

7.2 Local plan codes

7.2.1 **Cape Tribulation and Daintree Coast local plan code**

7.2.1.1 Application

- This code applies to assessing development within the Cape Tribulation and Daintree Coast (1) local plan area as identified on the Cape Tribulation and Daintree Coast local plan maps contained in Schedule 2.
- (2) When using this code, reference should be made to Part 5.

7.2.1.2 Context and setting

Editor's note - This section is extrinsic material under section 15 of the Statutory Instruments Act 1992 and is intended to assist in the interpretation of the Cape Tribulation and Daintree Coast local plan code.

The Cape Tribulation and Daintree Coast local plan area is located in the northern half of the Douglas Shire on land located predominantly to the north and east of the Daintree River. The local plan area contains land of extremely high biodiversity value and is where two World Heritage areas meet - the Wet Tropics World Heritage Area and the Great Barrier Reef World Heritage Area. The precinct is a biodiversity hotspot of international significance and predominantly consists of the Daintree National Park and other reserves. The local plan area provides significant habitat for the critically endangered Southern Cassowary, amongst many other species of fauna and flora and cultural and landscape heritage sites.

The natural environment, containing areas of the highest biodiversity value and flora and fauna unique to the area, are part of the immense drawcard to large numbers of domestic and international visitors. While such an economic resource is invaluable to the Shire, the area needs to be carefully managed to ensure these values are not diminished. However, a significant portion of the local plan area is privately owned freehold land and outside the boundaries of the Wet Tropics World Heritage Area, but is still equally important to the continued conservation of the biodiversity, environmental and scenic values of the area.

Prior to European settlement, the area formed part of the traditional land of the Eastern Kuku Yalanii people. In the late 1800s, limited European settlement commenced associated with timber getting and agriculture. From the 1920s onwards seasonal workers and miners also set up semi-permanent camps in the area. However such activity was restricted due to the relative isolation of the area. The settlement pattern in the area dramatically changed in the late 1970s to 1980s when approximately 950 residential lots were created. The 'rural residential style' allotments north of the Daintree River posed a risk of significant detrimental impacts on the ecology and landscape character of the area, particularly if fully developed. Such development would also result in a greater resident population leading to pressure for an increased level of service and extension of infrastructure, which in turn would lead to more development pressure. Such an outcome is contrary to the objectives of preserving the area's natural environment, landscape character and relative isolation to maintain the area's intrinsic attractiveness to tourists and residents.

Past successive planning regimes have progressively proceeded to rein in development rights within the area. Precincts were created and development was limited. In particular, decisive action was undertaken in 2004 to control and limit permanent residential development north of the Daintree River. This was necessary to ensure a critical population was not reached, and adverse effects from development were not felt on the water quality, biodiversity, scenic amenity and flora and fauna of the region.

Where development rights were extinguished, compensation was paid and / or land was bought as part of a buy-back scheme and retained for conservation purposes. The protection of the regional ecosystem and rare and threatened species is paramount in the limitation of development opportunities within the region.

7.2.1.3 Purpose

The purpose of the Daintree River - Bloomfield River local plan is to retain the attraction of the area as a very low-key, largely undeveloped nature-based recreation environment, based on



the exploration and appreciation of the natural environment and to ensure that any development that does occur is appropriate and does not place additional pressures on the values of area.

- (2) The purpose of the code will be achieved through the following overall outcomes:
 - areas within the local plan are appropriately managed to protect biological diversity, water catchment quality, ecological functioning, beach protection and coastal management, scenic amenity, and historical and cultural values;
 - (b) the natural character of the locality is protected, and where degraded, restored or enhanced:
 - new development does not occur, with the exception of development located within, and (c) consistent with the respective precinct intents for:
 - (i) Precinct 1 – Conservation precinct
 - (ii) Precinct 2 – Low impact residential precinct;
 - Precinct 3 Low impact commercial precinct; (iii)
 - (iv) Precinct 4 – Low impact community purpose precinct;
 - Precinct 5 Low impact rural production and tourism enterprise precinct; (v)
 - Precinct 6 Low impact tourism accommodation precinct;
 - (d) where development occurs it is:
 - very low scale and remains within the limits imposed by the vehicular capacity of the Daintree River ferry crossing, the Alexandra Range road crossing and the local road network;
 - (ii) sensitive and sympathetic to its remote location in an area of unique biodiversity, ecological, conservation and scenic amenity value;
 - self-contained through the use of appropriate on-site or nearby rain water collection (iii) and storage, sewerage treatment and electricity generation;
 - (e) adequate services and facilities for settlement areas and an appropriate level of economic opportunity for local residents are provided

