

## PART 13 - OVERLAYS

### *Division 1— Preliminary*

#### 13.1 Overlays

13.1.1 The provisions of this part comprise the following—

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### *Division 2— General Provisions of the Biodiversity Overlay*

#### 13.2 Definitions

The following definitions are applicable to this code—

**category 1 lot** means a freehold lot of 0.3 hectares or less in the protected vegetation overlay area.

**category 2 lot** means a freehold lot of more than 0.3 hectares but less than 2 hectares in the protected vegetation overlay area.

**category 3 lot** means a freehold lot of 2 hectares or more, other than a category 4 lot, in the protected vegetation overlay area.

**category 4 lot** means a freehold lot of 2 hectares or more which is subject to a *property vegetation management plan* in the protected vegetation overlay area.

**critical habitat** has the same meaning in the *Nature Conservation Act 1992*.

**destroy** has the same meaning in the *Sustainable Planning Act 2009*.

**fire management activity** means the controlled use of fire for pasture management, to manage the risk of wild fire and to assist with the maintenance of ecological processes in vegetation communities that are ecologically adapted to fire.

**forest practice** has the same mean as in the *Sustainable Planning Act 2009*.

**former local law** means Interim Local Law No. 8 (Protection of Vegetation) 2011 and includes Interim Subordinate Local Law No. 8 (Protection of Vegetation) 2011.

**heathland** means a vegetation community of local origin that is characterised by high species diversity and a canopy height generally less than 1.5 metres, growing on sandy soils and or soils subject to periodic inundation or waterlogging.

**exempt clearing** means—

- a) clearing which is a *property maintenance activity*;
- b) clearing which is *reasonably necessary* for emergency access or work or is immediately required in response to an accident or emergency;
- c) clearing on a category 4 lot identified as exempt clearing for a *property vegetation management plan* prepared and approved in accordance with Local Law No. 10 (Vegetation Management)<sup>1</sup>;
- d) clearing which is *reasonably necessary* for carrying out work that is—
  - i authorised or required under an Act, regulation or local law; or
  - ii specified in a notice given by the local government or another regulatory authority;
- e) clearing in accordance with a development approval;
- f) clearing on a category 1 lot, where—
  - i the vegetation is within three (3) metres of an existing building or structure; and
  - ii the clearing is reasonably necessary for access to the building or structure or has been approved in a landscape plan; and the vegetation is not otherwise required to be retained in accordance with a development approval;
- g) clearing on a category 2 or 3 lot, where—
  - i the vegetation is within ten (10) metres of an existing building or structure; and
  - ii the clearing is reasonably necessary for access to the building or structure or has been approved in a landscape plan; and
  - iii the vegetation is not otherwise required to be retained in accordance with a development approval;
- h) clearing on a category 3 or 4 lot greater than ten (10) hectares in area, where—
  - i the vegetation is within 30 metres of a building or within ten(10) metres of a structure; and
  - ii the clearing is reasonably necessary for the control of fire risk to the building or structure; and

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<sup>1</sup> Copies of property vegetation management plans can be obtained from the Noosa Council offices

- iii the vegetation is not otherwise required to be retained in accordance with a development approval;
- i) clearing vegetation within the path of a utility service;
- j) clearing on a category 1, 2 or 3 lot, where the clearing —
  - i is pruning of native vegetation for the purpose of tree maintenance or hazard management; and
  - ii results in no more than 20% loss of the live canopy volume of a tree within a 12 month period; and
  - iii does not involve *lopping* or *topping*;
- k) the clearing is on a category 1, 2 or 3 lot, where the clearing is to vegetation that is *regrowth* other than the following—
  - i vegetation in an area identified as a landslide hazard area on the Natural Resources Overlay maps;
  - ii vegetation which is an endangered, vulnerable and near threatened plant as defined by the *Nature Conservation (Wildlife) Regulation 2006*;
  - iii vegetation which is critically endangered or vulnerable flora as defined by the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*;
  - iv *heathland*;
  - v *riparian vegetation*;
  - vi vegetation in a *critical habitat*;
  - vii vegetation in an area that has been cleared in contravention of a local law including the *former local law*;
- l) clearing on land in the Agricultural Land Conservation Area (ALCA) identified on the Natural Resources Overlay maps;
- m) clearing in the course of a *fire management activity*;
- n) clearing in the course of a *forest practice*;
- o) clearing in accordance with a permit under the *former local law*.

**land degradation** means the following—

- a) soil erosion;
- b) a rising water table;
- c) the expression of salinity;
- d) mass movement by gravity of soil or rock;
- e) stream bank instability;
- f) a process that results in declining water quality in a river stream, creek or watercourse or natural wetland.

**clearing** means destruction of *vegetation* or interference with its natural growth, by—

- a) cutting down, or
- b) cutting or tearing branches, stems or roots, *topping*, *pruning* or *lopping* as per Australian Standard AS 4373-2007 – Pruning of Amenity Trees; or
- c) poisoning, including contamination; or
- d) releasing oil, petroleum, paint, cement, mortar or other deleterious substances to a root zone; or
- e) ringbarking; or
- f) scar barking; or
- g) fixing any object into living tissue or surrounding trunk or branches that may destroy or seriously affect the *vegetation*; or
- h) using any tree climbing spikes in healthy trees that may destroy or seriously affect the *vegetation*, other than in accordance with AS 4373-1996; or
- i) damaging a root zone by compaction, excavation or filling in a way that may destroy or seriously affect the *vegetation*; or
- j) attaching guy rope, cable or other contrivances that may destroy or seriously affect the *vegetation*; or
- k) uprooting or displacing that may destroy or seriously affect the *vegetation* but not including destroying standing vegetation by stock.

**lopping**, a tree, means cutting or pruning its branches, but does not include—

- a) removing its trunk; and
- b) cutting or pruning its branches so severely that it is likely to die.

**property maintenance activity** means clearing protected vegetation which is reasonably necessary for property maintenance including the following—

- a) construction and maintenance of a farm track, fence and shed on site
- b) maintenance of crops
- c) slashing of grass
- d) harvesting of crops
- e) maintenance of pasture and cleared land areas
- f) pruning, felling and clearing of orchard vegetation species
- g) surveying purposes
- h) collection of firewood for non-commercial purposes
- i) removal of an *exotic weed*
- j) removal of *undesirable plant species*<sup>2</sup>
- k) any other maintenance activity specified in a property vegetation management plan.

**property vegetation management plan** is a specific program of vegetation management for a category 4 lot approved under the former Local Law No. 10 (Vegetation Management).

**protected vegetation** means vegetation protected from *clearing* in the *Protected Vegetation Overlay Area* as follows—

- a) Category 1, 2 and 3 lots – all vegetation
- b) Category 4 lots – vegetation to be retained as part of a *property vegetation management plan*

**Protected Vegetation Overlay Area** applies to the whole of the planning scheme area of the Noosa Plan.

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<sup>2</sup> *Undesirable Plant Species* is defined in the Dictionary (Part 2 Interpretation).

**pruning** has the meaning given in the AS 4373-2007 Pruning of Amenity Trees.

**reasonably necessary** means vegetation clearing for a particular purpose where there is no alternative way of achieving the purpose that is prudent and feasible and that would avoid clearing or significantly reduce the extent of vegetation clearing.

**regrowth** means any *vegetation* that is less than seven (7) years of age.

**sequential clearing** means—

- a) a method of clearing trees whereby felling operations are conducted in discrete stages such that wildlife is provided sufficient time and space to enable them to move from the clearing site of their own volition without the need for human intervention to remove or relocate them; and
- b) the felling of limited numbers of trees at any one time at the clearing site and not clearing where native wildlife is present; and
- c) not the clearing of all trees on site in a single, uninterrupted operation.

**topping** means reducing the height of a tree through the practice of lopping (AS 4373-2007 Pruning of Amenity Trees)

### ***Division 3— Assessment table for the Biodiversity Overlay***

#### **13.3 Categories of development and assessment for the Biodiversity Overlay**

13.3.1 The categories of development and assessment for development on land subject to the Biodiversity Overlay is identified in column 2 of Table 13.1 as follows—

- a) Making a material change of use;
- b) Carrying out building work not associated with a material change of use;
- c) Carrying out building work not associated with a material change of use if relocation or removal of a building;
- d) Carrying out operational work; or
- e) Reconfiguring a lot.

### 13.4 Assessment benchmarks for assessable development and requirements for accepted development affected by a Biodiversity Overlay

13.4.1 The relevant assessment benchmarks for development on land subject to the Biodiversity Overlay is referred to in column 3 of Table 13.1.

**Table 13.1 Categories of development and assessment for the Biodiversity Overlay—All Development**

Column 1 Type of Development	Column 2 Categories of development and assessment	Column 3 Assessment benchmarks for assessable development and requirements for accepted development
Making a material change of use— all uses and use classes;  Carrying out building work not associated with a material change of use;  Carrying out building work not associated with a material change of use if relocation or removal of a building;  Carrying out operational work; or  Reconfiguring a lot.	<p><i>Accepted development</i> if—</p> <ul style="list-style-type: none"> <li>a) <b>Detached house</b> or <b>Community residence</b> where located within an approved building envelope designated for that use<sup>3</sup>; or</li> <li>b) involving development within an EPA Estate<sup>4</sup>; or</li> <li>c) <i>exempt clearing</i><sup>5</sup>; or</li> <li>d) if the criteria for <i>code assessment</i> do not otherwise apply.</li> </ul> <p><i>Code assessment</i> if involving—</p> <ul style="list-style-type: none"> <li>a) <i>clearing vegetation</i><sup>6</sup> on premises identified as Environmental Protection Area, Environmental Enhancement Area or Riparian Buffer Area on Biodiversity Overlay Maps OM1.1 to OM9.1; or</li> <li>b) development on that part of the premises identified as Riparian Buffer Area on Biodiversity Overlay Maps OM1.1 to OM9.1, except for demolition works; or</li> <li>c) Reconfiguring a lot where the premises contain <i>vegetation</i> on</li> </ul>	<p>If <i>accepted development</i> – no assessment benchmarks apply.</p> <p>If <i>code assessment</i>— Biodiversity Overlay Code</p>

<sup>3</sup> Building envelopes are included on property notations on council's rates records for affected lots.

<sup>4</sup> Development within an EPA Estate is managed in accordance with the *Nature Conservation Act 1992* (NCA) and the provisions of any management plan or conservation agreement under the NCA.

<sup>5</sup> As defined in section 13.2 above

<sup>6</sup> As defined in section 13.2 above

Column 1 Type of Development	Column 2 Categories of development and assessment	Column 3 Assessment benchmarks for assessable development and requirements for accepted development
	land identified as Environmental Protection Area, Environmental Enhancement Area or Riparian Buffer Area on Biodiversity Overlay Maps OM1.1 to OM9.1. d) clearing of <i>protected vegetation</i> .	
Other	<i>Accepted development</i>	If <i>accepted development</i> – no assessment benchmarks apply.

## **Division 4— Biodiversity Overlay Code**

### **13.5 Biodiversity Overlay Code**

The provisions in this division comprise the Biodiversity Overlay Code. They are:

- compliance with the Biodiversity Overlay Code (Section 13.6);
- overall outcomes for the Biodiversity Overlay Code (Section 13.7);
- specific outcomes and probable solutions for the Biodiversity Overlay Code (Sections 13.8—13.10).

### **13.6 Compliance with the Biodiversity Overlay Code**

Development that is consistent with the specific outcomes in sections 13.8—13.10 complies with the Biodiversity Overlay Code.

### **13.7 Overall outcomes for the Biodiversity Overlay Code**

13.7.1 The overall outcomes are the purpose of the Biodiversity Overlay Code.

13.7.2 The overall outcomes sought for the Biodiversity Overlay Code are the following—

- a) The natural resources of Noosa Shire are conserved including—
  - i land which is of scenic, cultural, historical, educational, recreational, scientific, ecological, biodiversity, economic, social or aesthetic value;
  - ii soil or landforms such as *watercourses*, *drainage lines*, foreshores, dunes and *steep slopes*;
  - iii the ecosystem health and quality of the water, land and other natural resources; and
  - iv the extent and condition of native and remnant *vegetation*, including *ecologically important areas*, *wetlands* and areas of significant regrowth of *local origin*;

- b) The terrestrial and aquatic biodiversity of native flora and fauna and their habitats is maintained;
- c) *Ecologically important areas*, wildlife corridors, ecological linkages and *riparian vegetation* are conserved, managed, enhanced and rehabilitated to ensure the long term ecological viability, integrity and sustainability of native flora and fauna species, and to improve biodiversity, landscape stability, and resilience;
- d) Development is managed so as to avoid, or where avoidance is not practicable, minimises or mitigates the impacts upon the Shire's biodiversity values and natural resources, including—
  - i *ecologically important areas*;
  - ii the ecological values of water catchment areas;
  - iii the water quality of waterways, the Noosa River system and ground and surface waters;
  - iv that part of the natural environment that may be environmentally harmed by vermin, pests, noxious plants or threats such as fire, development and inappropriate land management;
  - v vistas and scenic amenity of the landscape;
  - vi coastal resources and values including coastal foreshores, near shore marine environments, beaches, dunes, rocky headlands, beaches and river mouths; and
  - vii koala habitat areas and ecological linkages that provide for connectivity and safety for the long term viability of koala populations.
- e) The replanting or rehabilitation of degraded ecosystems and habitat is achieved;
- f) In the case of urban areas, urban amenity, quality of life and ecosystem health is maintained and enhanced;
- g) Clearing of *protected vegetation* only occurs where it is *reasonably necessary* and in an environmentally sensitive manner that provide for suitable replacement plantings.

### 13.8 Specific outcomes for the Biodiversity Overlay Code

The specific outcomes sought for the Biodiversity Overlay Code are included in column 1 of Table 13.2. Probable solutions for *code assessment* development are included in column 2 of Table 13.2.

**Table 13.2**

column 1 Specific outcomes	column 2 Probable solutions (if code assessment)
<b>13.9 Vegetation retention and conservation<sup>7</sup></b>	
<p><b><i>Environmental Protection Area &amp; Environmental Enhancement Area Vegetation &amp; Riparian Buffer Area</i></b>  <b>O1</b> Vegetation of <i>local origin</i><sup>8</sup> on premises identified as—</p> <ul style="list-style-type: none"> <li>a) Environmental Protection Area<sup>9</sup> or Riparian Buffer Area on the Biodiversity</li> </ul>	<p><b>S1.1</b> An Ecological Assessment Report prepared in accordance with <i>Planning Scheme Policy 18 – Ecological Assessment Guidelines</i> demonstrates that the flora on the premises does not constitute Environmental Protection</p>

<sup>7</sup> PSP18 *Ecological Assessment Guidelines* details information Council may require as part of an information request.

<sup>8</sup> *Local origin* is defined in the Dictionary (Part 2 Interpretation)



column 1 Specific outcomes	column 2 Probable solutions (if code assessment)
<p>Overlay Maps OM1.1 to OM9.1, is retained and conserved in its present form or improved to ensure its ongoing contribution to the natural resources and biological diversity of the Noosa Shire; and</p> <p>b) Environmental Enhancement Area<sup>10</sup> on Biodiversity Overlay Maps OM1.1 – OM9.1, is protected from the impacts of development by—</p> <ol style="list-style-type: none"> <li>i. avoiding edge effects;</li> <li>ii. avoiding fragmentation; and</li> <li>iii. maintaining vegetation in manageable and viable configurations.</li> </ol> <p>AND</p> <p><b>O2</b> For the purpose of Reconfiguring a Lot new lots are only created where they minimise the fragmentation and maximise the retention of existing vegetation.</p>	<p>Area or Environmental Enhancement Area vegetation.<sup>11</sup></p> <p><b>OR</b></p> <p><b>S1.2</b> Where constructing a <b>Detached House</b>; or <b>Community residence</b> <i>interference with vegetation</i> does not extend beyond—</p> <ol style="list-style-type: none"> <li>a) 30m of a building or 10m of a structure on lots greater than 10ha; or</li> <li>b) 10m of a building or structure on lots 10ha or less but more than 0.3ha; or</li> <li>c) 3m of a building or structure on lots 0.3ha or less.</li> </ol> <p><b>S2.1</b> Where <i>clearing vegetation</i> on the premises is for the purpose of <b>Reconfiguring a Lot</b>—</p> <ol style="list-style-type: none"> <li>a) new boundaries to lots do not transect and fragment existing vegetation;</li> <li>b) new lots are created to allow for suitable <i>house site areas</i> or other future buildings and works to be located within existing cleared areas or areas of low ecological value; and</li> <li>c) building envelopes are designated for each lot.</li> </ol>
<p><b>O3</b> Clearing vegetation only occurs where—</p> <ol style="list-style-type: none"> <li>a) no other suitable cleared or partially cleared area is available on the premises;</li> <li>b) the development minimises the total footprint within which all activities, buildings, structures, driveways and other works are contained; and</li> <li>c) the development is located in areas of low ecological value over other areas, to the greatest extent practicable.</li> </ol> <p><b>Editor's note:</b> <i>Environmental Protection category</i> <i>Vegetation that falls within the Environmental Protection category comprises regional ecosystems that possess at least one of the following environmental values or criteria—</i></p> <ul style="list-style-type: none"> <li>• <i>The regional conservation status under the Queensland Vegetation Management Act 1999 is “Endangered”;</i></li> <li>• <i>It forms habitat for threatened or protected</i></li> </ul>	<p><b>S3.1</b> No solution provided</p>

<sup>9</sup> Refer to Council's *Vegetation of Noosa Shire* study for further details on what constitutes Environmental Protection vegetation.

