

PART 5 DOMAINS

DIVISION 1 INTRODUCTION TO DOMAINS

**PART 5
DIVISION 1
CHAPTER 1**

**DOMAINS
INTRODUCTION TO DOMAINS
EVOLUTION OF DOMAINS**

1.0 PURPOSE

The purpose of the domains is to signal that the City is divided into land units with common characteristics, for the purposes of land use and development control. The term ‘domain’ is introduced to identify those areas of the City with a particular use mix or development character (or that have potential in this context) that will benefit from the application of consistent planning guidance and development control.

Domains provide for the distribution, mixing and segregation of different types of development. Each domain is intended to provide for compatible development within identified parts of the City and to segregate incompatible development. Importantly, each domain is intended to include planning measures to achieve the Planning Scheme's Desired Environmental Outcomes (DEOs).

2.0 APPLICATION

2.1 There are 18 domains described in this Planning Scheme. These domains apply to land identified on the Domain Maps. A particular domain may occur in many locations throughout the City or it may be isolated to just a few locations. It is important to note that not all parts of the City’s area are included in the domains. The major exceptions are those land parcels included within Local Area Plans (LAPs), which are controlled by the relevant provisions of the LAP (refer **Part 6 - Local Area Plans**). Other exceptions include land areas included in roadways and land covered by waterways.

2.2 The inclusion of land in a particular domain, under the provisions of this Planning Scheme, does not imply that part or all of such land is capable of being subdivided or is suitable for subdivision for developments permitted by this Planning Scheme. The extent of any subdivision will be determined, in each case, with reference to the provisions contained in the domain controls and in **Specific Development Code 28 - Reconfiguring a Lot**.

3.0 THE DOMAINS

The 18 domains are described in the table below.

Table to Clause 3.0

| CHAPTER | NAME OF DOMAIN | COLOUR ON DOMAIN MAPS |
|---------|--------------------------|-----------------------|
| 1 | Rural | Khaki |
| 2 | Park Living | Light Khaki |
| 3 | Village (mixed use) | Pink |
| 4 | Detached Dwelling | Light Pink |
| 5 | Residential Choice | Salmon |
| 6 | Tourist and Residential | Dark Pink |
| 7 | Integrated Business | Dark Blue |
| 8 | Local Business | Light Blue |
| 9 | Fringe Business | Mid Blue |
| 10 | Industry 1 (high impact) | Dark Mauve |
| 11 | Industry 2 (low impact) | Light Mauve |
| 12 | Extractive Industry | Fuschia |
| 13 | Marine Industry | Aqua |
| 14 | Community Purposes | Light Yellow |
| 15 | Conservation | Light Green |
| 16 | Private Open Space | Mid Green |
| 17 | Public Open Space | Dark Green |
| 18 | Emerging Communities | Lime Green |
| LAP | Local Area Plan | Orange |

4.0 EVOLUTION OF THE DOMAINS FROM THE LAND USE THEMES

The domains are closely related to the Land Use Themes identified in **Part 3, Division 3**. The domains implement, through effective planning measures, the purpose of each Land Use Theme. In this sense, the domains have evolved from the planning measures developed to implement the intent of Gold Coast City Planning Scheme, as expressed in **Parts 1, 2 and 3** through the DEOs, the Planning Strategies and the Land Use Themes.

The domains are the key to the assessment status of individual development proposals within their subject areas. The controls included in each domain provide guidance for the assessment of a development proposal, and translate the objectives and intent of the Land Use Theme into land use and development provisions. Each domain contains a specific code (place code) for the purposes of assessing development applications within its subject area.

The relationship between the domains and the Land Use Themes is relatively direct. In the simplest cases, the Park Living Domain for example is a direct expression of the corresponding Land Use Theme. In other cases, one Land Use Theme finds expression in a number of domains, for example, Industry Land Use Themes becomes four separate domains. Alternatively, the Rural Domain, gives expression to three of the Land Use Themes - Agriculture, Rural/Nature Conservation and Open Space/Nature Conservation (refer to **Table to Clause 4.0** below).

It should be noted that some of the specific Land Use Themes find their expression through planning measures contained in the LAPs, and are therefore not directly related to any of the domains. For example, the Integrated Planning and Development (Floodplain - Merrimac/Carrara) Land Use Theme is implemented directly through the Guragunbah LAP.

The table below indicates the relationship of the Land Use Themes, and their expression planning measures, through the 18 domains of the Planning Scheme.

