

Mossman Gorge Community

Variations to Douglas Shire Planning Scheme and Township Zone Code

**Prepared for: Remote Indigenous
Land and Infrastructure Program
Office**

October 2013

Table of Contents

1. Introduction	3
2. Modification to Douglas Shire Planning Scheme	5
2.1 Introduction	6
2.2 Desired Environmental Outcomes	6
2.3 Planning for Localities – Maps and Tables of Assessment	8
2.4 Codes	12
2.4.1 Rural Areas and Rural Settlements Locality	12
2.4.2 Rural Planning Area Code and Conservation Planning Area Code	12
2.4.3 Overlays Codes (Various)	12
2.4.4 Land Uses Codes	12
2.4.5 General Codes	12
3. Township Zone Code for the Douglas Shire Planning Scheme	13
4. Infrastructure	17
Annexure 1:	18
Development Concept Plan	18
Annexure 2:	20
Douglas Shire Planning Scheme Provisions and Codes being Modified (Original Provisions)	20

1. Introduction

This Report ('the Zone Report') has been prepared in accordance with the provisions of the *Sustainable Planning Act 2009* ('SPA') and Statutory Guideline 04/09 *Preliminary Approvals that affect a Local Planning Instrument*. The Guidelines confirm planning and development intentions for the Mossman Gorge Community ('the Project').

The Zone Report establishes a framework for regulating development in compliance with SPA, through:

- a. Confirmation of overriding objectives and planning scheme provisions applicable to or affecting the Project;
- b. Identification of levels of assessment consistent with requirements in SPA and associated Regulations;
- c. Confirmation of Code requirements and variations to existing Code requirements applicable to future development.

The Zone Report functions as part of the Integrated Development Assessment System ("IDAS") as confirmed within SPA, and consists of the following Chapters:

1. Introduction;
2. Modification to Douglas Shire Planning Scheme;
3. Township Zone Code.

The Zone Report provides an assessment framework within which the Project may be developed. Levels of Assessment applying to the site are as specified within the Zone Report. The revised Tables of Assessment also incorporate confirmation of Development Codes applying to the development of the site. To the extent there is inconsistency between the Scheme and the Zone Report, the Zone Report and the modified arrangements proposed within prevail.

The Zone Report is supported by the Mossman Gorge Community Concept Plan ('Concept Plan') (included for reference at **Annexure 1**) which confirms the proposed future development and opportunities across the site.

Development of the site will be via subdivision through Standard Format Plan, and / or via long term leasehold lots being established by Lease Plans, with the owner of the parent parcel entering into a Lease with residents confirming management, maintenance and other appropriate arrangements associated with use of the property.

The Zone Report and the Concept Plan form part of a Development Application for Preliminary Approval for a Material Change of Use to Over-Ride the Planning Scheme pursuant to Section 242 of SPA seeking Use Rights and Assessment Requirements in accordance with the Township Zone.

Levels of assessment for development of the site are as confirmed within the Zone Report, rather than as provided for within the Planning Scheme.

The Zone Report and Concept Plan do not preclude development of the site in stages, if this is found to be required from an infrastructure provision or practical perspective.

2. Modification to Douglas Shire Planning Scheme

Section 2 outlines proposed modification to Douglas Shire Planning Scheme (‘the Scheme’) provisions required to give effect to the development proposed.

Copies of “current” provisions within the Scheme proposed for modification are included for reference in **Annexure 2**.

Explanation of the Proposed Modifications

Modifications include:

- a. Variations to introductory provisions within Section 1 of the Scheme;
- b. Minor alterations / additions to Section 2 within the Scheme;
- c. Confirmation that Locality, Planning Area, Land Use, Overlay and General Development Codes within the Scheme do not apply to the Project;
- d. Inclusion of a new Zone encompassing the development proposed;
- e. Inclusion of a new Zone Code for the site that will incorporate requirements related to future subdivision and development within the Mossman Gorge Community.

As the site is currently included within the Rural and Conservation Planning Areas, development in the form proposed is considered generally “inconsistent”. The modifications to strategic provisions and development code requirements are necessary to enable a reasonable assessment of development proposed currently, and moving forward.

Planning scheme text is in *italics* below, with modifications illustrated via:

- Strikethrough (~~*example*~~) for deletions; or
- Underline (*example*) for insertions / additions.

2.1 Introduction

Section 1 within the Scheme is modified as outlined below:

“1.6.3 Planning Areas

....

The ~~nine~~ ten Planning Areas are:

- Rural*
- Rural Settlement*
- Residential 1*
- Residential 2*
- Tourist and Residential*
- Township Zone*
- Commercial*
- Industry*
- Community and Recreational Facilities*
- Conservation”*

2.2 Desired Environmental Outcomes

Section 2 within the Scheme is modified as outlined below:

Ecological Processes and Natural Systems

DEO 1 – The unique environmental values of the Shire, which result from its location within the Wet Tropics Bioregion, are maintained and protected for current and future generations.

DEO 2 – Those parts of the Shire located within the Wet Tropics and Great Barrier Reef World Heritage Areas and other adjacent areas of environmental value and ecological significance, are preserved and protected for nature conservation, landscape / scenic quality, Biodiversity and habitat values, in particular the protection of the Southern Cassowary and its habitat to ensure the integrity of natural processes.

DEO 3 – Natural waterways such as the Daintree River, the Mossman River, the Mowbray River and Dicksons Inlet, all wetlands but particularly those on the Directory of Wetlands of Importance in Australia, being the Lower Daintree River, Alexandra Bay and the Hilda Creek Headwater; and all catchments located in coastal areas within the Shire, are managed to protect their ecological processes, enhance water quality, conserve riparian ecological values and landscape / scenic quality, while acknowledging nature based recreation opportunities.

DEO 4 – The unique environmental character of the Shire comprised of internationally renowned landscapes, ecologically significant rainforest systems, sensitive coastal systems and areas of unsurpassed natural beauty, are maintained in association with sustainable development practices, which seek to minimize the effects of development on the natural environment.

Economic Development

DEO 5 – A prosperous community with a strong rural sector, a dynamic tourism industry and commercial and industrial activities offering a diverse range of employment opportunities, is supported by the sustainable use and management of the natural resources of the Shire.

DEO 6 – The natural resources of the Shire, such as GQAL, extractive resources, water and forestry resources, are protected and managed in a manner that ensures their ecological and economic values are assured for present and future generations.

DEO 7 – The values of the Shire are protected by a preferred pattern of development through identifying GQAL which sustains productive primary industries, particularly the sugar, horticultural and cattle grazing industries, and consolidates growth and employment opportunities, primarily in the identified locations of Mossman and Port Douglas, with appropriate development opportunities being provided in locations considered suitable following assessment of economic need and demand, locational characteristics and infrastructure capacity.

DEO 8 – The economic development of the Shire is facilitated by the provision of physical infrastructure which complements the conservation economy of the Shire with 82% of its lands within the WTWHA in an efficient, equitable and environmentally safe manner, as well as circulation networks which provide for the

efficient movement of people and goods, without compromising the Captain Cook Highway as the scenic entry corridor to the Shire.

Cultural, Economic, Physical and Social Well-Being of the Community

DEO 9 – Places of cultural and heritage significance, both Indigenous and European, are identified, protected and retained for their significance and importance to the history and identity of the Shire.

DEO 10 – A range of housing options, which provide a high standard of living and a variety of different residential lifestyle opportunities, are available in the Shire and are provided in a sustainable manner with regard to the environment, including its people and communities, ~~and~~ the provision of services and facilities and the aspirations and objectives of Traditional Owners throughout the Shire.

