

Queensland



**LOCAL GOVERNMENT
(ROBINA TOWN CENTRE
PLANNING AGREEMENT)
AMENDMENT ACT 1996**

Act No. 15 of 1996



LOCAL GOVERNMENT (ROBINA TOWN CENTRE PLANNING AGREEMENT) AMENDMENT ACT 1996

TABLE OF PROVISIONS

| Section | Page |
|---------|---|
| 1 | Short title 4 |
| 2 | Act amended 4 |
| 3 | Amendment of s 1 (Short title) 4 |
| 4 | Amendment of s 2 (Definitions) 4 |
| 5 | Insertion of new s 3A 6 |
| | 3A Rezoning of land for first amending agreement 6 |
| 6 | Insertion of new s 4A 7 |
| | 4A Notice of making of amending agreements 7 |
| 7 | Amendment of s 5 (Status of planning agreement) 7 |
| 8 | Amendment of s 6 (Amendment of planning agreement) 7 |
| 9 | Replacement of s 9 (Regulations) 7 |
| | 9 Regulation-making power 7 |
| 10 | Insertion of new s 10 8 |
| | 10 Savings and transitionals for use rights and approvals 8 |
| 11 | Insertion of new sch 2 9 |
| | SCHEDULE 2 9 |

ROBINA CENTRAL PLANNING AGREEMENT AMENDMENT
AGREEMENT

Queensland



**Local Government (Robina Town Centre
Planning Agreement) Amendment Act 1996**

Act No. 15 of 1996

**An Act to amend the *Local Government (Robina Town Centre
Planning Agreement) Act 1992***

[Assented to 23 May 1996]

The Parliament of Queensland enacts—

Short title

1. This Act may be cited as the *Local Government (Robina Town Centre Planning Agreement) Amendment Act 1996*.

Act amended

2. This Act amends the *Local Government (Robina Town Centre Planning Agreement) Act 1992*.

Amendment of s 1 (Short title)

3. Section 1, ‘*Town Centre*’—
omit, insert—
‘*Central*’.

Amendment of s 2 (Definitions)

4.(1) Section 2, definitions “**planning agreement**” and “**site**”—
omit.

(2) Section 2—
insert—

‘ **“amending Act”** means the *Local Government (Robina Town Centre Planning Agreement) Amendment Act 1996*.

“drawing no. 8951 B” means the zoning plan—

- (a) identified as drawing no. 8951 B and held at the office of the Council of the City of Gold Coast;¹ and

¹ The plan may be inspected at the office of the Council of the City of Gold Coast by members of the public during office hours on business days.

(b) reproduced in the planning agreement, first schedule in a modified form.

“first amending agreement” means an agreement in the form of the agreement set out in schedule 2 and made by the parties named in the agreement.

“further agreement” means an amending agreement, made by the parties named in it, the proposed form of which was approved under a regulation.

“modified planning scheme” means the planning scheme applying to the site under section 5.

“1995 planning scheme” means the scheme that, for the *Local Government (Planning and Environment) Act 1990*, was the planning scheme for the former Shire of Albert immediately before the commencement of the amending Act.

“planning agreement” means—

- (a) the Robina Town Centre Planning Agreement; and
- (b) if the agreement is amended by the first amending agreement or a further agreement—the agreement as so amended.

“Robina” means Robina Land Corporation Pty Ltd ACN 010 159 387.

“Robina Properties” means Robina Properties Pty Ltd ACN 010 147 038.

“Robina Town Centre Planning Agreement” means the agreement made between Robina, Robina Properties and the Council of the Shire of Albert on 18 September 1992, a copy of which is set out in schedule 1 (other than drawing no. 8951 B).

“site” means—

- (a) before the making of the first amending agreement—the land described in the planning agreement, first schedule, parts 1 and 2; and
- (b) from the making of the first amending agreement—the land described in the planning agreement, first schedule, parts 1 (other than the land described in part 8), 2, 7 (section 2) and 10.’.

Insertion of new s 3A

5. After section 3—

insert—

‘Rezoning of land for first amending agreement

‘3A.(1) This section applies despite section 3 and only when the first amending agreement is made.

‘(2) Category A land is excluded from its zoning, mentioned in column 2 for the land, under the 1995 planning scheme, and included, for the modified planning scheme, in the zone mentioned in column 3 for the land.

‘(3) Category B land is excluded from its zoning, mentioned in column 2 for the land, under the existing planning scheme, and included, for the modified planning scheme, in the zone mentioned in column 3 for the land.

‘(4) Category C land is excluded from its zoning, mentioned in column 2 for the land, under the existing planning scheme, and included, for the 1995 planning scheme, in the zone mentioned in column 3 for the land.

‘(5) Category D land is excluded from its zoning, mentioned in column 2 for the land, under the modified planning scheme, and included, for the modified planning scheme, in the zone mentioned in column 3 for the land.

‘(6) In this section—

“category A land” means the land described in the planning agreement, first schedule, parts 7 (section 2) and 10, column 1.

“category B land” means the land described in the planning agreement, first schedule, parts 7 (section 1) and 9 (items 3 and 8), column 1.

“category C land” means the land described in the planning agreement, first schedule, part 8, column 1.

“category D land” means the land described in the planning agreement, first schedule, part 9 (other than items 3 and 8), column 1.

“column” means a column shown in the planning agreement, first schedule, parts 7 to 10.

“item”, for land described in the planning agreement, first schedule, parts 7 to 10, means the provision relating to the land having regard to the order in which the provision occurs.’.

Insertion of new s 4A

6. After section 4—

insert—

‘Notice of making of amending agreements

‘4A. The Council of the City of Gold Coast must, by gazette notice, notify the day of the making of the first amending agreement and any further agreement.’.

Amendment of s 5 (Status of planning agreement)

7. Section 5(3)(b)—

omit, insert—

‘(b) a local law of the Council of the City of Gold Coast (whether made before or after the commencement of the amending Act); or’.

Amendment of s 6 (Amendment of planning agreement)

8.(1) Section 6(1)—

omit.

(2) Section 6(2), ‘to be submitted to the Governor in Council’—

omit.

Replacement of s 9 (Regulations)

9. Section 9—

omit, inset—

‘Regulation-making power

‘9. The Governor in Council may make regulations under this Act.’.

Insertion of new s 10

10. After section 9—

insert—

‘Savings and transitionals for use rights and approvals

‘10.(1) This section applies only when the first amending agreement is made.

‘(2) Any purpose for which premises in the saved site are being lawfully used immediately before the making of the first amending agreement is taken to be a lawful use of the premises under the modified planning scheme.

‘(3) Despite the making of the first amending agreement, the planning agreement as in force before the making continues to apply to each final development approval granted, for land in the saved site, by a local government before the making.

‘(4) Each approval (other than a final development approval), consent, permission or notification of conditions granted, for land in the saved site, by a local government before the making of the first amending agreement continues to have effect as if it were granted under the planning agreement after the making.

‘(5) However, if an approval, consent or permission granted before the making of the first amending agreement (the **“original grant”**) and mentioned in subsection (4) is subject to a time constraint, the time constraint must be measured from the day of the original grant.

‘(6) A consent mentioned in subsection (4) does not lapse under the *Local Government (Planning and Environment) Act 1990*, section 4.13(18) until 4 years after the making of the first amending agreement.

‘(7) In this section—

“saved site” means the land contained in the site before the making of the first amending agreement, other than the land described in proposed part 8 set out in clause 2.1.7(b) of the form of agreement in schedule 2.

Insertion of new sch 2

11. After the schedule—

insert—

‘SCHEDULE 2

section 2

**‘ROBINA CENTRAL PLANNING AGREEMENT
AMENDMENT AGREEMENT**

THIS AMENDMENT AGREEMENT is made the day of 1996

BETWEEN

PARTIES

ROBINA LAND CORPORATION PTY. LTD. ACN 010 159 387 a company incorporated in the State of Queensland and having its registered office at 34 Glenferrie Drive Robina in the State of Queensland (in this Amendment Agreement called “Robina”)

AND

ROBINA PROPERTIES PTY. LTD. ACN 010 147 038 a company incorporated in the State of Queensland and having its registered office at 34 Glenferrie Drive Robina in the State of Queensland (in this Amendment Agreement called “Robina Properties”)

AND

COUNCIL OF THE CITY OF GOLD COAST of Nerang-Southport Road Nerang in the State of Queensland (in this Amendment Agreement called “the Council”)

RECITALS

1. WHEREAS:—

- 1.1 Robina, Robina Properties and the Council (formerly the Albert Shire Council) entered into the Robina Central Planning Agreement on 18 September 1992.
- 1.2 The Robina Central Planning Agreement was given the force of law by the Local Government (Robina Central Planning Agreement) Act 1992.
- 1.3 The Local Government (Robina Central Planning Agreement) Act 1992 provided for the Robina Central Planning Agreement to be amended by a further agreement approved by the Governor in Council by regulation.
- 1.4 Robina, Robina Properties and the Council have agreed to amend the Robina Central Planning Agreement as provided by this Amendment Agreement and to undertake the lawful procedures and actions necessary to seek the approval of the Amendment Agreement by the Governor in Council by regulation as provided by the Act and the Local Government (Robina Central Planning Agreement) Act 1992.
- 1.5 Robina, Robina Properties and Council entered into an Amendment Agreement dated 21 March 1996 and Council sought the approval of that Amendment Agreement by the Governor in Council by regulation as required and the Department of Local Government & Planning on behalf of the State of Queensland has requested amendments to the Amendment Agreement to implement proposed changes to the area of the site and the zoning of some land.
- 1.6 It was the intention of the parties that the Amendment Agreement dated the 21st March 1996 was not to be effective unless it was approved by the Governor in Council by regulation made under the Local Government (Robina Town Centre Planning Agreement) Act 1992.
- 1.7 Robina, Robina Properties and Council will execute this

Amendment Agreement after the commencement of the Local Government (Robina Town Centre Planning Agreement) Amendment Act 1996.

2. The parties now enter into this Amendment Agreement and undertake and agree as follows:—

2.1 The parties agree that the Robina Central Planning Agreement be amended as follows:—

2.1.1 Clause 1:—

by deleting the First Schedule and inserting the following:—

“THE FIRST SCHEDULE

| | |
|---------|--|
| Part 1 | Description of the subject land |
| Part 2 | Description of the Kerrydale Land |
| Part 3 | Present Zone |
| Part 4 | Proposed Zone |
| Part 5 | Description of Robina Town Centre Core |
| Part 6 | Drawing 8951B |
| Part 7 | Railway land |
| Part 8 | Exclusion land |
| Part 9 | Development adjustment land |
| Part 10 | Adjustment land |
| Part 11 | Drawing RC-NZD-01—combined site and zonings” |

by adding after the words “Part 2 Planning Intentions” the words “and Implementation”.

2.1.2 by deleting the words “Kerrydale Land” wherever they appear

and substituting in their place the words “the Northern Frame”.

- 2.1.3 by deleting the words “Robina Town Centre” wherever they appear (except when used in the phrase “Robina Town Centre Core”) and substituting in their place the words “Robina Central”.
- 2.1.4 by deleting the words “Shire of Albert” wherever they appear and substituting in their place the words “Council of the City of Gold Coast”.
- 2.1.5 Clause 2 by inserting after recital 2.11 the following recitals:—
- “2.12 To facilitate the location of the railway to the Gold Coast certain land dealings are proposed between the State of Queensland and Robina. These require that so much of the railway land which is not presently part of this Agreement being the land described in Section 2 of Part 7 of the First Schedule be subject to this Agreement and further that so much of the railway land which is not in the Special Business Zone being that land described in Column 1 of Section 1 and 2 of Part 7 of the First Schedule be excluded from its existing zones as shown in Column 2 of Section 1 and 2 of Part 7 of the First Schedule and included in the zone shown in Column 3 of Part 7 of the First Schedule.
- 2.13 As part of these land dealings the land described in Part 8 is excluded from the operation of this Agreement and is excluded from the zone shown in Column 2 of Part 8 in the First Schedule and included in the zone shown in Column 3 of Part 8 of the First Schedule.
- 2.14 During the course of development of the combined site, boundaries of some allotments which have been created have not coincided with zoning boundaries. In order to rectify this, the Council, Robina and Robina Properties

have agreed that:—

- 2.14.1 the land described in Column 1 of Part 9 of the First Schedule be excluded from the zone in Column 2 of Part 9 of the First Schedule and be included in the zone shown in Column 3 of Part 9 of the First Schedule; and
- 2.14.2 the land described in Column 1 of Part 10 of the First Schedule be subject to this Agreement and be excluded from the zone shown in Column 2 of Part 10 of the First Schedule and be included in the zone shown in Column 3 of Part 10 of the First Schedule.”

2.1.6 Clause 99 by:—

- (a) deleting from the definition “access restriction strip” the figure 0.5 and substituting the figure 0.2.
- (b) deleting the definition “this Agreement” and substituting the following definition:—

“this Agreement” means this Agreement and any amendment of this Agreement and includes the schedules, the plans, tables, drawings and documents identified herein.
- (c) deleting the definition “combined site” and substituting the following definition:—

“combined site” means the land described in this Agreement First Schedule Parts 1 (other than the land described in Part 8), 2, 7 (Section 2) and 10 and is depicted on the Drawing in Part 11.
- (d) deleting the definition “final development approval” and substituting the following definition:—

“final development approval” means approval of an application under Section 5 of Part 9 or Section 4 of Part 10 of the Second Schedule.
- (e) adding the following definitions:—

“adjustment land” means the land described in Column 1 of Part 10 of the First Schedule

“Development Section” means a Development Section created pursuant to Clause 18D of Part 2 of the Second Schedule

“excluded land” means the land described in Column 1 of Part 8 of the First Schedule

“Plan of Development” means a Plan of Development prepared pursuant to Clause 18D of Part 2 of the Second Schedule

“railway land” means the land described in Column 1 of Sections 1 and 2 of Part 7 of the First Schedule

2.1.7 First Schedule as follows:—

- (a) by adding before the Plan of the combined site the words “Part 6”; and
- (b) by adding the following Parts:—

PART 7

RAILWAY LAND

Section 1

| Column 1 | Column 2 | Column 3 |
|--|---|-------------------|
| Description of Land | Existing Zoning | New Zoning |
| That part of Lot 883 on RP 892174, part of Lot 201 on RP 815555 and part of Lot 703 on RP 815583 identified as | Special Facilities (Golf Course, Hotel, Accommodation Units and Public Open | Special Business |

*Local Government (Robina Town Centre
Planning Agreement) Amendment*

No. 15, 1996

Parcel A on Brown & Pluthero Drawing No. 11302D, and more particularly described in the metes and bounds description both of which are Document 1/1/5

Space)

That part of Lot 703 on RP 815583 identified as Parcel C on Brown & Pluthero Drawing No. 11304D, and more particularly described in the metes and bounds description both of which are Document 1/1/6

Special Facilities (Golf Course, Hotel, Accommodation Units and Public Open Space)

Special Business

Section 2

Column 1

Description of Land

That part of Lot 201 on RP 815555, part of Lot 703 on RP 815553 and part of Lot 822 on RP 226764 identified as Parcel B on Brown & Pluthero Drawing No. 11303D, and more particularly described in the metes and bounds description both of which are Document 1/1/7

Column 2

Existing Zoning

Rural

Column 3

New Zoning

Special Business

*Local Government (Robina Town Centre
Planning Agreement) Amendment*

No. 15, 1996

| | | |
|---|-------|---------------------|
| That part of Lot 822 on RP 226764 identified as Parcel D on Brown & Pluthero Drawing No. 11305D, and more particularly described in the metes and bounds description both of which are Document 1/1/8 | Rural | Special Business |
|---|-------|---------------------|

PART 8

EXCLUDED LAND

| Column 1 | Column 2 | Column 3 |
|---|------------------------|-------------------|
| Description of Land | Existing Zoning | New Zoning |
| That part of Lot 852 on RP 226788 identified as Parcel E on Brown & Pluthero Drawing No. 11344D, and more particularly described in the metes and bounds description both of which are Document 1/1/9 | Special Business | Rural |

PART 9

DEVELOPMENT ADJUSTMENT LAND

| Column 1 | Column 2 | Column 3 |
|----------------------------|------------------------|-------------------|
| Description of Land | Existing Zoning | New Zoning |

*Local Government (Robina Town Centre
Planning Agreement) Amendment*

No. 15, 1996

| | | |
|---|---|---|
| <p>That part of Lot 894 on RP 892161 identified as Parcel A on Brown & Pluthero Drawing No. 11306D, and more particularly described in the metes and bounds description both of which are Document 1/1/10</p> | <p>Special Facilities (Robina Town Centre Core)</p> | <p>Special Business</p> |
| <p>That part of Lot 894 on RP 892161 identified as Parcel B on Brown & Pluthero Drawing No. 11307D, and more particularly described in the metes and bounds description both of which are Document 1/1/11</p> | <p>Special Facilities (Robina Town Centre Core)</p> | <p>Special Business</p> |
| <p>That part of Lot 896 on RP 892162 identified as Parcel I on Brown & Pluthero Drawing No. 11313D, and more particularly described in the metes and bounds description both of which are Document 1/1/12</p> | <p>Special Business</p> | <p>Special Facilities (Robina Town Centre Core)</p> |
| <p>That part of Lot 896 on RP 892162 identified as Parcel G on Brown & Pluthero Drawing No. 11311D, and more particularly described in the metes and bounds description both of which are Document 1/1/13</p> | <p>Special Facilities (Robina Town Centre Core)</p> | <p>Special Business</p> |
| <p>That part of Lot 896 on RP 892162 identified as Parcel H on Brown & Pluthero Drawing No. 11312D, and more particularly described in the metes and bounds description both of which are Document 1/1/14</p> | <p>Special Facilities (Robina Town Centre Core)</p> | <p>Special Business</p> |
| <p>That part of Lot 104 on RP</p> | <p>Special Facilities</p> | <p>Special</p> |

*Local Government (Robina Town Centre
Planning Agreement) Amendment*

No. 15, 1996

| | | |
|--|--|--|
| 815556 identified as Parcel E on Brown & Pluthero Drawing No. 11310D, and more particularly described in the metes and bounds description both of which are Document 1/1/15 | (Robina Town Centre Core) | Business |
| That part of Lot 895 on RP 892159 identified as Parcel D on Brown & Pluthero Drawing No. 11309D, and more particularly described in the metes and bounds description both of which are Document 1/1/16 | Special Facilities (Robina Town Centre Core) | Special Business |
| That part of Lot 140 on RP 886528 identified as Parcel C on Brown & Pluthero Drawing No. 11308D, and more particularly described in the metes and bounds description both of which are Document 1/1/17 | Special Business | Special Facilities (Robina Town Centre Core) |

