the Council may carry out the works or perform the obligations and, to the extent to which the security given by the applicant is insufficient, recover the costs of so doing from him.

(viii) The applicant for approval of the proposal plan shall enter into an agreement with the Council providing for the steps, matters and things to be taken and done by the applicant and the Council respectively for the purpose of providing the service in question and in particular for ensuring the compliance by them with the provisions of this By-law which are expressed to be binding upon them and each of them respectively.

(ix) The Council shall at all times during which its public office is open for the transaction of business keep open to public inspection at such office a copy of any agreement entered into for the purposes of this By-law. The Council shall supply to any person a copy of such an agreement upon a request in that behalf made by him and upon payment by him of the fee for such copy determined by resolution of the Council from time to time.

Road Names

20. (i) An applicant shall submit three (3) suggested names for each proposed new road.

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

(iii) Subject to clause (iv) of this By-law, the Council may alter the name of a road from time to time.

(iv) The Council shall not allocate a name of a road which is then the name of another road in the Shire.

(v) The applicant submitting a suggested name of a proposed new road shall lodge a written statement of the reasons for its selection.

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

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

Certified Plan of Survey to be Submitted

21. (i) Within a period of two (2) years after notification of approval (or approval subject to conditions) of the proposal plans, or such extended period as may be approved by the Council, the applicant shall submit to the Council an accurate plan of survey in accordance with the proposal plan so approved by the Council in accordance with this Chapter, suitable for deposit in the Office of the Registrar of Titles, in the form of a drawing or drawings on drawing paper and complying with the directions contained in the By-law gazetted under the Land Surveyors Act 1908-1974, and containing all particulars which may be required by the Registrar of Titles, and duly certified by an authorised surveyor.

The applicant shall also submit to the Council four (4) copies of the said plan of survey, duly certified by the authorised surveyor. Such copy plans shall be prints or drawings in ink on drawing cloth or drawing paper. The applicant shall

(ii) The authorised surveyor preparing the plan of survey shall disclose to the council all matters concerning which a doubt exists and discrepancies and difficulties and shall afford all other information obtainable by him relative to the subject land that may aid in securing accuracy and completeness.

(iii) If the requirements set out in By-law 13 of this Chapter and clause (i) of this By-law have been observed the Council shall compare the plan of survey with the proposal plan as approved.

(iv) If the Council upon examination finds the plan of survey conforms with the proposal plan as approved, and no material change, variation or alteration has been made, it shall within thirty (30) days of so finding under seal note its approval on the plan of survey, including a certificate that all the requirements of the Council have been complied with and shall return the plan of survey to the applicant to be lodged in the office of the Registrar of Titles provided that the Council may in its absolute discretion note its approval under seal of a plan of survey, which though in every other respect conforming with the proposal plan as approved is a plan showing a number of allotments fewer than those shown on the proposal plan as approved.

THE SCHEDULE

DESCRIPTION OF AREA REFERRED TO IN LAIDLLEY SHIRE BY-LAW 19 (Area 1)

Commencing at the east corner of allotment 11 of section I, bounded thence by the eastern boundary of that section to its south corner, by a line south-westerly crossing the Brisbane-Toowoomba Railway to the north-east corner of lot 6 on R.P. 119037, by the eastern boundary of that and lot 7 on R.P. 119037, the eastern and southern boundary of lot 4 on R.P. 111163, the eastern boundaries of lots 3, 2 and 1 on R.P. 111163 and lot 2 on R.P. 106033, by the western boundary of lot 8 on R.P. 127654 southerly, westerly and southerly to a point east from the south-east corner of subdivision 88 of portion 47, by a line westerly and along the northern alignment of Brimblecombe Street to the east corner of subdivision 86, thence north-westerly by the southern boundaries of subdivisions 85 to 78 and a line west of the south-west corner of subdivision 78 to the western alignment of George Street, by that alignment southerly to its intersection with Gill Street, by the eastern alignment of Gill Street northerly to its intersection with William Street at the north corner of subdivision 19 of portion 47, by a line north-easterly crossing the Brisbane-Toowoomba Railway to the west corner of R130 (Recreation Reserve), by the northern alignment of Railway Street easterly to the west corner of R591 (School of Arts Reserve), by the west and north boundaries of that reserve and a line easterly to the east alignment of Palm Avenue, by that alignment northerly to Burnham Street, by the southern alignment of Burnham Street to a point opposite the west corner of subdivision 1 of portion 53v, by a line north-easterly across Burnham Street and the west, north and east boundaries of subdivision 1, thence southerly across Burnham Street and by its southern alignment easterly to the point of commencement.