DEO 11 – The distinctive character and unique sense of place of the towns, villages and other settlement areas in the Shire including the Daintree Lowlands Community, are maintained, promoting community pride and well-being and community safety and prosperity.

DEO 12 – Residential communities, particularly communities within the major tourism areas of Port Douglas, Daintree Village and the Daintree Lowlands maintain a prosperous economy, a sense of community with the natural features, character of those areas and community values and cohesion, promoting harmony between residents and visitors.

2.3 Planning for Localities – Maps and Tables of Assessment

The “Rural Areas and Rural Settlements Locality Tables of Assessment” within the Scheme will not apply to the Project.

Levels of Assessment for development undertaken in association with the Project will be as provided for in the “Township Zone Tables of Assessment” outlined below:

Rural Areas and Rural Settlements Locality – Table 1

Development Activity	Planning Area								Guide to Applicability of Codes											
Material Change of Use Defined Land Use	Rural	Rural Settlement	Residential	Township	Tourist and Residential	Industry	Community and Recreational	Conservation	Rural Areas and Rural	Planning Area Code	Acid Sulfate Soils	Cultural Heritage	Natural Hazards	LAND USE CODES	Design and Siting of	Filling and Excavation	Landscaping	Natural Areas and	Vehicle Parking and	Sustainable Development
Business Facilities	I	I	I	S	I	I	I	I	*A	A	O	O	O	*YES	*A	*A	*A	*A	*A	*A
Caretaker’s Residence	C	C	C	S	C	I	C	I	*A	A	O	O	O	*YES		A	*A	*A	*A	
Health Facility	I	I	I	S	I	I	I	I	*A	A	O	O	O	NO	*A	*A	*A	*A	*A	*A
House	S	C	C	S	C	I	I	I	*A	A	*OO	*OO	*OO	*YES		*AA	*AA	*A	*A	
Multi-Unit Housing	I	I	I	S	I	I	I	I	*A	A	O	O	O	*YES	*A	*A	*A	*A	*A	*A
Park & Open Space	E	E	E	E	E	E	E	E												
Place of Assembly	I	I	I	E	I	I	I	I	*A	A	O	O	O	NO	*A	*A	*A	*A	*A	*A
Public Utilities and Facilities	C	C	C	E	C	C	C	C	*A	A	O	O	O	NO		*A	*A	*A	*A	*A
Restaurant (using an existing building or a new building)	I	I	I	S	I	I	I	I	*A	A	O	O	O	NO	*A	*A	*A	*A	*A	*A
Retirement Facility	I	I	I	S	I	I	I	I	*A	A	O	O	O	*YES	*A	*A	*A	*A	*A	*A
Shopping Facility	I	I	I	S	I	I	I	I	*A	A	O	O	O	NO	*A	*A	*A	*A	*A	*A
Short Term Accommodation	I	I	I	S	I	I	I	I	*A	A	O	O	O	*YES	*A	*A	*A	*A	*A	*A
Staff Quarters	I	I	I	S	I	I	I	I	*A	A	O	O	O	NO		*A	*A	*A	*A	*A
All other uses, including Undefined Uses	I*	I*	I*	C	I*	I*	I*	I*	*A	A	O	O	O	*YES	*A	*A	*A	*A	*A	*A

Rural Areas and Rural Settlements Locality – Table 2																				
Development Activity	Planning Area								Guide to Applicability of Codes											
	Rural	Rural Settlement	Residential 1	<u>Township</u>	Tourist and Residential	Industry	Community and Recreational Facilities	Conservation	Rural Areas and Rural Settlements Locality Code	Planning Area Code	Acid Sulfate Soils	Cultural Heritage and Valuable Sites	Natural Hazards		Design and Siting of Advertising Devices	Filling and Excavation	Landscaping	Natural Areas and Scenic Amenity	Vehicle Parking and Access	Sustainable Development
Reconfiguring a Lot	C	C	C	C	C	C	C	I	*A	A	O	O	O					*A	*A	
Operational Work Associated with Reconfiguring a Lot	C	C	C	C	C	C	C	C	*A	A	O	O	O			*A	*A	*A	*A	
Operational Work – Filling or Excavation not associated with a Material Change of Use	C	C	C	C	C	C	C	C	*A	A	O	O	O			*A		*A		
Operational Work – Engineering Works not associated with a Material Change of Use	C	C	C	C	C	C	C	C	*A	A	O	O	O			*A		*A		
Operational Work – Placing an Advertising Device on Premises not associated with a Material Change of Use	C	C	C	C	C	C	C	C	*A	A					*A			*A		
Building Work other than Minor Building Work not associated with a Material Change of Use	E	E	E	E	E	E	E	C	*A	A								*A		

KEY

E	Exempt
S	Self Assessable
C	Code Assessable
I	Impact Assessable
I	Impact Assessable (Inconsistent)
A	The Code is Applicable <u>Except if development is being undertaken in the Residential (Retirement Community) Planning Area</u>
*A	If the circumstances described in the Applicability of the Code are triggered, the Code applies <u>Except if development is being undertaken in the Residential (Retirement Community) Planning Area</u>
O	Refer to the Overlay Maps for the Rural Areas and Rural Settlements Locality. If the site is affected by an Overlay and if the circumstances described in the Applicability of the relevant Code are triggered, the Code for the Overlay applies <u>Except if development is being undertaken in the Residential (Retirement Community) Planning Area</u>
OO	The Code is apply for all development EXCEPT Self Assessable development or development being undertaken in the Residential (Retirement Community) Planning Area
*YES	<u>The Code is to apply EXCEPT for development undertaken in the Residential (Retirement Community) Planning Area</u>
NOTE: Self Assessable development converts to Code Assessable development if the development cannot comply in full with the applicable Acceptable Solutions in any relevant Code	

2.4 Codes

Pursuant to the Zone Report, the following modifications to the application and / or requirements within various Codes contained in the Scheme are applicable to assessment of development as part of the Project.

2.4.1 Rural Areas and Rural Settlements Locality

Section 4.2.6 (Rural Areas and Rural Settlements Locality Code) within the Scheme will not apply to the Project.

2.4.2 Rural Planning Area Code and Conservation Planning Area Code

Section 4.3.1 (Rural Planning Area Code) and Section 4.3.9 (Conservation Planning Area Code) within the Scheme will not apply to the Project.

2.4.3 Overlays Codes (Various)

Section 4.4 (Overlays Codes – Various) within the Scheme will not apply to the Project.

2.4.4 Land Uses Codes

Section 4.5 (Land Uses Codes – Various) within the Scheme will not apply to the Project.

2.4.5 General Codes

Section 4.6 (General Codes – Various) within the Scheme will not apply to the Project.

3. Township Zone Code for the Douglas Shire Planning Scheme

Please note:

The below Code has been developed in compliance with the Queensland Planning Provisions, Version 3.0. Use of this format has been adopted, in lieu of a format consistent with the current Scheme, to enable conversion / use in a QPP Compliant Planning Scheme framework, reducing longer-term complexity that may be associated with development across the site if current Scheme provisions were utilized.

Mandatory Purpose

The purpose of this zone is to provide for small to medium size urban settlements located within a rural or coastal area.

Development provides for a mix of uses including residential, retail, business, education, industrial, community purpose, recreation and open space which support the needs of the local rural community.

The local government purpose is to provide for development within Mossman Gorge community that incorporates a range of residential, commercial, administrative and cultural uses that directly service the needs of the existing residents.

The purpose will be achieved through the following overall outcomes:

- A range of residential, retail, commercial, administrative and cultural uses are provided which are relevant to the community context;
- Non-residential uses are provided where directly associated with the community;
- Flexible spaces are provided to accommodate intermittent/temporary non-residential uses;
- Cultural uses are provided which enhance, reflect and promote the community;

- Design of new dwellings and non-residential uses is reflective of the tropical climate of Mossman Gorge.

