

## **Assessment of application against relevant Development Codes**

### **APPLICATION DETAILS**

<b>APPLICATION</b>		<b>PREMISES</b>	
<b>FILE NO:</b>	MCU/18/0020	<b>ADDRESS:</b>	89 McLeans Bridge Road, Julatten
<b>APPLICANT:</b>	J Parkes & M Raymond	<b>RPD:</b>	Lot 5 on RP907660
<b>LODGED BY:</b>	Darren Heatley	<b>AREA:</b>	2.547 hectares
<b>DATE LODGED:</b>	10 July 2018	<b>OWNER :</b>	J Parkes & M Raymond
<b>TYPE OF APPROVAL:</b>	Development Permit		
<b>PROPOSED DEVELOPMENT:</b>	Material Change of Use - Dwelling House (Secondary Dwelling)		
<b>PLANNING SCHEME:</b>	Mareeba Shire Council Planning Scheme 2016		
<b>ZONE:</b>	Rural Residential Zone		
<b>LEVEL OF ASSESSMENT:</b>	Code Assessment		
<b>SUBMISSIONS:</b>	n/a		

### **Relevant Development Codes**

The following Development Codes are considered to be applicable to the assessment of the application:

- 6.2.10 Rural residential zone code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 8.2.6 Flood hazard overlay code
- 8.2.8 Hill and slope overlay code
- 8.2.10 Residential dwelling house and outbuilding overlay code
- 9.3.1 Accommodation activities code

## 6.2.10 Rural residential zone code

### 6.2.10.1 Application

- (1) This code applies to assessing development where:
  - (a) located in the Rural residential zone; and
  - (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

### 6.2.10.2 Purpose

- (1) The purpose of the Rural residential zone code is to provide for residential development on large lots where local government infrastructure and services may not be provided on the basis that the intensity of development is generally dispersed.
- (2) Mareeba Shire Council's purpose of the Rural residential zone code is to provide for residential development on a range of larger lots which take account of the history of rural residential development throughout the region. Limited agricultural and animal husbandry activities which contribute to a semi-rural setting may be appropriate on lots with areas in the upper range of lot sizes.
- (3) The Rural residential zone has been broken into three precincts to cater for the distinct lot sizes and levels of servicing that historically occurred in this zone:
  - (a) The 2 hectare precinct is characterised by significant clusters of larger rural residential lifestyle lots that have limited infrastructure and proximity to services. Lots within this precinct will not be reconfigured below 2 hectares in size;
  - (b) The 1 hectare precinct is characterised by significant clusters of rural residential lifestyle lots that have limited access to infrastructure and proximity to services. Lots within this precinct will not be reconfigured below 1 hectare in size; and
  - (c) The 4,000m<sup>2</sup> precinct is characterised by clusters of smaller rural residential lots in proximity to activity centres, where reticulated water supply and an urban standard of infrastructure (apart from sewerage) can be provided. Lots within this precinct will not be reconfigured below 4,000m<sup>2</sup>.
- (4) The purpose of the code will be achieved through the following overall outcomes:
  - (a) The development of large rural residential lots with attendant provision of onsite infrastructure is facilitated;
  - (b) Development within the zone preserves the environmental and topographical features of the land by integrating an appropriate scale of rural residential activities;
  - (c) Development avoids areas of ecological significance;
  - (d) Low-impact activities such as small-scale eco-tourism and outdoor recreation uses are permitted within the zone where the impacts of such uses are acceptable;
  - (e) Natural features such as creeks, gullies, waterways, wetlands and vegetation and bushland are retained, enhanced and buffered from the impacts of development, with unavoidable impacts minimised through location, design, operation and management requirements;
  - (f) Other uses may be appropriate where meeting the day to day needs of the rural residential catchment or having a direct relationship to the land in which the particular use is proposed. Any such uses should not have any adverse effects on the residential amenity of the area through factors such as noise generation, traffic generation or other factors associated with the use;

- (g) Reconfiguring a lot will maintain the predominant lot size of the precinct or intended for the precinct; and
- (h) Reconfiguring a lot involving the creation of new lots is not undertaken external to a precinct in the Rural residential zone in consideration of the inherent environmental, and/or physical infrastructure and/or social infrastructure constraints of Rural residential zoned land outside of identified precincts.

### 6.2.10.3 Criteria for assessment

**Table 6.2.10.3—Rural residential zone code - For accepted development subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>For accepted development subject to requirements and assessable development</b>			
<b>Height</b>			
<b>PO1</b> Building height takes into consideration and respects the following: <ul style="list-style-type: none"> <li>(a) the height of existing buildings on adjoining premises;</li> <li>(b) the development potential, with respect to height, on adjoining premises;</li> <li>(c) the height of buildings in the vicinity of the site;</li> <li>(d) access to sunlight and daylight for the site and adjoining sites;</li> <li>(e) privacy and overlooking; and</li> <li>(f) site area and street frontage length.</li> </ul>	<b>AO1</b> Development has a maximum building height of: <ul style="list-style-type: none"> <li>(a) 8.5 metres; and</li> <li>(b) 2 storeys above ground level.</li> </ul>	✓	Complies
<b>Outbuildings and residential scale</b>			
<b>PO2</b> Domestic outbuildings: <ul style="list-style-type: none"> <li>(a) do not dominate the lot on which they are located; and</li> <li>(b) are consistent with the scale and character of development in the Rural residential zone.</li> </ul>	<b>AO2.1</b> On lots less than 2 hectares, domestic outbuildings do not exceed: <ul style="list-style-type: none"> <li>(a) 150m<sup>2</sup> in gross floor area; and</li> <li>(b) 5.5 metres above natural ground level.</li> </ul>	n/a	Not applicable.
	<b>AO2.2</b>	n/a	Not applicable.

Performance outcomes	Acceptable outcomes	Complies	Comments
	On lots greater than 2 hectares, domestic outbuildings do not exceed: (a) 200m <sup>2</sup> in gross floor area; and (b) 8.5 metres above natural ground level.		
<b>Siting</b>			
<b>PO3</b> Development is sited in a manner that considers and respects: (a) the siting and use of adjoining premises; (b) access to sunlight and daylight for the site and adjoining sites; (c) privacy and overlooking; (d) opportunities for casual surveillance of adjoining public spaces; (e) air circulation and access to natural breezes; (f) appearance of building bulk; and (g) relationship with road corridors.	<b>AO3</b> Buildings and structures include a minimum setback of: (a) 40 metres from a frontage to a State-controlled Road; (b) 6 metres from a frontage to any other road; (c) 10 metres from a boundary to an adjoining lot in the 2 hectare precinct, 1 hectare precinct or the Rural zone or Conservation zone; (d) 5 metres from a boundary to an adjoining lot in the 4,000m <sup>2</sup> precinct; and (e) 3 metres from a side or rear boundary otherwise.	n/a	Not applicable. Refer to Residential dwelling house and outbuilding overlay code.
<b>Accommodation density</b>			
<b>PO4</b> The density of Accommodation activities: (a) contributes to housing choice and affordability; (b) respects the nature and density of surrounding land use; (c) does not cause amenity impacts beyond the reasonable expectation of accommodation	<b>AO4</b> Development provides a maximum density for Accommodation activities of 1 dwelling or accommodation unit per lot.	✓	Complies - The development is for a secondary dwelling which is subservient to the sites primary dwelling.

Performance outcomes	Acceptable outcomes	Complies	Comments
density for the zone; and (d) is commensurate to the scale and frontage of the site.			
<b>For assessable development</b>			
<b>Site cover</b>			
<b>PO5</b> Buildings and structures occupy the site in a manner that: (a) makes efficient use of land; (b) is consistent with the bulk and scale of surrounding buildings; and (c) appropriately balances built and natural features.	<b>AO5</b> No acceptable outcome is provided.	✓	Complies where relevant.
<b>Building design</b>			
<b>PO6</b> Building facades are appropriately designed to: (a) include visual interest and architectural variation; (b) maintain and enhance the character of the surrounds; (c) provide opportunities for casual surveillance; (d) include a human scale; and (e) encourage occupation of outdoor space.	<b>AO6</b> No acceptable outcome is provided.	✓	Complies where relevant.

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>PO7</b> Development complements and integrates with the established built character of the Rural residential zone, having regard to: <ul style="list-style-type: none"> <li>(a) roof form and pitch;</li> <li>(b) eaves and awnings;</li> <li>(c) building materials, colours and textures; and</li> <li>(d) window and door size and location.</li> </ul>	<b>AO7</b> No acceptable outcome is provided.	✓	Complies where relevant.
<b>Non-residential development</b>			
<b>PO8</b> Non-residential development: <ul style="list-style-type: none"> <li>(a) is consistent with the scale of existing development;</li> <li>(b) does not detract from the amenity of nearby residential uses;</li> <li>(c) does not impact on the orderly provision of non-residential development in other locations in the shire; and</li> <li>(d) directly supports the day to day needs of the immediate residential community; or</li> <li>(e) has a direct relationship to the land on which the use is proposed.</li> </ul>	<b>AO8</b> No acceptable outcome is provided.	n/a	Not applicable
<b>Amenity</b>			
<b>PO9</b> Development must not detract from the amenity of the local area, having regard to: <ul style="list-style-type: none"> <li>(a) noise;</li> <li>(b) hours of operation;</li> </ul>	<b>AO9</b> No acceptable outcome is provided.	✓	Complies

Performance outcomes	Acceptable outcomes	Complies	Comments
(c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions.			
<b>PO10</b> Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to: (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions.	<b>AO10</b> No acceptable outcome is provided.	n/a	Not applicable

## 8.2.4 Environmental significance overlay code

### 8.2.4.1 Application

- (1) This code applies to assessing development where:
  - (a) land the subject of development is affected by a constraint category identified on the **Environmental significance overlay maps (OM-004a-z)**; and
  - (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

Note—Biodiversity and Water quality are appropriately reflected in Overlay Map 4 and is required to be mapped by State Government in response to Environment and Heritage State Interests.

### 8.2.4.2 Purpose

- (1) The purpose of the Environmental significance overlay code is to identify and protect matters of environmental significance, which include matters of state environmental significance (MSES) as defined under the state planning policy.

The Environmental significance overlay code ensures that:

- (a) waterways and high ecological significance wetlands are protected and enhanced to maintain ecosystem services and hydrological processes and provide aquatic habitat for flora and fauna; and
  - (b) the environmental values of regulated vegetation, wildlife habitat, protected areas and legally secured offset areas are protected and managed.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) the biodiversity values, ecosystem services and climate change resilience of areas of environmental significance are protected, managed, enhanced and rehabilitated;
  - (b) the biodiversity values of protected areas and legally secured offset areas are protected from development unless overriding community need is demonstrated;
  - (c) development is located, designed and managed to minimise the edge effects of development on areas of regulated vegetation and wildlife habitat;
  - (d) areas of regulated vegetation and wildlife habitat are managed to minimise biodiversity losses;
  - (e) development maintains, protects and enhances a regional network of vegetated corridors that assist in wildlife movement and contribute to the maintenance of habitat and biological diversity;
  - (f) development is appropriately setback from waterways and high ecological significance wetlands to minimise direct and indirect impacts on water quality and biodiversity; and
  - (g) riparian vegetation and vegetation associated with high ecological significance wetlands is protected and enhanced to improve water quality and natural ecosystem function.