<sup>10</sup> Refer to Council's *Vegetation of Noosa Shire* study for further details on what constitutes Environmental Enhancement vegetation.

<sup>11</sup> This solution does not apply to the Riparian Buffer Area.

column 1 Specific outcomes	column 2 Probable solutions (if code assessment)
<p><i>fauna species, as identified in Vegetation of Noosa Shire;</i></p> <ul style="list-style-type: none"> <li>• <i>It is 'rare' or naturally restricted regionally or locally, as identified in Vegetation of Noosa Shire; or</i></li> <li>• <i>The extent reserved within protected areas in Noosa is 'low', as identified in Vegetation of Noosa Shire.</i></li> </ul> <p><i>Environmental Enhancement category</i></p> <p><i>Vegetation that falls within the Environmental Enhancement category comprises regional ecosystems that possess at least one of the following environmental values or criteria—</i></p> <ul style="list-style-type: none"> <li>• <i>The regional conservation status under the Queensland Vegetation Management Act 1999 is "Of Concern"; or</i></li> </ul> <p><i>The extent reserved within protected areas in Noosa is 'medium', as identified in Vegetation of Noosa Shire.</i></p>	
<p><b>Wetlands</b></p> <p><b>O4</b> Wetlands are protected from removal or degradation and any adverse impacts on wetlands are prevented, minimised or mitigated by—</p> <ol style="list-style-type: none"> <li>a) maintaining adequate separation between the <i>wetland</i> and any adjacent development or use<sup>12</sup>;</li> <li>b) minimising any modification of the natural characteristics of the <i>wetland</i>, including the topography, surface and groundwater hydrology, water quality and flora and fauna species;</li> <li>c) preventing any new development within <i>wetlands</i>;</li> <li>d) minimising access to the <i>wetland</i>;</li> <li>e) minimising impacts associated with pest insect control and invasion by <i>undesirable plant species</i>; and</li> <li>f) providing for the rehabilitation and replanting of degraded wetlands.</li> </ol>	<p><b>S4.1</b> A minimum separation distance of 100m is provided between a <i>wetland</i> and any adjacent development or use.</p>
<p><b>Riparian Zones</b></p> <p><b>O5</b> The biodiversity and ecosystem values of watercourses, drainage lines, wetlands and adjacent riparian zones are protected by—</p> <ol style="list-style-type: none"> <li>a) avoiding any new development in the riparian buffer area;</li> <li>b) retaining aquatic and terrestrial habitat</li> </ol>	<p><b>S5.1</b> No new development occurs on, or partly on, premises indicated as Riparian Buffer Area on Biodiversity Overlay Maps OM1.1 to OM9.1, except for—</p> <ol style="list-style-type: none"> <li>a) temporary use of the land; or</li> <li>b) infrastructure which provides access to a</li> </ol>

<sup>12</sup> The extent of separation will be determined from the size, values and vulnerability of the wetland, likely natural fluctuations, and the nature of potential threats to its integrity and functions.

column 1 Specific outcomes	column 2 Probable solutions (if code assessment)								
<p>in riparian zones;</p> <p>c) maintaining wildlife corridors along <i>watercourses</i> and <i>drainage lines</i> for native fauna movement;</p> <p>d) avoiding edge effects and incompatible uses in riparian zones;</p> <p>e) maintaining bank stability by minimising bank erosion and slumping;</p> <p>f) maintaining water quality by filtering sediments, nutrients and other pollutants; and</p> <p>g) removing <i>undesirable plant species</i> and replacing them with vegetation of <i>local origin</i>;</p>	<p>watercourse for recreational purposes;</p> <p>OR</p> <p><b>S5.2</b> Where constructing a <b>Detached house</b> or <b>Community residence</b> and on an allotment situated wholly within the Riparian Buffer Area,</p> <p>a) fronting the Noosa River – development is setback a minimum of 40m from mean high water spring or as otherwise prescribed by the Environmental Protection Agency’s Erosion Prone Area Maps;<sup>13</sup></p> <p>b) not fronting the Noosa River – development is located outside the <i>riparian zone</i> and setback a suitable distance from the watercourse having regard to the development constraints of the property and the need to protect environmental and riparian values;</p> <p>OR</p> <p><b>S5.3</b> For <b>Animal husbandry</b> on premises in the Rural Zone—</p> <p>a) stock proof fencing is installed along <i>watercourses</i> at a distance of no less than 10m from the top of the bank;</p> <p>b) stock watering points are located no less than 15m away from the top of the bank of <i>watercourses</i>; and</p> <p>c) stock crossing points across <i>watercourses</i> are defined and controlled with stock proof fencing, to prevent stock from damaging <i>riparian vegetation</i> or banks to <i>watercourses</i>;</p> <p>OR</p> <p><b>S5.4</b> Recreational facilities (including playgrounds, pergolas, barbeques etc) are setback a minimum of 30m from the top of the bank of a <i>watercourse</i> and 10m from the top of the bank of a <i>drainage line</i>;</p> <p>OR</p> <p><b>S5.5</b> For <b>Forestry</b> uses the cultivated area is separated from <i>watercourses</i> by a distance not less than the distances identified below, measured from high water mark or the top of the bank, whichever is the greater distance—</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Feature</th> <th style="text-align: center;">Distance</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;"><i>Stream order</i> 1 or 2</td> <td style="text-align: center;">5 m</td> </tr> <tr> <td style="text-align: center;"><i>Stream order</i> 3 or 4</td> <td style="text-align: center;">10 m</td> </tr> <tr> <td style="text-align: center;"><i>Stream order</i> greater than 4</td> <td style="text-align: center;">20 m</td> </tr> </tbody> </table> <p>AND</p> <p><b>S5.6</b> Where <b>Forestry</b> is carried out on that part of premises indicated as Riparian Buffer Area and outside the separation distances</p>	Feature	Distance	<i>Stream order</i> 1 or 2	5 m	<i>Stream order</i> 3 or 4	10 m	<i>Stream order</i> greater than 4	20 m
Feature	Distance								
<i>Stream order</i> 1 or 2	5 m								
<i>Stream order</i> 3 or 4	10 m								
<i>Stream order</i> greater than 4	20 m								

<sup>13</sup> The Erosion Prone Area map for the Noosa River is reproduced in Schedule 5.

column 1 Specific outcomes	column 2 Probable solutions (if code assessment)
	specified in <b>S5.5</b> — a) species planted are <i>of local origin</i> and are harvested through <i>sustainable harvesting</i> ; and b) any <i>undesirable plant species</i> are replaced by <i>vegetation of local origin</i> .
<b>Managing public access and edge effects</b> <b>O6</b> Development on land adjacent to a waterway or wetland maintains an appropriate extent of public access to waterways and wetlands and minimises edge effects.	<b>S6.1</b> Development adjacent to a waterway or wetland provides that— a) no new lots directly back onto the riparian area; and b) new public roads are located between the riparian buffer and the proposed development areas.
<b>Koala Habitat Areas</b> <b>O7</b> Development is designed, constructed and operated to— a) avoid adverse impacts on koalas and koala habitat; b) provide measures to assist the survival of koala populations in the area to mitigate any potential threats or risks to koalas; c) provide for safe and appropriate koala movement across the landscape; and d) provide for a net gain in mature and actively regenerating koala habitat.	<b>S7.1</b> Development avoids removing and fragmenting koala habitat and includes koala sensitive design measures consistent with the Nature Conservation (Koala) Conservation Plan 2006 and Management Program 2006-2016 and Koala Sensitive Design Guideline 2012 <sup>14</sup> .  <b>S7.2</b> Where clearing of non-juvenile koala habitat trees is unavoidable in an area shown as bushland habitat, high value rehabilitation habitat or medium value rehabilitation habitat on the map called 'Map of Values' <sup>15</sup> , such clearing is minimised and a biodiversity offset is provided in accordance with the Queensland Environmental Offset Policy.

<sup>14</sup> Schedule 7 Koala Habitat Areas is used for assessing development in koala habitat areas against the Biodiversity Overlay Code provisions and the koala conservation criteria contained in the *Nature Conservation (Koala) Conservation Plan 2006 and Management Program 2006-2016 and the Koala Sensitive Design Guideline 2012*. Koala habitat trees are not confined to the areas mapped in Schedule 7, but also occur throughout other parts of Noosa Shire.

<sup>15</sup> The Assessable Development Area Koala Habitat Values are mapped in the South East Queensland Koala Conservation State Planning Regulatory Provisions.

column 1 Specific outcomes	column 2 Probable solutions (if code assessment)
<p><b>Open space networks &amp; ecological linkages</b></p> <p><b>O8</b> Open space networks and ecological linkages are maintained and enhanced to provide for safe movement of fauna and viable connectivity between ecologically important areas by protecting and replanting vegetation of local origin—</p> <ul style="list-style-type: none"> <li>a) along and around <i>watercourses</i>, wetlands, <i>drainage lines</i> and ridgelines; and</li> <li>b) as linkages between areas of remnant <i>vegetation</i>, including— <ul style="list-style-type: none"> <li>i. across property boundaries;</li> <li>ii. to areas of national park, conservation park, State forest or reserve; and</li> <li>iii. into adjoining local government areas.</li> </ul> </li> </ul>	<p><b>S8.1</b> <i>Vegetation</i> and ecological linkages are enhanced through revegetation, rehabilitation and vegetation maintenance in areas indicated in Schedule 5 on Map 4 - Open Space Networks in such a way as to—</p> <ul style="list-style-type: none"> <li>a) ensure protection of wildlife refuges;</li> <li>b) facilitate the dispersal and movement of native wildlife; and</li> <li>c) maintain vegetation in patches of the greatest possible size and with the smallest possible edge-to-area ratio.</li> </ul> <p>AND</p> <p><b>S8.2</b> Development is sited and designed to—</p> <ul style="list-style-type: none"> <li>a) maximise the ecological connectivity of vegetation within the site and to adjacent sites;</li> <li>b) to avoid creating physical barriers and safety hazards (such as roads, pedestrian access and in-stream structures) to the movement of fauna along and within the ecological linkage; and</li> <li>c) provide mitigation measures such as wildlife movement infrastructure, fauna exclusion and directional fencing, underpasses, overpasses and traffic calming devices, signage and lighting.</li> </ul>
<p><b>Scenic amenity</b></p> <p><b>O9</b> The scenic amenity and vegetated character of the locality and its watercourses, drainage lines, sloping land and ridgelines is retained and enhanced;</p> <p>AND</p> <p><b>O10</b> Vegetation which makes a positive contribution to the streetscape or major road network is retained.</p>	<p><b>S9.1</b> and <b>S10.1</b> <i>Vegetation</i> is retained and enhanced—</p> <ul style="list-style-type: none"> <li>a) within 30m of prominent ridgelines and hill slopes;</li> <li>b) in gullies;</li> <li>c) along watercourses and drainage lines; and</li> <li>d) within 10m of road reserves.</li> </ul>
<p><b>Habitat trees</b></p> <p><b>O11</b> Habitat trees (including dead trees) and recruitment habitat trees are protected for native fauna habitat, where practicable.</p>	<p><b>S11.1</b> No clearing of <i>koala habitat trees</i> greater than 4m in height or with a diameter greater than 100mm at 1.3m above the ground;</p> <p>AND</p> <p><b>S11.2</b> No clearing of other <i>habitat trees</i> or <i>recruitment habitat trees</i>.</p>
<p><b>Lake Macdonald</b></p> <p><b>O12</b> Vegetation within 400m of the full ponded water within Lake Macdonald is retained.</p>	<p>No solution provided.</p>
<p><b>Steep slopes</b></p> <p><b>O13</b> Vegetation on steep slopes is retained and managed to avoid erosion and landslide and to protect natural resources and values.</p>	<p>No solution provided.</p>

column 1 Specific outcomes	column 2 Probable solutions (if code assessment)
<p><b>Engineering and site works</b></p> <p><b>O14</b> Development is sited and designed to—</p> <ul style="list-style-type: none"> <li>a) provide adequate separation distance between the <i>vegetation</i> to be protected and the development to avoid disturbing, destabilising and deoxygenating any tree or altering the drainage;</li> <li>b) avoid traversing or fragmenting <i>vegetation</i> or habitats for significant flora or fauna species; and</li> <li>c) avoid creating barriers to faunal movement.</li> </ul>	<p><b>S14.1</b> Works, including roads, driveways, fences, sewer lines and other infrastructure—</p> <ul style="list-style-type: none"> <li>a) do not transect areas of <i>vegetation</i>; or</li> <li>b) are co-located within a combined utility corridor; and</li> <li>c) provide for fauna underpasses, speed reduction devices and associated fencing, lighting and warning signs, where appropriate;</li> </ul> <p>AND</p> <p><b>S14.2</b> Development within or adjacent to areas of <i>vegetation</i>, incorporate fauna friendly fences;</p> <p>AND</p> <p><b>S14.3</b> <i>Vegetation</i> is protected from interference resulting from clearing or construction activities by—</p> <ul style="list-style-type: none"> <li>a) clearly marking <i>vegetation</i> to be retained with flagging tape;</li> <li>b) installing protective fencing around the <i>dripline</i> of the <i>vegetation</i> and avoid filling and excavation in these fenced areas; and</li> <li>c) ensuring stock piling, storage and vehicle parking occur outside the identified <i>vegetation</i> areas;</li> </ul> <p>AND</p> <p><b>S14.4</b> Low impact construction techniques are used around <i>vegetation</i> to minimise interference with the <i>vegetation</i>.</p>
<p><b>Filling and excavation</b></p> <p><b>O15</b> <i>Vegetation</i> is not adversely impacted upon by earthworks and changes to the hydrological regime, including changes to ground water levels, flooding levels, run-off and tidal hydraulics.</p>	<p>No solution provided.</p>

column 1 Specific outcomes	column 2 Probable solutions (if code assessment)
<b>13.10 Vegetation management</b>	
<p><b>Replanting and rehabilitation</b>  <b>O16</b> Development provides for ecologically important areas to be restored and enhanced through the following measures—</p> <ul style="list-style-type: none"> <li>a) siting <i>landscaped areas</i> to complement and enhance existing <i>vegetation</i>;</li> <li>b) removal of all species likely to displace native flora species or degrade fauna habitat;</li> <li>c) replanting and rehabilitating<sup>16</sup> degraded habitat; and</li> <li>d) replacing any vegetation removed with suitable replacement vegetation of <i>local origin</i>.</li> </ul>	<p><b>S16.1</b> Landscaping and rehabilitation complements and supports ecologically important habitats by—</p> <ul style="list-style-type: none"> <li>a) utilising native plants of <i>local origin</i>;</li> <li>b) utilising suitable plant species identified in PSP3 – Landscaping Plants and Guidelines;</li> <li>c) replicating adjacent remnant habitats, including understorey vegetation;</li> <li>d) creating or enhancing linkages between existing habitats;</li> <li>e) avoiding the use of <i>undesirable plant species</i> listed in Table 9.1 of PSP3 Landscaping Plants and Guidelines; and</li> <li>f) planting <i>riparian zones</i> to filter stormwater run-off and provide for wildlife habitat;</li> </ul> <p>AND</p> <p><b>S16.2</b> <i>Vegetation</i> removed is replaced with—</p> <ul style="list-style-type: none"> <li>a) plantings of equivalent area that replicate the floristic structure of the vegetation removed; or</li> <li>b) where this is not possible due to the characteristics of the site and the development, plantings twice the number of the removed trees and plants of local origin.</li> </ul>
<p><b>Fire management</b>  <b>O17</b> Fire management measures are adopted based on ecological principles, which—</p> <ul style="list-style-type: none"> <li>a) maintain and enhance biodiversity;</li> <li>b) minimise threat of fire to the natural environment, life and property; and</li> <li>c) provide for effective use and maintenance of <i>buildings</i> and <i>structures</i>.</li> </ul>	No solution provided

