



Part 5 Domains

Division 2 Domains

Chapter 16 Private Open Space

1.0 Intent

This domain seeks to regulate the private open space areas of the Gold Coast City for recreational purposes. These areas include the major recreational theme parks and golf course facilities of the City. This domain also seeks to ensure that there is a high standard of landscape design and a built form which complements the open space character of this domain.

This domain applies to land that is intended to be used for resort open space or for commercial recreation facilities that are predominantly, but not exclusively, maintained as open space. Land included within this domain generally consists of large parcels that may form separate recreation establishments. In many cases, the land included within the Private Open Space Domain forms part of an integrated resort development. Land within this domain is often of importance for nature conservation values which need to be protected.

The Private Open Space Domain applies to private golf courses, major tourist attractions, such as theme parks, and to extensive areas of private gardens. It is accepted that access by the general public to land within this domain is restricted or controlled. It is envisaged that all land is to be subject to a concept plan or integrated Management Plan to guide future development.

2.0 Scope

This section is intended for all development subject to the Planning Scheme and located within the Private Open Space Domain area indicated in **Part 9, Division 4 – Domain Maps**.

The Table of Development, indicated in **Clause 3.0**, identifies the level of assessment for development occurring within this domain.

Other codes that may be relevant to the assessment of the development are listed in **Clause 4.0**.

It should be noted that self assessable development complies with the intent of this domain and therefore need only comply with the Place Code and any other identified relevant codes.

3.0 Table of Development

Note: *This table must be read in conjunction with the explanation provided in Part 5, Division 1, Chapter 2 – Using Domains.*

A: Material Change of Use

Exempt	Self Assessable	Code Assessable	Impact Assessable
Conservation (natural area management) Low-Impact Telecommunications Facility Minor Change in the scale or intensity of an existing lawful use Open Sports Ground n.e.i Park n.e.i Private Recreation n.e.i. Public Utility	Caretaker’s Residence Open Sports Ground where lighting is proposed and the site is located within the area identified on Overlay Map OM7 – Gold Coast Airport – Airport Environs Park where lighting is proposed and the site is located within the area identified on Overlay Map OM7 – Gold Coast Airport – Airport Environs Private Recreation where lighting is proposed Temporary Use	Telecommunications Facility n.e.i.	Amusement Parlour Apartment Aquaculture Attached Dwellings and Medium Density Detached Dwellings Cafe Convenience Shop Detached Dwelling Ecotourism Facility Fast Food Premises Indoor Recreation Facility Kennels Market Minor Tourist Facility Outdoor Sport & Recreation Reception Room Restaurant Restricted Club Take-Away Food Premises



Exempt	Self Assessable	Code Assessable	Impact Assessable
			Tavern Tourist Facility Tourist Shop

B: Material Change of Use Overlay Provisions

Exempt	Self Assessable	Code Assessable	Impact Assessable
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Material Change of Use involving Building Work that:

			exceeds three storeys or 11.5 metres in height
			exceeds one dwelling per lot
	is located on a site nominated as a Medium, High or Very High Risk Area on Overlay Map 16 – Areas of Unstable Soils and Areas of Potential Land Slip Hazard , and complies with the Acceptable Solutions of Constraint Code 16 – Steep Slopes or Unstable Soils	is located on a site nominated as a Medium, High or Very High Risk Area on Overlay Map 16 – Areas of Unstable Soils and Areas of Potential Land Slip Hazard , and alternative solutions to the Acceptable Solutions of Constraint Code 16 – Steep Slopes or Unstable Soils are proposed	
	is on a site located in a Medium or High Potential Bushfire Hazard Area, as identified on Overlay Map OM10 – Potential Bushfire Hazard Areas , and complies with the Acceptable Solutions of Constraint Code 2 – Bushfire Management Areas	is on a site located in a Medium or High Potential Bushfire Hazard Area, as identified on Overlay Map OM10 – Potential Bushfire Hazard Areas , and alternative solutions to the Acceptable Solutions of Constraint Code 2 – Bushfire Management Areas are proposed	
	is on a site identified on Overlay Map OM13 – Building Setback Line from Canals and Waterways as being affected by a waterway building setback, and is in compliance with the Acceptable Solutions of Constraint Code 3 – Canals and Waterways	is on a site identified on Overlay Map OM13 – Building Setback Line from Canals and Waterways as being affected by a waterway building setback, and alternative solutions to the Acceptable Solutions of Constraint Code 3 – Canals and Waterways are proposed	
		is on or adjoins a site 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	