### 8.2.4.3 Criteria for assessment

**Table 8.2.4.3A - Environmental significance overlay code - For accepted development subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>For accepted development subject to requirements and assessable development</b>			
<b>Regulated vegetation</b>			
<p><b>PO1</b> Vegetation clearing in areas mapped as 'Regulated vegetation' identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b> is avoided unless:</p> <ul style="list-style-type: none"> <li>(a) it is demonstrated that the area does not support regulated vegetation as mapped;</li> <li>(b) the loss or reduction in regulated vegetation is for community infrastructure and associated access facilities that cannot be avoided;</li> <li>(c) wildlife interconnectivity is maintained or enhanced at a local and regional scale; and</li> <li>(d) the loss or reduction in regulated vegetation is minimised and any residual impacts are offset.</li> </ul> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p><b>AO1.1</b> No clearing of native vegetation is undertaken within areas of 'Regulated vegetation' identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b>.</p>	✓	Complies.
<p><b>PO2</b> Development on sites adjacent to areas of 'Regulated vegetation' identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b> protects the environmental significance of regulated vegetation and:</p> <ul style="list-style-type: none"> <li>(a) does not interrupt, interfere, alter or otherwise impact on underlying natural</li> </ul>	<p><b>AO2</b> Development (excluding roads, earthworks, drainage infrastructure and underground infrastructure) is not located within 20 metres of 'Regulated vegetation' areas identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b>.</p>	✓	Complies.

Performance outcomes	Acceptable outcomes	Complies	Comments
<p>ecosystem processes such as water quality, hydrology, geomorphology and biophysical processes;</p> <p>(b) does not negatively impact the movement of wildlife at a local or regional scale; and</p> <p>(c) avoids noise, light, vibration or other edge affects, including weed and pest incursion on identified environmental values.</p> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>			
<b>Regulated vegetation intersecting a watercourse</b>			
<p><b>PO3</b></p> <p>Vegetation clearing in areas mapped as 'Regulated vegetation intersecting a watercourse', identified as 'Waterway' and 'Waterway buffer' on the <b>Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b> is avoided unless wildlife interconnectivity between habitats is maintained or enhanced at a local and regional scale, to the extent that migration or normal movement of significant species between habitats or normal gene flow between populations is not inhibited.</p> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p><b>Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b></p> <p><b>AO3.1</b></p> <p>A minimum setback in accordance with <b>Table 8.2.4.3B</b> is provided between development and the top of the high bank of a 'Waterway' identified on the <b>Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b>.</p>	n/a	Not applicable
	<p><b>Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b></p> <p><b>AO3.2</b></p> <p>No clearing of native vegetation is undertaken within the minimum setback identified at <b>AO3.1</b>.</p>	n/a	Not applicable
<b>Waterways and wetlands</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>PO4</b> 'High ecological significance wetlands' identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b> and 'Waterways' on <b>Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b> and are protected by: (a) maintaining adequate separation distances between waterways/wetlands and development; (b) maintaining and enhancing aquatic and terrestrial habitat including vegetated corridors to allow for native fauna (terrestrial and aquatic) movement; (c) maintaining waterway bank stability by minimising bank erosion and slumping; (d) maintaining water quality by providing buffers to allow filtering of sediments, nutrients and other pollutants; and (e) retaining and improving existing riparian vegetation and existing vegetation associated with a wetland.  Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.	<b>Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b> <b>AO4.1</b> A minimum setback in accordance with <b>Table 8.2.4.3B</b> is provided between development and the top of the high bank of a 'Waterway' identified on the <b>Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b> .	n/a	Not applicable
	<b>Where within a 'High ecological significance wetland buffer' on Environmental Significance Overlay Maps (OM-004a-o)</b> <b>AO4.2</b> A minimum buffer of 200 metres is provided between development and the edge of a 'High ecological significance wetland' identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b> .	n/a	Not applicable
	<b>Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z) or 'High ecological significance wetland buffer' on Environmental Significance Overlay Maps (OM-004a-o)</b> <b>AO4.3</b> No stormwater is discharged to a 'Waterway' on <b>Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b> or 'High ecological significance wetland' identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b> .	n/a	Not applicable

Performance outcomes	Acceptable outcomes	Complies	Comments
	Note— An alternative outcome is required to demonstrate that the ecological impacts of stormwater discharge to a 'Waterway' or 'High ecological significance wetland' are mitigated in accordance with PO3 through appropriate stormwater management / treatment (where possible).		
	<p><b>Where within a 'Waterway buffer' on Environmental Significance - Waterway Overlay Maps (OM-004p-z) or 'High ecological significance wetland buffer' on Environmental Significance Overlay Maps (OM-004a-o) AO4.4</b></p> <p>No wastewater is discharged to a 'Waterway' on <b>Environmental Significance - Waterway Overlay Maps (OM-004p-z)</b> or 'High ecological significance wetland' identified on the <b>Environmental Significance Overlay Map (OM-004a-z)</b>.</p> <p>Note— A alternative outcome is required to demonstrate that the ecological impacts of wastewater discharge to a 'Waterway' or 'High ecological significance wetland' are mitigated in accordance with PO3 through appropriate wastewater management / treatment (where possible).</p>	n/a	Not applicable
<b>For assessable development</b>			
<b>Wildlife Habitat</b>			
<p><b>PO5</b></p> <p>Development within a 'Wildlife habitat' area identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b>:</p> <p>(a) protects and enhances the habitat of Endangered, Vulnerable and Near Threatened (EVNT) species and local species of significance;</p> <p>(b) incorporates siting and design measures to</p>	<p><b>AO5</b></p> <p>No acceptable outcome is provided</p>	n/a	Not applicable

Performance outcomes	Acceptable outcomes	Complies	Comments
<p>protect and retain identified ecological values and underlying ecosystem processes within or adjacent to the development site;</p> <p>(c) maintains or enhances wildlife interconnectivity at a local and regional scale; and</p> <p>(d) mitigates the impact of other forms of potential disturbance (such as presence of vehicles, pedestrian use, increased exposure to domestic animals, noise and lighting impacts) to protect critical life stage ecological processes (such as feeding, breeding or roosting).</p> <p>Note—Development applications must identify any EVNT species or their habitats that may be affected by the proposal. In particular, applications are to identify and describe how the development avoids adverse impacts on ecological processes within or adjacent to the development area.</p> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>			
<b>Legally secured offset areas</b>			
<p><b>PO6</b></p> <p>Development within a 'Legally secured offset area' identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b> or other known Legally Secured Offset Area is consistent with the binding requirements of the offset and does not prejudice, undermine, or negatively impact the inherent ecological values, including all naturally occurring native flora, fauna and their habitat</p>	<p><b>AO6</b></p> <p>No acceptable outcome is provided.</p>	n/a	Not applicable

Performance outcomes	Acceptable outcomes	Complies	Comments
<p>within the Legally Secured Offset Area.</p> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>			
<b>Protected areas</b>			
<p><b>PO7</b> Development within a 'Protected area' identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b> is consistent with the values of the Protected Area and:</p> <ul style="list-style-type: none"> <li>(a) supports the inherent ecological and community values of the Protected Area asset;</li> <li>(b) maintains or enhances wildlife interconnectivity at a local and regional scale; and</li> <li>(c) does not prejudice, undermine, or negatively impact the inherent ecological values, including all naturally occurring native flora, fauna and their habitat within the Protected Area.</li> </ul> <p>Note—A supporting Ecological Assessment Report is prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports.</p>	<p><b>AO7</b> No acceptable outcome is provided</p>	n/a	Not applicable

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>Ecological corridors and Habitat linkages</b>			
<p><b>PO8</b> Development located:</p> <p>(a) in the Conservation zone, Emerging community zone, Recreation and open space zone, Rural zone or Rural residential zone; and</p> <p>(b) within an 'Ecological corridor' or a 'Habitat linkage' identified on the <b>Environmental Significance Overlay Maps (OM-004a-o)</b></p> <p>does not compromise the provision of habitat connectivity of the corridor/linkage, having regard to:</p> <p>(a) the environmental values of the area of the site identified in the 'Ecological corridor' or 'Habitat linkage';</p> <p>(b) the environmental values of adjoining and nearby land within the 'Ecological corridor' or 'Habitat linkage';</p> <p>(c) the extent of any modification proposed to the natural environment including (but not limited to) vegetation and topography;</p> <p>(d) the location and design of proposed improvements that may impact on the functions of the 'Ecological corridor' or 'Habitat linkage' including (but not limited to) buildings, structures, fences, lighting, vehicle movement areas and infrastructure services; and</p> <p>(e) the ability for the 'Ecological corridor' or</p>	<p><b>AO8</b> No acceptable outcome is provided</p>	n/a	Not applicable

Performance outcomes	Acceptable outcomes	Complies	Comments
<p>'Habitat linkage' to be enhanced to improve ecological connectivity.</p> <p>Note—A supporting Ecological Assessment Report prepared in accordance with Planning Scheme Policy 2 – Ecological Assessment Reports may be appropriate to demonstrate compliance with PO8.</p>			

**Table 8.2.4.3B - Setback and buffer distances from waterways**

Stream order	Setback and buffer from waterways
1	10 metres from top of high bank
2-4	25 metres from top of high bank
5 or more	50 metres from top of high bank

Note—The stream order of a 'waterway' is to be determined on a case by case basis.



## 8.2.6 Flood hazard overlay code

### 8.2.6.1 Application

- (1) This code applies to assessing development where:
  - (a) land the subject of development is located within a Flood hazard area identified on the **Flood hazard overlay maps (OM-006a-o)**; and
  - (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

Note—Natural hazards are appropriately reflected in Overlay Maps 3, 6 and 8 and are required to be mapped by State Government in response to Hazard and Safety State Interests.

Note—where new information, including flood studies or flood modelling supersedes the Flood hazard overlay maps (OM-006a-o) Council may have regard to this new information in the application of the Flood hazard overlay code in the interests of the precautionary principle and the safety of persons and property.