The code is to apply to all development types and in all locations.

Uses

Refer Revised Table of Assessment above.

Code Design Requirements

Performance Outcome	Acceptable Solution
<p>PO1</p> <p>The height of any building is no greater than adjoining buildings of the same use type.</p>	<p>AO1.1</p> <p>Buildings are no greater in height than directly adjoining buildings.</p>
<p>PO2</p> <p>Buildings are appropriately setback from the road and adjoining buildings to ensure there is no impact on privacy and amenity of existing development.</p>	<p>AO2.1</p> <p>Buildings are sited no further forward of adjoining buildings facing the same street.</p> <p>AO2.2</p> <p>Buildings are setback from adjoining buildings a minimum of 5m.</p> <p>AO2.3</p> <p>Privacy screens are provided where buildings are within 5m of adjoining buildings.</p>
<p>PO3</p> <p>Buildings are designed to complement the sub-tropical climate of the area.</p>	<p>AO3.1</p> <p>Buildings are constructed from a range of materials including:</p> <p>(a) Timber;</p> <p>(b) Corrugated iron;</p> <p>(c) Concrete blocks, provided finish is</p>

	<p>painted.</p> <p>AO3.2 Buildings must include covered patio / verandah areas adjacent to front doors and / or back doors.</p> <p>AO3.3 Outdoor living areas must be provided to each building.</p>
<p>PO4 Dwellings are sited to enhance casual surveillance opportunities.</p>	<p>AO4.1 Dwellings are oriented towards the street, with windows and doors facing the primary street.</p> <p>AO4.2 Garages and carports are sited behind the front building setback; or</p> <p>AO4.3 In cases of two story buildings, garages are recessed beneath the upper level.</p>
<p>PO5 Development maintains a low-density residential scale.</p>	<p>AO5.1 No more than one (1) residence is provided for each 200square metres of site area.</p>
<p>PO6 Non-residential uses are limited in size and relevant to the nature and function of the uses undertaken across the site.</p>	<p>AO6.1 Non-residential uses must be:</p> <p>(a) Community in nature (for example, church, school, hospital / medical facility); or</p> <p>(b) No more than 200square metres Gross Floor Area in size.</p>

<p>PO7</p> <p>On-site carparking is provided to all development.</p>	<p>AO7.1</p> <p>At least one (1) car parking space is provided for each residential building.</p>
<p>PO8</p> <p>Adequate infrastructure is provided to all new development including:</p> <ul style="list-style-type: none"> • Reticulated water; • Reticulated sewerage; • Telecommunications; • Electricity; and • Stormwater drainage. 	<p>AO8.1</p> <p>Each new building constructed on site has access to:</p> <ul style="list-style-type: none"> • Reticulated water; • Reticulated sewerage; • Telecommunications; • Electricity; and • Stormwater drainage.
<p>PO9</p> <p>Vegetation clearing is limited to the extent necessary to site buildings and necessary infrastructure.</p>	<p>AO9.1</p> <p>Vegetation clearing in areas mapped as “Remnant” does not occur.</p>

4. Infrastructure

Development will be provided with the following infrastructure:

- Access to appropriately constructed roads and internal access routes;
- Connection to stormwater drainage system;
- Connection to the reticulated sewerage network;
- Connection to reticulated water supply;
- Connection to electrical and telecommunications networks.

Annexure 1:

Development Concept Plan

Lot 45

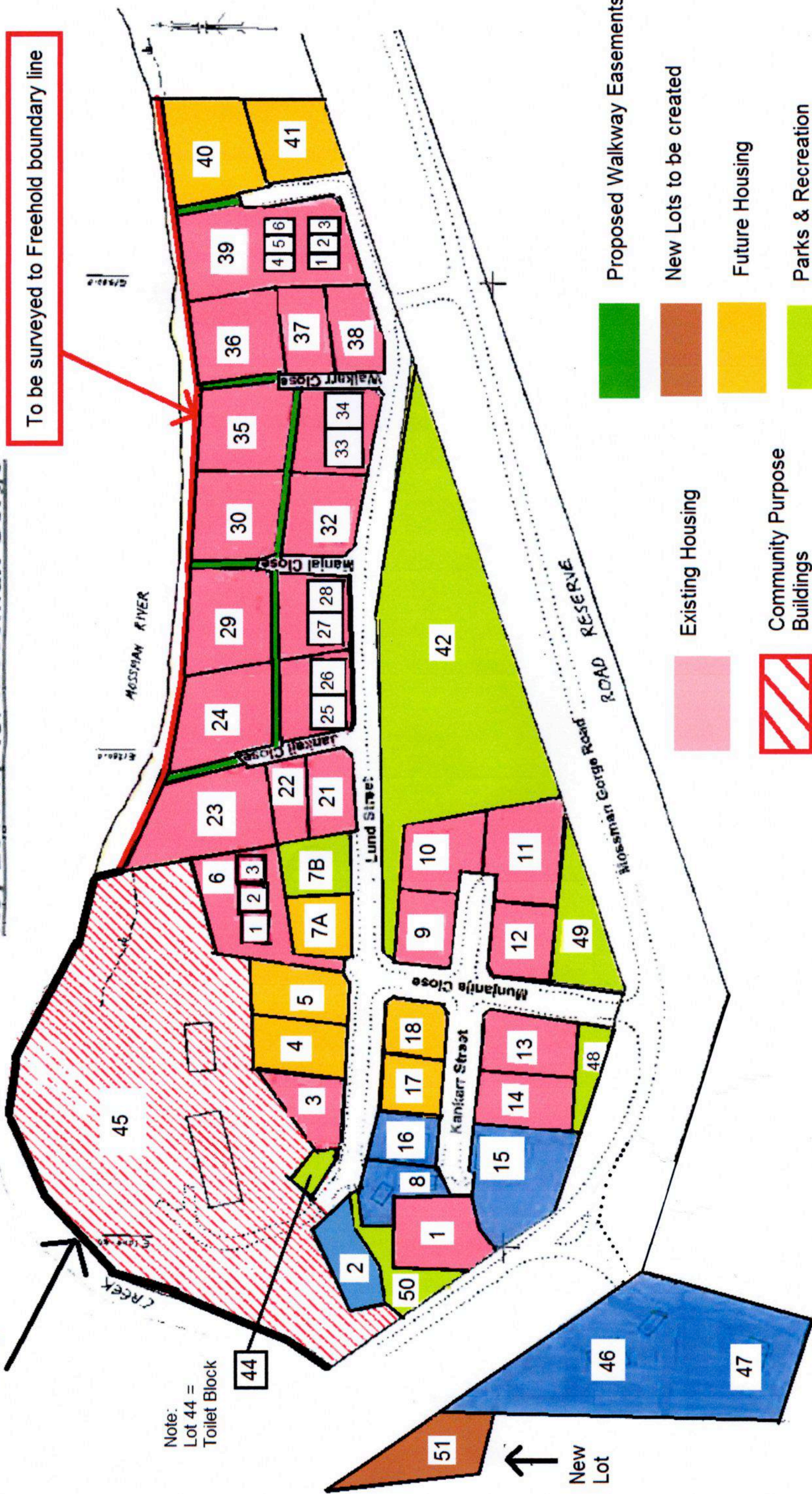
To be surveyed to Reserve Boundary and Creek boundary line

Note:
Lot 44 = Toilet Block

Key Lot Map for Mossman Gorge

Created 24 June 2013

To be surveyed to Freehold boundary line



Proposed Walkway Easements

New Lots to be created

Future Housing

Parks & Recreation

Commercial Purpose

Existing Housing

Community Purpose Buildings

New Lot

Annexure 2:

Douglas Shire Planning Scheme Provisions and Codes being Modified (Original Provisions)



CHAPTER 1 – INTRODUCTION

1.1 Introduction

The Douglas Shire Planning Scheme relates to the whole of the Shire and has been prepared in accordance with the *Integrated Planning Act 1997* (IPA). Chapter 1 provides explanatory material which does not have a role in the development assessment process and is provided only to assist in understanding the planning process and land use planning influences in the Shire.