PART 10

ADJUSTMENT LAND

| Column 1 | Column 2 | Column 3 |
|--|------------------------|-------------------|
| Description of Land | Existing Zoning | New Zoning |
| That part of Lot 104 on RP 815556 identified as Parcel F on Brown & Pluthero Drawing No. | Commercial Industry | Special Business |

*Local Government (Robina Town Centre
Planning Agreement) Amendment*

No. 15, 1996

11314D, and more particularly
described in the metes and bounds
description both of which are
Document 1/1/18

That part of Lot 895 on RP
892159 identified as Parcel J on
Brown & Pluthero Drawing No.
11328D, and more particularly
described in the metes and bounds
description both of which are
Document 1/1/19

Commercial Industry

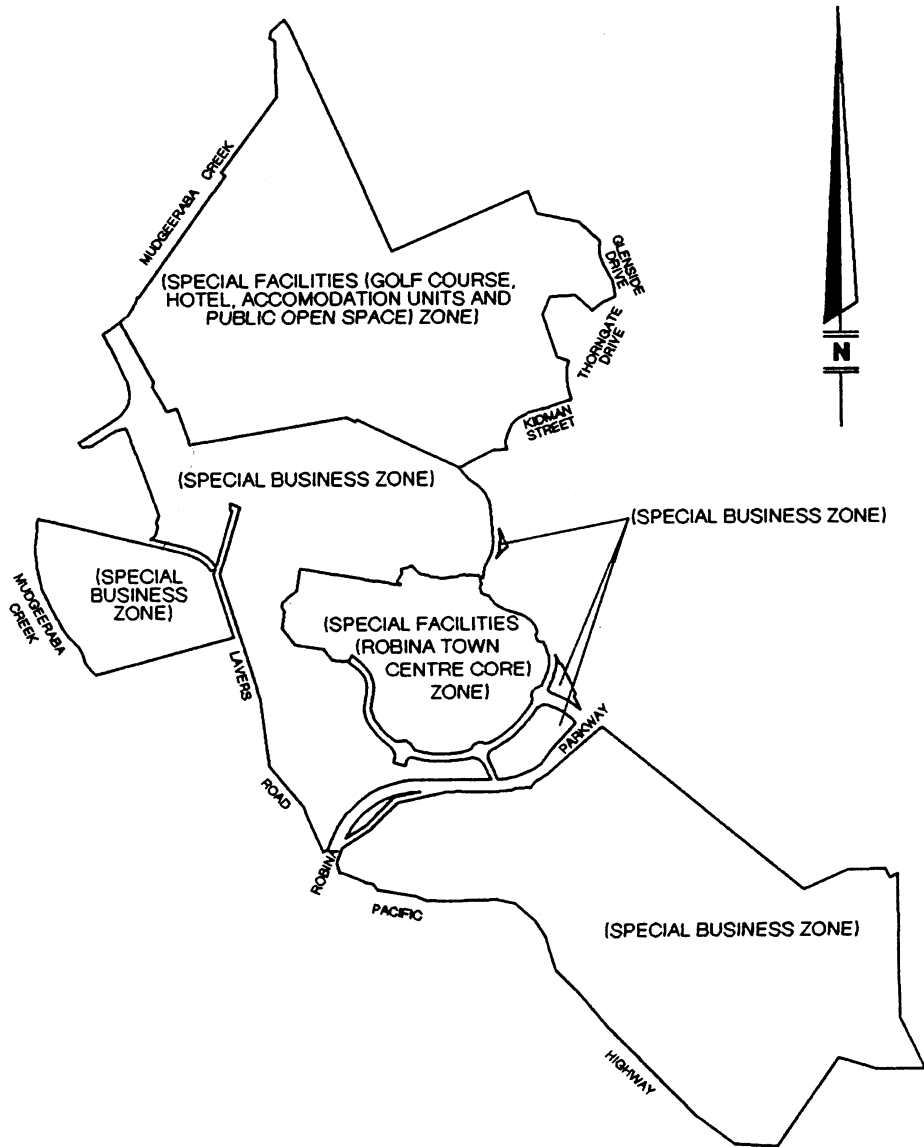
Special
Business

That part of Lot 895 on RP
892159 identified as Parcel K on
Brown & Pluthero Drawing No.
11327D, and more particularly
described in the metes and bounds
description both of which are
Document 1/1/20

Commercial Industry

Special
Business

PART 11



DRAWING RC-NZD-01 – COMBINED SITE & ZONINGS

- 2.1.8 By deleting Part 1 of the Second Schedule and substituting the following:—

PART 1

INTRODUCTION

Development Background

1 *Rezoning Application*

- 1.1 Robina applied to the Council by Rezoning Application No. 2270 dated 10 July 1990 to exclude the subject land from the present zone and include it in the proposed zone.

Master Planning

- 1.2 As discussions and negotiations in relation to that rezoning application proceeded it became apparent that the development proposed by Robina pursuant to the application involved the master planning of a new mixed use community rather than a specific development application and that the existing legislation did not provide an adequate framework within which to implement the proposal.

Deficiencies in Existing Legislation

- 1.3 The reasons why the existing legislation was inadequate may be summarised as follows:—
- 1.3.1 the inclusion of part of the land in the Special Facilities (Robina Town Centre Core) zone is intended to confer a legal right to use any part of that land for any of the purposes set out in clauses 120 and 121 of Part 9, subject to the Council's approval of the details of the final development and, in the latter case, subject to obtaining town planning consent;
- 1.3.2 the land to be included in the Special Business zone may be used for any of the purposes set out in Clauses 151.1 and 151.2 of Part 10 of the

- Second Schedule subject to the relevant Plan of Development and final development approval or to obtaining the Council's consent where required;
- 1.3.3 the infrastructure requirements for the development as a whole can be determined with certainty on the basis of maximum equivalent population fixed by prescription of limits on building heights and site coverage for commercial buildings and by prescription of maximum populations for residential buildings;
- 1.3.4 it is nevertheless not possible to determine the proportion or extent that each of the permitted or permissible uses will assume;
- 1.3.5 it is similarly not possible to determine or specify the precise form and sequence of development;
- 1.3.6 the matters referred to in Clauses 1.3.4 and 1.3.5 are capable of description but only in a conceptual way by means of:—
- 1.3.6.1 statements of planning and Precinct intents describing the proposed development in terms of uses to be undertaken, facilities to be provided, objectives to be achieved and the form, character and intensity of the final development; and
- 1.3.6.2 concept plans containing illustrations or examples of how the statements of intent might be implemented;
- 1.3.7 part of the land considered to form part of the Robina Central concept, being the Northern Frame land, had already been rezoned and there was no adequate mechanism available to integrate this approval with the rest of the proposal.

New Legislation

- 1.4 Because of these deficiencies in the existing legislation, it was agreed with Council that legislation would be necessary to specifically provide for the planning and development of the Robina Central site.

Purposes of the Agreement

2. The purposes of this Agreement are to:—
 - 2.1 describe and promote Robina Central's overall intent, concepts, form and implementation;
 - 2.2 provide an implementation process to govern the detailed planning, land use, development and landscaping requirements and guidelines for Robina Central on a continuing basis;
 - 2.3 specify with the necessary certainty and enforceability Robina's obligations in relation to the construction of earthworks, roads and services which cannot be adequately regulated by application of existing legislation to the proposed development; and
 - 2.4 provide a mechanism and a process whereby Robina's planning obligations in relation to the construction of buildings can be determined, in accordance with specified development requirements and within certain parameters, and subject to a fair and effective dispute resolution process where necessary.

Structure of the Second Schedule

- 3 The Second Schedule of the Planning Agreement contains the development intentions, implementation strategy, construction obligations and development requirements for Robina Central. It is structured as follows:—
 - 3.1 Part 2 covers the regional context of the development, together with the planning intentions and the implementation process for development within Robina Central. This part defines a hierarchy of planning areas as the fundamental implementation mechanism and the basis of development control. It also identifies the need to provide flexibility for the development to meet market and community expectations over the long term,

while still ensuring sufficient certainty as to the nature, form and scale of the ultimate development.

- 3.2 Parts 3, 4, 5, 6 and 7 deal with Robina's obligations in relation to roads, water supply, sewerage, open space and pathways, and waterways and weirs. This includes details on the extent of works and their timing and the applicable headworks charges and other contributions by Robina.
- 3.3 Part 8 addresses Robina's and Council's obligations in regard to the establishment, leasing and operation of a public library and a community centre within the site.
- 3.4 Parts 9, 10 and 11 cover the land uses and development requirements and guidelines for the Core, Inner Frame, Southern Frame and the Northern Frame, respectively. These parts also address the requirements for applications in relation to specific development proposals in each of these areas.
- 3.5 Part 12 deals with a range of general issues associated with the overall development of Robina Central, including public transport, street lighting, earthworks, tree preservation and removal, environmental considerations and reclamation works.
- 3.6 Part 13 focuses on the obligations of Council in regard to Robina Central, including issues of roads, services, community facilities and commitments to supporting Robina's broad intentions and objectives for development.

Planning of Land Use

- 4 The planning approach to determine land usage has adopted a hierarchy of planning levels based on the concept of the combined site being divided into four (4) Areas:—

- The Northern Frame
- The Core
- The Inner Frame
- The Southern Frame

and permits each of those Areas where appropriate to be divided into Precincts. It also provides for each Precinct to be further divided into

Development Sections. A more detailed explanation and the implementation of this approach is contained in Part 2.

Construction of Development

- 5 Construction of development will usually occur in three stages:—
- 5.1 the first stage being earthworks when the land is shaped and roads, waterways, parks, etc. are formed;
 - 5.2 the second stage when services such as roads, water supply, sewerage, electricity and telephone are constructed; and
 - 5.3 the third is when construction of buildings occurs.

Earthworks Zones and Service Districts

- 6 Earthworks contracts will usually be undertaken over a larger area than that for which services are to be provided. Accordingly, for ease of administration and understanding, the combined site will be categorised by:—
- 6.1 “Earthworks Zones” within which earthworks will be carried out in accordance with an approved plan or plans; and
 - 6.2 “Service Districts” within which services will be constructed or provided in accordance with an approved plan or plans.

Adoption of Usage and Construction Scheme

- 7 This Agreement has therefore adopted the following scheme:—
- | | |
|----------------------------------|-----------------------------------|
| Areas (for usage) | Earthworks Zones (for earthworks) |
| Precincts (for usage) | Service Districts (for services) |
| Development Sections (for usage) | |
- which may be shown diagrammatically as follows:—

THE COMBINED SITE

USAGE

CONSTRUCTION

AREAS

EARTHWORKS ZONE

PRECINCTS

PRECINCTS

SERVICE DISTRICTS

SERVICE DISTRICTS

DEVELOPMENT SECTIONS

Importance of Identifying Zones and Districts

- 8 Having regard to the foregoing scheme, the proper identification of Earthworks Zones and, more importantly, Service Districts is of fundamental importance from the point of view of development control. The usage to which the combined site may be put is already controlled by the terms of this Agreement and, subject thereto, the precise content and form of the final development are matters for Robina and other parties who ultimately take the benefit of this Agreement or the approval of subsequent applications.

Development to be Orderly & Controlled

- 9 The Council requires that development occur in an orderly and controlled manner and this is to be achieved by requiring Robina to complete, effectively secure and/or effectively co-ordinate the first two stages of construction (earthworks and services) in any given Service District before fragmentation of the landholding in that District is permitted. The provisions of Sections 4 (Bonding, Security & Release of Plans) and 7 (Sale and Transfer of Land) in this Agreement are designed to achieve this result.

- 2.1.9 By deleting Part 2 of the Second Schedule and substituting the following:—

PART 2

PLANNING INTENTIONS AND IMPLEMENTATION

Intent of Robina Central

- 10 Robina Central is intended to be developed as a major comprehensively planned Regional Business Centre accommodating the highest order of retailing, business, administration, entertainment, cultural, recreational and community facilities as well as a wide range of housing choices. This will be achieved by maximising the integration of this broad range of land uses in innovative and flexible forms of mixed use development which avoid incompatibility of uses.

Regional Context

- 11 Given its strategic location and the opportunity to comprehensively plan a “green field” site, Robina Central will play a major role in serving central place needs. This relates not just to adjacent districts, but also to the area included in the Gold Coast Statistical District and southern parts of the wider Brisbane to Gold Coast Urban Corridor together with parts of Northern New South Wales, as demonstrated by Plan 2/2/1.

As the first major Regional Business Centre to be located inland from the coastal strip, it is well placed to service the needs of the growing hinterland population. Its strategic location at the intersection of major arterial roads with the Pacific Highway and at the terminus of the proposed Brisbane to Robina railway will ensure high levels of accessibility to and from both the local and wider regions.

The opportunity this location offers for Robina Central to become a major public transport focus with a transit network radiating from the proposed rail terminus, will enable its development as a major office employment centre for both the public and private sectors as

well as a major centre for the provision of government/community services, cultural and recreational facilities. Convenient access to public transport will also benefit the residents of Robina Central.

The high employment potential is enhanced by Robina Central's location close to the Bond University and its Research Park as well as by its attractive water enhanced landscape setting at the edge of the Merrimac regional open space corridor.

The continuing development of the Merrimac regional open space corridor for golf and recreation resort facilities, the increasing tourist traffic on the national Pacific Highway and the proximity to both hinterland and coastal tourist and recreation attractions will ensure a major tourism and recreation role for Robina Central for hotel/motel accommodation, shopping and support facilities.

In view of these opportunities, it is recognised that Robina Central may in time develop as a major central place anchor for the Brisbane to Gold Coast Urban Corridor as well as one of the major regional business districts for the Gold Coast Statistical District. The possibility of Robina Central becoming the dominant central business district for the region is neither disregarded nor discouraged and the Council recognises that the matters referred to in this section give Robina Central a potential advantage in that regard. The Council, however, views Robina Central as one of the regional business centres in its Strategic Plan.

Flexibility for Innovative Development

- 12 In view of the long term nature of the development being undertaken, it is recognised that a flexible approach will be required in relation to innovative development concepts, standards and practices to take account of technological advances, market variables and changing patterns in our society. Indeed, to ensure the continued vitality of Robina Central, it will be important to keep abreast of the latest developments in all areas affecting its development and operations.

This need for flexibility is inherent in the range of Planning Intentions and Implementation Plans that have been or will be prepared in relation to the development of Robina Central.

Planning Intentions and Implementation

- 13 The overall vision for development and the broad planning intentions for Robina Central are reflected in the structure plan and master plan. These plans enable a visualisation of the fundamental site layout and the inter-relationships of the broad mixture of land uses proposed.

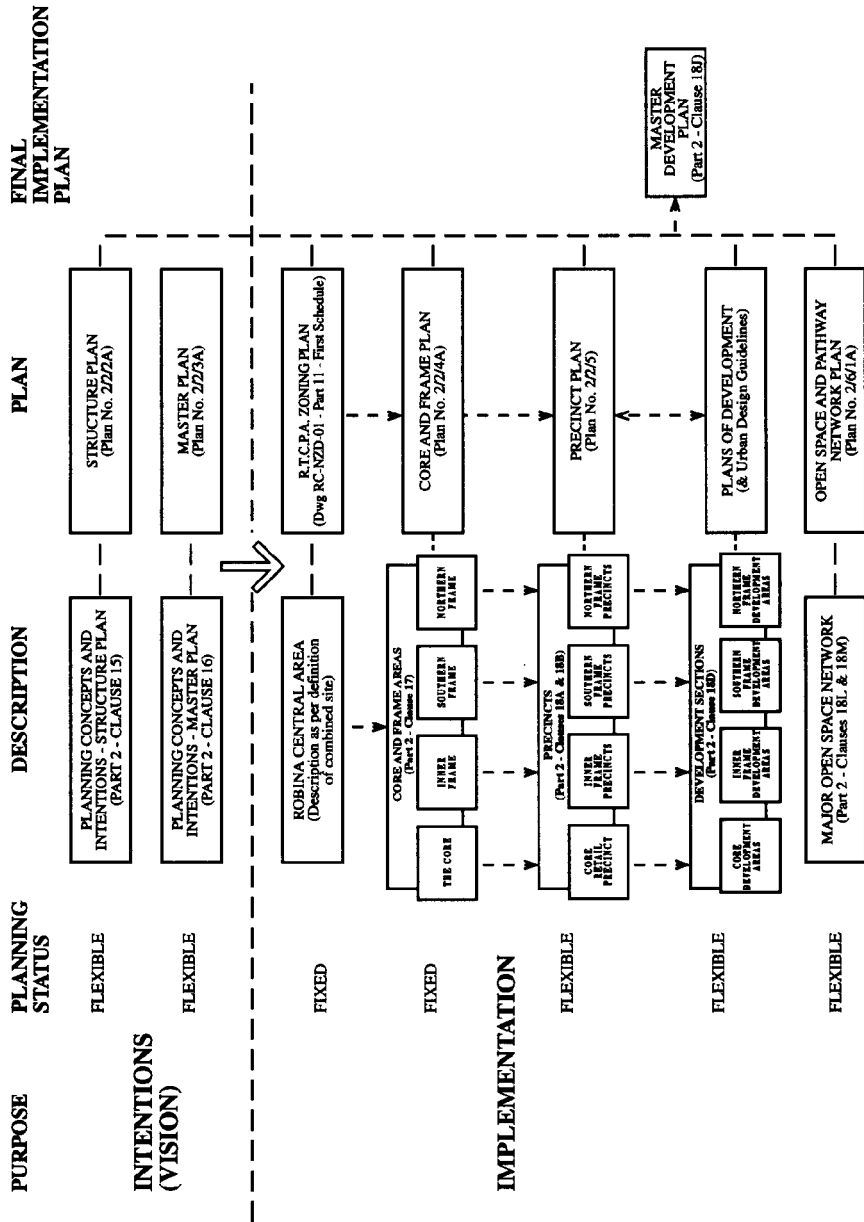
A hierarchy of planning areas has been derived from the structure plan, as the basis for planning implementation and to guide the intensity and form of future development. The whole of the Robina Central area is divided into four land use Areas viz the Core and three Frames (Refer Plan 2/2/4A). These are in turn divided or to be divided into development Precincts each with their own statement of intent covering the desired type, form and intensity of development envisaged. Within these Precincts, Development Sections will be identified as the basis for preparing a Plan of Development for each Development Section that accords with the Precinct intents and contains the final land uses, planning principles and design and siting guidelines to control development.

