

# PART 8 OVERLAY CODES

## *Division 1 Preliminary*

### 8.1 Overlay Codes

The provisions in this part comprise the following:

- (1) Assessment tables for each type of Overlay Code as follows:
  - (a) Bushfire Management Overlay Code (**Division 2**); .....8-2
  - (b) Coastal Management and Biodiversity Overlay Code (**Division 4**); .....8-8
  - (c) Character/Heritage Protection Overlay Code (**Division 6**); .....8-19
  - (d) Development in the Vicinity of Mackay Airport Overlay Code (**Division 8**); .....8-25
  - (e) Development on Steep Land Overlay Code (**Division 10**); .....8-33
  - (f) Flood and Inundation Management Overlay Code (**Division 12**); .....8-39
  - (g) Good Quality Agricultural Land Overlay Code (**Division 14**); .....8-48
  - (h) Landscape Character Overlay Code (**Division 16**); .....8-54
  - (i) Acid Sulfate Soils Overlay Code (**Division 18**); .....8-61
- (2) Assessment criteria for each type of Overlay Code as follows:
  - (a) Bushfire Management Overlay Code (**Division 3**); .....8-5
  - (b) Coastal Management and Biodiversity Overlay Code (**Division 5**); .....8-11
  - (c) Character Heritage Protection Overlay Code (**Division 7**); .....8-22
  - (d) Development in the Vicinity of Mackay Airport Overlay Code (**Division 9**); .....8-28
  - (e) Development on Steep Land Overlay Code (**Division 11**); .....8-36
  - (f) Flood and Inundation Management Overlay Code (**Division 13**); .....8-42
  - (g) Good Quality Agricultural Land Overlay Code (**Division 15**); .....8-51
  - (h) Landscape Character Overlay Code (**Division 17**); .....8-57
  - (i) Acid Sulfate Soils Overlay Code (**Division 19**); .....8-64

## *Division 2 Assessment Tables for Bushfire Management Overlay Code*

### **8.2 Assessment categories for Bushfire Management Overlay**

- (1) The assessment categories are identified for development affected by the Bushfire Management Overlay in column 2 of **Table 8-1** and **Table 8-2** as follows:
  - (a) **Table 8-1** making a material change of use<sup>1</sup> for a defined use, listed in column 1;
  - (b) **Table 8-2** other development listed in column 1 including:
    - (i) reconfiguring a lot; and
    - (ii) other.

### **8.3 Relevant assessment criteria for development affected by Bushfire Management Overlay**

- (1) The relevant assessment criteria for development affected by the Bushfire Management Overlay is referred to in column 3 of **Table 8-1** and **Table 8-2**.
- (2) For self-assessable development and code assessable development, the relevant assessment criteria are the applicable codes.

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<sup>1</sup> Development associated with an application for a material change of use may be assessed together with the material change of use.

**Table 8-1 Assessment Categories and Relevant Assessment Criteria for Bushfire Management Overlay Code – Making a Material Change of Use**

Notes-

(1) Zones also affect assessment categories. See zone Map to determine the zone of the land. Also see Section 1.11(3) explaining how the higher assessment category prevails.

(2) Land identified within the 'High Risk Bushfire Hazard Area' as indicated on the Bushfire Management Overlay Map, is designated a 'bushfire prone area' for the purposes of Section 55 of the Standard Building Regulation 1993, and the medium category bushfire protection provisions of the Building Code of Australia apply.

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Relevant assessment criteria <sup>2</sup> - applicable code if development is self-assessable or requires code assessment
Accommodation Units Bed and Breakfast Accommodation Caravan Park Catering Shop Child Care Centre Dual Occupancy Educational Establishment Hospital Hotel Indoor Entertainment Institution Local Community Facility Motel Multiple Dwelling Units Place of Worship Shopping Centre Tourist Facility Transport Terminal	<p><b>Code Assessable</b> where located on land located within, or within 50m of, a Medium Risk Bushfire Hazard area and to land located within, or within 100m of, a High Risk Bushfire Hazard area, as indicated on the Bushfire Management Overlay Map.</p> <p><b>Exempt</b> where the criteria for Code assessable do not apply.</p>	Bushfire Management Overlay Code
Other	<b>Exempt</b>	

<sup>2</sup> For impact assessable development, 'relevant assessment criteria' are provided to assist the preparation of an application and in no way affect the regard given to the planning scheme as a whole in accordance with Section 3.5.5 of the IPA.

**Table 8-2 Assessment Categories and Relevant Assessment Criteria for Bushfire Management Overlay - Other Development**

*Note-*

*Zones also affect assessment categories. See zone Map to determine the zone of the land. Also see Section 1.11(3) explaining how the higher assessment category prevails.*

Column 1 Type of Development	Column 2 Assessment Category	Column 3 Relevant assessment criteria - applicable code if development is self-assessable or requires code assessment
Reconfiguring a lot	<p><b>Code Assessable</b> where located on land:</p> <ul style="list-style-type: none"> <li>(i) in a bushfire hazard area, as defined in this code and as indicated on the Bushfire Management Overlay Map: or</li> <li>(ii) within 50 m of a medium risk bushfire hazard area; or</li> <li>(iii) within 100m of a high risk bushfire hazard area.</li> </ul> <p><b>Exempt</b> where the criteria for Code assessable do not apply.</p>	Bushfire Management Overlay Code
Other	<b>Exempt</b>	

## *Division 3 Assessment Criteria for Bushfire Management Overlay Code*

### **8.4 Bushfire Management Overlay Code**

- (1) The provisions in this division comprise the Bushfire Management Overlay Code as follows:
  - (a) Compliance with Bushfire Management Overlay Code (**Section 8.6**).
  - (b) Overall outcomes for Bushfire Management Overlay Code (**Section 8.7**).
  - (c) Effects of development in a Bushfire Hazard Area (**Section 8.8**).

### **8.5 Compliance with Bushfire Management Overlay Code**

- (1) Compliance with the code is achieved when assessable development is consistent with the specific outcomes in **Section 8.8**.
- (2) Compliance with the Bushfire Management Overlay code is achieved when self-assessable development is consistent with the acceptable solutions in **Section 8.8**.

### **8.6 Definitions**

**Note:** This code is to be read in conjunction with the Bushfire Management Planning Scheme Policy.

**“Bushfire Hazard Area”** is the area indicated on the **Bushfire Management Overlay Map**, and included within a ‘medium risk bushfire hazard area’ or within 50m of a medium risk bushfire hazard area; or included within a ‘high risk bushfire hazard area’, or within 100m of a medium risk bushfire hazard area.

### **8.7 Overall outcomes for Bushfire Management Overlay Code**

- (1) The overall outcomes are the purpose of the Bushfire Management Overlay code.
- (2) The overall outcomes sought for the Bushfire Management Overlay are to ensure:
  - (a) the safety of people and property is protected from unreasonable risk from bushfire hazard;
  - (b) development is designed and located to minimise hazard from bushfire;
  - (c) costs to the community arising from bushfire are minimised;
  - (d) infrastructure necessary for the mitigation of bushfire hazard is readily available; and
  - (e) activities which may create a bushfire hazard are avoided.

### **8.8 Effects of Development in a Bushfire Hazard Area**

- (1) The specific outcomes and acceptable/probable solutions are as follows:

Specific Outcomes		Acceptable / Probable Solutions	
Assessable Development			
<p>P1 Development maintains the safety of people and property by:</p> <ul style="list-style-type: none"> <li>(i) avoiding the areas of High or Medium bushfire hazard as indicated on the Bushfire Management Overlay Map; or</li> <li>(ii) mitigating the risk through: <ul style="list-style-type: none"> <li>(a) allotment design and the appropriate siting of building; and</li> <li>(b) including firebreaks that provide adequate setback between buildings / structures and hazardous vegetation and access for fire fighting and other emergency vehicles; and</li> <li>(c) providing adequate road access for fire fighting and other emergency vehicles and safe evacuations; and</li> <li>(d) providing an adequate and accessible water supply for firefighting purposes.</li> </ul> </li> </ul> <p><b>Note:</b> To assist Council in assessing an application for Assessable Development in a bushfire hazard area information should be provided as detailed in the Bushfire Management Planning Scheme Policy.</p>	<p>S1.1 Development is located on land that is not subject to High or Medium bushfire hazard as indicated on the Bushfire Management Overlay Map; or</p> <p>S1.2 For all development:</p> <ul style="list-style-type: none"> <li>(i) buildings and structures on lots greater than 2,500m<sup>2</sup>; <ul style="list-style-type: none"> <li>(a) achieve setbacks from vegetation of 1.5 times the predominant mature canopy tree height or 10 m, whichever is greater; or</li> <li>(b) 10 m from any retained vegetation strips or small areas of vegetation;</li> </ul> </li> <li>(ii) buildings and structures on lots 2,500m<sup>2</sup> or less are serviced by the following: <ul style="list-style-type: none"> <li>(a) a reticulated water supply that has sufficient flow and pressure characteristics for fire fighting purposes at all times (minimum pressure flow of 10 litres a second at 200 KPA); or</li> <li>(b) an on site storage of not less than 5,000 litres (e.g. accessible dam or tank with fire brigade fittings, or swimming pool).</li> </ul> </li> </ul> <p>S1.3 Firebreaks are provided by:</p> <ul style="list-style-type: none"> <li>(i) a perimeter road that separates lots from areas of bushfire hazard and that road has: <ul style="list-style-type: none"> <li>(a) a minimum cleared width of 20m; and</li> <li>(b) a constructed road width and all weather standard in accordance with Engineering Standards Planning Scheme Policy or</li> </ul> </li> <li>(ii) fire maintenance trails which: <ul style="list-style-type: none"> <li>(a) have a minimum cleared width of 6m;</li> <li>(b) have vehicular access at each end;</li> <li>(c) provide passing bays and turning areas for firefighting appliances;</li> <li>(d) are either located on public land, or within an access easement that is granted in favour of Council and QFRS; and</li> <li>(e) cleared breaks of 6m minimum width are provided within retained bushland within the site (e.g. creek corridors and other retained vegetation) to allow burning of sections and access for bushfire response.</li> </ul> </li> </ul>		
<p>P2 For development that will result in multiple buildings or lots (being Community Title Lots):</p> <ul style="list-style-type: none"> <li>(i) buildings and structures are sited on lots that are designed so that their size and shape allow for:</li> </ul>	<p>S2 No solution specified.</p>		

Specific Outcomes		Acceptable / Probable Solutions	
	<ul style="list-style-type: none"> <li>(a) efficient emergency access to buildings for firefighting appliances (e.g. by avoiding long narrow lots with long access drive to buildings);</li> <li>(b) setbacks and buildings siting in accordance with 1.2 above.</li> </ul>		
P3	Roads have: <ul style="list-style-type: none"> <li>(i) a maximum gradient of 12.5%;</li> <li>(ii) exclude cul de sacs, except where a perimeter road isolates the development from hazardous vegetation or the cul de sac is provided with an alternative access linking the cul de sac to other through roads.</li> </ul>	S3	No solution specified.
<b>Hazardous Materials</b>			
P4	Public safety and the environment are not adversely affected by the detrimental impacts of bushfire on hazardous materials manufactured or stored in bulk.	S4	No solution specified.

## *Division 4 Assessment Tables for Coastal Management and Biodiversity Overlay Code*

### **8.9 Assessment categories for Coastal Management and Biodiversity Overlay**

- (1) The assessment categories are identified for development affected by the Coastal Management and Biodiversity Overlay in column 2 of **Table 8-3** and **Table 8-4**:
  - (a) **Table 8-3** making a material change of use<sup>3</sup> for a defined use, listed in column 1;
  - (b) **Table 8-4** other development listed in column 1 including:
    - (i) reconfiguring a lot;
    - (ii) carrying out operational work associated with reconfiguring a lot;
    - (iii) carrying out operational work not associated with a material change of use or reconfiguring a lot and involving earthworks including filling or excavation of land; and
    - (iv) other.

### **8.10 Relevant assessment criteria for development affected by Coastal Management and Biodiversity Overlay**

- (1) The relevant assessment criteria for development affected by the Coastal Management and Biodiversity Overlay is referred to in column 3 of **Table 8-3** and **Table 8-4**.
- (2) For self-assessable development and code assessable development, the relevant assessment criteria are the applicable codes.

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<sup>3</sup> Development associated with an application for a material change of use may be assessed together with the material change of use.



**Table 8-3 Assessment Categories and Relevant Assessment Criteria for Coastal Management and Biodiversity Overlay – Making a Material Change of Use**

Note-

Zones also affect assessment categories. See zone Map to determine the zone on the land. Also see Section 1.11 (3) explaining how the higher assessment category prevails.

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Relevant assessment criteria <sup>4</sup> - applicable code if development is self-assessable or requires code assessment
All except: Bed and breakfast Accommodation Caretakers Residence Dependent Person's Accommodation Dwelling House Family Day Care Home Occupation Home Based Business Outdoor Entertainment Residential Storage Shed	<p><b>Code Assessable</b> where located on land within a Coastal Wetland Area, or within the 100 m Buffer Area as indicated on a Coastal Management and Biodiversity Overlay Map.</p> <p><b>Exempt</b> where the criteria for Code assessable do not apply.</p>	Bushfire Management Overlay Code
Other	<b>Exempt</b>	

<sup>4</sup> For impact assessable development, 'relevant assessment criteria' are provided to assist the preparation of an application and in no way affect the regard given to the planning scheme as a whole in accordance with Section 3.5.5 of the IPA.

**Table 8-4 Assessment Categories and Relevant Assessment Criteria for Coastal Management and Biodiversity Overlay – Other Development**

Note-

Zones also affect assessment categories. See zone Map to determine the zone of the land. Also see Section 1.11 (3) explaining how the higher assessment category prevails.