Exempt	Self Assessable	Code Assessable	Impact Assessable
		<p>is within or adjoins an allotment containing places, sites, or landscapes of indigenous cultural heritage significance listed on the Queensland Heritage Register – Cultural Records (Landscapes Queensland and Queensland Estate) Act 1987;</p> <p>OR</p> <p>is located on land which is the subject of a native title claim;</p> <p>OR</p> <p>is located on land that is known to the owner and/or the developer to be of indigenous cultural heritage value</p>	
	<p>is within the Airport Environs area identified on Overlay Map OM7 – Gold Coast Airport – Airport Environs, and complies with the Acceptable Solutions for Heights of Buildings and Other Structures in Constraint Code 1 – Gold Coast Airport and Aviation Facilities</p>	<p>is within the Airport Environs area identified on Overlay Map OM7 – Gold Coast Airport – Airport Environs, and alternative solutions to the Acceptable Solutions for Heights of Buildings and Other Structures in Constraint Code 1 – Gold Coast Airport and Aviation Facilities are proposed</p>	
	<p>is on a site identified on Overlay Map OM8c – Gold Coast Airport – Noise Exposure Contours, as subject to the ANEF 20-40 Noise Exposure Contours, and complies with the Acceptable Solutions of Constraint Code 1 – Gold Coast Airport and Aviation Facilities</p>	<p>is on a site identified on Overlay Map OM8c – Gold Coast Airport – Noise Exposure Contours, as subject to the ANEF 20-40 Noise Exposure Contours, and alternatives to the Acceptable Solutions of Constraint Code 1 – Gold Coast Airport and Aviation Facilities are proposed</p>	
			<p>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</p>



Exempt	Self Assessable	Code Assessable	Impact Assessable
	is on a site identified on the Domain Maps as being affected by 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 by Future Road Requirement and alternative solutions to the Acceptable Solutions of Constraint Code 4 – Car Parking, Access and Transport Integration are proposed	

C: Operational Work – Changes to Ground Level

Exempt	Self Assessable	Code Assessable	Impact Assessable
Operational Work that involves extraction, excavation or fill that:			
		exceeds a volume of 100 cubic metres of fill or excavation, or is closer than 20 metres from the site boundary	
		is within or adjoins an allotment containing places, sites, or landscapes of indigenous cultural heritage significance listed on the Queensland Heritage Register – Cultural Records (Landscapes Queensland and 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 and/or the developer to be of indigenous cultural heritage value	



D: Operational Work – Advertising Device

Exempt	Self Assessable	Code Assessable	Impact Assessable
	<p>Advertising Device that is:</p> <p>a) Not illuminated, nor animated, does not exceed 5m², painted on or securely attached to a fence, wall or awning fascia and does not extend beyond the extremities thereof, including an outward projection of less than 30mm;</p> <p>b) Not illuminated, does not exceed 5m² and painted onto a blind or canopy;</p> <p>c) Not illuminated Bunting, Home Business, Real Estate Vendors, Security, Flag and Vertical Banner Sign where the total area of signage per street frontage does not exceed 0.6m²;</p> <p>d) Not visible from any State-controlled road</p>	<p>Advertising Devices n.e.i.</p>	

E: Operational Work – Infrastructure and Landscape Work

Exempt	Self Assessable	Code Assessable	Impact Assessable
Minor Landscape Work		Landscape Work n.e.i.	
Landscape Work associated with a Detached Dwelling or a Caretaker's Residence		Works for Infrastructure	

F: Operational Work – Vegetation Clearing

Exempt	Self Assessable	Code Assessable	Impact Assessable
Vegetation Clearing that:			
	<p>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 Specific Development Code 36 – Vegetation Management</p>	<p>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 Acceptable Solutions of Specific Development Code 36 – Vegetation Management are proposed</p>	<p>results in the removal of, or damage to, vegetation over which a Vegetation Protection Order has been made by Council</p>



G: Reconfiguring a Lot

Exempt	Self Assessable	Code Assessable	Impact Assessable
Reconfiguring a Lot that:			
		results in no lots with an area less than 4,000m ²	results in one or more lots with an area less than 4,000m ²
			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 Overlay Map OM23 – Extractive Resources

4.0 Relevant Codes

Codes relevant for development assessment in the Private Open Space Domain 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.