### 8.2.6.2 Purpose

- (1) The purpose of the Flood hazard overlay code is to manage development outcomes in flood hazard areas identified on the **Flood hazard overlay maps (OM-006a-o)** so that risk to life, property, community and the environment during flood events is minimised, and to ensure that development does not increase the potential for flood damage on site or to other property.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Development in the 'Extreme flood hazard area':
    - i. maintains and enhances the hydrological function of the land;
    - ii. does not involve filling (earthworks) or changes to existing landform or drainage lines that results in a loss of the flood conveyance and flood storage capacity of the land;
    - iii. is limited to:
      - A. flood proofed Sport and recreation activities;
      - B. Rural activities where for Animal husbandry, Cropping or Permanent plantation;
      - C. flood proofed Utility installations, Substations or Major electricity infrastructure;
      - D. conservation and natural area management; and
      - E. replacement of existing lawful development, including Accommodation activities where habitable rooms are elevated above the defined flood level and include freeboard;Where there is no increase to the number of persons at risk of flood and where development reduces existing or potential risks to life and property.
  - (b) Development in the 'High flood hazard area':
    - i. maintains the hydrological function of the land;
    - ii. does not involve filling (earthworks) or changes to the existing landform or drainage lines that results in a loss of the flood conveyance and flood storage capacity of the land;
    - iii. is limited to:
      - A. flood proofed Sport and recreation activities and Club uses;
      - B. Non-resident workforce accommodation, Relocatable home park, Resort complex, Rooming accommodation, Short term accommodation and

- Tourist park uses where these uses comprise permanent on-site management and a flood evacuation management plan ensures the health and safety of persons during a flood event;
- C. a Dwelling house only where the lot existed or had a lawful reconfiguring a lot approval at the commencement of the planning scheme and the land is included in a Residential zone or the Centre zone or where for minor intensification of existing Dwelling houses;
- D. Rural activities where for Animal husbandry, Cropping or Permanent plantation;
- E. Industrial activities and Commercial activities where it is accepted development that flood damage is incurred as an operational cost and where flood sensitive elements of the development or use are elevated above the defined flood level, including freeboard;
- F. flood proofed Utility installations, Substations or Major electricity infrastructure;
- G. conservation and natural area management; and
- H. replacement of existing lawful development;

where there is no increase to the number of persons at risk of flood and where development reduces existing or potential risks to life and property.

- iv. protects surrounding land and land uses from increased flood hazard impacts;
  - v. elevates habitable rooms for all accommodation activities (including where for minor building work) above the defined flood level, including freeboard.
- (c) Development in the 'Significant flood hazard area':
- i. minimises risk to life and property from flood events;
  - ii. involves changes to the existing landform and drainage lines in this area only where detrimental impacts to the flood hazard risk of surrounding areas is avoided;
  - iii. is limited to:
    - A. Sport and recreation activities;
    - B. Industrial activities and Commercial activities where it is accepted development that flood damage is incurred as an operational cost and where flood sensitive elements of the development or use are elevated above the defined flood level, including freeboard;
    - C. Rural activities;
    - D. Accommodation activities, excluding Residential care facility and Retirement facility;
    - E. flood proofed Community activities, excluding Child care centre, Hospital and Community use where a flood emergency evacuation plan ensures the safety of people during a flood event;
    - F. flood proofed Utility installations, Substations or Major electricity infrastructure;
    - G. conservation and natural area management;
  - iv. locates habitable rooms for all accommodation activities above the defined flood level, including freeboard; and
  - v. locates the minimum floor level for all buildings other than accommodation activities, industrial activities and business activities above the defined flood level.

- (d) Development in the 'Low flood hazard area':
  - i. minimises risk to life and property from flood events;
  - ii. locates habitable rooms for all Accommodation activities above the defined flood level, including freeboard; and
  - iii. locates the minimum floor level for all buildings other than Accommodation activities above the defined flood level, including freeboard.
- (e) Development in the 'Potential flood hazard area':
  - i. maintains the safety of people on the development site from flood events and minimises the potential damage from flooding to property;
  - ii. does not result in adverse impacts on people's safety, the environment or the capacity to use land within the floodplain;
  - iii. locates habitable rooms for all Accommodation activities above a 1% Annual Exceedance Probability (AEP), including freeboard; and
  - iv. locates the minimum floor level for all building work other than Accommodation activities above the 1% AEP flood level, including freeboard.

### 8.2.6.3 Criteria for assessment

**Table 8.2.6.3A - Flood hazard overlay code - For accepted development subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>For accepted development subject to requirements and assessable development</b>			
<b>All flood hazard areas</b>			
<b>PO1</b> Development prevents the carriage or dispersal of contaminants or pollutants into the receiving environment.	<b>AO1</b> The processing or storage of dangerous goods or hazardous materials is: (a) not undertaken in a flood hazard area identified on the <b>Flood hazard overlay maps (OM-006a-o)</b> ; or (b) is located above the defined flood level plus 0.3 metre freeboard.	✓	Complies
<b>PO2</b> Essential community infrastructure is able to function effectively during and immediately after flood events.	<b>AO2</b> Design levels for buildings must comply with the flood immunity standards specified in <b>Table 8.2.6.3.B</b> and <b>Table 8.2.6.3.C</b> where within a flood hazard area identified on the <b>Flood hazard overlay maps (OM-006a-o)</b> .	✓	Complies
<b>Extreme flood hazard area</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>P03</b> Development, where involving a Material change of use within an 'Extreme flood hazard area' on the <b>Flood hazard overlay maps (OM006a-o)</b> , is appropriate to the flood hazard risk having regard to the: (a) likelihood and frequency of flooding; (b) flood risk acceptability of development; (c) vulnerability of and safety risk to persons associated with the use; (d) associated consequences of flooding in regard to impacts on proposed buildings, structures, and supporting infrastructure; and (e) associated consequences of flooding in respect to undue burden on disaster response recovery capacity and capabilities.	<b>AO3.1</b> Uses within the following activity groups are not located within an 'Extreme flood hazard area identified' on the <b>Flood hazard overlay maps (OM006a-o)</b> : (a) Accommodation activities; (b) Commercial activities; (c) Community activities except where for a Club with a maximum gross floor area of 100m <sup>2</sup> ; (d) Industrial activities; (e) Rural activities, except where for Animal husbandry, Cropping, or Permanent plantation.	n/a	Not applicable
	<b>AO3.2</b> Sport and recreation activities are not located within an 'Extreme flood hazard area' identified on the <b>Flood hazard overlay maps (OM006a-o)</b> except where for: (a) Environment facility; (b) Park; or (c) Outdoor sport and recreation (excluding the provision of ancillary facilities or amenities conducted within a building).	n/a	Not applicable

Performance outcomes	Acceptable outcomes	Complies	Comments
<p><b>PO4</b> Development is located and designed to:</p> <ul style="list-style-type: none"> <li>(a) maintain and enhance the flood conveyance capacity of the premises;</li> <li>(b) not increase the number of people calculated to be at risk from flooding;</li> <li>(c) not increase the flood impact on adjoining premises;</li> <li>(d) ensure the safety of all persons by ensuring that development levels are set above the defined flood level;</li> <li>(e) reduce property damage; and</li> <li>(f) provide flood immune access to buildings.</li> </ul> <p>Note—Buildings may be constructed from flood resistant, waterproof materials below the defined flood level where certified by a qualified structural engineer to be flood proof (including the ability to withstand damage from floodwater and debris) and where an alternative outcome to AO4.1-AO4.4 is also demonstrated.</p> <p>Note—In the event that a lawful building or structure is destroyed by flood or other event the building may be replaced in situ where there is no increase in:</p> <ul style="list-style-type: none"> <li>i. gross floor area; or</li> <li>ii. the number of dwellings or bedrooms on the premises.</li> </ul>	<p><b>AO4.1</b> Buildings, including extensions to existing buildings, are:</p> <ul style="list-style-type: none"> <li>(a) not located within an 'Extreme flood hazard area' identified on the <b>Flood hazard overlay maps (OM006a-o)</b>; or</li> <li>(b) elevated above the defined flood level, with 0.3 metres freeboard from the defined flood level provided for habitable rooms within a dwelling.</li> </ul>	✓	Complies
	<p><b>AO4.2</b> All building work must be high set and retains the flood storage and conveyance capacity of the premises.</p> <p>Note—Building work must be certified by a qualified structural engineer to be flood proof including the ability to withstand damage from floodwater and debris.</p>	✓	Complies
	<p><b>AO4.3</b> New buildings are provided with flood free pedestrian and vehicle evacuation access between the building and a flood safe accessible road.</p> <p>Note—A flood safe accessible road includes a road where identified as outside a flood hazard area or within a 'Low flood hazard area', 'Potential flood hazard area' or 'Significant flood hazard area' on the <b>Flood hazard overlay maps (OM006a-o)</b>.</p>	✓	Complies where relevant.
	<p><b>AO4.4</b> Development does not increase the number of lots in the 'Extreme flood hazard area' identified on the <b>Flood hazard overlay maps (OM006a-o)</b> except where for the purposes of public open space.</p>	✓	Complies

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>PO5</b> Development involving earthworks in a Flood hazard area below the defined flood level must protect life and property on premises and off premises through maintaining: <ul style="list-style-type: none"> <li>(a) flood storage capacity of land;</li> <li>(b) flood conveyance function of land;</li> <li>(c) flood and drainage channels;</li> <li>(d) overland flow paths; and</li> <li>(e) flood warning times.</li> </ul>	<b>AO5</b> Filling above ground level is not undertaken in the 'Extreme flood hazard area' identified on the <b>Flood hazard overlay maps (OM006a-o)</b> .	n/a	Not applicable
<b>High flood hazard area</b>			
<b>PO6</b> Development, where for a Material change of use within a 'High flood hazard area' identified on the <b>Flood hazard overlay maps (OM-006a-o)</b> , is appropriate to the flood hazard risk having regard to the: <ul style="list-style-type: none"> <li>(a) likelihood and frequency of flooding;</li> <li>(b) flood risk acceptability of development;</li> <li>(c) vulnerability of and safety risk to persons associated with the use;</li> <li>(d) associated consequences of flooding in regard to impacts on proposed buildings, structures and supporting infrastructure; and</li> <li>(e) associated consequences of flooding in respect to undue burden on</li> </ul>	<b>AO6.1</b> Uses within the following activity groups are not located within a 'High flood hazard area' identified on the <b>Flood hazard overlay maps (OM006a-o)</b> : <ul style="list-style-type: none"> <li>(a) Accommodation activities, except where for Dwelling house and only where the lot existed or had a lawful reconfiguring a lot approval at the commencement of the planning scheme and the land is included in a Residential zone or the Centre zone;</li> <li>(b) Community activities except where for a Club with a maximum gross floor area of 100m<sup>2</sup>;</li> <li>(c) Rural activities, except where for Animal husbandry, Cropping or Permanent plantation.</li> </ul>	n/a	Not applicable

Performance outcomes	Acceptable outcomes	Complies	Comments
disaster response recovery capacity and capabilities.	<b>AO6.2</b> Sport and recreation activities are not located within a 'High flood hazard area' identified on the <b>Flood hazard overlay maps (OM006a-o)</b> except where for: (a) Environment facility; (b) Park; or (c) Outdoor sport and recreation (excluding the provision of ancillary facilities or amenities conducted within a building).	n/a	Not applicable
<b>PO7</b> Development is located and designed to: (a) maintain hydrological function of the premises; (b) not increase the number of people calculated to be at risk from flooding; (c) minimises the flood impact on adjoining premises; (d) ensure the safety of all persons by ensuring that an appropriate proportion of buildings are set above the defined flood level; (e) reduce the carriage of debris in flood waters; (f) reduce property damage; and (g) provide flood immune access to buildings.  Note—Buildings may be constructed from flood resistant, waterproof materials below the defined flood level where certified by a qualified structural engineer to be flood proof (including the ability to withstand	<b>AO7.1</b> Buildings, including extensions to existing buildings are: (a) not located within the 'High flood hazard area' identified on the <b>Flood hazard overlay maps (OM006a-o)</b> ; or (b) elevated above the defined flood level, with 0.3 metres freeboard from the defined flood level provided for habitable rooms within a dwelling.  OR	n/a	Not applicable