Column 1 Type of Development	Column 2 Assessment Category	Column 3 Relevant assessment criteria <sup>5</sup> - applicable code if development is self-assessable or requires code assessment
Reconfiguring a lot	<p><b>Code Assessable</b> where located on land within any area identified on a Coastal Management and Biodiversity Overlay Map as follows:</p> <ul style="list-style-type: none"> <li>(i) coastal Wetland Areas; or</li> <li>(ii) 100m buffer area.</li> </ul> <p><b>Exempt</b> where the criteria for Code assessable do not apply.</p>	Coastal Management and Biodiversity Overlay Code
Carrying out operational work associated with reconfiguring a lot	<p><b>Code Assessable</b> where:</p> <ul style="list-style-type: none"> <li>(i) there is any excavation of filling of land; and</li> <li>(ii) located on land within any area on a Coastal Management and Biodiversity Overlay Map as follows: <ul style="list-style-type: none"> <li>(a) Coastal Wetlands Areas; or</li> <li>(b) 100m buffer area.</li> </ul> </li> </ul> <p><b>Exempt</b> where the criteria for Code assessable do not apply.</p>	Coastal Management and Biodiversity Overlay Code
Carrying out operational work not associated with a material change of use or reconfiguring a lot; and involving earthworks including filling or excavation of land	<p><b>Code Assessable</b> where:</p> <ul style="list-style-type: none"> <li>(i) there is any excavation of filling of land; and</li> <li>(ii) located on land within any area on a Coastal Management and Biodiversity Overlay Map as follows: <ul style="list-style-type: none"> <li>(a) coastal Wetlands Areas; or</li> <li>(b) 100m buffer area.</li> </ul> </li> </ul> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Coastal Management and Biodiversity Overlay Code
Other	<b>Exempt</b>	

<sup>5</sup> For impact assessable development, 'relevant assessment criteria' are provided to assist the preparation of an application and in no way affect the regard given to the planning scheme as a whole in accordance with Section 3.5.5 of the IPA.

## *Division 5 Assessment Criteria for Coastal Management and Biodiversity Overlay Code*

### **8.11 Coastal Management and Biodiversity Overlay Code**

- (1) The provisions in this division comprise the Coastal Management and Biodiversity Overlay code as follows:
  - (a) Compliance with Coastal Management and Biodiversity Overlay Code (**Section 8.12**).
  - (b) Overall outcomes for Coastal Management and Biodiversity Overlay Code (**Section 8.15**).
  - (c) Effects of Development in Coastal Management and Biodiversity Areas (**Section 8.16**).

### **8.12 Compliance with Coastal Management and Biodiversity Overlay Code**

- (1) Compliance with the Coastal Management and Biodiversity Overlay Code is achieved when assessable development is consistent with the specific outcomes in **Section 8.15**.

### **8.13 Definitions**

**Note:** This code is to be read in conjunction with the Erosion Prone Area Planning Scheme Policy.

**“Coastal Dependent Development”** is development which requires a waterfront location or physical access to water to be able to function.

**“Coastal Hazards”** include events such as erosion, storm tide inundation and cyclone effects.

### **8.14 Overall Outcomes for Coastal Management and Biodiversity Overlay Code**

- (1) The overall outcomes are the purpose of the Coastal Management and Biodiversity Overlay Code.
- (2) The overall outcomes sought for the Coastal Management and Biodiversity Overlay Code are as follows:
  - (a) biodiversity is safeguarded for future generations through:
    - (i) the conservation and management of a range of habitats (both aquatic and terrestrial) including coastal habitats, riparian areas and World Heritage Areas;
    - (ii) the protection of species (including rare and threatened species) and wildlife nesting and breeding areas (turtles and shorebirds) by retaining the coast in its natural or non-urban state outside of existing urban areas; and
    - (iii) the provision of corridors linking vegetated areas to provide connectivity.
  - (b) loss of vegetation, including riparian vegetation, is minimised in sensitive coastal environments.
  - (c) fauna is protected by ensuring connectivity of ecosystems is maintained and re-established.

- (d) significant coastal wetland communities, remain largely undeveloped and are provided with suitable buffers to adjoining development in order to maintain:
  - (i) the values and functions of salt flats to retain estuarine viability;
  - (ii) habitat for rare, threatened and migratory species;
  - (iii) fishery habitats;
  - (iv) the role of wetlands in providing protection to coastal hazards; and
  - (v) natural characteristics of wetlands including topography, groundwater, and plant and animal species.
- (e) significant biodiversity and habitat areas, remain largely undeveloped and are provided with suitable buffers to adjoining development in order to maintain:
  - (i) the values and functions of these areas;
  - (ii) habitat for rare, threatened and migratory species; and
  - (iii) natural characteristics of these areas including topography, groundwater, and plant and animal species.
- (f) the coastal zone is protected from incompatible development to maintain natural coastal processes and tidal regimes including the long-term stability of dunes and other types of coastal land forms.
- (g) significant adverse effects of development on fisheries, fishing grounds, spawning and nursery areas are minimised.
- (h) reconfiguration of lots in the coastal zones minimises impacts on sensitive environments and facilitates public access.
- (i) development reflects water sensitive urban design principles.
- (j) public access to and along the coast meets the public expectations for access to the coast, without detrimentally affecting the environmental values of the coast.
- (k) extractive industry is minimised in the sensitive coastal environments to prevent adverse impacts on coastal resources, processes, and habitats.
- (l) risks to life and property resulting from hazards, including natural hazards, in coastal locations are minimised.

## 8.15 Effects of Development in Coastal Management Areas and Biodiversity

(1) The specific outcomes and acceptable/probable solution are as follows:

Specific Outcomes		Acceptable / Probable Solutions	
<b>Assessable Development</b>			
<b>Development in Coastal Areas</b>			
P1	Urban expansion into non-urban zones does not locate within, or impact on: <ul style="list-style-type: none"> <li>(i) significant coastal wetlands;</li> <li>(ii) riparian areas;</li> <li>(iii) sites containing important coastal resources of economic, social, cultural and ecological value (including significant dune systems and endangered regional ecosystems); and</li> <li>(iv) areas identified as having, or the potential to have, unacceptable risk from coastal hazards.</li> </ul>	S1	No solution specified.
<b>Nature Conservation Areas</b>			
Specific Outcomes		Acceptable / Probable Solutions	
<b>Assessable Development</b>			
<b>Habitats of Rare, Threatened or Endangered Species</b>			
P1	Ecological values and functions are protected, on: <ul style="list-style-type: none"> <li>(i) land abutting shorebird habitat areas is developed in a manner consistent with the protection of the use of the habitat by shorebirds; and</li> <li>(ii) land within 500 m of turtle nesting beaches are protected from incompatible development.</li> </ul>	S1.1	Where development is proposed on land within or abutting habitat areas development other than for conservation purposes is minimised.
		S1.2	Where land is abutting shorebird habitat areas: <ul style="list-style-type: none"> <li>(i) a vegetated buffer is maintained to prevent conflict;</li> <li>(ii) public access is minimised and managed to avoid adverse impacts on habitat;</li> <li>(iii) operational or building works are avoided during September to April; and</li> <li>(iv) only native endemic species are planted.</li> </ul>
		S1.3	Development within 500m of Turtle nesting beaches: <ul style="list-style-type: none"> <li>(i) maintains a vegetated area adjacent to the beach free of any development;</li> <li>(ii) ensures lighting does not spill into beach areas;</li> <li>(iii) maintains a buffer of a minimum of 200m adjacent to turtle nesting areas;</li> <li>(iv) minimises public access;</li> <li>(v) uses sodium vapour lamps (or equivalent) for all outdoor lighting during turtle nesting season; and</li> <li>(vi) provides lighting including street lighting that is no higher than the buffering vegetation and is turned away from the beach or lighting with characteristic wavelengths that do not affect turtles.</li> </ul>

Specific Outcomes	Acceptable / Probable Solutions
<b>Connectivity and Vegetation Protection</b>	
<p>P2 The genetic dispersal of flora and fauna species, is facilitated by maximising the retention and enhancement of connectivity between vegetated areas. In particular, the site incorporates:</p> <ul style="list-style-type: none"> <li>(i) fauna movement corridors; and</li> <li>(ii) existing riparian vegetation.</li> </ul>	<p>S2.1 Areas of existing remnant vegetation are retained and enhanced on the site such that vegetation linkages are created.</p> <p>S2.2 Riparian vegetation is retained within 100m of the high bank of a watercourse.</p> <p>S2.3 Riparian vegetation is replanted in disturbed or cleared areas of riparian corridors.</p>
<p>P3 The biodiversity and habitat values of riparian systems are protected from:</p> <ul style="list-style-type: none"> <li>(i) increased nutrient or sediment levels; or</li> <li>(ii) changed flow or hydrologic regimes of watercourses, including seasonal, temporal, chemical or thermal changes.</li> </ul>	<p>S3.1 Sediment and nutrient loadings of watercourses are minimised through:</p> <ul style="list-style-type: none"> <li>(i) provision of stormwater run-off controls; and</li> <li>(ii) on-site and off-site erosion controls.</li> </ul> <p>S3.2 The natural flow regime is maintained by:</p> <ul style="list-style-type: none"> <li>(i) no interference with a natural watercourse except for rehabilitation purposes; and</li> <li>(ii) the retention and restoration of native riparian zones to improve bank stability and in-stream ecological values and restrict weed growth.</li> </ul>
<p>P4 The release of stormwater into partially or fully enclosed systems with low water exchange rates such as coastal wetlands, lagoons or coastal estuaries is minimised by utilising:</p> <ul style="list-style-type: none"> <li>(i) recycling of water;</li> <li>(ii) re-use after treatment; or</li> <li>(iii) alternative discharge points.</li> </ul> <p><b>Note:</b> Supporting information that may be required in order to demonstrate compliance is set out in the Erosion Prone Area Planning Scheme Policy.</p>	<p>S4 No solution specified.</p>

<b>Coastal Wetland Communities</b>	
<b>Specific Outcomes</b>	<b>Acceptable / Probable Solutions</b>
<b>Assessable Development</b>	
P1 Development within 100m of coastal wetland communities as identified on the Coastal Management and Biodiversity Overlay Map is minimised.	S1 No solution specified.
P2 Development, including reconfiguring a lot, within 100m coastal wetland communities as identified on the Coastal Management and Biodiversity Overlay Map – Coastal Wetland Communities: <ul style="list-style-type: none"> <li>(i) Maintains an area between the wetland and development of a width and with characteristics that will safeguard the functions of the wetland and allow for natural fluctuations of location;</li> <li>(ii) has no significant impact on the natural characteristics of the wetland, including the topography, ground water hydrology, water quality<sup>6</sup>, and plant and animal species;</li> <li>(iii) provides open space areas on the site for conservation purposes; and</li> <li>(iv) provides open space within the site as well as linking corridors of open space between the site and adjoining conservation significant areas.</li> </ul>	S2.1 Development for Reconfiguring a lot provides for the retention of land as open space where it is located within 100m of a wetlands area. S2.2 Stormwater runoff from development within 100m of a coastal wetlands and watercourses is subject to quality improvement and flow velocity reduction to ensure that the water quality in the wetlands is maintained and considers the cumulative effect of runoff. S2.3 Specifically heavy metals, litter, hydrocarbons, sediment and nutrient loadings of waterways are minimised through: <ul style="list-style-type: none"> <li>(i) provision of stormwater run-off controls;</li> <li>(ii) on-site and off-site erosion controls; and</li> <li>(iii) maintenance and restoration of vegetative riparian buffer areas.</li> </ul> S2.4 Development complies with the requirements of the Planning Scheme Policy 15.07 Engineering Design Guidelines, D7 Soil and Water Quality Management.
P3 Any rehabilitation or re-establishment of coastal wetland communities does not result in the loss or detriment to other naturally occurring coastal wetland communities.	S3 No solution specified.
<b>Landscaping</b>	
P4 Landscaping within 100m of coastal wetland communities or adjacent to natural waterways as identified on the Coastal Management and Biodiversity Overlay Map – Coastal Wetland Communities: <ul style="list-style-type: none"> <li>(i) consists of entirely local native species; and</li> <li>(ii) enhances the ecological values and habitat significance of the particular area.</li> </ul>	S4 Landscaping within 100m of coastal wetland communities or adjacent to natural waterways as identified on Coastal Management and Biodiversity Overlay Map – Coastal Wetland Communities: <ul style="list-style-type: none"> <li>(i) retains all existing local native vegetation on the site; and</li> <li>(ii) uses only locally endemic species in new plantings.</li> </ul>
<b>Coastal Hazards</b>	
<b>Specific Outcomes</b>	<b>Acceptable / Probable Solutions</b>
<b>Assessable Development</b>	
P1 Areas subject to risk from coastal hazards are retained undeveloped or are identified for non-	S1 No solution specified.

<sup>6</sup> Water quality should be in compliance with ANZECC Australian and New Zealand Guidelines for Fresh and Marine Water Quality, 2000.

residential or community purposes.	
<b>Water Courses</b>	
<b>Specific Outcomes</b>	<b>Acceptable / Probable Solutions</b>
<b>Assessable Development</b>	

P1	Development adjoining natural watercourses provides buffer areas to minimise any adverse impacts on the adjacent watercourses.	S1	A vegetated buffer is provided, adjacent to a natural watercourse, above the extent of the highest astronomical tide (HAT) free of physical disturbance having a minimum width of: <ul style="list-style-type: none"> <li>(i) 100m in tidal areas; and</li> <li>(ii) 50m adjacent to non-tidal areas.</li> </ul>
P2	Watercourses are protected, whilst maintaining flood conveyance, water quality and habitat functions.	S2	No solution specified.