4.1 Self Assessable Development

The following codes apply to development that is self assessable in the Private Open Space Domain.

Place Code	Specific Development Codes	Constraint Codes
Private Open Space Domain Place Code	10 Caretaker's Residence 34 Temporary Use 36 Vegetation Management	1 Gold Coast Airport and Aviation Facilities 2 Bushfire Management Areas 3 Canals and Waterways 4 Car Parking, Access and Transport Integration 8 Flood Affected Areas 10 Nature Conservation 14 Sediment and Erosion Control 15 Service Roads (Pacific Motorway) 16 Steep Slopes or Unstable Soils



4.2 Material Change of Use

The following codes apply to development that is code or impact assessable **Material Change of Use** in the Private Open Space Domain.

Place Code	Specific Development Codes	Constraint Codes
Private Open Space Domain Place Code	5 Aquaculture 10 Caretaker's Residence 14 Display Homes and Estate Sales Offices 15 Ecotourism Facility 20 Kennels 21 Landscape Work 22 Low Rise Apartment Building 23 Low Rise Commercial Tourist Accommodation 27 Retail and Related Establishments 33 Telecommunications Facilities 36 Vegetation Management 38 Working From Home 39 Works for Infrastructure	1 Gold Coast Airport and Aviation Facilities 2 Bushfire Management Areas 3 Canals and Waterways 4 Car Parking, Access and Transport Integration 5 Cultural Heritage (Historic) 6 Cultural Heritage (Indigenous) 7 Dam Catchment Areas 8 Flood Affected Areas 9 Natural Wetland Areas and Natural Waterways 10 Nature Conservation 11 Ocean Front Land 12 Rail Corridor Environs 13 Road Traffic Noise Management 14 Sediment and Erosion Control 15 Service Roads (Pacific Motorway) 16 Steep Slopes or Unstable Soils 17 Unsewered Land

4.3 Operational Work – Changes to Ground Level

The following codes apply to development that is 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 Private Open Space Domain.

Place Code	Specific Development Codes	Constraint Codes
Private Open Space Domain Place Code	11 Changes to Ground Level and Creation of New Waterbodies	2 Bushfire Management Areas 3 Canals and Waterways 4 Car Parking, Access and Transport Integration 5 Cultural Heritage (Historic) 6 Cultural Heritage (Indigenous) 7 Dam Catchment Areas 8 Flood Affected Areas 9 Natural Wetland Areas and Natural Waterways 10 Nature Conservation 11 Ocean Front Land 14 Sediment and Erosion Control 15 Service Roads (Pacific Motorway) 16 Steep Slopes or Unstable Soils



4.4 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 Private Open Space Domain.

Place Code	Specific Development Codes	Constraint Codes
Private Open Space Domain Place Code	2 Advertising Devices 21 Landscape Work 39 Works for Infrastructure	2 Bushfire Management Areas 3 Canals and Waterways 4 Car Parking, Access and Transport Integration 5 Cultural Heritage (Historic) 6 Cultural Heritage (Indigenous) 7 Dam Catchment Areas 8 Flood Affected Areas 9 Natural Wetland Areas and Natural Waterways 10 Nature Conservation 11 Ocean Front Land 14 Sediment and Erosion Control 15 Service Roads (Pacific Motorway) 16 Steep Slopes or Unstable Soils

4.5 Operational Work – Vegetation Clearing

The following codes apply to development that is code assessable **Operational Work – Vegetation Clearing** in the Private Open Space Domain.

Place Code	Specific Development Codes	Constraint Codes
Private Open Space Domain Place Code	36 Vegetation Management	2 Bushfire Management Areas 5 Cultural Heritage (Historic) 6 Cultural Heritage (Indigenous) 7 Dam Catchment Areas 9 Natural Wetland Areas and Natural Waterways 10 Nature Conservation 11 Ocean Front Land 14 Sediment and Erosion Control 15 Service Roads (Pacific Motorway) 16 Steep Slopes or Unstable Soils



4.6 Reconfiguring a Lot

The following codes apply to development that is code or impact assessable **Reconfiguring a Lot** in the Private Open Space Domain.