Douglas Shire is an environmentally unique Shire embracing two World Heritage Areas. Approximately 85% of the Shire is included in the Wet Tropics World Heritage Area (WTWHA) or National Park and the northern part of the Shire's coastline and offshore Islands are contained in the Great Barrier Reef World Heritage Area (GBRWHa).

The Planning Scheme establishes the Council's planning intent for the interface between the development of the Shire and the management of these unique environmental resources over the next 10 – 15 years.

The preferred form of development within the Shire is discussed, in broad terms, in Section 1.4.

The Planning Scheme has been prepared with an overall lifespan of 10 – 15 years. However, to ensure the Planning Scheme remains contemporary and satisfies the timeframes established for reviews in the IPA, the Planning Scheme will be reviewed in accordance with the Act.

1.2 The Integrated Planning Act 1997

1.2.1 The Purpose of the Integrated Planning Act

- The purpose of the IPA is to achieve ecological sustainability.

The Planning Scheme advances the purpose of the Act through the integration and co-ordination of the core matters of land use and development, infrastructure and valuable features.

The Planning Scheme aims to:

- establish a clear strategy for future growth, land use and development within the Shire;
- ensure that an appropriate level of infrastructure is provided in an efficient and equitable manner; and
- recognise the valuable features of the Shire including areas of ecological significance, scenic value, cultural value and natural resources and provide for their management in a sustainable way.



The Planning Scheme advances the purpose of the IPA by:

- identifying outcomes sought to be achieved in the Shire as the context for assessing development; and
- identifying assessable and self-assessable development.

1.2.2 The Planning Scheme as Part of the Integrated Development Assessment System

The Planning Scheme functions as part of the Integrated Development Assessment System (IDAS), which is detailed in Chapter 3 of the IPA, and must be read together with the IPA.

1.3 Other Relevant Planning Initiatives

1.3.1 Douglas Shire Council Corporate Plan

The Corporate Plan is an overarching document that establishes the Council's Vision for the Shire and outlines the Council's strategies and goals for a number of matters for which the Council is responsible.

The Planning Scheme is aimed at achieving the Council's Vision for the Shire by:

- conserving, protecting and managing the Shire's natural resources;
- maintaining the Shire's tourism and agricultural resources; and
- providing the equitable and timely provision of infrastructure services to current and future populations of the Shire.

1.3.2 The Far North Queensland Regional Plan

The FNQ Regional Plan is intended to guide and manage the development of the Far North Queensland Region over the next 20 years. It does this by addressing the region in a holistic and integrated manner to achieve a balance between key economic, social, environmental, infrastructure and development objectives for the future. The development of the FNQ Regional Plan was a joint undertaking between all levels of government and community interest groups.

The FNQ Regional Plan contains a Regional Structure Plan which is intended to establish, in general terms, the preferred physical arrangements for the region over the next 20 years, primarily in relation to urban settlement and regional infrastructure.

In general terms, the preferred settlement pattern for the region is to be based on the principle of accommodating the majority of regional growth in existing urban centres or within designated urban growth areas.



The urban growth proposals specific to the Shire include:

- continued development of Mossman as the primary urban and service centre for the north coast;
- continued development of Port Douglas as a combined tourist and urban node; and
- management of urban and tourist development in the Daintree-Cape Tribulation area whereby development is restricted in size and extent and is of a low intensity and environmentally sensitive in nature.

The Regional Structure Plan acknowledges the restricted capacity of the Shire to accommodate major urban growth demands due to the following factors:

- impacts on the natural environment;
- loss and alienation of Good Quality Agricultural Land (GQAL); and
- the limited capacity of water supply, sewerage and Road infrastructure, including the Captain Cook Highway.

The preferred development pattern for the Shire is based on:

- identifying suitable land to accommodate the long term urban development needs of Mossman, Port Douglas and other coastal settlements;
- the continuing role of Port Douglas as a major tourist node which accommodates intensive tourist development;
- restricting expansion of urban development north of the Daintree River in order to protect the scenic quality and environmental values of the Daintree-Cape Tribulation area;
- developing strategies for provision and maintenance of infrastructure services which do not unduly impact on scenic and environmental quality; and
- protecting GQAL.

The Planning Scheme is consistent with the FNQ Regional Plan and is intended to assist in the implementation of the FNQ Regional Plan, particularly through the land use and development strategies identified in the Planning Scheme.



1.3.3 The Wet Tropics World Heritage Area

Approximately 82% of the Douglas Shire is included in the WTWHA.

The aim of the Wet Tropics Plan is to achieve the primary goal to: “*protect, conserve, present, rehabilitate and transmit to future generations*” the WTWHA.

The Wet Tropics Plan also seeks to maximise the benefits of the area for the local and wider community, while minimising threats to the area’s integrity and providing for groups and individuals throughout the region to contribute to the management of the area.

The Wet Tropics Plan divides the area into four management zones in order of prioritised environmental and ecological significance. The Plan then provides for the management of each zone by classifying activities in each zone.

The Planning Scheme complements the Wet Tropics Plan by:

- identifying the WTWHA for conservation;
- providing for the management of private lands within and adjoining the Area;
- ensuring any development on these lands minimises impacts on the Area; and
- providing opportunities, where appropriate, for the enjoyment of, and interaction with, this unique natural resource.

1.3.4 The Great Barrier Reef World Heritage Area

The northern part of the coastal boundary of the Shire adjoins the GBRWHA. The off-shore Islands of Snapper Island and Low Isles are located within the Shire and are contained within the World Heritage Area. The Great Barrier Reef is a natural resource of international significance and plays an important role in the tourism industry of the Shire by providing a world renowned recreation and tourism experience.

The GBRWHA is managed by a range of Commonwealth and State legislation. In addition, a 25 year Strategic Plan for the GBRWHA has been prepared and was adopted in 1994.

The 25 year objective outlined in the Strategic Plan for the GBRWHA is:

“To ensure the persistence of the Great Barrier Reef World Heritage Area as a diverse, resilient and productive ecological system, while retaining opportunity for a diverse range of experiences and uses consistent with Australia’s obligations under the World Heritage Convention.”



The Planning Scheme seeks to be consistent with this objective by providing for the management of land based activities to reduce impacts on the Great Barrier Reef. It also provides for the continued long term viability of the Great Barrier Reef as a major tourist attraction and tourist experience in the Shire and seeks to protect the two off shore Islands of Snapper Island and Low Isles which are located within the GBRWHA and the Shire.

1.4 The Shire Land Use and Settlement Pattern

Key features of the Shire land use and settlement pattern, which will be reinforced through the implementation of the Planning Scheme, are:

- the maintenance and consolidation of Mossman as the primary administrative, service, agricultural and industrial centre of the Shire;
- the maintenance and consolidation of Port Douglas as the major tourist accommodation and tourist service centre in the Shire, accommodating Service Industry activities, particularly those supporting the tourism industry, and activities associated with the fishing industry;
- the containment of residential expansion areas in Port Douglas on the eastern side of the Captain Cook Highway between Port Douglas Road and the Mowbray River;
- providing for the land management aspirations of the local Indigenous communities;
- the clear delineation of existing and future residential areas in the beach suburbs and other coastal settlements with future residential growth areas identified at Mossman, Cooya Beach and Port Douglas;
- the containment of development north of the Daintree River in size, scale and location to ensure the unique environmental values of the area are maintained and protected;
- the protection of GQAL and other rural land from alienation and conversion to other land uses.