Table to Clause 4.0

| CHAPTER | NAME OF DOMAIN | CHAPTER | DIRECTLY RELEVANT LAND USE THEME(S) |
|---------|--------------------------|---------|-------------------------------------|
| 1 | Rural | 2.0 | Open Space/Nature Conservation |
| | | 3.0 | Rural/Nature Conservation |
| | | 4.0 | Agriculture |
| 2 | Park Living | 5.0 | Park Living |
| 3 | Village (mixed use) | 6.0 | Village Areas |
| 4 | Detached Dwelling | 7.0 | Urban Residential |
| 5 | Residential Choice | 7.0 | Urban Residential |
| 6 | Tourist and Residential | 7.0 | Urban Residential |
| | | 13.0 | Residential/Tourism - Pacific Coast |
| 7 | Integrated Business | 7.0 | Urban Residential |
| | | 11.0 | Major Activity Centres |
| 8 | Local Business | 7.0 | Urban Residential |
| | | 11.0 | Major Activity Centres |
| 9 | Fringe Business | 7.0 | Urban Residential |
| | | 8.0 | Industry |
| | | 11.0 | Major Activity Centres |
| 10 | Industry 1 (high impact) | 8.0 | Industry |
| 11 | Industry 2 (low impact) | 8.0 | Industry |
| 12 | Extractive Industry | 8.0 | Industry |
| 13 | Marine Industry | 8.0 | Industry |
| | | 9.0 | Marine Industry |
| 14 | Community Purposes | 7.0 | Urban Residential |
| | | 10.0 | Airport |
| | | 11.0 | Major Activity Centres |
| | | 12.0 | Community Infrastructure |
| 15 | Conservation | 2.0 | Open Space/Nature Conservation |
| | | 3.0 | Rural/Nature Conservation |
| 16 | Private Open Space | 2.0 | Open Space/Nature Conservation |
| | | 7.0 | Urban Residential |
| 17 | Public Open Space | 2.0 | Open Space/Nature Conservation |
| 18 | Emerging Communities | 2.0 | Open Space/Nature Conservation |

| CHAPTER | NAME OF DOMAIN | CHAPTER | DIRECTLY RELEVANT LAND USE THEME(S) |
|---------|----------------|---------|-------------------------------------|
| | | 3.0 | Rural/Nature Conservation |
| | | 4.0 | Agriculture |
| | | 5.0 | Park Living |
| | | 7.0 | Urban Residential |
| | | 8.0 | Industry |
| | | 11.0 | Major Activity Centres |

5.0 DEVELOPMENT PARAMETERS

Each of the domains provides specific information on development provisions for any development proposed within that domain. For definitive information on development within individual domains, the provisions of the relevant domain must be carefully examined.

**PART 5
DIVISION 1
CHAPTER 2**

**DOMAINS
INTRODUCTION TO DOMAINS
USING DOMAINS**

1.0 PURPOSE

The purpose of this chapter is to provide guidance on the operation of the domains in the Planning Scheme. This chapter sets out the role of each part of the domain planning measures.

2.0 INTENT STATEMENTS IN DOMAINS

Each domain contains an intent statement, which sets out the primary objectives of this Planning Scheme for the land that is included within the particular domain. The intent statement is informed by the Land Use Themes and the City wide Desired Environmental Outcomes (DEOs), which are directly relevant to the areas, included within the domain.

3.0 SCOPE

Each domain sets out clearly the range of developments that are subject to its planning measures. In most cases, all types of development subject to the Planning Scheme will need to comply with the planning measures of the relevant domain.

4.0 THE TABLE OF DEVELOPMENT IN DOMAINS

Each domain includes a Table of Development which sets out the assessment status of development in the area covered by the domain, using classifications of development generally consistent with the **Integrated Planning Act 1997 (IPA)**. The Table of Development indicates that development may be classified as exempt, self assessable, code assessable or impact assessable.

Any Table of Development used in the domains **must** be read in conjunction with this section.

4.1 Structure of the Table of Development

The Table of Development is divided into seven sections individually identified from A to G, as follows:

- a) Material Change of Use;
- b) Material Change of Use Overlay Provisions (for Material Change of Use involving Building Work);
- c) Operational Work - Changes to Ground Level;
- d) Operational Work - Advertising Devices;
- e) Operational Work - Infrastructure and Landscape Work;
- f) Operational Work - Vegetation Clearing; and
- g) Reconfiguring a Lot.