Place Code	Specific Development Codes	Constraint Codes
Private Open Space Domain 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	2 Bushfire Management Areas 3 Canals and Waterways 4 Car Parking, Access and Transport Integration 5 Cultural Heritage (Historic) 6 Cultural Heritage (Indigenous) 7 Dam Catchment Areas 8 Flood Affected Areas 9 Natural Wetland Areas and Natural Waterways 10 Nature Conservation 11 Ocean Front Land 12 Rail Corridor Environs 13 Road Traffic Noise Management 14 Sediment and Erosion Control 15 Service Roads (Pacific Motorway) 16 Steep Slopes or Unstable Soils 17 Unsewered Land

5.0 Private Open Space Domain Place Code

5.1 Purpose

This code seeks to ensure that private open space areas are developed and maintained to promote an open space character that complements the landscape character of the local area, provides an attractive setting for a tourist facility and/or outdoor recreation activity, and protects nature conservation and environmental values on the site.

5.2 Application

- 5.2.1** The Place Code contained in this domain applies to development indicated as self, code or impact assessable in the Table of Development at **Clause 3.0**.
- 5.2.2** Performance Criteria PC1-PC17 apply to all code and impact assessable development in this domain. For development identified as self assessable in **Clause 3.0**, only the Acceptable Solutions to Performance Criteria PC1-PC6 apply.

5.3 Development Requirements

Performance Criteria	Acceptable Solutions
Development that is Self Assessable, Code Assessable or Impact Assessable	

Building Height

PC1 All buildings must be of a height which is in keeping with the predominantly open space character of the surrounding area. Building height must not result in a significant loss of visual amenity.	AS1.1.1 The building is not more than 8.5 metres in height and has a maximum of two storeys. OR AS1.1.2 The building is not more than 11.5 metres in height, and has a maximum of three storeys, and is set back at a minimum of ten metres from all site boundaries.
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Performance Criteria	Acceptable Solutions
Building Setback	
<p>PC2 The building must provide for setbacks from the street frontage and the side and rear boundaries to maintain a physical and visual separation from the road frontage of the site and from any buildings on adjoining sites.</p>	<p>AS2 The building is set back a minimum of ten metres from the principal road frontage and six metres from any other boundary of the site.</p>
<p>PC3 All buildings must provide for setbacks from water courses/waterways which are appropriate to ensure the protection of water quality in those watercourses and riparian vegetation associated with those watercourses.</p>	<p>PC3 All buildings are set back not less than 30 metres from the tip of the high bank of a waterway as identified on Overlay Map 11 (where no definable bank is present, the set back is to be measured from the normal water level.)</p>
Accommodation Density	
<p>PC4 Accommodation density must be low to maintain and enhance the quality of the open space landscape.</p>	<p>AS4 The maximum dwelling density does not exceed one dwelling per lot for permanent residences.</p>
Site Coverage	
<p>PC5 The site coverage of all buildings must not result in a built form that is bulky and visually intrusive.</p>	<p>AS5 The site coverage of all buildings is not greater than 10% of the site area unless a Specific Development Code provides for a lesser site coverage.</p>
Vehicular Crossings	
<p>PC6 Vehicular crossings associated with the development must be designed and constructed to ensure:</p> <ol style="list-style-type: none"> a safe footpath environment; safe vehicular access to the property; appropriate hydraulic performance of the stormwater infrastructure; no damage to vehicle or road infrastructure; minimal loss of on-street parking spaces; continued amenity of the neighbourhood. 	<p>AS6 Driveways are designed and constructed in accordance with relevant sections of Planning Scheme Policy 11 – Land Development Guidelines.</p>
Development that is Code Assessable or Impact Assessable	
Building Height	
<p>PC7 All buildings must be of a height which is in keeping with the predominantly open space character of the surrounding area. Building height must not result in a significant loss of visual amenity.</p>	<p>AS7 The building and/or structure is ancillary to the development, exceeds 11.5 metres in height, and does not include any office, restaurant, residential or retail floor space.</p>
Siting	
<p>PC8 All buildings must be sited to complement the natural landscapes and topographical features of the site and the surrounding private open space area, having regard to:</p> <ol style="list-style-type: none"> significant views and vistas; natural water systems; remnant vegetation; a site analysis, prepared in accordance with Planning Scheme 17 – Site Analysis. 	<p>AS8 No acceptable solution provided.</p>



