

# **PART 6 LOCAL AREA PLANS**

## **DIVISION 2 LOCAL AREA PLANS**

### **CHAPTER 20 PARADISE POINT**

## **PART 6, DIVISION 2 CHAPTER 20**

## **LOCAL AREA PLANS PARADISE POINT**

### **1.0 INTENT**

To provide detailed planning and development of the local centre at Paradise Point, for the effective delivery of services to its catchment area and to contribute to the enhancement of the amenity of the surrounding residential area.

### **2.0 APPLICATION**

- 2.1 This Local Area Plan (LAP) applies to all development subject to the Planning Scheme and located within the LAP area, as indicated in **Paradise Point LAP Map 20.1 - Boundary**.
- 2.2 The Table of Development indicated in **Clause 6.0** identifies the level of assessment for development occurring within this LAP area.
- 2.3 The codes that may be relevant to the assessment of development in this LAP area are listed in **Clause 7.0**.
- 2.4 It should be noted that self assessable development is consistent with the intent and Desired Environmental Outcomes (DEOs) of this LAP, and therefore need only comply with the acceptable solutions of the **Paradise Point LAP Place Code** contained in **Clause 8.0** and any other acceptable solutions identified in the relevant codes explicitly referred to in **Subclause 7.1**.

### **3.0 DESIRED ENVIRONMENTAL OUTCOMES**

- 3.1 The achievement of a compact and consolidated local business centre at Paradise Point which provides a range of commercial services and facilities within the local business centre, predominantly oriented to its immediate residential catchment (refer to **DEO.Econ.3**).
- 3.2 The establishment of small scale office developments, on the southern side of Falkinder Avenue, whilst ensuring that any new development does not adversely affect residential amenity and is in keeping with the residential character of the area (refer to **DEO.Soc.5**).
- 3.3 The introduction of residential development within the local business centre to achieve a greater sense of urbanity and community integration between residential and commercial activities (refer to **DEO.Econ.2**).
- 3.4 The preservation of visual links between the Paradise Point business centre and the Broadwater (refer to **DEO.Soc.1**).

### **4.0 LOCAL AREA FEATURES**

Paradise Point is a well established residential neighbourhood which is increasing in population and changing in character as a result of new residential development on the Sovereign Islands and infill development in the surrounding areas. It is also likely to be affected by the proposed resort development on Ephraim Island.

The Paradise Point Shopping Centre is a local shopping centre, shops, offices and community facilities. It serves an area bounded by Columbus Drive to the south, the Broadwater to the east, Coombabah Creek to the west and the Coomera River to the north. Paradise Point Shopping Centre is recognised

as one of the local centres for the northern part of the City. In this capacity, the centre will continue to provide for the convenience needs of its immediate catchment, while also catering for a limited amount of tourist shopping needs.

The increase in population and the changing character of the neighbourhood is likely to lead to some expansion and redevelopment of the shopping centre. There is a need, therefore, to identify the existing problems and strengths within the existing centre. The provision of pedestrian facilities, in particular, arcades linking The Esplanade with Grice Avenue, can be encouraged in redevelopment projects by way of plot ratio bonuses or a relaxation of car parking requirements. The development of off-street car parking facilities can be realised, by requiring the provision of parking areas in conjunction with development projects. In addition, Council may accept cash-in-lieu of car parking not provided on-site, to enable the acquisition and development of land for car parking purposes if, and when, required. Council may also use contributions to assist in the construction of additional angled car parking bays on the southern side of the Falkinder Avenue road reserve, adjacent to **Precinct 2**, or in any other area determined.

The LAP seeks to ensure that the amenity of existing residential areas is maintained and that commercial land uses are not permitted to negatively impact on these residential areas. A further objective of the surrounding medium density development areas is the achievement of diversity in townscape, urban character and built form. In this part of the city, it is Council's intention that the surrounding area is to be developed for attached dwellings and medium detached dwellings and low rise apartment buildings.

**5.0 LAND USE PRECINCTS**

The Paradise Point LAP area has been divided into three precincts. The precincts have distinctive characteristics, which make them distinct and are a reflection of existing land use patterns and the preferred future development pattern, for this local business centre. Accordingly, the planning requirements within each precinct vary. Specific requirements are also outlined in order to overcome existing and potential problems and enhance opportunities within the local business centre and its surrounds.

The precincts are:

- Precinct 1: Local Retail Centre
- Precinct 2: Small Office Area
- Precinct 3: Multi-Unit Development

These precincts are shown in **Paradise Point LAP Map 20.2 - Precincts**.

**5.1 Precinct 1: Intent for Local Centre**

This precinct comprises the area bounded by Bruce Avenue, The Esplanade and Falkinder Avenue, and includes the community centre and car park.