7.2.1.4 Precinct 1 – Conservation precinct

- The purpose of Precinct 1 as detailed on the Local Plan maps contained in Schedule 2 is to (1) provide for the protection, restoration and management of areas identified as supporting significant biological diversity and ecological integrity.
- (2) The overall outcomes sought for Precinct 1 are to:
 - ensure the conservation, protection and restoration of biological diversity and ecological (a) integrity values of land, and to maintain scenic amenity values;
 - (b) ensure that further incompatible development, including houses, does not occur;
 - ensure that where development does occur, it does not adversely affect environmental (c) and scenic amenity values and is in keeping with the natural characteristics of the land.

7.2.1.5 Precinct 2- Low impact residential precinct

- (1) The purpose of Precinct 2 as detailed on the Local Plan maps contained in Schedule 2 is to allow for the construction of a single detached dwelling and necessarily associated infrastructure and outbuildings.
- (2) The overall outcomes sought for Precinct 2 are to:
 - (a) ensure development is for a single detached dwelling of limited scale and size and necessary outbuildings and infrastructure only;
 - (b) locate development within existing cleared areas, or where no cleared area exists, development is located such that impacts on conservation, biological, ecological and scenic amenity values are mitigated through the minimisation of excavation, fill and vegetation removal, to the maximum extent possible;



(c) ensure development is visually non-obtrusive.

7.2.1.6 Precinct 3 - Low impact commercial precinct

- (1) The purpose of Precinct 3 as detailed on the Local Plan maps contained in Schedule 2 is to recognise the existing commercial uses and permit their continued use.
- (2) The overall outcomes sought for Precinct 3 are to:
 - ensure that low impact commercial uses are appropriately located;
 - locate development within existing cleared areas, or where no cleared area exists, (b) development is located such that impacts on conservation, biological, ecological and scenic amenity values are mitigated through the minimisation of excavation, fill and vegetation removal, to the maximum extent possible:
 - carry out development in accordance with an Environmental Management Plan; (c)
 - ensure development is visually non-obtrusive. (d)

7.2.1.7 Precinct 4 - Low impact community purpose precinct

- The purpose of Precinct 4 as detailed on the Local Plan maps contained in Schedule 2 is to (1) recognise the existing public purpose uses and permit their continued use.
- (2) The overall outcomes sought for Precinct 4 are to:
 - ensure the establishment and expansion of community and public purpose uses such as child care centre, community use, educational establishment, health care services, outdoor sport and recreation, utility installation on appropriate sites within the precinct;
 - (b) locate development within existing cleared areas or where no cleared area exists, development is located such that impacts on conservation, biological, ecological and scenic amenity values are mitigated through the minimisation of excavation, fill and vegetation removal, to the maximum extent possible
 - services are provided which are appropriate and adequately cater for the demand; (c)
 - (d) carry out development in accordance with an Environmental Management Plan;
 - ensure development is visually non-obtrusive. (e)

7.2.1.8 Precinct 5 - Low impact rural production and tourist enterprise precinct

- (1) The purpose of Precinct 5 as detailed on the Local Plan maps contained in Schedule 2 is to recognise existing rural areas and permit their continued use, while encouraging low-impact tourism enterprise including bed and breakfast, short term accommodation (being farm stay accommodation) and nature based tourism (being forest stay accommodation) as an alternative land use, where significant restoration and/or rehabilitation measures are undertaken as an incentive.
- (2) The overall outcomes sought for Precinct 5 are to:
 - provide for continued rural production activities where lawfully established and to permit low-key ancillary tourism enterprise such as farm attractions, roadside stalls in appropriate locations;
 - provide for other tourism enterprise in the form of bed and breakfast, farm stay (b) accommodation or forest stay accommodation as an alternative land use to primary production, where significant rehabilitation of habitat is achieved.
 - facilitate other existing tourism enterprises based on the appreciation of the natural (c) environment.
 - ensure development, including waste treatment is limited to existing cleared areas; (d)
 - development, including primary production, is carried out in accordance with an (e) Environmental Management Plan.





7.2.1.9 Precinct 6 - Low impact tourism accommodation precinct

- The purpose of Precinct 6 as detailed on the Local Plan maps contained in Schedule 2 is to (1) recognise existing small-scale tourist accommodation and ancillary low-key activities, based on and compatible with an appreciation of the natural environment and permit their continued use.
- (2) The overall outcomes sought for Precinct 6 are to:
 - provide for continued small-scale tourist accommodation and ancillary low-key activities, based on and compatible with an appreciation of the natural environment in appropriate locations;
 - (b) ensure development, including treatment of waste, is confined to existing cleared areas;
 - carry out development in accordance with an Environmental Management Plan; (c)
 - (d) ensure development is visually non-obtrusive.