<b>Public Access</b>			
<b>Specific Outcomes</b>		<b>Acceptable / Probable Solutions</b>	
<b>Assessable Development</b>			
P1	Public access to the coast is not limited by development and does not adversely affect coastal environmental values.	S1	No solution specified.
<b>Buildings and Other Structures</b>			
P2	Structures (building and works) do not impede public access to and along the foreshore except where the restriction of access is necessary to protect environmental values.	S2	No solution specified.
<b>Reconfiguring a Lot</b>			
P3	Development involving reconfiguring a lot (subdivision) provides an area of land adjacent to the coast and waterways sufficient to permit for safe public access, which also minimises adverse impacts on the coastal environment.	S3	Development involving reconfiguring a lot (subdivision) where located in the coastal zone, provides for access that: <ul style="list-style-type: none"> <li>(i) avoids roads running parallel to the coast or waterway;</li> <li>(ii) sites spur roads in locations that minimise impacts on coastal resources by: <ul style="list-style-type: none"> <li>(a) utilising areas of low environmental sensitivity; and</li> <li>(b) avoiding areas that increase storm tide hazard.</li> </ul> </li> </ul>



Public Access Infrastructure	
<p>P4 Public access infrastructure is located to minimise risks to public safety and impacts on the coastal resources, process and habitats.</p>	<p>S4.1 Access infrastructure is located away from areas where:</p> <ul style="list-style-type: none"> <li>(i) potential erosion of dunes and banks is likely to be increased;</li> <li>(ii) tidal regimes and coastal processes could be affected; and</li> <li>(iii) significant aquatic or terrestrial habitats value exist.</li> </ul> <p>S4.2 Access infrastructure is designed to:</p> <ul style="list-style-type: none"> <li>(i) maintain natural movement of sand and sediment;</li> <li>(ii) avoid contributing to surface or geological instability or erosion of the foreshore;</li> <li>(iii) utilise single access points wherever possible;</li> <li>(iv) direct people away from sensitive areas; and</li> <li>(v) be compatible with the scenic coastal landscape and topographic conditions.</li> </ul>
<p>P5 Pedestrian access areas:</p> <ul style="list-style-type: none"> <li>(i) Locate paths away from sensitive habitat and areas;</li> <li>(ii) Ensure users remain on the footpath and walkways to minimise physical impacts on the local environment through appropriate signage and fencing.</li> </ul>	<p>S5 No solution specified.</p>
Infrastructure	
Specific Outcomes	Acceptable / Probable Solutions
Assessable Development	
<p>P1 Infrastructure, including infrastructure of state economic significance including maritime transport facilities, and including pontoons, ramps and jetties, is designed, located and constructed to:</p> <ul style="list-style-type: none"> <li>(i) avoid locating in areas included within a Coastal Wetland Area or within the 100 m Buffer Area except where there is a net benefit for the state as a whole;</li> <li>(ii) minimise adverse impacts on coastal wetlands, particularly in relation to hydrology, disturbance of habitat and surface water flow, through appropriate engineering (i.e. culverts, exclusion fencing, bridges and pylons); and</li> <li>(iii) ensure no adverse impacts on coastal resources resulting from rural infrastructure such as dams.</li> </ul>	<p>S1 No solution specified.</p>

## 8.16 Extractive Industry in Coastal Areas

Specific Outcomes		Acceptable / Probable Solutions	
Assessable Development			
P1	<p>Except where there is a net benefit to the state as a whole, development for extractive industry purposes is located outside of Coastal Wetland Areas or 100m Buffer Area in order to:</p> <ul style="list-style-type: none"> <li>(i) maintain beach and foreshore stability;</li> <li>(ii) maintain the stability of extraction areas;</li> <li>(iii) maintain natural coastal processes, including those that supply sand to beaches, and habitats;</li> <li>(iv) maintain the quality of fisheries, fishing grounds, spawning areas and nursery areas;</li> <li>(v) maintain water quality, ground water levels, and the local drainage regime of the site and the adjoining areas;</li> <li>(vi) not cause unacceptable risk to existing land uses from coastal hazards; and</li> <li>(vii) not cause unacceptable impacts on coastal resources and their values due to disturbance of contaminated sediments.</li> </ul>	S1	No solution specified.
P2	<p>Where development for extractive industry purposes is undertaken within a Coastal Wetland Area or 100m Buffer Area the site is:</p> <ul style="list-style-type: none"> <li>(i) rehabilitated to facilitate the natural ecological processes of the site; or</li> <li>(ii) returned to a state that prevents adverse impacts on adjacent coastal resources (e.g. silt fencing and re-grassing to prevent sediment runoff).</li> </ul>	S2	No solution specified.
P3	<p>Where development for extractive industry purposes is undertaken within a watercourse, the operation does not contribute to increased erosion (in terms of the extraction area and the upstream and downstream environment).</p>	S3	No solution specified.
P4	<p>Where development for extractive industry purposes is undertaken within a tidal waterway, sediment supply is maintained to support coastal ecosystems and processes.</p>	S4	No solution specified.
P5	<p>Development for extractive industry purposes maintains the coastal habitats including regionally important coastal habitats, beaches and inter-tidal areas providing habitat for shorebirds and turtles and the diversity of in-stream habitat.</p>	S5	No solution specified.

## *Division 6 Assessment Tables for Character/Heritage Protection Overlay Code*

### **8.17 Assessment categories for Character/Heritage Protection Overlay**

- (1) The assessment categories are identified for development affected by the Character/Heritage Protection Overlay in column 2 of **Table 8-5** and **Table 8-6** as follows:
  - (a) **Table 8-5** making a material change of use<sup>7</sup> for a defined use listed in column 1;
  - (b) **Table 8-6** other development listed in column 1 including:
    - (i) building work not associated with a material change of use, including demolition of structures;
    - (ii) reconfiguring a lot;
    - (iii) carrying out operational work associated with reconfiguring a lot;
    - (iv) carrying out operational work comprising excavation or filling work not associated with a material change of use and not associated with reconfiguring a lot; and
    - (v) other.

### **8.18 Relevant assessment criteria for development affected by Character/Heritage Protection Overlay**

- (1) The relevant assessment criteria for development affected by the Character/Heritage Protection Overlay is referred to in column 3 of **Table 8-5** and **Table 8-6**.
- (2) For self-assessable development and code assessable development, the relevant assessment criteria are applicable codes.

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<sup>7</sup> Development associated with an application for a material change of use may be assessed together with the material change of use.

## Table 8-5 Assessment Categories and Relevant Assessment Criteria for Character/Heritage Protection Overlay Code – Making a Material Change of Use

Note-

(1) Zones also affect assessment categories. See zone Map to determine the zone of the land. Also see Section 1.11 (3) explaining how the higher assessment category prevails.

(2) Carrying out Building Work that substantially alters or proposes to demolish any part of a building listed in Schedule 4 for the purpose of changing the scale and intensity of the use, is a Material Change of Use as defined in Section 1.3.5 of the Integrated Planning Act 1997.

(3) Local Heritage Places are also assessable as a Local Heritage Place under the Queensland Heritage Act 1992 and requires assessment against the Code for development on a local heritage place – Schedule 2 Code for IDAS, Queensland Heritage Regulation 2003.

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Relevant assessment criteria <sup>8</sup> - applicable code if development is self-assessable or requires code assessment
All except: Home Occupation Park	<p><b>Code Assessable</b> where premises are:</p> <ul style="list-style-type: none"> <li>(i) listed in Schedule 4 and indicated on the Character/Heritage Protection Overlay Map; or</li> <li>(ii) adjoining premises listed in Schedule 4.</li> </ul> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Character/Heritage Protection Overlay Code
Other	<b>Exempt</b>	

<sup>8</sup> For impact assessable development, 'relevant assessment criteria' are provided to assist the preparation of an application and in no way affect the regard given to the planning scheme as a whole in accordance with Section 3.5.5 of the IPA.

**Table 8-6 Assessment Categories and Relevant Assessment Criteria for Character/Heritage Protection Overlay Code – Other Development**

Note-

(1) Zones also affect assessment categories. See zone Map to determine the zone of the land. Also see Section 1.11 (3) explaining how the higher assessment category prevails.

(2) Local Heritage Places are also assessable as a Local Heritage Place under the Queensland Heritage Act 1992 and require assessment against the Code for development on a local heritage place – Schedule 2 Code for IDAS, Queensland heritage Regulation 2003.

Column 1 Type of Development	Column 2 Assessment Category	Column 3 Relevant assessment criteria <sup>9</sup> - applicable code if development is self-assessable or requires code assessment
Reconfiguring a lot	<p><b>Code Assessable</b> where premises are:</p> <ul style="list-style-type: none"> <li>(i) Listed in Schedule 4 and indicated on the Character/Heritage Protection Overlay Map; or</li> <li>(ii) Adjoining premises listed in Schedule 4.</li> </ul> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Character/Heritage Protection Overlay Code
Carrying out operational works associated with the reconfiguring a lot	<p><b>Code assessable</b> where premises are:</p> <ul style="list-style-type: none"> <li>(i) Listed in Schedule 4 and indicated on the Character/Heritage Protection Overlay Map; or</li> <li>(ii) Adjoining premises listed in Schedule 4.</li> </ul> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Character/Heritage Protection Overlay Code
Carrying out operational works not associated with a material change of use or reconfiguring a lot; and involving earthworks including excavation or filling of land	<p><b>Code Assessable</b> where premises are:</p> <ul style="list-style-type: none"> <li>(i) Listed in Schedule 4 and indicated on the Character/Heritage Protection Overlay Map; or</li> <li>(ii) Adjoining premises listed in Schedule 4.</li> </ul> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Character/Heritage Protection Overlay Code
Other	<b>Exempt</b>	

<sup>9</sup> For impact assessable development, 'relevant assessment criteria' are provided to assist the preparation of an application and in no way affect the regard given to the planning scheme as a whole in accordance with Section 3.5.5 of the IPA.

## *Division 7 Assessment Criteria for Character/Heritage Protection Overlay Code*

### **8.19 Character/Heritage Protection Overlay Code**

- (1) The provisions in this division comprise the Character/Heritage Protection code as follows:
- (a) Compliance with Character/Heritage Protection code (**Section 8.20**).
  - (b) Overall outcomes for Character/Heritage Protection Overlay code (**Section 8.21**).
  - (c) Effects of development on Character/Heritage Protection area (**Section 8.22**).

### **8.20 Compliance with Character/Heritage Protection Overlay Code**

- (1) Compliance with the Character/Heritage Protection Overlay Code is achieved when assessable development is consistent with the specific outcomes in **Section 8.22**.
- (2) Compliance with the Character/Heritage Protection Overlay code is achieved when self-assessable development is consistent with the acceptable solutions in **Section 8.22**.

**Note:** *This code should be read in conjunction with the Character/Heritage Protection Planning Scheme Policy.*

### **8.21 Overall outcomes for Character/Heritage Protection Overlay Code**

- (1) The overall outcomes are the purpose of the Character/Heritage Protection Overlay code.
- (2) The overall outcomes sought for the Character/Heritage Protection Overlay are to ensure development:
- (a) Respects and incorporates relevant aspects of indigenous character/interests and values;
  - (b) Recognises, conserves and maintains places of character and heritage significance;
  - (c) Conserves and integrates the character and heritage values within development sites; and
  - (d) Achieves an urban form that reflects and presents the character and heritage of the City.

### **8.22 Effects of Development in places of Character or Heritage**

- (1) The specific outcomes and probable and acceptable solutions are as follows:

#### **Building Design**

Specific Outcomes	Acceptable / Probable Solutions
<b>Assessable Development</b>	
P1 Premises listed in Schedule 4 as a place of character or heritage significance are conserved having regard to: <ul style="list-style-type: none"> <li>(i) Adaptation and reuse of buildings;</li> <li>(ii) The setting of buildings, contents and</li> </ul>	S1 No solution specified.

Specific Outcomes		Acceptable / Probable Solutions	
	<p>material finishes; and</p> <p>(iii) The continued care of the building or premises.</p> <p><b>Note:</b> An application for assessable development affecting or adjoining premises of character or heritage significance should be accompanied by the information detailed in the Character/Heritage protection Planning Scheme Policy.</p>		
P2	<p>Alterations or additions made to buildings, items or premises listed in Schedule 4 as a place of character or heritage significance:</p> <p>(i) Are sympathetic with the character and appearance of the building, item or place;</p> <p>(ii) Provide a sensitive visual distinction between the original building and new work;</p> <p>(iii) Maintain the visual prominence of the original fabric; and</p> <p>(iv) Ensure mechanical plant and other new services have minimal impact on the appearance and integrity of the building.</p>	S2	No solution specified.
P3	<p>Where the premises are identified as having indigenous cultural heritage significance, the development does not impair the cultural significance of the place by exercising a cultural heritage duty of care.</p>	S3	No solution specified.
Building Working Involving Demolition or Removal			
P4	<p>Any work involving partial or total demolition or removal of premises listed in Schedule 4 as a place of character or heritage significance is undertaken such that there is no loss of character/heritage significance. In particular, any development maintains:</p> <p>(i) The historical, economic or social themes that are of importance to the City which are displayed by the building;</p> <p>(ii) The aesthetic merit, design characteristics or construction techniques of significance to the City;</p> <p>(iii) The importance of the building as a notable City or local landmark; and</p> <p>(iv) The importance of the building in relation to the visual character and amenity of the local streetscape.</p>	S4	No solution specified.

### Development Adjoining a Place of Character or Heritage Significance

Specific Outcomes		Acceptable / Probable Solutions	
Assessable Development			
P1	<p>Buildings are designed and sited to complement the character and heritage values where adjoining premises listed in Schedule 4 as a place of character or heritage significance.</p>	S1	No solution specified.

Specific Outcomes		Acceptable / Probable Solutions	
P2	Development, other than building work, does not impair views of the premises of character or heritage significance.	S2	No solution specified.
P3	Reconfiguring a lot does not create potential building sites which impair the visual setting of premises of character or heritage significance.	S3	No solution specified.
P4	Development on premises adjoining premises listed in Schedule 4 as a place of character or heritage significance, are designed and sited to maintain and complement the appearance and prominence of an existing significant building, item or place.	S4	No solution specified.



## *Division 8 Assessment Tables for Development in the Vicinity of Mackay Airport Overlay Code*

### **8.23 Assessment categories for Development in the Vicinity of Mackay Airport Overlay**

- (1) The Assessment categories are identified for development affected by the overlay in column 2 of **Table 8-7** and **Table 8-8**:
  - (a) **Table 8-7** making a material change of use<sup>10</sup> for a defined use listed in column 1;
  - (b) **Table 8-8** other development listed in column 1 including-
    - (i) Reconfiguring a lot; and
    - (ii) Other.

### **8.24 Relevant assessment criteria for development affected by Development in the Vicinity of Mackay Airport Overlay**

- (1) The relevant assessment criteria for development affected by the Development in the Vicinity of Mackay Airport Overlay is referred to in column 3 of **Table 8-7** and **Table 8-8**.
- (2) For self-assessable development and code assessable development, the relevant assessment criteria are applicable codes.

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<sup>10</sup> Development associated with an application for a material change of use may be assessed together with the material change of use.

