



RURAL



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4.3 Codes for Planning Areas

4.3.1 Rural Planning Area Code

Purpose

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

- conserve areas for use for primary production, particularly areas of GQAL;
- facilitate the establishment of a wide range of agricultural and animal husbandry uses, together with other compatible primary production uses;
- facilitate the establishment of Farm Forestry in suitable locations;
- facilitate the establishment of Extractive Industry operations, provided that the significant environmental impacts of such operations are contained within the Site;
- ensure existing Extractive Industry operations are protected from incompatible land uses establishing in close proximity;
- ensure that rural activities are protected from the intrusion of incompatible uses;
- ensure that areas of remnant vegetation and riparian vegetation are retained or rehabilitated; and
- ensure that land which is not classified as GQAL, but which is important to the scenic landscape of the Shire, retains its rural character and function.

Applicability

This Code applies to self assessable and assessable development in the Rural 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; and
- Operational Work – Placing an Advertising Device on Premises not associated with a Material Change of Use.

For self-assessable development assessed against this Code, the applicable Acceptable Solutions are A4.1, A5.1, A12.1, A12.2, A14.1, A16.1 and A17.1.

Self assessable development which does not comply with the Acceptable Solutions listed above, will require Code Assessment.



Elements of the Code

Consistent and Inconsistent Uses

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
P1	The establishment of uses is consistent with the outcomes sought for the Rural Planning Area.	A1.1	Uses identified as inconsistent uses in the Assessment Table are not established in the Rural Planning Area.

Good Quality Agricultural Land

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
P2	GQAL ²⁴ is only used for agricultural uses and primary production purposes.	A2.1	Agricultural land is used for agricultural uses in accordance with the classifications of the Agricultural Land Classes identified in the Shire and the requirements of State Planning Policy 1/92 – Development and the Conservation of Agricultural Land.

Buffering Incompatible Land Uses

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
P3	A buffer is provided to separate agricultural activities that create odour, excessive noise or use agricultural chemicals, (including Aquaculture and Intensive Animal Husbandry), from residential development.	A3.1	A buffer is provided in accordance with the requirements of State Planning Policy 1/92 and Planning Guidelines – Separating Agricultural and Residential Land Uses (DNR 1997).

²⁴ GQAL is rural land identified as ‘suitable land with negligible to moderate limitations’, on the *Land Suitability for Sugarcane Map* included in the document entitled: *Project Report Q091010 – Agricultural Land Suitability of the Wet Tropical Coast – Mossman – Julatten Area*, PR Wilson, Land Resources Branch, Queensland Department of Primary Industries 1991.



Building/Structure Setbacks and Screening

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
P4	Buildings/structures are Setback to: <ul style="list-style-type: none"> • maintain the rural character of the area; and • achieve separation from neighbouring Buildings and from Road Frontages. 	A4.1	Buildings/structures are Setback not less than: <ul style="list-style-type: none"> • 40 metres from the property boundary adjoining a State-Controlled Road; or • 25 metres from the property boundary adjoining the Cape Tribulation Road; or • 20 metres from the property boundary fronting any other Road; and • 6 metres from the side and rear property boundaries of the Site.
P5	Rural activities north of the Daintree River are screened to protect the Scenic Amenity of the area.	A5.1	A 10 metre Setback on rural land adjacent to any Road Frontage north of the Daintree River including Dense Planting of the setback area.

Rural Character

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
P6	Buildings/structures are designed to maintain the rural character of the area.	A6.1	White and shining metallic finishes are avoided on external surfaces of Buildings located in prominent view.

Protecting and Enhancing Native Vegetation and Adjacent Environmentally Sensitive Area

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
P7	Native vegetation existing along Watercourses and in or adjacent to areas of environmental value or areas of remnant vegetation of value is protected ²⁵ .		<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 – Report and Information the Council May Request, for code and impact assessable development).</p>

²⁵ Vegetation clearing is required to be undertaken in accordance with Local Law – Vegetation Management.



Sloping Sites

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
<p>P8 Building/structures are designed and sited to be responsive to the constraints of sloping Sites.</p>	<p>A8.1 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>P9 The building style and construction methods used for development on sloping Sites are responsive to the Site constraints.</p>	<p>A9.1 A split level building form is utilised.</p> <p>A9.2 A single plane concrete slab is not utilised.</p> <p>A9.3 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>P10 Development on sloping sites minimises any impact on the landscape character of the surrounding area.</p>	<p>A10.1 Buildings/structures are sited below any ridgelines and are sited to avoid protruding above the surrounding tree level.</p>
<p>P11 Development on sloping sites 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>A11.1 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 land where the Natural Areas and Scenic Amenity Code is triggered

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
<p>P12 A House sited on hillside land is sited in an existing cleared area, or in an area approved for Clearing.</p>	<p>A12.1 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 800 m² and is sited clear of the High Bank of any Watercourse.</p> <p style="text-align: center;">EXCEPT</p> <p>In the World Heritage Areas and Environs Locality and the Settlement Areas North of the Daintree River Locality where the maximum clearing is limited to 700m².</p> <p>(The 800m²/700m² area of Clearing does not include an access driveway.)</p> <p>A12.2 The approved area for the Clearing of the House is not cleared until a Building Permit is issued.</p>
<p>P13 A House sited on hillside land is sited and designed so that it is subservient to the surrounding natural environment.</p>	<p>A13.1 A House is effectively screened from view by existing native trees in designated Setback area/s, or by the planting of additional native trees endemic to the local area.</p>

<p>P14 The exterior finishes of a House complements the surrounding natural environment.</p>	<p>A14.1 The exterior finishes and colours of Building/s are non reflective and complement the colours of the surrounding vegetation and viewshed.</p> <p style="text-align: center;">AND</p> <p>For self assessable development the exterior colours of Buildings/structures are chosen from the following list of Colourbond Colours:</p> <ul style="list-style-type: none"> • Jasper • Sandbank • Paperbark • Dune • Windspray • Woodland Grey • Bushland • Pale Eucalypt • Wilderness • Cottage Green • Plantation • Blue Ridge and • Ironstone.
<p>P15 A House is designed to be energy efficient and functional in a humid tropical rainforest environment.</p>	<p>A15.1 The development incorporates building design features and architectural elements detailed in Planning Scheme Policy No 2 – Building Design and Architectural Elements.</p>
<p>P16 Any filling and excavation work does not create a detrimental impact on slope stability, erosion potential or Visual Amenity of the Site or the surrounding area.</p>	<p>A16.1 The height of cut and/or fill, whether retained or not, does not exceed 2 metres in height.</p>
<p>P17 The bulk and scale of a House is not visually obtrusive and does not compromise the Visual Amenity of the site and the surrounding area.</p>	<p>A17.1 The Gross Floor Area of the House does not exceed 250m².</p>



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