4.2 Establishing Levels of Assessment

To establish the assessment status of any individual development proposal the entire Table of Development must be used, as the triggers in the consecutive sections of the table are intended to be cumulative. If a proposed development is identified as having exceeded more than one of the triggers identified in any relevant section of the Table of Development, then the highest assessment category applies as follows:

- self assessable prevails over exempt;
- code assessable prevails over self assessable or exempt; and
- impact assessable prevails over self or code assessable or exempt.

4.3 Applicability of Components of the Table of Development

Each section of the Table of Development only applies to the extent that it is directly relevant to the proposed development application. To illustrate, the following combinations may assist:

- Material Change of Use proposal that is not directly associated with any Building Work, Operational Work or Reconfiguring a Lot proposal need only refer to Section A of the Table of Development;
- Material Change of Use proposal that involves Building Work, but that is not directly associated with any Reconfiguring a Lot proposal, need only refer to Sections A and B of the Table of Development;
- Material Change of Use proposal that is directly associated with Operational Work, but is not associated with any Material Change of Use that involves Building Work or any Reconfiguring a Lot proposal, need only refer to Sections A, C, D, E and F of the Table of Development;
- Material Change of Use proposal that involves Building Work and a Reconfiguring a Lot proposal need only refer to Sections A, B and G of the Table of Development; or
- Operational Works proposal that does not involve a Material Change of Use, Building Work or Reconfiguring a Lot need only refer to Sections C, D, E and F of the Table of Development.

4.4 Planning Scheme's Relationship to Schedule 8

The Table of Development must be read in conjunction with **Schedule 8** of the IPA. **Schedule 8** may require that a development, or component of a development, be treated as code or impact assessable, notwithstanding its inclusion in the exempt or self assessable column of the Table of Development in any domain. Alternatively, **Schedule 8** may require that a development, or component of a development, be treated as exempt or self assessable, notwithstanding its inclusion in the code or impact assessable column of the Table of Development in any domain.

4.5 Building Work and the Planning Scheme

Building Work, when referred to in a Table of Development, means Building Work associated with a Material Change of Use. Both the Material Change of Use and Building Work components are subject to assessment under this Planning Scheme. It does not refer to Building Work not associated with a Material Change of Use, such Building Work is only subject to assessment and compliance with the **Standard Building Regulation**.

Section B of the Table of Development determines the level of assessment of a Material Change of Use when Building Work is involved. Any development captured by the triggers in Section B will be referred to the list of relevant codes for an MCU in the applicable domain. The term Minor Building Work is exempt development and is not subject to the remaining triggers in Section B of the Table of Development.

4.6 Default Assessment Categories for the Table of Development

4.6.1 Material Change of Use

All uses included in Section A of the Table of Development may be considered as appropriate for the domain to which the Table of Development applies, subject to each use meeting the relevant assessment criteria.

Any use not listed in Section A of the Table of Development, should be considered as undesirable or inappropriate in the domain to which the Table of Development applies.

Any Material Change of Use not individually listed in Section A of the relevant Table of Development, will be treated as impact assessable, except where this would conflict with the provisions of Schedule 8 of the IPA.

4.6.2 Material Change of Use Involving Building Work

Any proposed Material Change of Use involving Building Work not captured by a trigger identified in Section B of the Tables of Development, will be treated as exempt for the purposes of that trigger only, except where this would conflict with the provisions of Schedule 8 of the IPA.

4.6.3 Operational Work

Any proposed Operational Work not captured by the trigger identified in the Tables of Development Section C to E inclusive, will be treated as exempt for the purposes of that trigger only, except where this would conflict with the provisions of Schedule 8 of the IPA.

4.6.4 Reconfiguring a Lot

Any Reconfiguring a Lot proposal not identified in Section G of the Table of Development will be treated as code assessable, except where this would conflict with the provisions of Schedule 8 of the IPA.

4.7 Interpreting the Table of Development

4.7.1 Trigger from Self Assessable to Assessable Development

A proposed development that is self assessable, that does not comply with the acceptable solutions of the relevant code or codes, will be considered by Council as development that requires code assessment.

However, an exception is made in those instances where the Table of Development makes it clear that Council will treat the proposed non-complying development as an impact assessment application. This is indicated by specific reference to the trigger or threshold of non-compliance in the impact assessment column.

4.7.2 Trigger from Code Assessable to Impact Assessable Development

A proposed development that is code assessable and does not comply with the acceptable solutions of the relevant code/s will continue to be considered by Council as a code assessment application.

However, an exception applies in those instances where the Table of Development makes it clear that Council will treat the proposed non-complying development as an impact assessment application. This is indicated by specific reference to the trigger or threshold of non-compliance in the impact assessment column.