Performance outcomes	Acceptable outcomes	Complies	Comments
damage from floodwater and debris) and where an alternative outcome to AO8.1-AO8.9 is also demonstrated.	<b>AO7.2</b> Buildings used for Commercial activities or Industrial activities include a minimum floor level of 0.3 metres above the defined flood where for the following components of the use: (a) administrative areas; or (b) services, plant and equipment associated with the building.  Note—AO8.2 accepts that the cost of flood impact is an operational cost of the Commercial activity or Industrial activity.  Note—Building work must be certified by a qualified structural engineer to be flood proof including the ability to withstand damage from floodwater and debris.	n/a	Not applicable
	<b>AO7.3</b> All building work below the defined flood level must be high set (comprising pier and beam construction) and retains the flood storage and conveyance capacity of the premises.	n/a	Not applicable
	<b>AO7.4</b> New buildings are provided with flood free pedestrian and vehicle evacuation access between the building and a flood safe accessible road.  Note—A flood safe accessible road includes a road where identified as outside a flood hazard area or within a 'Low flood hazard area', 'Potential flood hazard area' or 'Significant flood hazard area' on the <b>Flood hazard overlay maps (OM006a-o)</b> .	n/a	Not applicable
	<b>AO7.5</b> New temporary, relocatable or impermanent buildings and structures are to be anchored with the ability to withstand transportation by floodwater.  Note—Building work must be certified by a qualified structural engineer.	n/a	Not applicable



Performance outcomes	Acceptable outcomes	Complies	Comments
	<b>AO7.6</b> Dwellings do not exceed four bedrooms.	n/a	Not applicable
	<b>AO7.7</b> Building work on an existing dwelling does not comprise additional bedrooms.	n/a	Not applicable
	<b>AO7.8</b> Building work on an existing dwelling is limited to a maximum increase of 20 percent of the lawfully approved gross floor area of the existing dwelling.	n/a	Not applicable
	<b>AO7.9</b> Development does not increase the number of lots in the 'High flood hazard area; as identified on the <b>Flood hazard overlay maps (OM006a-o)</b> except where for the purposes of public open space.	n/a	Not applicable
<b>PO8</b> Development involving earthworks in a Flood hazard area below the defined flood level must protect life and property on premises and off premises through maintaining: (a) flood storage capacity of land; (b) flood conveyance function of land; (c) flood and drainage channels; (d) overland flow paths; and (e) flood warning times.	<b>AO8</b> Filling above ground level is not undertaken in the 'High flood hazard area' identified on the <b>Flood hazard overlay maps (OM006a-o)</b> .	n/a	Not applicable
<b>Significant flood hazard area</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<p><b>PO9</b> Development, involving a Material change of use, within a 'Significant flood hazard area' on the <b>Flood hazard overlay maps (OM006a-o)</b> is appropriate to the flood hazard risk having regard to the:</p> <p>(a) likelihood and frequency of flooding;</p> <p>(b) flood risk acceptability of development;</p> <p>(c) vulnerability of and safety risk to persons associated with the use;</p> <p>(d) associated consequences of flooding in regard to impacts on proposed buildings, structures and supporting infrastructure; and</p> <p>(e) associated consequences of flooding in respect to undue burden on disaster response recovery capacity and capabilities.</p>	<p><b>AO9</b> The following uses are not located within a 'Significant flood hazard area' identified on the <b>Flood hazard overlay maps (OM006a-o)</b>:</p> <p>(a) Residential care facility;</p> <p>(b) Retirement facility;</p> <p>(c) Child care centre;</p> <p>(d) Hospital; or</p> <p>(e) Community use.</p>	n/a	Not applicable
<b>Significant flood hazard area, Low flood hazard area or Potential flood hazard area</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<p><b>PO10</b> Development, where involving a Material change of use or Building work, is located and designed to:</p> <ul style="list-style-type: none"> <li>(a) maintain hydrological function of the premises;</li> <li>(b) not increase the number of people calculated to be at risk from flooding;</li> <li>(c) minimises the flood impact on adjoining premises;</li> <li>(d) ensure the safety of all persons by ensuring that a proportion of buildings are set above the defined flood level;</li> <li>(e) reduce the carriage of debris in flood waters;</li> <li>(f) reduce property damage; and</li> <li>(g) provide flood immune access to buildings.</li> </ul> <p>Note—Where the development is located in a 'Potential flood hazard area' identified on the <b>Flood hazard overlay maps (OM006a-o)</b> and there is no defined flood level a hydraulic (flood hazard assessment) report prepared by a RPEQ is required in substantiation of an alternative outcome is required or the defined flood level from the adjacent representative hazard zone is used.</p>	<p><b>AO10.1</b> Buildings, including extensions to existing buildings are:</p> <ul style="list-style-type: none"> <li>(a) elevated above the defined flood level; and</li> <li>(b) the defined flood event does not exceed a depth of 600mm; and</li> <li>(c) elevated above the defined flood level plus 0.3 metres freeboard where for habitable rooms within a dwelling.</li> </ul> <p>OR</p>	n/a	Not applicable
	<p><b>AO10.2</b> Buildings used for Commercial activities or Industrial activities include a minimum floor level of 0.3 metres above the defined flood where for the following components of the use:</p> <ul style="list-style-type: none"> <li>(a) administrative areas; or</li> <li>(b) services, plant and equipment associated with the building.</li> </ul> <p>Note—AO10.2 accepts that the cost of flood impact is an operational cost of the Commercial activity or Industrial activity.</p>	n/a	Not applicable
	<p><b>AO10.3</b> All building work below the defined flood level must be high set (comprising pier and beam construction) and retains the flood storage and conveyance capacity of the premises.</p> <p>Note—Building work must be certified by a qualified structural engineer to be flood proof including the ability to withstand damage from floodwater and debris.</p>	n/a	Not applicable

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>PO11</b> Development involving earthworks in a Flood hazard area below the defined flood level must protect life and property on premises and off premises through maintaining: <ul style="list-style-type: none"> <li>(a) flood storage capacity of land;</li> <li>(b) flood conveyance function of land;</li> <li>(c) flood and drainage channels;</li> <li>(d) overland flow paths; and</li> <li>(e) flood warning times.</li> </ul>	<b>AO11</b> Development does not involve in excess of 50m <sup>3</sup> of fill above ground level per 1,000m <sup>2</sup> of site area.	n/a	Not applicable
<b>For assessable development</b>			
<b>Where for Material change of use or Reconfiguring a lot that involves new gross floor area or increases the number of persons living, working or residing in the Extreme flood hazard area, High flood hazard area or Significant flood hazard area other than a Dwelling house.</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<p><b>PO12</b> Flood risk management minimises the impact on property and appropriately protects the health and safety of persons at risk of Extreme, high or significant flood hazard, and:</p> <ul style="list-style-type: none"> <li>(a) indicates the position and path of all safe evacuation routes off the site; and</li> <li>(b) if the site contains or is within 100 metres of a flood hazard area, hazard warning signage and depth indicators are provided at key hazard points, such as at floodway crossings.</li> </ul> <p>Note—A Material change of use or Reconfiguring a lot that involves new gross floor area or increases the number of persons living, working or residing in the 'Extreme flood hazard area' identified on the <b>Flood hazard overlay map (OM006a-o)</b> is supported by a Flood Emergency Evacuation Plan prepared by suitably qualified persons having regard to Floodplain Management in Australia: Best Practice Principles and Guidelines (2000), prepared by Standing Committee on Agriculture and Resource Management (SCARM), CSIRO.</p>	<p><b>AO12</b> No acceptable outcome is provided.</p>	<p><b>n/a</b></p>	<p>Not applicable</p>

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>Significant flood hazard area, Low flood hazard area or Potential flood hazard area</b>			
<b>PO13</b> Development, where involving Reconfiguring a lot, is located and designed to: (a) maintain hydrological function of the premises; (b) not increase the number of people calculated to be at risk from flooding; (c) minimises the flood impact on adjoining premises; (d) ensure the safety of all persons by ensuring that a proportion of buildings are set above the defined flood level; (e) reduce the carriage of debris in flood waters; (f) reduce property damage; and (g) provide flood immune access to buildings.  Note—Where the development is located in a 'Potential flood hazard area' identified on the <b>Flood hazard overlay maps (OM006a-o)</b> and there is no defined flood level a hydraulic (flood hazard assessment) report prepared by a RPEQ is required in substantiation of an alternative outcome is required or the defined flood level from the adjacent representative hazard zone is used.	<b>AO13</b> No acceptable outcome is provided.	n/a	Not applicable

**Table 8.2.6.3B Flood immunity levels**

Development Category	Minimum design floor or pavement levels (mAHD)
Category A	1% AEP + 0.5 metres
Category B	1% AEP + 0.3 metres
Category C	1% AEP

Category D	1% AEP
Category E	2% AEP

Note—Refer Table 8.2.6.3D for building classification by Category.

**Table 8.2.6.3C Community infrastructure flood immunity levels**

Development Type	Minimum design floor or pavement levels (mAHD)
Emergency services, where for:	
• Emergency Shelters	0.1% AEP
• Police facilities	0.5% AEP
• Other Emergency services	0.1% AEP + 0.5 metres
Hospital	0.1% AEP+ 0.5 metres
Community use (where for the storage of valuable records or items of historic or cultural significance including libraries and museums)	0.5% AEP
Special industry (where for power station)	0.5% AEP
Substations	0.5% AEP
Utility installation (where for a sewage treatment plant)	Defined flood level
Utility installation (where for a water treatment plant)	0.5% AEP
Utility installation (other)	Alternative outcome required.
Air services	Alternative outcome required.

