

6.2.3 Conservation zone code

6.2.3.1 Application

- (1) This code applies to assessing development in the Conservation zone.
- (2) When using this code, reference should be made to Part 5.

6.2.3.2 Purpose

- (1) The purpose of the Conservation zone code is to provide for the protection, restoration and management of areas identified as supporting significant biological diversity and ecological integrity.
- (2) The local government purpose of the code is to:
 - (a) implement the policy direction set in the Strategic Framework, in particular:
 - (i) Theme 2 : Environmental and landscape values, Element 3.5.2 – Aboriginal cultural heritage values, Element 3.5.3 – Biodiversity, Element 3.5.3 – Coastal zones.
 - (ii) Theme 3 – Natural resource management, Element 3.6.2 – Land and catchment management.
 - (iii) Theme 4 – Strong communities and identity, Element 3.7.8 – Strengthening indigenous communities.
 - (b) conserve and maintain the integrity of biodiversity values, wildlife, habitats and other significant ecological assets and processes over time, across public and private lands.
- (3) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Biological diversity, ecological integrity and scenic amenity are protected;
 - (b) Any recreational or other uses of areas 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 conservation and scenic values of these areas are not adversely affected;
 - (c) Any use of land in private ownership does not affect the environmental, habitat, conservation or scenic values of that land or surrounding area;
 - (d) Any low intensity facilities based on the appreciation of the natural environment or nature based recreation only establish where there is a demonstrated need and provided they have a minimal impact on the environmental and scenic amenity values of the site or surrounding area.
 - (e) The provisions of the Return to Country Local Plan facilitate economic and social opportunities on traditional Indigenous lands;
 - (f) Further lot reconfigurations other than amalgamations, boundary realignments to resolve encroachments, or for the practical needs of essential community infrastructure, or to facilitate Return to Country outcomes do not occur.

6.2.3.3 Assessment criteria

Table 6.2.3.3.a - Conservation zone – assessable development

Performance outcomes	Acceptable outcomes
For assessable development	
<p>PO1 The establishment of uses is consistent with the outcomes sought for the Conservation zone and protects the zone from the intrusion of inconsistent uses.</p>	<p>AO1 Uses identified in Table 6.2.3.3.b are not established in the Conservation zone.</p>
<p>PO2 The height of buildings is compatible with the character of the area and does not adversely affect the amenity of the area.</p>	<p>AO2 Buildings and structures are not more than 8.5 metres in height and two storeys. Note - Height is inclusive of roof height.</p>

Performance outcomes	Acceptable outcomes
<p>PO3 Development is setback from site boundaries so they are screened from view from the boundaries of adjoining properties and adjoining roads to maintain the scenic values of the area.</p>	<p>A03 Buildings and structures are setback not less than: (a) 40 metres from the frontage of a State-controlled road, existing or proposed arterial road, existing or proposed sub-arterial road, as identified on the Transport network overlay maps contained in Schedule 2; (b) 25 metres from Cape Tribulation Road frontage; (c) 20 metres from any other road frontage (d) 10 metres from side and rear boundaries.</p>
<p>PO4 The site coverage of all buildings and structures does not have an adverse effect on the conservation or scenic amenity values of the site and surrounding area and buildings are subservient to the natural environment.</p>	<p>A04 Development is sited in an existing cleared area or an area approved for clearing, but which is not yet cleared until a development permit to carry out Building Works is issued. Any clearing is limited to a maximum area of 700m² and is sited clear of the high bank of any watercourse.</p> <p>Note – The 700m² area of clearing does not include an access driveway.</p>
<p>PO5 Development is consistent with the overall outcomes sought for the Conservation zone.</p>	<p>A05 No acceptable outcomes are prescribed.</p>
<p>PO6 Development complements, and is subservient to the surrounding environment and is in keeping with the ecological, landscape and scenic values of the area.</p>	<p>A06 The exterior finishes and colours of all development are non-reflective and consist of colours that blend easily with surrounding native vegetation and view-shed.</p>
<p>PO7 Development is screened from view from adjoining roads and properties with a dense screen of endemic/native landscape which: (a) is informal in character and complementary to the existing natural environment; (b) provides screening; (c) enhances the visual appearance of the development.</p> <p>Note – Planning scheme policy – Landscaping provides further guidance on meeting the performance outcome.</p>	<p>A07.1 For any development, the balance area of the site not built upon, including all setback areas must be landscaped/revegetated with dense three tier, endemic planting which is maintained to ensure successful screening is achieved.</p> <p>A07.2 Endemic palm species, where used, are planted as informal accent features and not as avenues and not in a regular pattern.</p>
<p>PO8 Development is complementary to the surrounding environment.</p>	<p>A08.1 Development harmonises with the surrounding environment, for example, through suspended, light-weight construction on sloping sites, which requires minimal excavation or fill.</p> <p>A08.2 A driveway or parking areas are constructed and maintained to: (a) minimise erosion, particularly in the wet season; (b) minimise cut and fill; (c) follow the natural contours of the site;</p>

