



CONSERVATION



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4.3.9 Conservation Planning Area Code

Purpose

The purpose of this Code is to facilitate the achievement of the following outcomes for the Conservation Planning Area:

- protect biological diversity, ecological integrity and Scenic Amenity;
- ensure that any recreational or other uses of areas within the Planning Area that are in the control of the Crown or the Council, such as Reserves, National Parks and the Wet Tropics World Heritage Area or areas adjacent to these areas, are consistent with the management plans of the controlling authority so that the conservation and scenic values of these areas are not adversely affected;
- ensure that any use of land in private ownership in the Planning Area does not affect the environmental, habitat, conservation or scenic values of that land or surrounding area; and
- ensure that any low intensity facilities based on an appreciation of the natural environment or nature based recreation only establish when there is a demonstrated need and provided they will have minimal impact on the environmental and Scenic Amenity values of the Site or the surrounding area.

Applicability

This Code applies to development that is assessable in the Conservation Planning Area for:

- Material Change of Use;
- Reconfiguring a Lot;
- Operational Work Associated with Reconfiguring a Lot;
- Operational Work – Filling or Excavation not associated with a Material Change of Use;
- Operational Work – Engineering Works not associated with a Material Change of Use;
- Operational Work – Placing an Advertising Device on Premises not associated with a Material Change of Use; and
- Building Work other than Minor Building Work not associated with a Material Change of Use.



Elements of the Code

Consistent and Inconsistent Uses – General

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
<p>P1 The establishment of uses is consistent with the outcomes sought for the Conservation Planning Area.</p>	<p>A1.1 Uses identified as inconsistent uses in the Assessment Tables are not established in the:</p> <ul style="list-style-type: none"> • Conservation Planning Area. <p style="text-align: center;">OR</p> <ul style="list-style-type: none"> • In the four Precincts included in the Conservation Planning Area in the Settlement Areas North of the Daintree River Locality

Site Coverage

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
<p>P2 The Site Coverage of all Buildings does not have an adverse effect on the conservation or Scenic Amenity values of the Site and Buildings are subservient to the natural environment.</p>	<p>A2.1 Development is sited in an existing cleared area or in an area approved for Clearing under the Local Law – Vegetation Management but which is not cleared until a Building Permit is issued. Any Clearing is limited to a maximum area of 700 m² and is sited clear of the High Bank of any Watercourse.</p> <p>(The 700 m² area of new Clearing does not include an access driveway.)</p>



Building/Structure Setbacks

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
P3	Buildings/structures are Setback from the boundaries of the Site so they are screened from view from the boundaries of adjoining properties and adjoining Roads and so that the Scenic Amenity values of the area are not adversely affected.	A3.1	Buildings are Setback not less than: <ul style="list-style-type: none"> • a minimum of 40 metres from the Frontage of a State-Controlled Road; or • a minimum of 25 metres from Cape Tribulation Road Frontage; or • 20 metres from the Frontage to any other Road; and • 10 metres from the side and rear boundaries.
P4	Buildings/structures are Setback from Watercourses and other sensitive areas to ensure the environmental values of the area are not adversely affected.		No Acceptable Solution (Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No 10 – Reports and Information the Council May Request, for code and impact assessable development).

Residential Density

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
P5	Residential density of any development is very low to ensure that the conservation and Scenic Amenity values of the Site and the surrounding area are not adversely affected.		No Acceptable Solution. (Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No 10 – Reports and Information the Council May Request, for code and impact assessable development).



Landscaping

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
P6	Landscaping incorporates endemic/native vegetation, is informal in character and complementary to the existing natural environment, provides screening and enhances the visual appearance of the development ³⁴ .	A6.1	For any development, the balance area of the Site not built upon must be landscaped/revegetated, predominantly with native vegetation and in accordance with the Plant Species Schedule in Planning Scheme Policy No 7 – Landscaping.
		A6.2	Landscaping must be informal in character.
		A6.3	At the time that a Site is developed for any purpose, the Road Frontage Setback areas are landscaped/revegetated so that 10 metres of the Setback area immediately adjacent to any Road Frontage, where the minimum total Setback required is 20 metres or greater, is landscaped with Dense Planting.

³⁴ Vegetation clearing is required to be undertaken in accordance with Local Law – Vegetation Management.