**Table 8.2.6.3D Development category**

Building Code of Australia Building classification <sup>(1)</sup>	Development types and design levels, assigned design floor or pavement levels	Category – refer to Table 8.2.6.3B for flood planning levels
Class 1–4	Habitable room	Category A
	Non-habitable room including patio and courtyard	Category B
	Non-habitable part of a Class 2 or Class 3 building excluding the essential services <sup>(2)</sup> control room	Category B
	Parking located in the building undercroft of a multiple dwelling	Category C
	Carport, unroofed car park; vehicular manoeuvring area	Category D
	Essential electrical services <sup>(2)</sup> of a Class 2 or Class 3 building only	Category A
	Basement parking entry	Category C + 0.3 metres
Class 5, Class 6, or Class 8	Building floor level	Category C
	Garage or car park located in the building undercroft	Category C

Building Code of Australia Building classification <sup>(1)</sup>	Development types and design levels, assigned design floor or pavement levels	Category – refer to Table 8.2.6.3B for flood planning levels
	Carport or unroofed car park	Category D
	Vehicular access and manoeuvring areas	Category D
	Basement parking entry	Category C
	Essential electrical services <sup>(2)</sup>	Class 8 – Category Class 5 & 6 – Category A
Class 7a	Refer to the relevant building class specified in this table	
Class 7b	Building floor level	Category C
	Vehicular access and manoeuvring area	Category D
	Essential electrical services <sup>(2)</sup>	Category C
Class 9	Building floor level	Category A
	Building floor level for habitable rooms in Class 9a or 9c where for a Residential care facility	0.2% AEP flood
	Building floor level for habitable rooms in Class 9b where involving children, such as a child care centre	0.2% AEP flood
	Garage or car park located in the building undercroft	Category C
	Carport or unroofed car park	Category D
	Vehicular access and manoeuvring areas	Category D
	Essential electrical services <sup>(2)</sup>	Category A
	Car parking facility	Refer to the relevant building class specified in this table
Class 10a	Shed or the like	Category D
	Swimming pool	Category E
Class 10b	Associated mechanical and electrical pool equipment	Category C
	Other structures	Flood planning levels do not apply

<sup>(1)</sup> Refer to the Building Code of Australia for definitions of building classifications.

<sup>(2)</sup> Essential electrical services include any area or room used for fire control panel, telephone PABX, sensitive substation equipment including transformers, low voltage switch gear, high voltage switch gear, battery chargers, protection control and communication equipment, low voltage cables, high voltage cables, and lift or pump controls.



## 8.2.8 Hill and slope overlay code

### 8.2.8.1 Application

- (1) This code applies to assessing development where:
  - (a) land the subject of development is located within a 'Hill and slope area' identified on the **Hill and slope overlay maps (OM-008a-o)**; and
  - (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

Note—Natural hazards are appropriately reflected in Overlay Maps 3, 6 and 8 and are required to be mapped by State Government in response to Hazard and Safety State Interests.

### 8.2.8.2 Purpose

- (1) The purpose of the Hill and slope overlay code is to ensure the ongoing stability of land within a hill and slope area to prevent risk to people or property.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Development is located to avoid sloping land where practical; and
  - (b) Development on sloping land maintains slope stability and does not increase the potential for erosion or landslide.

### 8.2.8.3 Criteria for assessment

**Table 8.2.8.3 – Hill and slope overlay code - For assessable development**

Performance outcomes	Acceptable outcomes	Complies	Comment
<b>For assessable development</b>			
<b>Slope stability</b>			

Performance outcomes	Acceptable outcomes	Complies	Comment
<p><b>PO1</b> Where clearing of vegetation, building work or filling or excavation occurs on land within a 'Hill and slope area' identified on the <b>Hill and slope overlay maps (OM-008a-o)</b>, a geotechnical report is prepared in accordance with Planning Scheme Policy 5 - Preparation of Geotechnical Reports that demonstrates:</p> <ul style="list-style-type: none"> <li>(a) the long term stability of the development site;</li> <li>(b) development will not be adversely affected by landslide activity originating on sloping land above the development site; and</li> <li>(c) development will not adversely affect other property outside the development site through landslide activity or alterations to surface or groundwater.</li> </ul>	<p><b>AO1</b> No acceptable outcome is provided.</p>	n/a	Not applicable - Despite the proposed building location being mapped within the hill and slope overlay area, the applicant has submitted photos showing that the proposed building location has a gentle slope only. A geotechnical assessment is not considered necessary in this instance.
<p><b>PO2</b> Development is designed and located to ensure that the use can appropriately function in the 'Hill and slope area' identified on the <b>Hill and slope overlay maps (OM-008a-o)</b> having regard to:</p> <ul style="list-style-type: none"> <li>(a) the nature and scale of the proposed use;</li> <li>(b) the gradient of the land;</li> <li>(c) the extent of land disturbance proposed;</li> <li>(d) stormwater discharge and its potential for</li> </ul>	<p><b>AO2.1</b> Development for a Child care centre or Educational establishment is not located on land in a 'Hill and slope area' identified on the <b>Hill and slope overlay maps (OM-008a-o)</b>.</p>	n/a	Not applicable - refer to PO1
	<p><b>AO2.2</b> Development is not located on land with a gradient of greater than 25%.</p>	n/a	Not applicable - refer to PO1

Performance outcomes	Acceptable outcomes	Complies	Comment
erosion.	<p><b>A02.3</b> No lot less than 2,000m<sup>2</sup> is created in a 'Hill and slope area' identified on the <b>Hill and slope overlay maps (OM-008a-o)</b>.</p> <p>Note – Where a minimum lot size of less than 2,000m<sup>2</sup> applies under the Reconfiguring a lot code, the lot size requirements of the Hill and slope overlay code prevail.</p>	n/a	Not applicable - refer to PO1
<b>Community infrastructure and essential services</b>			
<p><b>PO3</b> Community infrastructure and essential services located within a 'Hill and slope area' identified on the <b>Hill and slope overlay maps (OM-008a-o)</b> are able to function effectively during and immediately after landslide events.</p>	<p><b>A03</b> No acceptable outcome is provided.</p>	n/a	Not applicable

## 8.2.10 Residential dwelling house and outbuilding overlay code

### 8.2.10.1 Application

- (1) This code applies to assessing development where:
  - (a) land the subject of development is located within a 'Residential dwelling house and outbuilding area' identified on the **Residential dwelling house and outbuilding overlay maps (OM-010a-o)**; and
  - (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

### 8.2.10.2 Purpose

- (1) The purpose of the Residential dwelling house and outbuilding overlay code is to ensure that Dwelling houses, including residential outbuildings, are appropriately designed, located and serviced within the residential areas of the shire.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Development is designed and located to minimise any adverse impacts on the natural environment and amenity of surrounding uses;
  - (b) Development provides a high level of amenity and is reflective of the surrounding character of the area;
  - (c) Development is responsive to site characteristics and employs best practice industry standards;
  - (d) Development has a sufficient number of parking spaces designed in a manner to meet the requirements of the user;
  - (e) Development is provided with suitable vehicular access in a way that does not compromise the safety and efficiency of the surrounding road network;
  - (f) Parking spaces and associated manoeuvring areas are safe and functional;
  - (g) Development is provided with an adequate, safe and reliable supply of potable, fire-fighting and general use water in accordance with relevant standards;
  - (h) Development is connected to infrastructure that provides for the treatment and disposal of wastewater and ensures there are no adverse impacts on water quality, public health, local amenity or ecological processes;
  - (i) Development is connected to infrastructure that provides for the disposal of stormwater and ensures that there are no adverse impacts on water quality or ecological processes;
  - (j) Development is provided with electricity and telecommunications services that meet desired requirements;
  - (k) Development is connected to a nearby electricity network with adequate capacity without significant environment, social or amenity impact;
  - (l) Development does not affect the efficient functioning of public utility mains, services or installations; and
  - (m) Work associated with development does not cause adverse impacts on the surrounding area.

### 8.2.10.3 Criteria for assessment

**Table 8.2.10.3A – Residential dwelling house and outbuilding overlay code - For accepted development subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>For accepted development subject to requirements and assessable development</b>			
<b>Height</b>			
<b>PO1</b> Building height takes into consideration and respects the following: (a) the height of existing buildings on adjoining premises; (b) the development potential, with respect to height, on adjoining premises; (c) the height of buildings in the vicinity of the site; (d) access to sunlight and daylight for the site and adjoining sites; (e) privacy and overlooking; and (f) site area and street frontage length.	<b>AO1</b> Development has a maximum building height of: (a) 8.5 metres; and (b) 2 storeys above ground level.	✓	Complies
<b>Outbuildings and residential scale</b>			
<b>PO2</b> Domestic outbuildings: (a) do not dominate the lot on which they are located; and (b) are consistent with the scale and character of development in the zone in which the land is located.	<b>AO2.1</b> Where located in the Low density residential zone or the Medium density residential zone, domestic outbuildings do not exceed: (a) 100m <sup>2</sup> in gross floor area; and (b) 5.5 metres in height above natural ground level.	n/a	Not applicable

Performance outcomes	Acceptable outcomes	Complies	Comments
	<b>AO2.2</b> Where located in the Rural residential zone and on lots equal to or less than 2 hectares, domestic outbuildings do not exceed: (a) 150m <sup>2</sup> in gross floor area; and (b) 5.5 metres above natural ground level.	n/a	Not applicable.
	<b>AO2.3</b> Where located in the Rural residential zone and located on lots greater than 2 hectares, domestic outbuildings do not exceed: (a) 200m <sup>2</sup> in gross floor area; and (b) 8.5 metres above natural ground level.	n/a	Not applicable.
<b>Gross floor area</b>			
<b>PO3</b> Buildings and structures occupy the site in a manner that: (a) makes efficient use of land; (b) is consistent with the bulk and scale of surrounding buildings; and (c) appropriately balances built and natural features.	<b>AO3</b> Gross floor area does not exceed 600m <sup>2</sup> .	✓	Complies
<b>Secondary dwellings</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>PO4</b> Where a Dwelling house involves a secondary dwelling, it is designed and located to: <ul style="list-style-type: none"> <li>(a) not dominate the site;</li> <li>(b) remain subservient to the primary dwelling; and</li> <li>(c) be consistent with the character of the surrounding area;</li> </ul>	<b>AO4.1</b> The secondary dwelling is located within: <ul style="list-style-type: none"> <li>(a) 10 metres of the primary dwelling where on a lot that has an area of 2 hectares or less; or</li> <li>(b) 20 metres of the primary dwelling where on a lot that has an area of greater than 2 hectares.</li> </ul>	✓ <b>Complies with PO4</b>	<p>The proposed secondary dwelling will be sited approximately 28 metres from the primary dwelling and is therefore non-compliant with AO4.1 (a).</p> <p>The proposed secondary dwelling is being sited as close as practically possible to the existing primary dwelling due to physical constraints on site. The non-compliance is considered only minor in this instance and the assessing officer is satisfied that the proposed secondary dwelling will remain subservient to the primary dwelling moving forward.</p> <p>The proposed development is considered to comply with PO4.</p>
	<b>AO4.2</b> A secondary dwelling has a maximum gross floor area of 100m <sup>2</sup> .	✓	Complies
<b>Car parking</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>PO5</b> Development provides sufficient car parking to accommodate the demand likely to be generated by the use, having regard to the: <ul style="list-style-type: none"> <li>(a) nature of the use;</li> <li>(b) location of the site;</li> <li>(c) proximity of the use to public transport services;</li> <li>(d) availability of active transport infrastructure; and</li> <li>(e) accessibility of the use to all members of the community.</li> </ul>	<b>AO5</b> Car parking spaces are provided in accordance with the following minimum rates: <ul style="list-style-type: none"> <li>(a) one covered space per dwelling house; and</li> <li>(b) one space per secondary dwelling.</li> </ul>	✓	Complies
<b>Vehicle crossovers</b>			
<b>PO6</b> Vehicle crossovers are provided to: <ul style="list-style-type: none"> <li>(a) ensure safe and efficient access between the road and premises;</li> <li>(b) minimize interference with the function and operation of roads; and</li> <li>(c) minimise pedestrian to vehicle conflict.</li> </ul>	<b>AO6.1</b> Vehicular access to/from Council roads is designed and constructed in accordance with the Standard drawings in Planning Scheme Policy 4 - FNQROC Regional Development Manual.	✓	Can be conditioned to comply.
	<b>AO6.2</b> Development on a site with two or more road frontages provides vehicular access from the lowest order road.	n/a	Not applicable
	<b>AO6.3</b> A secondary dwelling shares a vehicle crossover with the primary dwelling.	✓	Will comply
<b>PO7</b> Access, manoeuvring and car parking areas include appropriate pavement treatments having regard to: <ul style="list-style-type: none"> <li>(a) the intensity of anticipated vehicle movements;</li> <li>(b) the nature of the use that they service; and</li> <li>(c) the character of the surrounding locality.</li> </ul>	<b>AO7</b> Access, manoeuvring and car parking areas include pavements that are constructed in accordance with <b>Table 8.2.10.3B</b> .	n/a	Not applicable