<sup>16</sup> Revegetation and rehabilitation works are to be carried out in accordance with an approved Revegetation and Rehabilitation Management Plan, as referred to in *PSP18 Ecological Assessment Guidelines*

column 1 Specific outcomes	column 2 Probable solutions (if code assessment)
<p><b>Clearing protected vegetation in the protected vegetation overlay area</b></p> <p><b>O18</b> Clearing protected vegetation does not involve—</p> <ul style="list-style-type: none"> <li>a) the removal of vegetation in <i>ecologically important areas</i>;</li> <li>b) removal of vegetation or habitat for fauna identified or referred to as requiring protection in State or Commonwealth legislation;</li> <li>c) removal of vegetation located on a prominent hillside, slope or ridgeline;</li> <li>d) vegetation within 400 metres of the full level of ponded water within Lake Macdonald;</li> <li>e) removal of <i>riparian vegetation</i>;</li> <li>f) vegetation which is or is capable of forming or contributing to a buffer between different land uses;</li> <li>g) vegetation which is or is capable of forming or contributing to a visual buffer or a buffer against pollution, light spillage or noise;</li> <li>h) vegetation which contributes to scenic amenity or landscape quality;</li> <li>i) vegetation the clearing of which may cause or contribute to erosion or slippage.</li> </ul>	<p>No solution provided</p>
<p><b>O19</b> Clearing protected vegetation does not increase the likelihood of or result in adverse impacts on—</p> <ul style="list-style-type: none"> <li>a) remnant vegetation of <i>local origin</i>, classified as remnant of concern regional ecosystem or remnant endangered regional ecosystem or is vegetation located in a <i>wetland</i>;</li> <li>b) the diversity of flora or fauna species supported or likely to be supported by the vegetation community;</li> <li>c) a flora or fauna community or individual species which has conservation status in State or Commonwealth legislation;</li> <li>d) hydrology of an area or upon a hydrologically-sensitive plant community such as heathland, sedgeland, melaleuca forest or mangrove forest;</li> <li>e) a water catchment area or water quality;</li> <li>f) vegetation which has cultural heritage values;</li> </ul>	<p>No solution provided</p>



column 1 Specific outcomes	column 2 Probable solutions (if code assessment)
<p>g) vegetation required to support, protect and maintain biodiversity values within the Noosa Shire, whether these be of local, regional, state or national significance;</p> <p>h) a person or industry reliant on maintaining the vegetation; or</p> <p>i) neighbouring land, scenic amenity and environmental values.</p>	

## Division 5— General Provisions for the Heritage Overlay

### 13.11 Definitions

The following definitions are applicable to this code—

**character area** means an area or streetscape identified on the Heritage Overlay Maps OM1.2 to OM9.2 and which may include within it **heritage sites** and **character buildings**.

**character buildings** means buildings within a **character area** that contribute positively to the identified character of the area and may include buildings that represent periods or styles that predominate within the character area but have not been listed as a **heritage site**. **Figure 13** at the end of this code shows some examples of **character buildings**.

**economic repair** means the reasonable expenditure of monies to reinstate a building to structural soundness.

**heritage site** means a site, building, item or place of historical cultural heritage significance identified on Heritage Overlay Maps OM1.2 to OM 9.2 or Tables 3.1 – 3.9 of Schedule 3 Heritage Sites. The term does not include places listed on the Queensland Heritage Register under the *Queensland Heritage Act*<sup>17</sup>.

## Division 6— Assessment tables for the Heritage Overlay

### 13.12 Categories of development and assessment for the Heritage Overlay

The categories of development and assessment for development on land subject to the Heritage Overlay are identified in column 2 of Tables 13.3 and 13.4 as follows—

- a) Table 13.3 – making a material change of use for all uses and use classes, as listed in column 1;
- b) Table 13.4 – development other than a material change of use listed in column 1 including—
  - i Carrying out building work not associated with a material change of use;
  - ii Carrying out building work if demolition, relocation or removal of a building;

<sup>17</sup> Schedule 3 lists places on the Queensland Heritage Register at the time of gazettal of The Noosa Plan. Contact the Environmental Protection Agency for the latest list of places.

- iii Placing an advertising device on a premises not associated with a material change of use;
- iv Reconfiguring a lot;
- v Carrying out operational work for reconfiguring a lot;
- vi Excavation or filling of land not associated with a material change of use; or
- vii Other.

**13.13 Assessment benchmarks for assessable development and requirements for accepted development affected by a Heritage Overlay**

13.13.1 The relevant assessment benchmarks for development on land subject to the Heritage Overlay is referred to in column 3 of Tables 13.3 and 13.4.

**Table 13.3 Categories of development and assessment for the Heritage Overlay—Making A Material Change Of Use**

Column 1 Defined use or use class	Column 2 Categories of development and assessment	Column 3 Assessment benchmarks for assessable development and requirements for accepted development
All uses and use classes	<p><i>Accepted development</i> if the criteria for <i>code assessment</i> do not apply.</p> <p><i>Code assessment</i> if—</p> <ul style="list-style-type: none"> <li>a) on a heritage site and involving external building work; or</li> <li>b) within a character area and involving external building work that involves—               <ul style="list-style-type: none"> <li>i) extensions forward of the existing front building alignment<sup>18</sup>; or</li> <li>ii) extensions not forward of the front building alignment and greater than 10m<sup>2</sup>;</li> <li>iii) a change of external building material in a front or side building elevation; or</li> <li>iv) a change of window placement or window design in the front façade.</li> </ul> </li> </ul>	<p>If <i>accepted development</i> - no assessment benchmarks apply</p> <p>If <i>code assessment</i>— Heritage Overlay Code</p>

<sup>18</sup> For a corner allotment, the front building alignment is taken to be the building alignment fronting both streets.

**Table 13.4 Categories of development and assessment for the Heritage Overlay—  
Development Other Than A Material Change Of Use**

<b>Column 1 Type of development</b>	<b>Column 2 Categories of development and assessment</b>	<b>Column 3 Assessment benchmarks for assessable development and requirements for accepted development</b>
Carrying out building work not associated with a material change of use	<p><i>Accepted development</i> if the criteria for <i>code assessment</i> do not apply</p> <p><i>Code assessment</i> if—</p> <ul style="list-style-type: none"> <li>a) on a <i>heritage site</i> and involving external building work; or</li> <li>b) within a <i>character area</i> and involving external building work that involves— <ul style="list-style-type: none"> <li>i) extensions or new buildings forward of the existing front building alignment<sup>19</sup>; or</li> <li>ii) extensions or new buildings not forward of the existing front building alignment and greater than 10m<sup>2</sup> ;</li> <li>iii) enclosing a front veranda; or</li> <li>iv) a change of external building material to the front or side elevation; or</li> <li>v) a change of window placement or window design in the front façade.</li> </ul> </li> </ul>	<p>If <i>accepted development</i> – no assessment benchmarks apply</p> <p>If <i>code assessment</i>— Heritage Overlay Code</p>
Carrying out building work if demolition, relocation or removal of a building	<p><i>Accepted development</i> if the criteria for <i>code assessment</i> do not apply</p> <p><i>Code assessment</i> where involving a <i>heritage site</i> or within a <i>character area</i></p>	<p>If <i>accepted development</i> – no assessment benchmarks apply</p> <p>If <i>code assessment</i>— Heritage Overlay Code</p>
Placing an advertising device on premises where not associated with a material change of use	<p><i>Accepted development</i> if the criteria for <i>code assessment</i> do not apply</p> <p><i>Code assessment</i> if not a <i>Low Impact Sign</i> and located on a <i>heritage site</i> or within a <i>character area</i></p>	<p>If <i>accepted development</i> – no assessment benchmarks apply</p> <p>If <i>code assessment</i>— Heritage Overlay Code</p>

<sup>19</sup> For a corner allotment, the front building alignment is taken to be the building alignment fronting both streets.

Column 1 Type of development	Column 2 Categories of development and assessment	Column 3 Assessment benchmarks for assessable development and requirements for accepted development
Reconfiguring a lot	<p><i>Accepted development</i> if the criteria for <i>code assessment</i> do not apply</p> <p><i>Code assessment</i> where involving a <i>heritage site</i> or <i>character area</i></p>	<p>If <i>accepted development</i> – no assessment benchmarks apply</p> <p>If <i>code assessment</i>— Heritage Overlay Code</p>
Carrying out operational work for reconfiguring a lot	<p><i>Accepted development</i> if the criteria for <i>code assessment</i> do not apply</p> <p><i>Code assessment</i> where involving a <i>heritage site</i> or <i>character area</i></p>	<p>If <i>accepted development</i> – no assessment benchmarks apply</p> <p>If <i>code assessment</i>— Heritage Overlay Code</p>
Excavation or filling of land not associated with a material change of use	<p><i>Accepted development</i> if the criteria for <i>code assessment</i> do not apply</p> <p><i>Code assessment</i> where involving a <i>heritage site</i> or <i>character area</i></p>	<p>If <i>accepted development</i> – no assessment benchmarks apply</p> <p>If <i>code assessment</i>— Heritage Overlay Code</p>
Other	<i>Accepted development</i>	If <i>accepted development</i> – no assessment benchmarks apply

## ***Division 7— Heritage Overlay Code***

### **13.14 Heritage Overlay Code**

The provisions in this division comprise the Heritage Overlay Code. They are—

- compliance with the Heritage Overlay Code (section 13.15);
- overall outcomes for the Heritage Overlay Code (section 13.16);
- specific outcomes and probable solutions for the Heritage Overlay Code (Sections 13.18—13.25).

### **13.15 Compliance with the Heritage Overlay Code**

Development that is consistent with the specific outcomes in sections 13.18 to 13.25 complies with the Heritage Overlay Code.

### **13.16 Overall outcomes for the Heritage Overlay Code**

13.16.1 The overall outcomes are the purpose of the Heritage Overlay Code.

13.16.2 The overall outcomes sought for the Heritage Overlay Code are the following—

- a) *Heritage sites* and their settings are protected to a level that ensures the retention of their cultural heritage significance;
- b) The valued streetscape character of *character areas* is protected;

- c) Uses are located, designed and managed to avoid adverse effects on *heritage sites*;
- d) *Buildings* and other structures are designed and sited to protect, preserve, and be sympathetic to, *heritage sites*;
- e) Development is appropriately managed to prevent damage and disturbance to *heritage sites* during construction and operational phases of development;
- f) **For Cooroy-Maple Street Character Area:-**
  - i. The historic business centre of Cooroy extending from Marara St in the north to Crystal Street in the south, including 9-73 Maple Street and 19 Crystal Street, as shown on Heritage Overlay Map OM3.2 is retained and protected;
  - ii. business, community and residential buildings from the early to mid-twentieth century, which influence the character of the area are retained;
  - iii. Heritage Sites within Schedule 3 of the planning scheme are protected including—
    - a. Former Cooroy Butter Factory (Art Gallery), c.1930 – 11 Maple Street;
    - b. Former Ferguson’s Auctioneer’s Office, c. 1910 – 21 Maple Street;
    - c. The Memorial Hall, c.1926 – 23-29 Maple Street;
    - d. Cooroy Post Office, c.1914 – 33 Maple Street;
    - e. Methodist (Uniting) Church and Church Hall, c.1911 – 51 Maple Street;
    - f. Peachy’s House, c.1929 – 68 Maple Street;.
  - iv. Development reflects country town character elements reminiscent of Cooroy’s heritage characteristics;
  - v. Development maintains and reflects the historic architectural features in Cooroy including the traditional building designs of a predominately low rise and low impact scale, typified by lightweight construction, with a timber frame, generally raised above ground on stumps, many featuring verandah elements, sunhoods and awnings to window and wall openings and simple roof designs, either gabled or hipped. Typical materials used include timber for cladding and corrugated iron for roofs;
  - vi. The business centre characteristics, including continuous shop fronts with buildings predominantly single storey, reflecting a human scale with flat cantilevered awnings over the footpath that create an intimate town atmosphere, are retained and protected;
  - vii. Outdoor dining, verandas and glazed shopfronts provide an active interesting streetscape and places for people to meet;
  - viii. Development along Maple Street, south of the business centre maintains a domestic scale and form consistent with the Queensland vernacular with landscaped setbacks and front yards without front fences, and low impact domestic scale buildings that contribute to the open character of this part of the character area;
- g) **For Cooroy Tewantin Road Character Area:-**
  - i. The Tewantin Road Cooroy Character Area extending along the south-eastern side of Tewantin Road at the eastern approach to Cooroy township,

- including 26 to 52 Tewanin Road, as shown on Heritage Overlay Map OM3.2 is protected;
- ii. The relatively large allotments with Queensland vernacular style timber and iron houses on stumps, many featuring verandah elements, sunhoods to windows and wall openings and simple roof designs, either gabled or hipped are retained;
  - iii. The Anglican Church of the Holy Nativity at 46 Tewanin Road contributes to the Tewanin Cooroy Character Area's features;
- h) **For Pomona Character Area:-**
- i. The Pomona Character Area comprising the central area of Pomona township, south west of the railway line including business, residential and community premises within parts of Reserve Street, Memorial Avenue, Station Street, Rectory Street, Hospital Street, Red Street and Signal Street, as shown on Heritage Overlay Map OM5.2 is protected;
  - ii. Heritage Sites within Schedule 3 of the planning scheme are protected including—
    - a. Pomona Post Office, c1936 – 11 Memorial Ave;
    - b. Memorial School of Arts, c.1926 – 6 Reserve Street;
    - c. Ambulance Building, c.1917; 1971 – 17 Reserve Street;
    - d. Former Pomona State School (Pomona & District Kindergarten and Childcare Centre), c.1907;
    - e. Stan Topper Park, 21 Reserve Street;
    - f. The Rotunda, c1939 – 2 Bazzo Park, Reserve Street;
    - g. Pomona Hotel, c1901; 1913 – 1 Station Street;
  - iii. The urban residential areas of Pomona, characterised by typical Queensland vernacular houses (pitched roofs and lightweight construction raised on stumps) and open landscaped front yards with no or only low fences to frontages are maintained;
  - iv. Development maintains the historic architectural features and grid pattern streets;
  - v. The business centre along Memorial Avenue and the eastern side of Reserve Street maintains continuous shopfronts making use of simple parapet walls for advertising;
  - vi. Buildings along Memorial Avenue reflecting the art deco style built after a fire in 1939 are protected and maintain features reflective of the art deco style including pressed tin ceilings, geometric decorative features and parapets, light, neutral and pastel colours, and rendered masonry construction;
  - vii. Shopfronts along Memorial Avenue form a row of continuous narrow shopfronts that directly adjoin the street frontage, providing an active streetscape with outdoor dining opportunities and a place for people to meet;
  - viii. Buildings in Memorial Avenue maintain wide awnings over the street front, with integrated signage and large windows providing an open and welcoming feel and visual interest and character to the streetscape;

- ix. Key public buildings which form part of Pomona's identity including the School of Arts Hall, Post Office, old Courthouse, the Pomona Hotel, old ANZ bank building, the railway buildings and the like are protected;
- i) **For Cooran Character Area:-**
  - i. The Cooran Character Area comprising the commercial precinct of Cooran along the south western side of King Street, extending north-west from the corner of Prince Street, as shown on Heritage Overlay Map OM5.2 is protected;
  - ii. The Cooran Character Area maintains a number of small-scale businesses, community buildings and residences that remain from the early to mid-twentieth century when the town grew into a thriving rural centre and railhead;
  - iii. Key places, running east to west along King Street contribute to Cooran's heritage character including—
    - a. -Memorial School of Arts, c.1906 – 14 King Street;
    - b. Former Commercial Bank, c.1906 (now Country Kitchen café) – 16 King Street;
    - c. Former Butchers Shop, c.1905 (now private house) – 18 King Street;
    - d. Former Baker, c.1935-40 – 24A King Street;
    - e. Former Alfredsons Joinery, c1934 (Trading Post & Secondhand dealers) – 28 King Street;
    - f. Former Railway Goods Shed, c.1890 – 30 King Street;
    - g. Former Alfredsons Joinery office/garage, c.1962 (Mill Studio) – 30 King Street;
  - iv. A rural railway town character derived from its discrete scale, linear form and confinement to the one side of King Street adjacent to the North Coast rail line is maintained;
  - v. Cooran is characterised by traditional building designed largely of a domestic form and scale or derived from conversions or additions to domestic buildings, that are low rise and low scale;
  - vi. The Memorial School of Arts is protected as an impressive, decorative and articulated building along the streetscape;
  - vii. Buildings in Cooran are typified by:-
    - a. lightweight construction, with a timber frame, generally raised above ground on stumps, many featuring verandah elements, sunhoods to windows and wall openings;
    - b. gabled or hipped roof designs with moderate slope and awnings sloping down over the footpath and front entries represent the dominant character;
    - c. timber for cladding and corrugated iron for roofs;
  - viii. Buildings abut or are positioned close to the front boundary and are framed by a grassed road reserve that slopes up from the street;
  - ix. Landscaped setbacks between buildings contribute to the character and rhythm of the streetscape and visually integrate the separate buildings into the surrounding rural landscape;

### 13.17 Specific outcomes for the Heritage Overlay Code

The specific outcomes sought for the Heritage Overlay Code are included in column 1 of Table 13.5. Probable solutions for code assessment development are included in column 2 of Table 13.5.