7.2.1.10 Criteria for assessment

Table 7.2.1.10.a - Cape Tribulation and Daintree Coast local plan - assessable development

All development in the Cape Tribulation and Daintree Coast local plan area	
PO1 Development does not result in a demand which exceeds the capacity of: (a) the Daintree River ferry crossing; (b) Alexandra Range Road; (c) the local road network.	AO1 No acceptable outcomes are prescribed.
PO2 Development provides a suitable standard of self- sufficient service for: (a) potable water; (b) water for fire fighting purposes; (c) electricity supply.	Water storage is provided in tank/s with a minimum capacity to service the proposed use, including fire fighting capacity, and access to the tank/s for fire trucks. Tank/s are to be: (a) fitted with a 50mm ball valve and camlock fitting; (b) installed and connected prior to occupation; (c) sited so as to be visually unobtrusive. AO2.2 Water storage tanks are to be fitted with screening at their inlets to prevent the intrusion of leaves and insects. AO2.3 An environmentally acceptable and energy efficient power supply is constructed, installed and connected prior to occupation and sited so as to be screened from the road.
PO3 On-site waste water does not adversely impact on the environmental quality of the water and soil resources or amenity of residents, through the implementation of best environmental practice.	AO3 No acceptable outcomes are prescribed.
PO4 The sustainability of the natural water resources of the area is protected for ecological and domestic consumption purposes.	AO4.1 If groundwater is to be used, development is limited to one bore per site and the bore is: not located within 100 metres of a septic disposal trench (on the site or adjoining sites); not located within 100 metres of another bore.



All development in the Cape Tribulation and Da	intree Coast local plan area
	AO4.2 Surface water is to be used for domestic purposes only.
PO5 Development does not adversely impact on areas of sensitive natural vegetation, foreshore areas, watercourses and/or areas of tidal inundation.	AO5 No acceptable outcomes are prescribed.
PO6 Development is subservient to the surrounding natural environment in scale and intensity and is designed to be functional in a humid tropical	AO6.1 The exterior finishes and colours of buildings are non-reflective and complement the colours of the surrounding vegetation and view shed.
rainforest environment.	AO6.2 The noise of generators is controlled by design, or the generator is enclosed within a sound insulated building with a residential approved muffler. The noise level generated is less than 65 dBA when measured from a distance of 7 metres.
	AO6.3 Any fuel storage associated with an on-site generator, with storage of 20 litres or more of fuel, is enclosed with a building and provided with a bund.
PO7 Landscaping of the development ensures that the endemic character of the local area is dominant.	AO7.1 Landscaping complies with the requirements of Planning Scheme Policy 7 – Landscaping;
	AO7.2 All of the existing landscaping to be retained and all of the proposed landscaping is 100% endemic or native species and the details are provided on a landscape plan.
PO8 Site access driveways and roads within the local plan area are retained as safe, slow speed, scenic drives.	AO8.1 Site access driveways and existing or proposed roads comply with the relevant requirements of Planning Scheme Policy 5 – FNQROC Development Manual and are maintained as low speed gravel roads to maintain the scenic drive experience and to discourage the use of roads by through-traffic;
	AO8.2 Where existing roads/tracks are 4-wheel drive only, upgrading to facilitate conventional vehicles and an increase in through traffic does not occur.
PO9 The on-site impacts on natural flow regimes and erosion and sedimentation are minimised.	AO9.1 Filling and excavation is kept to a minimum and involves not more than 5% of the cleared area of the lot.
	AO9.2 All exposed surfaces must incorporate erosion and sediment controls during construction and must be maintained until revegetation, or other permanent stabilisation, has occurred.



