

8.2.4 Flood and storm tide hazard overlay code

8.2.4.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Flood and storm tide hazard overlay, if:
 - (a) self assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.
- (2) Land in the Flood and storm tide hazard overlay is identified on the Flood and storm tide hazard overlay map in Schedule 2 and includes the:
 - (a) Storm tide – high hazard sub-category;
 - (b) Storm tide – medium hazard sub-category;
 - (c) Flood plain assessment sub-category;
 - (d) 100 ARI Mossman, Port Douglas and Daintree Township Flood Studies sub-category.
- (3) When using this code, reference should be made to Part 5.

Note - The Flood and storm tide hazards overlay maps contained in Schedule 2 identify areas (Flood and storm tide inundation areas) where flood and storm tide inundation modelling has been undertaken by the Council. Other areas not identified by the Flood and inundation hazards overlay maps contained in Schedule 2 may also be subject to the defined flood event or defined storm tide event.

8.2.4.2 Purpose

- (1) The purpose of the Flood and storm tide hazard overlay code is to:
 - (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 1 Settlement pattern: Element 3.4.7 Mitigation of hazards;
 - (ii) Theme 6 Infrastructure and transport: Element 3.9.2 Energy.
 - (b) enable an assessment of whether development is suitable on land within the Flood and storm tide hazard sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development siting, layout and access responds to the risk of the natural hazard and minimises risk to personal safety;
 - (b) development achieves an acceptable or tolerable risk level, based on a fit for purpose risk assessment;
 - (c) the development is resilient to natural hazard events by ensuring siting and design accounts for the potential risks of natural hazards to property;

- (d) the development supports, and does not unduly burden disaster management response or recovery capacity and capabilities;
- (e) the development directly, indirectly and cumulatively avoids an unacceptable increase in severity of the natural hazards and does not significantly increase the potential for damage on site or to other properties;
- (f) the development avoids the release of hazardous materials as a result of a natural hazard event;
- (g) natural processes and the protective function of landforms and/or vegetation are maintained in natural hazard areas;
- (h) community infrastructure is located and designed to maintain the required level of functionality during and immediately after a hazard event.

Criteria for assessment

Table 8.2.4.3.a – Flood and storm tide hazards overlay code –assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
<p>PO1 Development is located and designed to: ensure the safety of all persons; minimise damage to the development and contents of buildings; provide suitable amenity; minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events.</p> <p>Note – For assessable development within the flood plain assessment sub-category, a flood study by a suitably qualified professional is required to identify compliance with the intent of the acceptable outcome.</p>	<p>AO1.1 Development is sited on parts of the land that is not within the Flood and Storm tide hazards overlay maps contained in Schedule 2;</p> <p>or</p> <p>For dwelling houses,</p> <p>AO1.2 Development within the Flood and Storm Tide hazards overlay maps (excluding the Flood plain assessment sub-category) is designed to provide immunity to the Defined Inundation Event as outlined within Table 8.2.4.3.b plus a freeboard of 300mm.</p>	<p>Complies –The plans of the proposed dwelling indicate a habitable room floor level above this.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>AO1.3 New buildings are:</p> <ul style="list-style-type: none"> (a) not located within the overlay area; (b) located on the highest part of the site to minimise entrance of flood waters; (c) provided with clear and direct pedestrian and vehicle evacuation routes off the site. <p>AO1.4 In non urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters.</p>	
For assessable development		
<p>PO2 The development is compatible with the level of risk associated with the natural hazard.</p>	<p>AO2 The following uses are not located in land inundated by the Defined Flood Event (DFE) / Storm tide:</p> <ul style="list-style-type: none"> (a) Retirement facility; (b) Community care facility; (c) Child care centre. 	<p>Complies – none of the listed uses are proposed.</p>
<p>PO3 Development siting and layout responds to flooding potential and maintains personal safety</p>	<p>For Material change of use</p> <p>AO3.1 New buildings are:</p> <ul style="list-style-type: none"> (a) not located within the overlay area; (b) located on the highest part of the site to minimise entrance of flood waters; (c) provided with clear and direct pedestrian and vehicle evacuation routes off the site. <p>or</p>	<p>Complies – the proposed dwelling house would be constructed to have habitable room finish floor levels above the Defined Inundation Event.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>AO3.2 The development incorporates an area on site that is at least 300mm above the highest known flood inundation level with sufficient space to accommodate the likely population of the development safely for a relatively short time until flash flooding subsides or people can be evacuated.</p> <p>or</p> <p>AO3.3 Where involving an extension to an existing dwelling house that is situated below DFE /Storm tide, the maximum size of the extension does not exceed 70m² gross floor area.</p> <p>Note – If part of the site is outside the Hazard Overlay area, this is the preferred location of all buildings.</p> <p>For Reconfiguring a lot</p> <p>AO3.4 Additional lots: (a) are not located in the hazard overlay area; or (b) are demonstrated to be above the flood level identified for the site.</p> <p>Note - If part of the site is outside the Hazard Overlay area, this is the preferred location for all lots (excluding park or other open space and recreation lots).</p> <p>Note – Buildings subsequently developed on the lots will need to comply with the relevant building assessment provisions under the <i>Building Act 1975</i>.</p>	

Performance outcomes	Acceptable outcomes	Applicant response
	<p>AO3.5 Road and/or pathway layout ensures residents are not physically isolated from adjacent flood free urban areas and provides a safe and clear evacuation route path: (a) by locating entry points into the reconfiguration above the flood level and avoiding culs-de-sac or other non-permeable layouts; and (b) by direct and simple routes to main carriageways.</p> <p>AO3.6 Signage is provided on site (regardless of whether the land is in public or private ownership) indicating the position and path of all safe evacuation routes off the site and if the site contains, or is within 100m of a floodable waterway, hazard warning signage and depth indicators are also provided at key hazard points, such as at floodway crossings or entrances to low-lying reserves.</p> <p>or</p> <p>AO3.7 There is no intensification of residential uses within the flood affected areas on land situated below the DFE/Storm tide.</p>	