**Table 13.5**

column 1 Specific outcomes	column 2 Probable solutions (if <i>code assessment</i> )
<b>13.18 Effects of use</b>	
<b>O1</b> The operation of any new use on or adjoining a <i>heritage site</i> respects the cultural heritage significance of the site by mitigating any adverse impacts, including vibration, movement of foundations, changes in drainage flow patterns, erosion and pollution.	No solution provided.
<b>13.19 Retention and reuse of heritage sites</b>	
<b>Retention</b> <b>O2</b> <i>Heritage sites</i> are retained, where practicable, and not removed from <i>character areas</i> .	<p><b>S2.1</b> <i>Heritage sites</i> are retained on the existing premises;</p> <p>OR</p> <p><b>S2.2</b> Where a <i>heritage site</i> cannot be practicably retained on its existing premises, it is relocated to an alternative location within the Noosa Shire and reinstated to a standard that is suitable for reuse, provided relocation of the building or structure will not adversely impact on the cultural heritage significance of the heritage site, having regard to whether the maintenance of its significance is dependent on the building or structure being retained in its existing location<sup>20</sup>;</p> <p>OR</p> <p><b>S2.3</b> Demolition only occurs where the—</p> <ul style="list-style-type: none"> <li>a) building or structure cannot be practicably retained on the existing premises; and</li> <li>b) the premises are physically constrained such that the building or structure cannot be relocated to an alternative location; or</li> <li>c) the building or structure is structurally unsound and not capable of <i>economic repair</i><sup>21</sup>. <p>OR</p> <p><b>S2.4</b> Where a <i>heritage site</i> is to be relocated or demolished, a description and photographic record of the building or structure is prepared and submitted to Noosa Council.</p> </li></ul>

<sup>20</sup> Council may request a report be prepared by a suitably qualified heritage consultant, in accordance with *PSP1 Information Council May Request*, demonstrating that the cultural heritage significance will not be adversely impacted.

<sup>21</sup> Council may request that an assessment be undertaken by a suitably qualified structural engineer, which demonstrates that the building or structure is structurally unsound and not capable of economic repair, as per *PSP1- Information Council May Request*.



column 1 Specific outcomes	column 2 Probable solutions (if code assessment)
<p><b>Adaptive reuse</b>  <b>O3</b> <i>Heritage sites are conserved and protected by adaptively reusing such sites, provided the new use—</i>            a) respects the cultural heritage significance of the site;            b) is compatible with the amenity of adjacent uses; and            c) provides for adequate <i>buffer areas</i> and <i>buffer elements</i> between nearby uses.</p>	<p>No solution provided.</p>
<b>13.20 Building works on heritage sites<sup>22</sup></b>	
<p><b>O4</b> <i>Building works on a heritage site are designed to be sympathetic with the cultural heritage significance of the building and ensure the retention of valued heritage features, through—</i>            a) respecting the original architectural style and proportions of the relevant era;            b) retaining the original roof form and pitch;            c) retaining or conforming with the original veranda, window and door design and detailing;            d) ensuring the building works are compatible with the scale, height and bulk of the building;            e) providing visual and structural disconnection of the new works for the existing building;            f) using materials of the relevant architectural era;            g) retaining existing mature <i>vegetation</i> around the site;            h) ensuring new garages, fencing and landscaping are compatible with the scale and design of the relevant architectural era.</p>	<p><b>S4.1</b> Building works on <i>heritage sites</i> are located to the rear of the building or to where they are not visible from the street.</p>
<b>13.21 Retention of historical streetscapes within character areas</b>	
<p><b>Retention, relocation &amp; demolition</b>  <b>O5</b> <i>The valued streetscape character within character areas are protected through the retention of buildings that contribute positively to that character.</i></p>	<p><b>S5.1</b> <i>Character buildings and heritage sites within character areas</i> are retained (see <b>Figure 13.1</b> for some examples of <i>character buildings</i>)<sup>23</sup>;            OR  <b>S5.2</b> Where a <i>character building or heritage site</i> cannot be practicably retained on its existing premises, the building or structure is relocated to an alternative location within the Noosa Shire and reinstated to a standard that is suitable for reuse, provided relocation of the <i>character building or heritage site</i> will not result in the loss of valued streetscape character<sup>24</sup>;</p>

<sup>22</sup> Council may request a report be prepared by a suitably qualified heritage consultant, in accordance with *PSP1-Information Council May Request*, demonstrating that the building works will not adversely impact on the cultural heritage significance of the site.

<sup>23</sup> Council may request a report prepared by a suitably qualified heritage consultant, in accordance with *PSP1 Information Council May Request*, demonstrating whether the building is a *character building*.

<sup>24</sup> Council may request a report be prepared by a suitably qualified heritage consultant, in accordance with *PSP1 Information Council May Request*, demonstrating that the character area will not be adversely affected.

column 1 Specific outcomes	column 2 Probable solutions (if <i>code assessment</i> )
	OR <b>S5.3</b> Demolition only occurs where the— a) building or structure cannot be practicably retained on the existing premises; and b) the premises are physically constrained such that the building or structure cannot be relocated to an alternative location; or c) the building or structure is structurally unsound and not capable of <i>economic repair</i> <sup>25</sup> .
<b>Adaptive reuse</b> <b>O6</b> <i>Character buildings are conserved and protected by adaptively reusing such sites, provided any new use—</i> a) does not impact on the cultural heritage significance of the site; b) respects the valued streetscape character; c) is compatible with the amenity of adjacent uses; and d) provides for adequate <i>buffer areas</i> and <i>buffer elements</i> between nearby uses.	<b>S6.1</b> No solution provided
<b>13.22 Building works within character areas<sup>26</sup></b>	
<b>O7</b> <i>Building works to premises within character areas, are designed to be sympathetic to the valued streetscape character through—</i> a) respecting the form, bulk, scale and height of <i>heritage sites</i> or <i>character buildings</i> within the streetscape; b) complementing original roof forms and pitch within the streetscape; c) conforming with the original fencing, veranda and façade design and detailing within the streetscape; d) using materials that reflect the valued character; and e) retaining existing mature <i>vegetation</i> around the site.	<b>S7.1</b> Building works on <i>character buildings</i> or <i>heritage sites</i> are located to the rear of the building or to where they are not visible from the street.  <b>S7.2</b> New buildings incorporate building elements, materials and styles that reflect the desired built form character of the street or character area.
<b>13.23 Signs</b>	
<b>Interpretive signs</b> <b>O8</b> Interpretive signs do not adversely impact on the valued character of the heritage site or character area;	No solution provided

<sup>25</sup> Council may request that an assessment be undertaken by a suitably qualified structural engineer, which demonstrates that the building or structure is structurally unsound and not capable of economic repair, as per *PSP1- Information Council May Request*.

<sup>26</sup> Council may request a report prepared by a suitably qualified heritage consultant, in accordance with *PSP1 Information Council May Request*, demonstrating that the character area will not be adversely affected.

column 1 Specific outcomes	column 2 Probable solutions (if code assessment)
<p><b>Advertising devices</b></p> <p><b>O9</b> Advertising devices located on or adjoining a heritage site are designed and sited so as to—</p> <p>a) be compatible with the cultural heritage significance and valued character of the site ;</p> <p>b) not obscure the appearance or prominence of the site when viewed from the <i>major road network</i> or any adjoining <i>public open space</i>.</p>	<p>No solution provided</p>
<b>13.24 Reconfiguring a Lot</b>	
<p><b>O10</b> The development does not adversely affect the heritage site or it's setting.</p> <p><b>O11</b> The development is designed to maintain the valued streetscape character and the rhythm of development within the street, surrounding area and any character area.</p>	<p>No solution provided</p>
<b>13.25 Construction and operational works</b>	
<p><b>O12</b> <i>The</i> construction timing, transport, access, storage and use of materials on and adjacent to a heritage site are managed to avoid adversely impacting on the heritage site.</p>	<p>No solution provided</p>

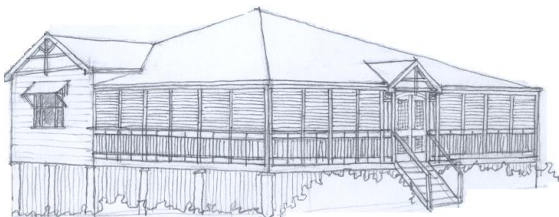
Figure 13.1—Some examples of character buildings



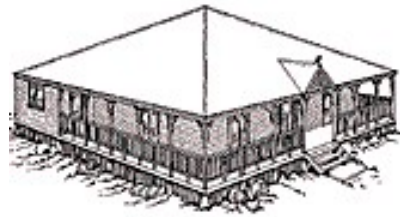
Colonial, Federation and Interwar Short-Ridge House (1870s to 1930s)



Colonial, Federation and Interwar Asymmetrical Pyramid/Hip House (1870s - 1930s)



Colonial, Federation and Interwar Bungalow (1870s - 1930s)



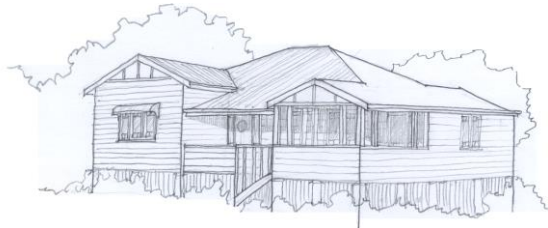
Colonial, Federation and Interwar Bungalow (1870s - 1930s)



Federation and Interwar Asymmetrical Bungalow (1900s to 1930s)



Federation and Interwar Asymmetrical Bungalow (1900s to 1930s)



Interwar Porch and Gable House (1910s - 1930s)



Interwar Porch and Gable House (1910s - 1930s)

## **Division 8— Assessment tables for the Natural Hazards and Natural Resources Overlays**

### **13.26 Categories of development and assessment for the Natural Hazards and Natural Resources Overlays**

13.26.1 The categories of development and assessment for development on land subject to the Natural Hazards or Natural Resources overlay are identified in column 2 of Tables 13.6 and 13.7 as follows—

- a) Table 13.6 - making a material change of use for a use listed in column 1; and
- b) Table 13.7 - development other than a material change of use listed in column 1.

### **13.27 Assessment benchmarks for assessable development and requirements for accepted development for development affected by a Natural Hazards or Natural Resources Overlay**

13.27.1 The relevant assessment benchmarks for development on land subject to the Natural Hazards or Natural Resources Overlay are referred to in column 3 of Tables 13.6 and 13.7.

**Table 13.6 Categories of development and assessment for the Natural Hazards And Natural Resources Overlays - Making A Material Change Of Use<sup>27</sup>**

<b>Column 1 Defined use or use class</b>	<b>Column 2 Categories of development and assessment</b>	<b>Column 3 Assessment benchmarks for assessable development<sup>28</sup> and requirements for accepted development</b>
<b>Landslide Hazard Areas &amp; Bushfire Hazard Areas</b>		
<b>Business Uses</b> , except <b>Home-based business Type 1 Limited visibility or Type 2 Evident,</b> <b>Industrial business Type 3 Extractive;</b>  <b>All Community Uses;</b>  <b>All Infrastructure Uses;</b>  <b>Residential Uses</b> , except <b>Detached house and Ancillary Dwelling Unit.</b>	<i>Accepted development</i> if the criteria for <i>code assessment</i> do not apply  <i>Code assessment</i> if— a) on land identified as Landslide Hazard Area on Overlay Maps OM1.3—9.3; or b) on land identified as a Bushfire Hazard Area on Overlay Maps <sup>29</sup> OM1.4—9.4	If <i>accepted development</i> – no assessment benchmarks apply.  If <i>code assessment</i> – Natural Hazards Overlay Code

<sup>27</sup> For development other than material change of use refer assessment table 13.7

<sup>28</sup> The applicable codes identified in this table apply in addition to any applicable codes identified in a locality plan.

<sup>29</sup> Land shown as Bushfire Hazard Area on the overlay maps is designated as bushfire prone area for the purposes of the *Building Regulations* 2006. The bushfire hazard area includes land covered by the very high, high and medium bushfire hazard areas as well as the buffer area category on the overlay maps.

Column 1 Defined use or use class	Column 2 Categories of development and assessment	Column 3 Assessment benchmarks for assessable development <sup>28</sup> and requirements for accepted development
<b>Flood Hazard Areas</b>		
All <b>Agricultural Uses</b> ;  All <b>Business Uses</b> except <b>Home-based business</b> ;  All <b>Community Uses</b> except <b>Open space</b> ;  All <b>Infrastructure Uses</b> ;  All <b>Residential Uses</b> , except <b>Detached house</b>	<p><i>Accepted development</i> if the criteria for <i>code assessment</i> do not apply</p> <p><i>Code assessment</i> if—</p> <p>a) <b>Agricultural Use</b> and involving net filling exceeding 50m<sup>3</sup> on land identified as Flood Hazard area on Overlay Maps OM1.3—9.3; or</p> <p>b) not <b>Agricultural use</b> and on land identified as Flood Hazard area on Overlay Maps OM1.3—9.3</p>	<p>If <i>accepted development</i> – no assessment benchmarks apply</p> <p>If <i>code assessment</i> – Natural Hazards Overlay Code</p>
<b>High and Low Potential Acid Sulfate Soils Areas</b>		
All uses and use classes	<p><i>Accepted development</i> if the criteria for <i>code assessment</i> do not apply</p> <p><i>Code assessment</i> if—</p> <p>a) involving works on land at or below 5m AHD<sup>30</sup>; and</p> <p style="margin-left: 20px;">i. excavating 100m<sup>3</sup> or more of material; or</p> <p style="margin-left: 20px;">ii. filling land with 500m<sup>3</sup> or more of material with an average depth of 0.5m or more; or</p> <p>b) involving works on land above 5m AHD but below 20m AHD that excavates 100m<sup>3</sup> or more of material at or below 5m AHD.</p>	<p>If <i>accepted development</i> – no assessment benchmarks apply</p> <p>If <i>code assessment</i> – Natural Hazards Overlay Code</p>

<sup>30</sup> OM1.4—9.4 identify land below 5m AHD and land between 5m AHD and 20m AHD. Figure 13.1 identifies development that may require assessment.