For the purpose of development unity, the major open space and access networks have been determined to integrate the development Precincts and complete the overall development configuration.

Finally, the master development plan is the means by which details from each of the above planning instruments will be drawn together to monitor the progress of Robina Central during development and to form a permanent statutory record of approvals and consents.

The following diagram summarises the planning intentions and implementation process for Robina Central. It is provided as a means of assisting readers of this Agreement to understand the relationship between the visionary concepts and intentions for the development of Robina Central and the process by which those visions will be translated and implemented into reality, based upon best planning practices, the provisions of this Agreement and need.

PLANNING INTENTIONS AND IMPLEMENTATION DIAGRAM



Revisions to Planning Intentions and Implementation Plans

- 14 Robina may, from time to time, with the approval of Council amend the structure plan, the master plan, the open space and pathway network plan, and the Precinct plans to reflect change, more detailed planning and market expectations. Robina must consult with Council on a proposed revision of a plan and must provide any relevant information in support of its proposed revision as may reasonably be required by Council. In revising a plan Robina must, to the extent possible, take into account Council's reasonable and relevant requirements. When Robina amends a plan, it must lodge the revised plan with Council which plan will replace and be substituted for the previous plan.

Planning Concepts and Intentions—Structure Plan

- 15 Plan 2/2/2A is the structure plan to guide in general terms the planning and development of Robina Central. It is broadly based on the combined site and contiguous areas that have direct land use interrelationships with the proposed town centre development.

The structure plan should not be regarded as defining the final nature or location of specific land uses. Rather, the plan should be viewed as a conceptual framework of transport networks and open spaces, and a distribution of predominant land uses and intensities. It is intended to serve three main purposes:—

- (a) to express the overall development intent, concepts and strategies;
- (b) to provide the broad conceptual basis for assessing the suitability of development proposals in a continuing process; and
- (c) to provide a reference plan for the ultimate development of the site.

While elements of the structure plan are fixed with some certainty by other Parts of this Second Schedule, it purposely has inherent flexibility to accommodate land use variations and development needs which cannot be properly foreseen at this time.

There is a physical constraint on the ultimate development in that the infrastructure for which this Agreement provides is designed to service an equivalent population of 23,000 persons (more or less) residing or working within Robina Central. The planning for the ultimate development (and for each Area and Precinct) must take this constraint into account. Development which would generate an equivalent population significantly exceeding 23,000 persons is not permitted.

Planning Concepts and Intentions—Master Plan

- 16 Plan 2/2/3A, described as the master plan, is the current development interpretation of the structure plan. The master plan is an illustration of one form of final development which gives effect to the structure plan and planning intents contained in this Part. It is recognised that the proposed rail terminus and South Coast Regional Health Authority development adjacent to the subject land depend upon anticipated State Government commitments in respect of which a final decision is not yet made.

Intent of the Land Use Areas

- 17 The Core and Frame plan Plan No 2/2/4A divides Robina Central into the following four broad land use Areas:—
- The Core
 - The Inner Frame
 - The Southern Frame
 - The Northern Frame

The planning intent for each of those Areas is as follows:—

17.1 *The Core*

This is the central Area and is intended as the area of highest land use intensity and diversity of retail/commercial floor space, and maximum pedestrian activity. The Core will comprise major regional shopping facilities together with personal and community services, professional offices, restaurants, cultural, civic and recreational facilities, hotel and studio apartments.

The Core is focused on an ornamental lake (Waterfront Place) and major town centre plaza which together form a celebration place, accessible to the public 24 hours per day, where the community can come together with a sense of pride and belonging to partake of urban activities such as eating, dining, shopping, promenading and cultural events.

17.2 *The Inner Frame*

The Area surrounding the Core to the north of the Robina Parkway ridge is intended as an intensive, secondary mixed use area containing offices, business premises, residential apartments and dwellings, hotels, cultural, recreational, entertainment facilities, educational establishments and places of worship in close proximity to allow easy pedestrian connections and convenient access by public transport.

17.3 *The Southern Frame*

This Area to the south of the Robina Parkway ridge is intended as a less intensive area for activities requiring easier motor vehicle access such as an automall, showrooms, service trades, service authority facilities, business and office parks as well as for medium density residential development and higher education facilities. The Area forms an important link from the Core and Inner Frame to the Bond University to the south and with its associated Research Park, recreational facilities and high and medium density residential Precincts as well as to the industrial development zones at the Reedy Creek highway interchange and along the Burleigh Connection Road.

17.4 *The Northern Frame*

Covering the predominantly low lying land between the Inner Frame and Mudgeeraba Creek, the Northern Frame will, reflect a different character and the generally lower intensity of development to that of other areas. The

emphasis will be on major public and private recreational and open space areas, with a mixture of land uses integrated mainly around the periphery of this extensively landscaped environment. The current approval allows for public open space uses together with golf course, hotel accommodation and a range of residential development types.

Core and Frame Areas - Use and Development Control

18 The uses for which land may be developed in each Area and the guidelines for the manner in which development is to be carried out in each Area, despite the provisions of the Town Plan are as follows:—

- 18.1 the Core—as set out in Part 9;
- 18.2 the Inner Frame and the Southern Frame—as set out in Part 10.
- 18.3 the Northern Frame—as set out in Part 11.

Creation of Precincts

18A The Core and Frame Areas will each be divided into Precincts accommodating ranges of dominant land uses considered appropriate for those Precincts having regard to the intents for the Area in which the Precincts are created.

The Precincts into which each Core and Frame have so far been divided are shown on the Precinct plan Plan 2/2/5. Additional Precincts may be created as more detailed planning of the Core and Frame Areas is advanced.

A number of Precincts, including the Rail Interchange, Medical and Gateway West, are presently constrained by existing roads which roads are not included in the relevant Precincts on the Precinct plan. However, as a consequence of the proposed acquisition by Queensland Rail of land for the Robina rail line and transport interchange and Robina's obligation to construct roads giving access to the transport interchange, it is intended that these roads will be closed, included in appropriate zones in conformity with this Agreement and acquired by Robina. These areas of road will then

form part of the Precincts in which they are located and be subject to the relevant planning intentions and provisions of this Agreement.

Intent for Development of Each Precinct

18B The intent for development of each Precinct shown on the Precinct plan is as follows:—

18B.1 *The Core Precincts*

The Core area is predominantly covered by the Core retail Precinct, comprising the major retail and mixed uses referred to in Clause 17.1 together with Waterfront Place and a number of peripheral future development sites. It is the dominant Precinct of the Robina Central community structure and will contain the most intensive mixture of land uses.

The overall development form will consist of multi-level buildings organised around a structure of outdoor pedestrianised streets stepping up the hillside from Waterfront Place. Major carparking areas, including multi-level structured car parks and on-grade parking, will be strategically placed around the Precinct, with close relationships to the anchor retail facilities and convenient access off the main circuit road. The Core retail Precinct will be characterised by the highest quality architectural and landscape finishes, to create a special identity and pedestrian friendly environment.

18B.2 *Inner Frame Precincts*

18B.2.1 HIGH SCHOOL PRECINCT

This Precinct located along the proposed Mudgeeraba Connection Road will accommodate the new Robina State High School.

18B.2.2 WEST ENTRY PRECINCT

West entry Precinct adjacent to the High School is primarily intended for a range of commercial premises accommodated in a grouping of low

to medium rise buildings, and may be suitable for Government administration offices. Other convenience uses such as a service station, and catering and business premises complementary to, and integrated with, the predominant commercial development are anticipated. It is further anticipated that emergency services authorities will locate in west entry, given that this location allows rapid access for emergency vehicles to Robina, Mudgeeraba and adjacent districts.

18B.2.3 MEDICAL PRECINCT

The medical Precinct is ideally located south of the rail interchange and east of land owned by the South Coast Regional Health Authority. Priority will be given to the development of a range of specialist medical facilities and medical uses associated with development by that Authority. These uses could also extend into nearby mixed use areas. Buildings will be predominantly low to medium rise and developed in context with development by the Authority and development in the rail interchange Precinct. The landscaping will be designed so as to create development unity across these Precincts.

18B.2.4 RAIL INTERCHANGE PRECINCT

This Precinct comprises land intended for acquisition by Queensland Rail in conjunction with other adjacent land external to the Robina Central area. It will accommodate the terminus of the new Brisbane to Gold Coast rail line, providing a regional public transport interchange when integrated with the bus network. Associated with the interchange will be a range of convenience shopping,

commercial premises and offices developed in medium to high rise buildings, including air rights development over the rail interchange. It is further anticipated that the Precinct will accommodate a regional indoor sports and entertainment centre. This centre will be a large scale development providing architectural emphasis as a landmark building.

18B.2.5 WEST LAKE, EAST LAKE AND
PENINSULA PRECINCTS
(WATERWAY PRECINCTS)

These Precincts are intended for intensive, mixed use development with an urban character which relates strongly to the Core retail Precinct and to their distinctive waterway landscape settings. The anticipated land uses include offices, business premises, hotel accommodation and entertainment facilities, and residential uses either situated above commercial premises or developed solely as residential buildings.

Building development is envisaged as being predominantly low to medium rise but with occasional high rise opportunities at appropriate locations. The desirable urban character of these Precincts will be achieved by designing the diverse forms of buildings and landscaping in a way that they combine to create attractive, pedestrian friendly frontages and spaces. This intensive urban development character will be further enhanced by providing the majority of car parking either in basement or in shared multi-level parking structures.

18B.2.6 RIVERWALK PRECINCT

Linking south from the lake to the main highway gateway entry, this Precinct is intended

as an alternative, linear river-like park setting for mixed use development. A range of development forms and uses that enhance the serpentine river setting will be encouraged, including a broad mixture of commercial, residential, tourist and entertainment uses and restaurants, cafes, religious and cultural facilities. Other potential uses will include banking and personal services, limited shopping facilities, recreational uses, together with carparking facilities, outdoor plazas and parkland.

Low to medium rise and occasional high rise development will be permitted in this Precinct with buildings establishing strong axial relationships with the river, including the provision of vistas through/from the lower levels of development. Ample open spaces, landscaped areas and walkways will be provided along the pedestrianised river setting creating an important unifying element for the broad mixture of land uses and building types that will be accommodated.

18B.2.7 **GATEWAY EAST AND GATEWAY
WEST PRECINCTS (GATEWAY
PRECINCTS)**

These Precincts flank the main road entry to the Core and will offer prime sites on which major office and business developments and possibly medium to high density residential uses can locate with high accessibility and exposure. Buildings may range from low to high rise, provided variations in the height and scale are visually and functionally appropriate. The incorporation of landmark features with building designs enhanced by attractive landscape treatments will be encouraged given

the “gateway” importance of these Precincts.

18B.2.8 PARKWAY SERVICE PRECINCT

Located between the Robina Town Centre Core and the main road entry of Robina Parkway, this Precinct is intended to fulfil a complementary role to the Core retail facilities. Whilst it is anticipated that the Precinct will be predominantly developed for a service station, fast food outlets, restaurants and showrooms, compatible uses including commercial premises and various forms of entertainment, catering and service businesses will also be appropriate. A linear combination of low rise building development reflecting an “urban scale” is planned, although considerable variation is envisaged in the architectural design. Facilities that locate in the Parkway Service Precinct will benefit from the high accessibility and exposure to passing traffic offered by this strategic location.

18B.3 *Southern Frame Precincts*

18B.3.1 AUTOMALL PRECINCT

This Precinct is located immediately south of the Robina Parkway, offering excellent visibility and accessibility to the arterial road system of Robina Central. It is intended for development for an automall in which car and marine dealerships and associated uses will be grouped together to achieve the convenience of ‘one stop’ shopping. Development is envisaged as low rise buildings with attractive landscape frontages presented as a unified whole and complemented by carefully controlled identity signage.

18B.3.2 MIXED USE PRECINCTS A, B AND C

These Precincts partly surround the automall and offer similar high level visibility and accessibility from the road system. They are intended for mixed use developments, including offices, commercial premises, service trades, showrooms, 'specialised home improvement' uses, a service station and limited retail uses such as shops and takeaway food outlets. Precinct 'B' in particular is primarily intended for car care uses and service trades associated with automobiles, trailered boats and caravans. Development is envisaged as being predominantly low rise with attractive landscaped and pedestrianised frontages.

18B.3.3 SOUTH HILL PRECINCT

This linear Precinct runs south along the Pacific Highway frontage from the Gateway East Precinct. Development will be physically separated from the highway by a densely planted landscape and pathway corridor. The Precinct is intended for predominantly low to medium rise office buildings integrated with other mixed uses, including service industries and showrooms. Development should reflect a strong integration between the architectural design and landscape treatment to create impressive 'office park' environments.

18B.3.4 SOUTHERN VALE PRECINCT

Southern Vale is bounded by the arterial roads of Reedy Creek Link Road and the Christine Avenue extension, and located adjacent to the proposed southern sports fields. Much of the Precinct will be suitable for a range of quality housing types and densities, office showroom and business park development, mixed use

developments or combinations of these land uses. Other uses that complement such development, including convenience shopping, child care centres and community facilities may also be accommodated. Generally, low to medium rise buildings are envisaged across the Precinct.

This Precinct has not been planned for immediate development and the particular mix of final land uses will largely depend upon market variables. Furthermore, it is likely that this expansive Precinct will be divided into a number of more manageable and land use specific Precincts at a later stage.

18B.4 *Northern Frame Precincts*

18B.4.1 PREAMBLE

The Precincts of the Northern Frame are controlled by the development code contained in Part 11 which is based upon an existing rezoning approval. As detailed planning takes place it may become desirable to consider other forms and intensities of development.

18B.4.2 PARK HILL AND WATERVIEW
PRECINCTS (RESIDENTIAL
PRECINCTS)

Consisting of four separate land parcels these Precincts offer prime park and waterfront sites committed for residential uses. Drawing on performance criteria for design evolved from first principles for each situation, a range of low rise, quality housing types will be constructed on various lot sizes. This will include terrace houses developed in groups of two, three or four. The Precincts will be extensively landscaped to enhance their attractive open

space settings.

18B.4.3 CHELTENHAM DRIVE
RECREATION PRECINCT

This Precinct is primarily intended for the development of recreational open space in some form. It will be suitable for golf course development or various informal and casual entertainment and recreational pursuits, either for private or public use. Given its 'gateway' importance at the east entry to Robina Central, the Precinct will have a strong landscape design emphasis.

18B.4.4 NORTHERN PLAIN PRECINCT

This Precinct comprises low lying land extending south from Mudgeeraba Creek. It is intended for development of an 18 hole championship golf course and associated clubhouse facilities. The golf course will incorporate attractive lake features and extensive landscaping. The clubhouse complex will be low rise and offer the full range of services and facilities associated with the operation and management of the course.

18B.4.5 NORTH VIEW PRECINCT

It is anticipated that this Precinct will be primarily developed for a range of choices in low to medium density residential development and may include resort hotel and/or other forms of tourist accommodation and associated facilities. Limited forms of complementary uses such as child care centres, convenience shops and recreation facilities will also be appropriate. Generally low to medium rise development with limited locations for high rise buildings will capitalise on the adjacent golf

course outlook and desirable northerly orientation.

Creation of Development Sections - Statement of Intent

18C It is intended that the land within each Precinct will be divided by Robina into Development Sections. Determination of the area of each Development Section will be made during the final stage of the planning, development and marketing processes, at or about the same time the subdivision process commences and just prior to physical development of that land.

Until land is included in a Development Section the only plans of subdivision in respect of that land which Council must seal and release are those creating management lots or lots for transfer to Council or the Crown.

At the point in time at which a Development Section is determined by Robina, it will with the approval of Council determine the final planning principles, land uses and development requirements and guidelines for that section. Those principles, uses, requirements and guidelines will be contained in a Plan of Development for the Development Section to be prepared and lodged by Robina with Council for approval.

In addition, the Plan of Development for each Development Section will, where appropriate, address issues such as traffic circulation and parking, architectural form, streetscaping, landscaping of private and public open spaces, signage (both private and public) and urban design.

Despite the provisions of a Plan of Development for a Development Section, it is intended that an application for town planning consent will continue to be required in respect of a permissible use.

Before an allotment can be developed in a Development Section other than for the uses set out in the following Table, an application for final development approval in respect of the final form of development for that allotment must be made whether the development is permitted subject to conditions or is a permissible use which has been approved by Council.

TABLE

duplex dwelling
dwelling house
family accommodation
home occupation
occasional markets
private recreation

Creation of a Development Section and preparation of a Plan of Development

18D A Development Section is created by Robina preparing a plan of the whole or part of the land within a Precinct or Precincts to form a Development Section and identifying it as such.

Upon creation of a Development Section, Robina must prepare and lodge with Council a Plan of Development for that Development Section which must contain, but is not limited to, the following:—

- 18D.1 a plan of the land comprised in the Development Section;
- 18D.2 the development intent for the Development Section;
- 18D.3 the development concept/s for the Development Section;
- 18D.4 the purposes for which land in the Development Section or parts of the Development Section may be used without consent of Council but subject to conditions. These purposes must be chosen from and may be one or more of those purposes which are permitted development subject to conditions in the Area of which the Development Section forms part;
- 18D.5 the development requirements and guidelines for that Development Section;
- 18D.6 an assessment by a traffic engineer as contemplated by clause 124.6 or 153.6.5;
- 18D.7 for information purposes the requirements of this

Agreement which Robina has identified as requirements to be performed or provided relative to the land in the Development Section and if those requirements have previously been satisfied a statement to that effect.

The Plan of Development must be consistent with the concepts of:

- 18D.8 the planning intent for Robina Central, the relevant Area and the relevant Precinct;
- 18D.9 the structure plan;
- 18D.10 the master plan;
- 18D.11 the open space and pathway network plan; and
- 18D.12 the provisions of this Agreement.

Approval of Plan of Development by Council

- 18E Upon receipt of a Plan of Development for a Development Section:—
 - 18E.1 The Council must, within 40 days of its receipt, approve the Plan of Development or refuse to approve the Plan of Development;
 - 18E.2 Council may only refuse to approve a Plan of Development if it is satisfied that it is inconsistent with the provisions of this Agreement or does not properly address the issues required to be included in a Plan of Development;
 - 18E.3 If the Council does not notify Robina within 40 days of receipt of a Plan of Development for a Development Section that it has been approved or refused, Robina may by delivering by hand to the office of the Chief Executive Officer a written notice stating it is delivered pursuant to this Clause, require a response within 14 days of the date of delivery of the notice;
 - 18E.4 In the event Robina does not receive a notice of approval or refusal of the Plan of Development within that time, the Plan of Development is deemed approved;

- 18E.5 In the event that Council gives notice to Robina that a Plan of Development for a Development Section is refused, it must specify those parts of the Plan of Development which are not acceptable and give reasons.