Performance outcomes	Acceptable outcomes	Applicant response
	<p>For Material change of use (Residential uses) AO3.8 The design and layout of buildings used for residential purposes minimise risk from flooding by providing: (a) parking and other low intensive, non-habitable uses at ground level;</p> <p>Note - The high-set 'Queenslander' style house is a resilient low-density housing solution in floodplain areas. Higher density residential development should ensure only non-habitable rooms (e.g. garages, laundries) are located on the ground floor.</p>	
<p>PO4 Development is resilient to flood events by ensuring design and built form account for the potential risks of flooding.</p>	<p>For Material change of use (Non-residential uses) AO4.2 Non residential buildings and structures allow for the flow through of flood waters on the ground floor. Note - Businesses should ensure that they have the necessary contingency plans in place to account for the potential need to relocate property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a building or off site). Note - The relevant building assessment provisions under the <i>Building Act 1975</i> apply to all building work within the Hazard Area and need to take into account the flood potential within the area. AO4.3 Materials are stored on-site: (a) are those that are readily able to be moved in a flood event; (b) where capable of creating a safety hazard by being shifted by flood waters, are contained in order to minimise movement in times of flood.</p> <p>Notes - (a) Businesses should ensure that they have the necessary contingency plans in place to account for the potential need to relocate property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a building or off site).</p>	<p>N/A- development is residential</p>

Performance outcomes	Acceptable outcomes	Applicant response
	(b) Queensland Government Fact Sheet 'Repairing your House after a Flood' provides information about water resilient products and building techniques.	
<p>PO5 Development directly, indirectly and cumulatively avoids any increase in water flow velocity or flood level and does not increase the potential flood damage either on site or on other properties.</p> <p>Note – Berms and mounds are considered to be an undesirable built form outcome and are not supported.</p>	<p>For Operational works</p> <p>AO5.1 Works in urban areas associated with the proposed development do not involve:</p> <p>(a) any physical alteration to a watercourse or floodway including vegetation clearing; or</p> <p>(b) a net increase in filling (including berms and mounds).</p> <p>AO5.2 Works (including buildings and earthworks) in non urban areas either:</p> <p>(a) do not involve a net increase in filling greater than 50m³; or</p> <p>(b) do not result in any reductions of on-site flood storage capacity and contain within the subject site any changes to depth/duration/velocity of flood waters;</p> <p>or</p> <p>(c) do not change flood characteristics outside the subject site in ways that result in:</p> <p>(i) loss of flood storage;</p> <p>(ii) loss of/changes to flow paths;</p> <p>(iii) acceleration or retardation of flows or any reduction in flood warning times elsewhere on the flood plain.</p>	<p>N/A – no operational works are proposed at this stage.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>For Material change of use</p> <p>AO5.3 Where development is located in an area affected by DFE/Storm tide, a hydraulic and hydrology report, prepared by a suitably qualified professional, demonstrates that the development maintains the flood storage capacity on the subject site; and</p> <p>(a) does not increase the volume, velocity, concentration of flow path alignment of stormwater flow across sites upstream, downstream or in the general vicinity of the subject site; and</p> <p>(b) does not increase ponding on sites upstream, downstream or in the general vicinity of the subject site.</p> <p>For Material change of use and Reconfiguring a lot</p> <p>AO5.4 In non urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters.</p> <p>Note – Fences and irrigation infrastructure (e.g. irrigation tape) in rural areas should be managed to minimise adverse the impacts that they may have on downstream properties in the event of a flood.</p>	
<p>PO6 Development avoids the release of hazardous materials into floodwaters.</p>	<p>For Material change of use</p> <p>AO6.1 Materials manufactured or stored on site are not hazardous or noxious, or comprise materials that may cause a detrimental effect on the environment if discharged in a flood event;</p>	<p>Complies – any hazardous materials would be stored in sealed containers, this would stop any release of hazardous materials into flood waters.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>or</p> <p>AO6.2 If a DFE level is adopted, structures used for the manufacture or storage of hazardous materials are: (a) located above the DFE level; or (b) designed to prevent the intrusion of floodwaters.</p> <p>AO6.3 Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by the DFE.</p> <p>AO6.4 If a flood level is not adopted, hazardous materials and their manufacturing equipment are located on the highest part of the site to enhance flood immunity and designed to prevent the intrusion of floodwaters.</p> <p>Note – Refer to <i>Work Health and Safety Act 2011</i> and associated Regulation and Guidelines, the <i>Environmental Protection Act 1994</i> and the relevant building assessment provisions under the <i>Building Act 1975</i> for requirements related to the manufacture and storage of hazardous materials.</p>	
<p>P07 The development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.</p>	<p>A07 Development does not: (a) increase the number of people calculated to be at risk of flooding; (b) increase the number of people likely to need evacuation; (c) shorten flood warning times; and</p>	<p>Complies – the development would not increase the number of people living on the site.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	(d) impact on the ability of traffic to use evacuation routes, or unreasonably increase traffic volumes on evacuation routes.	
<p>PO8 Development involving community infrastructure: (a) remains functional to serve community need during and immediately after a flood event; is designed, sited and operated to avoid adverse impacts on the community or environment due to impacts of flooding on infrastructure, facilities or access and egress routes; retains essential site access during a flood event; is able to remain functional even when other infrastructure or services may be compromised in a flood event.</p>	<p>AO8.1 The following uses are not located on land inundated during a DFE/Storm tide: (a) community residence; and (b) emergency services; and (c) residential care facility; and (d) utility installations involving water and sewerage treatment plants; and (e) storage of valuable records or items of historic or cultural significance (e.g. archives, museums, galleries, libraries).</p> <p>or</p> <p>AO8.2 The following uses are not located on land inundated during a 1% AEP flood event: (a) community and cultural facilities, including facilities where an education and care service under the Education and care Services National law (Queensland) is operated or child care service under the <i>Child Care Act 2002</i> is conducted, (b) community centres; (c) meeting halls; (d) galleries; (e) libraries.</p>	<p>N/A – The development does not involve these uses.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>The following uses are not located on land inundated during a 0.5% AEP flood event.</p> <ul style="list-style-type: none"> (a) emergency shelters; (b) police facilities; (c) sub stations; (d) water treatment plant <p>The following uses are not located on land inundated during a 0.2% AEP flood event:</p> <ul style="list-style-type: none"> (a) correctional facilities; (b) emergency services; (c) power stations; (d) major switch yards. <p>and/or</p> <p>A08.3 The following uses have direct access to low hazard evacuation routes as defined in</p> <p>Table 8.2.4.3.c :</p> <ul style="list-style-type: none"> (a) community residence; and (b) emergency services; and (c) hospitals; and (d) residential care facility; and (e) sub stations; and (f) utility installations involving water and sewerage treatment plants. <p>A08.4 Any components of infrastructure that are likely to fail to function or may result in contamination when inundated by flood, such as electrical switch gear and</p>	