**Table 8-7 Assessment Categories and Relevant Assessment Criteria for Development in the Vicinity of Mackay Airport Overlay – Making a Material Change of Use**

Note-

Zones also affect assessment categories. See zone Map to determine the zone of the land. Also see Section 1.11 (3) explaining how the higher assessment category prevails.

Note-

3, 6, 8 and 13 km distances from the runways are shown on the **Information Map** for 'Development in the Vicinity of Mackay Airport'.

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Relevant assessment criteria <sup>11</sup> - applicable code if development is self-assessable or requires code assessment
All	<p><b>Exempt</b> except where the premises are located:</p> <ul style="list-style-type: none"> <li>(i) Within the Aviation Facilities Buffer Area; or</li> <li>(ii) Located on land between the 20 ANEF and the 25 ANEF contour;</li> <li>(iii) Within the Airport Safety Zone; or</li> <li>(iv) Within 6 km of runways and involving external lighting that includes; straight parallel lines 500 m to 1000 m long, flare plumes, reflective cladding, upward shining lights, flashing or sodium lights; or</li> <li>(v) Within 3 km of runways and involving the following uses: <ul style="list-style-type: none"> <li>(a) Agriculture (only where involving fruit tree or turf production); or</li> <li>(b) Animal Husbandry and Intensive Animal Husbandry (only where involving stock handling or slaughtering, pig production, or the keeping or protection of wild-life outside enclosures); or</li> <li>(c) General Industry and Service Industry (only where involving those industries involving food handling or processing); or</li> </ul> </li> <li>(vi) Between 3 km and 8 km of runways and involving the following uses: <ul style="list-style-type: none"> <li>(a) Agriculture (only where involving fruit tree or turf production); or</li> <li>(b) Animal Husbandry (only where involving stock handling or slaughtering, pig production, or the keeping or protection of wildlife outside enclosures);</li> <li>(c) Aquaculture; or</li> <li>(d) Industries involving food handling or food processing; or</li> <li>(e) Stable.</li> </ul> </li> </ul> <p>Which is <b>code assessable</b>; and <b>Impact assessable</b> where;</p> <ul style="list-style-type: none"> <li>(i) Premises are located on land within the 25 ANEF contour; or</li> <li>(ii) Structure(s) are proposed to be above the OLS or emit a gaseous plume or emit airborne particulates into the operational airspace; or</li> <li>(iii) premises are located within 13 km of runways and involving the disposal of putrescible waste.</li> </ul>	Development in the Vicinity of the Mackay Airport Code.

<sup>11</sup> For impact assessable development, 'relevant assessment criteria' are provided to assist the preparation of an application and in no way affect the regard given to the planning scheme as a whole in accordance with Section 3.5.5 of the IPA.

	<p><b>Note:</b></p> <p>(i) This code applies to premises located within Airport Safety Zone, Noise Exposure area, Obstacle Limitation Surface area or within the Aviation Facilities Buffer area, as indicated on the Development in the Vicinity of Mackay Airport Overlay Maps.</p> <p>(ii) The 3, 6, 8 and 13 km distances from the runways are identified on the 'Development within the Vicinity of Mackay Airport – Information Map'.</p>	
Other	<b>Exempt</b>	

**Table 8-8 Assessment Categories and Relevant Assessment Criteria for Development in the Vicinity of Mackay Airport Overlay – Other Development**

*Note-*

*Zones also affect assessment categories. See zone Map to determine the zone of the land. Also see Section 1.11 (3) explaining how the higher assessment category prevails.*

Column 1 Type of Development	Column 2 Assessment Category	Column 3 Relevant assessment criteria <sup>12</sup> - applicable code if development is self-assessable or requires code assessment
Reconfiguring a lot	<p><b>Code Assessable</b> within 6 km of runways and where a subdivision layout includes long straight streets of 500 m to 1000 m and street lighting.</p> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Development in the Vicinity of the Mackay Airport Code
Carrying out operational work associated with reconfiguring a lot	<p><b>Code Assessable</b> where operational works generate gaseous plumes or airborne particulates into operational airspace.</p> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Development in the Vicinity of the Mackay Airport Code
Other	<b>Exempt</b>	

<sup>12</sup> For impact assessable development, 'relevant assessment criteria' are provided to assist the preparation of an application and in no way affect the regard given to the planning scheme as a whole in accordance with Section 3.5.5 of the IPA.

## *Division 9 Assessment Criteria for Development in the Vicinity of Mackay Airport Overlay Code*

### **8.25 Overlay Code**

- (1) The provisions in this division comprise the Development in the Vicinity of Mackay Airport Overlay Code as follows:
  - (a) Compliance with Development in the Vicinity of Mackay Airport Overlay Code (**Section 8.28**).
  - (b) Overall outcomes for Development in the Vicinity of Mackay Airport Overlay Code (**Section 8.30**).
  - (c) Effects of Development on Airport Operations (**Section 8.31**).

### **8.26 Compliance with Overlay Code**

- (1) Compliance with the Development in the Vicinity of Mackay Airport Overlay Code is achieved when assessable development is consistent with the specific outcomes in **Section 8.31**.
- (2) Compliance with the Development in the Vicinity of Mackay Airport Overlay Code is achieved when self-assessable development is consistent with the acceptable solutions in **Section 8.31**.

### **8.27 Definitions**

**“ANEF”** means Australian Noise Exposure Contour.

**“DME Facility”** means distance measuring equipment.

**“NDB Facility”** means non-directional beacon.

**“OLS”** means Obstacle Limitation Surface.

**“UHF”** means ultra high frequency.

**“VHF communication facility”** means very high frequency.

**“VOR”** means VHF Omnidirectional Rangefinder

### **8.28 Overall outcomes for Overlay Code**

- (1) The overall outcomes are the purpose of the Development in the Vicinity of Mackay Airport Overlay Code.
- (2) The overall outcomes sought for the Development in the Vicinity of Mackay Airport Overlay Code are the following:
  - (a) land uses within the surrounds of the airport are compatible with the airport operations, specifically from the impact of aviation noise;
  - (b) land uses within the vicinity of aviation facilities are compatible with the safe functioning of those facilities;

- (c) the safe and efficient operation of the Mackay Airport as a major transport facility for the region is maintained by:
- (i) preventing intrusion of buildings, structures or any other objects into the airport's prescribed airspace;
  - (ii) excluding uses from the vicinity of the airport that generate stack emissions that have an impact on prescribed airspace by way of high velocity, depleted oxygen content, high temperature, high particulate content or visibility impact;
  - (iii) avoiding lighting and illumination near an airport that may cause air traffic confusion, distraction or glare because of its colour, pattern or intensity of light emission or because of the configuration pattern of a series of lights;
  - (iv) excluding any structures, objects, trees or broadcasting or telecommunications facilities which may interfere with air traffic communications or navigation; and
  - (v) avoiding development which could attract bats or birds.

## 8.29 Effects of Development on Airport Operations

- (1) The specific outcomes and probable and acceptable solutions are as follows:

Specific Outcomes		Acceptable / Probable Solutions	
<b>Assessable Development</b>			
<b>Height Limitations</b>			
P1	The height of any building, structure or trees that can reach a significant height located in the obstacle limitation surface (OLS) area of the airport is restricted so that the safe and efficient operations of the airport is protected.	S1	The maximum height of any building, structure or tree is below the height of the OLS height indicated for the particular site.
<b>Assessable Development</b>			
<b>Intrusive Lighting</b>			
P2	The fixing, operation, strength and direction of any lighting, including any external lighting fixed to a building or other structure within 6 km of an airport runway does not interfere with air navigation essential for the safe movement of aircraft at night.	S2.1	The fixing of any external lighting, other bright light sources or straight parallel lines of lighting 500 m to 1000 m long, within 6 km of an airport runway are avoided; or
		S2.2	External lighting is designed so that it does not increase the risk of an aircraft incident and has regard to the CASA guideline " <i>Lighting in the vicinity of aerodromes: Advice to lighting designers</i> ".
<b>Gaseous Plumes</b>			
P3	Development does not cause the emission into the OLS of any potentially hazardous gaseous plumes which create an air turbulence hazard.	S3	Development does not cause the emission into the OLS of any gaseous plumes at a velocity exceeding 4.3 m per second.
<b>Airborne Particulates</b>			
P4	Development does not utilise practices which involve emission of airborne particulates (smoke, dust, ash or steam), that create a hazard for aircraft.	S4	Development does not utilise practices which involve emission of airborne particulates (smoke, dust, ash or steam), such as:

Specific Outcomes	Acceptable / Probable Solutions
	<ul style="list-style-type: none"> <li>(i) non-green harvesting of sugar cane; or</li> <li>(ii) burning (rather than mulching) cleared vegetation.</li> </ul>
<b>Transient Aviation Activities</b>	
P5 Development involving aviation activities, such as hot air ballooning, are not located beneath the OLS.	S5 No solution specified.

## Effects of Airport Operations on Surrounding Development

Specific Outcomes	Acceptable / Probable Solutions
<b>Self-Assessable and Assessable Development</b>	
<b>Protection of Uses from Aircraft Noise</b>	
P1 The effective and safe use of the site is not unduly affected by aircraft noise and the continued operation of the airport is not limited by the encroachment of uses which are sensitive to the effects of aircraft noise.	<p>S1.1 Land uses proposed on premises avoid the following:</p> <ul style="list-style-type: none"> <li>(i) intense residential use, other than a dwelling house, where located on land within the 20 ANEF contour;</li> <li>(ii) long term residential use (occupation exceeding 4 months in a calendar year), or community use where located on land within the 25 ANEF contour or greater;</li> <li>(iii) short term residential use (occupation 4 months or less in calendar year) where located on land within the 25 – 30 ANEF contour; and</li> <li>(iv) commercial uses where located on land within the 35 ANEF contour.</li> </ul> <p>S1.2 In assessing development involving the construction of buildings within the 20-25 ANEF contour, Council will have regard to the provisions of <i>AS2021 Acoustics – Aircraft Noise Intrusion – Building Siting and Construction</i>.</p>
<b>Assessable Development</b>	
<b>Air Safety Zones</b>	
P2 New development is located to minimise the potential effects in the event of an aircraft crash resulting from takeoff and landing.	S2 New development within the Airport Safety Zone does not introduce or intensify residential, community, commercial, industrial or other uses or result in the use of premises for the manufacture or bulk storage of hazardous (explosive or noxious) or flammable materials.
P3 Any new development in the indicated Airport Safety Zone ensures there is no significant increase in the number of people living, working or congregating in the Airport Safety Zone.	S3 No solution specified.

## Bird or Bat Attracting Development

Specific Outcomes		Acceptable / Probable Solutions	
Self-Assessable and Assessable Development			
P1	Uses involving the management of waste and food production do not locate within 3 km of an airport runway.	S1	The following uses <b>are not located</b> within 3 km or an airport runway: <ul style="list-style-type: none"> <li>(i) agriculture (only where involving fruit tree or turf production);</li> <li>(ii) animal Husbandry (only where involving stock handling or slaughtering, pig production, or the keeping or protection of wild-life outside enclosures);</li> <li>(iii) aquaculture;</li> <li>(iv) industries involving food handling or food processing; and</li> <li>(v) stable, riding schools or race tracks.</li> </ul>
P2	Uses, if located between 3 km and 8 km of an airport runway, manage waste/food sources to minimise wildlife attraction.	S2	The following uses located between 3 km and 8 km of an airport runway manage food and waste sources and otherwise control activities to minimise wildlife attraction; <ul style="list-style-type: none"> <li>(i) agriculture (only where involving fruit tree or turf production)</li> <li>(ii) animal Husbandry (only where involving stock handling or slaughtering, pig production, or the keeping or protection of wildlife outside enclosures);</li> <li>(iii) aquaculture;</li> <li>(iv) industries involving food handling or food processing; and</li> <li>(v) stables, riding schools or race tracks.</li> </ul>
P3	Uses involving the disposal of putrescible waste do not occur within 13 km of an airport runway.	S3	No solution specified.

## Effects on Development on Aviation Facilities

Specific Outcomes		Acceptable / Probable Solutions	
Self-Assessable and Assessable Development			
P1	The functioning of navigation, communication or surveillance facilities are protected from the following: <ul style="list-style-type: none"> <li>(i) 'physical' line of sight obstructions;</li> <li>(ii) significant electrical or electro-magnetic emissions;</li> <li>(iii) structures containing a reflective service; and</li> <li>(iv) significant radio frequency interference.</li> </ul>	S1.1	For a NDB Facility: <ul style="list-style-type: none"> <li>(i) the area within 60m radius of a NDB facility is free of all buildings, structures, trees and fences and other physical obstructions;</li> <li>(ii) development within 150m radius of a NDB facility comprises small non metallic buildings less than 2.5m in any dimension; and</li> <li>(iii) development comprising steel masts and towers within 500m radius ensure height is restricted to no more than 6m.</li> </ul>

	<p>S1.2 For a DME facility:</p> <ul style="list-style-type: none"> <li>(i) the area within a 10m radius and within 1m below the base of the antenna of the DME facility is free of all buildings, structures, trees, fences and other physical obstructions; and</li> <li>(ii) development within 10m to 1500m radius of the DME facility is free of buildings, trees, power and telephone lines and fences beneath the profile of a line beginning at a point 1m below the base of the antenna and graduating in height at an angle 0.5 degrees where it reaches a height of 12m above the base of the antenna at 1500m radius.</li> </ul> <p>S1.3 For a VHF and UHF communication facilities the area within a 500m radius of the VHF or UHF facility is free of all buildings, structures, trees, fences and other physical obstructions unless it is demonstrated that the structure does not reflect or attenuate signals from existing aeronautical facilities<sup>13</sup>.</p> <p>S1.4 For a VOR facility, the area within 1000m radius of a VOR facility is free of all buildings, structures, trees, fences and any other physical obstructions, other than:</p> <ul style="list-style-type: none"> <li>(i) between 60 m and 150 m radius of a NDB facility, wire fences less than 1.2 m in any dimension are compatible;</li> <li>(ii) between 150 m radius and 300 m radius, single trees and wire fences are compatible; and</li> <li>(iii) between 300 m radius and 1000 m radius, structures, low tension power lines, groups of trees, telephone lines, taxiways, roads, railway lines and other obstructions are compatible when they remain below the following height (expressed as a vertical angle from the base of the VOR): <ul style="list-style-type: none"> <li>0.5 degree - fences</li> <li>1.0 degree - overhead lines</li> <li>1.5 degrees - metallic structures</li> <li>2.0 degrees - trees and open lattice towers</li> <li>2.5 degrees - wooden structures"</li> </ul> </li> </ul>
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<sup>13</sup> Siting of any such facilities within the 500 m radius is supported by a comprehensive study that demonstrates that the structure does not reflect or attenuate signals from existing aeronautical facilities.