It is intended that this precinct contain the major commercial elements of the Paradise Point local business centre. Encouragement is given to the continued consolidated development of the centre, through redevelopment and upgrading of the centre, and by ensuring that fragmentation does not occur. It is intended that the area is to continue to be developed for a mixture of shops, offices and associated community and car parking uses that will service the convenience needs of residents in the Paradise Point area and the future needs of tourists.

Any increase in plot ratio that can be achieved in accordance with the Planning Scheme should ensure that buildings are neither of an excessive size nor out of character with development within both this

precinct and the surrounding area. There is substantial capacity within the centre to allow for additional floor space through redevelopment of existing buildings and, therefore, no expansion of the precinct is warranted. It is envisaged that applications to develop additional land for retail, office and associated commercial activities would not be supported, other than for offices within **Precinct 2**.

As this precinct is predominantly for commercial use, residential densities are required to be compatible with the surrounding residential area. Where residential development is proposed, it shall be provided above the ground floor, to ensure a continuity of shop fronts.

In order to achieve the parts of the local DEO relating to pedestrian and vehicle movement, Council will encourage the provision of pedestrian arcades, between The Esplanade and Grice Avenue and Grice Avenue to the car park. In order to reduce conflicts between vehicles and pedestrians, Council will restrict vehicular access in the centre to Hawthorn Lane and the western side of Grice Avenue. To further reduce vehicular conflicts, loading bays should be provided on-site and measures should be introduced to slow through traffic along The Esplanade.

For the purposes of enhancing visual amenity, linkages and the appearance the local business centre, new development is to provide setbacks for footpath widening and beautification along all street frontages in the centre.

## **5.2 Precinct 2: Intent for Small Office Area**

This precinct comprises the allotments of land fronting onto Falkinder Avenue, between Bayview Street and Joy Avenue.

This precinct is to provide for the establishment of a limited range of commercial uses, which will complement the adjoining centre by increasing the range of available services to the local area, without impinging on retail trade catchments. In accordance with the intent of this precinct, this precinct will be developed for a range of offices, commercial services, medical centres and medical complexes which directly serve the surrounding area.

Restrictions on land use and development parameters have been introduced to ensure that the precinct does not adversely impact on residential amenity. Accordingly, it is not intended that this area cater for shops or other retail facilities, and Council will oppose any expansion of this precinct into adjacent residential areas.

As the precinct adjoins residential properties, particular attention must be given to ensure that development will be of a scale, character and appearance which enhances the area and does not detract from the amenity of the surrounding residential development. Accordingly, the design of the buildings is to reflect residential architecture and is not to exceed three storeys. The landscaped setbacks and site coverage must be compatible with residential development, with extensive landscape planting provided to street frontages to soften the visual impact of the development and to screen exposed car park areas. Where the development area adjoins residential land, particular attention must be given to buffering the non-residential use with dense landscaping and screen fencing. Signage will be limited in order to minimise the adverse impact on visual amenity, and will be required to exhibit a common architectural theme.

## **5.3 Precinct 3 - Intent for Multi-Unit Development**

This precinct comprises land located immediately to the north and south of the Paradise Point local retail centre. The car park and sporting oval provide a satisfactory buffer to residential land to the west of the centre and, hence, that area has not been included in this LAP.

The intent of this precinct is to protect existing residential areas from intrusion by commercial land uses and to provide for multi-unit residential development to support the local retail centre. It is intended that only those ancillary land uses that do not have an adverse impact on the residential

amenity of the area will be permitted to establish within this precinct. Commercial uses should not be located within this precinct, but will be confined to **Precincts 1 and 2**, in accordance with the intent of this LAP.

The height and the density of residential development will complement the established low density, low rise character of this part of the City. Development will be encouraged to continue in this form, and should not exceed the maximum residential density of D1 and the maximum building height of three storeys set for this precinct.

It is envisaged that this precinct will be developed with medium density, low rise residential developments, with the dominant land use being apartment buildings. It is considered that the establishment of free standing non-residential uses would generally not be appropriate, due to the likely adverse impacts such developments would have on the existing residential amenity of the area. Only those ancillary uses that provide a direct service to on site residents may be acceptable. Land uses such as indoor recreation and medical centre may be better located within **Precinct 1**, in order to maintain the residential integrity of the precinct.