Performance outcomes	Acceptable outcomes	Applicant response
	<p>motors, telecommunications connections, or water supply pipeline air valves are:</p> <p>(a) located above DFE/Storm tide or the highest known flood level for the site;</p> <p>(b) designed and constructed to exclude floodwater intrusion / infiltration.</p> <p>AO8.5 Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by a flood.</p>	

Table 8.2.4.3.b - Minimum immunity (floor levels) for development

Minimum immunity to be achieved (floor levels)	Uses and elements of activities acceptable in the event
20% AEP level	<ul style="list-style-type: none"> • Parks and open space.
5% AEP level	<ul style="list-style-type: none"> • Car parking facilities (including car parking associated with use of land).
1% AEP level	<ul style="list-style-type: none"> • All development (where not otherwise requiring an alternative level of minimum immunity).
0.5% AEP level	<ul style="list-style-type: none"> • Emergency services (if for a police station); • Industry activities (if including components which store, treat or use hazardous materials); • Substation; • Utility installation.
0.2% AEP level	<ul style="list-style-type: none"> • Emergency services; • Hospital; • Major electricity infrastructure; • Special industry.

Table 8.2.4.3.c - Degree of flood

Criteria	Low	Medium	High	Extreme
Wading ability	If necessary children and the elderly could wade. (Generally, safe wading velocity depth product is less than 0.25)	Fit adults can wade. (Generally, safe wading velocity depth product is less than 0.4)	Fit adults would have difficulty wading. (Generally, safe wading velocity depth product is less than 0.6)	Wading is not an option.
Evacuation distances	< 200 metres	200-400 metres	400-600 metres	600 metres
Maximum flood depths	< 0.3 metre	< 0.6 metre	< 1.2 metres	1.2 metres
Maximum flood velocity	< 0.4 metres per second	< 0.8 metres per second	< 1.5 metres per second	1.5 metres per second
Typical means of egress	Sedan	Sedan early, but 4WD or trucks later	4WD or trucks only in early stages, boats or helicopters	Large trucks, boats or helicopters
Timing Note: This category cannot be implemented until evacuation times have been established in the Counter Disaster Plan (Flooding)	Ample flood forecasting. Warning and evacuation routes remain passable for twice as long as evacuation time.	Evacuation routes remain trafficable for 1.5 times as long as the evacuation.	Evacuation routes remain trafficable for only up to minimum evacuation time.	There is insufficient evacuation time.

Note: The evacuation times for various facilities or areas would (but not necessarily) be included in the Counter Disaster Plan. Generally safe wading conditions assume even walking surfaces and no obstructions, steps, soft underfoot etc.

8.2.6 Landscape values overlay code

8.2.6.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Landscape values overlay, if:
 - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.
- (2) Land in the Landscape values overlay is identified on the Landscape values overlay map in Schedule 2 and includes in following sub-categories:
 - (a) High landscape value sub-category;
 - (b) Medium landscape value sub-category;
 - (c) Scenic route buffer / view corridor area sub-category;
 - (d) Coastal scenery area sub-category.
- (3) When using this code, reference should be made to Part 5.

8.2.6.2 Purpose

- (1) The purpose of the Landscape values overlay code is to:
 - (a) implement the policy direction of the Strategic Framework, in particular:
 - (i) Theme 2: Environment and landscape values Element 3.5.5 Scenic amenity;
 - (ii) Theme 3: Natural resource management Element 3.6.4 – Resource extraction.
 - (b) enable an assessment of whether development is suitable on land within the Landscape values overlay sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) areas of High landscape value are protected, retained and enhanced;
 - (b) areas of Medium landscape value are managed to integrate and limit the visual impact of development;
 - (c) the landscape values of the Coastal scenery area are managed to integrate and limit the visual impact of development;
 - (d) development maintains and enhances the significant landscape elements and features which contribute to the distinctive character and identity of Douglas Shire;
 - (e) ridges and vegetated hillslopes are not developed in a way that adversely impacts on landscape values;

- (f) watercourses, forested mountains and coastal landscape character types remain predominantly natural in appearance in order to maintain the region’s diverse character and distinctive tropical image, in particular:
 - (i) areas in the coastal landscape character type which are predominantly natural and undeveloped in appearance retain this natural landscape character;
 - (ii) watercourses which are predominantly natural and undeveloped in appearance retain this natural landscape character;
 - (iii) the rural character of cane fields and lowlands landscape character types which are predominantly rural or natural in appearance are maintained;
 - (iv) landscape values are maintained when viewed from lookouts, scenic routes, gateways and public places.
- (g) views towards High landscape value areas and the Coral Sea are not diminished;
- (h) development is consistent with the prevailing landscape character of its setting, and is neither visually dominant nor visually intrusive;
- (i) advertising devices do not detract from the landscape values, character types or amenity of an area.