All development in the Cape Tribulation and Daintree Coast local plan area	
	AO9.3 This is no disturbance to tree roots and trenching does not involve any damage to tree roots.
	AO9.4 On-site drainage and stormwater management: (a) maintains natural flow regimes; (b) minimises impervious surfaces; (c) avoids concentration of flows, but where there is any form of concentration of flow, energy dissipation measures are installed at the outlet to avoid erosion (e.g. rock rip rap, gravel beds, diffusers etc.)
General requirements – Dwelling house	
PO10 Development minimises the loss of vegetation and habitat connectivity on site and is sited to protect the environmental values of the site.	AO10.1 The elements of development and access to the site are included in a Designated Development Area (DDA).
	AO10.2 Development is sited in an existing cleared area or in an area approved for vegetation clearing.
	AO10.3 Any new clearing is limited to a maximum area of 700m2 and is sited to be clear of the high bank of any watercourse. Note – The 700m² of clearing does not include an access driveway.
PO11 All existing native vegetation on a house site, other than that required and approved to be cleared for the construction of a house and access thereto, is protected to ensure the environmental integrity of the local plan area.	AO11 No acceptable solutions are prescribed.
PO12 Wildlife movement, fauna habitat and habitat corridors are protected and domestic impacts are minimised.	AO12.1 Fences are limited in extent to the confines of the cleared area around the house and any associated gates are self-closing.
	AO12.2 External lighting is to be kept to the minimum necessary for orientation, safety and security. Flood lights must not point up, and areas of retained vegetation should, in general, not be illuminated. Where appropriate, outdoor lights are controlled by movement detectors and/or timers.
PO13 House sites have efficient and safe vehicle access and manoeuvring areas on site, and to the site, to an acceptable standard for the local plan area.	AO13.1 Vehicle access is limited to one access per lot and sited in an approved location, clear of any watercourses.
	AO13.2 Vehicular access is a maximum width of 4 metres, avoids large tree specimens and/or significant vegetation and habitat corridors and is





All development in the Cape Tribulation and Daintree Coast local plan area

constructed and maintained to a minimum gravel standard of 75mm of road base on a compacted soil surface.

AO13.3

Vehicular access is constructed prior to house construction.

Additional requirements for Nature based tourism, being Forest stay accommodation

Forest stay accommodation provides a local economic opportunity for permanent residents of those parts of the Shire which are isolated and constrained by a lack of urban services and facilities.

AO14

Forest stay accommodation:

- (a) is confined to:
 - (i) Precinct 2 Low impact residential precinct:
 - (ii) Precinct 5 Low impact rural and tourism enterprise precinct;
 - (iii) Precinct 6 Low impact tourism accommodation precinct.
- (b) does not occur above the 60 metre contour;
- (c) is located on lots of 10 hectares or greater.

PO15

Forest stay accommodation remains ancillary to the primary residential use and the natural values of the land and the use is compatible with the character and amenity of the locality.

The maximum number of gusts is 10 (10 bed spaces) with up to a maximum of 4 staff (4 bed spaces);

Note - Staff includes permanent residents of the dwelling house involved in catering for the use.

AO15.2

None of the accommodation, whether for guests or staff, is self-contained as the use operates only in association with an existing dwelling on the site.

AO15.3

Forest stay accommodation is located on a site which has an existing cleared area.

The natural values of the balance area of the site are protected and enhanced with organised tours being conducted for visiting guests.

AO15.5

If forest stay accommodation is provided in buildings which are separate from the dwelling:

(a) the maximum number of separate building/s is determined based on each building containing a minimum of 2 bed spaces each, provided that each building has a maximum area of 50m² (inclusive of verandahs/patios etc.);

(b) a maximum of one communal bunkhouse is provided with a maximum area of 150m2 to accommodate 10 guests (10 bed spaces) (inclusive of verandahs/patios etc.);





All development in the Cape Tribulation and Daintree Coast local plan area	
All development in the Cape Tribulation and Da	or (c) a maximum of two communal bunkhouses are provided with a maximum area of 150m² each to accommodate a maximum of 20 guests (20 bed spaces) (inclusive of verandahs/patios etc).
	AO15.6 No kitchen or cooking facilities, with the exception of those located within the existing dwelling on the site are provided in association with the forest stay accommodation.
PO16 Development ensures guests are accommodated for short-stay and the dwelling is not the usual residence of the guest.	AO16 Development involves guests staying a maximum of 14 consecutive nights.
PO17 Development ensures that effluent disposal and treatment minimise odour and impacts on the natural environment.	AO17 Development provides an on-site effluent treatment system that is adequately sized to effectively treat effluent from the dwelling house and any additional persons occupying the premises as guests.
Additional requirements for Precinct 1 – Conse	rvation precinct
PO18 The biodiversity value of the area and the habitat of endemic species is protected on land included in the Rainforest Conservation precinct.	No new development occurs whether on undeveloped or developed land except for: Undeveloped land that meets one or more of the following criteria: Land which has been previously been lawfully cleared and currently remains cleared; (a) Land which is the subject of a current Clearing Permit, but has yet to be cleared; (b) Land which is subject of a current Operational Works Permit, can be developed for a house subject to compliance with all relevant codes. In addition, minor extensions can be undertaken to an existing development, provided: (a) The extensions are limited to 30% of the existing gross floor area of the house at the commencement date of the planning scheme. or (b) The extent of extensions are determined on a site specific/use specific basis for other land
	site specific/use specific basis for other land uses,

Additional requirements for Precinct 2– Low impact residential precinct



(c) No further clearing is required to

accommodate the extensions for either a house or any other land use development.