Column 1 Defined use or use class	Column 2 Categories of development and assessment	Column 3 Assessment benchmarks for assessable development <sup>28</sup> and requirements for accepted development
<b>Agricultural Land Conservation Areas</b>		
<p>Within an Agricultural Land Conservation Area— <b>Business Uses</b>, except <b>Home-based business Type 1 Limited visibility</b> or <b>Type 2 Evident</b>, or <b>Industrial business Type 3 Extractive</b>;</p> <p>All <b>Community Uses</b>;</p> <p>All <b>Infrastructure Uses</b>;</p> <p>All <b>Residential Uses</b>, except <b>Detached house</b> or <b>Community residence</b></p> <p>Within 500m of an Agricultural Land Conservation Area— All <b>Residential Uses</b>, except <b>Detached house</b></p>	<p><i>Accepted development</i> if the criteria for <i>code assessment</i> do not apply</p> <p><i>Code assessment</i> if—</p> <p>a) on land identified as Agricultural Land Conservation Area on Overlay Maps OM1.5—5.5; or</p> <p>b) within 500m of land identified as Agricultural Land Conservation Area on Overlay Maps OM1.5—9.5 and outside the towns of Cooroy and Pomona and villages of Kin Kin and Cooran<sup>31</sup>.</p>	<p>If <i>accepted development</i> – no assessment benchmarks apply</p> <p>If <i>code assessment</i> – Natural Resources Overlay Code</p>
<b>Key or Local Resource Areas</b>		
<p>Within a Resource/processing area— All <b>Agricultural Uses</b>;</p> <p>All <b>Business Uses</b>, except <b>Industrial business Type 3 Extractive</b> or <b>Home-based business Type 1 Limited visibility</b> or <b>Type 2 Evident</b>;</p> <p>All <b>Community Uses</b>;</p> <p>All <b>Infrastructure Uses</b>;</p> <p>All <b>Residential Uses</b>, except <b>Detached House</b> or <b>Community residence</b> where on an existing lot.</p>	<p><i>Accepted development</i> if the criteria for <i>code assessment</i> do not apply</p> <p><i>Code assessment</i> if on land within a Resource / processing area identified on Overlay Maps OM1.5—9.5</p>	<p>If <i>accepted development</i> – no assessment benchmarks apply</p> <p>If <i>code assessment</i> – Natural Resources Overlay Code</p>

<sup>31</sup> The boundaries that define these towns and villages are shown on the relevant zoning maps.

<b>Column 1</b> <b>Defined use or use class</b>	<b>Column 2</b> <b>Categories of development and assessment</b>	<b>Column 3</b> <b>Assessment benchmarks for assessable development<sup>28</sup> and requirements for accepted development</b>
Within a Resource / processing separation area— <b>Animal husbandry Type 2 Intensive;</b>  All <b>Business Uses</b> , except <b>Home-based business Type 1 Limited visibility or Type 2 Evident;</b>  All <b>Community Uses;</b>  All <b>Infrastructure Uses</b> , except <b>Service and Utility Type 4 Treatment, recycling and disposal;</b>  All <b>Residential Uses</b> , except <b>Detached House</b> or <b>Community residence</b> where on an existing lot, and <b>Ancillary dwelling unit.</b>	<i>Code assessment</i> if on land within a Resource/processing separation area on Overlay Maps OM1.5-9.5	Natural Resources Overlay Code
Within a Haulage Transport routes separation area— All <b>Residential Uses</b> except <b>Detached House</b> or <b>Community residence</b> on an existing lot and <b>Ancillary dwelling unit.</b>	<i>Code assessment</i> if on land within a Haulage Transport routes separation area on Overlay Maps OM1.5-9.5	Natural Resources Overlay Code
<b>Water Supply Catchment Areas</b>		
All <b>Agricultural Uses;</b>  All <b>Business Uses;</b>  <b>Community Uses</b> , except <b>Open space Type 1 Sport &amp; recreation;</b>  All <b>Infrastructure Uses;</b>  <b>Residential Uses</b> , except <b>Detached house</b> or <b>Community residence</b>	<i>Accepted development</i> if the criteria for <i>code assessment</i> do not apply  <i>Code assessment</i> if on land identified as Water Supply Catchment Area on Overlay Maps OM1.5, OM3.5 or OM5.5.	If <i>accepted development</i> – no assessment benchmarks apply  If <i>code assessment</i> – Natural Resources Overlay Code



Column 1 Defined use or use class	Column 2 Categories of development and assessment	Column 3 Assessment benchmarks for assessable development <sup>28</sup> and requirements for accepted development
<b>Areas in Proximity to Gas Pipelines</b>		
<p><b>Cultivation Type 2;</b> <b>Animal husbandry Type 2 Intensive;</b> <b>Forestry Type 1 or 2;</b></p> <p>All <b>Business Uses</b>, except <b>Home-based business Type 1 or Type 2 Limited visibility;</b> All <b>Community Uses;</b></p> <p>All <b>Infrastructure Uses</b> except <b>Service and utility Type 3 Tower or Transport Type 5 Domestic marine, or Type 6 Commercial marine;</b></p> <p>All <b>Residential Uses</b>, except <b>Detached house</b></p>	<p><i>Accepted development</i> if the criteria for <i>code assessment</i> do not apply</p> <p><i>Code assessment</i> if within 200m of the gas pipeline identified on Overlay Maps OM3.5 or 5.5</p>	<p>If <i>accepted development</i> – no assessment benchmarks apply</p> <p>If <i>code assessment</i> – Natural Hazards Overlay Code</p>
<b>Coastal Protection Areas</b>		
<p>All uses and use classes if involving building work except demolition</p>	<p><i>Accepted development</i> if the criteria for <i>code assessment</i> do not apply</p> <p><i>Code assessment</i> if within a Coastal Protection Area identified on Overlay Maps OM4.5</p>	<p>If <i>accepted development</i> – no assessment benchmarks apply</p> <p>If <i>code assessment</i> – Natural Resources Overlay Code</p>

**Table 13.7 Categories of development and assessment for the Natural Hazards And Natural Resources Overlays – Development Other Than Material Change Of Use**

Column 1 Type of Development	Column 2 Categories of development and assessment	Column 3 Assessment benchmarks for assessable development <sup>32</sup> and requirements for accepted development
<b>Landslide Hazard Areas</b>		
Carrying out <i>building work</i> not associated with a material change of use, except for a <b>Detached house or Community residence</b>  Carrying out building work if demolition or relocation of a building, other than for a <b>Detached House or Community residence</b> or a class 10 building or structure  Reconfiguring a lot  Carrying out operational works for reconfiguring a lot  Excavation or filling of land not associated with a material change of use	<i>Accepted development</i> if the criteria for <i>code assessment</i> do not apply  <i>Code assessment</i> if— a) on land identified as Landslide Hazard Area on Overlay Maps OM1.3—9.3;  AND b) involving earthworks exceeding 50m <sup>3</sup> (other than the placing of topsoil); or c) involving vegetation clearing; or d) involving redirecting the existing flow of surface or ground water.	If <i>accepted development</i> – no assessment benchmarks apply  If <i>code assessment</i> – Natural Hazards Overlay Code
<b>Bushfire Hazard Areas<sup>33</sup></b>		
Reconfiguring a lot  Carrying out operational work for reconfiguring a lot	<i>Accepted development</i> if the criteria for <i>code assessment</i> do not apply  <i>Code assessment</i> if increasing the number of lots or constructing a new road within a Bushfire Hazard Area as shown on Overlay Maps OM1.4 – OM9.4	If <i>accepted development</i> – no assessment benchmarks apply  If <i>code assessment</i> – Natural Hazards Overlay Code

<sup>32</sup> The applicable codes identified in this table apply in addition to any applicable codes identified in a locality plan.

<sup>33</sup> In accordance with Section 12 of the *Building Regulation* 2006, any building assessment work in a designated bush fire prone area must comply with the bushfire protection provisions of BCA.

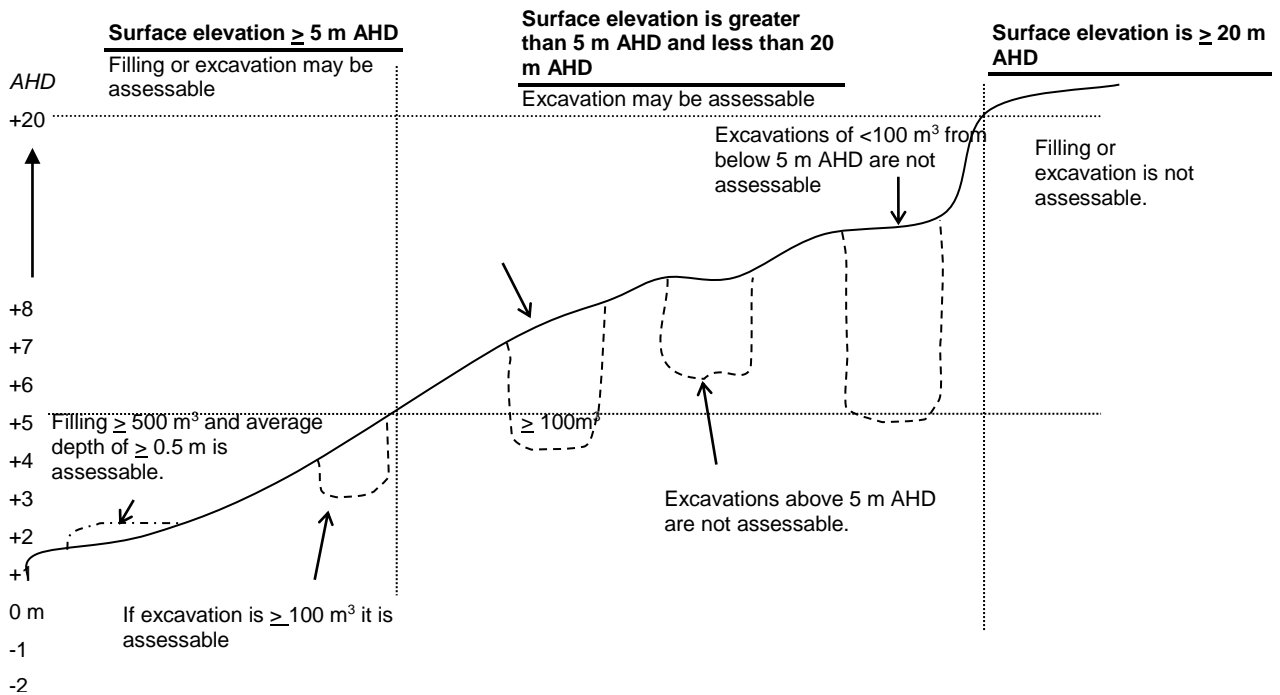
Column 1 Type of Development	Column 2 Categories of development and assessment	Column 3 Assessment benchmarks for assessable development <sup>32</sup> and requirements for accepted development
<b>Flood Hazard Areas</b>		
<p>Carrying out <i>building work</i> not associated with a material change of use, except for a <b>Detached house</b></p> <p>Carrying out building work if relocation of a building other than a <b>Detached House</b> or a class 10 building or structure</p> <p>Reconfiguring a lot</p> <p>Carrying out operational works for reconfiguring a lot</p> <p>Filling of land not associated with a material change of use</p>	<p><i>Accepted development</i> if the criteria for <i>code assessment</i> do not apply</p> <p><i>Code assessment</i> if on land identified as Flood Hazard area on Overlay Maps OM1.3—9.3</p>	<p>If <i>accepted development</i> – no assessment benchmarks apply</p> <p>If <i>code assessment</i> – Natural Hazards Overlay Code</p>
<b>High and Low Potential Acid Sulfate Soils Areas</b>		
<p>Carrying out <i>building work</i> not associated with a material change of use</p> <p>Carrying out building work if demolition, relocation or removal of a building</p> <p>Reconfiguring a lot</p> <p>Carrying out operational works for reconfiguring a lot</p> <p>Filling of land not associated with a material change of use</p>	<p><i>Accepted development</i> if the criteria for <i>code assessment</i> do not apply</p> <p><i>Code assessment</i> if—</p> <p>a) involving works on land at or below 5m AHD<sup>34</sup>; and</p> <p>i. excavating 100m<sup>3</sup> or more of material; or</p> <p>ii. filling land with 500m<sup>3</sup> or more of material with an average depth of 0.5m or more;</p> <p>OR</p> <p>b) involving works on land above 5m AHD but below 20m AHD that excavates 100m<sup>3</sup> or more of material at or below 5m AHD.</p>	<p>If <i>accepted development</i> – no assessment benchmarks apply</p> <p>If <i>code assessment</i> – Natural Hazards Overlay Code</p>
<b>Agricultural land conservation area</b>		
<p>Reconfiguring a lot</p>	<p><i>Code assessment</i> if on land identified as Agricultural Land Conservation Area on Overlay Maps OM1.5 – OM3.5</p>	<p>Natural Resources Overlay Code</p>

<sup>34</sup> OM1.4—9.4 identify land below 5m AHD and land between 5m AHD and 20m AHD. Figure 13.1 identifies development that may require assessment.

Column 1 Type of Development	Column 2 Categories of development and assessment	Column 3 Assessment benchmarks for assessable development <sup>32</sup> and requirements for accepted development
<b>Extractive resource area</b>		
Reconfiguring a lot	<p><i>Accepted development</i> if the criteria for <i>code assessment</i> does not apply</p> <p><i>Code assessment</i> if increasing the number of lots within any part of a Key Resource Area or Local Resource Area as shown on Overlay Maps OM1.5 – OM9.5</p>	<p>If <i>accepted development</i> – no assessment benchmarks apply</p> <p>If <i>code assessment</i> – Natural Resources Overlay Code</p>
<b>Water Supply Catchment Areas</b>		
Reconfiguring a lot  Carryout operational work for reconfiguring a lot  Excavation or filling of land not associated with a material change of use	<p><i>Accepted development</i> if the criteria for <i>code assessment</i> does not apply</p> <p><i>Code assessment</i> if—</p> <p>a) within an area identified as Water Supply Catchment on Overlay Maps OM1.5 – OM9.5;</p> <p>AND</p> <p>b) increasing the number of lots; or</p> <p>c) carrying out operational work for reconfiguring a lot;</p> <p>d) excavating 100m<sup>3</sup> or more of material; or</p> <p>e) filling land with 500m<sup>3</sup> or more of material with an average depth of 0.5m or more.</p>	<p>If <i>accepted development</i> – no assessment benchmarks apply</p> <p>If <i>code assessment</i> – Natural Resources Overlay Code</p>
<b>Areas in Proximity to Gas Pipelines</b>		
Reconfiguring a lot  Carrying out operational work for reconfiguring a lot  Excavating land not associated with a material change of use	<p><i>Accepted development</i> if the criteria for <i>code assessment</i> does not apply</p> <p><i>Code assessment</i> if—</p> <p>a) increasing the number of lots within the gas pipeline buffer identified on Overlay Maps OM3.5 or 5.5; or</p> <p>b) carrying out operational works for reconfiguring a lot within the gas pipeline buffer identified on Overlay Maps OM3.5 or 5.5; or</p>	<p>If <i>accepted development</i> – no assessment benchmarks apply</p> <p>If <i>code assessment</i> – Natural Resource Overlay Code</p>

Column 1 Type of Development	Column 2 Categories of development and assessment	Column 3 Assessment benchmarks for assessable development <sup>32</sup> and requirements for accepted development
	c) excavating land within the gas pipeline easement.	
<b>Coastal Protection Areas</b>		
Carrying out building work where not associated with a material change of use, except demolition work	<i>Accepted development</i> if the criteria for <i>code assessment</i> does not apply  <i>Code assessment</i> if within a Coastal Protection Area identified on Overlay Map OM4.5	If <i>accepted development</i> – no assessment benchmarks apply  If <i>code assessment</i> – Natural Resources Overlay Code
<b>All Natural Hazards and Natural Resources Overlays</b>		
Other	<i>Accepted development</i> from overlay	If <i>accepted development</i> – no assessment benchmarks apply

**Figure 13.2 — Works that may disturb acid sulfate soils and may require assessment**



## **Division 9— Natural Hazards Overlays Code**

### **13.28 Natural Hazards Overlays Code**

- 13.28.1 The provisions in this division comprise the Natural Hazards Overlays Code. They are—
- compliance with the Natural Hazards Overlays Code (section 13.29);
  - overall outcomes for the Natural Hazards Overlays Code (section 13.30);
  - specific outcomes for the Natural Hazards Overlay Code (sections 13.31—13.39)

### **13.29 Compliance with the Natural Hazards Overlays Code**

Development that is consistent with the specific outcomes in sections 13.31 to 13.39 complies with the Natural Hazards Overlays Code.