Variation of Plan of Development by Robina before Transfer of Land

- 18F A Plan of Development may be varied by Robina before it transfers any developable part of the land in that Development Section and before development in that Development Section has been completed. Upon Robina varying a Plan of Development it must lodge the varied Plan of Development with Council which replaces the previously approved Plan of Development.

Variation of Plan of Development after Robina Transfers Land

- 18G After Robina transfers a developable part of the land in a Development Section, the Plan of Development may be varied:—
- 18G.1 in the case of a minor variation, in respect of an allotment in that Development Section, by the owner of that allotment, lodging with Council the minor variation with the consent in writing of Robina (if it is not the Applicant);
- 18G.2 in the case of any other variation in respect of an allotment in that Development Section, by the owner of that allotment, in accordance with the provisions of this Agreement applicable to applications for consent in respect of a permissible use.

In clause 18F and this clause “developable part of the land” in a Development Section means land that is able to be used or developed for a lawful purpose and does not include land which is required to be dedicated for road or transferred for a local government purpose as a requirement or a condition of an approval.

Variation - Application of Provisions

- 18H The provisions of Clause 18E apply to a variation of a Plan of Development.

Minor Variation of a Plan of Development

- 18I A variation of a Plan of Development is a minor variation if:—
- 18I.1 it does not vary the proposed intent of development for the Development Section;
 - 18I.2 it does not vary the permitted or permissible development for that Development Section;
 - 18I.3 it does not increase the gross floor area of buildings or proposed buildings by more than 5%;
 - 18I.4 it does not increase the site coverage of buildings or proposed buildings by more than 10%;
 - 18I.5 it does not increase the number of storeys above ground level in buildings or proposed buildings or part of those buildings;
 - 18I.6 in Development Sections for residential purposes, it does not increase the unit yield for housing development or proposed housing development by more than 5%;
 - 18I.7 it does not substantially alter the locations of proposed ingress or egress from sites in the Development Section;
 - 18I.8 it does not substantially decrease the provision and location of proposed carparking for each site in the Development Section;
 - 18I.9 alterations to design and siting requirements pertaining to architecture, landscape, streetscape, signage and design elements (other than those requirements referred to above) do not adversely affect the amenity or the likely future amenity of the locality.

Master Development Plan

- 18J Robina must, from time to time, lodge with Council a master development plan.

The plan must show to the extent possible the consolidation of information shown on each Precinct plan, Plan of Development, structure plan and open space and pathway network plan.

Robina must deliver to Council an updated master development plan within fourteen (14) days of Council approving a Precinct plan, Plan of Development, structure plan or open space and pathway network plan.

Road and Public Transport Network

- 18K The structure plan shows the major transportation system proposed for Robina Central. This system incorporates a rail corridor and a bus-rail interchange at the terminus of the Brisbane to Gold Coast rail link. It also includes the major road network which is appropriate to meet the regional access needs and satisfies Robina's obligations for roadworks as detailed in Part 3.

Robina Central incorporates a clear, formal structure of major roads which will ensure convenient access and circulation of traffic. The major roads in this structure are Robina Parkway and proposed road D-I which follow a ridge that circles three sides of the Core. Major connection roads extend out from the Core to link externally at three interchanges along the Pacific Highway. Clear, axial circulation routes shaped by the dominant natural characteristics of the land lead from the Robina Parkway into each part of the Core. A network of major and minor collector roads then extend throughout the combined site to service all Precincts of the Inner Frame, Southern Frame and Northern Frame.

The rail line and terminus has been located in conjunction with Queensland Rail on the western side of the Core. Furthermore a corridor for the future southern rail extension from Robina to Coolangatta has been planned, with the final location to be determined at a later time.

As the proposed rail line is likely to be essentially inter-urban rather than intra-urban, it will function primarily as a commuter service within the Brisbane to Gold Coast corridor. Its location therefore favours office employment, and particularly government offices, to encourage maximum benefit to Robina Central and maximum rail usage.

Shoppers and workers from the more local Gold Coast region will be served by a public transit distribution network, which it is

anticipated will be initially provided by bus, but may later include other forms of public transport, focused on the rail terminus. The network will be planned to meet broad community needs, including distribution to other employment, educational, tourist and entertainment nodes, as well as internal movements within Robina Central. Links from the interchange and the Core through the Southern Frame to the Bond University and environs are also envisaged.

Open Space Network

- 18L Together with the road and public transport network, the major open space and pathway system shown on Plan 2/6/1A provides a basic framework to shape and link the total development.

The proposed open space system provides for two major north-south linear park connections linking from the extensive flood plain open space in the north to the University lake open space system in the south - one linking along Robina Central lakeshore, riverwalk and highway buffer and the other along the eastern power easement. A further spine along the Mudgeeraba Creek has potential to link through adjoining properties north to Carrara and south-west to Mudgeeraba and Bonogin.

A series of sports fields are located along these spines and, together with the proposed golf and water based recreational facilities, they provide a strong recreational and leisure lifestyle orientation for Robina Central for both resident and worker populations.

A network of major pedestrian/bicycle paths is proposed along these open space corridors and major roads as an important part of the transportation system linking Precincts within Robina Central to each other and to the surrounding districts.

Open Space Network Plan

- 18M Major open space provisions highlighted on the open space and pathway network plan, Plan 2/6/1A, incorporate the land that satisfies Robina's obligations for parks, landscaping and pathway contributions, and will be provided and developed in accordance with Part 6.

Residential Uses

18N The concept of locating medium and high density residential uses immediately adjoining focal points for commercial and community activity has long been a principle of contemporary town planning and is seen as an important objective for Robina Central.

The advantage of such a concept is best summarised as follows:—

18N.1 Increased choice of residential stock

An increased variety of residential accommodation can be provided to better meet the particular lifestyle needs of different population segments. For example, there are those with children in small households, the young, the middle-aged, the elderly and people in a variety of economic situations, from service industry workers or shop assistants to professionals and executives who wish to live close to work and facilities in a more urban environment.

18N.2 A More Active and Diverse Environment

The addition of a residential population increases the “people” activity, particularly after normal working hours when offices are empty. This has a civilising influence and helps create a safer and more diverse and urbane environment to the benefit of all users of Robina Central.

18N.3 Extended Use of Facilities

An immediate residential population allows for the extended use and more economical provision of all types of facilities.

18N.4 Contribution to Urban Consolidation

The provision of housing at higher densities in Robina Central allows for a more efficient and balanced use of regional infrastructure, eg. roads, public transport, utility and community services, as well as landscape enhancement, and contributes to overall regional urban consolidation. Population successfully accommodated in Robina Central reduces the need for residential land at the

edge of urban areas.

For these advantages to be realised, a more flexible approach is required towards planning and design than currently applies to development in multi-unit residential zonings which have been developed for suburban situations where segregation of residential uses and compatibility with surrounding lower density development have been traditionally considered desirable.

As a result, the combined site is designated for a target residential population of 5,000 persons to be accommodated in development designed under controls based on performance criteria developed from first principles for each situation.

Landscape/Townscape Design and Siting Controls

- 18O It is recognised that a major objective will be to create an attractive and environmentally sensitive development characterised by a distinctive landscape and townscape and high levels of architectural and landscape design. To achieve this, appropriate design and siting controls will be determined for the various Precincts.

In general terms, the townscape character of the area north of the Robina Parkway ridge is envisaged as more compact and urban in character with generally higher rise buildings, while the southern area will be lower rise and more office-park in character.

A landscaped buffer zone is proposed along most of the Pacific Highway frontage to ensure a consistent landscape image is maintained along this important edge. View corridors are proposed at selected locations to allow motorists an awareness of the proximity and scale of Robina Central. Plan 2/2/6 is a conceptual plan of the buffer zone and view corridors.

Robina Central Plan Register

- 18P Council must maintain a separate register to be known as Robina Central Plan Register in which it keeps all plans, maps and Plans of Development approved by it under this Agreement which register is to be available to and open for inspection by the public at all reasonable times. Upon approval of a plan, map or Plan of Development the Council must immediately place it in the register. The Council may rely on the plans in the register for the purpose of

issuing certificates under Clause 18Q.

Town Planning Certificates

18Q

- 18Q.1 An application may be made by any person to Council for a standard town planning certificate or a full town planning certificate.
- 18Q.2 An application under Clause 18Q.1 is to be accompanied by the appropriate fee.
- 18Q.3 A standard town planning certificate must set forth the following particulars in respect of the allotment in respect of which it is requested:—
- 18Q.3.1 the zone or zones in which the allotment is included;
- 18Q.3.2 that the allotment is subject to this Agreement;
- 18Q.3.3 the Precinct in which the allotment is included;
- 18Q.3.4 the Development Section (if any) in which the allotment is included and a statement to the effect that the allotment is subject to a Plan of Development for that Development Section;
- 18Q.3.5 the provisions of this Agreement relating to proposed roads or proposed road widenings which effect the allotment;
- 18Q.3.6 whether and if so how many certificates under clause 126 or clause 153.6 have been issued;
- 18Q.3.7 all consents, permissions and approvals including final development approval currently in force pursuant to this Agreement;

- 18Q.3.8 any amendments to this Agreement which effect the allotment agreed to by Council and Robina but which have not yet been approved by the Governor in Council by regulation.
- 18Q.4 A full town planning certificate, in addition to those particulars specified in Clause 18Q.3, is to set forth the following particulars in respect of the allotment in respect of which the certificate is requested.
- 18Q.4.1 a copy of the relevant Plan of Development (if any);
- 18Q.4.2 approvals or decisions in respect of application for consideration in principle, rezoning of land in stages, a staged subdivision plan and approval of engineering drawings for subdivision works;
- 18Q.4.3 details of any conditions attached to the consents, permissions, approvals or final development approvals referred to in 18Q.3.6 approved by Council;
- 18Q.4.4 details of any modification of approvals granted by Council;
- 18Q.4.5 a statement indicating the fulfilment or non-fulfilment of each condition set out in clause 18Q.4.3 which relates to the carrying out of work;
- 18Q.4.6 advice of any current revocation procedures relating to any approvals granted;
- 18Q.4.7 a copy of the judgment or consent order of the Court where an appeal in respect of an approval referred to in the certificate has been heard;
- 18Q.4.8 advice of any prosecution in respect of the current use;

- 18Q.4.9 details of the lodgment of any security and whether any payment requirement has been made;
- 18Q.4.10 details of major infrastructure obligations and minor obligations set out in this Agreement which must be performed before the allotment may be developed and if those obligations have been satisfied, a statement to that effect.
- 18Q.5 A town planning certificate is to be signed by the Chief Executive Officer or by an officer of the Council authorised by the Council.
- 18Q.6 The Council is to issue a town planning certificate applied for under Clause 18Q.1 within:—
- 18Q.6.1 in the case of a standard town planning certificate - fourteen (14) days;
- 18Q.6.2 in the case of a full town planning certificate - forty (40) days
- of the date of the receipt by it of the application under Section 18Q.1.
- 18Q.7 A town planning certificate is admissible in evidence in any proceedings in which proof of any of the matters certified to it in the certificate are relevant and is proof of those matters and in the absence of evidence in rebuttal, is conclusive proof.
- 18Q.8 For avoidance of doubt this Clause 18Q applies in lieu of Section 3.3 of the Act.

Effect of Plan of Development

- 18R A Plan of Development does not constitute an amendment of this Agreement or a further Agreement and when approved by Council constitutes the development code for land in the Development Section to which it relates.

Savings

18S The registered owner from time to time of Lot 139 on Registered Plan No. 886257 and Lot 140 on Registered Plan No. 886258 is entitled to the same rights and entitlements and subject to the same duties and obligations under Clauses 18C to 18I (inclusive) of Part 2 of the Planning Agreement as if the name of the registered owner from time to time were substituted in those clauses for that of Robina and to the exclusion of Robina.

2.1.10 By deleting Clause 87 of the Second Schedule and substituting the following:—

“87 If before the 30th June 2001 Council wishes to establish a community centre on the land outlined in red on Plan 2/6/9 it may give Robina notice that it requires Robina to transfer to it the land outlined in red on Plan 2/6/9.

Robina must, when requested by Council in accordance with this Clause, transfer to the Crown the land outlined in red on Plan 2/6/9 for Local Government purposes (Community Centre).

If Council has not requested Robina to transfer the land outlined in red on Plan 2/6/9 before 30th June 2001, Robina will be under no further obligation to do so.”

2.1.11 Clauses 95 and 96 of the Second Schedule by deleting the figures and letters “-3.0 AHD” wherever they appear in each Clause and substituting the figures and letters “-2.4m AHD”.

2.1.12 By deleting Part 8 of the Second Schedule.

2.1.13 By deleting clause 120 of the Second Schedule and substituting the following:—

“Permitted Uses

120. The purposes for which development may be carried out without the consent of Council in the Robina Town Centre Core are:—

Accommodation Premises

Car Park

Catering Business

Child Care Centre

Cinema

Commercial Premises

Convention Centre

Cultural Facility

Educational Establishment

High Technology Entertainment Facility

Hotel

Licensed Club

Market Industry

Medical Centre

Minor Tourist Facility

Nightclub

Occasional Market

Office

Park

Place of Worship

Private Recreation

Professional Office

Public Recreation

Public Utility

Radio and Television Premises

Retail Nursery

Service Industry

Service Station

Shops not forming part of a major shopping development

Shops forming part of a major shopping development having a net lettable shop floor area not exceeding 100,000 square metres

Showroom

Special Use

Tavern

Tourist Facility

Welfare Premises.”

2.1.14 By adding to the opening words of Clause 133 the following words:—

“and where applicable must form part of a Plan of Development.”

2.1.15 By adding a new Clause 133.10 as follows:—

“133.10 Provide landscaping areas for recreational use, noise reduction, enhancement or to screen unwanted uses.”

2.1.16 By deleting Clause 138 and inserting the following:—

“Urban Design Guidelines

138 Clauses 153.4 and 153.5 apply to control and regulate Urban Design Guidelines for persons who undertake development or who use land in the Inner Frame and the

Southern Frame and is incorporated by reference into this Part.”

2.1.17 By deleting Part 10 of the Second Schedule and substituting the following:—

PART 10
DEVELOPMENT CODE - INNER FRAME
AND SOUTHERN FRAME
SECTION 1

Introduction

150.1 This Part establishes the purposes for which development:—

150.1.1 may (subject to a Plan of Development) be permitted subject to conditions; or

150.1.2 may be permissible; or

150.1.3 is prohibited,

in Development Sections in the Inner Frame and Southern Frame and replaces Columns 3, 4 and 5 of Item 10 of Division 3 of Part 2 of the Town Plan. Column 2 of Item 10 of Division 3 of Part 2 of the Town Plan is amended to read “Light Purple with red border and the words in red lettering (See Local Government (Robina Central Planning Agreement) Act 1992)”.

150.2 This Part also identifies the appropriate development requirements and guidelines to be included in Plans of Development for development of land in Development Sections in the Inner Frame and the Southern Frame.

Restrictions on development in the Frames

150.3 Subject to the provisions of the Plan of Development and this Agreement, the purpose for which development in a Development Section in the Inner Frame and Southern Frame:—

150.3.1 may be carried out without the consent of Council but only when lawful conditions as are considered appropriate

- by Council have been complied with are those purposes set out in the relevant Plan of Development under the heading “Permitted Development Subject to Conditions”;
- 150.3.2 may be carried out only with the consent of Council are the purposes set out in Clause 151.2 of this Part under the heading “Permissible Development”;
- 150.3.3 must not be carried out are the purposes set out in Clause 151.3 of this Part under the heading “Prohibited Development”.
- 150.4 Subject to the provisions of the Plan of Development, a person must not:—
- 150.4.1 without the consent of the Council carry out or permit to be carried out development in a Development Section for any purpose set out in clause 151.2 of this Part under the heading “Permissible Development”; or
- 150.4.2 without first complying with lawful conditions as Council considers appropriate, carry out or permit to be carried out development in a Development Section for a purpose set out in the relevant Plan of Development under the heading “Permitted Development Subject to Conditions”; and
- 150.4.3 carry out or permit to be carried out development in a Development Section for any purpose set out in clause 151.3 of this Part under the heading “Prohibited Development”.
- 150.5 Despite that under this Part, development may be carried out in a Development Section with or without the consent of the Council that development is subject to:
- 150.5.1 those provisions contained in the Plan of Development applicable to the Development Section and the provisions of this Agreement; and
- 150.5.2 all relevant Local Laws.

Application of Provision

- 150.6 The inclusion of a particular use in clause 151.2 of this Part under

the heading “Permissible Development” does not imply that an applicant is necessarily entitled to be granted consent for that use in respect of land in a Development Section. The question of whether or not consent will be granted and if so, the conditions to be imposed, if any, is to be determined by Council, having regard to the matters contained in Part 2 or in the Plan of Development for the Development Section in which the land the subject of the application is contained.

- 150.7 If premises in a Development Section are used or intended for use for more than one (1) purpose, those premises are deemed to be used or intended for use for each of those purposes unless, in the opinion of the Council, one or more of those purposes are considered to be ancillary development.

SECTION 2

LAND USES

Permitted Development Subject to Conditions

- 151.1 The purposes for which development may be carried out in a Development Section (subject to limitation by a Plan of Development) without the consent of Council but subject to conditions are:—

Accommodation Premises

Automotive and Marine Premises

Caretaker’s Residence

Carpark

Car Wash

Catering Business

Central Fuelling Facility

Child Care Centre

Cinema
Commercial Premises
Display House
Dwelling House
Educational Establishment
Estate Sales Office
Family Accommodation
Funeral Parlour
Home Occupation
Hospital
Hotel
Kiosk
Laundromat
Market Industry
Medical Centre
Minor Tourist Facility
Motel
Occasional Market
Office
Park
Passenger Terminal
Place of Worship
Private Recreation
Professional Office
Public Recreation
Public Utility
Service Industry

Service Station
Showroom
Special Use
Surgery
Tavern
Tourist Facility
Veterinary Clinic
Veterinary Hospital
Warehouse
Waterfront Activity

Permissible Development

151.2 The purposes for which development may be carried out in a Development Section only with the consent of Council are:—

Bed and Breakfast
Bulk Garden Supplies
Casino
Cattery
Convention Centre
Cultural Facility
Duplex Dwelling
Factory Units
General Store
Helicopter Landing Site
High Technology Entertainment Facility
Integrated Housing
Institution
Kennels

Licensed Club

Night Club

Private Utility

Radio and Television Premises

Respite Care Centre

Retail Nursery

Retirement Community

Service Station Combination

Shop

Transport Terminal

Welfare Premises

Development for any purpose other than those included in Clauses 151.1 and 151.3 of this Part.