**6.0 PARADISE POINT LOCAL AREA PLAN TABLE OF DEVELOPMENT**

*Note: This table must be read in conjunction with the explanation provided in Part 6, Division 1, Chapter 2 - Using Local Area Plans.*

<b>A: MATERIAL CHANGE OF USE</b>			
<b>EXEMPT</b>	<b>SELF ASSESSABLE</b>	<b>CODE ASSESSABLE</b>	<b>IMPACT ASSESSABLE</b>
<b>Precinct 1 - Local Retail Centre</b>			
Family Day Care Home Home Office Low-Impact Telecommunications Facility Minor Change in the scale or intensity of an existing lawful use Park Special Accommodation	Cafe Commercial Services Convenience Shop Home Occupation Laundromat Restaurant (less than 150m <sup>2</sup> GFA) Shop Service Industry (Group A) Take-Away Food Premises Temporary Use	Apartment Caretaker’s Residence Fast Food Premises Market Medical Centre Office (less than 500m <sup>2</sup> GFA) Service Industry (Group B) Service Station n.e.i. Showroom Telecommunications Facilities n.e.i. Veterinary Clinic	Amusement Parlour Child Care Centre Community Care Centre Educational Establishment Hostel Accommodation Indoor Recreation Facility Minor Tourist Facility Motel Public Recreation Reception Room Restaurant n.e.i. Retail Plant Nursery Service Station where operating hours outside 7am to 7pm are proposed
<b>Precinct 2 - Small Office Area</b>			
Family Day Care Home Home Office Low-Impact Telecommunications Facility Minor Change in the scale or intensity of an existing lawful use Park Special Accommodation	Commercial Services n.e.i. Home Occupation Office (less than 500m <sup>2</sup> gross floor area) Temporary Use	Apartment Caretaker’s Residence Medical Centre Telecommunications Facilities n.e.i. Veterinary Clinic	Cafe Car Park Child Care Centre Community Care Centre Educational Establishment Hostel Accommodation Real Estate Agency

<b>A: MATERIAL CHANGE OF USE</b>			
<b>EXEMPT</b>	<b>SELF ASSESSABLE</b>	<b>CODE ASSESSABLE</b>	<b>IMPACT ASSESSABLE</b>
<b>Precinct 3 - Multi Unit Development</b>			
Family Day Care Home Low-Impact Telecommunications Facility Minor Change in the scale or intensity of an existing lawful use Park Private Recreation n.e.i. Special Accommodation	Detached Dwelling Home Office Private Recreation where lighting is proposed	Aged Persons Accommodation Apartment Attached Dwelling and Medium Density Detached Dwellings Bed and Breakfast Caretaker's Residence Convenience Shop Family Accommodation Home Occupation Telecommunications Facilities n.e.i.	Community Care Centre Child Care Centre Educational Establishment Hostel Accommodation Motel

<b>B: MATERIAL CHANGE OF USE OVERLAY PROVISIONS</b>			
<b>EXEMPT</b>	<b>SELF ASSESSABLE</b>	<b>CODE ASSESSABLE</b>	<b>IMPACT ASSESSABLE</b>
<b>Material Change of Use involving Building Work that:</b>			
			exceeds two storeys in height where the building is used for non- residential purposes OR exceeds three storeys in height, where the building is used for residential purposes or for a mixed use building, including residential use.
			exceeds a residential density of RD5 or one bedroom per 50m <sup>2</sup> of site area
		is on or adjoins a site listed on the <b>Queensland            Heritage Register            (Queensland Heritage            Act 1992)</b> or the <b>Register            of the National Estate            (Australian Heritage            Commission Act 1975)</b> or the <b>National Trust of            Queensland</b> list	
		is within or adjoins an allotment containing places, sites, or landscapes of indigenous cultural heritage significance listed on the <b>Queensland Heritage            Register - Cultural            Records (Landscapes            Queensland and</b>	

<b>B: MATERIAL CHANGE OF USE OVERLAY PROVISIONS</b>			
<b>EXEMPT</b>	<b>SELF ASSESSABLE</b>	<b>CODE ASSESSABLE</b>	<b>IMPACT ASSESSABLE</b>
<b>Material Change of Use involving Building Work that:</b>			
		Queensland Estate) Act 1987; OR is located on land which is the subject of a native title claim; OR is located on land that is known to the owner of the land and/or the developer to be of indigenous cultural heritage value	
	is on a site identified on the Domain Maps as being affected Future Road Requirement and complies with the Acceptable Solutions of Constraint Code 4 - Car Parking, Access and Transport Integration	is on a site identified on the Domain Maps as being affected Future Road Requirement and alternative solutions to the Acceptable Solutions of Constraint Code 4 - Car Parking, Access and Transport Integration are proposed	
			would result in a residential dwelling being located within 500 metres of a lot containing an extractive industry operation or resource (hard rock quarrying) or within 200 metres of a lot containing an extractive industry operation or resource (sand and gravel operations) as defined on Overlay Map OM23 - Extractive Resources