1.5 Native Title

Nothing in this Planning Scheme is intended to diminish or extinguish native title and associated rights.

This Planning Scheme has been adopted by the Council prior to the finalisation of native title negotiations. Nevertheless, there is an understanding that the Indigenous Land Use Agreements (ILUAs) will result in the transfer of some land to Aboriginal Freehold within the Douglas Shire.

As a party to the ILUAs, the Council acknowledges the land use aspirations of Indigenous peoples and will work with the Traditional Owners and others to be responsive to their land use aspirations as established in the ILUAs.



1.6 Structural Elements of the Planning Scheme

The Planning Scheme contains a number of structural elements.

1.6.1 Desired Environmental Outcomes

The Desired Environmental Outcomes express the broad outcomes sought by the Planning Scheme. The Planning Scheme has 12 DEOs which are categorised under the three core matters as identified by the Act.

1.6.2 Planning for the Localities in the Shire

The Planning Scheme divides the Shire into six Localities that cover the entire Planning Scheme Area. The Localities are:

- ☐ World Heritage Areas and Environs
- ☐ Settlement Areas North of the Daintree River
- ☐ Mossman and Environs
- ☐ Port Douglas and Environs
- ☐ Coastal Suburbs, Villages and Townships
- ☐ Rural Areas and Rural Settlements.

1.6.3 Planning Areas

The Planning Scheme divides the Shire into nine Planning Areas that cover the entire Planning Scheme Area. The relevant Planning Areas for each Locality are shown on the Locality Map/s for each Locality.

The nine Planning Areas are:

- ☐ Rural
- ☐ Rural Settlement
- ☐ Residential 1
- ☐ Residential 2
- ☐ Tourist and Residential
- ☐ Commercial
- ☐ Industry
- ☐ Community and Recreational Facilities
- ☐ Conservation.

1.6.4 Overlays

The Planning Scheme includes three Overlays. The Overlays are:

- ☐ Acid Sulfate Soils
- ☐ Cultural Heritage and Valuable Sites
- ☐ Natural Hazards.



Any Overlays which apply in a Locality are shown on the Locality Map/s.

1.6.5 Assessment Tables

The Assessment Tables for each Locality, determine the level of assessment required for development within each Planning Area and identify the relevant or applicable Codes. Development is: Exempt, Self-Assessable, Code Assessable or Impact Assessable.

Self-Assessable development converts to Code Assessable development where there is non compliance with the Acceptable Solutions/s specified in any relevant or applicable Codes.

1.6.6 Codes

The Planning Scheme includes five different types of Codes. The Codes are:

- ☐ Locality Codes
- ☐ Planning Area Codes
- ☐ Overlay Codes
- ☐ Land Use Codes
- ☐ General Codes.

The Codes set out the development requirements for development in the Shire. Where there is any inconsistency between the requirements of the applicable Codes, any Land Use Code takes precedence.

1.6.7 Definitions

The Planning Scheme includes three types of Definitions. The Definitions are:

- ☐ Land Use Definitions
- ☐ Operational Works Definitions
- ☐ Administrative Definitions.

The Land Use Definitions and the Operational Works Definitions have a specific meaning in the Assessment Tables.

1.7 Achieving Outcomes through the Planning Scheme

Development within the Shire must satisfy outcomes identified in the Planning Scheme which seek to achieve ecological sustainability.

Outcomes are categorised within the following levels:

- Desired Environmental Outcomes
- Overall Outcomes for Localities
- Specific Outcomes for areas affected by an Overlay



- Specific Outcomes for Planning Areas or particular Development
- Performance Criteria and associated Acceptable Solutions for a Specific Outcome, or Performance Criteria and associated Acceptable Solutions for Overall Outcomes.

1.8 The Planning Scheme Area

The Planning Scheme is applicable to the whole of the Shire, including the off-shore Islands of Snapper Island and Low Isles.

1.9 Roads, Watercourses and Reclaimed Land

If a Road, Watercourse or reclaimed land is not shown as being included in a Planning Area on the relevant Locality Map, the following applies:

- if the Road or Watercourse is adjoined on both sides by land in the same Planning Area – the Road or Watercourse has the same Planning Area designation as the adjoining land;
- if the Road or Watercourse is adjoined on one side by land in one Planning Area and adjoined on the other side by land in a different Planning Area – the Road or Watercourse has the same Planning Area designation as the adjoining land and the centre line of the Road or Watercourse is the boundary between the two designations;
- if the Road, Watercourse or reclaimed land is adjoined on one side only by land in a Planning Area – the entire Road, Watercourse or reclaimed land has the same Planning Area designation as the adjoining land.

To remove any doubt, subsection 1.9 also applies to a closed Road if the Road is closed after the commencement of the Planning Scheme.



CHAPTER 2 – DESIRED ENVIRONMENTAL OUTCOMES

2.1 Introduction

Twelve Desired Environmental Outcomes (DEOs) underpin the Planning Scheme for the Shire. The Planning Scheme represents the framework for achieving ecological sustainability. The Planning Scheme coordinates and integrates the purpose of the Act and the Council's Vision for the Shire through the statement of the DEOs.

The DEOs are outlined below, grouped under the core matters which comprise ecological sustainability:

- Ecological Processes and Natural Systems;
- Economic Development;
- Cultural, Economic, Physical and Social Well-being of the Community.

2.2 The Desired Environmental Outcomes

2.2.1 Ecological Processes and Natural Systems

- | | |
|--------------------------|--|
| <input type="checkbox"/> | DEO 1 – The unique environmental values of the Shire, which result from its location within the Wet Tropics Bioregion, are maintained and protected for current and future generations. |
| <input type="checkbox"/> | DEO 2 – Those parts of the Shire located within the Wet Tropics and Great Barrier Reef World Heritage Areas and other adjacent areas of environmental value and ecological significance, are preserved and protected for nature conservation, landscape/scenic quality, Biodiversity and habitat values, in particular the protection of the Southern Cassowary and its habitat and to ensure the integrity of natural processes. |
| <input type="checkbox"/> | DEO 3 – Natural waterways such as the Daintree River, the Mossman River, the Mowbray River and Dicksons Inlet, all wetlands but particularly those on the Directory of Wetlands of Importance in Australia, being the Lower Daintree River, Alexandra Bay and the Hilda Creek Headwater; and all catchments located in coastal areas within the Shire, are managed to protect their ecological processes, enhance water quality, conserve riparian ecological values and landscape/scenic quality, while acknowledging nature based recreation opportunities. |
| <input type="checkbox"/> | DEO 4 – The unique environmental character of the Shire comprised of internationally renowned landscapes, ecologically significant rainforest systems, sensitive coastal systems and areas of unsurpassed natural beauty, are maintained in association with sustainable development practices, which seek to minimise the effects of development on the natural environment. |



The primary measures contained in the Planning Scheme which seek to support and achieve these DEOs are:

- the inclusion of major areas of environmental significance, natural habitat and critical conservation areas in private and public ownership, in the Conservation Planning Area;
- the inclusion of management, siting and design criteria for development in Codes which seek to ensure protection and enhancement of these areas;
- recognition of the requirements of the Wet Tropics Management Authority and the Great Barrier Reef Marine Park Authority in protecting these areas.