In the case of Broadcasting Facilities and Telecommunications Facilities, Section B: of the Table of Development does not apply in determining the level of assessment.

4.7.3 Not Elsewhere Included

The term **n.e.i.** means **not elsewhere included** in this Table of Development. For example, **Office with a floor area less than 500m²** may be listed as self assessable, while **Office n.e.i.** may be listed as code assessable. This convention allows for the allocation of a different development assessment status to some types of development within a given development category. To understand what each development type includes, reference should be made, firstly, to the explanations in **Section 1.3.5** of the IPA and, secondly, to **Part 4 - Definitions** of this Planning Scheme.

4.7.4 Definitions

All development terms listed in the Table of Development are to be read as consistent with the definitions contained in **Part 4**. Any undefined terms used in this Planning Scheme are intended to have the meaning assigned to them in common usage, unless the context otherwise indicates or

requires. For undefined terms, a common reference used by the City of Gold Coast is the latest edition of the Macquarie Australian Dictionary.

4.7.5 Preliminary Approvals

A preliminary approval under section 3.1.6 of the IPA may operate to vary the status of development as set out in the Table of Development. For example, a preliminary approval, once granted to an applicant, may allow an impact assessable Material Change of Use to be treated as a code assessable Material Change of Use, subject to complying with the conditions of the preliminary approval and any relevant codes.

4.8 Development Exempt from the Planning Scheme

4.8.1 Road and Associated Works

For the purposes of this Planning Scheme, road works and ancillary works and encroachments constructed by the State government and the declaration or opening of a State controlled road, as defined in the **Transport Infrastructure Act 1994** and the **Transport Infrastructure (State Controlled Roads) Regulation 1994**, are exempt development.

4.8.2 Railway Activities

For the purposes of this Planning Scheme, railway activities constructed by the State government are exempt development.

4.8.3 Film Production

For the purposes of this Planning Scheme, Film Production that does not require the erecting of permanent buildings or the undertaking of any works and that occurs for no more than six months in any two year period, is exempt development. The Film Production must be undertaken in accordance with all Environmental Protection Agency regulations and Gold Coast City Council's Local Laws and must have no adverse impacts beyond the boundary of the site.

4.8.4 Public Utilities

For the purpose of this Planning Scheme, the following is exempt development: development for a Public Utility, being an undertaking for supply of water cycle management infrastructure, hydraulic power, electricity or gas, or any development required for the purpose of that undertaking by way of:

- development of any description at or below the surface of the ground;
- the installation of any plant inside a building, or erection within the premises of the undertaking of any plant or other structures, or erections required in connection with the undertaking;
- the installation or erection in an electrical transmission line or sub-stations feeder pillars, pole transformers and kiosks or transformer housing;
- the erection of overhead lines for the supply of electricity;
- the placing of pipes above the surface of the ground as part of the supply of water cycle management infrastructure network, or the installation in a water cycle management infrastructure network of pumping station, storages, communications structures, meter or;
- switchgear houses;
- any other development not specifically referred to above, except where it involves erection of new buildings or reconstruction or alteration of existing buildings that would materially affect their design or external appearance.

4.8.5 Electricity Infrastructure

For the purpose of the this Planning Scheme, augmentation of existing sub-transmission infrastructure within Energex owned easements, as well as existing substations, are exempt development.

4.8.6 Minor Building Work

For the purpose of this planning scheme, Minor Building Work is exempt development.

4.8.7 Other Legislation

For the purposes of this Planning Scheme, development in accordance with the Royal Pines Resort Approved Scheme and the Cyprus Gardens Mixed Use Scheme, is exempt development under Section A - Material Change of Use, Section B - Material Change of Use Overlay Provisions (for Material Change of Use involving Building Work) and Section G - Reconfiguring a Lot of the Table of Development. The provisions of Sections C - F Operational Work in the relevant Domain apply.

4.8.8 Council owned Heritage Buildings

For the purpose of this Planning Scheme, any works undertaken by Council, on a Council owned building that is listed on the **Queensland Heritage Register (Queensland Heritage Act 1992)** or the **Register of the National Estate (Australian heritage Commission Act 1975)** or the **National Trust of Queensland** list, is exempt development under this planning scheme. For building works that require approval under the Environment Protection Act, this exemption only applies if Council has obtained the necessary approvals from the Environmental Protection Agency.