For the avoidance of doubt, a purpose included in clause 151.1 and not included in a Plan of Development as a Permitted Development subject to conditions is thereafter Permissible Development.

Prohibited Development

151.3 The purposes for which development must not be carried out are:—

Agriculture

Animal Husbandry

Aquaculture

Caravan Park

Cemetery

Extractive Industry

Fuel Depot

Heavy Industry

Light Industry

Lot Feeding

Medium Industry
Milk Depot
Piggery
Relocatable Home Park
Rural Industry
Salvage Yard
Stable
Stall
Temporary Quarry
Waterfront Industry

SECTION 3

DEVELOPMENT REQUIREMENTS & GUIDELINES

Exclusion of Town Plan

- 152 The provisions of Part 6 and Part 7 of the Town Plan do not apply to development in the Inner Frame and Southern Frame.

Development Requirements and Guidelines

- 153.1 In respect of every development in a Development Section which involves the erection of a building (other than a dwelling house, duplex dwelling or family accommodation) the person who undertakes that development or uses the site must as part of that development or use:—
- 153.1.1 construct a full width pedestrian pavement to Council's specification for the full length of those road frontages required by Council to the development site;
 - 153.1.2 construct concrete kerb and channelling to the Council's specification for the full length of each road frontage to the development site;

- 153.1.3 construct reinforced concrete industrial crossings to the Council's specification from the kerb and channelling to the property alignment of the development site at approved locations where vehicular access to the development site is required, and provide vehicle barriers along the remainder of the frontage of the development site to the specification of the Council;
 - 153.1.4 provide drainage work specified by the Council as necessary in connection with the works set out above including debris traps where drainage discharges directly or indirectly to the lake and/or waterway system;
 - 153.1.5 provide reticulated sewerage and water supply adequate for the purpose of the development by connection to the Council's services in accordance with the requirements of the Council;
 - 153.1.6 bear the cost of any alteration necessary to public utility mains, services or installations involved in the construction of the works referred to in this clause;
 - 153.1.7 provide materials and execute the works referred to in this clause to the requirements and satisfaction of the Council;
 - 153.1.8 The requirements contained in this Clause 153.1 may be included in a Plan of Development. If these requirements are included in a Plan of Development and specify the work to be done, that specification is for the purpose of this Clause 153.1 to be taken to be Council's specification.
- 153.2 In respect of every development in a Development Section the person who undertakes that development or uses the site must:—
- 153.2.1 have all buildings designed by a registered architect and all landscaping designed by a qualified landscape architect;
 - 153.2.2 not impose a load on any public utility undertaking including the disposal of wastes, greater than that which is contemplated by the provisions of this Agreement;
 - 153.2.3 not cause interference with the amenity of the area by the operation of machinery or electrical equipment, or from

light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, grit, oil, dust, waste water, waste products, electrical interference or otherwise;

153.2.4 prevent continuous or frequently occurring noise levels which when measured and assessed in accordance with the Environmental Protection Act 1994, at a boundary of the allotment:—

153.2.4.1 exceed those prescribed by the Environmental Protection Act 1994; or

153.2.4.2 cause a nuisance;

153.2.5 Provide reasonable toilet facilities and parents' rooms for the public if it is proposed to erect a building having a gross floor area exceeding 500 square metres, other than one for purposes not involving business or commercial activity, and if the Council forms the view at the time application is made for final development approval that there is insufficient access to toilet facilities and/or parents' rooms for members of the public provided within the Development Section or if it is proposed to erect a building having a lesser floor area, the Council may require, as a condition of final development approval, payment of a monetary contribution towards the provision of those facilities in adjacent or nearby areas. Any contributions received by the Council must be expended, at the Council's discretion, for the purpose for which it was received;

153.2.6 ensure that buildings do not by reason of design, orientation, siting, bulk, construction materials or colours, have a detrimental effect on the amenity of development in the Inner Frame and Southern Frame, adjoining development or likely future development of land in those Frames;

153.2.7 If the site is proposed to be developed for industrial purposes:—

153.2.7.1 not permit that development to exceed a

- maximum site coverage of seventy per cent (70%) unless the Council approves of a higher percentage;
- 153.2.7.2 construct the development of materials which are appropriate having regard to surrounding development and the landscape setting;
- 153.2.8 ensure where development involves filling, draining or changing the level of an allotment (except as otherwise permitted by this Agreement):—
- 153.2.8.1 that Council's requirements as to draining, filling or changing the level of that allotment for that development are ascertained and complied with; and
- 153.2.8.2 that adequate arrangements are made to prevent dust causing a nuisance;
- 153.2.9 comply with all provisions of the Plan of Development for that Development Section before commencement of the use and where appropriate during the continuation of the use;
- 153.2.10 The requirements contained in this Clause 153.2 may be included in a Plan of Development. If those requirements are included in a Plan of Development and specify the work to be done, that specification is to be taken to be Council's specification.
- 153.3 Each Plan of Development must take into account and where relevant make provision for:—
- 153.3.1 The minimum lot size and maximum number of allotments;
- 153.3.2 Prevention or limitation of access from public roads; location of ingress and egress points from public roads and adjoining sites; vehicular and pedestrian circulation within each site, adjoining sites and public roads;
- 153.3.3 Setback of buildings from road frontages side, rear and waterway boundaries;

- 153.3.4 Maximum site coverage, the orientation of buildings on the site, and that part of a site on which buildings may be erected;
- 153.3.5 The heights of office or commercial buildings which may vary from time to time depending upon the requirements for office space both in terms of demand for floor areas as well as the need to accommodate like uses in the same building, for example, the need for government departments or a large single tenant to be housed in one building. The height of buildings, must not in any event exceed eight storeys above average finished ground level unless the Council approves of a higher level if it is satisfied that a particular proposal for a higher building will not:
- 153.3.5.1 contravene clause 153.2.2;
 - 153.3.5.2 impose traffic loads beyond desirable limits;
 - 153.3.5.3 otherwise create a traffic hazard; or
 - 153.3.5.4 lead to the maximum equivalent population for the proposed development contemplated by this Agreement being significantly exceeded;
- 153.3.6 In the case of high rise business uses, a maximum plot ratio of four to one unless the Council approves of a higher gross floor area if it is satisfied that the proposal will not:—
- 153.3.6.1 impose loads beyond desirable limits;
 - 153.3.6.2 otherwise create a traffic hazard; or
 - 153.3.6.3 lead to the maximum equivalent population contemplated by this Agreement being significantly exceeded;
- 153.3.7 Loading and unloading areas within the curtilage of the development site, which are to be sealed, located separately from car parking areas and readily accessible from all tenancies in the site and designed so that vehicles

- can enter and leave in forward gear;
- 153.3.8 Landscaped areas for recreational use, noise reduction, enhancement or to screen unwanted uses;
- 153.3.9 Fencing for noise reduction, enhancement or to screen unwanted uses;
- 153.3.10 Pedestrian walkways or arcades for the free and unobstructed movement of pedestrian traffic;
- 153.3.11 Prevention of lighting likely to illuminate areas outside the boundary of the development site creating a nuisance;
- 153.3.12 Parking of motor vehicles in accordance with clause 153.6.
- 153.3.13 Incorporation where appropriate of cantilevered or other awnings along walkways or accessways;
- 153.3.14 Controls and guidelines for advertising or information signs within the Development Section whether within the curtilage of an allotment or not;
- 153.3.15 In the case of development for residential purposes either solely or in conjunction with other uses, developing objective and performance criteria from first principles as generally espoused in the AMCORD and AMCORD (Urban) documents but recognising that each of those principles may not be wholly appropriate for each residential use for example when a residential use forms part of a mixed use development.
- 153.4 Each Plan of Development may provide guidelines for any of the following and where so provided the guidelines must be observed and satisfied by the person who undertakes development or who uses land:—
- 153.4.1 In respect of buildings and fences:—
- the architectural design theme to be followed or achieved;
 - the materials, colours, standard, quality and type of external finishes to be used;

- the responses required to ameliorate or take advantage of the effects of climate, wind and sun;
- the building footprint;
- the finished level of allotments;
- the maximum height of development.

153.4.2 In respect of landscaping:—

- the landscape design philosophy to be achieved and maintained;
- the general type, density and if appropriate the maturity of plantings required;
- the type, quality and colour of hard surfaces e.g. roads, paths, carparking areas, retaining walls and the like;
- the design and location of street and play furniture;
- broad requirements for plant establishment and maintenance.

153.4.3 In respect of any other reasonable and relevant matters of a like nature to those referred to in clause 153.4.1 and 153.4.2.

153.5 The development requirements and guidelines may consist in whole or in part of plans or drawings.

153.6 Vehicle parking spaces must be provided for each development in a Development Section in accordance with the principles, guidelines and planning requirements following:—

153.6.1 the integrated and overall planning of the development of Robina Central (which is possible due to its large scale) means that car parking can be provided in an overall orderly and planned basis. This will provide adequate car parking spaces within easy walking distance of each development which will thereby avoid a proliferation of unsightly car parking areas and a general wastage of land;

- 153.6.2 the Council's usual methods of determining its requirements for provision of car parking are determined by reference to tables which are calculated on the basis of stand-alone developments of relatively small size and therefore such tables represent only indicative levels of car parking provisions which are not necessarily appropriate to the proposed development of Robina Central because of the scale, complexity, mass and relationship of the developments proposed;
- 153.6.3 not all car parking generated by a development need be provided on the site of that development and parking requirements for each development may wholly or in part be provided off-site;
- 153.6.4 as it is not possible to be specific about car parking provisions at the date of this Agreement, it is appropriate for car parking needs to be assessed and included in the Plan of Development for each Development Section and to be finally determined by Council having regard to the Plan of Development and the proposed development when considering an application for final development approval;
- 153.6.5 the assessment for inclusion in the Plan of Development must be carried out by a traffic engineer whose qualifications and experience are acceptable to Council taking into account some or all of the following circumstances as appropriate:—
- 153.6.5.1 the level of provision of public transport facilities;
 - 153.6.5.2 the likelihood of a generation of greater or less than normal peak parking demand, including requirements for staff;
 - 153.6.5.3 the location of the Development Section or site in relation to existing or proposed public car parking areas and other parking areas;
 - 153.6.5.4 the level of pedestrian/cycle accessibility;

- 153.6.5.5 the nature of the proposed use including hours of operation and anticipated intensity;
- 153.6.5.6 the existing uses in the Precinct;
- 153.6.5.7 the levels and depth of the allotment or allotments;
- 153.6.5.8 the convenience and safety of vehicle access;
- 153.6.5.9 the proposed layout and size of parking spaces;
- 153.6.5.10 the provisions of this Agreement affecting the Precinct, Development Section or site;
- 153.6.5.11 the integration, overall planning, the inter-relationship and compatibility of proposed development;
- 153.6.5.12 avoidance of proliferation of unsightly car parks;
- 153.6.5.13 avoidance of over-provision of car parking space;
- 153.6.5.14 the need to encourage the use of public transport;
- 153.6.5.15 the amount of off-site parking spaces, including kerbside parking spaces; and
- 153.6.5.16 such other factors as may seem to be relevant and reasonable.

In this clause:—

“off-site parking spaces” means parking spaces provided on land other than the site, the development of which requires the provision of parking spaces but which are within the Precinct in which the development is situated or, if not within that Precinct, within 400 metres of the development. Off-site parking spaces need not necessarily be on land owned by the person undertaking the development to which they relate.

“on-site parking spaces” means parking spaces provided within the curtilage of the development site to which they relate.

- 153.6.6 When Robina delivers a Plan of Development to Council for approval, Robina must include in that Plan of Development an assessment described in clause 153.6.5 in relation to car parking needs for the Development Section, which assessment must be considered by the Council in determining the acceptability of the car parking provisions contained in the Plan of Development.

If application is made for final development approval in respect of a use or development substantially different (in nature or scale) from what is contemplated by the Plan of Development and by the assessment, the Council may refuse to deal with that application until an amended assessment is furnished by the applicant which takes the particular site and the relevant development into account. If an amended assessment is furnished the Council may vary the car parking provisions contained in the Plan of Development in respect of that development.

- 153.6.7 Developments may satisfy parking space requirements by the provision of on-site or off-site parking spaces or by a combination of both.

If the applicant for final development approval indicates in the application that some parking space requirements are to be provided by off-site parking spaces the Council may impose as a condition of granting final development approval that the applicant must furnish a certificate from the owner of any land that the required number of parking spaces within the curtilage of that land as identified in that certificate:—

153.6.7.1 are provided or will be provided on that land;
and

153.6.7.2 are available or will be available to the applicant and persons having resort to the

applicant's proposed development.

- 153.6.8 Before accepting a certificate, the Council must satisfy itself that:—
- 153.6.8.1 the parking spaces and the parking arrangements the subject of the certificate, are adequate; and
 - 153.6.8.2 the relevant land is capable of providing the car parking spaces the subject of the certificate having regard to existing certificates and other car parking required to be provided on that land; and
 - 153.6.8.3 if the parking spaces have not been physically constructed, the Council must also satisfy itself that construction of these parking spaces will be completed not later than completion of construction of the development to which it relates and will be available for use as represented in the certificate.
- 153.6.9 A person must not use or occupy, and the Council must not issue a certificate of classification in respect of, a building forming part of a development in respect of which off-site parking spaces are to be provided unless it has a certificate for the required number of off-site parking spaces and the spaces (or equivalent spaces) are constructed and available for use.
- 153.6.10 Off-site parking spaces provided in respect of a development must continue to be available for use while that development remains in existence and no redevelopment or other use of land containing those parking spaces in respect of which a certificate has been accepted by Council may be undertaken unless off-site parking spaces, either on that or other land which are comparable in character and convenience to those lost, are provided to replace those lost.

- 153.6.11 Nothing in this Agreement prevents Robina or other persons from providing off-site parking for monetary reward but, where a certificate is furnished which refers to spaces provided or to be provided in a commercially operated car park, the Council must take into account the commercial terms and arrangements applying to that parking in determining whether or not it is satisfied of the matters referred to in clause 153.6.8.
- 153.6.12 The Council, in assessing applications for final development approval to use land as a car park, may take into consideration the desirability of concentrating vehicle parking in separate and distinct places and of assisting to create a multiplicity of owners of vehicle parking stations so as to offer a choice for vehicle park users and avoid undue concentration of ownership and control of car parks in Robina Central.

Relaxation Power

- 154 The Council may with the consent of Robina dispense with or modify any of the requirements or guidelines in clause 153 if it considers a dispensation or modification is justified, having regard to:
- 154.1 the existing development in the area;
 - 154.2 the existing and likely future amenity of the area;
 - 154.3 the nature of the proposed use;
 - 154.4 the provisions of the strategic plan;
 - 154.5 the provisions of the relevant Plan of Development;
 - 154.6 ameliorating design, siting, landscaping or construction factors of the proposed development.

SECTION 4

FINAL DEVELOPMENT APPROVAL

Final Approval Required

- 155 Prior to or at the same time as lodging a building application in respect of a proposed development within the Inner Frame and Southern Frame, the person proposing to undertake the development must make application to the Council for final development approval in respect of the development.

Requirements for Application

- 156 An application for final development approval must be made in accordance with the law generally applicable to applications for notification of conditions in respect of a permitted use subject to conditions but must include plans of the proposed development.

Requirements for Plans

- 157 Plans forming part of an application for final development approval must include the following detailed information:
- 157.1 vehicular and pedestrian access;
 - 157.2 siting and configuration of buildings and structures;
 - 157.3 building height and bulk;
 - 157.4 provisions for parking motor vehicles;
 - 157.5 loading and unloading areas;
 - 157.6 relationship to adjoining buildings;
 - 157.7 materials and colours;
 - 157.8 relationship of buildings, land and water;
 - 157.9 identification of climate and energy efficiency measures;
 - 157.10 architectural perspectives;
 - 157.11 a landscape plan which indicates the extent of soft and hard landscaping elements;

- 157.12 advertising and information signs;
- 157.13 internal and boundary fencing;
- 157.14 external lighting;
- 157.15 information which is necessary to show how compliance with development requirements and guidelines will be satisfied.

Consideration of Application

157A In considering an application for final development approval, the Council must have regard to the following:

- 157A.1 the means by which the provisions of the Plan of Development for the relevant Development Section will be complied with;
- 157A.2 external appearance, including selection of materials, building form, orientation and colours of buildings;
- 157A.3 the relationship between the proposed development and adjoining developments and open spaces or likely future developments and overall siting within the area;
- 157A.4 protection of amenity in terms of provision of light, privacy, ventilation and isolation of potential sources of noise, vibrations, smells, fumes, smoke, vapour, steam, soot, dust, water products, excessive light or glare or other hazards likely to cause undue disturbance to persons or property not connected to the use;
- 157A.5 the adequacy of climate and energy efficiency proposals in terms of alignment, window apertures, pollution controls, energy efficiencies and measures to prevent adverse impacts upon and to enhance the environment;
- 157A.6 acceptability of landscape in terms of:
 - 157A.6.1 visual and acoustic amenity;
 - 157A.6.2 compatibility of hard landscape elements with adjoining similar elements;
 - 157A.6.3 provision for and appropriateness of fences

and walls;

157A.6.4 appropriateness of plant species;

157A.6.5 appropriateness of lake edge treatments;

157A.6.6 provision for maintenance.

Decision on Application

157B In deciding an application for final development approval, the Council must:

157B.1 approve the application;

157B.2 approve the application, subject to conditions; or

157B.3 refuse the application.

Ground for Refusal

157C An application for final development approval must and may only be refused if the development proposed by the application does not accord with this Agreement in that it, or some feature of it:

157C.1 conflicts with the planning intent contained in Part 2 or evidenced by the structure plans, Precinct plans or the Plan of Development and there are not sufficient planning grounds to justify proceeding with the development proposed despite the conflict; or

157C.2 does not otherwise comply with the provisions of the Plan of Development for the relevant Development Section.