## *Division 10 Assessment Tables for the Development on Steep Land Overlay Code*

### **8.30 Assessment categories for the Development on Steep Land Overlay**

- (1) The assessment categories are identified for development affected by the Development on Steep Land overlay in column 2 of **Table 8-9** and **Table 8-10**:
  - (a) **Table 8-9** making a material change of use<sup>14</sup> for a defined use listed in column 1;
  - (b) **Table 8-10** other development listed in column 1 including-
    - (i) reconfiguring a lot;
    - (ii) carrying out operational work associated with reconfiguring a lot;
    - (iii) carrying out operational work not associated with a material change of use or reconfiguring a lot and involving earthworks including excavation or filling of land;
    - (iv) other.

### **8.31 Relevant assessment criteria for development affected by the Development on Steep Land Overlay**

- (1) The relevant assessment criteria for development affected by the Development on Steep Land Overlay is referred to in column 3 of **Table 8-9** and **Table 8-10**.
- (2) For self-assessable development and code assessable development, the relevant assessment criteria are the applicable codes.

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<sup>14</sup> Works associated with an application for a material change of use may be assessed together with the material change of use.

**Table 8-9 Assessment Categories and Relevant Assessment Criteria for the Development on Steep Land Overlay – Making a Material Change of Use.**

Notes-

(1) Zones also affect assessment categories. See zone Map to determine the zone of the land. Also see Section 1.11 (3) explaining how the higher assessment category prevails.

(2) The Building Regulation 2006 through the Building Code of Australia (BCA) addresses 'landslip' issues by providing that buildings must be designed to resist the most critical action effect resulting from various actions including landslip (BCA Vol 2, 3.11.3), which is identified according to the site classification system (BCA Vol 2, 3.2.4).

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Relevant assessment criteria <sup>15</sup> - applicable code if development is self-assessable or requires code assessment
All except: Agriculture Animal Husbandry Cemetery Dependant Persons Accommodation Forestry Home Occupation Park	<b>Code Assessable</b> where located on land having a slope of 15% or greater as identified in the Steep Land Overlay Map.  <b>Exempt</b> where the criteria for Code Assessable do not apply.	Development on Steep Land Overlay Code
Industry (all types)	<b>Impact</b>	
Other	<b>Exempt</b>	

<sup>15</sup> For impact assessable development, 'relevant assessment criteria' are provided to assist the preparation of an application and in no way affect the regard given to the planning scheme as a whole in accordance with Section 3.5.5 of the IPA.

**Table 8-10 Assessment Categories and Relevant Assessment Criteria for the Development on Steep Land Overlay – Other Development**

Note-

Zones also affect assessment categories. See zone Map to determine the zone of the land. Also see Section 1.11 (3) explaining how the higher assessment category prevails.

Column 1 Type of Development	Column 2 Assessment Category	Column 3 Relevant assessment criteria <sup>16</sup> - applicable code if development is self-assessable or requires code assessment
Reconfiguring a lot	<p><b>Code Assessable</b> where located on land having a slope of 15% or greater, as identified in the Steep Land Overlay Map.</p> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Development on Steep Land Overlay Code.
Carrying out operational work associated with reconfiguring a lot.	<p><b>Code Assessable</b> where located on land having a slope of 15% or greater, as identified in the Steep Land Overlay Map, and involving earthworks exceeding 50m<sup>3</sup> (other than the placement of topsoil).</p> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Development on Steep Land Overlay Code.
Carrying out operational work not associated with a material change of use or reconfiguring a lot; and involving earthworks including excavation or filling of land.	<p><b>Code Assessable</b> where located on land having a slope of 15% or greater, as identified in the Steep Land Overlay Map, and involving earthworks exceeding 50m<sup>3</sup> (other than the placement of topsoil).</p> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Development on Steep Land Overlay Code.
Other	<b>Exempt</b>	

<sup>16</sup> For impact assessable development, 'relevant assessment criteria' are provided to assist the preparation of an application and in no way affect the regard given to the planning scheme as a whole in accordance with Section 3.5.5 of the IPA.

## *Division 11 Assessment Criteria for the Development on Steep Land Overlay Code*

### **8.32 Development on Steep Land Overlay Code**

- (1) The provisions in this division comprise the Development on Steep Land Overlay Code as follows:
  - (a) Compliance with the Development of Steep Land Overlay Code (**Section 8.36**).
  - (b) Overall outcomes for the Development on Steep Land Overlay Code (**Section 8.37**).
  - (c) Effects of development on Steep Land (**Section 8.38**).

### **8.33 Compliance with the Development on Steep Land Overlay Code**

- (1) Compliance with the Development on Steep Land Overlay Code is achieved when assessable development is consistent with the specific outcomes in **Section 8.36**.
- (2) Compliance with the Overlay Code is achieved when self-assessable development complies with the acceptable solutions in **Section 8.36**.

### **8.34 Overall outcomes for the Development on Steep Land Overlay Code**

- (1) The overall outcomes are the purpose of the Development on Steep Land Overlay Code.
- (2) The overall outcomes sought for the Development on Steep Land Overlay Code are to ensure:
  - (a) the safety of people and property is protected from unreasonable risk from landslide hazard;
  - (b) the potential for environmental degradation is minimised; and
  - (c) adverse impacts on the landscape character is avoided.
- (3) Development is consistent with the physical, environmental and visual characteristics of steep land and is carried out in accordance with best management practices.
- (4) Stormwater and waste water is managed in an ecological sustainable manner which provides for:
  - (a) The maintenance of natural drainage patterns;
  - (b) The protection of water quality;
  - (c) Avoiding risks of land slip and subsidence; and
  - (d) Minimising erosion potential.

### **8.35 Definitions**

**“Steep Land”** for the purposes of this code is land with slopes of 15% or greater.

### **8.36 Effects of Development on Steep Land**

- (1) The specific outcomes and probable and acceptable solutions are as follows:

Specific Outcomes		Acceptable / Probable Solutions
<b>Assessable Development</b>		
P1	No development is located on steep land or on any part of a site subject to landslide hazard from sloping land above the site <sup>17</sup> .	<p>S1.1 Development is carried out only on parts of a site containing geologically stable land, or unlikely to be affected by surrounding unstable land.</p> <p>S1.2 Buildings and structures are located on less steep parts of the site to allow natural land forms and vegetation to be maintained as much as possible.</p>
P2	The land is geologically suitable having regard to : <ul style="list-style-type: none"> <li>(i) The construction of any buildings and other structures;</li> <li>(ii) Stormwater drainage and wastewater disposal;</li> <li>(iii) Onsite works for driveways, retaining walls, pools, dams, etc; and</li> <li>(iv) Loss of existing vegetation.</li> </ul>	S2 No solution specified.
P3	Extensions to existing premises located on steep land are minimal.	<p>S3 Where existing premises are located on steep land, development does not:</p> <ul style="list-style-type: none"> <li>(i) involve any new building work other than a minor extension of less than 20m<sup>2</sup> gross floor area to an existing building; or</li> <li>(ii) involve vegetation clearing.</li> </ul>
P4	Development located on steep land with an existing or proposed slope of 15% or more is certified <sup>18</sup> as very low risk in accordance with the publication referenced in the guidelines to State Planning Policy 1/03; "Landscape Risk Management Concepts and Guidelines", Australian Geomechanics Journal Vol 35, No. 1, March 2000.	<p>S4.1 Land in its pre-development condition is certified:</p> <ul style="list-style-type: none"> <li>(i) that the land is classified as very low risk, or</li> <li>(ii) that the land will be able to be classified as very low risk after specified works have been carried out.</li> </ul> <p>S4.2 Land subject to development works related to reconfiguring a lot or material change of use is certified:</p> <ul style="list-style-type: none"> <li>(i) that the development works can be carried out without altering the very low classification of landslip risk, or</li> <li>(ii) that the development works can be carried out without altering the very low classification of landslip risk provided specified works are carried out and/or specified measures are taken during the course of the development works; and</li> <li>(iii) after completion of the works: <ul style="list-style-type: none"> <li>(a) that building and associated further development works can be carried out on the land without altering the very low classification of landslip risk, or</li> <li>(b) that building and associated further development works can be carried out</li> </ul> </li> </ul>

<sup>17</sup> A site specific geotechnical analysis prepared by a registered professional engineer (NPER-3 Civil Engineer (geotechnical specialisation)) may be required to demonstrate that the site is not subject to landslide hazard and that the development will not impact on the long term stability of the site.

<sup>18</sup> The certifying engineer is to be a registered professional engineer, specifically NPER-3 civil with geotechnical specialisation and registered to practise in Queensland (RPEQ)

Specific Outcomes	Acceptable / Probable Solutions
	on the land without altering the very low classification of landslip risk provided specified works are carried out and/or specified measures are taken during the course of the building and associated further development works.
<b>Reconfiguring a lot</b>	
P5 Timbered and scenic ridgelines are maintained in their natural state.	S5 No solution specified.
<b>Operational Works</b>	
P6 The extent of excavation (cut) and fill is minimised and revegetated immediately following completion of the works.	S6.1 Earthworks does not: (i) involve a change in level of more than 1m relative to natural ground surface at any point; and (ii) occur within 1.5m of any site boundary. S6.2 Retaining walls are not constructed within 3m of a property boundary other than where retaining walls are less than 1m in height on a continuous vertical plane.
P7 Paths, driveways, roads and other activity areas are designed to: (i) Follow the natural contours; (ii) Minimise the length of driveways and roads; and (iii) Minimise the number of crossings of water courses and drainage lines.	S7 No solution specified.
<b>Stormwater</b>	
P8 Stormwater runoff is managed such that: (i) Runoff from hard surfaces and drainage installations is collected and discharged to a lawful point of downstream discharge. (ii) Any adverse impact on on-site natural watercourses is prevented.	S8 No solution specified.

## *Division 12 Assessment Tables for the Flood and Inundation Management Overlay Code*

### **8.37 Assessment categories for the Flood and Inundation Management Overlay**

- (1) The assessment categories are identified for development affected by overlay in column 2 of **Table 8-11** and **Table 8-12**:
  - (a) **Table 8-11** making a material change of use<sup>19</sup> for a defined use listed in column 1;
  - (b) **Table 8-12** other development listed in column 1 including:
    - (i) building work not associated with a material change of use;
    - (ii) reconfiguring a lot;
    - (iii) carrying out operational work associated with reconfiguring a lot;
    - (iv) carrying out operational work not associated with a material change of use or reconfiguring a lot and involving earthworks including excavation or filling of land; and
    - (v) other.

### **8.38 Relevant assessment criteria for development affected by Flood and Inundation Management Overlay**

- (1) The relevant assessment criteria for development affected by the Flood and Inundation Management Overlay is referred to in column 3 of **Table 8-11** and **Table 8-12**.
- (2) For self-assessable development and code assessable development, the relevant assessment criteria are applicable codes.

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<sup>19</sup> Works associated with an application for a material change of use may be assessed together with the material change of use.

**Table 8-11 Assessment Categories and Relevant Assessment Criteria for the Flood Inundation Management Overlay – Making a Material Change of Use**

Note-

(1) Zones also affect assessment categories. See zone Map to determine the zone of the land. Also see Section 1.11 (3) explaining how the higher assessment category prevails.

(2) The Building Regulation 2006 through the Building Code of Australia (BCA) addresses flooding in the code and standards in respect of mitigating the effects of natural hazards.

(3) For all categories of development, development must consider the applicable flood levels, including Q100 flood levels.

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Relevant assessment criteria <sup>20</sup> - applicable code if development is self-assessable or requires code assessment
Dwelling House	<p><b>Code Assessable</b> where located on land identified as an inundation area on the Flood and Inundation Management Overlay Plan (DFE – Riverine Flooding), or where located on land where the “Minimum Level” (as defined in this code) applies.</p> <p><b>Self Assessable</b> where complying with the Flood and Inundation Management Overlay Code and located in the “Self Assessable” Category of the Overlay Map.</p>	Flood and Inundation Management Overlay Code
All except: Agriculture Animal Husbandry Cemetery Forestry Heavy Vehicle Parking Park Roadside Stall Stockyard	<p><b>Code Assessable</b> where located on land identified as an inundation area on the Flood and Inundation Management Overlay Plan (DFE – Riverine Flooding), or where located on land where the “Minimum Level” (as defined in this code) applies or where located on land where the DFE (Local Flooding) (as defined in this code) applies.</p> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Flood and Inundation Management Overlay Code
Other	<b>Exempt</b>	

<sup>20</sup> For impact assessable development, ‘relevant assessment criteria’ are provided to assist the preparation of an application and in no way affect the regard given to the planning scheme as a whole in accordance with Section 3.5.5 of the IPA.



**Table 8-12 Assessment Categories and Relevant Assessment Criteria for the Flood and Inundation Management Overlay – Other Development**

Note-

Zones also affect assessment categories. See zone Map to determine the zone of the land. Also see section 1.11 (3) explaining how the higher assessment category prevails.