2.2.2 Economic Development

- | | |
|--------------------------|---|
| <input type="checkbox"/> | DEO 5 – A prosperous community with a strong rural sector, a dynamic tourism industry and commercial and industrial activities offering a diverse range of employment opportunities, is supported by the sustainable use and management of the natural resources of the Shire. |
| <input type="checkbox"/> | DEO 6 – The natural resources of the Shire, such as GQAL, extractive resources, water and forestry resources, are protected and managed in a manner that ensures their ecological and economic values are assured for present and future generations. |
| <input type="checkbox"/> | DEO 7 – The values of the Shire are protected by a preferred pattern of development through identifying GQAL which sustains productive primary industries, particularly the sugar, horticultural and cattle grazing industries, and consolidates growth and employment opportunities, primarily in the identified locations of Mossman and Port Douglas. |
| <input type="checkbox"/> | DEO 8 – The economic development of the Shire is facilitated by the provision of physical infrastructure which complements the conservation economy of the Shire with 82% of its lands within the WTWHA in an efficient, equitable and environmentally safe manner, as well as circulation networks which provide for the efficient movement of people and goods, without compromising the Captain Cook Highway as the scenic entry corridor to the Shire. |



The primary measures contained in the Planning Scheme which seek to support and achieve these DEOs are:

- the delineation and protection of GQAL for a range of primary production options;
- the clear delineation on the Planning Scheme maps of the preferred land use pattern for the consolidation of the different land use activities in the Shire.
- the strategic siting of services and facilities to provide convenience to residents, visitors and those who do business in the Shire.

2.2.3 Cultural, Economic, Physical and Social Well-being of the Community

- | | |
|--------------------------|---|
| <input type="checkbox"/> | DEO 9 – Places of cultural and heritage significance, both Indigenous and European, are identified, protected and retained for their significance and importance to the history and identity of the Shire. |
| <input type="checkbox"/> | DEO 10 – A range of housing options, which provide a high standard of living and a variety of different residential lifestyle opportunities, are available in the Shire and are provided in a sustainable manner with regard to the environment, including its people and communities and the provision of services and facilities. |
| <input type="checkbox"/> | DEO 11 – The distinctive character and unique sense of place of the towns, villages and other settlement areas in the Shire including the Daintree Lowlands Community, are maintained, promoting community pride and well-being and community safety and prosperity. |
| <input type="checkbox"/> | DEO 12 – Residential communities, particularly communities within the major tourism areas of Port Douglas, Daintree Village and the Daintree Lowlands maintain a prosperous economy, a sense of community with the natural features, character of those areas and community values and cohesion, promoting harmony between residents and visitors. |

The primary measures contained in the Planning Scheme which seek to achieve these DEOs are:

- the division of the Shire into six Localities that cover the entire Planning Scheme Area and provide for variation in the Planning Scheme requirements for each different Locality; and
- the inclusion of management, siting and design criteria for development in Codes which seek to ensure the well-being of the community.



4.2.6 Rural Areas and Rural Settlements Locality Code

Purpose

The purpose of this Code is to facilitate the achievement of the following outcomes for the Rural Areas and Rural Settlement Locality:

- retain rural areas for primary industry;
- conserve the rural character and rural landscape elements as important and distinctive to the scenic value of the Shire;
- protect rural areas from encroachment by incompatible urban development;
- protect and conserve valuable riverine vegetation and systems in rural areas;
- retain the rural lifestyle opportunities and amenity of rural settlement areas with no further compromise to surrounding productive rural areas;
- ensure rural settlement areas remain unobtrusive and have no detrimental impact on the Scenic Amenity of surrounding rural areas; and
- facilitate any future land use aspirations of the local Indigenous communities which are compatible with achieving the other planning outcomes for the Area.

Applicability

This Code applies to self assessable and assessable development in the Rural Areas and Rural Settlements Locality for:

- Material Change of Use:
Except for:
 - Primary Industry in the Rural Planning Area;
- Reconfiguring a Lot;
- Operational Work Associated with Reconfiguring a Lot;
- Operational Work – Filling or Excavation not associated with a Material Change of Use;
- Operational Work – Engineering Works not associated with a Material Change of Use;
- Operational Work – Placing an Advertising Device on Premises not associated with a Material Change of Use; and
- Building Work other than Minor Building Work not associated with a Material Change of Use in the Conservation Planning Area.

For self assessable development assessment against this Code, the applicable Acceptable Solutions are A1.1 and A2.1 a), c) and e).

Self assessable development which does not comply with Acceptable Solution as listed above, outlined in this Code will require Code Assessment.

Elements of the Code



General Requirements

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
P1 Buildings and structures complement the Height of surrounding development and/or are subservient to the surrounding environment and are in keeping with the character of the Locality.	A1.1 In all Planning Areas in this Locality the maximum Height of Buildings/structures is 6.5 metres and 2 Storeys. In addition, the roof or any ancillary roof features do not exceed a maximum Height of 3.5 metres.
P2 Development is connected to all urban services or to sustainable on Site infrastructure services.	<p>A2.1 Development is connected to available urban services by underground connections, wherever possible.</p> <p style="text-align: center;">AND/OR</p> <p>Contributions are paid when applicable in accordance with the requirements of Planning Scheme Policy No 11 – Water Supply and Sewerage Headworks and Works External Contributions.</p> <p style="text-align: center;">OR</p> <p>Water storage tank/s with a minimum capacity of not less than 30 000 litres to service the proposed use, including fire fighting capacity and Access to the tank/s for fire trucks. Tank/s to be fitted with a 50 mm ball valve with a camlock fitting and installed and connected prior to occupation and screened with Dense Planting.</p> <p style="text-align: center;">AND</p> <p>An environmentally acceptable and energy efficient power supply is constructed and connected prior to occupation and sited so as to be visually unobtrusive.</p> <p style="text-align: center;">AND</p> <p>On-site sewerage facilities are provided in accordance with the On-site Sewerage Code</p>



<p>P3 Landscaping of development Sites complements the existing rural character of the Locality.</p>	<p>A3.1 Landscaping utilises predominantly native species and complies with the requirements of Planning Scheme Policy No 7 – Landscaping with particular emphasis on appropriate species for this Locality.</p> <p>AND</p> <p>A minimum of 60% of the total proposed species are endemic or native species.</p>
<p>P4 Development Sites are provided with efficient and safe vehicle Access and manoeuvring areas on Site and to the Site, to an acceptable standard for the Locality.</p>	<p>A4.1 All Roads, driveways and manoeuvring areas on Site and adjacent to the Site are designed and maintained to comply with the specifications set out in the Planning Scheme Policy No 6 – FNQROC Development Manual.</p>



Protecting Rural/Rural Settlement Amenity – General

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
P5 Industrial development in a rural area relies on or has a strong nexus with the primary rural activity undertaken on Site or in the surrounding area.	A5.1 Any industrial development is limited to rural industrial activities which, by necessity, are related to primary industries in the surrounding area and require a rural location and where an urban location is inappropriate.
P6 Any community facilities or service infrastructure located in a rural area or rural settlement areas are sited to protect the general amenity and the visual amenity of the surrounding rural area/rural settlement area.	<p>A6.1 Community facilities are only sited in a rural area or a rural settlement area by necessity and where an urban location is inappropriate.</p> <p>A6.2 Community facilities are screened from adjacent Roads by landscape buffers of Dense Planting a minimum of 5 metres in width.</p> <p style="text-align: center;">AND</p> <p>All side and rear boundaries are provided with Dense Planting for a minimum width of 1.5 metres.</p>
P7 Rural settlement areas are visually unobtrusive in the rural landscape to protect the integrity of the rural areas as a dominant landscape element of high quality ²¹ .	<p>A7.1 The old Rocky Point School Site is developed for residential purposes in accordance with the following:</p> <ul style="list-style-type: none"> reconfiguration is in accordance with the Rural Settlement Planning Area requirements specified in Table 1 of the Reconfiguring a Lot Code and all the relevant requirements of the Reconfiguring a Lot Code, taking account of the existing topography of the Site. <p style="text-align: center;">AND</p> <p>The remnant vegetation on the western boundary of the Site is dedicated as public park.</p>

²¹ Vegetation clearing is required to be undertaken in accordance with Local Law – Vegetation Management.