Performance outcomes	Acceptable outcomes	Complies	Comments
<b>Water supply</b>			
<b>PO8</b> Each lot has an adequate volume and supply of water that: <ul style="list-style-type: none"> <li>(a) meets the needs of users;</li> <li>(b) is adequate for fire-fighting purposes;</li> <li>(c) ensures the health, safety and convenience of the community; and</li> <li>(d) minimises adverse impacts on the receiving environment.</li> </ul>	<b>AO8.1</b> Development is connected to a reticulated water supply system in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual other than where located in the Rural residential zone and outside a reticulated water supply service area.	✓	Will comply.
	<b>AO8.2</b> Development, where located outside a reticulated water supply service area and in the Rural residential zone is provided with: <ul style="list-style-type: none"> <li>(a) a bore or bores are provided in accordance with the Design Guidelines set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual; or</li> <li>(b) on-site water storage tank/s: <ul style="list-style-type: none"> <li>(i) with a minimum capacity of 90,000L;</li> <li>(ii) fitted with a 50mm ball valve with a camlock fitting; and</li> <li>(iii) which are installed and connected prior to the occupation or use of the development.</li> </ul> </li> </ul>	✓	Can be conditioned to comply.
<b>Wastewater disposal</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>PO9</b> Each lot provides for the treatment and disposal of effluent and other waste water that: (a) meets the needs of users; (b) is adequate for fire-fighting purposes; (c) ensures the health, safety and convenience of the community; and (d) minimises adverse impacts on the receiving environment.	<b>A09.1</b> Development is connected to a reticulated sewerage system in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual other than where located in the Rural residential zone and outside a reticulated sewerage service area.	n/a	Not applicable
	<b>A09.2</b> An effluent disposal system is provided in accordance with ASNZ 1547 On-Site Domestic Wastewater Management (as amended) where development is located in the Rural residential zone and outside a reticulated sewerage service area.	n/a	Will be conditioned to comply.

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>Stormwater infrastructure</b>			
<b>PO10</b> Stormwater infrastructure is designed and constructed to collect and convey the design storm event to a lawful point of discharge in a manner that mitigates impacts on life and property.	<b>AO10.1</b> Where located within a Priority infrastructure area or where stormwater infrastructure is available, development is connected to Council's stormwater network in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	✓	Can be conditioned to comply.
	<b>AO10.2</b> On-site drainage systems are constructed: <ul style="list-style-type: none"> <li>(a) to convey stormwater from the premises to a lawful point of discharge; and</li> <li>(b) in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.</li> </ul>	✓	Can be conditioned to comply.
<b>Electricity supply</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>PO11</b> Each lot is provided with an adequate supply of electricity	<b>AO11</b> The premises: (a) is connected to the electricity supply network; or (b) has arranged a connection to the transmission grid; or (c) where not connected to the network, an independent energy system with sufficient capacity to service the development (at near average energy demands associated with the use) may be provided as an alternative to reticulated electricity where: (i) it is approved by the relevant regulatory authority; and (ii) it can be demonstrated that no air or noise emissions; and (iii) it can be demonstrated that no adverse impact on visual amenity will occur.	✓	Can be conditioned to comply.
<b>Telecommunications infrastructure</b>			
<b>PO12</b> Each lot is provided with an adequate supply of telecommunication infrastructure.	<b>AO12</b> Development is provided with a connection to the national broadband network or telecommunication services.	✓	Can be conditioned to comply.

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>Existing public utility services</b>			
<b>PO13</b> Development and associated works do not affect the efficient functioning of public utility mains, services or installations.	<b>AO13</b> Public utility mains, services are relocated, altered or repaired in association with the works so that they continue to function and satisfy the relevant Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	✓	Can be conditioned to comply.
<b>Excavation and filling</b>			
<b>PO14</b> Excavation or filling must not have an adverse impact on the: (a) streetscape; (b) scenic amenity; (c) environmental values; (d) slope stability; (e) accessibility; or (f) privacy of adjoining premises.	<b>AO14.1</b> Excavation or filling does not occur within 1.5 metres of any site boundary.	n/a	Not applicable.
	<b>AO14.2</b> Excavation or filling at any point on a lot is to be no greater than 1.5 metres above or below natural ground level.	n/a	Not applicable.
	<b>AO14.3</b> Earthworks batters: (a) are no greater than 1.5 metres in height; (b) are stepped with a minimum width 2 metre berm; (c) do not exceed a maximum of two batters and two berms (not greater than 3.6 metres in total height) on any one lot; (d) have a slope no greater than 1 in 4; and (e) are retained.	n/a	Not applicable.

Performance outcomes	Acceptable outcomes	Complies	Comments
	<b>AO14.4</b> Soil used for filling or spoil from excavation is not stockpiled in locations that can be viewed from: (a) adjoining premises; or (b) a road frontage, for a period exceeding 1 month from the commencement of the filling or excavation.	n/a	Not applicable.
	<b>AO14.5</b> All batters and berms to be constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development Manual.	n/a	Not applicable.
	<b>AO14.6</b> Retaining walls have a maximum height of 1.5 metres and are designed and constructed in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.	n/a	Not applicable.
	<b>AO14.7</b> Excavation or filling at any point on a lot is to include measures that protect trees at the foot or top of cut or fill batters by the use of appropriate retaining methods and sensitive earth removal or placement and in accordance with the Design Guidelines and Specifications set out in the Planning Scheme Policy 4 – FNQROC Regional Development manual.	n/a	Not applicable.

**Table 8.2.10.3B—Pavement Standards for Access, Manoeuvring and Car Parking areas**

Compacted Base (minimum thickness)	Gravel	Surfacing Options

75mm	Reinforced concrete with a minimum thickness of: <ul style="list-style-type: none"> <li>• 100mm for parking areas; and</li> <li>• 150mm for access ways.</li> </ul>
150mm	Asphalt with a minimum thickness of 25mm
150mm	Two coat sprayed bitumen seal
150mm	Concrete pavers
Not applicable	Minimum 150mm thickness compacted gravel suitable for all weather and dust free

Note—Where more than one surfacing option is listed, any one of the treatments listed may be provided.

### 9.3.1 Accommodation activities code

#### 9.3.1.1 Application

- (1) This code applies to assessing development where:
  - (a) involving Accommodation activities; and
  - (b) it is identified in the assessment benchmarks for assessable development and requirements for accepted development column of an assessment table in Part 5 of the planning scheme.

#### 9.3.1.2 Purpose

- (1) The purpose of the Accommodation activities code is to facilitate the provision of Accommodation activities in appropriate locations throughout the shire.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (n) Accommodation activities are designed, located and operated to minimise any adverse impacts on the natural environment and amenity of surrounding uses;
  - (o) Accommodation activities in the Centre zone are facilitated where they can integrate and enhance the fabric of the centre and are located behind or above commercial development;
  - (p) Accommodation activities provide a high level of amenity and are reflective of the surrounding character of the area;
  - (q) Accommodation activities are generally established in accessible, well-connected locations with access or future access to public transport, cycling and pedestrian networks;
  - (r) Accommodation activities do not compromise the viability of the hierarchy and network of centres, namely:
    - (i) Mareeba as a major regional activity centre, which accommodates the most significant concentrations of regional-scale business, retail, entertainment, government administration, secondary and tertiary educational facilities and health and social services within the shire;
    - (ii) Kuranda as a village activity centre, which accommodates services, arts and cultural facilities, sports and recreation facilities, business and employment uses to support the village and its constituent surrounding rural and rural residential communities;
    - (iii) Chillagoe and Dimbulah as Rural activity centres, which provide commercial and community services to their rural catchments; and
    - (iv) Bibbohra, Irvinebank, Julatten, Koah, Mutchilba, Mt Molloy, Myola and Speewah as rural villages, that have limited centre activities and other non-residential activities; and
  - (s) Accommodation activities are responsive to site characteristics and employ best practice industry standards.



### 9.3.1.3 Criteria for assessment

**Table 9.3.1.3A—Accommodation activities code – For accepted development subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>For accepted development subject to requirements and assessable development</b>			
<b>All Accommodation activities, apart from Dwelling house</b>			
<b>PO1</b> Accommodation activities are located on a site that includes sufficient area: (a) to accommodate all buildings, structures, open space and infrastructure associated with the use; and (b) to avoid adverse impacts on the amenity or privacy of nearby land uses.	<b>AO1</b> Development is located on a site which provides the applicable minimum site area and minimum road frontage specified in <b>Table 9.3.1.3B</b> .	n/a	Not applicable
<b>All Accommodation activities, apart from Tourist park and Dwelling house</b>			
<b>PO2</b> Accommodation activities are provided with on-site refuse storage areas that are: (a) sufficient to meet the anticipated demand for refuse storage; and (b) appropriately located on the site having regard to potential odour and noise impacts on uses on the site and adjoining sites.	<b>AO2.1</b> A refuse area is provided that: (a) includes a water connection; (b) is of a size and configuration to accommodate 2x240 litre bins per dwelling or accommodation unit where involving a use other than a residential care facility or retirement facility; and (c) is of a size and configuration to accommodate a minimum of two bulk refuse bins where involving a residential care facility or retirement facility.	n/a	Not applicable
<b>All Accommodation activities, except for Dwelling house</b>			