Conditions of Approval

157D The only conditions to which approval of an application for final development approval can be subjected are:

157D.1 conditions specifically authorised by, contemplated by or consistent with this Agreement or the provisions of the Plan of Development for the relevant Development Section; and

157D.2 conditions relevant to, and reasonably required by, the proposed development or otherwise authorised by law from time to time which relate to matters other than those

dealt with in Parts 3 to 8 and 12 of the Second Schedule.

Conditions Run with Land

157E Conditions to which approval of an application for final development approval is subject, attach to the development site and are binding on successors in title.

Consideration of Building Application

157F The Council is not required to consider an application for building approval in respect of a proposed building in a Development Section other than for a dwelling house or duplex dwelling or a family accommodation:—

157F.1 in respect of which there is no final development approval; or

157F.2 which does not conform in all material respects to a final development approval relevant to the proposed building.

Where a final development approval relevant to a proposed building is subject to conditions, a building application does not conform to that approval unless it indicates compliance with, or adequate provision for compliance with, every condition.

Certificate of Classification

157G The Council must not issue a certificate of classification for a building unless it conforms in all material respects with the final development approval for that building.

Where the final development approval relevant to a proposed building is subject to conditions, the building does not conform to that approval unless there is compliance with each condition.

SECTION 5

APPLICATION FOR CONSENT

Application for Consent

157H If the consent of Council is required before development can be carried out a person who desires Council's consent must make application in accordance with the law generally applicable to applications in respect of a permissible use but must include concept plans of the proposed development which must include the information set out in clause 157.

Consideration of Application

157I In considering an application for consent the Council, in addition to the matters to be considered by law generally applicable to applications in respect of a permissible use, must have regard to the following:

157I.1 the provisions of this Agreement;

157I.2 the planning intents set forth in Part 2; and

157I.3 the provisions of the relevant Plan of Development.

The provisions set out in clauses 157I.1, 157I.2 and 157I.3 prevail to the extent of any inconsistency with the matters to be considered by law.

Decision on Application

157J In deciding an application for consent, the Council must:—

157J.1 approve the application;

157J.2 approve the application, subject to conditions; or

157J.3 refuse the application.

Ground for Refusal

157K An application for town planning consent must and may only be refused if the development proposed by the application does not accord with this Agreement in that it, or some feature of it:—

- 157K.1 conflicts with the planning intent contained in Part 2 or evidenced by the structure plans, Precinct Plans or the Plan of Development and there are not sufficient planning grounds to justify proceeding with the development proposed despite the conflict; or
- 157K.2 does not otherwise comply with the provisions of the Plan of Development for the relevant Development Section.

Conditions of Approval

- 157L The only conditions to which approval of an application for consent can be subjected are:—
- 157L.1 conditions specifically authorised by, contemplated by or consistent with this Agreement or the provisions of the Plan of Development for the relevant Development Section; and
- 157L.2 conditions relevant to, and reasonably required by, the proposed development or otherwise authorised by law from time to time which relate to matters other than those dealt with in Parts 3 to 8 and 12.

Conditions Run with Land

- 157M Conditions to which approval of an application for consent approval is subject, attach to the development site and are binding on successors in title.

SECTION 6

DEFINITIONS

Definitions

- 157N In this Part, Part 9 and Part 11 unless the context otherwise requires, the following terms have the meanings respectively assigned to them:

EXPLANATORY DEFINITIONS

- “access”—Practical means of entry of persons and vehicles on to every proposed allotment from a constructed road which abuts the frontage, the allotment or where approved by the Council, means of entry by way of easement;
- “advertising sign”—Any land building or other structure erected as an advertising device, where the device is visible from a road and, or a railway line or a waterway;
- “alignment”—The line between any road and an allotment of land abutting the road;
- “allotment”—A piece, parcel or subdivision of land where the boundaries are separately defined by metes and bounds on a plan of survey deposited in the Department of Natural Resources. In the case of land subdivided under the Land Title Act 1994, the term includes any and every subdivision of land where the boundaries of the land are separately defined by metes and bounds on the relevant plan of the land registered with the Registrar of Titles under and in accordance with the Land Titles Act 1994. The term does not include a lot registered under the provisions of the Building Units and Group Titles Act 1980;
- “AMCORD”—Australian Model Code for Residential Development, Edition 2 - November, 1990, or any revisions;
- “AMCORD (Urban)”—The Australian Model Code for Residential Development (Urban), Edition 1, October 1992, or any revisions;
- “ancillary”—Associated with but incidental and subordinate to the predominant development;
- “applicant”—A person who applies for an approval under this Agreement;
- “building”—Any fixed structure that is wholly or partly enclosed by walls and is roofed and includes any part of a building;
- “building height”—The distance measured vertically from ground level to the highest point of a building, including projections such as architectural features, advertising signs and vent pipes; where fill is required by Council, building height shall be measured vertically from the required fill level;

“body corporate”—A body corporate incorporated under the Building Units and Group Titles Act 1980;

“caravan”—A vehicle constructed, fitted, equipped or used for camping that is registered for road use pursuant to the Transport Infrastructure (Roads) Act 1994 and can be readily towed by a passenger motor vehicle. The term includes vehicles such as normally used by tourists and which could not be regarded as buildings under the Building Act 1975. The term does not include a relocatable home as defined in this Section;

“common property”—The land in a plan pursuant to the Building Units and Group Titles Act 1980 which is not comprised in any lot shown in the plan;

“constructed road”—A dedicated road which has been constructed pursuant to the provisions of this Agreement;

“construction”—In the case of any road, street, lane or pathway, includes provision for draining, levelling, paving, metalling, kerbing and channelling, and otherwise making and completing the road, street, lane or pathway. In any other circumstances, the term means the undertaking of any works associated with a development or subdivision;

“curtilage”—The area of land appurtenant to a building or other structure;

“development”—The use of any land or the erection or use of any building or other structure, or the carrying out of building, mining or engineering operations in, on, over or under land, or the making of material changes to the use of any premises;

“dwelling unit”—Any building or part thereof used or intended for use for the exclusive residential purpose of one family together with any land or outbuildings in its curtilage used for purposes ancillary to the use of the building for human habitation. The term includes family day care as defined in this Section and domestic animals keeping but does not include private recreation as defined in this clause;

“erect”—Includes:—

- (1) Erect or commence or continue to erect, or
- (2) Do, or commence or continue to do, any work in the course of or

for the purpose of erecting; or

- (3) Perform any structural work or make any alteration, addition or rebuilding; or
- (4) Move from one position on an allotment to another position on or partly on the same allotment or another allotment; or
- (5) Re-erect with or without alteration on or partly on the same or another allotment; or
- (6) Where a building or other structure is located on more than one allotment—
 - (a) move to another position on the same allotments or any of them to another allotment or allotments;
 - (b) re-erect with or without alteration on another position on the same allotments or any of them or on another allotment or allotments;

“family”—Any one person maintaining a household, or two or more persons living together and maintaining a common household such that each person has access to all parts of the dwelling unit in which they reside;

“family day care”—The use of part of a dwelling house for the reception, and the minding or care of children for a day or part of a day for fee or reward by a person residing in the detached house; where conducted in accordance with “The Family Day Care Regulations”;

“floodplain”—The land lying below the 1 in 100 year modelled flood level or the area of land lying below the 1974 flood line, as defined on Council’s flood maps, whichever is the highest level, giving the maximum area of land inundated;

“gross floor area”—The sum of the areas (inclusive of all walls, columns and covered balconies) of all storeys of a building or buildings excluding any areas of the building situated below the natural ground level as measured at the perimeter of the building;

“gross residential density”—In relation to a residential development proposal, the residential density calculated on the basis of the parcel of land the subject of the proposal, before the exclusion of areas for

roads, parks, other reserves, common property, conservation easements and the like; where specifically provided for in the plan, the parcel, for the purposes of calculation, may include land which is not contiguous;

“industry”—Includes:—

- (1) Any of the following operations—
 - (a) any manufacturing process whether or not the process results in the production of a finished article;
 - (b) the breaking up or dismantling of foods or articles for trade, sale or gain, or ancillary to any business;
 - (c) The extraction of sand, gravel, clay, turf, soil, rock, ore, stone, or similar substances from land;
 - (d) repairing and servicing of articles including machinery, buildings or other structures;
 - (e) 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;
 - (f) the dismantling of motor vehicles, whether the dismantling is carried out by one operation or by a series of operations for any purpose other than automotive and marine premises, service station or salvage yard as defined in this clause; and
- (2) Any of the following ancillary operations when conducted on land upon which any of the operations listed in (1) above are carried on—
 - (a) the storage of goods used in connection with or resulting from any of the above operations;
 - (b) the provision of amenities for persons engaged in such operations;
 - (c) any work of administration or accounting in connection with such operations provided that the use does not exceed twenty percent of the total use area of any building or buildings so used;

- (3) Without limiting the generality of the foregoing, any industry or class of industry particularly defined in this Section but does not include a home occupation as defined in this clause;

“landscaping”—Means the treatment of land for the purpose of enhancing or protecting the amenity of a site and the locality in which it is situated. Works may include the following—

- (1) screening by fences, walls or other means;
- (2) planting of trees, hedges, shrubs or grass;
- (3) formation of banks, terraces or other earthworks;
- (4) laying out of gardens, courts or footways;
- (5) other amenity features;

“landscaping plan”—A plan which is drawn to scale and shows the information required by this Agreement;

“lot”—A lot shown in a plan pursuant to the Building Units and Group Titles Act 1980, as amended;

“owner”—in relation to an allotment means—

- (1) where an allotment is subdivided under the Building Units and Group Titles Act 1980—the body corporate; or
- (2) where an allotment is being purchased from the Crown for an estate in fee simple pursuant to the Land Act 1994 —the purchaser; or
- (3) in all other cases—the persons for the time being entitled to receive the rent of the allotment or would be entitled to receive the rent if the allotment were let to a tenant at a rent; and

includes the Crown;

“plan of subdivision”—Means a plan which, in addition to dividing or subdividing land into allotments or otherwise, shows any new road, street and or pathway over the land or any part thereof;

“plan”—Includes any map, diagram, drawing, section or detail;

“plot ratio”—The ratio between the gross floor area of a building and the total area of the site on which the building is, or is proposed to be,

built;

“premises”—Any land, building or other structure or any part thereof;

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

“relocatable home”—A structure that complies in all respects with the Building Act 1975 as amended, capable of being readily transported by trailer or other vehicle, for which building approval has been granted in a Relocatable Home Park. Such buildings may be fitted with wheels at the point of manufacture solely for the purpose of road transport to the proposed location. The wheels may be retained on the structure after location on site. The term does not include a caravan as defined in this Agreement;

“residential density”—Means the ratio of residential yield to site area and is either nett residential density or gross residential density;

“residential purposes”—The use of premises for human habitation, including for any of the following purposes: accommodation premises, bed and breakfast, caravan park, caretaker’s residence, duplex dwelling, dwelling house, family accommodation, hotel, motel, relocatable home park, retirement community;

“residential yield”—In relation to a development for residential purposes, the equivalent number of dwelling units (whether or not the total includes residential units other than dwelling units), given by the following formula, and expressed in dwelling units:—

$$\text{residential yield} = (a + .67b + .5c + .25d)$$

where:

- a is the number of dwelling-houses plus the number of dwelling units of three or more bedrooms;
- b is the number of dwelling units of two bedrooms;
- c is the number of dwelling units of one bedroom, plus the number of bedsitter units, hotel rooms, motel units, serviced rooms and other accommodation units, as determined by Council; and
- d is the number of hostel beds;

“road frontage”—Any boundary line, or part thereof, of land which coincides with the alignment of a road or an access restriction strip;

“site”—Any land on which development is carried out or is proposed to be carried out whether such land comprises the whole or part of one (1) allotment or more than one (1) allotment if each of such allotments is contiguous with the other or another of such allotments;

“site coverage”—That portion of a site covered by a building, fixed structure, or outdoor storage area, but not including unroofed parking areas;

“storey”—That space within a building which is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above and includes a space which is designed, constructed or adapted for the accommodation of bathrooms, shower rooms, laundries, water closets or other sanitary compartments, storage of goods, or for the accommodation of vehicles. No storey so defined shall exceed the vertical dimension prescribed pursuant to the provisions of the Building Act as amended:

“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;

“subdivision”, “subdivide”, and similar expressions mean and refer to dividing land into parts whether the dividing is—

- (1) by sale, conveyance, transfer, or partition; or
- (2) by any agreement, dealing or instrument *inter vivos* (other than a lease for any term not exceeding five years without right of renewal), rendering different parts thereof immediately available for separate disposition or separate occupation; or
- (3) by procuring the issue of a certificate of title under the Land Title Act 1994 in respect of a part of land; or
- (4) the excision of and from an allotment for dedication to the Crown;

“total use area”—The sum of the areas (exclusive of all walls and columns) of all storeys of a building which is used or intended for use for a particular purpose plus any other area of a site which is also used or

intended for use for the same purpose, provided that the term does not include:—

- (1) The areas (inclusive of all walls and columns) of any liftwells, lift motor rooms, air conditioning, and associated mechanical or electrical plant and equipment rooms;
- (2) The areas of any staircases;
- (3) The areas of any common foyer where not being used for commercial or retail purposes;
- (4) The area of any public toilets;
- (5) The areas of any staff toilets, washrooms, recreation areas and lunchrooms provided that such areas are not open to persons other than staff;
- (6) The area used for the access, parking and associated manoeuvring of motor vehicles;

“use”—The term includes:—

- (1) In relation to land, the carrying out of excavation work in or under land and the placing on land of any material or thing that is not a building or other structure; and
- (2) Any use which is ancillary to the lawful use of the premises in question.

USE DEFINITIONS

“accommodation premises”—Any premises used or intended for use for residential purposes, not being a purpose elsewhere defined in this clause. The term includes a boarding house, flat, apartment building, guest house, hostel, serviced apartment or serviced room;

“accommodation units”—Any premises used or intended for use for residential purposes;

“agriculture”—Any premises used or intended for use for the growing of crops, pastures, fruit, vegetables, or any plants or trees other than for the domestic use by the occupants of the premises. The term does not include aquaculture, retail sales of agricultural produce, rural industry, or a bulk garden supplies as defined in this clause;

- “animal husbandry”—Any premises used or intended for use for the keeping or farming of animals, birds or reptiles. The term includes poultry, dairy and goat farms, and veterinary establishments associated with them, but does not include a cattery, kennels, piggery, rural industry, stable or lot feeding as defined in this clause, nor the keeping of domestic animals;
- “aquaculture”—Any premises used or intended for use for the commercial production of fish, crustacean or shellfish;
- “automotive and marine premises”—Any premises used or intended for use for the cleaning, customising, detailing, hire, modification, repair, sale, storage, or servicing of new and used vehicles, vessels (not exceeding ten (10) metres in length), machinery, trailers or caravans. The term includes, when carried on within a building, the sale or fitting of accessories, spare parts or replacement parts, panel beating and spray painting or the provision of training and ancillary services;
- “bed and breakfast”—Any premises used or intended for use as a dwelling house which may also provide overnight accommodation for up to four tourists or members of the travelling public on an occasional basis. The term does not include an accommodation unit as defined in this clause;
- “bulk garden supplies”—Any premises used or intended for use for the sale or distribution of sand, soil, screenings, rocks, sleepers and other such garden and landscaping materials where such material is received on site in quantities greater than one cubic metre. The term does not include agriculture, extractive industry, retail nursery or rural industry as defined in this clause;
- “car park”—Any premises used or intended for use for the parking of motor vehicles where such parking is not ancillary to a use or uses on the same site;
- “caravan park”—Any premises used or intended for use for the parking of caravans and/or the pitching of tents for the purpose of providing accommodation for and rendering services to travellers, tourists or the general public, whether or not relocatable homes and/or other accommodation are also situated on the site. The term includes the erection and use within the caravan park of a kiosk and/or amenity

buildings for the exclusive use of occupants of the caravan park. The term does not include a motel or a relocatable home park as defined in this clause;

“caretaker’s residence”—Any dwelling unit used or intended for use for caretaker purposes only where a person residing therein is employed on the site and where the dwelling unit is used in connection with an industry or other non—residential use conducted on the same parcel of land. The term includes any dwelling unit provided for a person engaged in a use lawfully established on the land;

“car wash”—Any premises used or intended for use for the washing of motor vehicles manually or by an automatic or partly automatic process using mechanically operated brushes and/or washers and whether or not air jet dryers are also used;

“casino”—Any premises used or intended for the purpose of gambling and where the use is conducted in accordance with the provisions of any Act concerning casino premises. The term does not include an indoor recreation;

“catering business”—Any premises used or intended for use for the purpose of the preparation or service of beverages, food or confectionary for consumption either on the premises or off the premises included in but not limited to Appendix I hereto:

Appendix I

Cafe

Coffee Shop

Confectioner

Fast food outlet

Fried food outlet

Milk bar

Patisserie

Reception room or function room

Restaurant

Snack bar

Specialty food outlet

Tea garden

Tea room

The term does not include a hotel or tavern as defined in this clause;

“cattery”—Any premises used in connection with the keeping, boarding, or breeding of more than four cats;

“cemetery”—Any premises used or intended for use for the interment of the dead or the reduction of the human body to ashes after death. The term includes a graveyard, a burial ground, or any funeral chapel or parlour or columbarium erected on such land and used in connection therewith;

“central fuelling facility”—Any premises used or intended for use for the fuelling of motor vehicles or vessels used by or in connection with any use within the Development Section in which the facility is located which fuelling involves the sale of petrol or automotive distillate or any derivative capable of use in internal combustion engines. The term does not include fuel depot or a service station or service station combination;

“child care centre”—Any premises used or intended for use for the minding or care, but not residence, of children. The term includes a kindergarten, creche or pre-school. The term does not include family day care, an educational establishment, institution or a special use as defined in this clause;

“cinema”—Means a place used or intended to be used for the showing of moving pictures. The term includes:—

- (1) where the whole or part of those premises are the premises to which a license or permit under the Liquor Act 1992 applies, and the use of any facility provided for the purpose of exercising the rights or privileges conferred by that license or permit;
- (2) the use of any facility provided for the purpose of light refreshments.