<b>C: OPERATIONAL WORK - CHANGES TO GROUND LEVEL</b>			
<b>EXEMPT</b>	<b>SELF ASSESSABLE</b>	<b>CODE ASSESSABLE</b>	<b>IMPACT ASSESSABLE</b>
<b>Operational Work that involves extraction, excavation or fill that:</b>			
		<b>Precincts 1 or 2:</b> exceeds a volume of 20 cubic metres of fill or excavation or is closer than two metres from the allotment boundary	
		<b>Precinct 3:</b> exceeds a volume of 50 cubic metres of fill or	

<b>C: OPERATIONAL WORK - CHANGES TO GROUND LEVEL</b>			
<b>EXEMPT</b>	<b>SELF ASSESSABLE</b>	<b>CODE ASSESSABLE</b>	<b>IMPACT ASSESSABLE</b>
<b>Operational Work that involves extraction, excavation or fill that:</b>			
		excavation or is closer than two metres from the allotment boundary	
		is within or adjoins a an allotment containing places, sites, or landscapes of indigenous cultural heritage significance listed on the <b>Queensland Heritage Register - Cultural Records (Landscapes Queensland and Queensland Estate) Act 1987</b> ; OR is located on land which is the subject of a native title claim; OR is located on land that is known to the owner of the land and/or the developer to be of indigenous cultural heritage value	

<b>D: OPERATIONAL WORK - ADVERTISING DEVICES</b>			
<b>EXEMPT</b>	<b>SELF ASSESSABLE</b>	<b>CODE ASSESSABLE</b>	<b>IMPACT ASSESSABLE</b>
	Advertising Device that is not internally illuminated nor animated, and where the total area of signage per ten metres of site frontage does not exceed the following, for each precinct: Precinct 1: 10m <sup>2</sup> Precinct 2: 10m <sup>2</sup> Precinct 3: 0.6m <sup>2</sup>	Advertising Device n.e.i	

<b>E: OPERATIONAL WORK - INFRASTRUCTURE AND LANDSCAPE WORK</b>			
<b>EXEMPT</b>	<b>SELF ASSESSABLE</b>	<b>CODE ASSESSABLE</b>	<b>IMPACT ASSESSABLE</b>
Minor Landscape Work		Landscape Work n.e.i.	
Landscape Work associated with a detached dwelling or a Caretaker's Residence.		Works for Infrastructure	

<b>F: OPERATIONAL WORK - VEGETATION CLEARING</b>			
<b>EXEMPT</b>	<b>SELF ASSESSABLE</b>	<b>CODE ASSESSABLE</b>	<b>IMPACT ASSESSABLE</b>
<b>Vegetation Clearing that:</b>			
	results in the removal of, or damage to, vegetation that is equal to, or in excess of, 40 centimetres in girth (circumference) measured at 1.3 metres above average ground level, and complies with the Acceptable Solutions of <b>Specific Development Code 36 - Vegetation Management</b>	results in the removal of, or damage to, vegetation that is equal to, or in excess, of 40 centimetres in girth (circumference) measured at 1.3 metres above average ground level, and alternate solutions to the <b>Acceptable Solutions of Specific Development Code 36 - Vegetation Management</b> are proposed	

<b>G: RECONFIGURING A LOT</b>			
<b>EXEMPT</b>	<b>SELF ASSESSABLE</b>	<b>CODE ASSESSABLE</b>	<b>IMPACT ASSESSABLE</b>
<b>Reconfiguring a Lot that:</b>			
		results in no lots with an area less than 1,000m <sup>2</sup> Or Entails only a Community Title Subdivision (including Standard Format Plans and/or Volumetric Lots) or a volumetric lot within a building, or a leasehold subdivision of an existing or approved development	results in one or more lots with an area less than 1,000m <sup>2</sup>
			Would create the potential for a residential dwelling to be located within 500 metres of a lot containing an extractive industry operation or resource (hard rock quarrying) or within 200 metres of a lot containing an extractive industry operation or resource (sand and gravel operations) as defined on <b>Overlay Map OM23 - Extractive Industry</b>

## 7.0 RELEVANT CODES

Codes relevant for development assessment in the Paradise Point LAP are listed below. The Place Code applies in all cases. A Specific Development Code will only apply if that specific development is proposed. A Constraint Code will only apply where the proposed development is directly impacted by the constraint that is the subject of that code.

### 7.1 Self Assessable Development

The following codes apply to development that is self assessable in the Paradise Point LAP area.