Criteria for assessment

Table 8.2.6.3.z – Landscape values overlay code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For assessable development		
Development in a High landscape value area		
<p>PO1 Development within High landscape value areas identified on the Landscape values overlay maps contained in Schedule 2:</p> <p>(a) avoids detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, the coastal foreshore or the shoreline of other water bodies through the loss of vegetation;</p> <p>(b) is effectively screened from view from a road, lookout or other public place by an existing natural landform or native vegetation, or will be effectively screened by native vegetation within 3 years of construction;</p>	<p>AO1.1 Buildings and structures are not more than 8.5 metres and two storeys in height.</p> <p>Note - Height is inclusive of roof height.</p> <p>AO1.2 Buildings and structures are setback not less than 50 metres from ridgelines or peaks.</p> <p>AO1.3 Development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer.</p>	<p>N/A- the development is not in a high landscape value area.</p>

Performance outcomes	Acceptable outcomes	Applicant response
<p>(c) retains existing vegetation and incorporates new landscaping to enhance existing vegetation and visually soften built form elements;</p> <p>(d) incorporates development of a scale, design, height, position on site, construction materials and external finishes that are compatible with the landscape values of the locality;</p> <p>(e) avoids detrimental impacts on landscape values and excessive changes to the natural landform as a result of the location, position on site, scale, design, extent and alignment of earthworks, roads, driveways, retaining walls and other on-ground or in-ground infrastructure;</p> <p>(f) avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of telecommunications facilities, electricity towers, poles and lines and other tall infrastructure;</p> <p>(g) extractive industry operations are avoided.</p> <p>Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.</p>	<p>AO1.4 Where development on land steeper than 1 in 6 (16.6%) cannot be avoided: (a) development follows the natural; contours of the site; buildings are split level or suspended floor construction, or a combination of the two; lightweight materials are used to areas with suspended floors.</p> <p>Note - Examples of suitable lightweight materials include timber or fibre cement boards or sheeting for walls and factory treated metal sheeting for walls and roofs.</p> <p>AO1.5 The external features, walls and roofs of buildings and structures have a subdued and non-reflective palette.</p> <p>Note - Examples of suitable colours include shades of green, olive green, blue green, grey green, green blue, indigo, brown, blue grey, and green yellow.</p> <p>AO1.6 No clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.5%).</p> <p>AO1.7 Where for accommodation activities or reconfiguration of a lot in a High landscape value area, development demonstrates that the height, design, scale, positioning on-site, proposed construction materials and external finishes are compatible with the landscape values.</p> <p>Note - A visual impact assessment undertaken in accordance with Planning scheme policy SC6.6 – Landscape values may be required.</p>	

Performance outcomes	Acceptable outcomes	Applicant response
	<p>AO1.8 Advertising devices do not occur.</p>	
Development within the Medium landscape value area		
<p>PO2 Development within Medium landscape value areas identified on the Landscape values overlay maps contained in Schedule 2:</p> <p>(a) avoids detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, the coastal foreshore or the shoreline of other water bodies through the loss of vegetation;</p> <p>(b) is effectively screened from view from a road, lookout or other public place by an existing natural landform or native vegetation, or will be effectively screened by native vegetation within 5 years of construction;</p> <p>(c) retains existing vegetation and incorporates new landscaping to enhance existing vegetation and visually soften built form elements;</p> <p>(d) incorporates development of a scale, design, height, position on site, construction materials and external finishes that are compatible with the landscape values of the locality;</p> <p>(e) avoids detrimental impacts on landscape values and excessive changes to the natural landform as a result of the location, position on site, scale, design and alignment of earthworks, roads, driveways, retaining walls and other on-ground or in-ground infrastructure;</p>	<p>AO2.1 Buildings and structures are not more than 8.5 metres and two storeys in height.</p> <p>Note - Height is inclusive of the roof height.</p> <p>AO2.2 Development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer.</p> <p>AO2.3 Where development on land steeper than 1 in 6 (16.6%) cannot be avoided:</p> <p>(a) development follows the natural; contours of the site;</p> <p>(b) buildings are split level or suspended floor construction, or a combination of the two;</p> <p>(c) lightweight materials are used to areas with suspended floors.</p> <p>Note - Examples of suitable lightweight materials include timber or fibre cement boards or sheeting for walls and factory treated metal sheeting for walls and roofs.</p> <p>AO2.4 The external features, walls and roofs of buildings and structures have a subdued and non-reflective palette.</p> <p>Note - Examples of suitable colours include shades of green, olive green, blue green, grey green, green blue, indigo, brown, blue grey, and green yellow.</p>	<p>Complies- the proposed development is one storey in height</p>