DESCRIPTION OF AREA REFERRED TO IN LAIDLLEY SHIRE BY-LAW 19 (AREA 2)

Commencing at the north corner of resubdivision 3 of subdivision 3 of portion 231, south-easterly to the east corner of subdivision 1 of resubdivision 2 of subdivision 3 of portion 231, by south boundary of that subdivision westerly and the east boundary of subdivisions 1 to 8 southerly, by the south boundary of subdivision 8 to the east alignment of Laidley-Plainland Road, by this southerly to south-west corner of subdivision 11 by north and east boundaries of R.858 (School Reserve), by the east boundary of portion 56 and a line crossing Campbell Street southerly to north-east corner of allotment 1 of portion 43, by east boundaries of allotments 1 and 3 and boundary of subdivision 42 of resubdivision 44 of subdivision 1 of portion 236, easterly, southerly, south-easterly and northerly to south-west corner of lot 11 on R.P. 114708, by south and east boundaries at that lot and north-east boundaries of subdivision 5 to 1 of resubdivision 2 of subdivision 2 of portion 257 to Summer Street, by north and west alignments of that street to south-east corner of subdivision 1 of resubdivision 8 of subdivision 23 of portion 239A, by a line easterly crossing Summer Street and along the north boundary of subdivision 1 of portion 311, by its

east boundary continued southerly to Railway Street, by south boundary of subdivision 7 westerly to Summer Street, by a line southerly crossing Brisbane-Toowoomba Railway to a point opposite on south alignment of Spicer Street, by that alignment westerly to north-west corner of lot 3 on R.P. 140636, by the boundaries of that lot generally southerly and easterly to south-east corner of lot 5 on R.P. 128472, by a line south-easterly across Thomas Street to north-east corner of subdivision 14 of portion 61, by east and south boundaries of that subdivision and north and west boundaries of subdivision 34 to Alfred Street, by the north alignment of that street easterly to south-east corner of subdivision 29 of portion 59, by a line south-easterly to north-east corner of R.849 (School Reserve), by its east boundary to Edward Street continued southerly to north-east corner of subdivision 6 of portion 80 and westerly to north-east corner of subdivision 8, by east and south boundaries of that subdivision continued westerly to the north-east alignment of Coates Street, by that alignment to its intersection with Edward Street, by the south alignment of that street westerly, and the east alignment of Mary Street southerly to the south-west corner of portion 92, by a line south-westerly to north-east corner of portion 22A, by the east boundaries of portion 22A to 30A to North Street and continued across this street to north-east corner of lot 1 on R.P. 142068, by the east boundary of that and Lots 1 and 2 on R.P. 145543 to Napier Street, by north alignment of that street to south-east corner of Lot 3 on R.P. 113010, by a line crossing Napier Street easterly to north-west corner of allotment 8 of section XVII, by the north, east and south boundaries of that allotment to opposite the east boundary of allotment 2, by that boundary southerly continued to south-east corner of allotment 9 of section XIII, by south boundary of that allotment westerly and across Hope Street to south-east corner of allotment 6 of section XII, by west alignment of Hope Street southerly to south-east corner of allotment 6 of section VI, by south boundaries of allotments 6 to 10 and the west boundary of allotment 10 of section VI northerly to north-west corner of allotment 10 of section XI, by south alignment of Drayton Street westerly to north-east corner of portion 235, southerly on west alignment of Old Mulgowie Road, by south and west boundaries of portion 368 and the south boundary of portion 235 to south-west corner of resubdivision 1 of subdivision 2 of portion 235, by a line north-westerly to south-east corner of portion 8a, by the west alignment of Grey and Cooper Streets northerly to the north-east corner of portion 15, by a line crossing Whites Road to south-west corner of Lot 3 on R.P. 149341, by south boundary of that lot and east boundary of lot 1 on R.P. 149341, the west boundary of lot 2 on R.P. 149343 and a line westerly to the southern corner of R.560 (Police Reserve), by west boundary of R.560 to north corner of that Reserve, by north boundaries of lots 2 and 4 on R.P. 149341 generally west and northerly to north-west corner of subdivision 6 of resubdivision 1 of subdivision 3 of portion 19, by a line north-easterly to south-west corner of resubdivision 1 of subdivision A of portion 20-22, by west, north and east boundaries of that subdivision to its south-east corner and a line crossing Brisbane-Toowoomba Railway easterly to south corner of subdivision 43 of resubdivision 6 of subdivision C of portions 20-22, by south boundary of subdivision 43 and south and east boundaries of subdivision 44, south and east boundaries of lot 4 on R.P. 107196 and south boundary of lot 1 to west alignment of Laidley-Plainland Road, by that alignment northerly to south-east corner of resubdivision 1 of subdivision 1 of resubdivision 3 of subdivision C of portions 20-22, westerly to east corner of subdivision 55, north and north-east by boundary of subdivision 55 to north-west corner of subdivision 25, by its northern boundary easterly to Laidley-Plainland Road, by its western alignment northerly to north-east corner of subdivision 32 and a line crossing that road north-easterly to point of commencement.

Certificate

The foregoing resolution was passed on the tenth day of March, 1976, at a special meeting of the Council of the Shire of Laidley, called for that purpose and the requirements of subsection (27) of section 31 of the *Local Government Act 1936-1976* have been complied with in respect of the By-laws the subject of such resolution.

R. L. PITT, Chairman.

B. L. Fox, Shire Clerk.