Performance outcomes	Acceptable outcomes	Complies	Comments
<p><b>PO3</b> Accommodation activities are designed to avoid overlooking or loss of privacy for adjoining uses.</p> <p>Note—These provisions apply to any adjoining use, both on an adjoining site and on the same site.</p>	<p><b>AO3</b> The windows of habitable rooms:</p> <p>(a) do not overlook the windows of a habitable room in an adjoining dwelling or accommodation unit; or</p> <p>(b) are separated from the windows of a habitable room in an adjoining dwelling or accommodation unit by a distance greater than:</p> <p>(i) 2 metres at ground level; and</p> <p>(ii) 8 metres above ground level; or</p> <p>(c) are treated with:</p> <p>(i) a minimum sill height of 1.5 metres above floor level; or</p> <p>(ii) fixed opaque glassed installed below 1.5 metres; or</p> <p>(iii) fixed external screens; or</p> <p>(iv) a 1.5 metre high screen fence along the common boundary.</p>	n/a	Not applicable
<p><b>PO4</b> Accommodation activities are provided with sufficient private and communal open space areas which:</p> <p>(a) accommodate a range of landscape treatments, including soft and hard landscaping;</p> <p>(b) provide a range of opportunities for passive and active recreation;</p> <p>(c) provide a positive outlook and high quality of amenity to residents;</p> <p>(d) is conveniently located</p>	<p><b>AO4.1</b> Development, except for Caretaker's accommodation, Dwelling house, Dual occupancy or Home based business, includes communal open space which meets or exceeds the minimum area, dimension and design parameters specified in <b>Table 9.3.1.3C</b>.</p>	n/a	Not applicable
	<p><b>AO4.2</b> Development includes private open space for each dwelling or accommodation unit which meets or exceeds the minimum area, dimension and design parameters specified in <b>Table 9.3.1.3D</b>.</p>	n/a	Not applicable

Performance outcomes	Acceptable outcomes	Complies	Comments
(e) and easily accessible to all residents; and contribute to an active and attractive streetscape.	<b>AO4.3</b> Clothes drying areas are provided at the side or rear of the site so that they are not visible from the street.	n/a	Not applicable
	<b>AO4.4</b> If for Dual occupancy, Multiple dwelling, Residential care facility or Retirement facility, development provides a secure storage area for each dwelling or accommodation unit which: (a) is located to facilitate loading and unloading from a motor vehicle; (b) is separate to, and does not obstruct, on-site vehicle parking or manoeuvring areas; (c) has a minimum space of 2.4m <sup>2</sup> per dwelling or accommodation unit; (d) has a minimum height of 2.1 metres; (e) has minimum dimensions to enable secure bicycle storage; (f) is weather proof; and (g) is lockable.	n/a	Not applicable
<b>If for Caretaker's Accommodation</b>			
<b>PO5</b> Caretaker's accommodation is of a scale and intensity which is consistent with that of the surrounding area.  Note—Where Caretaker's Accommodation is assessable development additional assessment benchmarks are provided under "for assessable development".	<b>AO5.1</b> Only one caretaker's accommodation is established on the title of the non-residential use.	n/a	Not applicable
	<b>AO5.2</b> In the Rural zone, Caretaker's accommodation has a maximum gross floor area of 200m <sup>2</sup> .	n/a	Not applicable

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>If for Dwelling house</b>			
<b>PO6</b> Where a Dwelling house involves a secondary dwelling, it is designed and located to: (d) not dominate the site; (e) remain subservient to the primary dwelling; and (f) be consistent with the character of the surrounding area;	<b>AO6.1</b> The secondary dwelling is located within: (c) 10 metres of the primary dwelling where on a lot that has an area of 2 hectares or less; or (d) 20 metres of the primary dwelling where on a lot that has an area of greater than 2 hectares.	✓ <b>Complies with PO6.</b>	<p>The proposed secondary dwelling will be sited approximately 28 metres from the primary dwelling and is therefore non-compliant with AO6.1 (d).</p> <p>The proposed secondary dwelling is being sited as close as practically possible to the existing primary dwelling due to physical constraints on site. The non-compliance is considered only minor in this instance and the assessing officer is satisfied that the proposed secondary dwelling will remain subservient to the primary dwelling moving forward.</p> <p>The proposed development is considered to comply with PO6.</p>
	<b>AO6.2</b> A secondary dwelling has a maximum gross floor area of 100m <sup>2</sup> .	✓	Complies
<b>If for Dual occupancy</b>			
<b>PO7</b> Where establishing a Dual occupancy on a corner lot, the building is designed to: (a) maximise opportunities for causal surveillance; (b) provide for separation between the two dwellings; and (c) provide activity and visual interest on both frontages.	<b>AO7.1</b> Where located on a corner allotment, each dwelling is accessed from a different road frontage.	n/a	Not applicable
	<b>AO7.2</b> The maximum width of garage or carport openings that face a public street is 6 metres or 50% of the building width, whichever is the lesser.	n/a	Not applicable

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>If for Multiple dwelling, Residential care facility or Retirement facility</b>			
<b>PO8</b> Development is appropriately located within the Shire to: (a) maximise the efficient utilisation of existing infrastructure, services and facilities; and (b) minimise amenity impacts through the collocation of compatible uses.  Note—Where Residential care facility or Retirement facility is assessable development additional assessment benchmarks are provided under “for assessable development”.	<b>AO8</b> Multiple dwelling, Residential care facility or Retirement facility uses are located on land within 800 metres of the boundary of land within the Centre zone.	n/a	Not applicable
<b>PO9</b> Buildings are designed to: (a) reduce the appearance of building bulk; (b) provide visual interest through articulation and variation; (c) be compatible with the embedded, historical character for the locality; and (d) be compatible with the scale of surrounding buildings  Note—Where Residential care facility or Retirement facility is assessable development additional assessment benchmarks are provided under “for assessable development”.	<b>AO9.1</b> External walls do not exceed 10 metres in continuous length unless including a minimum of three of the following building design features and architectural elements: (a) a change in roof profile; or (b) a change in parapet coping; or (c) a change in awning design; or (d) a horizontal or vertical change in the wall plane; or (e) a change in the exterior finishes and exterior colours of the development.	n/a	Not applicable
	<b>AO9.2</b> For a Multiple dwelling, Residential care facility or Retirement facility, the maximum width of a garage or carport opening that faces a road is 6 metres.	n/a	Not applicable
	<b>AO9.3</b> For a Multiple dwelling, Residential care facility or Retirement facility, the building(s) include awnings with a minimum overhang of 600mm.	n/a	Not applicable

Performance outcomes	Acceptable outcomes	Complies	Comments
	<b>AO9.4</b> For a Multiple dwelling, Residential care facility or Retirement facility, roof forms include one or more of the following types: (a) pyramidal; (b) hip or hipped; (c) gable; (d) skillion.	n/a	Not applicable
<b>If for Residential care facility or Retirement facility</b>			
<b>PO10</b> The layout and design of the site: (a) promotes safe and easy pedestrian, cycle and mobility device movement; (b) defines areas of pedestrian movement; and (c) assists in navigation and way finding.  Note—Where Residential care facility or Retirement facility is assessable development additional assessment benchmarks are provided under “for assessable development”.	<b>AO10.1</b> The development incorporates covered walkways and ramps on site for weather protection between all buildings.	n/a	Not applicable
	<b>AO10.2</b> Pedestrian paths include navigational signage at intersections.	n/a	Not applicable
	<b>AO10.3</b> Buildings, dwellings and accommodation units include identification signage at entrances.	n/a	Not applicable
	<b>AO10.4</b> An illuminated sign and site map is provided at the main site entry.	n/a	Not applicable
	<b>AO10.5</b> Buildings, structures and pathways associated with a Residential care facility or Retirement facility are not located on land with a gradient greater than 8%.	n/a	Not applicable
<b>If for Home based business</b>			
<b>PO11</b> Home based businesses are compatible with the built form, character and amenity of the surrounding area, having regard to: (a) size and scale; (b) intensity and nature of use; (c) number of employees; and (d) hours of operation.	<b>AO11.1</b> The Home based business is located within a dwelling house or outbuilding associated with a dwelling house.	n/a	Not applicable
	<b>AO11.2</b> The Home based business does not occupy a gross floor area of more than 50m <sup>2</sup> .	n/a	Not applicable
	<b>AO11.3</b> No more than 1 person (other than the residents of the site) is employed by the Home based business at any one time.	n/a	Not applicable

Performance outcomes	Acceptable outcomes	Complies	Comments
	<b>AO11.4</b> The Home based business, unless a home office, bed and breakfast or farm stay, does not operate outside the hours of 7.00 am and 6.00 pm.	n/a	Not applicable
	<b>AO11.5</b> The Home based business does not involve the public display of goods external to the building.	n/a	Not applicable
	<b>AO11.6</b> The Home based business does not involve the repair, cleaning or servicing of any motors, vehicles or other machinery.	n/a	Not applicable
	<b>AO11.7</b> Any equipment or materials associated with the Home based business are screened from public view and adjacent properties by fencing or landscaping.	n/a	Not applicable
	<b>AO11.8</b> The business does not involve the use of power tools or similar noise generating devices.	n/a	Not applicable
<b>PO12</b> Home based businesses involving accommodation activities are appropriately scaled and designed to avoid detrimental impacts on the amenity and privacy of surrounding residences.	<b>AO12.1</b> Home based businesses involving accommodation activities are limited to the scale specified in <b>Table 9.3.1.3E</b> .	n/a	Not applicable
	<b>AO12.2</b> A farm stay dwelling or accommodation unit is located within 20 metres of the primary dwelling house.	n/a	Not applicable
	<b>AO12.3</b> A farm stay is setback 100 metres from any property boundary.	n/a	Not applicable
	<b>AO12.4</b> Entertainment and dining facilities associated with an accommodation activity are: (a) located at least 5 metres from the bedrooms of adjoining residences; and (b) located or screened so that they do not directly overlook private open space areas of adjoining properties.	n/a	Not applicable

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>If for Rural workers' accommodation</b>			
<b>PO13</b> The Rural workers' accommodation is directly associated with an agricultural based rural activity on the same premises and is commensurate with the scale of agricultural operations.	<b>AO13.1</b> A Rural workers' accommodation building is limited to the accommodation of: (a) one rural worker for every 50 hectares; and (b) a maximum of ten rural workers in total.	n/a	Not applicable
	<b>AO13.2</b> The agricultural based rural activity is a minimum of 50 hectares in area.	n/a	Not applicable



Performance outcomes	Acceptable outcomes	Complies	Comments
<b>PO14</b> Rural workers' accommodation is provided with amenities commensurate with the: (a) needs of the employees; and (b) permanent or seasonal nature of the employment.	<b>AO14.1</b> The Rural workers' accommodation is: (a) for permanent occupation; and (b) fully self-contained. OR	n/a	Not applicable
	<b>AO14.2</b> The Rural workers' accommodation: (a) is for seasonal occupation (up to 3 months); (b) shares facilities with an existing Dwelling house or Caretaker's residence; and (c) is located within 100 metres of the Dwelling house or Caretaker's residence.	n/a	Not applicable
<b>For assessable development</b>			
<b>If for Caretaker's Accommodation</b>			
<b>PO15</b> The inclusion of Caretaker's accommodation on the site is necessary for the operation of the primary use, having regard to: (a) hours of operation; (b) nature of the use; (c) security requirements; (d) site location and access; and (e) proximity to other land uses.	<b>AO15</b> No acceptable outcome is provided.	n/a	Not applicable
<b>If for Residential care facility or Retirement facility</b>			
<b>PO16</b> Retirement facilities include a range of housing designs and types that: (a) meet the needs of residents; (b) allow for 'ageing in place'; (c) consider differing mobility needs; (d) accommodate differing financial situations; and (e) cater for different household types.	<b>AO16</b> No acceptable outcome is provided.	n/a	Not applicable