Performance outcomes	Acceptable outcomes	Applicant response
<p>(f) avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of telecommunications facilities, electricity towers, poles and lines and other tall infrastructure;</p> <p>(g) extractive industry operations are avoided, or where they cannot be avoided, are screened from view.</p> <p>Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.</p>	<p>AO2.5 No clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.6%).</p> <p>AO2.6 Advertising devices do not occur.</p>	
Development within a Scenic route buffer / view corridor area		
<p>PO3 Development within a Scenic route buffer / view corridor area as identified on the Landscape values overlay maps contained in Schedule 2:</p> <p>(a) retains visual access to views of the surrounding landscape, the sea and other water bodies;</p> <p>(b) retains existing vegetation and incorporates landscaping to visually screen and soften built form elements whilst not impeding distant views or view corridors;</p> <p>(c) incorporates building materials and external finishes that are compatible with the visual amenity and the landscape character;</p> <p>(d) minimises visual impacts on the setting and views in terms of:</p> <p>(e) the scale, height and setback of buildings;</p> <p>(f) the extent of earthworks and impacts on the landform including the location and configuration of access roads and driveways;</p>	<p>AO3.1 Where within a Scenic route buffer / view corridor area, the height of buildings and structures is not more than identified within the acceptable outcomes of the applicable zone code.</p> <p>AO3.2 No clearing of native vegetation is undertaken within a Scenic route buffer area.</p> <p>AO3.3 Where within a Scenic route buffer / view corridor area development is set back and screened from view from a scenic route by existing native vegetation with a width of at least 10 metres and landscaped in accordance with the requirements of the landscaping code.</p> <p>AO3.4 Development does not result in the replacement of, or creation of new, additional, or enlarged advertising devices.</p>	N/A

Performance outcomes	Acceptable outcomes	Applicant response
<p>(g) the scale, extent and visual prominence of advertising devices.</p> <p>Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.</p>		
Development within the Coastal scenery area		
<p>PO4 The landscape values of the Coastal scenery zone as identified on the Landscape values overlay maps contained in Schedule 2 are managed to integrated and limit the visual impact of development.</p> <p>Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.</p>	<p>AO4.1 The dominance of the natural character of the coast is maintained or enhanced when viewed from the foreshore.</p> <p>AO4.2 Where located adjacent to the foreshore buildings and structures are setback:</p> <p>(a) Where no adjoining development, a minimum of 50 metres from the coastal high water mark and the setback area is landscaped with a native vegetation buffer that has a minimum width of 25 metres; or</p> <p>(b) Where there is adjoining development, setbacks will be consistent with that of adjoining buildings and structures, but not less than 10 metres from the coastal high water mark. The setback area is landscaped in accordance with the requirements of the Landscaping code.</p> <p>AO4.3 Where separated from the foreshore by land contained within public ownership (e.g. unallocated State land, esplanade or other public open space), buildings and structures area setback:</p>	<p>N/A</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>(a) where no adjoining development, a minimum of 6 metres from the coastward property boundary. The setback area is landscaped in accordance with the requirements of the Landscaping code; or</p> <p>(b) where there is adjoining development, setbacks will be consistent with that of adjoining buildings and structures. The setback area is landscaped in accordance with the requirements of the Landscaping code.</p>	
<p>PO5 Development is to maximise opportunities to maintain and/or enhance natural landscape values through the maintenance and restoration of vegetated buffers between development and coastal waters, where practical.</p> <p>Note – A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in satisfaction of a performance outcome.</p>	<p>AO5 No clearing of native vegetation is undertaken within a Coastal scenery area zone, except for exempt vegetation damage undertaken in accordance with the Vegetation management code</p>	<p>N/A- no clearing required.</p>

8.2.1 Acid sulfate soils overlay code

8.2.1.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Acid sulfate soils overlay, if:
 - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.
- (2) Land in the Acid sulphate soils overlay is identified on the Acid sulfate soils overlay map in Schedule 2 and includes the following sub-categories:
 - (a) Land at or below the 5m AHD sub-category;
 - (b) Land above the 5m AHD and below the 20m AHD sub-category.
- (3) When using this code, reference should be made to Part 5.

8.2.1.2 Purpose

- (1) The purpose of the acid sulfate soils overlay code is to:
 - (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 2: Environment and landscape values, Element 3.5.4 Coastal zones.
 - (ii) Theme 3: Natural resource management, Element 3.6.2 land and catchment management, Element 3.6.3 Primary production, forestry and fisheries.
- (2) enable an assessment of whether development is suitable on land within the Acid sulfate soils overlay sub-categories.
- (3) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Development ensures that the release of any acid and associated metal contaminant is avoided by not disturbing acid sulfate soils when excavating, removing soil or extracting ground water or filling land;
 - (b) Development ensures that disturbed acid sulfate soils, or drainage waters, are treated and, if required, on-going management practices are adopted that minimise the potential for environmental harm from acid sulfate soil and protect corrodible assets from acid sulfate soil.