### **13.30 Overall outcomes for the Natural Hazards Overlays Code**

- 13.30.1 The overall outcomes are the purpose of the Natural Hazards Overlays Code.
- 13.30.2 The overall outcomes sought from the Natural Hazards Overlays Code are—
- a) development in areas at risk from natural hazards is compatible with the nature of the natural hazard so as not to place people, property, economic activity, social wellbeing and the natural environment at risk;
  - b) development is resilient to natural hazard events by ensuring siting and design accounts for and minimises potential risks of natural hazards to people and property;
  - c) development supports, and does not unduly burden disaster management response or recovery capacity and capabilities;
  - d) development directly, indirectly and cumulatively avoids a material increase in extent and severity of natural hazards and does not significantly increase the potential damage on the site or to other properties;
  - e) development avoids the release of hazardous materials as a result of a natural hazard event;
  - f) natural processes and the protective function of landforms and vegetation are maintained in natural hazard areas;
  - g) for acid sulfate areas—the generation or release of acid and associated metal contaminants into the environment is avoided;
  - h) for bushfire hazard areas—bushfire risk mitigation treatments are accommodated in a manner that avoids or minimises impacts on the natural environment and ecological processes.

### **13.31 Specific outcomes for the Natural Hazards Overlay Code**

The specific outcomes sought for the Natural Hazards Overlay Code are included in column 1 of Tables 13.8—13.12. Acceptable solutions for *accepted development subject to requirements* and probable solutions for *code assessment* development are included in column 2 of Table 13.8—13.12.

**Table 13.8 Landslide hazard areas**

column 1 Specific outcomes	column 2 Acceptable solutions (if accepted development ) Probable solutions (if code assessment)
<b>13.32 Effects of use</b>	
<p><b>General</b></p> <p><b>O1</b> Development is located to ensure it does not compromise the safety of people, property or hazardous materials manufactured or stored in bulk by increasing risk of landslide;</p> <p>AND</p> <p><b>O2</b> Development, including access ways is designed and constructed to—</p> <ul style="list-style-type: none"> <li>a) minimise impacts on the natural landform;</li> <li>b) minimise risk to people and property from landslide;</li> <li>c) avoid any potential instability and associated problems, including long term stability of the site and long term stability of the development.</li> </ul>	<p><b>S1.1</b> The proposed development is not located in a landslide hazard area as indicated on Overlay Maps OM1.3-OM9.3<sup>35</sup>;</p> <p>OR</p> <p><b>S1.2</b> The development site is not subject to landslide, either internally or from sloping land above the site eg. <i>slopes</i> are less than 1 in 10 (10%)</p> <p>AND</p> <p><b>S1.3</b> Development, including necessary earthworks within Precinct F of the Noosa Springs site, improves the stability of any non-natural landform so it is not at risk from landslide either on the site or from sloping land above the site.</p> <p><b>S2.1</b> No solution provided</p>
<p><b>Protection of Infrastructure and Community Uses</b></p> <p><b>O3</b> Community Uses and Infrastructure Uses, including that identified below, are able to function effectively during and immediately after landslide events—</p> <ul style="list-style-type: none"> <li>a) <b>Emergency service</b> facilities;</li> <li>b) Hospitals;</li> <li>c) <b>Education Type 4</b> uses, including stores for valuable records or items of historic or cultural significance; and</li> <li>d) <b>Service and utility</b> uses, including electricity substations, major electrical depots and water treatment plants.</li> </ul>	<p><b>S3.1 Community Uses and Infrastructure Uses</b> are not located in a landslide hazard area as indicated on Overlay Maps OM1.3-OM9.3;</p> <p>OR</p> <p><b>S3.2</b> The community infrastructure development—</p> <ul style="list-style-type: none"> <li>a) does not result in any new building work other than an addition to an existing building;</li> <li>b) does not involve vegetation clearing; and</li> <li>c) does not alter ground levels or stormwater conditions;</li> </ul> <p>OR</p> <p><b>S3.3</b> The development includes measures that ensure—</p> <ul style="list-style-type: none"> <li>a) the long term stability of the site;</li> <li>b) access to the site will not be impeded by a landslide event; and</li> </ul>

<sup>35</sup> If Acceptable Solution 1.1 is complied with no further action is required. PSP1 details information Council may request to determine whether or not the site is at risk from landslide.

column 1 Specific outcomes	column 2 Acceptable solutions (if accepted development ) Probable solutions (if code assessment)
	c) the community infrastructure will not be adversely affected by landslides originating on sloping land above the site <sup>36</sup> .

**Table 13.9 Bushfire hazard areas<sup>37</sup>**

column 1 Specific Outcomes	column 2 Probable solutions
<b>13.33 Effects of use and works</b>	
<p><b>New Uses</b> <b>O4</b> The proposed use does not compromise the safety of people or property from bushfire.</p>	<p><b>S4.1</b> The use is sited on land that is not in a Bushfire Hazard Area<sup>38</sup>; OR <b>S4.2</b> The use is sited on land that is determined as low bushfire risk by a site specific bushfire hazard assessment;<sup>39</sup></p>
<p><b>Protection of Infrastructure and Community Uses</b> <b>O5</b> Community Uses and Infrastructure Uses, including that identified below, are able to function effectively during and immediately after bushfire events—</p> <ul style="list-style-type: none"> <li>a) <b>Emergency service</b> facilities;</li> <li>b) Hospitals;</li> <li>c) <b>Education Type 4</b> uses, including stores for valuable records or items of historic or cultural significance; and</li> <li>d) <b>Service and utility</b> uses, including electricity substations, major electrical depots and water treatment plants.</li> </ul>	<p><b>S5.1 Community Uses and Infrastructure Uses</b> are not located in Bushfire Hazard Area ; OR <b>S5.2</b> Building work will not involve more than an additional 20m<sup>2</sup> of <i>gross floor area</i> to an existing building; OR <b>S5.3</b> Where located in a Bushfire Hazard Area , uses are designed to function effectively during and immediately after bushfire events and have direct access to low hazard evacuation routes<sup>40</sup>.</p>

<sup>36</sup> PSP1 details information Council may request including the preparation of a site specific geotechnical analysis prepared by a registered professional to demonstrate the achievement of the solution to the satisfaction of the Council.

<sup>37</sup> In accordance with Section 12 of the *Building Regulation* 2006, any building assessment work in a designated bush fire prone area must comply with the bushfire protection provisions of the BCA. Land shown as Bushfire Hazard Area on the overlay maps is designated as the bushfire prone area for the purposes of the *Building Regulations* 2006. The bushfire hazard area includes land covered by the very high, high and medium bushfire hazard areas as well as the buffer area category on the overlay maps.

<sup>38</sup> If probable solution S4.1 or S4.2 is complied with no further action is required. PSP1 details information Council may request to determine whether or not the site is in a Bushfire Hazard Area, as well as information relating to the preparation a Bushfire Management Plan. Appendix 9 of the SPP Guidelines: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide provides more information on Bushfire Management Plans.

<sup>39</sup> A site specific bushfire hazard assessment is necessary to demonstrate that although the site is identified within a Bushfire Hazard Area, the bushfire risk is low as per PSP1 detailing the site specific assessment of bushfire risk prepared in accordance with Appendix 3 of the SPP Guidelines: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.

<sup>40</sup> PSP1 details information Council may request for determining whether or not the site is in a Bushfire Hazard Area, as well as information relating to the preparation a Bushfire Management Plan. Appendix 9 of the SPP Guidelines: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide provides more information on Bushfire Management Plans.



column 1 Specific Outcomes	column 2 Probable solutions
<p><b>Hazardous materials</b> <b>O6</b> Public safety and the environment are not adversely affected by the detrimental impacts of bushfire on hazardous materials manufactured or stored in bulk.</p>	<p><b>S6.1</b> Hazardous materials are not manufactured and stored in a Bushfire Hazard Area.</p>
<b>13.34 Siting, design and construction</b>	
<p><b>O7</b> Uses and works including building works are sited, designed and constructed to—</p> <ul style="list-style-type: none"> <li>a) minimise the number of people and property subject to bushfire risk; and</li> <li>b) maximise the protection of people and property during the passage of a fire front.</li> </ul>	<p><b>S7.1</b> Uses and works including building works are sited—</p> <ul style="list-style-type: none"> <li>a) on lots greater than 2500m<sup>2</sup>; <ul style="list-style-type: none"> <li>i) in locations of lowest hazard within the lot (Figure 13.5 provides guidance); and</li> <li>ii) to achieve setbacks from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 10m whichever is the greater; and</li> <li>iii) 10m from any retained vegetation strips or small areas of vegetation; and</li> <li>iv) so that the elements of the development least susceptible to fire are sited closest to the bushfire hazard;</li> </ul> </li> <li>b) on lots 2500m<sup>2</sup> or less - to maximise setbacks from hazardous vegetation<sup>37</sup></li> </ul>
<b>13.35 Water supply for fire fighting</b>	
<p><b>O8</b> An adequate and accessible water supply is provided for fire fighting purposes can be accessed by fire fighting appliances.</p>	<p><b>S8.1</b> For premises not in a <i>water service area</i>— each lot has an accessible dam, swimming pool or water tank accessible by the fire brigade that contains at least 5000 litres of water.</p>

column 1 Specific Outcomes	column 2 Probable solutions
<b>13.36 Vehicle access and fire trails</b>	
<p><b>Firebreaks and fire access tracks</b></p> <p><b>O9</b> Firebreaks or fire access tracks provide—</p> <ul style="list-style-type: none"> <li>a) adequate access for fire fighting and other emergency vehicles; and</li> <li>b) adequate width to minimise the risk of fire crossover.</li> </ul>	<p><b>S9.1</b> Firebreaks are provided by—</p> <ul style="list-style-type: none"> <li>a) a cleared road reserve not less than 20m wide located around the perimeter of the development;</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>b) <i>fire access tracks</i> between the development and surrounding vegetated lands that—               <ul style="list-style-type: none"> <li>i. are a minimum cleared width of 6m;</li> <li>ii. have a maximum grade of 1 in 8 (12.5%) ;</li> <li>iii. have a formed pavement;</li> <li>iv. have access at each end and in other locations where necessary;</li> <li>v. have passing areas and turning areas;</li> <li>vi. have clearly identified access points for emergency vehicles; and</li> <li>vii. are located on public land or within access easements that are granted in favour of the Noosa Council and the Queensland Fire and Rescue Service.<sup>41</sup></li> </ul> </li> </ul>
<b>13.37 Reconfiguring a Lot</b>	
<p><b>General</b></p> <p><b>O10</b> The safety of people and property are maintained by</p> <ul style="list-style-type: none"> <li>a) Locating house site areas and other sensitive uses on that part of the land least affected by the bushfire hazard; and</li> <li>b) fire mitigation methods are used that are adequate for the Potential Bushfire Hazard rating of the individual site, having regard to –               <ul style="list-style-type: none"> <li>i. vegetation type;</li> <li>ii. slope;</li> <li>iii. aspect;</li> <li>iv. on-site and off-site fire hazard implications of the development;</li> <li>v. bushfire history;</li> <li>vi. conservation values of the site; and</li> <li>vii. ongoing maintenance.</li> </ul> </li> </ul>	<p><b>S10.1</b> The proposed lots are not located on land that is subject to Bushfire Hazard<sup>42</sup>;</p> <p>OR</p> <p><b>S10.2</b> The proposed lots are sited on land determined as low bushfire risk by a site specific bushfire hazard assessment.<sup>43</sup></p> <p>AND</p> <p><b>S10.3</b> Additional lots are not created where their only vehicular access route is through a Bushfire Hazard area .</p>

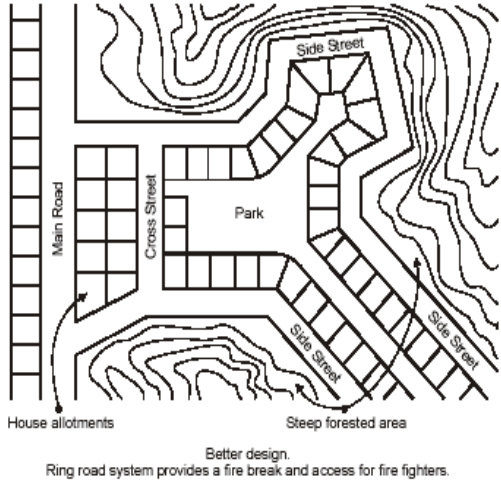
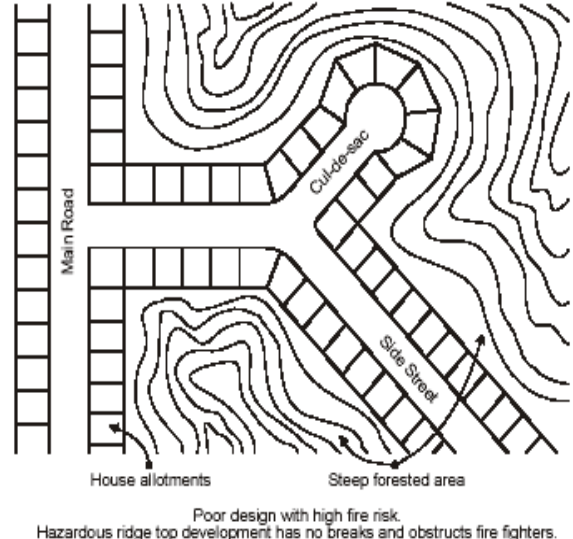
<sup>41</sup> Where Council has not previously approved a Bushfire Management Plan for premises, Council may request the proponent to prepare a plan, as per *PSP1 Information Council May Request*. Appendix 9 of the SPP Guideline: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide provides more information on Bushfire Management Plans.

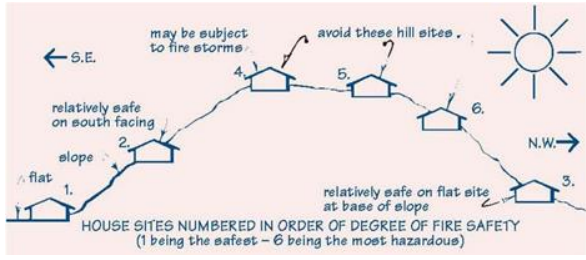
<sup>42</sup> *PSP1* details information Council may request to determine whether or not the land is in a Bushfire Hazard Area.