<p>P8 Areas at Rocky Point included in the Residential 1 Planning Area maintain the integrity of the dominant landscape qualities of the area and ensure safe Access onto Mossman-Daintree Road.</p>	<p>A8.1 The minimum lot size in this area is 3500 m².</p> <p style="text-align: center;">AND</p> <p>Any proposed reconfiguration of existing lots in this area only occurs utilising the Access driveway servicing the existing lot, by including reciprocal Access easements over the existing Access driveway for any additional lots.</p> <p>A8.2 Any new lots are included in a Designated Development Area (DDA) identified on the proposal plan of reconfiguration and ultimately, on the registered survey plan.</p> <p>A8.3 Development located within a Designated Development Area is sited where Clearing is limited to a maximum area of 800 m² of the Site or 4% Site Coverage of the Site, whichever is the lesser. (The 800m² area of Clearing does not include an access driveway.)</p> <p style="text-align: center;">OR, ALTERNATIVELY</p> <p>If a greater part of the Site is to be cleared, that part of a Site not cleared is to be included in a Conservation Covenant to protect the integrity of the natural environment²².</p> <p>A8.4 Clearing is limited to the DDA and the DDA is sited on that part of the lot which is least constrained by slope, vegetation or Access constraints, and does not require extensive cut and fill and/or complex geotechnical solutions.</p>
--	---

²² Vegetation clearing is required to be undertaken in accordance with Local Law – Vegetation Management.



	<p>A8.5 The DDA is sited so that the development of a House does not obstruct the views from any adjacent existing Houses.</p> <p>AND</p> <p>Ensures the new House is not visually prominent from adjacent public viewing points, such as Mossman-Daintree Road and Rocky Point.</p>
<p>P9 Development of Lot 32 on RP 850495, Vixies Road, Wonga Beach is connected to urban services.</p>	<p>A9.1 Any future reconfiguration of Lot 32 on RP 850495 for Rural Settlement purposes only occurs in association with connection to reticulated sewerage and water supply servicing Wonga Beach.</p>
<p>P10 The development of part of Lots 10 and 11 on SP 132055 for residential purposes is undertaken to protect the environmental values of the site and the scenic amenity of the local area.</p>	<p>A10.1 Residential development occurs on the more gently sloping part of the site, elevated above the steep bank adjacent to Mossman-Daintree Road.</p> <p>AND</p> <p>The area appropriate for residential development is determined on the basis of contour and vegetation surveys of the site.</p> <p>AND</p> <p>Only one access point from the site to the State-Controlled Road is permitted.</p> <p>AND</p> <p>At reconfiguration stage a broad vegetation screen is provided along the elevated frontage of the site to the Mossman-Daintree Road so that the residential development is screened from the road.</p> <p>AND</p> <p>The balance of the site is protected from clearing to maintain the forested mountain landscape and no further reconfiguration of the balance area occurs.</p>



Protection of Scenic Amenity and Natural Values

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
<p>P11 Development does not adversely impact on areas of sensitive natural vegetation, foreshore areas, Watercourses and areas of tidal inundation which contribute to the Scenic Amenity and natural values of the Locality²³.</p>	<p>No Acceptable Solution.</p> <p>(Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No 10 – Reports and Information the Council May Request, for code and impact assessable development).</p>

Indigenous Interests

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
<p>P12 The land use aspirations in any Indigenous Land Use Agreement (ILUA) are acknowledged and facilitated.</p>	<p>A12.1 Development is consistent with any ILUA relating to the land and the relevant provisions of the Planning Scheme.</p>

²³ The Environmental Protection Agency is a Concurrence Agency for assessable development within a Coastal Management District.



4.3 Codes for Planning Areas

4.3.1 Rural Planning Area Code

Purpose

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

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

Applicability

This Code applies to self assessable and assessable development in the Rural Planning Area for:

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

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

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



Elements of the Code

Consistent and Inconsistent Uses

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

Good Quality Agricultural Land

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

Buffering Incompatible Land Uses

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

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



Building/Structure Setbacks and Screening

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

Rural Character

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

Protecting and Enhancing Native Vegetation and Adjacent Environmentally Sensitive Area

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
P7	Native vegetation existing along Watercourses and in or adjacent to areas of environmental value or areas of remnant vegetation of value is protected ²⁵ .		<p>No Acceptable Solution</p> <p>(Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No 10 – Report and Information the Council May Request, for code and impact assessable development).</p>

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



Sloping Sites

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
<p>P8 Building/structures are designed and sited to be responsive to the constraints of sloping Sites.</p>	<p>A8.1 Building/structures are Erected on land with a maximum slope not exceeding 15%.</p> <p style="text-align: center;">OR</p> <p>Development proposed to be Erected on land with a maximum slope between 15% and 33% is accompanied by a Geotechnical Report prepared by a qualified engineer at development application stage.</p> <p style="text-align: center;">OR</p> <p>Development proposed to be Erected on land with a maximum slope above 33% is accompanied by a Specialist Geotechnical Report prepared by a qualified engineer at development application stage which includes sign-off that the Site can be stabilised.</p> <p style="text-align: center;">AND</p> <p>Any Building/structures proposed to be Erected on land with a maximum slope above 15% are accompanied by an additional Geotechnical Report prepared by a qualified engineer at building application stage.</p> <p>(Information that the Council may request as part of the Geotechnical Report are outlined in Planning Scheme Policy No 10 – Reports and Information the Council May Request, for code and impact assessable development.)</p>



<p>P9 The building style and construction methods used for development on sloping Sites are responsive to the Site constraints.</p>	<p>A9.1 A split level building form is utilised.</p> <p>A9.2 A single plane concrete slab is not utilised.</p> <p>A9.3 Any voids between the floor of the Building and Ground Level, or between outdoor decks and Ground Level, are screened from view by using lattice/batten screening and/or Landscaping.</p>
<p>P10 Development on sloping sites minimises any impact on the landscape character of the surrounding area.</p>	<p>A10.1 Buildings/structures are sited below any ridgelines and are sited to avoid protruding above the surrounding tree level.</p>
<p>P11 Development on sloping sites ensures that the quality and quantity of stormwater traversing the Site does not cause any detrimental impact to the natural environment or to any other Sites.</p>	<p>A11.1 All stormwater drainage discharges to a lawful point of discharge and does not adversely affect downstream, upstream, underground stream or adjacent properties.</p>



Sustainable Siting and Design of Houses on land where the Natural Areas and Scenic Amenity Code is triggered