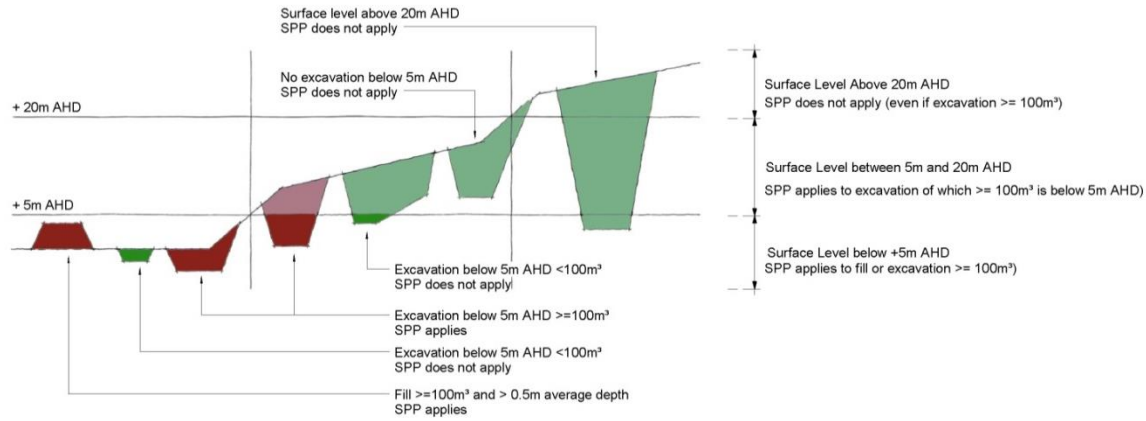
Criteria for assessment

Table 8.2.1.3.a – Acid sulfate soils overlay code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For assessable development		
<p>PO1 The extent and location of potential or actual acid sulfate soils is accurately identified.</p>	<p>AO1.1 No excavation or filling occurs on the site.</p> <p>or</p> <p>AO1.2 An acid sulfate soils investigation is undertaken.</p> <p>Note - Planning scheme policy SC 6.12– Potential and actual acid sulfate soils provides guidance on preparing an acid sulfate soils investigation.</p>	<p>Complies – minimal excavation on the site will be required to establish footings for the dwelling. In the event that acid sulfate soils are disturbed they will be managed.</p> <p>This would be completed at the building works stage.</p>
<p>PO2 Development avoids disturbing potential acid sulfate soils or actual acid sulfate soils, or is managed to avoid or minimise the release of acid and metal contaminants.</p>	<p>AO2.1 The disturbance of potential acid sulfate soils or actual acid sulfate soils is avoided by:</p> <p>(a) not excavating, or otherwise removing, soil or sediment identified as containing potential or actual acid sulfate soils;</p> <p>(b) not permanently or temporarily extracting groundwater that results in the aeration of previously saturated acid sulfate soils;</p> <p>(c) not undertaking filling that results in:</p> <p>(i) actual acid sulfate soils being moved below the water table;</p> <p>(ii) previously saturated acid sulfate soils being aerated.</p> <p>or</p>	<p>Complies – minimal excavation on the site will be required to establish footings for the dwelling. In the event that acid sulfate soils are disturbed they will be managed.</p> <p>This would be completed at the building works stage.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>AO2.2 The disturbance of potential acid sulfate soils or actual acid sulfate soils is undertaken in accordance with an acid sulfate soils management plan and avoids the release of metal contaminants by:</p> <ul style="list-style-type: none"> (a) neutralising existing acidity and preventing the generation of acid and metal contaminants; (b) preventing the release of surface or groundwater flows containing acid and metal contaminants into the environment; (c) preventing the in situ oxidisation of potential acid sulfate soils and actual acid sulfate soils through ground water level management; (d) appropriately treating acid sulfate soils before disposal occurs on or off site; (e) documenting strategies and reporting requirements in an acid sulfate soils environmental management plan. <p>Note - Planning scheme policy SC 6.12 – Acid sulfate soils provides guidance on preparing an acid sulfate soils management plan.</p>	
<p>PO3 No environmental harm is caused as a result of exposure to potential acid sulfate soils or actual acid sulfate soils.</p>	<p>AO3 No acceptable outcomes are prescribed.</p>	<p>Complies – if disturbed any environmental harm caused by acid sulfate soils would be managed.</p>

Figure 8.2.1.3.a – Acid sulfate soils (SPP triggers)



7.2.2 Coastal communities local plan code

7.2.2.1 Application

- (1) This code applies to assessing development within the Coastal communities local plan area covering Wonga Beach, Newell and Cooya Beach as identified on the Coastal communities local plan maps contained in Schedule 2.
- (2) When using this code, reference should be made to Part 5.

7.2.2.2 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 Coastal communities local plan code.

The Coastal communities consist of the three residential communities of Wonga Beach, Newell and Cooya Beach: each located 13 km to the north-north-east, 5 km to the north-east and 4 km to the east of the Mossman town centre, respectively.

All are located on the flat coastal plain along the Coral Sea. Each community is located on the coastal sandy swales of the foreshore and are therefore low-lying and vulnerable to coastal erosion and storm tide hazards.

Wonga Beach is the largest community and currently consists of two sections, each with separate access to the Mossman-Daintree Road. The northern part of Wonga Beach has access to the Mossman-Daintree Road via Wonga Beach Road and consists predominantly of detached housing, the Wonga Beach primary school in Snapper Island Drive, a small caravan park on the Esplanade and other low key tourist accommodation, mainly in the form of bed and breakfast facilities.

The southern part of Wonga Beach has access to the Mossman-Daintree Road via Oleander Drive and Marlin Drive. Detached housing is the predominant form of development and a small service station and local centre and a community hall are located on Oleander Drive on, and close, to the Mossman-Daintree Road intersection. Wonga Beach Park is located at the southern end of Wonga Beach and contains a skate park and barbecue facilities.

The northern and southern parts of Wonga Beach are not connected by a beach side road however they are linked by a pedestrian and bicycle path known as the 'Wonga Community Link'.

Newell consists predominantly of older-stock detached residential housing. A caravan park and small convenience store is located at Marine Parade – Pacific Street and a boat ramp is provided in the south giving access to the northern bank of the Mossman River.

Cooya Beach consists of residential development and caters for a significant amount of newer residential growth in the coastal communities, particularly along Cooya Beach Road. Cooya Beach also has a neighbourhood centre, a child care centre and has a boat ramp at its northern end providing access to the southern bank of the Mossman River.