Performance outcomes	Acceptable outcomes
	<p>(d) minimise vegetation clearing.</p> <p>AO8.3 Buildings and structures are erected on land not exceeding a maximum gradient of 1 in 6 (16.6%)</p> <p>or</p> <p>On land steeper than 1 in 6 (16.6%) gradient: (a) A split level building form is utilised; (b) A single plane concrete slab is not utilised; (c) Any voids between building and ground level, or between outdoor decks and ground level are screened from view using lattice/battens and/or landscaping.</p> <p>and</p> <p>(d) is accompanied by a Geotechnical Report prepared by a qualified engineer at development application stage which includes certification that the site can be stabilised, followed by a certificate upon completion of works.</p> <p>AO8.4 Buildings and structures are sited below any ridgelines and are sited to avoid protrusion above the surrounding tree-level canopy.</p>
<p>PO9 Development is located to:</p> <ul style="list-style-type: none"> (a) protect the ecological values of the site and surrounding land; (b) maintain the scenic values of the area; (c) maintain appropriate setbacks to waterways, watercourses, wetlands, tidal areas and overland flow paths; (d) avoid areas that are vulnerable to natural hazards; (e) minimise to the greatest extent possible on site excavation and filling; (f) provide buffers to cultural, historical or ecological features; (g) minimise visibility from external sites or public viewing points; (h) minimises to the greatest extent possible the loss of native vegetation and fauna habitat. 	<p>AO9 No acceptable outcomes are prescribed.</p>
<p>PO10 Development does not result in adverse impacts on:</p> <ul style="list-style-type: none"> (a) ecological function or features; (b) on-site or surrounding waterways and wetlands. 	<p>AO10 No acceptable outcomes are prescribed.</p>
<p>PO11 Rehabilitation of natural processes on disturbed sites is undertaken to improve the environmental integrity of the area.</p>	<p>AO11 No acceptable outcomes are prescribed</p>

Performance outcomes	Acceptable outcomes
<p>PO12 Fencing is designed to not impede the free movement of native fauna through the site.</p>	<p>AO12 No acceptable outcomes are prescribed.</p>
<p>PO13 New lots contain a minimum lot size of 200 hectares, unless:</p> <ul style="list-style-type: none"> (a) the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments); (b) the reconfiguration is limited to one additional lot to accommodate an existing or approved: <ul style="list-style-type: none"> (i) Telecommunications facility; (ii) Utility installation; (c) the lot reconfiguration facilitates and outcome consistent with the Return to Country local plan. <p>Note – Boundary realignments must result in an improved environmental outcome or resolve encroachments.</p>	<p>AO13 No acceptable outcomes are prescribed.</p>

Table 6.2.3.3.b — Inconsistent uses within the Conservation zone

Inconsistent uses		
<ul style="list-style-type: none"> • Adult store • Agricultural supplies store • Air services • Animal husbandry • Aquaculture • Bar • Brothel • Bulk landscape supplies • Car wash • Caretaker’s accommodation • Cemetery • Child care centre • Club • Community care centre • Community residence • Community use • Crematorium • Cropping • Detention facility • Dual occupancy • Dwelling unit • Educational establishment • Extractive industry • Food and drink outlet • Function facility 	<ul style="list-style-type: none"> • Garden centre • Hardware and trade supplies • High impact industry • Hospital • Hotel • Indoor sport and entertainment • Intensive animal industry • Intensive horticulture • Landing • Low impact industry • Major sport, recreation and entertainment facility • Marine industry • Market • Motor sport facility • Multiple dwelling • Nightclub entertainment facility • Office • Outdoor sales • Parking station • Place of worship • Port services • Relocatable home park • Research and technology industry • Residential care facility 	<ul style="list-style-type: none"> • Resort complex • Retirement facility • Roadside stall • Rooming accommodation • Rural activities (unless in accordance with the exceptions nominated in the Table of Assessment for the Conservation Zone in Part 5) • Rural workers accommodation • Sales office • Service Station • Shop • Shopping centre • Showroom • Special industry • Substation • Theatre • Tourist attraction • Tourist park • Transport depot • Utility installation • Veterinary services • Warehouse • Wholesale nursery • Winery

Note – This table does not imply that all other uses not listed in the table are automatically consistent uses within the zone. Assessable development must still demonstrate consistency through the assessment process.