Environmental Values – General

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS
P7	Development does not adversely impact on the natural environment, natural vegetation or Watercourses.	<p>No Acceptable Solution</p> <p>(Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No 10 – Reports and Information the Council May Request, for code and impact assessable development).</p>
P8	Development is complementary to the surrounding environment.	<p>A8.1 Development harmonises with the surrounding environment, for example, through suspended, light weight construction on sloping Sites, which requires minimal excavation and fill.</p> <p>A8.2 A Development is subservient to the natural landscape in scale and in the use of exterior colours and finishes.</p> <p>A8.3 Any driveway or car park is constructed and maintained to:</p> <ul style="list-style-type: none"> • minimise erosion, particularly in the wet season; and • minimise cut and fill; • follow the natural contours of the Site; and • minimise vegetation Clearing.



Sloping Sites

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
<p>P9 Building/structures are designed and sited to be responsive to the constraints of sloping Sites.</p>	<p>A9.1 Building/structures are Erected on land with a maximum slope not exceeding 15%.</p> <p style="text-align: center;">OR</p> <p>Development proposed to be Erected on land with a maximum slope between 15% and 33% is accompanied by a Geotechnical Report prepared by a qualified engineer at development application stage.</p> <p style="text-align: center;">OR</p> <p>Development proposed to be Erected on land with a maximum slope above 33% is accompanied by a Specialist Geotechnical Report prepared by a qualified engineer at development application stage which includes sign-off that the Site can be stabilised.</p> <p style="text-align: center;">AND</p> <p>Any Building/structures proposed to be Erected on land with a maximum slope above 15% are accompanied by an additional Geotechnical Report prepared by a qualified engineer at building application stage.</p> <p>(Information that the Council may request as part of the Geotechnical Report are outlined in Planning Scheme Policy No 10 – Reports and Information the Council May Request, for code and impact assessable development.)</p>



<p>P10 The building style and construction methods used for development on sloping Sites are responsive to the Site constraints.</p>	<p>A10.1 A split level building form is utilised.</p> <p>A10.2 A single plane concrete slab is not utilised.</p> <p>A10.3 Any voids between the floor of the Building and Ground Level, or between outdoor decks and Ground Level, are screened from view by using lattice/batten screening and/or Landscaping.</p>
<p>P11 Development on sloping land minimises any impact on the landscape character of the surrounding area.</p>	<p>A11.1 Buildings/structures are sited below any ridgelines and are sited to avoid protruding above the surrounding tree level.</p>
<p>P12 Development on sloping land ensures that the quality and quantity of stormwater traversing the Site does not cause any detrimental impact to the natural environment or to any other Sites.</p>	<p>A12.1 All stormwater drainage discharges to a lawful point of discharge and does not adversely affect downstream, upstream, underground stream or adjacent properties.</p>



Sustainable Siting and Design of Houses on Sloping Sites

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
P13	A House sited on hillside land is sited in an existing cleared area, or in an area approved for Clearing	A13.1	A House is sited in an existing cleared area or in an area approved for Clearing under the Local Law – Vegetation Management but which is not cleared until development occurs. The Clearing is limited to a maximum area of 700 m ² and is sited clear of the High Bank of any Watercourse. (The 700 m ² area of Clearing does not include an access driveway.)
		A13.2	The approved area for the Clearing of the House is not cleared until a Building Permit is issued.
P14	A House sited on hillside land is sited so that it is not clearly visible from any public Road.	A14.1	A House is Setback a minimum of 25 metres from Cape Tribulation Road or 20 metres from any other Road Frontage.
P15	A House sited on hillside land is sited and designed so that it is subservient to the surrounding natural environment.	A15.1	A House is effectively screened from view by existing native trees planted in designated Setback area/s, or by the planting of additional native trees endemic to the local area.
P16	The exterior finishes of a House complements the surrounding natural environment.	A16.1	The exterior finishes and colours of Building/s are non reflective and complement the colours of the surrounding vegetation and viewshed.
P17	A House is designed to be energy efficient and functional in a humid tropical rainforest environment.	A17.1	The development incorporates building design features and architectural elements detailed in Planning Scheme Policy No 2 – Building Design and Architectural Elements.