PLACE CODE	SPECIFIC DEVELOPMENT CODES	CONSTRAINT CODES
Paradise Point LAP Place Code	2 Advertising Devices 13 Detached Dwellings 24 Office 25 Private Recreation 27 Retail and Related Establishments 34 Temporary Use 36 Vegetation Management 38 Working from Home	4 Car Parking, Access and Transport Integration 8 Flood Affected Areas

### 7.2 Material Change of Use

The following codes apply to development that is code or impact assessable **Material Change of Use** in the Paradise Point LAP area.

PLACE CODE	SPECIFIC DEVELOPMENT CODES	CONSTRAINT CODES
Paradise Point LAP Place Code	3 Aged Persons Accommodation 6 Attached Dwellings and Medium Detached Dwellings 7 Bed and Breakfast Tourist Accommodation 10 Caretaker's Residence 12 Child Care Centres 16 Family Accommodation 21 Landscape Work 22 Low Rise Apartment Building 23 Low Rise Commercial Tourist Accommodation 24 Office 25 Private Recreation 27 Retail and Related Establishments 31 Service Stations 33 Telecommunications Facilities 38 Working from Home 39 Works for Infrastructure	4 Car Parking, Access and Transport Integration 5 Cultural Heritage (Historic) 6 Cultural Heritage (Indigenous) 8 Flood Affected Areas 13 Road Traffic Noise Management 14 Sediment and Erosion Control

### 7.3 Operational Work - Changes to Ground Level

The following codes apply to development that is self or code assessable **Operational Work - Changes to Ground Level** - extracting gravel, rock, sand or soil from the place where it occurs naturally, or excavating or filling that materially affects premises or their use in the Paradise Point LAP area.

PLACE CODE	SPECIFIC DEVELOPMENT CODES	CONSTRAINT CODES
Paradise Point LAP Place Code	11 Changes to Ground Level and Creation of New Waterbodies	4 Car Parking, Access and Transport Integration

PLACE CODE	SPECIFIC DEVELOPMENT CODES	CONSTRAINT CODES
		6 Cultural Heritage (Indigenous) 8 Flood Affected Areas 14 Sediment and Erosion Control

#### 7.4 Operational work - Advertising Devices, Landscape Work and Infrastructure

The following codes apply to development that is code assessable **Operational Work - Advertising Devices** (placing an Advertising Device on premises), **Landscape Work** (undertaking Landscape Work in on, over or under premises that materially affects premises or their use) or **Infrastructure** (undertaking Works for Infrastructure) in the Paradise Point LAP area.

PLACE CODE	SPECIFIC DEVELOPMENT CODES	CONSTRAINT CODES
Paradise Point LAP Place Code	2 Advertising Devices 21 Landscape Work 39 Works for Infrastructure	4 Car Parking, Access and Transport Integration 5 Cultural Heritage (Historic) 6 Cultural Heritage (Indigenous) 8 Flood Affected Areas 14 Sediment and Erosion Control

#### 7.5 Operational Work - Vegetation Clearing

The following codes apply to development that is code assessable **Operational Work - Vegetation Clearing** in the Paradise Point LAP area.

PLACE CODE	SPECIFIC DEVELOPMENT CODES	CONSTRAINT CODES
Paradise Point LAP Place Code	36 Vegetation Management	6 Cultural Heritage (Indigenous) 14 Sediment and Erosion Control

#### 7.6 Reconfiguring a Lot

The following codes apply to development that is code or impact assessable **Reconfiguring a Lot** in the Paradise Point LAP area.

PLACE CODE	SPECIFIC DEVELOPMENT CODES	CONSTRAINT CODES
Paradise Point LAP Place Code	11 Changes to Ground Level and Creation of New Waterbodies 21 Landscape Work 28 Reconfiguring a Lot 36 Vegetation Management 39 Works for Infrastructure	4 Car Parking, Access and Transport Integration 5 Cultural Heritage (Historic) 6 Cultural Heritage (Indigenous) 8 Flood Affected Areas 13 Road Traffic Noise Management 14 Sediment and Erosion Control

### 8.0 PARADISE POINT LAP PLACE CODE

#### 8.1 Purpose

This Place Code seeks to ensure that the scale and density of development and, in particular, the design and appearance of commercial premises, is consistent with the function of Paradise Point as a Local Activity Centre for its surrounding area.

## 8.2 Application

8.2.1 The Paradise Point LAP Place Code applies to development indicated as self, code or impact assessable in the Paradise Point LAP Table of Development at **Clause 6.0** of this LAP.

8.2.2 Performance Criteria PC1-PC24 apply to all code and impact assessable development in this LAP. For development identified as self assessable in **Clause 6.0**, only the Acceptable Solutions to Performance Criteria PC1-PC6 apply.