Column 1 Type of Development	Column 2 Assessment Category	Column 3 Relevant assessment criteria <sup>21</sup> - applicable code if development is self-assessable or requires code assessment
Operational work not associated with a material change of use	<p><b>Code Assessable</b> where located on land identified as an inundation area on the Flood and Inundation Management Overlay Plan (DFE – Riverine Flooding), or where located on land where the “Minimum Level” (as defined in this code) applies, or where located on land where the DFE (Local Flooding) (as defined in this code) applies and which involves net filling of more than 50m<sup>3</sup>.</p> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Flood and Inundation Management Overlay Code
Reconfiguring a lot	<p><b>Code Assessable</b> where located on land identified as an inundation area on the Flood and Inundation Management Overlay Plan (DFE – Riverine Flooding), or where located on land where the “Minimum Level” (as defined in this code) applies, or where located on land where the DFE (Local Flooding) (as defined in this code) applies.</p> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Flood and Inundation Management Overlay Code
Carrying out operational work for reconfiguring a lot	<p><b>Code Assessable</b> where located on land identified as an inundation area on the Flood and Inundation Management Overlay Plan (DFE – Riverine Flooding), or where located on land where the “Minimum Level” (as defined in this code) applies, or where located on land where the DFE (Local Flooding) (as defined in this code) applies and which involves net filling of more than 50m<sup>3</sup>.</p> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Flood and Inundation Management Overlay Code
Other	<b>Exempt</b>	

<sup>21</sup> For impact assessable development, ‘relevant assessment criteria’ are provided to assist the preparation of an application and in no way affect the regard given to the planning scheme as a whole in accordance with Section 3.5.5 of the IPA.

## *Division 13 Assessment Criteria for the Flood and Inundation Management Overlay Code*

### **8.39 The Flood and Inundation Management Overlay Code**

- (1) The provisions in this division comprise the Flood and Inundation Management Overlay Code as follows:
  - (a) Compliance with the Flood and Inundation Management Overlay Code (**Section 8.40**).
  - (b) Overall outcomes for the Flood and Inundation Management Overlay Code (**Section 8.41**).
  - (c) Effects of development on land affected by flood and inundation (**Section 8.43**).

### **8.40 Compliance with the Flood and Inundation Management Overlay Code**

- (1) Compliance with the Flood and Inundation Management Overlay Code is achieved when assessable development is consistent with the specific outcomes in **Section 8.43**.
- (2) Compliance with the Overlay Code is achieved when assessable development complies with the acceptable solutions in **Section 8.43**.

### **8.41 Overall outcomes for the Flood and inundation Management Overlay Code**

- (1) The overall outcomes are the purpose of the Flood and Inundation Management Overlay Code.
- (2) The overall outcomes sought for the Flood and Inundation Management Overlay Code are to ensure development:
  - (a) protects the safety of people and property from unreasonable risk from flooding and inundation hazard;
  - (b) minimises damage and loss of property due to flooding and inundation;
  - (c) restricts development encroaching into the flood plain;
  - (d) provides a clear corridor for the conveyance of floodwaters;
  - (e) storage of hazardous substances is undertaken having regard to public safety; and
  - (f) protects the ecological functions of watercourses in the City.

### **8.42 Definitions**

**Note:** This code should be read in conjunction with the Flood and Inundation Management Planning Scheme Policy.

**“AHD”** means Australian Height Datum

**“HAT”** means Highest Astronomical Tide

**“Defined Flood Event (DFE)”** means the flood event adopted by Mackay City Council for the management of development in a particular locality which for the purposes of this Planning Scheme is the 1% AEP (100 year ARI) flood event.

- The DFE (Riverine Flooding) is shown on the Flooding and Inundation Management Overlay Map.
- The DFE (Local Flooding) is used for the management of development in the following localities:
  - (i) The Goodseponds and Jane Creek;
  - (ii) Certain areas of Paget; and
  - (iii) McCreedys Creek catchment.

Where the DFE is different to this definition it will be expressed as either a % AEP or as a Reduced Level (RL).

**“Minimum Level”** means the level corresponding to the 1 in 100 year frequency tidal surge plus an allowance factor for safety, stormwater drainage freeboard and minor wave effects. This level is as listed for the locations in the following table:

Mackay Urban Area ('Existing Areas')	RL 5.4 AHD
Ball Bay / Haliday Bay / Seaforth	RL 5.3 AHD
Midge Point	RL 5.0 AHD

**Annual Exceedance Probability (AEP)”** means the likelihood of occurrence of a flood of a given size or larger in any one year; usually expressed as a percentage. The AEP of a flood event gives no indication of when a flood of that size will occur next.

**“Average Recurrence Interval (ARI)”** means a statistical estimate of the average period in years between the occurrence of a flood of a given size or larger. The ARI of a flood event gives no indication of when a flood of that size will occur next.

**“Existing Areas”** means, for the purposes of this code, the whole of the City Centre locality, the whole of the Pioneer River (Urban) precinct, and the suburbs of Mt Pleasant, North Mackay, Beaconsfield, Andergrove and Slade Point.

**“Hazardous materials in bulk”** means hazardous materials in bulk as defined State Planning Policy Guideline 1/03.

**“New Areas”** means, for the purposes of this code, any land included in an Urban Area (as defined) or land included in the Urban Expansion Zone, not included in the “existing areas”.

#### **8.43 Effects of Development on land affected by Flooding and Inundation**

- (1) The specific outcomes and probable and acceptable solutions are as follows:

## Buildings & Access

Specific Outcomes		Acceptable / Probable Solutions
Assessable Development		
Building Floor Levels		
P1	Development maintains the safety of people on premises from all floods up to and including the DFE, or the defined "Minimum Level", whichever is the greater.	<p>S1.1 Development is located on land above the level of flooding during the DFE, or the defined "Minimum Level", whichever is the greater; or</p> <p>S1.2 Where development is located on land below the level of flooding during the DFE, or the defined "Minimum Level":</p> <ul style="list-style-type: none"> <li>(a) there is no increase in the number of people living or working on the site except on a short-term or intermittent basis (e.g. by construction workers, seasonal agricultural and forestry workers); and</li> <li>(b) for all premises listed in Table 8-11, the minimum building floor level is the greater of: <ul style="list-style-type: none"> <li>(i) at least 300mm above the DFE; or</li> <li>(ii) the defined 'Minimum Level' for the location of the site.</li> </ul> </li> <li>(c) in addition to the above requirements, the building floor level shall be a minimum of 225mm above natural ground level and will be sufficient to allow for relevant plumbing fixtures and minimum floor levels noted above.</li> <li>(d) in addition to the above requirements, the building floor level shall be a minimum of 300mm above the top of the kerb level or crown of the adjacent bitumen road, whichever is greater.</li> <li>(e) in addition to the above requirements, an allowance of an additional 600mm is made for higher wave effects and run up in the foreshore area. The foreshore area shall be taken as extending inland for a minimum of 100 metres from the toe of the frontal dune or HAT whichever is the highest.</li> <li>(f) buildings are located and designed so that there is at least one evacuation route<sup>22</sup> that remains passable for emergency evacuations during all floods up to and including the DFE.</li> </ul> <p>S1.3 Where new residential premises are proposed to be located on land in an existing area that is below the level of flooding, during the DFE, or the defined "Minimum Level", the minimum building floor level is the greater of:</p> <ul style="list-style-type: none"> <li>(a) at least 300mm above the DFE; or</li> <li>(b) the defined "Minimum Level" for the location of the site.</li> </ul>

<sup>22</sup> The evacuation route should be located above the DFE or within the low hazard areas and constructed not more than 300 mm below the DFE.

	<p>S1.4 Where existing residential premises, located on land below the level of flooding during the DFE, or the defined "Minimum Level", are proposed to be extended by the addition of a Habitable Room (or rooms), the minimum building floor level of the new "Habitable Room" (or rooms) is the greater of:</p> <ul style="list-style-type: none"> <li>(a) at least 300mm above the DFE; or</li> <li>(b) the defined "Minimum Level" for the location of the site.</li> </ul> <p>S1.5 Where filling of more than 400mm above natural ground level is required to achieve the minimum floor levels, forms of construction other than "slab on ground" are provided.</p>
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**Note:** Refer to Planning Scheme Policy - Flooding and Inundation Management.

## Ground Levels, Operation Works & Hazardous Materials

Specific Outcomes		Acceptable / Probable Solutions
<b>Assessable Development</b>		
<b>Ground Levels for Lots</b>		
P1	Reconfiguring a lot where located in an area identified in the Flood and Inundation Management Overlay Map, provides that each lot created has a ground level which has flood immunity such that persons and property are not placed at unreasonable risk of injury or damage caused by flooding or inundation.	<p>S1.1 The minimum finished ground level for lots in new areas is the greater of;</p> <ul style="list-style-type: none"> <li>(i) at or above the DFE, or</li> <li>(ii) not less than 400mm below the defined 'Minimum Level' for the location of the site.</li> </ul> <p>S1.2 For lots in existing areas the existing ground level is not altered outside the existing building footprint<sup>23</sup>.</p> <p>S1.3 For lots in new areas, filling levels ensure that there is no net loss of floodplain storage.</p> <p>S1.4 In the Rural and Rural Residential zone, lots are:</p> <ul style="list-style-type: none"> <li>(i) immune from inundation by flooding during the DFE; or</li> <li>(ii) include at least 1000m<sup>2</sup> within each lot above the DFE level and there is access to the elevated area constructed with a 50 year ARI trafficability.</li> </ul>
<b>Operational Works (Earthworks)</b>		
P2	Development does not result in adverse impacts on people's safety or the capacity to use land within the flood plain.	<p>S2.1 Development:</p> <ul style="list-style-type: none"> <li>(i) complies with any applicable development criteria set out in a floodplain management plan<sup>24</sup>; or</li> <li>(ii) where a floodplain management plan does not exist, either: <ul style="list-style-type: none"> <li>(a) minimises reductions of on-site flood storage capacity and contains within the subject site any changes to depth/duration/velocity of floodwaters of all floods up to and including the DFE; or</li> <li>(b) does not change the flood characteristics of the DFE outside the subject site in ways that result in: <ul style="list-style-type: none"> <li>(1) loss of flood storage</li> <li>(2) loss of/change to flow paths;</li> <li>(3) acceleration or retardation flows; or</li> <li>(4) reduction in flood warning times elsewhere on the floodplain.</li> </ul> </li> </ul> </li> </ul> <p>S2.2 In the Industry (High Impact) and Industry (Low Impact) Zones, hard-standing and outdoor storage areas are constructed to finished levels at least the height of an inundation or flood event with a 2% AEP (50 year ARI), provided that these works do not cause an increased risk of inundation in other parts of the City.</p>
P3	Where located on land identified in the Flood and Inundation Management Overlay Map, the existing ground level is not altered outside the footprint of a building by the excavation or filling of land.	S3 No solution specified.

<sup>23</sup> The building footprint is the actual area at natural ground level covered by the building or buildings.

<sup>24</sup> Guidelines for the Preparation of a Flood Management Plan is set out in Flood and Inundation Management Planning Scheme Policy.

Specific Outcomes		Acceptable / Probable Solutions	
P4	Public safety and stream flows in areas identified in the Flood and Inundation Management Overlay Map are maintained by limiting the extent and nature of development.	S4	No solution specified.
P5	Essential Services infrastructure, such as on-site electricity, gas, water supply, sewerage and telecommunications maintain their functions during a DFE.	S5.1	Any components of infrastructure that are likely to fail to function or may result in contamination when inundated by flood waters (e.g. electrical switch gear and motors, water supply pipeline air valves) are: (i) located above the DFE and/or (ii) designed and constructed to exclude floodwater intrusion and infiltration.
		S5.2	Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by the DFE.
Hazardous Materials			
P6	Public safety and the environment are not adversely affected by the detrimental impacts of floodwater on hazardous materials manufactured or stored in bulk on the site.	S6.1	The manufacture of hazardous materials takes place above the DFE flood levels.
		S6.2	Structures used for the manufacture or storage of hazardous materials in bulk are designed to prevent the intrusion of flood waters.
		S6.3	The storage of hazardous materials is contained within a bunded area where the bund wall has a height of 300mm or more above the DFE, or the defined 'Minimum Level' for the location of the site, whichever is the greater, provided that these works do not cause an increased risk for the inundation in other parts of the City.
Building Floor Levels			
P7	A Dwelling House is provided on a floor level which has flood immunity such that persons and property are not placed at unreasonable risk of injury or damage caused by flooding or inundation.	S7	Building Floor Levels are provided in accordance with the minimum building floor levels as provided in Acceptable Solutions S1.1 to S1.5 of the Flood and Inundation Overlay Code.

## *Division 14 Assessment Tables for Good Quality Agricultural Land Overlay Code*

### **8.44 Assessment categories for Good Quality Agricultural Land Overlay**

- (1) The assessment categories are identified for development affected by Good Quality Agricultural Land Overlay Code in column 2 of **Table 8-13** and **Table 8-14**:
  - (a) **Table 8-13** making material change of use<sup>25</sup> for a defined use listed in column 1;
  - (b) **Table 8-14** other development listed in column 1 including:
    - (i) reconfiguring a lot;
    - (ii) carrying out operational work associated with reconfiguring a lot;
    - (iii) carrying out operational work comprising earthworks including excavation or filling and not associated with a material change of use or reconfiguring a lot; and
    - (iv) other.

### **8.45 Relevant assessment criteria for development affected by Good Quality Agricultural Land Overlay Code**

- (1) The relevant assessment criteria for development affected by the overlay is referred to in column 3 of **Table 8-13** and **Table 8-14**.
- (2) For self-assessable development and code assessable development, the relevant assessment criteria are applicable codes.

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<sup>25</sup> Works associated with an application for a material change of use may be assessed together with the material change of use.



**Table 8-13 Assessment Categories and Relevant Assessment Criteria for Good Quality Agricultural Land Overlay – Making a Material Change of Use**

Note-

Zones also affect assessment categories. See zone Map to determine the zone of the land. Also see Section 1.11(3) explaining how the higher assessment category prevails.

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Relevant assessment criteria <sup>26</sup> - applicable code if development is self-assessable or requires code assessment
All except: Agriculture Animal Husbandry Dependent Persons Accommodation Dwelling House Forestry Home Occupation Home Based Business Residential Storage Shed Park	<p><b>Code Assessable</b> where on land:</p> <ul style="list-style-type: none"> <li>(i) identified as Good Quality Agricultural Land on the Good Quality Agricultural Land Overlay Maps; or</li> <li>(ii) within 300m of land identified as Good Quality Agricultural Land on the Good Quality Agricultural Land Overlay Maps.</li> </ul> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Good Quality Agricultural Land Overlay Code
Other	<b>Exempt</b>	

<sup>26</sup> For impact assessable development, 'relevant assessment criteria' are provided to assist the preparation of an application and in no way affect the regard given to the planning scheme as a whole in accordance with Section 3.5.5 of the IPA.