All development in the Cape Tribulation and Daintree Coast local plan area

PO19

Development is for;

- (a) a detached dwelling of limited size and scale and necessary outbuildings and infrastructure:
- (b) home occupations, including bed and breakfast accommodation, where it can be demonstrated that the bed and breakfast accommodation can establish on the site and not detrimentally impact on the scenic values of the site and surrounding areas;
- (c) Nature based tourism, being Forest stay accommodation where in compliance with other requirements contained within this code.

AO19.1

Development is limited to one dwelling house per

AO19.2

Establishment of bed and breakfast accommodation only occurs on land on which a dwelling house has been approved and constructed.

AO19.3

Bed and breakfast accommodation is limited to cleared areas on the land;

or

AO19.4

Bed and breakfast accommodation is established within an existing house, where there is no additional vegetation clearing required to accommodate the use;

AO19.5

Bed and breakfast accommodation occurs on a site with a minimum area of 1 hectare, and thereafter occurs at a rate of 1 bedroom (2 beds) per hectare, up to a maximum of 4 bedrooms (8) beds per site.

AO19.6

Development is setback a minimum of 100 metres to an Esplanade or a foreshore frontage.

Additional requirements for Precinct 3 – Low impact commercial precinct

PO20

Commercial development is located in a convenient location and meets the requirements of the local community and visitors to the area.

AO20

Commercial development is located within Precinct 3 and has frontage to Cape Tribulation Road.

PO21

Development is small scale and provides a necessary service to the surrounding community.

AO21

No acceptable outcomes are prescribed.

Development is carried out in accordance with a site-specific, and development specific Environmental Management Plan.

AO22

No acceptable outcomes are prescribed.

Note - Planning scheme policy SC6.4 - Environmental management plans provides further guidance on meeting the performance outcome.

Additional requirements for Precinct 4 – Low impact community purpose precinct

Development results in a small scale expansion of an existing use which provides a necessary service to the surrounding community;

No acceptable outcomes are prescribed.

or





All development in the Cone Tribulation and De	intres Coast local plan area
All development in the Cape Tribulation and Da	Intree Coast local plan area
Development results in a new community use or public purpose use for which there is an identified need within the surrounding community.	
PO24 Development is carried out in accordance with a site specific and development specific Environmental Management Plan.	AO24 No acceptable outcomes are prescribed.
Note – Planning scheme policy SC6.4 – Environmental management plans provides further guidance on meeting the performance outcome.	
Additional requirements for Precinct 5 – Low imprecinct	pact rural production and tourism enterprise
PO25 Development complements, protects and enhances the environmental and scenic values of the site.	AO25.1 One dwelling house establishes per lot.
	AO25.2 Any other development is limited to existing cleared areas on the site.
	AO25.3 No development is to occur above the 60 metre contour line.
	AO25.4 Any new primary production activity or a change to a primary production activity has minimal impact on the existing natural values of the site and surrounding area.
PO26 Large cleared or partially cleared sites are revegetated and rehabilitated in association with suitably small scale environmentally sustainable development.	AO26 The balance area of the development, including any existing area/s not identified for development is/are revegetated / rehabilitated in accordance with a landscape plan.
PO27 Development is carried out in accordance with a site specific and development specific Environmental Management Plan.	AO27 No acceptable outcomes are prescribed.
Note – Planning scheme policy SC6.4 – Environmental management plans provides further guidance on meeting the performance outcome.	
Additional requirements for Precinct 6 – Low im	pact tourist accommodation precinct
PO28 Development complements, protects and enhances the environmental and scenic values of the site.	AO28.1 One dwelling house establishes per lot.
	AO28.2 Any other development is limited to existing cleared areas on the site.
	AO28.3 No development is to occur above the 60 metre contour line.
PO29 Development results in a small scale expansion	AO29 No acceptable outcomes are prescribed.





All development in the Cape Tribulation and Daintree Coast local plan area		
of existing tourist accommodation and any associated activities, based on the appreciation of the natural environment.		
PO30 Development is carried out in accordance with a site specific and development specific Environmental Management Plan. Note – Planning scheme policy – Environmental management plans SC6.4 provides further guidance on meeting the performance outcome.	AO30 No acceptable outcomes are prescribed.	