The term does not include a cultural facility, high technology entertainment facility, licensed club or public recreation as defined in

this clause;

“commercial premises”—Any premises used or intended for business, commercial or financial purposes not otherwise defined in this clause;

“convention centre”—Any premises:

- (1) established in a co-ordinated fashion;
- (2) which function as an integrated unit; and
- (3) used or intended for use for any or all of the following:
 - (a) as a place for the assembly of persons for some common object; or
 - (b) for trade fairs or exhibitions, whether or not they are also used or intended for use for any form of entertainment not envisaged by its use as referred to in sub-paragraphs (a) and (c);
 - (c) for or in connection with the conduct of sporting or athletic activities engaged in competitively;

The term includes the use of any facilities provided at those premises for the health, comfort or convenience of persons resorting thereto for those activities which characterise those premises including any facility providing light refreshments, meals for consumption thereat or elsewhere, professional services by a medical practitioner or physiotherapist, or banking services;

“cultural facility”—Any premises used or intended for use for the purpose of a library, museum, theatre, concert hall or art gallery. The term does not include a special use as defined in this clause;

“display home”—Any dwelling house, duplex dwelling or accommodation unit used or intended for use for a period not exceeding two (2) years to display to the general public the type of construction or design offered by a builder. The term does not include an estate sales office, office, or professional office as defined in this clause;

“duplex dwelling”—Any premises which is comprised of two attached dwelling units on one allotment. The term does not include family accommodation or integrated housing as defined in this clause;

- “dwelling house”—Any premises which comprises a single dwelling unit in a separate building, not including a caretaker’s residence or integrated housing as defined in this clause;
- “educational establishment”—Any primary school, secondary school, college, university, technical institute, academy, educational centre or premises used for the provision of education. The term includes the provision of residential accommodation associated therewith but does not include a child care centre or institution as defined in this clause;
- “estate sales office”—Any premises, including a caravan, erected on land subdivided and released as one estate and used or intended for use for a period not exceeding two (2) years for the purpose of promoting and selling that land only. The term does not include a display home, an office, or a professional office as defined in this clause;
- “extractive industry”—Any premises used or intended for use for the purpose of carrying on an industry involving extraction, storage, loading or cartage of sand, gravel, soil, rock, stone or similar substances from land. The term does not include crushing, screening, washing or other treatment process, or manufacture of products from such substances, or a mine under the Mineral Resources Act 1989;
- “factory units”—Any premises used or intended for use as a multi-unit factory development erected upon one allotment, where provision is made for separate industries of similar classifications;
- “family accommodation”—Any premises used or intended for use as a dwelling unit within the curtilage of a dwelling house where the dwelling unit is used or intended for use for occupation by a member or members of the immediate family of, and/or by personal staff necessary for the health or well being of, a member or members of the household;
- “fuel depot”—Any premises used or intended for use as a depot for the storage or sale of liquid or gaseous fuel, where such premises are required to be licensed in accordance with the Flammable and Combustible Liquids Regulations 1976. The term does not include a central fuelling facility, a service station, a service station combination, automotive and marine premises or a waterfront activity;

“funeral parlour”—Any premises used or intended for use by an undertaker for the storage of, or preparation of bodies for burial or cremation. The term includes a mortuary, a funeral chapel, and/or office/administration areas used in connection with the use;

“general store”—Any premises not exceeding one hundred and seventy five (175) square metres in retail floor area used or intended for use for the sale by retail of general merchandise including food;

“heavy industry”—Any premises used or intended for use for any of the purposes included in Appendix II hereto or any other industrial purposes (which in the opinion of Council is heavy) not specifically defined in this clause;

Appendix II

(1) Any operation involving:—

- The use of a radioactive substance or material in a process.
- The treatment or processing of a radioactive substance or material contaminated by a radiation substance prior to disposal.
- The disposal of a radioactive substance or material.
- The storage of a radioactive substance or material.

except where that radioactive substance or material forms part of an instrument or is used in association with equipment for the testing, measurement or analysis of a product, machinery or equipment or is used for medical purposes;

(2) Purposes including or ancillary to any of the following:—

- Cannery
- Distillery
- Fertiliser Works
- Foundry
- Generating Works

- Iron and steel works
- Paper mill
- Rubber mill
- Sanitary depot
- Sewerage treatment works
- Sugar refinery
- Tannery
- (3) Purposes involving any process for or ancillary to the manufacture of any of the following:—
 - Acids
 - Ammunition
 - Asbestos products
 - Bleaches
 - Calcium carbide
 - Celluloid or celluloid products
 - Cement and lime
 - Chemicals where there is risk of explosion or the escape of toxic gas
 - Disinfectants
 - Explosives (including fireworks)
 - Fertilisers
 - Flammable or combustible liquids by refining and including any products of flammable or combustible liquid and resins, waxes or pigments
 - Gas as defined in the Gas Act 1965–1985 but not including carburetted water gas, producer gas or water gas where those gases are immediately used by a gas engine
 - Lead products
 - Matches

- Organic compounds of mercury
- Oxygen
- Paint or varnish
- Photographic film other than non-flammable film
- Poisons listed in Schedule 5, Schedule 6 or Schedule 7 of the Poisons Regulations of 1973 as amended
- Plastic
- Soap (where there is an extraction of fat)
- Solder
- Tar
- Vaccines bearing live virus
- Zinc oxide by the continuation of a smelting process
- (4) Purposes involving any process for or ancillary to an activity listed hereunder:—
 - Cleaning, descaling or treatment of metal or masonry or other articles by abrasive blasting other than by a wet process
 - Cleaning, descaling or treatment of ferrous metal in an acid bath
 - Conduct of a poultry dressing house (more than 500 birds per week)
 - Conduct of a pre-mix bitumen plant
 - Heat treatment in a kiln of minerals (including clay), timber, or the products of powder metallurgical processes
 - Hot dip galvanising, sherardizing, electroplating, electrostatic coating with metals or processes of a like nature
 - Incineration where the incinerator or incinerators used is or are capable of consuming in excess of one tonne of material per hour and where not in the use of a

crematorium

- Preparation of foods for animal consumption by cooking, refining, purifying, extracting, smoking, curing, salting, dehydrating, conserving or like means
 - Preserving meats, fish or oysters other than by cold storage
 - Processing lead
 - Processing natural rubber
 - Processing or treatment of animal, fish or bird carcasses or parts of them by boiling, heating, washing, crushing, burial, tanning or scouring other than in the production of food, and including extraction of fat and the production of animal by-products including glue
 - Settling ponds for offensive liquids
 - Slaughtering of livestock at an abattoir, slaughter-house or knackery
 - Smelting, alloying or refining of metals, ores or semi-processed ores (including the reclamation of metal from scrap)
- (5) Storage of any of the following:—
- Flammable liquid and combustible liquid or either of them where—
 - (i) the quantity stored above ground is ordinarily more than
 - (a) 2,500 litres of class A flammable liquid;
 - (b) 5,000 litres of class B flammable liquid;
 - or
 - (c) 15,000 litres of combustible liquid; or
 - (ii) the quantity of flammable liquid and combustible liquid stored below ground is ordinarily more than 385,000 litres, and the storage of that liquid is not in connection with

the operation of a motor fuel pump;

- poisons by way of any one or more of those poisons listed in Appendix A to Schedule 6 of, and in Schedule 7 of, The Poisons Regulations of 1973 as amended where ordinarily the quantity of those poisons stored is in excess of two kilograms;
- poisons by way of any one or more of—
 - (i) the poisons listed in Schedule 5 of The Poisons Regulations 1973 as amended; and
 - (ii) such of the poisons listed in Schedule 6 of The Poisons Regulations 1973 as amended as are not also listed in Appendix A to that Schedule 6, where ordinarily the quantity of those poisons stored is in excess of 200 kilograms;
- ammunition other than ammunition the storage whereof is ancillary to the sale of the same pursuant to a license under The Explosives Regulations, 1955 as amended;
 - calcium carbide where ordinarily the quantity stored is in excess of 50 kilograms;
 - explosives (including fireworks) as defined in the Explosives Act 1985;
 - gas as defined in the Gas Act 1965 except where stored in a cylinder or cylinders being of not more than a total capacity of 46,000 kilograms water capacity;
 - chemicals, not listed elsewhere herein, where there is a risk of explosion or the escape of dangerous gas or fluids;
 - bones, hides, skins or tallow;

“helicopter landing site”—Any premises used or intended for use and which are authorised to be used as an aerodrome for the purposes of

the landing and taking off of helicopters;

“high technology entertainment facility”—Any premises used or intended for use for the conduct of new types of high technology entertainment products which include but are not limited to:—

- Imax theatres, Imax Show Scan with 360 degree theatre experience
- virtual reality facilities
- interactive entertainment experiences
- other forms of hi-tech themed attractions and entertainment centres.

The use may be integrated with retail facilities;

“home occupation”—Any occupation or profession carried on, in, under, or within the curtilage of, a dwelling unit and in the conduct of which:—

- (1) Either the registered proprietor of the dwelling house and/or members of his family are engaged or the legal tenant (subject to the written consent of the registered proprietor) and/or members of his family are engaged;
- (2) The floor area used (whether temporarily or permanently) does not exceed one third of the gross floor area of the dwelling house, up to a maximum of thirty (30) square metres except, and in accordance with, the conditions of an express permission of Council;
- (3) There is no interference with the amenity of the neighbourhood from the operation of machinery or electrical equipment, or from light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, grit, oil, dust, waste water, waste products, electrical interference, or otherwise;
- (4) A workshop may be established but no goods are publicly displayed on the premises;
- (5) No load is imposed on the public utility greater than that which is normally required by residential uses;

- (6) No sign other than a sign not exceeding zero point three (0.3) square metres in area, and bearing only the name, occupation and telephone number of the occupier is displayed;
- (7) No more than one commercial vehicle is used;
- (8) The level of traffic generated is compatible with residential uses, and adequate car parking is provided;
- (9) Members of the public visit the premises only between the hours of 8.30am to 5.00pm Monday to Friday and 8.30am to 12 noon Saturday (unless otherwise approved by Council);
- (10) That personal services or paramedical services are not permitted unless otherwise approved by Council;

“hospital”—Any premises used or intended for use for the medical or surgical treatment of sick, injured and infirm persons or the care and accommodation of sick, injured or infirm persons;

The term includes a home for infirm, incurable or convalescent persons, a hospital, a nursing home, or a sanatorium, and includes buildings and other structures associated with such uses, but does not include an institution, respite care centre or retirement community as defined in this clause;

“hotel”—Any premises where a general license is required under the provisions of the Liquor Act 1992 and which provides:—

- accommodation in guestrooms or suites
- bars and/or lounge bars for the sale of liquor to be consumed on the premises
- a restaurant or restaurants for private or public use

and which may also include:—

- function room or rooms
- nightclub or cabaret
- ancillary tourist services and shops
- ancillary recreation facilities both internal and external

- provision for the sale of liquor to be consumed off the premises

The premises may be subdivided by a building units plan;

“institution”—Any premises used or intended for use as:—

- (1) Premises for the care, treatment and/or accommodation of the mentally ill or mentally or physically handicapped;
- (2) Premises for the reform or training of persons committed thereto by a court;
- (3) Any other similar use.

The term includes buildings and other structures associated with such uses, but does not include a hospital, or a retirement community as defined in this clause;

“integrated housing:—Any premises comprising two or more dwelling units that:—

- (1) may or may not be in separate buildings;
- (2) are designed and developed in an integrated manner;
- (3) comply with the provisions of AMCORD, or AMCORD Urban as amended from time to time;

“kennels”—Any premises used or intended for use in connection with the keeping, boarding or breeding or training of more than two (2) dogs;

“kiosk”—Any premises used or intended for use for the sale of general merchandise including food where such a use does not exceed a total use area of fifty (50) square metres and is located preferably within a building or a public park and where the goods are sold to the general public. The term does not include a catering business or shop as defined in this clause;

“laundromat”—Any premises used or intended for use for the mechanical washing, drying and ironing of clothes and fabrics by any member of the public;

“licensed club”—Any premises to which the public does not resort which:

- (1) are used or intended for use by a club, lodge, friendly society or like organisation as a place for meetings of,

social intercourse among, or entertainment of, the members of the club, lodge, friendly society or like organisation, whether or not those premises are also used or intended for use in part as an office for the administration of the affairs of the club, lodge, friendly society or like organisation; and

- (2) are premises to which a club license of one of the prescribed types under the Liquor Act 1992 applies;

but does not include:—

- (a) any premises, place or part of any premises or place elsewhere specifically defined in this clause; or
(b) any premises used for any purpose elsewhere specifically defined in this clause.

A use of premises for the purpose of a licensed club:—

- (3) includes the use of those premises for any activity authorised by a club license under the Liquor Act 1992;
(4) does not include, save for the use of a caretaker's flat, any residential use;
(5) does not include the use of these premises for an hotel or tavern as defined in this clause;

“light industry”—Any premises used or intended for use for any purpose included in Appendix III, provided that the term does not include a use contemplated by the term automotive and marine premises.

Appendix III

- (1) Purposes including or ancillary to any of the following:—
- Aerated water manufacturing
 - Agricultural supplies and machinery
 - Aluminium working
 - Animal food manufacturing
 - Asbestos products and cement products
 - Assembly works

- Bonded store
- Bottling
- Builders supply depot, workshop or yard
- Caravan manufacturing
- Carpenters' and joiners' workshop
- Clothing manufacturing
- Cold store
- Contractors' yard
- Cotton goods manufacturing
- Diecasting
- Electrical appliance manufacturing
- Electricians' depot, workshop or storeroom
- Electroplating
- Engineering works (light)
- Fibre-glass manufacturing
- Floor covering factory
- Foodstuff manufacturing
- Footgear manufacturing
- Fruit products manufacturing
- Furniture storage
- Gas appliances workshop
- Hardware manufacturing
- House removing depot
- Leathergoods manufacturing
- Light metal working
- Painters' depot
- Printing

- Recycling depot for collection, sorting and dispatch of household paper, metal, plastic & glass
- Second hand goods depot
- Shop fitting
- Signwriters' yard
- Silvering of glass
- Smallgoods manufacturing
- Stoneworking
- Timber yard (other than a mill)
- Tradesmen's workshop and yard
- Wholesale depot
- Woodworking
- Workshop
- (2) Purposes involving any process for or ancillary to the manufacture of any of the following:—
 - Artificial flowers
 - Blinds
 - Brooms, brushes, bristle or hair goods
 - Cameras
 - Clocks, watches
 - Coir goods
 - Cork goods
 - Drawing or writing goods
 - Felt goods
 - Fur goods
 - Leadlights
 - Musical instruments

- Optical goods (other than spectacles or the like)
- Paper goods, paper board goods
- Scientific instruments
- Sports equipment (other than ammunition, vehicles and water craft)
- String, string goods
- Textile bags
- Therapeutic and life support aids, appliances, garments and equipment
- Travelling bags
- Twine, twine goods
- Umbrellas
- Wiregoods (other than barbed wire, wire mesh, wire netting, wire rope and cable)

“lot feeding”—Any premises used or intended for use for the purpose of feeding stock in stalls, compounds or stock yards as distinct from range feeding. The term does not include a piggery as defined in this clause;

“market industry”—Any premises used or intended for use for the purposes of hand crafting, displaying and offering for sale goods of a similar type or nature and which does not cause any interference with the amenity of the Precinct by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, light (whether steady or flashing), waste products, grit, oil or otherwise or cause hazard likely in the opinion of the Council to cause undue disturbance and/or annoyance to persons or other property not connected with the industry. The term includes the ancillary use of such premises for:—

- (1) the storage of articles used in connection with or resulting from such activity;
- (2) the use of any amenity building provided at such premises;
- (3) any work of administration or accounting in connection with any

such activity;

but does not include commercial premises, industry, kiosk, shop, or catering business as defined in this clause;

“medical centre”—Any premises used or intended for use for the medical or surgical care or treatment of persons not resident on the site. The term includes a first aid station, a maternal and child welfare clinic, a nursing service, an ambulance station, and premises used or intended for use by a chiropodist, chiropractor, dentist, medical practitioner, optometrist, natural therapist, pathologist, physiotherapist, or radiologist, in the practice of that profession. The term does not include a home occupation, a hospital, an institution, a retirement community or a surgery as defined in this clause;

“medium industry”—Any premises used or intended for use for any industry not specifically defined elsewhere in this clause;

“milk depot”—Any premises used or intended for use for the purpose of bulk handling of milk or dairy products for distribution to consumers or retailers. The term includes the loading and unloading of vehicles used in such distribution;

“minor tourist facility”—Any premises not exceeding a total area of one hundred and fifty (150) square metres used or intended for use primarily for the purpose of providing small scale, low-key recreation, entertainment or attractions for the general touring public. The term includes eating facilities for tourist as an ancillary use where the seating capacity does not exceed forty (40) persons. The term does not include a shop, kiosk, catering business, public recreation, or any use for residential purposes, as defined in this clause;

“motel”—Any premises used or designed for use for temporary accommodation of travellers and the vehicles used by them. The term includes ancillary premises used or designed for use in the provision of meals to such travellers and the general public but does not include a caravan park or a hotel as defined in this clause;

“night club”—Any premises used or intended for use as a cabaret or night club where entertainment is regularly provided to members of the public and where an on-premises license is required under the provisions of the Liquor Act 1992. The term includes the provision of

music and dancing facilities for people attending the night club;

The term does not include a hotel, public recreation, catering business or tavern as defined in this clause;

“occasional market”—Any premises used or intended for use for a limited duration and from time to time for the purpose of displaying or selling readily portable home made or crafted articles to the public from stalls which are not fully enclosed within a building. The term does not include a shop as defined in this clause;

“office”—Any premises used or intended for use for business administration, carrying on of agencies, banks, secretarial services or services of a similar nature. The term includes administration in connection with an industry, business or other commercial use where not conducted on the same site. The term does not include a professional office as defined in this clause;

“park”—Means land:—

- (1) to which the public has rights of access;
- (2) used or intended for use for open air recreation, and
- (3) which:—
 - (a) has been ornamentally laid out or prepared with paths;
 - (b) has been prepared or is maintained as a grassed area or buffer either with or without trees or shrubbery.

Use of the premises for the purpose of a park includes:—

- (4) the use of any facilities provided on land being a park for the enjoyment or convenience of the public by way of:—
 - (a) bandstands
 - (b) picnic places, places for enjoying views, routes for nature study, parking areas, bikeways and footways;
 - (c) information and display areas for the promotion of such land;
 - (d) shelters and other public conveniences;

- (e) children's play areas;
- (f) temporary light refreshment booths;
- (5) the use of any waterfront area for a landing facility;
- (6) open-air recreation within the park or on part of any river, creek, stream or other body of water abutting or within the park;
- (7) any infrequent use of such land for a sport or form of athletics conducted on an informal basis;
- (8) structures, surfacing or equipment provided for informal sport or physical exercise;
- (9) sculptures, fountains, ponds or other decorative devices; and
- (10) maintenance sheds and depots.