<sup>43</sup> A site specific bushfire hazard assessment is necessary to demonstrate that although the site is identified within a Bushfire Hazard Area, the bushfire risk is low as per *PSP1* detailing the site specific assessment of bushfire risk prepared in accordance with Appendix 3 of the SPP Guidelines: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide.

column 1 Specific Outcomes	column 2 Probable solutions
<p><b>Firebreaks and fire access tracks</b>  <b>O11</b> Firebreaks or fire access tracks provide—</p> <ul style="list-style-type: none"> <li>a) adequate access for fire fighting and other emergency vehicles; and</li> <li>b) adequate width to minimise the risk of fire crossover.</li> </ul>	<p><b>S11.1</b> Firebreaks are provided by—</p> <ul style="list-style-type: none"> <li>a) a cleared road reserve not less than 20m wide located around the perimeter of the subdivision, between the created lots and surrounding vegetated lands;</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>b) <i>fire access tracks</i> (may be in the form of an access easement) between the created lots and surrounding vegetated lands that— <ul style="list-style-type: none"> <li>i. are a minimum cleared width of 6m;</li> <li>ii. have a formed pavement;</li> <li>iii. have access at each end and in other locations where necessary;</li> <li>iv. have passing areas and turning areas;</li> <li>v. have clearly identified access points for emergency vehicles; and</li> <li>vi. are located on public land or within access easements that are granted in favour of the Noosa Council and the Queensland Fire and Rescue Service<sup>44</sup>.</li> </ul> </li> </ul>

<sup>44</sup> Where Council has not previously approved a Bushfire Management Plan for premises, Council may request the proponent to prepare a plan, as per *PSP1 Information Council May Request*. Appendix 9 of the SPP Guideline: Mitigating the Adverse Impacts of Flood, Bushfire and Landslide provides more information on Bushfire Management Plans.

column 1 Specific Outcomes	column 2 Probable solutions
<p><b>Road network</b>  <b>O12</b> Roads provide for the safe and effective evacuation of users of premises and access by Emergency services.</p>	<p><b>S12.1</b> Cul-de-sacs or no-through roads are not used in the street network unless—</p> <ul style="list-style-type: none"> <li>a) a perimeter road reserve with a minimum reserve width of 20m and a formed width of not less than 6m is provided; <b>or</b></li> <li>b) cul-de-sacs or no-through roads are provided with fire trails or access easements, capable of being navigated by conventional vehicles, that link to through roads (see Figures 13.3 and 13.4);</li> </ul> <p>AND</p> <p><b>S12.2</b> Roads have a maximum grade of 1 in 8 (12:5%).</p> <p><b>Figure 13.3—Consistent road network and lot layout</b></p>  <p><b>Figure 13.4—Inconsistent road network and lot layout</b></p> 

column 1 Specific Outcomes	column 2 Probable solutions
<p><b>Lot design</b>  <b>O13</b> Lot design and building siting minimises bushfire hazard to people and property having regard to slope, aspect, existing vegetation and adequate separation from hazardous vegetation.</p>	<p><b>S13.1</b> Each residential lot—</p> <ol style="list-style-type: none"> <li>a) includes a house site area, identified on the plan of subdivision;</li> <li>b) is of sufficient size and dimensions to accommodate a dwelling and <i>ancillary</i> buildings and <i>use areas</i>;</li> <li>c) for lots more than 2,500m—             <ol style="list-style-type: none"> <li>i. conform with the principles for house site numbers 1, 2 or 3 shown in Figure 13.5; and</li> <li>ii. are separated from hazardous vegetation for a distance the minimum of 1.5 times the predominant mature canopy height or 10m, whichever is the greater; and</li> </ol> </li> <li>d) for lots less than 2,500m<sup>2</sup>, maximise separation of buildings from hazardous vegetation.</li> </ol> <p><b>S13.2</b> Residential lots are designed so that their size and shape allow for efficient emergency access to buildings for fire fighting appliances (e.g. by avoiding long narrow lots with long access driveways).</p> <p><b>Figure 13.5—House sites in bushfire hazard areas</b></p> 

**Table 13.10 Flood Hazard areas**

column 1 Specific Outcomes	column 2 Probable solutions
<b>13.38 Flood Plain Protection, Immunity and Safety</b>	
<p><b>Hazardous materials</b>  <b>O14</b> Development avoids the release of hazardous materials into floodwaters and the environment.</p>	<p><b>S14.1</b> Materials manufactured or stored on-site are not hazardous or noxious, or comprise materials that may cause a detrimental effect on the environment if discharged in a flood event; or</p> <p><b>S14.2</b> Structures used for the manufacture or storage of hazardous materials are—            a) located above the defined flood level; or            b) designed to prevent the intrusion of floodwaters<sup>45</sup>.</p>
<p><b>Essential network infrastructure</b>  <b>O15</b> Essential network infrastructure (e.g. electricity, water supply, sewerage and telecommunications) maintains effective function during and immediately after flood events.</p>	<p><b>S15.1</b> Components of the essential network infrastructure that are likely to fail or may result in contamination when affected by flood water—            a) comply with Table 13.12; or            b) are designed and constructed to exclude water inundation or infiltration and resist hydrostatic and hydrodynamic forces as a result of inundation.</p>
<p><b>O16</b> Community Uses and Infrastructure Uses are able to function effectively during and immediately after flood events.</p>	<p><b>S16.1 Community Uses and Infrastructure Uses</b> are sited and constructed to ensure that floor levels comply with flood immunity requirements specified in Table 13.12;</p> <p>OR</p> <p><b>S16.2 Essential community infrastructure</b> which is located below the specified flood immunity requirements—            a) is designed and constructed to function effectively during and immediately after the recommended flood level flood event; and            b) has an emergency rescue area above the <i>probable maximum flood</i> if it is for <i>emergency services</i> (including emergency shelters, police facilities, hospitals and associated facilities).</p>

<sup>45</sup> Refer to the *Work Health and Safety Act* 2011 and associated Regulation and Guidelines, the *Environmental Protection Act* 1994 and the relevant building assessment provisions under the *Building Act* 1975 for requirements related to the manufacture and storage of hazardous substances.

column 1 Specific Outcomes	column 2 Probable solutions
<p><b>Development siting and design</b></p> <p><b>O17</b> Development provides that for all flood events up to and including the <i>defined flood event</i>—</p> <ul style="list-style-type: none"> <li>a) the safety of people on the site is protected;</li> <li>b) the capacity to use land in the flood plain is not adversely affected; and</li> <li>c) the risk of damage to property on the site is avoided or minimised as far as practicable.</li> </ul> <p>AND</p> <p><b>O18</b> All lots have sufficient area that is above the <i>define flood event</i> flood level or where modelling is not available, the highest recorded flood level, to safely and adequately accommodate the intended use;</p> <p>AND</p> <p><b>O19</b> Development is undertaken in a manner that ensures—</p> <ul style="list-style-type: none"> <li>a) natural hydrological systems are protected;</li> <li>b) natural landforms and drainage lines are maintained to protect the hydraulic performance of waterways; and</li> <li>c) development integrates with the natural landform rather than modifying the landform to suit the development;<sup>46</sup></li> </ul>	<p><b>S17.1</b> No probable solution.</p> <p><b>S18.1</b> The minimum area above flood level for each lot, is in accordance with Table 13.13; AND</p> <p><b>S18.2</b> Where the existing roads servicing a development provide a specific flood immunity (as determined by the Qld Transport Road and Drainage Design Manual, Queensland Urban Drainage Manual and the Australian Rainfall and Runoff Guide), all lots have access to the flood free area identified in Table 13.13 that matches the road immunity;</p> <p>AND</p> <p><b>S19.1</b> Flood immunity for development areas is not achieved by filling land below the 1% <i>AEP</i> (1:100 year <i>ARI</i>) flood level; <b>or</b></p> <p><b>S19.2</b> Where modelling is not available, flood immunity for development areas is not achieved by filling land below the highest recorded flood level.</p>
<p><b>O20</b> Development does not compromise the safety of people resulting from residual flood risk associated with events that exceed the <i>defined flood event</i>, up to and including the <i>probable maximum flood</i>.</p>	<p><b>S20.1</b> Development provides an effective evaluation route that remains passable, with sufficient flood warning time, to enable people to progressively evacuate to safe areas above the <i>probable maximum flood</i> in the face of advanced flood waters for events exceeding the <i>defined flood event</i>;</p> <p>OR</p> <p><b>S20.2</b> Development provides for an area of sufficient size and dimensions on site above the <i>probable maximum flood</i> that allows for safe congregation and refuge.</p>

<sup>46</sup> PSP 1 outlines information Council may request for development within an area identified as Flood Hazard Area.

column 1 Specific Outcomes	column 2 Probable solutions
<p><b>Earthworks</b>  <b>O21</b> Filling or excavation only occurs where it—</p> <ul style="list-style-type: none"> <li>d) results in the protection, rehabilitation and repair of <i>ecologically important areas, watercourses, drainage lines and wetlands</i>; and</li> <li>e) does not adversely impact on the overall hydrology, hydraulics and flood capacity of the waterway, and does not result in a reduction in flood storage capacity.</li> <li>f) does not adversely impact on water levels on properties elsewhere.</li> </ul>	<p>No solution provided.</p>
<p><b>Flood impacts</b>  <b>O22</b> Development does not directly, indirectly or cumulatively alter the flood characteristics external to the development site for all flood events up to and including the <i>defined flood event</i> based on—</p> <ul style="list-style-type: none"> <li>a) current climate conditions; and</li> <li>b) incorporating an appropriate allowance for the predicted impacts of climate change.</li> </ul>	<p><b>S22.1</b> In the Flood Hazard area, as identified on the Natural Hazards Overlay Maps, or in areas otherwise determined to be subject to the <i>defined flood event</i>—</p> <ul style="list-style-type: none"> <li>a) there is no loss of on-site flood storage capacity; and</li> <li>b) all changes to level, depth, duration and velocity of floodwaters are contained within the site for all flood events up to and including the <i>defined flood event</i> based on current climate and predicted impacts of climate change at 2100.</li> </ul>



column 1 Specific Outcomes	column 2 Probable solutions
<p><b>Building design and building form</b>  <b>O23</b> Development ensures that building design and built form accounts for the potential flood risks and are resilient to flood events by—</p> <ul style="list-style-type: none"> <li>a) ensuring building materials used have high water resistance and will improve the resilience of a building during and after a flood event; and</li> <li>b) maintaining a functional and attractive street front address appropriate to the intended use.</li> </ul>	<p><b>S23.1</b> Buildings and materials and surface treatments used below the <i>defined flood event</i> are resilient to water damage and do not include wall cavities that may be susceptible to the intrusion of water and sediment;</p> <p><b>S23.2</b> Buildings are designed to integrate well with the street level and the levels of adjoining properties to facilitate pedestrian flows and visual and physical connectivity between the footpath and ground floors;</p> <p><b>S23.3</b> Buildings incorporate appropriate screening to ensure that any under-storey is not visible from the street, where such screening does not impede flood water flows;</p> <p><b>S23.4</b> Residential buildings minimise risk from flooding by providing parking and other low intensive, non-habitable uses at ground level;</p> <p><b>S23.4</b> Non-residential buildings and structures are oriented to the street by activating the street frontage with appropriate uses and urban design treatments such as recessed wall treatments, screening or landscaping, whilst allowing for flow through of flood waters on the ground floor.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b>Editor's note</b>  <i>The use of flood resilient building materials is also encouraged in areas above the defined flood event (up to the probable maximum flood (PMF) to reduce the consequences of flooding associated with events larger than the defined flood event.</i></p> </div>
<p><b>Disaster Management</b>  <b>O24</b> Development supports, and does not unduly burden, disaster management response or recovery capacity or capabilities.</p>	<p><b>S24.1</b> Development does not—</p> <ul style="list-style-type: none"> <li>a) increase the number of people calculated to be at risk from flooding;</li> <li>b) increase the number of people likely to need evacuation;</li> <li>c) shorten flood warning times; or</li> <li>d) impact on the ability of traffic to use evacuation routes, or unreasonably increase traffic volumes on evacuation routes.</li> </ul>

**Table 13.12—Flood levels and flood immunity requirements**

Type of development	Flood level (Define Flood Event <sup>47</sup> ) for a 2100 planning period
<b>General</b>	
Business uses	1% AEP
Residential uses	1% AEP
Community Use Education Type 1 Childcare, Type 2 School	0.5% AEP
Other uses, unless specified below	1% AEP
<b>Community Uses that are essential community infrastructure (recommended flood level)</b>	
Emergency service facilities, other than police station <sup>48</sup>	0.2% AEP
Hospital and associated facilities	0.2% AEP
Police facilities	0.5% AEP
Stores of valuable records or items of historic or cultural significance	0.5% AEP
<b>Infrastructure Uses that are essential community infrastructure (recommended flood level)</b>	
Major switch yards and substation	0.5% AEP
Power facilities <sup>49</sup>	0.2% AEP
Sewerage treatment plant <sup>50</sup>	0.01% AEP
Water treatment plant	0.5% AEP
<b>Hazardous materials</b>	
Hazardous materials	1% AEP

<sup>47</sup> The Defined Flood Event is the nominated recurrent event at the end of the nominated planning period.

<sup>48</sup> Some emergency service and police facilities (e.g. water police and search and rescue operations) are dependent on direct water access. The flood levels do not apply to these aspects but other operational areas should be located above the recommended flood level to the greatest extent feasible

<sup>49</sup> Some emergency service and police facilities (e.g. water police and search and rescue operations) are dependent on direct water access. The flood levels do not apply to these aspects but other operational areas should be located above the recommended flood level to the greatest extent feasible.

<sup>50</sup> For a sewerage treatment plant the recommended flood level applies only to components that are likely to fail or may result in contamination.

**Table 13.13—Minimum size of flood free *house site areas* or *development areas* for lots**

Zone	Minimum <i>house site area</i> or other <i>development areas</i> required above the modelled flood level of the 1% AEP (1:100 year <i>ARf</i> ) water surface levels or where not modelled, above the highest known flood level
Detached Housing	100% of <i>allotment</i>
Semi-attached Housing	100% of <i>allotment</i>
Attached Housing	100% of <i>allotment</i>
Visitor Mixed Use	100% of <i>allotment</i>
Neighbourhood Centre	100% of <i>allotment</i>
Business Centre	400m <sup>2</sup>
Village Mix	400m <sup>2</sup>
Community Services	450m <sup>2</sup>
Industry	1,000m <sup>2</sup>
Rural Settlement	1,000m <sup>2</sup> plus additional area required for effluent disposal
Rural	1,000m <sup>2</sup> plus additional area required for effluent disposal
Open Space Recreation	1,000m <sup>2</sup> or 10% of the total site area, whichever is the greater.
Open Space Conservation	n/a

**Table 13.14 Acid sulfate soil areas**

column 1 Specific Outcomes	column 2 Probable solutions
<b>13.39 Effects of works</b>	
<p><b>General</b> <b>O25</b> Works do not disturb acid sulfate soils or are managed to avoid the release of acid or associated metal contaminants.<sup>51</sup></p>	<p><b>Partial solution</b> <b>S25.1</b> The disturbance of acid sulfate soils is avoided by—</p> <ul style="list-style-type: none"> <li>a) not excavating or otherwise removing soil or sediment identified as containing acid sulfate soils;</li> <li>b) not permanently or temporarily extracting groundwater that results in the aeration of previously saturated acid sulfate soils; and</li> <li>c) not undertaking filling that results in actual acid sulfate soils being moved below the watertable or previously saturated acid sulfate soils being aerated;</li> </ul> <p>OR</p> <p><b>S25.2</b> The disturbance of acid sulfate soils avoids the release of acid or associated metal contaminants by—</p> <ul style="list-style-type: none"> <li>a) neutralising existing acidity and preventing the generation of acid and associated metal contaminants; and</li> <li>b) preventing the release of surface or groundwater flows containing acid or associated metal contaminants into the environment.</li> </ul>

<sup>51</sup> PSP1 Details information Council may request to assist in the assessment of whether or not the application achieves the relevant specific outcomes.

## **Division 10— Natural Resources Overlay Code**

### **13.40 Natural Resources Overlay Code**

The provisions in this division comprise the Natural Resources Overlay Code. They are—

- compliance with the Natural Resources Overlay Code (section 13.41);
- overall outcomes for the Natural Resources Overlay Code (section 13.42);
- specific outcomes for the Natural Resources Overlay Code (sections 13.43—13.48);

### **13.41 Compliance with the Natural Resources Overlay Code**

Development that is consistent with the specific outcomes in sections 13.42—13.48 complies with the Natural Resources Overlay Code.

### **13.42 Overall outcomes for the Natural Resources Overlay Code**

13.42.1 The overall outcomes are the purpose of the Natural Resources Overlay Code.

13.42.2 The overall outcomes sought for the Natural Resources Overlay Code are—

- a) for agricultural land conservation areas—
  - i agricultural land in the rural zone is protected from fragmentation, alienation or diminished agricultural productivity
  - ii good quality agricultural land in the rural zone is protected for agricultural uses;
  - iii the use of good quality agricultural land for agriculture is not adversely affected by other forms of development; and
  - iv uses that are able to be located elsewhere do not locate within agricultural land conservation areas;
- b) for extractive resource areas—
  - i development ensures that resource/processing areas and transport routes are protected from encroaching development that is not a compatible extractive industry use of the extractive resource area.
  - ii development for a sensitive or incompatible use maintains an effective separation from a key resource area and does not encroach within a key resource area's separation area and its transport route separation area.
  - iii development, other than for an extractive industry, is buffered from and is able to mitigate impacts likely to occur as a result of an extraction of resources from a extractive resource area.
  - iv a high level of amenity for residents and land uses in the vicinity of extractive resources, extractive industry operations and transportation routes is maintained;
- c) for water supply catchment areas—
  - i Lake Macdonald and Cedar Pocket dam water supplies are not adversely affected by development or the effects of development
  - ii the Mary River drinking water intake is not adversely affected by development or the effects of development;

- iii any development that is unavoidable within the water supply catchment is planned, designed, constructed and operated to manage stormwater, wastewater and any other pollutants in a manner which contributes to maintaining and improving the water quality in those catchments;
  - iv costs of water treatment and infrastructure maintenance are minimised;
  - v the expected life of dam infrastructure is maximised; and
  - vi the visual amenity of Lake Macdonald is not adversely affected by development; and
- d) for areas in proximity to existing and future bulk water supply infrastructure and corridors (including easements):
- i development does not compromise the corridor integrity, and the efficient delivery and functioning of the identified infrastructure; and
  - ii bulk water infrastructure is protected from encroachment by sensitive land uses where practicable.
- e) for areas in proximity to gas pipelines—
- i development does not compromise the safety of people or property and is located to avoid dangers associated with gas pipelines; and
  - ii development does not adversely affect the operation of gas pipelines and the supply of gas; and
- f) for Coastal Protection Areas, development —
- i does not adversely impact upon natural coastal processes; and
  - ii is designed and sited to protect the natural beach experience and visual amenity enjoyed by residents and others.