**Table 8-14 Assessment Categories and Relevant Assessment Criteria for Good Quality Agricultural Land Overlay – Other Development**

Note-

Zones also affect assessment categories. See zone Map to determine the zone of the land. Also see Section 1.11(3) explaining how the higher assessment category prevails.

Column 1 Type of Development <sup>27</sup>	Column 2 Assessment Category	Column 3 Relevant assessment criteria <sup>28</sup> - applicable code if development is self-assessable or requires code assessment
Reconfiguring a lot	<p><b>Code Assessable</b> where on land:</p> <ul style="list-style-type: none"> <li>(i) identified as Good Quality Agricultural Land on the Good Quality Agricultural Land Overlay Maps; or</li> <li>(ii) within 300m of land identified as Good Quality Agricultural Land on the Good Quality Agricultural Land Overlay Maps; or</li> <li>(iii) within 500m of land used for intensive animal husbandry purposes.</li> </ul> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Good Quality Agricultural Land Overlay Code
Carrying out operational work associated with reconfiguring a lot	<p><b>Code Assessable</b> where on land:</p> <ul style="list-style-type: none"> <li>(i) identified as Good Quality Agricultural Land on the Good Quality Agricultural Land Overlay Maps and where the excavation or filling of land involves an area of more than 500m<sup>2</sup> and a depth of more than 200mm.</li> </ul> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Good Quality Agricultural Land Overlay Code
Carrying out operational work not associated with a material change of use or reconfiguring a lot; and involving earthworks including excavation or filling of land.	<p><b>Code Assessable</b> where on land:</p> <ul style="list-style-type: none"> <li>(i) identified as Good Quality Agricultural Land on the Good Quality Agricultural Land Overlay Maps and where the excavation or filling of land involves an area of more than 500m<sup>2</sup> and a depth of more than 200mm.</li> </ul> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Good Quality Agricultural Land Overlay Code
Other	<b>Exempt</b>	

<sup>27</sup> Certain management practices for the conduct of an agricultural use are 'exempt' development in accordance with Schedule 8 of the *Integrated Planning Act 1997*.

<sup>28</sup> For impact assessable development, 'relevant assessment criteria' are provided to assist the preparation of an application and in no way affect the regard given to the planning scheme as a whole in accordance with Section 3.5.5 of the IPA.

## *Division 15 Assessment Criteria for Good Quality Agricultural Land Overlay Code*

### **8.46 Good Quality Agricultural Land Overlay Code**

- (1) The provisions in this division comprise the code as follows:
  - (a) Compliance with Good Quality Agricultural Land Overlay Code (**Section 8.47**).
  - (b) Overall outcomes for Good Quality Agricultural Land Overlay Code (**Section 8.48**).
  - (c) Effects of development on Good Quality Agricultural Land Overlay Code (**Section 8.50**).
- (2) The provisions in this division apply to the whole of the local government area for the City of Mackay and is not confined to those areas featured as GQAL on the Overlay map.

### **8.47 Compliance with Good Quality Agricultural Land Overlay Code**

- (1) Compliance with the Good Quality Agricultural Land Overlay Code is achieved when assessable development is consistent with the specific outcomes in **Section 8.50**.
- (2) Compliance with the Good Quality Agricultural Land Overlay Code is achieved when self-assessable development is consistent with the acceptable solutions in **Section 8.50**.

### **8.48 Overall outcomes for Good Quality Agricultural Land Overlay Code**

- (1) The overall outcomes are the purpose of the Good Quality Agricultural Land Overlay Code.
- (2) The overall outcomes sought for the Good Quality Agricultural Land Overlay Code are to ensure:
  - (a) good quality agricultural land is conserved for continued agricultural use;
  - (b) good quality agricultural land is protected from reconfiguration which fragments otherwise productive rural land;
  - (c) reconfiguration of lots in the Rural Zone facilitates viable and sustainable rural land use pursuant to *State Planning Policy No 1/92*<sup>29</sup>, and
  - (d) Agricultural uses are protected from encroachment by incompatible uses.

### **8.49 Definitions**

**“Good Quality Agricultural Land”** (GQAL) is the area indicated on the Good Quality Agricultural Land Overlay Map as being Good Quality Agricultural Land.

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<sup>29</sup> **Note:** Refer to State Planning Policy 1/92 “Separating Agricultural and Residential Uses” – Associated Guidelines.

## 8.50 Effects of Development on Good Quality Agricultural Land

(1) The specific outcomes and probable and acceptable solutions are as follows:

Specific Outcomes		Acceptable / Probable Solutions	
Assessable Development			
P1	Where the development is on land as shown on the Good Quality Agricultural Land Overlay Map as GQAL and involves the establishment of resident uses or any uses having a residential component <sup>29</sup> : (i) the amenity of residential uses are protected; and (ii) the operations of nearby agricultural land is not constrained by the development.	S1	The residential activity areas on the site are separated from the nearby agricultural land as follows: (i) where in proximity to canelands or other horticultural activity: (a) a minimum 40m, where the distance incorporates vegetation; or (b) a minimum 300m where the distance is to be left as open ground; and (ii) where in proximity to any intensive animal husbandry, a minimum 500m.
P2	Where it is proposed to establish a residential use or any use having a residential component within those buffer distances shown in S1 above, then the premises incorporates mitigation measures to ensure that: (i) the amenity of residential uses are protected; and (ii) the operations of nearby agricultural land is not constrained by the development.	S2	No solution specified.
P3	Development on land as shown on the Good Quality Agricultural Land Overlay Map as GQAL does not result in land taken out of agricultural use unless: (i) an overriding community need for the development is demonstrated; and (ii) no alternative sites are available.	S3	No solution specified.
P4	Reconfiguring a lot on good quality agricultural land occurs only where new lots do not adversely affect the potential to sustain agriculture or the continued use of the land as an agricultural resource <sup>30</sup> by: (i) not limiting the range of crops able to be grown on any of the lots created; or (ii) creating new lots only where they can be amalgamated or used economically in conjunction with other agricultural land.	S4	No solution specified.
P5	Where the reconfiguring of a lot is for residential purposes on land adjacent to good quality agricultural land, the lot size and layout accommodates a buffer area such that: (i) the potential to sustain agriculture on the adjoining land is maintained; and (ii) future residential amenity on the new lot is protected.	S5	All residential lots abutting good quality agricultural land have the following minimum dimensions: (i) where immediately abutting canelands or other horticultural activity; (ii) a minimum depth of 60m where a vegetated buffer to a depth of 40m is incorporated into the lot; or (iii) a minimum depth of 320m where the buffer is on open ground; and (iv) where immediately abutting any intensive animal husbandry a minimum depth of 550m where a vegetated buffer to a depth of 40m is incorporated into the lot.

<sup>30</sup> **Note:** Refer to State Planning Guidelines "The Identification of Good Quality Agriculture Land".

Specific Outcomes	Acceptable / Probable Solutions
<p>P6 Where reconfiguring a lot in the Rural zone involves boundary realignments and the primary use of the lot is residential:</p> <ul style="list-style-type: none"> <li>(i) the lot does not include good quality agricultural land; and</li> <li>(ii) buffers to GQAL and associated rail infrastructure (i.e. tram lines) are included in the lot.</li> </ul>	<p>S6 No solution specified.</p>
<p>P7 Where the lots are identified for sugar cane production the lots are shaped to facilitate production.</p>	<p>S7 No solution specified.</p>
<p>P8 Where development likely to result in the establishment of new activities / uses is proposed within 300 m of land identified on the Good Quality Agricultural Land Overlay Map as GQAL and is used for agriculture, a buffer to the GQAL is included on the subject site.</p> <p><b>Note:</b> The buffer does not contain GQAL.</p>	<p>S8 No solution specified.</p>

## *Division 16 Assessment Tables for Landscape Character Overlay Code*

### **8.51 Assessment categories for the Landscape Character Overlay**

- (1) The assessment categories are identified for development affected by the Landscape Character Overlay in column 2 of **Table 8-15** and **Table 8-16**:
  - (a) **Table 8-15** making a material change of use<sup>31</sup> for a defined use listed in column 1;
  - (b) **Table 8-16** other development listed in column 1 including-
    - (i) reconfiguring a lot;
    - (ii) carrying out operational work associated with reconfiguring a lot;
    - (iii) carrying out operational work not associated with a material change of use or reconfiguring a lot and involving earthworks including excavation or filling of land; and
    - (iv) other.

### **8.52 Relevant assessment criteria for development affected by the Landscape Character Overlay**

- (1) The relevant assessment criteria for development affected by the Landscape Character Overlay is referred to in column 3 of **Table 8-15** and **Table 8-16**.
- (2) For self-assessable development and code assessable development, the relevant assessment criteria are applicable for codes.

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<sup>31</sup> Works associated with an application for a material change of use may be assessed together with the material change of use.

**Table 8-15 Assessment Categories and Relevant Assessment Criteria for Landscape Character Overlay – Making a Material Change of Use**

Note-

Zones also affect assessment categories. See zone Map to determine the zone of the land. Also see Section 1.11(3) explaining how the higher assessment category prevails.

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Relevant assessment criteria <sup>32</sup> - applicable code if development is self-assessable or requires code assessment
All except: Agriculture Animal Husbandry Cemetery Dependant Persons Accommodation Dwelling House Home Occupation Forestry Park Residential Storage Shed	<p><b>Code Assessable</b> where:</p> <ul style="list-style-type: none"> <li>(i) on land in a Landscape Character area as identified on the Landscape Character Overlay Maps; or</li> <li>(ii) on land in or adjacent to an image corridor as identified on the Information Maps (A &amp; B) – “Image Corridors”.</li> </ul> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Landscape Character Overlay Code
Other	<b>Exempt</b>	

<sup>32</sup> For impact assessable development, ‘relevant assessment criteria’ are provided to assist the preparation of an application and in no way affect the regard given to the planning scheme as a whole in accordance with Section 3.5.5 of the IPA.

**Table 8-16 Assessment Categories and Relevant Assessment Criteria for Landscape Character Overlay – Other Development**

Note-

Zones also affect assessment categories. See zone Map to determine the zone of the land. Also see Section 1.11(3) explaining how the higher assessment category prevails.

Column 1 Type of Development	Column 2 Assessment Category	Column 3 Relevant assessment criteria <sup>33</sup> - applicable code if development is self-assessable or requires code assessment
Reconfiguring a lot	<p><b>Code Assessable</b> where:</p> <ul style="list-style-type: none"> <li>(i) on land in a Landscape Character Area as identified on the Landscape Character Overlay Maps; or</li> <li>(ii) on land in or adjacent to an image corridor as identified on the Information Maps (A &amp; B) – “Image Corridors”.</li> </ul> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Landscape Character Overlay Code
Carrying out operational work associated with reconfiguring a lot	<p><b>Code Assessable</b> where:</p> <ul style="list-style-type: none"> <li>(i) on land in a Landscape Character Area as identified on the Landscape Character Overlay Maps; and</li> <li>(ii) involving: <ul style="list-style-type: none"> <li>(a) earthworks or filling more than 200mm; and</li> <li>(b) involving more than 50m<sup>3</sup></li> </ul> </li> </ul> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Landscape Character Overlay Code
Carrying out operational work not associated with a material change of use or reconfiguring a lot; and involving excavation or filling of land.	<p><b>Code assessable</b> where:</p> <ul style="list-style-type: none"> <li>(i) on land in a Landscape Character Area as identified on the Landscape Character Overlay Maps; or</li> <li>(ii) on land within a 10m setback from an Image Corridor as identified on the Information Maps (A &amp; B) “Image Corridors” and</li> <li>(iii) where involving filling or excavating of more than 50m<sup>3</sup> of material.</li> </ul> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Landscape Character Overlay Code
Carrying out operational work for the erection of advertising devices not associated with a material change of use	<p><b>Code assessable</b> where:</p> <ul style="list-style-type: none"> <li>(i) on land in a Landscape Character Area as identified on the Landscape Character Overlay Maps; or</li> <li>(ii) on land within a 10m setback from an Image Corridor as identified in this Code.</li> </ul> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Landscape Character Overlay Code
Other	<b>Exempt</b>	

<sup>33</sup> For impact assessable development, ‘relevant assessment criteria’ are provided to assist the preparation of an application and in no way affect the regard given to the planning scheme as a whole in accordance with Section 3.5.5 of the IPA.



## *Division 17 Assessment Criteria for the Landscape Character Overlay Code*

### **8.53 Landscape Character Overlay Code**

- (1) The provisions in this division comprise the Landscape Character Overlay Code as follows:
  - (a) Compliance with Landscape Character Overlay Code (**Section 8.54**).
  - (b) Overall outcomes for Landscape Character Overlay Code (**Section 8.55**).
  - (c) Effects of development on Landscape Character (**Section 8.56**).

### **8.54 Compliance with Landscape Character Overlay Code**

- (1) Compliance with the Landscape Character Overlay Code is achieved when assessable development is consistent with the specific outcomes in **Section 8.56**.
- (2) Compliance with the Landscape Character Overlay Code is achieved when self-assessable development complies with the acceptable solutions in **Section 8.56**.

**Note:** This code is to be read in conjunction with the Landscape Character Planning Scheme Policy.

### **8.55 Overall outcomes for Landscape Character Overlay Code**

- (1) The overall outcomes are the purpose of the Landscape Character Overlay Code.
- (2) The overall outcomes sought for the Landscape Character Overlay are:
  - (a) Development:
    - (i) recognises and protects the interrelationship between the built form and the natural and semi-natural features which make up the distinctive and attractive landscape character of the City<sup>34</sup>;
    - (ii) maintains natural landscape features by preservation of remnant vegetation communities including wetlands, estuaries, riparian corridors, coastal vegetation, vegetated lowlands and ranges; and
    - (iii) maintains street trees in the urban areas, coastal settlements and rural villages of the City.

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<sup>34</sup> The landscape character of each locality is described in the landscape Character Planning Scheme Policy .