A particular characteristic of each of the coastal communities is the distinct demarcation between urban and rural settings, with either sugar cultivation or cattle grazing directly abutting the urban edge.

All communities have a ready supply of vacant lots, with a limited capacity for further residential expansion. Of the three communities, only the new residential estate on the western side of Cooya Beach is connected to reticulated sewerage network.

7.2.2.3 Purpose

- (1) The purpose of the Coastal communities local plan code is to provide for attractive residential areas in the Shire as an alternative to Mossman and Port Douglas.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) maintain development in coastal communities as primarily low density residential development;
 - (b) protect residential communities from incursion by tourist accommodation and facilities;
 - (c) facilitate the development of local commercial and community services and facilities, including active and passive open space at a level adequate to service the resident population;
 - (d) ensure new residential development is limited in extent and is designed to integrate with existing communities;
 - (e) ensure Good Quality Agricultural Land is protected from the impacts of residential development or residential expansion;
 - (f) protect environmentally sensitive coastal areas and coastal processes from the detrimental impacts associated with urban development;
 - (g) protect parts of the Local Plan Area used for the cultivation of sugar cane from incompatible development, where such land is zoned for continued Rural use.
- (3) The purpose of the code will be further achieved through the following overall outcomes:
 - (a) Precinct 1 – Wonga Beach rural precinct;
 - (b) Precinct 2 – Wonga Beach low density residential precinct;
 - (c) Precinct 3 – Wonga Beach local centre precinct;
 - (d) Precinct 4 – Wonga Beach rural residential precinct;
 - (e) Precinct 5 – Wonga Beach Lifu Close precinct;
 - (f) Precinct 6 – Newell low density residential precinct;

- (g) Precinct 7 – Newell local centre precinct.

Precinct 1 – Wonga Beach rural precinct

- (4) In addition to the overall outcomes, the outcomes sought for the precinct are to ensure that:
- (a) the open rural character and amenity of the precinct is maintained;
 - (b) clear visual separation is maintained between the residential areas of Wonga Beach and the Mossman-Daintree Road;
 - (c) development reliant on exposure to the Mossman-Daintree Road, including tourist facilities and attractions, does not occur.

Precinct 2 – Wonga Beach low density residential precinct

- (5) In addition to the overall outcomes, the outcomes sought for the precinct are to ensure that:
- (a) development consists of low density residential housing and open space. Other uses are not facilitated within the precinct;
 - (b) a road connection between Oasis Drive and Marlin Drive is not provided. However a pedestrian and cycling link is maintained along the western boundary of the precinct, and any development provides adequate visibility to this link to ensure the personal safety and security for the users of the link;
 - (c) development is setback from the established foreshore vegetation and good highly visible public access is provided along the edge of the foreshore vegetation that permits safe access to the beach;
 - (d) development incorporates adequate water-sensitive urban design techniques to cater for any storm water flows required to be conveyed across the site.

Precinct 3 – Wonga Beach local centre precinct

- (6) In addition to the overall outcomes, the following outcomes are achieved in the precinct:
- (a) local shopping and community facilities are consolidated within the precinct on the corner of Oleander Drive and Mossman-Daintree Road. No other shopping facilities are considered to be necessary in Wonga Beach;
 - (b) retailing activities, including the service station are not intended to exceed 400m² in gross floor area;
 - (c) pedestrian connections between uses within the precinct are maintained and enhanced;
 - (d) access and car parking is coordinated between uses;
 - (e) supplementary landscape planting is provided to enhance the appearance of the precinct and to provide for shade trees.

Precinct 4 – Wonga Beach rural residential precinct

- (7) In addition to the overall outcomes, the following outcomes are achieved in the precinct:
- (a) any further lot reconfiguration within this precinct ensures that large lots are maintained to provide for housing diversity and for the protection of the existing rural residential character.

Precinct 5 – Wonga Beach Lifu Close precinct

- (8) In addition to the overall outcomes, the following outcomes are achieved in the precinct:
- (a) further lot reconfiguration is discouraged within this precinct, unless adequate road access and frontages can be provided to each new lot. This may require consolidation of existing lots to achieve appropriate design solutions;
 - (b) multiple rear lots are not established.

Precinct 6 – Newell low density residential precinct

- (9) In addition to the overall outcomes, the following outcomes are achieved in the precinct:
- (a) a limited size low density residential extension of the existing street pattern is facilitated, subject to an engineering analysis demonstrating that there are no significant constraints preventing such an extension.

Precinct 7 – Newell local centre precinct

- 10) In addition to the overall outcomes, the following outcomes are achieved in the precinct:
- (a) Any redevelopment of the local shopping facility is contained within the local centre precinct and is limited to 150m² for all centre uses.

Criteria for assessment

Table 7.2.2.4 a – Coastal communities local plan – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
Development in the Coastal communities local plan area generally		
<p>PO1 Buildings and structures complement the height of surrounding development and buildings are limited to two storeys.</p>	<p>AO1 Buildings and structures are not more than 8.5 metres in height. Note – Height is inclusive of roof height.</p>	<p>Complies- Proposed development is one storey</p>
For assessable development		
Development in the Coastal communities local plan area generally		
<p>PO2 Development retains and enhances key landscape elements including character trees and areas of significant vegetation contributing to the character and quality of the local plan area and significant views and vistas and other landmarks important to the Coastal communities’ context (as identified on the Coastal Communities Townscape Plan map contained in Schedule 2).</p>	<p>AO2.1 Development provides for the retention and enhancement of existing mature trees and character vegetation that contribute to the character of the coastal communities, including: (a) the coconut fringed vegetation along the foreshore and esplanade areas; (b) low-lying melaleuca swamp lands and the mangrove communities along river banks and creeks.</p> <p>AO2.2 Development protects and does not intrude into important views and vistas as identified on the Coastal Communities Townscape Plan map contained in Schedule 2).</p>	<p>Complies- development does not intrude into important views or require clearing.</p>