## 8.3 Development Requirements

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
<b>DEVELOPMENT THAT IS SELF ASSESSABLE, CODE ASSESSABLE OR IMPACT ASSESSABLE</b>	
<b>BUILDING HEIGHT</b>	
<p>PC1 All buildings must be limited in height to complement the local business centre character and to protect the residential amenity of adjoining areas.</p>	<p>AS1.1.1 The building has a maximum height of three storeys where the building is used for residential purposes or for a mixed use building, including residential use on the third storey. OR AS1.1.2 The building has a maximum height of two storeys, where the building is used for non-residential purposes.</p>
<b>ACCOMMODATION DENSITY</b>	
<p>PC2 Accommodation density must be consistent with the local centre character of Paradise Point. Accordingly, medium density development that can be comfortably accommodated on the development site and supports mixed uses in the town centre is appropriate.</p>	<p>AS2 The maximum dwelling density does not exceed RD5 or one bedroom per 50m<sup>2</sup> of site area.</p>
<b>SITE COVERAGE</b>	
<p>PC3 Site coverage must be consistent with the local centre character of Paradise Point. Accordingly, medium density development that can be comfortably accommodated on the development site and supports mixed uses in the town centre is appropriate.</p>	<p>AS3 The maximum site coverage for any development does not exceed 80% in <b>Precinct 1</b> and 60% in <b>Precincts 2 and 3</b>.</p>
<b>BUILDING SETBACK</b>	
<p>PC4 All buildings must provide for setbacks from the street frontage and from the side and rear boundaries, which are appropriate for: the efficient use of the site; the local centre character of the area; and the effective separation from neighbouring properties and from frontages to roads.</p>	<p><b>Precincts 1 and 2:</b> AS4.1.1 The first two storeys of the building are set back 2 metres from the frontage of the site. OR AS4.1.2 The first two storeys of the building are set back at a distance consistent with the frontage setback of any existing buildings on adjoining sites. If any of the adjoining buildings are built to the frontage boundary, no frontage setback is required. AS4.2.1 Where the site adjoins a commercial site, no side setback is provided. OR AS4.2.2</p>

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
	<p>Where the site adjoins a residential lot or public open space, all buildings or structures are sited a minimum of two metres from any boundary of a site.</p> <p><b>AS4.3</b> A rear setback of two metres is provided.</p> <p><b>Precinct 3:</b> <b>AS4.4</b> The building is set back not less than three metres from the frontage of the site and from the side and rear boundaries at not less than: 1.5 metres, measured from the outermost projection of that part of the building which is 4.5 metres or less above ground level; two metres, measured from the outermost projection of that part of the building which is greater than 4.5 metres but not greater than 7.5 metres above ground level; two metres, plus 0.5 metres for every three metres or part thereof, measured from the outer most projection of that part of the building which is greater than 7.5 metres above ground level.</p> <p><b>Precincts 1, 2 and 3:</b> <b>AS4.5</b> All buildings exceeding two storeys in height have their upper storeys set back from the lot boundaries, consistent with the following distances: a minimum of six metres from the frontage, in respect of that part of the building which exceeds two storeys in height; for side and rear boundary setbacks, two metres, for that part of the building, which is above the second storey but which does not exceed 7.5 metres above that storey; for side and rear boundary setbacks, two metres plus 0.5 metres for every three metres (or part thereof) of that part of the building which is greater than 7.5 metres above the second storey.</p>
<b>FRONTAGE CONTROL</b>	
<p><b>PC5</b> In <b>Precincts 1 and 2</b>, all commercial or mixed use buildings must be designed to achieve a continuous activity frontage for the local business centre, with ample space for pedestrian traffic.</p>	<p><b>AS5</b> In <b>Precincts 1 and 2</b>, at least 50% of the street frontage is used for retail and office purposes.</p>
<b>VEHICULAR CROSSINGS</b>	
<p><b>PC6</b> Vehicular crossings associated with the development must be designed and constructed to ensure:</p> <ol style="list-style-type: none"> <li>a safe footpath environment;</li> <li>safe vehicular access to the property;</li> <li>appropriate hydraulic performance of the stormwater infrastructure;</li> <li>no damage to vehicle or road infrastructure;</li> <li>minimal loss of on-street parking spaces;</li> <li>continued amenity of the neighbourhood.</li> </ol>	<p><b>AS6</b> The vehicular crossing is provided and designed in accordance with <b>Part 10, Division 1 - Standard Drawings:</b></p> <ul style="list-style-type: none"> <li><b>Drawing No. 59213 (Rural Access with Pipe Crossing);</b></li> <li><b>Drawing No. 59217 (Driveway and Verges Low Density Residential);</b></li> <li><b>Drawing No. 59218 (Driveways Industrial, Commercial and Multi-Unit Residential).</b></li> </ul> <p><i>Note: All vehicular crossings require an approval</i></p>