The term does not include private recreation or public recreation as defined in this clause;

“passenger terminal”—Any premises used or intended for use for the assembly and dispersal of passengers and their baggage prior to or subsequent to their transportation irrespective of the mode of transport and includes waiting rooms associated therewith;

“piggery”—Any premises used or intended for use for the keeping, depasturing, feeding, watering or breeding of pigs;

“place of worship”—Any premises used or intended for use primarily for the public religious activity of a religious organisation, community or association. The term does not include an educational establishment, or an institution, as defined in this clause, but does include ancillary use of part of the premises for a columbarium;

“private recreation”—Any premises within the curtilage of a dwelling house, duplex dwelling or accommodation unit used or intended for use by the occupants for recreation provided that, in the opinion of Council, the use is not detrimental to the amenity of the area because of noise, traffic, lights, or anything whatsoever. The term does not include premises used by clubs or teams, or premises open to the public with or without charge, or domestic swimming pools, but

includes tennis courts or half courts;

“professional office”—Any premises used or intended for use for the provision of professional services or the giving of professional advice by an accountant, architect, engineer, management consultant, property consultant, legal practitioner, surveyor, taxation consultant, town planner, valuer, or other professional practitioner. The term does not include a medical centre or office as defined in this clause;

“public recreation”—Any premises used or intended for use for any activity, purpose, pursuit, entertainment or recreation which involves the active participation or entertainment of the general public for the purpose of exercise or enjoyment. The term includes but is not limited to those activities, purposes, pursuits, entertainments or recreations included in Appendix IV:—

Appendix IV

- Amusement parlour or centre unless otherwise defined
- Archery
- Boating
- Bowling
- Circus
- Dance hall
- Equestrian centre
- Exhibition
- Fair
- Golf
- Gymnasium
- Hall or meeting hall
- Indoor cricket centre
- Model car, boat or aircraft operations
- Playing field
- Rowing

- Skating rink
- Sporting arena or track
- Stadium
- Swimming pool
- Tennis or squash courts
- Unlicensed club
- Youth centre

The term includes, where approved by Council, the erection of clubhouses or ancillary buildings, and the occasional use of the premises for fairs, exhibitions and similar activities if approved by Council. The term does not include a park or private recreation as defined in this clause;

“private utility ”—Any premises used or intended for use for any of the following undertakings:—

- (1) A railway, tramway, road transport, air transport, wharf, harbour, river or other undertaking offering transportation services to the public;
- (2) The supply of water, hydraulic power, electricity or gas, or the provision of telephone, postal, sewerage or drainage services;
- (3) The provision or maintenance of roads or traffic controls.

The term includes maintenance or storage depots used in connection therewith;

“public utility ”—Any premises used or intended for use for any of the following undertakings, by a Government, Semi-Government, Government owned Corporation, Statutory Authority, or Local Authority:—

- (1) A railway, tramway, road transport, air transport, wharf, harbour, river or other undertaking offering transportation services to the public;

- (2) The supply of water, hydraulic power, electricity or gas, or the provision of telephone, postal, sewerage or drainage services;
- (3) The provision or maintenance of roads or traffic controls.

The term includes maintenance or storage depots used in connection therewith;

“radio and television premises”—Any premises used or intended for use for making, creating or arranging audio or visual programmes for transmission as authorised by the Broadcasting and Television Act 1942 and may include use as an office for the associated business of the premises;

“relocatable home park”—Any premises used or intended for use for the parking or location of relocatable homes for the purpose of providing residential accommodation. The term includes ancillary amenities buildings, a kiosk and recreational facilities where maintained for the use of patrons of the relocatable home park. The term does not include a caravan park as defined in this clause;

“respite care centre”—Any premises used or intended for use for the occasional or temporary accommodation and care of elderly or infirm persons, physically or intellectually handicapped persons or persons suffering from a physical or mental illness or those who care for them;

The term includes ancillary dining and recreation facilities, administrative offices, laundries, kitchens, residential accommodation for persons associated with the development and other ancillary activities which are complementary to and compatible with the development.

The term does not include a child care centre, hospital, institution or retirement community as defined in this clause;

“retail nursery”—Any premises used or intended for use for the sale to members of the public of plants, shrubs, trees, pots, gardening equipment and accessories. The term includes the sale of gardening materials where those materials are ancillary to the sale of plants and are packaged for sale in quantities not exceeding 50 kilograms.

The term does not include bulk garden supplies, rural industry, shop or showroom as defined in this clause;

“retirement community”—Any premises which are used or are intended for use as permanent residential accommodation for persons aged fifty years or over and which consist of a grouping of dwelling units and/or serviced hostel units together with ancillary facilities provided for exclusive use by residents or staff of the community and which may include staff accommodation, chapels, medical consulting rooms, meeting rooms, recreational facilities, therapy rooms, and kiosk facilities;

“rural industry”—Any premises used or intended for use for the purpose of any industry (not being a heavy industry) handling, treating, processing or packing primary products produced on the land on which it is situated. The term includes sawmilling when carried out in a rural area, a wholesale nursery, a turf farm, servicing of plant or equipment used for agricultural, rural industry or forestry purposes; but does not include a shop or stall as defined in this clause nor retail sale of any products;

“salvage yard”—Any premises used or intended for use in the collection storage, salvaging, abandonment, dismantling or sale of scrap metals, scrap timber, other scrap materials, scrap goods, motor vehicles or machinery;

“service industry”—Any premises used or intended for use for the purpose of conducting any industry included in but not limited to Appendix V provided that it complies with the criteria of Schedule A;

Appendix V

- Bonded store where associated with a duty - free shop
- Boot and shoe repairing
- Bread, cake and pastry establishment
- Business machine maintenance
- Cleaning contractor’s establishment
- Clock, watch and jewellery manufacturing and repairing
- Computer services

- Cycle repairing
- Dancing teaching
- Display Centre
- Dressmaking, tailoring and millinery
- Dry cleaning and dyeing
- Duplicating and copying service
- Electrical goods maintenance
- Engraving
- Equipment hire
- Film developing and printing
- Furniture repairing
- Glass Cutting
- Hairdressing
- Laundering
- Lawnmower maintenance
- Locksmith's establishment
- Mail delivery and sorting
- Mini storage depot
- Mobile phone installation and repairs
- Musical instrument maintenance
- Parcel delivery service depot
- Photographic studio
- Printing or photocopying or bookbinding
- Research & development industries
- Repair shop
- Screen printing
- Sculpture

- Security services
- Signwriting
- Sportsgoods maintenance
- Taxicab depot
- Tool repairing and sharpening
- Upholstering
- Watchmaker’s establishment;

Schedule A

- (1) resulting noise levels must not detrimentally affect the amenity of the areas;
- (2) dust, fumes, odours or any other emission shall be contained within the subject premises at all times;
- (3) the appearance of the development must not detrimentally affect the amenity of the area, whether by reason of the scale of the buildings, the design and materials used in the buildings, the storage of goods, vehicles or any other material outdoors, or any other thing, taking into account the location of any buildings and the topography and other characteristics of the site and any landscaping existing or proposed;
- (4) any traffic generated by the activities on the premises must not cause or aggravate a traffic problem, nor detrimentally affect the amenity of the area;

“service station”—Any premises used or intended for use for the fuelling of motor vehicles involving the sale by retail of petrol or automotive distillate or any derivative capable of use in internal combustion engines whether or not the premises are also used for one or more of the following purposes:—

- (1) The sale by retail of—

- (a) lubricating oils and greases;
 - (b) batteries and tyres;
 - (c) accessories and other products associated with motor vehicles;
 - (d) power and lighting kerosene;
 - (e) mower fuel;
 - (f) maps, tobacco, confectionery, patent medicines, softdrinks, milk products, bread, newspapers and periodicals where any such sale is to a person travelling by motor vehicle;
- (2) The carrying out of:—
- (a) the fitting, removal, and exchange of tyres;
 - (b) the repairing of tubes;
 - (c) the supply of air;
 - (d) the charging or replacement of batteries;
 - (e) the lubrication and greasing of motor vehicles;
 - (f) the cleaning, adjustment and replacement of sparkplugs;
 - (g) the adjustment, cleaning or replacement of filters or carburettors or fuel injection systems;
 - (h) the reception and return of tyres deposited for repair on other premises;
 - (i) running repairs of a minor nature and of a type which do not normally immobilise a vehicle for a period longer than two hours;
 - (j) the washing, cleaning and polishing of vehicles;
- (3) The rendering of minor services incidental to any of the foregoing.

The term does not include a catering business, an industry, a salvage yard, a passenger terminal, a shop, or a transport terminal, as

defined in this clause;

“service station combination”—Any premises used or intended for use for:—

- (1) a service station in combination with a specified use; or
- (2) a service station, a specified use and a use associated with the service station or specified use in relation to the premises;

whether or not the premises are used for any other purpose.

The total use area used for the specified use must not exceed 175m².

In this definition, “specified use” means any one of the following uses:—

- (a) general store;
- (b) local store;
- (c) shop;
- (d) store.

“shop”—Any premises used or intended for use for the purpose of displaying or offering of goods for sale by retail. The term includes the ancillary storage of goods on the same premises or a food barn or administration activities carried out in connection with the use. The term also includes, where ancillary to a major shopping development, the fitting of motor vehicles accessories and parts or the rendering of minor services or minor running repairs to motor vehicles. The term does not include commercial premises, a general store, a hotel, an industry, a service station, a showroom, a stall or a warehouse as defined in this clause;

“showroom”—Any premises used or intended for use for the displaying and/or offering for sale by retail or otherwise goods of a bulky character where such use has a total use area of at least three hundred (300) square metres. The term does not include a shop;

“special use”—Any premises used or intended for use for:—

- (1) Federal Government purposes;
- (2) State Government purposes;

- (3) Local Government purposes including land predominantly required for buffering or drainage purposes;
- (4) Semi-Government, statutory authority and Government Owned Corporation purposes;
- (5) Any other public purpose not specifically included in any other definition contained in the Part. The term does not include a child care centre, institution, park or public utilities as defined in this clause, however to remove all doubt, the term does include the use of premises for the purpose of police, fire and ambulance stations and a State Emergency Service Depot and uses associated therewith or ancillary thereto;

“stable”—Any building or other structure, including a shed, loose box, stall, roofed yard, or training track used or intended for use for the stabling, keeping, feeding, watering, grooming, shoeing or veterinary treatment of horses;

“stall”—Any premises used or intended for use for the display or sale of agricultural or horticultural produce grown on the site on which the stall is located. The term does not include a shop, bulk garden supplies or general store as defined in this clause or the sale of garden hardware or implements;

“surgery”—Any premises forming part of a dwelling house wherein the owner and occupier of the dwelling house carries on the practice of a medical general practitioner, dental surgeon, chiropractor, natural therapist, physiotherapist or other similar medical profession. The term does not include medical centre as defined in this clause;

“tavern”—Any premises where a general license is required under the provisions of the Liquor Act 1992 and which provides:

- bars and/or lounge bars for the sale of liquor to be consumed on the premises
- restaurant or restaurants for public use
- for the sale of liquor to be consumed off the premises

and which may also include:

- function room or rooms
- nightclub or cabaret
- ancillary recreation facilities
- use of part of the premises as a Totalisator Administration Board agency
- a mini brewery where ancillary to a tavern;

“temporary quarry”—Any premises used or intended for use for the purpose of extraction, storage, loading, carting or treatment of sand, gravel, rock, stone, soil, or similar substances for a period not exceeding four (4) years from the date of the Council’s consent or a lesser period as determined by Council. The term does not include an extractive industry as defined in this clause for the removal or placement of sand, gravel, rock, stone, soil or similar substance during the course of development of land;

“tourist facility”—Any premises used or intended for use primarily for the purpose of providing recreation, entertainment or attractions for the general touring public. The term includes accommodation or eating facilities for tourists as an ancillary use;

“transport terminal”—Any premises used or intended for use for the purpose of an airline goods terminal, bus depot, road transport goods terminal, rail goods terminal or a terminal for water-borne goods. The term does not include a passenger terminal, but includes a repository for temporary storage of goods before re-shipment, and includes a terminal used solely for the garaging and basic maintenance of fleet vehicles engaged in the transport of goods;

“veterinary clinic”—Any premises used or intended for use in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animal and household pet out-patients provided that no patients remain on the premises overnight, except for emergency cases;

“veterinary hospital”—Any premises used or intended for use for or in connection with the treatment of sick or injured animals where such animals are accommodated overnight or for longer periods in premises constructed of sound proof materials. The term does not include

animal husbandry as defined in this clause;

“warehouse”—Any premises used or intended for use for the storage of goods, merchandise or materials in large quantities pending their sale, or distribution, to persons who purchase for the purpose of resale only. The term does not include a shop, showroom as defined in this clause, nor a food barn;

“waterfront activity”—Any premises used or intended for use for the purpose of conducting any activity included in and limited to Appendix VI;

Appendix VI

- Chandlery involving the sale of boating equipment and accessories not of a bulky character.
- Vessel refuelling facility having maximum storage capacities for 2,000 litres of petrol, 2,000 litres of distillate, 2,000 kgs of liquid petroleum gas and 500 litres of lubricant.
- Naval architect.
- Marina having a maximum of 6 berths.
- Berthing facility.
- Shop for the sale of general requirements for boat owners and for water activities, e.g. ice, bait, food and drinks.

The term does not include uses usually associated with boat building or repair or marine engineering, or the provision of goods or services of an industrial character;

“waterfront industry”—Any premises used or intended for use for the purpose of conducting any industry included in but not limited to Appendix VI which requires direct access to a river, creek, stream, or other body of water as an essential part of its operation;

Appendix VII

- Boat building, repairing or storage
- Fish and seafood processing or storage
- Fishing gear manufacturing

- Marina for more than 6 berths
- Marine engineering
- Slipway
- Warehouse associated with waterfront industry
- Wharf and dock.

“welfare premises”—Any premises used or intended for use for:—

- (1) social welfare purposes;
- (2) provision of a counselling or advisory service;
- (3) of a like character to those referred to in sub-paragraphs (1) and (2);
- (4) provision of some form of education or instruction to some section of the public,

the term does not include commercial purposes, or an educational establishment, licensed club or institution.”

2.1.18 By deleting Clause 196 of the Second Schedule and substituting the following Clause:—

“196 The Council must from premises within the Core or the Inner Frame continuously provide, maintain and operate at a level of service not less than that normally provided in the Shire and at its own expense:—

196.1 on and from the 22nd of August 1996 a public library; and

196.2 no later than the 31st December 1997 a community centre (including provision of meeting rooms); and

196.3 if the Council gives Robina a notice under Clause 87 a community centre on the land referred to in that Clause.”

2.1.19 By removing from the Plans, Tables, Drawings and Documents held at the Public Office of the Council the Plans/Tables shown in column 1 and substituting in their respective place the Plans/Tables in column 2 opposite the Plans/Tables deleted:—

| Column 1 | Column 2 |
|-----------------------------------|------------------|
| Plan No. 2/2/2 to be replaced by | Plan No. 2/2/2A |
| Plan No. 2/2/4 to be replaced by | Plan No. 2/2/3A |
| Plan No. 2/3/1 to be replaced by | Plan No. 2/3/1A |
| Table No. 2/3/2 to be replaced by | Table No. 2/3/2A |
| Plan No. 2/3/3 to be replaced by | Plan No. 2/3/3A |
| Plan No. 2/4/1 to be replaced by | Plan No. 2/4/1A |
| Table No. 2/4/3 to be replaced by | Table No. 2/4/3A |
| Plan No. 2/5/1 to be replaced by | Plan No. 2/5/1A |
| Table No. 2/5/2 to be replaced by | Table No. 2/5/2A |
| Plan No. 2/6/1 to be replaced by | Plan No. 2/6/1A |
| Plan No. 2/6/7 to be replaced by | Plan No. 2/6/1A |

and by deleting the words and figures shown in column 1 wherever they appear in the Robina Central Planning Agreement and substituting in their respective place the words and figures in column 2 opposite the words and figures deleted.

2.1.20 By including in the Plans, Tables, Drawings and Documents to be held at the Public Office of the Council Documents 1/1/5 to 1/1/20 (inclusive), Plan 2/2/4A and Plan 2/2/5.

2.1.21 By re-numbering Plan 2/2/3 held at the Public Office of the Council Plan 2/2/6 and deleting the words and figures “*Plan 2/2/3*” wherever they appear in the Robina Central Planning Agreement and substituting the words and figures “*Plan 2/2/6*”.

*Local Government (Robina Town Centre
Planning Agreement) Amendment*

No. 15, 1996

- 3 A reference to a Plan, Table, Drawing or Document identified by a particular number in this Amendment Agreement is a reference to a Plan, Table, Drawing or Document bearing that number held at the public office of the Council certified under seal by both the Council and Robina and Robina Properties as being the Plan, Table, Drawing or Document of that number referred to in this Amendment Agreement.

- 4 For the avoidance of doubt, the parties acknowledge and agree that the Amendment Agreement executed by the parties on the 21st March 1996 has never had effect.

- 5 Clause 99 of the Robina Central Planning Agreement applies to this Amendment Agreement and is incorporated by reference in this Amendment Agreement.

IN WITNESS WHEREOF the parties have executed this Amendment Agreement on the day and year first hereinbefore written.

The Common Seal of ROBINA)
 LAND CORPORATION PTY LTD)
 A.C.N. 010 159 387 was)
 hereunto affixed in)
 accordance with its)
 Memorandum and Articles)
 of Association in the)
 presence of)
 a Director)
 and)
 the Secretary and in the)
 presence of:)

Witness:

*Local Government (Robina Town Centre
Planning Agreement) Amendment*

No. 15, 1996

The Common Seal of ROBINA)
 PROPERTIES PTY LTD A.C.N.)
 010 147 038 was hereunto)
 affixed in accordance)
 with its Memorandum and)
 Articles of Association)
 in the presence of)
 a Director)
 and)
 the Secretary and in the)
 presence of:)

Witness

The Corporate Seal of)
 COUNCIL OF THE CITY OF)
 GOLD COAST was hereunto)
 affixed in the presence)
 of)
 the Mayor and)
 the)
 Chief Executive Officer and in)
 the presence of:)

Witness

*Solicitors for Robina Land
Corporation Pty Ltd and Robina
Properties Pty Ltd:—*

*Solicitors for Council of the City
of Gold Coast:—*

Hill & Taylor
Solicitors & Attorneys
 Level 2,
 Waterfront Place,
 1 Eagle Street,
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King & Company
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