### 13.43 Specific outcomes for the Natural Resources Overlay Code

The specific outcomes sought for the Natural Resources Overlay Code are included in column 1 of Tables 13.13—13.17. Probable solutions for code assessment development are included in column 2 of Tables 13.13—13.17.

**Table 13.15 Agricultural land conservation areas**

column 1 Specific Outcomes	column 2 Probable solutions
<b>13.44 Effects of use &amp; subdivision</b>	
<p><b>Reconfiguring a Lot</b></p> <p><b>O1</b> Development does not result in the fragmentation of agricultural lands.</p> <p><b>O2</b> Boundary realignments maintain or improve the opportunity for sustainable agricultural production on <i>Agricultural Land Conservation Areas</i>.</p>	<p><b>S1.1</b> Land located within the <i>Agricultural Land Conservation Areas</i> identified on Overlay Maps OM1.5—9.5 is not further subdivided.</p> <p><b>S2.1</b> Realignment of boundaries of a lot on, or adjacent to, <i>Agricultural Land Conservation Area</i>:</p> <ul style="list-style-type: none"> <li>i) results in a number of lots equal to or less than the total number of original lots;</li> <li>ii) results in a more productive use and management of agricultural land and water for agricultural uses;</li> </ul>

column 1 Specific Outcomes	column 2 Probable solutions
<p><b>O3</b> Lots created for urban settlement or rural settlement in the vicinity of Rural Zone land, provide sufficient separation and other buffering to ensure that potential impacts from agricultural activities do not adversely affect—</p> <p>a) community health, safety and amenity; and            b) the continuing use of the agricultural land resource</p>	<p>iii) does not lead to increased fragmentation of agricultural land;            iv) does not increase potential conflict between agricultural and non-agricultural uses; and</p> <p><b>S3.1</b> An adequate <i>buffer area</i> is designed and located in accordance with the State Interest Guideline on Agriculture and the 1997 <i>Planning Guidelines – Separating Agricultural and Residential Land Uses</i></p>
<p><b>Location of incompatible uses</b>  <b>O4</b> Uses that permanently alienate agricultural land from production are not located within the Agricultural Land Conservation Areas identified on Overlay Maps OM1.5—9.5.</p>	<p>No solution provided<sup>52</sup></p>
<p><b>Separation of incompatible uses</b>  <b>O5</b> Adequate separation is provided between existing or potential Agricultural Uses on land within an Agricultural Land Conservation Area and incompatible land uses.</p>	<p><b>S5.1</b> A distance of not less than 500m separates the use and any area identified as Agricultural Land Conservation Area on Overlay Maps OM1.5—OM9.5;            OR  <b>S5.2</b> <i>Buffer areas</i> and <i>buffer elements</i> not less than those calculated in accordance with Section 3 of the 1997 <i>Planning Guidelines: Separating Agricultural and Residential Land Uses</i> are provided and maintained to separate the use and any area identified as Agricultural Land Conservation Area on Overlay Maps OM1.5-OM9.5.</p>

**Table 13.16 Extractive resource areas**

column 1 Specific Outcomes	column 2 Probable solutions
<b>13.45 Effects of use</b>	
<p><b>Key or Local Resource/processing area</b>  <b>O6</b> Development or use of premises within the resource/processing area is compatible with the—</p> <p>a) winning of the extractive resource;            b) ongoing operation or expansion of existing or potential <b>Extractive uses</b>; and            c) safe and efficient transport of materials to and from <b>Extractive use</b> sites.</p>	<p><b>S6.1</b> Development within the <b>resource/processing area</b> is for <b>Extractive uses</b> or directly associated with <b>Extractive uses</b>;            OR  <b>S6.2</b> Development is for other uses that would not constrain existing or future <b>Extractive uses</b>.</p>

<sup>52</sup> *PSP1* Details information Council may request to assist in the assessment of whether or not the application achieves the relevant specific outcomes.

column 1 Specific Outcomes	column 2 Probable solutions
<p><b>Resource/processing separation area</b>  <b>O7</b> Development within the resource/processing separation area—</p> <ul style="list-style-type: none"> <li>a) does not increase the number of people living in the separation area; and</li> <li>b) incorporates measures which avoid or mitigate adverse impacts from the winning and transportation of the extractive resource; and</li> <li>c) does not compromise the function of the separation area in providing a buffer between <b>Extractive uses</b> and other uses.</li> </ul>	<p><b>S7.1</b> No additional lots are created within either Key Resource Areas or Local Resource Areas shown on Overlay Maps OM1.5—OM9.5.<sup>53</sup></p> <p><b>S7.2</b> Development incorporates design, orientation and construction materials that mitigate the potential adverse effects from an existing or future extractive industry to acceptable levels by:</p> <ul style="list-style-type: none"> <li>a) locating buildings and structures the greatest distance practicable from the resource/processing area and associated transportation route,</li> <li>b) designing buildings so the areas where people live, work and congregate (habitable rooms) are furthest from the resource/processing area and associated transportation route,</li> <li>c) minimising openings in walls closest to extractive operations,</li> <li>d) providing mechanical ventilation to habitable rooms,</li> <li>e) use of appropriate construction methods and materials including insulation and glazing materials, and</li> <li>f) providing private outdoor recreation space adjacent to a building façade shielded from the extractive industry or resource.</li> </ul> <p><b>Editor’s note:</b>  <i>Where lots have land both within and outside the separation area, a residential use of the lot may be approved provided dwellings are located outside the separation areas. Plans lodged with Council shall include building envelopes that identify the location of the dwelling.</i></p>

<sup>53</sup> PSP1 outlines information Council may request for development within either Key Resource Areas or Local Resource Areas

column 1 Specific Outcomes	column 2 Probable solutions
<p><b>Haulage routes separation area</b>  <b>O8</b> Development does not adversely affect the safe and efficient operation of vehicles transporting extractive materials.</p>	<p><b>S8.1</b> Development does not increase the number of properties with access points to the haulage routes shown on Overlay Maps OM1.5—OM9.5.            OR  <b>S8.2</b> Development access points are designed to ensure the safe and efficient operation of vehicles transporting extractive materials.</p>
<p><b>Design and operation</b>  <b>O9</b> The design and operation of extractive resource uses minimises and mitigates the potential for adverse impacts on environmentally sensitive areas and amenity of existing uses.</p>	<p>No solution provided</p>
<p><b>Extractive Resources</b>  <b>O10</b> Industrial business Type 3 Extractive are designed, located and operated to ensure—</p> <ul style="list-style-type: none"> <li>a) haulage routes<sup>54</sup> associated with extractive resources—               <ul style="list-style-type: none"> <li>i are located on roads where the haulage route will minimise adverse impacts on residential and urban residential amenity;</li> <li>ii are located on roads which are of adequate construction, or may be upgraded, to a standard commensurate with the volume, type and nature of the vehicular traffic utilising the haulage route; and</li> <li>iii are adequately maintained as a part of the utilisation of the extractive resource;</li> </ul> </li> <li>b) the utilisation of any extractive resource does not result in adverse visual impacts from major roads; and</li> <li>c) the rehabilitation of extractive industry sites, prior to or in conjunction with land use changes on the site of the resources or within buffers to the resource.</li> </ul>	<p>No solution provided</p>

<sup>54</sup> Some haulage routes associated with the **Extractive use** are identified within either the Key Resource Area or Local Resource Area shown on Overlay Maps OM1.5-OM9.5.



**Table 13.17 Water supply catchment areas**

column 1 Specific Outcomes	column 2 Probable solutions
<b>13.46 Effects of uses and works</b>	
<p><b>Water quality and quantity</b>  <b>O11</b> Development does not have adverse effects on the quality or quantity of water entering Lake Macdonald, Cedar Pocket dam or their tributaries or on the Mary River drinking water intake, including effects on—</p> <ul style="list-style-type: none"> <li>a) nutrient or other chemical levels; and</li> <li>b) sediment loads; and</li> <li>c) turbidity.</li> </ul> <p><b>O12</b> Development in water supply buffer areas is undertaken in a manner which contributes to maintaining and improving the water quality in those catchments.</p>	<p><b>S11.1</b> No solution provided.</p> <p><b>S12.1</b> Development complies with the <i>Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments</i>.</p>
<p><b>Buffering to Lake Macdonald and its tributaries</b>  <b>O13</b> The buffering and filtering function of riparian zones adjacent to Lake Macdonald and its tributaries is maintained or improved.</p>	<p><b>S13.1</b> For land used for <b>Animal husbandry</b> and adjoining Lake Macdonald and its tributaries—</p> <ul style="list-style-type: none"> <li>a) properties are fenced to prevent stock accessing the <i>riparian zone</i>, Lake Macdonald or its tributaries; and</li> <li>b) stock watering points are not located on <i>watercourses</i>;</li> </ul> <p>AND  <b>S13.2</b> <i>Riparian vegetation</i> is retained.</p>
<p><b>Visual amenity of Lake Macdonald</b>  <b>O14</b> The visual amenity of Lake Macdonald, its foreshores and immediate surrounds are maintained or improved including views—</p> <ul style="list-style-type: none"> <li>a) from the lake; and</li> <li>b) to the lake and beyond when viewed from private lands and from public areas, including the Botanic Gardens.</li> </ul>	<p>No solution provided.</p>

**Table 13.18 Areas in proximity to Water Supply Infrastructure**

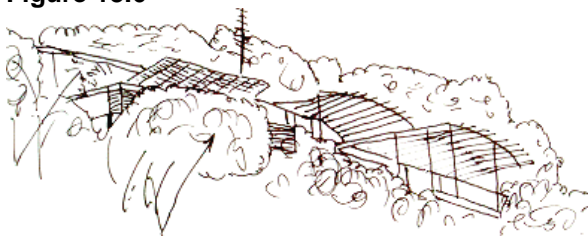
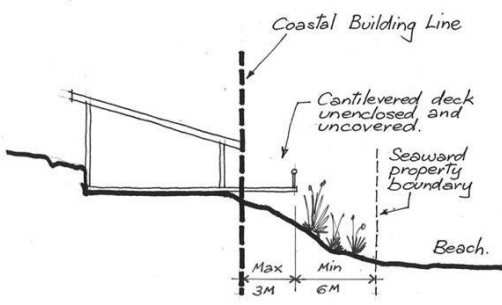
column 1 Specific Outcomes	column 2 Probable solutions
<b>13.47 Effects of uses and works</b>	
<p><b>O15</b> Existing water supply infrastructure, including pipeline corridor, is protected from incompatible development to ensure the safety and reliability of water supply network.</p>	<p><b>S15.1</b> Buildings and structures are setback a minimum of 20m from a water supply pipeline as shown on Overlay Map OM3.5.</p>

**Table 13.19 Areas in proximity to gas pipelines<sup>55</sup>**

column 1 Specific Outcomes	column 2 Probable solutions
<b>13.48 Effects of uses and works</b>	
<p><i><b>General</b></i>  <b>O16</b> Adequate separation is provided between the use or works and the gas pipeline.</p> <p><b>O17</b> Uses and works are constructed and operated to avoid damaging or adversely affecting the operation of the pipeline and the supply of gas.</p>	<p><b>S16.1</b> The use does not result in an increase in the number of people living or congregating within 200m of the gas pipeline shown on Overlay Maps OM3.5 or OM5.5; AND</p> <p><b>S16.2</b> The use does not involve the storage of flammable, explosive or other hazardous materials within 200m of the gas pipeline shown on Overlay Maps OM3.5 or OM5.5.</p> <p><b>S17.1</b> No solution provided</p>

<sup>55</sup> PSP1 outlines information Council may request in relation to development in proximity to gas pipelines.

**Table 13.20 Coastal Protection Areas**

<b>13.49 Coastal Protection Areas</b>	
<p><b>O18</b> The siting and design of development and materials used within the Coastal Protection Area, as identified on the Natural Resources Overlay Maps, do not cause any significant adverse impacts on the coastal resources of the location nor interrupt the natural cycles of erosion and accretion of foreshore areas and beaches.</p> <p>AND</p> <p><b>O19</b> Buildings, structures and works within the Coastal Protection Area that are visible from the beach—</p> <ol style="list-style-type: none"> <li>a) are designed to protect the character of the beachfront when viewed from the water and integrate with the surrounding natural landscape and skyline vegetation (see Figure 13.6); and</li> <li>b) are finished predominately in colours and hues of the surrounding natural landscape.</li> </ol> <p><b>Figure 13.6</b></p>  <p>AND</p> <p><b>O20</b> Buildings and other structures including swimming pools and retaining walls do not extend seaward of the coastal building line<sup>56</sup> except—</p> <ol style="list-style-type: none"> <li>a) uncovered and unenclosed cantilevered balconies that do not extend greater than 3m seaward of the coastal building line; and</li> <li>b) are setback a minimum of 6m from the seaward boundary (See Figure 13.7).</li> </ol> <p>AND</p> <p><b>O21</b> Where a coastal building line does not exist on properties fronting the beachfront or a reserve adjoining the beachfront— buildings, other structures and retaining walls are setback a minimum of 6m from the seaward boundary of the site.</p>	<p><b>S18.1</b> A mix of native landscaping, such as ground covers, shrubs and trees, is provided for a width of 5m from the seaward or rear boundary of the site to provide adequate landscape buffering to protect the coastal dune system<sup>57</sup>.</p> <p><b>S19.1</b> A mix of native landscaping, such as ground covers, shrubs and trees, is provided for a width of 5m from the seaward or rear boundary of the site to provide adequate landscape buffering to protect the character of the beachfront.<sup>58</sup></p> <p><b>S20.1</b> No solution provided.</p>  <p><b>Figure 13.7</b></p> <p><b>S21.1</b> No solution provided.</p> <p><b>Editor's note:</b> The following is a useful guide for ensuring that</p>

<sup>56</sup> Maps showing the Coastal Building Lines can be viewed at the Noosa Council offices.

<sup>57</sup> Refer to the Table 3.1 & 3.2 of *PSP3 Landscaping Plants and Guidelines* for suitable coastal species.

<sup>58</sup> Refer to the Table 3.1 & 3.2 of *PSP3 Landscaping Plants and Guidelines* for suitable coastal species.

<p>AND</p> <p><b>O22</b> Rear fences adjacent to the beachfront within the Coastal Protection Area are designed and sited to be sympathetic with the visual amenity of the beachfront and do not degrade the natural beachfront character.</p>	<p><i>buildings blend with the natural surrounds:</i></p> <p><i>External building materials that are lightweight and comprise predominantly timber or board, stainless steel, glass, and corrugated iron will generally be more in keeping with the beach/riverside character than concrete rendered block.</i></p> <p><i>Use external colours and roof finishes which are non-reflective and which do not cause glare. Shades that match the colours and tones of surrounding vegetation will ensure the buildings are less visually prominent from the beach or the water.</i></p> <p><i>Appropriate colours will depend on the existing native vegetation and backdrop, but may include muted earth/environmental tones that blend with the natural environment, such as—</i></p> <ul style="list-style-type: none"> <li><i>-green;</i></li> <li><i>- olive green;</i></li> <li><i>- blue green;</i></li> <li><i>- grey green;</i></li> <li><i>- green blue;</i></li> <li><i>- indigo;</i></li> <li><i>- brown;</i></li> <li><i>- blue grey; and</i></li> <li><i>- green yellow.</i></li> </ul> <p><b>S22.1</b> Rear fences adjacent to the beachfront within the Coastal Protection Area incorporate the following—</p> <ol style="list-style-type: none"> <li>a) no more than 1.2m in height; and</li> <li>b) <i>open construction</i> (ie at least 50% transparent);</li> <li>c) lightweight materials (ie timber); and</li> <li>d) dark colours to blend with the natural landscape.</li> </ol> <p>AND</p> <p><b>S22.2</b> Gates are not installed in fences to gain direct access to the beachfront.</p>
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