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
	<i>in accordance with Local Law No 11 - Roads and Malls.</i>
<b>DEVELOPMENT THAT IS CODE ASSESSABLE OR IMPACT ASSESSABLE</b>	
<b>SITING</b>	
<p>PC7 All buildings must be sited to complement the local business centre character and the built form of the surrounding area, and to reduce potential conflicts between uses having regard to a site analysis, prepared in accordance with <b>Planning Scheme Policy 17 - Site Analysis</b></p>	<p>AS7 The most appropriate location for the building on the site complies with the criteria in <b>PC4</b>, and is demonstrated by.</p>
<p>PC8 The layout of the site must provide a clear separation between the public access areas and the areas set aside for servicing the building</p>	<p>AS8 No acceptable solution provided.</p>
<b>BUILDING APPEARANCE AND SAFETY</b>	
<p>PC9 All buildings must be designed and constructed to a high aesthetic standard and to complement or enhance the character of the individual local business centre.</p>	<p>AS9.1 The massing and proportions of new commercial buildings is consistent with those of adjoining commercial buildings. AS9.2 Building materials, patterns, textures and colours used in new buildings are complementary to those of nearby buildings.</p>
<p>PC10 Building design and appearance must be conducive to the safety and comfort of all building users.</p>	<p>AS10.1 Glass which forms all or part of any external wall of a building does not exceed a maximum degree of reflection of both heat and light of 20%. The glass area does not exceed 60% of the total area of the external wall. AS10.2 All commercial buildings provide awnings which are cantilevered or suspended at a minimum width of 1.5 metres over the adjoining footway within the road reserve area. AS10.3 The location of equipment which has potential to create noise is designed to minimise the penetration of noise to dwelling units on the premises and to residential premises external to the site.</p>
<p>PC11 All car park areas must be designed and constructed to service the needs of all users of the development and to complement the character of the local business centre.</p>	<p>AS11.1 All car park areas are constructed and detailed to ensure they do not dominate the street frontage of the development. Car park areas provided at ground level are located behind dwellings or recessed behind the dwelling frontage. AS11.2 Building materials, patterns, textures and colours used in garage and carport structures are complementary to those of the principal building on the site.</p>

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
<b>ADVERTISING DEVICES</b>	
<p>PC12 All advertising devices must be designed and constructed to complement the character of the local business centre.</p>	<p><b>Precincts 1 and 2:</b> AS12.1 All signs are consistent with the provisions for the Local Business Domain, set out in <b>Specific Development Code 2 - Advertising Devices.</b> <b>Precinct 3:</b> AS12.2 All signs are consistent with the provisions for the Residential Choice Domain, set out <b>Specific Development Code 2 - Advertising Devices.</b></p>
<b>LANDSCAPE WORK</b>	
<p>PC13 All ground level car parking, open space and buffer areas must be landscaped and maintained to complement the character of the local business centre and any adjoining residential or public open space areas.</p>	<p>AS13 The car park area, open space and buffer areas of the lot are landscaped with landscape design and use of plant species generally consistent with that of adjacent and nearby lots. The landscape design may incorporate extensive paved areas for pedestrian use.</p>
<p><b>Precinct 2:</b> PC14 Developments must provide adequate landscaping to their main frontages and to other nominated boundaries.</p>	<p><b>Precinct 2:</b> AS14.1 The landscaped area for the development includes an area six metres wide adjoining the Falkinder Avenue frontage, three metres wide adjoining Joy Avenue and Bayview Street and one metre wide, adjoining the rear boundary. The rear boundary setback landscaped area is densely planted. AS14.2 For non-residential development, at least 30% of the site is landscaped at ground level.</p>
<b>LOT SIZE (FOR SUBDIVISION ONLY)</b>	
<p>PC15 All lots must be of sufficient size to comfortably accommodate a commercial building, a mixed use building or a medium density residential building.</p>	<p>AS15 The minimum lot size is not less than 1,000m<sup>2</sup>.</p>
<b>AMENITY PROTECTION</b>	
<p>PC16 The proposed use must not detract from the amenity of the local area, having regard, but not limited, to the impact of:</p> <ul style="list-style-type: none"> <li>a) noise;</li> <li>b) hours of operation;</li> <li>c) traffic;</li> <li>d) lighting;</li> <li>e) signage;</li> <li>f) visual amenity;</li> <li>g) privacy;</li> <li>h) odour and emissions.</li> </ul>	<p>AS16 No acceptable solution provided.</p>
<p>PC17 The proposed development must take into account and seek to ameliorate any negative aspects of the existing amenity of the local area, having regard, but not limited, to the existing impact of:</p>	<p>AS17 No acceptable solution provided.</p>