Performance outcomes	Acceptable outcomes	Applicant response
<p>PO3 Development contributes to the protection, reinforcement and where necessary enhancement of gateways and key intersections identified on the Coastal Communities Townscape Plan map contained in Schedule 2</p>	<p>PO3 Development adjacent to the gateways and key intersections as identified on the Coastal Townscape Plan maps contained in Schedule 2 and where permitted under the planning scheme, incorporates architectural features and landscaping treatments and design elements that enhances the sense of arrival and way finding within each coastal suburb.</p>	N/A
<p>PO4 Landscaping of development sites complements the desirable qualities of the existing character of the coastal communities.</p>	<p>AO4 Landscaping incorporates the requirements of Planning scheme policy SC6.7 - Landscaping.</p>	
<p>Additional requirements for Precinct 2 – Wonga Beach low density residential precinct</p>		
<p>PO5 Development takes into account, the opportunities and constraints with particular attention paid to storm-tide hazards, water-sensitive urban design management of storm water flow paths, and retention of foreshore vegetation.</p>	<p>AO5 No acceptable outcomes are prescribed.</p>	N/A
<p>PO6 Development avoids a road connection between Oasis Drive and Marlin Drive that would exacerbate traffic volumes or unduly increase traffic hazards, particularly along Marlin Drive and Oleander Drive. Proposals for a road extension into Precinct 2 should be from the north and not from Marlin Drive. A turning circle immediately at the end of Marlin Drive may be acceptable.</p>	<p>AO6 A road connection between Oasis Drive and Marlin Drive is not provided. Proposals for a road extension into Precinct 2 should be from the north and not from Marlin Drive. A turning circle immediately at the end of Marlin Drive may be acceptable.</p>	N/A

Performance outcomes	Acceptable outcomes	Applicant response
<p>PO7 Development maintains a pedestrian and bicycle link along the western boundary of the precinct and establishes adequate opportunities for surveillance along and across to the link.</p>	<p>AO7 A pedestrian and bicycle link is retained along the western boundary of the precinct which is clearly visible from adjoining streets and / or public open space areas (i.e. – is not obscured at the rear of residential lots).</p>	N/A
<p>PO8 The line of foreshore vegetation along the eastern side of the precinct, including the foreshore coconut palms, is retained and development is setback to avoid damage to the vegetation.</p>	<p>AO8 No acceptable outcomes are prescribed.</p>	N/A
<p>PO9 Highly visible public access is provided along the eastern side of the precinct to the foreshore.</p>	<p>AO9 A constructed public esplanade road (taking into account the requirements of AO6) is provided along the eastern side of the precinct clear of the foreshore vegetation, including the foreshore coconut palms.</p>	N/A
<p>PO10 Storm-water flows are conveyed across the site incorporating water-sensitive urban design principles.</p>	<p>AO10 No acceptable outcomes are prescribed.</p>	N/A
<p>Additional requirements for Precinct 3 – Wonga Beach local centre precinct</p>		
<p>PO11 Retailing activities, including the service station do not exceed 400m² across each of the three allotments contained within the Centre zone. No retailing activities occur within the Community Facilities zone within the precinct.</p>	<p>AO11 No acceptable outcomes are prescribed.</p>	N/A
<p>PO12 Pedestrian connections, vehicular access, car parking areas and landscaping are integrated across each of the three sites so as to function as an integrated local centre.</p>	<p>AO12 No acceptable outcomes are prescribed.</p>	N/A

Performance outcomes	Acceptable outcomes	Applicant response
<p>PO13 Supplementary landscaping is provided to enhance the appearance of the precinct, including the provision of shade trees.</p>	<p>AO13 No acceptable outcomes are prescribed.</p>	N/A
Additional requirements for Precinct 4 – Wonga Beach rural residential precinct		
<p>PO14 New lots contain a minimum area of 2000m2.</p>	<p>AO14 No acceptable outcomes are prescribed.</p>	N/A
<p>PO15 New lots contain a 40 metre x 25 metre rectangle.</p>	<p>AO15 No acceptable outcomes are prescribed.</p>	N/A
Additional requirements for Precinct 5 – Wonga Beach Lifu Close precinct		
<p>PO16 Lot reconfiguration is permitted only where adequate dedicated road access can be provided to each lot.</p> <p>Note - The provision of multiple rear lots off the top of the Lifu Close cul-de-sac does not represent an acceptable performance outcome due to the inadequate shape and servicing needs (in particular refuse collection) associated with the existing configuration of the lots.</p>	<p>AO16 Further lot reconfiguration in the form of additional lots does not occur.</p>	N/A
Additional requirements for Precinct 6 – Newell low density residential precinct		
<p>PO17 Development consists of low density residential lots off a new road extension that connects Pacific Street to Coulthard Close.</p>	<p>AO17 No acceptable outcomes are prescribed.</p>	N/A

Performance outcomes	Acceptable outcomes	Applicant response
<p>PO18 Any further lot reconfiguration within the precinct is contingent upon an engineering analysis that demonstrates that there are no constraints that would prevent the development of land for low density residential lots.</p>	<p>AO18 No acceptable outcomes are prescribed.</p>	<p>N/A</p>
Additional requirements for Precinct 6 – Newell low density residential precinct		
<p>PO19 Any redevelopment of the local shopping facility is confined to a maximum of 150m² for all centre uses.</p>	<p>AO19 No acceptable outcomes are prescribed.</p>	<p>N/A</p>