Performance Criteria	Acceptable Solutions
Building Appearance	
<p>PC9 All buildings must be designed and constructed to a high aesthetic standard and to complement or enhance the character of the local area.</p>	<p>AS9.1 The massing and proportions of new buildings are consistent with those of other local buildings.</p> <p>AS9.2 Building materials, patterns, textures and colours used in new buildings are complementary to those of other local buildings.</p>
Advertising Devices	
<p>PC10 All signage should be complementary to the design and style of the buildings on the site on which it is located and to signs and development on adjoining sites. All advertising devices must be designed and constructed to complement the local character of the area.</p>	<p>AS10.1 All buildings, with a commercial use component, contain signage envelopes on the exterior of the frontages of the building structure to enable the signage requirements of the end use business operation to be satisfied. Such signage envelopes allow for signage, which does not dominate the facade and which complements the design of the building.</p> <p>AS10.2 Freestanding signs complement the design of the buildings to which they relate, do not dominate the streetscape of a locality, are compatible with signage on adjoining sites, and clearly identify the product or business being promoted.</p>
Landscape Work	
<p>PC11 Landscaping proposals for new development must clearly contribute to the protection and enhancement of the existing dominant visual features of the local area.</p>	<p>AS11 No acceptable solution provided.</p>
<p>PC12 All car parking areas must be designed to service the needs of all users to the site and must not dominate the street frontage.</p>	<p>AS12.1 The car parking area is: a) set back a minimum of ten metres from the frontage of the site; b) integrated with the public access points of the building; and c) located to the side or the rear of the main building on the site.</p> <p>AS12.2 Buffering is provided in the setback area, between the frontage of the site and the car park.</p>
<p>PC13 All ground level car parking, open space and buffer areas must be landscaped and maintained to complement the character of the local area 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 design and use of plant species generally consistent with that of adjacent and nearby lots. The design may incorporate extensive paved areas for pedestrian use.</p>
Amenity Protection	
<p>PC14 The proposed use must not detract from the amenity of the local area, having regard, but not limited, to the impact of: a) noise; b) hours of operation; c) traffic; d) lighting; e) signage; f) visual amenity; g) privacy; h) odour and emissions.</p>	<p>AS14 No acceptable solution provided.</p>



Performance Criteria	Acceptable Solutions
<p>PC15 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> <ul style="list-style-type: none"> a) noise; b) hours of operation; c) traffic; d) lighting; e) signage; f) visual amenity; g) privacy; h) odour and emissions. 	<p>AS15 No acceptable solution provided.</p>

Storage

<p>PC16 Ancillary storage of goods or materials in open areas must be presented in a manner that does not detract from the visual amenity of the local area.</p>	<p>AS16.1.1 Equipment, materials, machinery and/or tools of trade, used in any business profession, trade or hobby, are housed in a Class 10 building as defined in the Building Code of Australia.</p> <p>OR</p> <p>AS16.1.2 Equipment, materials, machinery and/or tools of the trade used in any business, profession, trade or hobby are stored behind the front building setback of the property and effectively screened from view.</p>
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Environmental Protection

<p>PC17 The development must avoid detrimental impact on the natural environment by:</p> <ul style="list-style-type: none"> a) conserving to the greatest extent possible the nature conservation and environmental values of the site and its surrounds; b) minimising site disturbance, erosion and loss of soil; c) avoiding changes to ground level wherever possible; d) minimising impacts due to changes in the quantity and quality of stormwater. 	<p>AS17 No acceptable solution provided.</p>
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5.4 Land Management Plan and Plan of Development Guidelines

All land included within the Private Open Space Domain should be controlled by an approved Management Plan. Any development must comply with the provisions of such a Management Plan and an approved Plan of Development to be prepared in association with the Management Plan, to the satisfaction of Council, or its delegate.

The Management Plan and Plan of Development will have the following characteristics:

- the Management Plan is to regulate proposed activities on the land to ensure its open space and recreation values are protected; and
- the Plan of Development must clearly identify the location and extent of any buildings and their curtilage and any work that is intended to take place on the subject land.

The level of detail required for the preparation of a Management Plan and a Plan of Development will vary from site to site, according to the area of land involved and the range of activities proposed for that land.