- (b) Areas or features contributing to the landscape character of each Locality<sup>35</sup>, are not affected by the potential impacts of inappropriate development, including:
- (i) the removal of vegetation from ridgelines and prominent hillsides;
  - (ii) excessive earthworks on steep and prominent land;
  - (iii) the visual intrusion of highway-related development upon the rural landscapes between Farleigh and Glenella;
  - (iv) the loss of coastal and rural views particularly from the Bruce Highway, Peak Downs Highway and other major roads extending through the City;
  - (v) the unnecessary removal of mature street trees and remnant vegetation in urban areas; and
  - (vi) the introduction of intrusive building forms in the landscape, having regard for the topography, tree cover and scale of buildings and the materials to be used in construction.

## 8.56 Effects of Development on Landscape Character Areas and Image Corridors

- (1) The specific outcomes and probable and acceptable solutions are as follows:

### Landscape Character Areas

Specific Outcomes		Acceptable / Probable Solutions
<b>Self-Assessable and Assessable Development</b>		
<b>Design and Siting of Buildings</b>		
P1	Development is sensitive to the existing landscape character by: <ul style="list-style-type: none"> <li>(i) avoiding intrusion into existing view-lines and vistas through inappropriate siting and excessive height;</li> <li>(ii) siting buildings and structures to avoid loss of remnant vegetation;</li> <li>(iii) avoiding intrusion of any structure above the ridgeline or tree canopy and into the sky line; and</li> <li>(iv) finishing buildings, other structures and fences with materials and colours with blend with the natural landscape.</li> </ul>	<p>S1.1 Subject to S1.2 below, buildings and structures have:</p> <ul style="list-style-type: none"> <li>(i) a maximum height of 8.5m;</li> <li>(ii) external walls of the building finished with non-reflective glazing.</li> </ul> <p>S1.2 All buildings and structure have a maximum height of 4.5 m where located in the Offshore Islands Locality.</p>

<sup>35</sup> Areas of particular landscape character include:

1. The timbered hill and ridgelines around Habana, The Leap and Yakapari and the coastal lowlands and wetlands of the coastline of the Reliance Creek Precinct;
2. The low hills and ridges of Rural View and Black's Beach, the avenue of mango trees at Eimeo, the extensive areas of Melaleuca forest and coastal woodland in and adjacent to the Mackay sea port in the McCready's Creek Precinct;
3. The steep timbered slopes of the Clark Ranges and low coastal ranges, headlands, peninsulas and tidal areas of the coastline and inshore islands, estuaries of the O'Connell River drainage system and other remnant vegetation of the O'Connell River and Northern Streams Precinct;
4. The low hills and ridges of around Greenmount and Homebush, the heavily timbered slopes of the Connors ranges, the avenue of memorial mango trees at Pleystowe, the street trees of Walkerston, open coastline and estuaries and tidal lands, the canelands and remnant vegetation of the Pioneer and Southern Streams Precinct.

Specific Outcomes		Acceptable / Probable Solutions	
Reconfiguring a lot			
Assessable Development			
P2	Development involving the reconfiguring a lot in a landscape character area is designed to: <ul style="list-style-type: none"> <li>(i) avoid locating access ways or road ways in areas of remnant vegetation; and</li> <li>(ii) maximise retention of existing vegetation through increased road reserve widths, reduced pavement widths, provision of passing bays and meandering pavements.</li> </ul>	S2	Roads within a landscape character area are designed to retain vegetation except for the development of road pavement and other infrastructure, and access to lots.
Operational Works			
P3	Operational works on land in character areas is minimised such that any filling or excavation does not visually dominate the streetscape or result in the loss of existing vegetation.	S3.1	Excavation and filling works is not undertaken within the edge of the canopy of existing vegetation to be retained on the site.
		S3.2	Operational works are rehabilitated immediately on completion, with: <ul style="list-style-type: none"> <li>(i) re-grading and draining of disturbed surfaces to form even profiles;</li> <li>(ii) spreading topsoil suitable for planting; and</li> <li>(iii) dense plantings of endemic, native, plant species.</li> </ul>
Landscaping Works			
P4	Landscaping works on land in character areas enhances the landscape character values of the locality <sup>36</sup> .	S4	Premises incorporate landscape planting to site boundaries. <b>Note:</b> Council will refer to the Engineering Standards Planning Scheme Policy and the Landscaping Standards detailed in the Landscaping Planning Scheme Policy.

## Image Corridors

Specific Outcomes		Acceptable / Probable Solutions	
Self-Assessable and Assessable Development			
P1	Buildings and Structures located on land adjacent to an image corridor have a minimum building setback of 10 m to the road frontage.	S1	Buildings and Structures located on land adjacent to an image corridor have a minimum building setback of 10 m to the road frontage.
Assessable Development			
P2	The views and vistas available from the main image corridors as identified on the Information Maps (A & B) – ‘Image Corridors’, are protected and enhanced by: <ul style="list-style-type: none"> <li>(i) providing a high standard of building design which blends into the associated urban or rural setting; and</li> <li>(ii) incorporating landscape treatments for development sites that provide a continuous (no gaps) vegetated strip where the</li> </ul>	S2	No solution specified.

<sup>36</sup> The landscape character for each locality is described in the landscape Character Planning Scheme Policy.

Specific Outcomes	Acceptable / Probable Solutions
<p>vegetation is not less than 2 metres high at the development edge of the setback with lower shrubs between the tall (&gt;2m) vegetation and the road frontage;</p> <p>(iii) there are no advertising signs within the 10 m setback area; and</p> <p>(iv) all signs and advertising devices on land adjacent to an image corridor 10 m setback area:</p> <p>(a) do not include projecting roof or sky signs;</p> <p>(b) have a height of no greater than 6 m where a free standing sign; and</p> <p>(c) do not incorporate flashing neon lights or animated elements.</p> <p><b>Note:</b> Image corridors include both Entry Corridors and Tourist Corridors as shown on Maps (A &amp; B).</p>	

## *Division 18 Assessment Tables for the Acid Sulfate Soils Overlay Code*

### **8.57 Assessment categories for Acid Sulfate Soils Overlay**

- (1) The assessment categories are identified for development affected by the Acid Sulfate Soils Overlay in column 2 of **Table 8-17** and **Table 8-18**:
  - (a) **Table 8-17** making a material change of use<sup>37</sup> for a defined use listed in column 1;
  - (b) **Table 8-18** other development listed in column 1 including-
    - (i) reconfiguring a lot;
    - (ii) carrying out operational work associated with reconfiguring a lot;
    - (iii) carrying out operational work not associated with a material change of use or reconfiguring a lot and comprising excavation or filling not associated with a material change of use; and
    - (iv) other.

### **8.58 Relevant assessment criteria for development affected by the Acid Sulfate Soils Overlay**

- (1) The relevant assessment criteria for development affected by the Acid Sulfate Soils Overlay is referred to in column 3 of **Table 8-17** and **Table 8-18**.
- (2) For self-assessable development and code assessable development, the relevant assessment criteria are applicable codes.

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<sup>37</sup> Works associated with an application for a material change of use may be assessed together with the material change of use.

**Table 8-17 Assessment Categories and Relevant Assessment Criteria for the Acid Sulfate Soils Overlay – Making a Material Change of Use**

Note-

Zones also affect assessment categories. See zone Map to determine the zone of the land. Also see Section 1.11(3) explaining how the higher assessment category prevails.

Column 1 Defined Use	Column 2 Assessment Category	Column 3 Relevant assessment criteria <sup>38</sup> - applicable code if development is self-assessable or requires code assessment
All except: Dependent Persons Accommodation Dwelling House Home Occupation Park Residential Storage Shed	<p><b>Code Assessable</b> where involving the disturbance of soil or sediment at or below RL 5m AHD where the natural ground level is less than RL20 m AHD.</p> <p><b>Exempt</b><sup>39</sup> where the criteria for Code Assessable do not apply.</p>	Acid Sulfate Soils Overlay Code

<sup>38</sup> For impact assessable development, 'relevant assessment criteria' are provided to assist the preparation of an application and in no way affect the regard given to the planning scheme as a whole in accordance with Section 3.5.5 of the IPA.

<sup>39</sup> The *Environmental Protection Act 1994* binds all persons to a duty of care to ensure that activities engaged in do not cause environmental harm.

**Table 8-18 Assessment Categories and Relevant Assessment Criteria for Acid Sulfate Soils Overlay – Other Development**

Note-

Zones also affect assessment categories. See zone Map to determine the zone of the land. Also see Section 1.11(3) explaining how the higher assessment category prevails.

Column 1 Type of Development	Column 2 Assessment Category	Column 3 Relevant assessment criteria <sup>40</sup> - applicable code if development is self-assessable or requires code assessment
Reconfiguring a lot	<p><b>Code Assessable</b> where involving the disturbance of soil or sediment at or below RL 5m AHD where the natural ground level is less than RL 20m AHD.</p> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Acid Sulfate Soils Overlay Code
Carrying out operational work associated with reconfiguring a lot	<p><b>Code Assessable</b> where:</p> <ul style="list-style-type: none"> <li>(i) excavating or otherwise removing 100m<sup>3</sup> or more of soil or sediment at or below 5m AHD where the natural ground level is less than 20m AHD; or</li> <li>(ii) filling with 500m<sup>3</sup> or more of material with an average depth of 0.5 m or greater where the natural ground level is at or below 5m AHD.</li> </ul> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Acid Sulfate Soils Overlay Code
Carrying out operational work not associated with a material change of use or reconfiguring a lot; and involving excavation or filling of land.	<p><b>Code Assessable</b> where:</p> <ul style="list-style-type: none"> <li>(i) excavating or otherwise removing 100m<sup>3</sup> or more of soil or sediment at or below 5m AHD where the natural ground level is less than 20m AHD; or</li> <li>(ii) filling with 500m<sup>3</sup> or more of material with an average depth of 0.5m or greater where the natural ground level is at or below 5m AHD.</li> </ul> <p><b>Exempt</b> where the criteria for Code Assessable do not apply.</p>	Acid Sulfate Soils Overlay Code
Other	<b>Exempt</b>	

<sup>40</sup> For impact assessable development, 'relevant assessment criteria' are provided to assist the preparation of an application and in no way affect the regard given to the planning scheme as a whole in accordance with Section 3.5.5 of the IPA.

## *Division 19 Assessment Criteria for the Acid Sulfate Soils Overlay Code*

### **8.59 Acid Sulfate Soils Overlay Code**

- (1) The provisions in this division comprise the Acid Sulfate Soils Overlay Code as follows:
  - (a) Compliance with the Acid Sulfate Soils Overlay Code (**Section 8.60**).
  - (b) Overall outcomes for the Acid Sulfate Soils Overlay Code (**Section 8.61**).
  - (c) Effects of development on Acid Sulfate Soils Overlay Code (**Section 8.63**).

### **8.60 Compliance with the Acid Sulfate Soils Overlay Code**

- (1) Compliance with the Acid Sulfate Soils Overlay Code is achieved when assessable development is consistent with the specific outcomes in **Section 8.63**
- (2) Compliance with the Acid Sulfate Soils Overlay Code is achieved when assessable development is complies with the acceptable solutions in **Section 8.63**

### **8.61 Overall outcomes for the Acid Sulfate Soils Overlay Code**

- (1) The overall outcomes are the purpose of the Acid Sulfate Soils Overlay Code.
- (2) The overall outcomes sought for the Acid Sulfate Soils Overlay Code are the following:
  - (a) potential for environmental harm resulting from the disturbance of coastal land known to contain acid sulfate soils is minimised by the adoption of appropriate management techniques;
  - (b) corrodible assets are protected from the impacts of acid sulfate soils; and
  - (c) possible adverse environmental impacts are mitigated where Acid Sulfate Soils are likely to be disturbed by excavation or filling or by lowering the water table (e.g. groundwater pumping).

### **8.62 Definitions**

“**AHD**” means Australian Height Datum.

### **8.63 Effects of Development on Acid Sulfate Soils**

- (1) The specific outcomes and probable and acceptable solutions are as follows:

Specific Outcomes		Acceptable / Probable Solutions	
Assessable Development			
P1	Where excavation or filling is to be undertaken in areas of Acid Sulfate Soils, a comprehensive approach to acid sulfate soil management is taken to: <ol style="list-style-type: none"> <li>(i) maintain water quality at more than 5.5 pH;</li> <li>(ii) maintain the health and ecological health of</li> </ol>	S1.1	Development: <ol style="list-style-type: none"> <li>(i) does not disturb Acid Sulfate Soils; or</li> <li>(ii) less than 100m<sup>3</sup> of acid sulfate soil is to be disturbed (including filling).</li> </ol>
		S1.2	Avoid the release of acid and metal contaminants



Specific Outcomes	Acceptable / Probable Solutions
<p>the receiving environmental;</p> <p>(iii) avoid adverse effects on environmentally sensitive areas; and</p> <p>(iv) avoid accelerated corrosion of assets such as buildings, structures, road and other infrastructure.</p> <p><b>Note:</b> Where S1.1 is not complied with or where between 100m<sup>3</sup> and 1000m<sup>3</sup> of acid sulfate soil with either &gt;0.03% oxidisable sulphur or &gt;18 moles H+/tonne TPA or TAA is to be disturbed, then:</p> <p>(i) an Acid Sulfate Soils Investigation Report is supplied to Council as part of the development application and prepared with reference to the guidelines which accompany State Planning Policy 2/02 and the Queensland Acid Sulfate Soil Technical Manual – Soil Management Guidelines (2002), and in particular contains the following information:</p> <p>(a) the sampling and technical analysis procedures adopted in the investigation;</p> <p>(b) the location, area, depth and volume of acid sulphate soil to be disturbed and details on the water table;</p> <p>(c) the proposed method of treating/managing disturbed acid sulfate soil and surface drainage waters from areas containing disturbed acid sulphate soil;</p> <p>(d) the proposed method of maintaining water table levels in and adjacent to disturbed areas, or management of ASS if the water table is lowered below the ASS layer; and</p> <p>(e) the proposed monitor procedures;</p> <p>or</p> <p>(ii) where more than 1000m<sup>3</sup> of acid sulfate soil with either &gt;0.03% oxidisable sulfur of &gt; 18 moles H+/tonne TPA or TAA is to be disturbed or the water table is to be affected, development is in accordance with a detailed Acid Sulfate Soil Management plan and which also includes the information required under (i) above.</p>	<p>by:</p> <p>(i) neutralising existing acidity; and</p> <p>(ii) preventing the release of surface or groundwater flows containing acid and metal contaminants into the environment.</p>