4.9 Overriding Provisions

For the purposes of this Planning Scheme:

- Section B: Material Change of Use Overlay Provisions (for Material Change of Use involving Building Work) in the Emerging Communities Domain does not apply to land subject to Concept Plan No. 4A dated April 2003 applicable to Varsity Lakes;
- Section G: Reconfiguration of a Lot in the Emerging Communities Domain does not apply to land subject to Concept Plan No. 4A dated April 2003 applicable to Varsity Lakes, however, Reconfiguring a Lot is code assessable.

5.0 REFERENCE TO RELEVANT CODES

The domain provisions (**Section 4.0** in each domain) indicate which codes apply to the assessment of development in the domain area. The cross-reference to these other codes is aligned to the development assessment status determined from the domain's Table of Development. A list of relevant codes is provided for each of the following categories:

- Self Assessable (all types of development);
- Material Change of Use (code or impact);
- Operational Work (code or impact); and
- Reconfiguring a Lot (code or impact).

Where a development proposal includes one or more of the above-mentioned categories, all the identified codes must be referred to for each of the components of the development.

All development will be assessed against the place code that is specific to the domain.

6.0 THE PLACE CODE

Each domain includes specific development provisions that relate to the scale, character and density of development desired for that domain. These provisions apply to all self, code and impact

assessable development in the domain. The provisions are presented within the domain-specific place code.

The place code is set out in table format, with Performance Criteria in the left hand column and associated Acceptable Solutions in the right hand column. Any self assessable development must comply with the Acceptable Solutions of those Performance Criteria identified as relevant to self assessable development. Any code assessable development must comply with the Performance Criteria in order to be consistent with the Planning Scheme. Any impact assessable development must comply with the relevant parts of the whole Planning Scheme. Development that is consistent with the Acceptable Solutions of the code is considered to have complied with the code's requirements. Development that does not comply with an Acceptable Solution may present an alternative solution to demonstrate compliance with the relevant Performance Criteria, in order to satisfy the requirements of the code.

These place codes are divided into two main sections:

- the first sets out the Performance Criteria and Acceptable Solutions for self, code and impact assessable development; and
- the second sets out the additional Performance Criteria and Acceptable Solutions for code and impact assessable development.

The Performance Criteria are grouped under subject headings, for convenience purposes only. Note that the Performance Criteria are numbered consecutively, independent of the subject headings.

7.0 LAND WITHIN TWO OR MORE DOMAINS

Where a lot is included in two or more Domains, the level of development assessment shall be determined in accordance with the Domain in which the part of the development is located. Similarly the land uses, proposed as part of a development, should generally be located to accord with the intent and land use provisions for the Domain in which the part of the development is located.

8.0 LAND SHOWN UNCOLOURED ON THE DOMAIN MAPS

Where land is not included in one of the 18 domains and it is not included within a LAP, it is to be known as Land Shown Uncoloured. All land in the City with development potential is intended to be included within a domain or LAP. The major exceptions are those areas of land included in roadways and land covered by waterways. There may also be other lots that are inadvertently left unassigned to any domain or LAP.

Where a lot is Land Shown Uncoloured, its development status is considered to be consistent with that of land contained within the Community Purposes Domain.

9.0 NOTATION ON THE DOMAIN MAPS

Where a lot is identified with the notation “Refer to Part 10, Division 3”, then Section A and B of the Table of Development for the domain applying to the lot must be read subject to this clause and **Part 10 Division 3** of this Planning Scheme.

Part 10, Division 3 lists certain lots, which were zoned “Special Facilities” under the Superseded Planning Scheme.

Any material change of use proposal for a purpose specified for the lot in **Part 10, Division 3** will be ‘exempt’ development subject to the development complying with the conditions of approval and the Council approved concept plan identified for the site in Part 10, Division 3, notwithstanding the assessment status otherwise indicated for the use in Section A and Section B of the applicable Domain’s Table of Development.

Where the development does not comply with the relevant conditions of approval or the Council Approved Concept Plan specified in **Part 10 Division 3**, the assessment status of the MCU proposal will be determined with reference to Section A and Section B of the applicable Domain's Table of Development.

10.0 RELATIONSHIP WITH THE STANDARD BUILDING REGULATION 1993 (SBR)

Part 3 of the SBR provides for siting standards for detached dwellings which apply in the absence of alternative provisions in this Planning Scheme. For a self assessable detached dwelling, the Planning Scheme's alternative siting provisions apply if they are in conflict with those of SBR. A performance solution to any of the siting provisions is to follow the process identified in Section 20 of the SBR.