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>If for Tourist park</b>			
<b>PO17</b> The Tourist park is appropriately located to provide park users with convenient access to tourist attractions, community facilities and infrastructure.	<b>AO17</b> No acceptable outcome is provided.	n/a	Not applicable
<b>PO18</b> The density of accommodation provided within the Tourist park: (a) is commensurate with the size and utility of the site; (b) is consistent with the scale and character of development in the surrounding area; (c) ensures sufficient infrastructure and services can be provided; (d) does not adversely impact on the existing amenity of nearby uses; (e) ensures a high level of amenity is enjoyed by residents of the site; and (f) does not place undue pressure on environmental processes in the surrounding area.	<b>AO18.1</b> Where park areas are proposed to exclusively accommodate caravans, motor homes, tents or cabins, accommodation site densities do not exceed: (a) 40 caravan or motor home sites per hectare of the nominated area(s); or (b) 60 tent sites per hectare of the nominated area(s); or (c) 10 cabins (maximum 30m <sup>2</sup> gross floor area per cabin) per hectare of the nominated area(s).	n/a	Not applicable
	<b>AO18.2</b> Where park areas are proposed to be used for any combination of caravans, motor homes, tents or cabins, then the lowest applicable density identified by AO18.1 shall be applied to the nominated area(s).	n/a	Not applicable
<b>PO19</b> Accommodation sites are designed and located: (a) to provide sufficient land for necessary services and infrastructure; (b) to achieve sufficient separation between land uses; (c) is consistent with the scale and character of development in the surrounding area; and (d) to prevent amenity and privacy impacts on nearby land uses.	<b>AO19.1</b> A minimum of 50% of provided caravan and motor home accommodation sites have a concrete slab with a minimum length of 6 metres and a minimum width of 2.4 metres.	n/a	Not applicable
	<b>AO19.2</b> Caravan, motor home, tent and cabin accommodation sites are set back a minimum of: (a) 2 metres from an internal road; and (b) 1.5 metres from the side and rear boundaries of the site.	n/a	Not applicable

Performance outcomes	Acceptable outcomes	Complies	Comments
<b>PO20</b> A Tourist park is provided with sufficient and appropriately located refuse collection areas.	<b>AO20.1</b> A central refuse collection area is provided to service all accommodation sites.	n/a	Not applicable
	<b>AO20.2</b> The refuse collection area must be kept in a sanitary condition at all times with all refuse stored in weather-proof and securable receptacles to prevent them from attracting vermin and wildlife.	n/a	Not applicable
	<b>AO20.3</b> The refuse collection area is constructed on an impervious surface such as a concrete slab.	n/a	Not applicable
	<b>AO20.4</b> A water connection is provided within the refuse collection area to facilitate cleaning of receptacles and the collection area.	n/a	Not applicable
	<b>AO20.5</b> Refuse collection areas are located a minimum of 10 metres from any recreational areas, communal cooking facilities and accommodation sites.	n/a	Not applicable

**Table 9.3.1.3B – Minimum site area and minimum site frontage**

Use	Minimum site area	Minimum frontage
Dual occupancy	(a) 600m <sup>2</sup> in the Medium density residential zone; or (b) 1,000m <sup>2</sup> in the Low density residential zone; or (c) 600m <sup>2</sup> in the Centre zone.	20 metres
Home based business	600m <sup>2</sup>	-
Multiple dwelling	800m <sup>2</sup>	20 metres
Residential care facility	2,000m <sup>2</sup>	30 metres
Retirement facility	2,000m <sup>2</sup>	30 metres
Rooming accommodation	800m <sup>2</sup>	20 metres
Short-term accommodation	800m <sup>2</sup>	20 metres
Tourist park	1 hectare	50 metres
• Caravan and motor home sites	100m <sup>2</sup> including sufficient area for the parking of a motor vehicle.	10 metres to an internal road
• Tent sites	40m <sup>2</sup> including sufficient area for the parking of a motor vehicle.	6 metres to an internal road
• Cabin sites	130m <sup>2</sup> including sufficient area for the parking of a motor vehicle.	10 metres to an internal road

**Table 9.3.1.3C – Communal open space**

Use	Minimum area	Minimum dimension	Design elements
Multiple dwelling	50m <sup>2</sup>	5 metres	<ul style="list-style-type: none"> <li>Provides for clothes drying and recreational facilities;</li> <li>One continuous area; and</li> <li>Separated from any habitable room by a minimum of 3 metres.</li> </ul>
Retirement facility or Residential care facility	Indoor communal space and communal open space as specified below.		
Rooming accommodation	Rate of 5m <sup>2</sup> per resident	5 metres	<ul style="list-style-type: none"> <li>One continuous area;</li> <li>20% shaded; and</li> <li>10% of the provided area is screened for use for clothes drying.</li> </ul>
• Indoor communal space	Rate of 1m <sup>2</sup> per resident and 40m <sup>2</sup>	-	<ul style="list-style-type: none"> <li>Located centrally; and</li> <li>Provides a range of facilities.</li> </ul>
• Communal open space	30% site area and 50m <sup>2</sup>	5 metres	<ul style="list-style-type: none"> <li>Provided at ground level.</li> </ul>

Use	Minimum area	Minimum dimension	Design elements
Short-term accommodation	50m <sup>2</sup> and 20% site area	5 metres	<ul style="list-style-type: none"> <li>• Located at ground level;</li> <li>• One continuous area; and</li> <li>• 10% of the provided area is screened for use for clothes drying.</li> </ul>
Tourist park	Includes at least each of the below communal facilities.		<ul style="list-style-type: none"> <li>• Located within 100 metres of the sites they serve (unless private recreation facilities are provided); and</li> <li>• Separated from any site by a minimum of 10 metres.</li> </ul>
• Covered cooking area	50m <sup>2</sup>	-	• Including barbeque and dish washing facilities
• Laundry	-	-	• Including clothes drying facilities.
• Recreational open space	Rate of 5m <sup>2</sup> per site	-	• Including a children's playground.

Note—Provision of communal open space for a Multiple dwelling is not required by **Table 9.3.1.3C** where more than 75% have access to ground floor private open space.

Note—For a Tourist park, the calculation of recreational open space is inclusive of pool areas, sporting facilities, such as football fields and tennis courts, and any unobstructed grassed areas having a minimum dimension of 3 metres that are provided in addition to accommodation sites for recreational purposes. Planted landscape areas and vegetated areas are excluded from the calculation.

Note—Indoor communal space may include lounge areas, a library / reading room, a TV/games/recreation room, meeting space/s, hairdresser or a convenience store.

**Table 9.3.1.3D – Private open space**

Use	Minimum area per dwelling or accommodation unit	Minimum dimension	Design elements
Caretaker's accommodation	As specified below.		
• Ground level	50m <sup>2</sup>	5 metres	<ul style="list-style-type: none"> <li>• Provided as unobstructed area; and</li> <li>• Directly accessible from the main living area.</li> </ul>
• Above ground level	15m <sup>2</sup>	2.5 metres	• Provided as a balcony.
• Outdoor service court	5m <sup>2</sup>	-	• Provided for clothes drying
Dual occupancy	40m <sup>2</sup>	3 metres	<ul style="list-style-type: none"> <li>• Located at ground level.</li> <li>• 20% shaded; and</li> <li>• Accessed from the main living area of the dwelling.</li> </ul>

Use	Minimum area per dwelling or accommodation unit	Minimum dimension	Design elements
Dwelling house	40m <sup>2</sup>	3 metres	<ul style="list-style-type: none"> <li>• Located at ground level;</li> <li>• 20% shaded; and</li> <li>• Accessed from the main living area of the dwelling.</li> </ul>
Home based business	40m <sup>2</sup>	3 metres	<ul style="list-style-type: none"> <li>• Located at ground level;</li> <li>• 20% shaded; and</li> <li>• Accessed from the main living area of the dwelling.</li> </ul>
<ul style="list-style-type: none"> <li>• Ground level</li> </ul>	15m <sup>2</sup>	3 metres	<ul style="list-style-type: none"> <li>• 20% shaded; and</li> <li>• Directly accessible from the main living area.</li> </ul>
<ul style="list-style-type: none"> <li>• Above ground level</li> </ul>	10m <sup>2</sup>	3 metres	<ul style="list-style-type: none"> <li>• Directly accessible from the main living area.</li> </ul>
Multiple dwelling	As specified below.		
<ul style="list-style-type: none"> <li>• Ground level</li> </ul>	35m <sup>2</sup>	3 metres	<ul style="list-style-type: none"> <li>• 20% shaded; and</li> <li>• Directly accessible from the main living area.</li> </ul>
<ul style="list-style-type: none"> <li>• Above ground level</li> </ul>	15m <sup>2</sup>	3 metres	<ul style="list-style-type: none"> <li>• Directly accessible from the main living area.</li> </ul>
Residential care facility	6m <sup>2</sup>	2 metres	<ul style="list-style-type: none"> <li>• Provided as a shaded courtyard or balcony; and</li> <li>• Directly accessible from the main living area.</li> </ul>
Retirement facility	As specified below.		
<ul style="list-style-type: none"> <li>• Ground level</li> </ul>	20m <sup>2</sup>	3 metres	<ul style="list-style-type: none"> <li>• Provided as a courtyard or similar space;</li> <li>• Grade does not exceed 5%; and</li> <li>• Directly accessible from the main living area at ground level.</li> </ul>

Use	Minimum area per dwelling or accommodation unit	Minimum dimension	Design elements
<ul style="list-style-type: none"> <li>Above ground level</li> </ul>	6m <sup>2</sup>	2 metres	<ul style="list-style-type: none"> <li>Provided as a balcony or similar space; and</li> <li>Directly accessible from the main living area.</li> </ul>
Rooming accommodation	As specified below.		
Short-term accommodation	As specified below.		
<ul style="list-style-type: none"> <li>Ground level</li> </ul>	15m <sup>2</sup>	3 metres	<ul style="list-style-type: none"> <li>20% shaded; and</li> <li>Directly accessible from the main living area.</li> </ul>
<ul style="list-style-type: none"> <li>Above ground level</li> </ul>	10m <sup>2</sup>	3 metres	<ul style="list-style-type: none"> <li>Directly accessible from the main living area.</li> </ul>

Note—For Caretaker's accommodation, the outdoor service court may form part of the provided private open space.

**Table 9.3.1.3E – Maximum scale of accommodation activities associated with a Home based business**

Design	Maximum number of rooms	Maximum number of guests
Bed and breakfast	3 rooms for guest accommodation	6 guests at any one time
Farm stay	1 farm stay dwelling or accommodation unit in addition to the primary dwelling	10 guests at any one time