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
a) noise; b) hours of operation; c) traffic; d) lighting; e) signage; f) visual amenity; g) privacy; h) odour and emissions.	
<b>PLOT RATIO</b>	
<b>PC18</b> The bulk of the development proposal must be proportional to the character of the local area, with some bonus in floor space available where identified public benefits are provided.	<b>Precinct 1:</b> <b>AS18.1.1</b> The plot ratio of any development does not exceed 2:1, except that any residential floor space is not included in the calculation of the plot ratio. <b>OR</b> <b>AS18.1.2</b> The maximum commercial floor space exceeds a plot ratio of 2:1 where the development provides for a pedestrian arcade which links Grice Avenue east across Hawthorne Lane to the Esplanade, or Grice Avenue west to the car parking area. The pedestrian arcade has a minimum width of 3.5 metres and is open to the public during the development's normal trading hours. The gross floor area is increased over that achievable, with a plot ratio of 2:1, by an amount not exceeding twice the area provided by the eligible pedestrian arcade. Any residential floor space is not included in the calculation of the plot ratio. <b>Precinct 2:</b> <b>AS18.2</b> The plot ratio of any development does not exceed 0.8:1, except that any residential floor space is not included in the calculation of the plot ratio.
<b>CAR PARKING PROVISION</b>	
<b>PC19</b> All developments must provide adequate car parking.	<b>AS19.1.1</b> The number of car parking spaces provided is in accordance with the <b>AS16.1 of Constraint Code 4 - Car Parking, Access and Transport Integration.</b> <b>OR</b> <b>AS19.1.2</b> Where a development contains an arcade, as described in <b>AS20.1.2</b> , car parking is provided at the following rate: one space per 30m <sup>2</sup> of GFA, or part thereof: <ul style="list-style-type: none"> <li>• Café</li> <li>• Child Care Centre</li> <li>• Commercial Services</li> <li>• Fast Food Premises</li> <li>• Medical Centre</li> <li>• Nightclub</li> <li>• Office</li> <li>• Restaurant</li> <li>• Service Industry</li> <li>• Shop</li> <li>• Take-Away Food Premises</li> <li>• Tourist Facility</li> <li>• Tourist Shop</li> </ul>

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
	<ul style="list-style-type: none"> <li>all other development has car parking provided in accordance with <b>AS16.1 of Constraint Code 4 - Car Parking, Access and Transport Integration.</b></li> </ul> <p>AS19.2 For non-residential development, at least 90% of the car parking required pursuant to <b>AS18.1.1</b> or <b>AS18.1.2</b>, must be provided on site, with the balance (if any) provided nearby, or made subject to a cash-in-lieu of car parking agreement with Council.</p> <p>AS19.3 For residential development, 100% of the car parking required pursuant to <b>AS18.1.1</b> is provided on site.</p>
<b>PUBLIC CONVENIENCE FACILITIES WITHIN BUILDINGS</b>	
<p>PC20 Commercial developments must include public convenience facilities, where there is a need for their provision.</p>	<p>AS20 Where provided, public toilet facilities are open and readily accessible to the general public during retail trading hours or other trading hours relevant to the development.</p>
<b>VEHICULAR ACCESS AND LOADING BAYS</b>	
<p>PC21 Adequate facilities for the loading and unloading of goods must be provided to meet the needs of the development.</p>	<p>AS21 A loading area is provided on-site that is separated from the public access areas and readily accessible from all commercial tenancies on the site.</p>
<p>PC22 Potential conflicts between service vehicles and local traffic must be avoided.</p>	<p>AS22 New commercial development provides a loading bay, with access from Hawthorne Lane.</p>
<p>PC23 The Esplanade and Grice Avenue frontages of the local shopping centre must be protected from pedestrian/vehicular conflicts.</p>	<p>AS23 Vehicular access is not provided to properties via The Esplanade or the eastern side of Grice Avenue between Falkinder and Bruce Avenues. Instead, Hawthorne Lane provides vehicular access to the properties affected by this access restriction.</p>
<p>PC24 The development of land in <b>Precinct 2</b> must allow for the construction of a vehicle access lane between Bayview Street and Joy Avenue.</p>	<p>AS24.1 Development in <b>Precinct 2</b> provides a vehicle access easement, in favour of Council, for vehicle access purposes to allow for vehicle movements between Bayview Street to Joy Avenue. Access is provided through an integrated series of rear car parks that are paved and constructed in conjunction with developments fronting Falkinder Avenue.</p> <p>AS24.2 For development in <b>Precinct 2</b>, direct vehicle access is not provided to Falkinder Avenue.</p>