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



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



4.3.9 Conservation Planning Area Code

Purpose

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

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

Applicability

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

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



Elements of the Code

Consistent and Inconsistent Uses – General

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

Site Coverage

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



Building/Structure Setbacks

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

Residential Density

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



Landscaping

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

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



Environmental Values – General

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



Sloping Sites

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



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



Sustainable Siting and Design of Houses on Sloping Sites

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
<p>P13 A House sited on hillside land is sited in an existing cleared area, or in an area approved for Clearing</p>	<p>A13.1 A House is sited in an existing cleared area or in an area approved for Clearing under the Local Law – Vegetation Management but which is not cleared until development occurs. The Clearing is limited to a maximum area of 700 m² and is sited clear of the High Bank of any Watercourse.</p> <p>(The 700 m² area of Clearing does not include an access driveway.)</p> <p>A13.2 The approved area for the Clearing of the House is not cleared until a Building Permit is issued.</p>
<p>P14 A House sited on hillside land is sited so that it is not clearly visible from any public Road.</p>	<p>A14.1 A House is Setback a minimum of 25 metres from Cape Tribulation Road or 20 metres from any other Road Frontage.</p>
<p>P15 A House sited on hillside land is sited and designed so that it is subservient to the surrounding natural environment.</p>	<p>A15.1 A House is effectively screened from view by existing native trees planted in designated Setback area/s, or by the planting of additional native trees endemic to the local area.</p>
<p>P16 The exterior finishes of a House complements the surrounding natural environment.</p>	<p>A16.1 The exterior finishes and colours of Building/s are non reflective and complement the colours of the surrounding vegetation and viewshed.</p>
<p>P17 A House is designed to be energy efficient and functional in a humid tropical rainforest environment.</p>	<p>A17.1 The development incorporates building design features and architectural elements detailed in Planning Scheme Policy No 2 – Building Design and Architectural Elements.</p>



4.4 Codes for Overlays

4.4.1 Acid Sulfate Soils Code

Purpose

The purpose of this Code is to ensure that development which occurs on a Site containing or potentially containing Acid Sulfate Soils is undertaken so that the potential risks associated with disturbing Acid Sulfate Soils are addressed and minimised.

Applicability

This Code applies to assessable development for:

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

INVOLVING

- excavating or otherwise removing more than 100 m³ of material; or
- filling of a Site involving placing more than 500 m³ of material at greater than an average depth of 0.5 metres,

WHERE

- the Site is at or below 5 metres Australian Height Datum (AHD); or
- the activity affects subsoil below 5 metres AHD, although the Ground Level of the Site exceeds 5 metres AHD;

as depicted on the Acid Sulfate Soils Overlay on the Locality Maps.



Elements of the Code

Disturbance of Acid Sulfate Soils

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
<p>P1 The release of acid and associated metal contaminants into the environment are avoided either by:</p> <ul style="list-style-type: none"> not disturbing Acid Sulfate Soils; or by preventing the potential impacts of any disturbance through appropriate Site planning, treatment and ongoing management. 	<p>A1.1 The disturbance of Acid Sulfate Soils is avoided by:</p> <ul style="list-style-type: none"> not excavating or removing more than 100 m³ of material identified as containing or potentially containing Acid Sulfate Soils; not permanently or temporarily extracting groundwater that results in the aeration of previously saturated Acid Sulfate Soils; and demonstrating that any filling in excess of 500 m³ of material to depths greater than an average depth of 0.5 metres will not result in ground water extrusion from Acid Sulfate Soils and the aeration of previously saturated Acid Sulfate Soils from the compaction or movement of those soils. <p>A1.2 Site planning, treatment and ongoing management are undertaken so that:</p> <ul style="list-style-type: none"> acid and metal contaminants are not generated and acidity is neutralised; untreated Acid Sulfate Soils are not taken off-Site unless this is to an alternative location for treatment; and surface and groundwater flows from areas containing Acid Sulfate Soils do not release leachate containing acid or metal contaminants into the environment.



Identification and Management of Acid Sulfate Soils

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS	
P2 as	The location and extent of Acid Sulfate Soils are identified on the development Site and appropriately management so to avoid the release of acid and associated metal contaminants into the environment.	A2.1	No Acceptable Solution (Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No 9 – Reports and Information the Council May Request, for code and impact assessable development).



4.4.2 Cultural Heritage and Valuable Sites Code

Purpose

The purpose of this Code is to ensure that cultural heritage features of value, places/Sites/elements of cultural/historical significance and valuable Sites to the local and wider community are identified, recorded, retained and conserved, where possible, in order to:

- protect the cultural heritage of the Shire;
- acknowledge the local history of the Shire as an important community asset;
- ensure that cultural heritage features of value and places/Sites/elements of cultural/historical significance and valuable Sites are protected from damage or loss, inappropriate redevelopment and from inappropriate adjacent development, wherever possible.

Applicability

This Code applies to assessable development for:

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

on a site/land identified on a Cultural Heritage and Valuable Sites Overlay on the Locality Maps.



Elements of the Code

Cultural Heritage Features

PERFORMANCE CRITERIA		ACCEPTABLE SOLUTIONS
P1	Cultural Heritage Features of National and State Cultural Heritage Significance are protected and enhanced.	No Acceptable Solution. (Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No 10 – Reports and Information the Council May Request, for code and impact assessable development).



Valuable Conservation Features and Valuable Sites – Identified in Schedule 1 of Planning Scheme Policy No 4 – Cultural Heritage and Valuable Sites

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
<p>P2 Valuable Conservation Features and Valuable Sites identified on a Cultural Heritage and Valuable Sites Overlay on any Locality Map are identified, recognised, recorded and retained, wherever possible and the form, appearance and integrity of Valuable Conservation Features and Valuable Sites is not adversely affected by new development.</p>	<p>A2.1 Buildings, structures, places or Sites containing Valuable Conservation Features and Valuable Sites, which are to be demolished, removed or altered are recorded prior to demolition, removal or alteration by means of photographs, maps and Site records with the material submitted to Council in accordance with Planning Scheme Policy No 4 – Cultural Heritage and Valuable Sites.</p> <p>A2.2 Where a Building, structure, place or Site containing Valuable Conservation Features and Valuable Sites is to be redeveloped and it is proposed to retain the Valuable Cultural Features and Valuable Sites, various provisions of the relevant Land Use Code, Planning Area Code or Locality Code may be relaxed to accommodate the retention of the Valuable Conservation Features and Valuable Sites.</p> <p style="text-align: center;">PROVIDED</p> <p>Development/redevelopment is in accordance with the requirements of <i>The Australia ICOMOS Charter for the Conservation of Places of Cultural Significance</i>, detailed in Planning Scheme Policy No 4 – Cultural Heritage and Valuable Sites.</p>



Valuable Conservation Features and Valuable Sites not Identified Precisely in Schedule 1 of Planning Scheme Policy No 4 – Cultural Heritage and Valuable Sites

PERFORMANCE CRITERIA	ACCEPTABLE SOLUTIONS
<p>P3 The cultural significance of Valuable Conservation Features and Valuable Sites, the precise locations of which have not been specifically identified, is not adversely affected by development.</p>	<p>A3.1 Operational works are not undertaken within areas listed in Schedule I of Planning Scheme Policy No 4 – Cultural Heritage and Valuable Sites and identified as – “Address/Property Description – Non Specific”, until Site investigations confirm there are no features, items or elements of cultural heritage significance within the designated development Site.</p> <p>Should features, items or elements of cultural heritage significance be identified then Acceptable Solutions A2.1 and A2.2 above apply.</p> <p>A3.2 Where representations are made to the Council prior to development, identifying a Site of Indigenous or European cultural heritage significance not listed in Schedule 1 of Planning Scheme Policy No 4 – Cultural Heritage and Valuable Sites, no Operational Works are undertaken until Site investigations confirm there are no features, items or elements of cultural heritage significance within the designated development Site.</p> <p>Should features, items or elements of cultural heritage significance be identified then Acceptable Solutions A2.1 and A2.2 above apply and Schedule 1 of Planning Scheme Policy No 4 – Cultural Heritage and Valuable Sites is amended, if applicable, to include details of the Site.</p>