

6.2.19 Limited Development (Constrained Land) Zone Code

6.2.19.1.Purpose

- (1) The purpose of the zone is to identify land known to be significantly affected by one or more development constraints (such as past or future mining activities, flooding, land contamination, defence requirements, historical subdivisions and buffer areas). Such constraints pose severe restrictions on the ability of the land to be developed for urban purposes.
- (2) The local government purpose is to:
 - (a) Limit the development of historic subdivisions within the identified precincts.
 - (b) Limit future development that may increase risk to life or property to unacceptable levels.
 - (c) Continue the historical practice of minimising development within the floodplain.
- (3) The overall outcomes:
 - (a) Development of vacant small lots in the localities of Manyung, Kinbombi and Cinnabar must demonstrate that there is adequate access to physical and social infrastructure.
 - (b) The limited development potential of land restricts the type, scale and intensity of land uses that are appropriate, which generally include agricultural, open space and recreation, and limited urban uses.
 - (c) Development is of a low intensity and scale and must be reflective and responsive to the flooding constraints of the land and the surrounding land use context.
 - (d) Existing uses may remain however no increases in scale or density of these uses are intended.
 - (e) Development is provided with appropriate infrastructure and services.
 - (f) Development is reflective of and responsive to the environmental constraints of the land.

6.2.19.2.Assessment Benchmarks for Assessable Developments and Requirements for Accepted Development

Table 6. 30 Limited development (constrained land) zone code

Performance Outcomes		Acceptable Outcomes
Section 1 Historic Subdivisions Precinct		
PO1 Development is provided with a full range of urban services.	and and	AO1.1 Reticulated water supply is provided. AO1.2 Reticulated sewerage is provided. AO1.3 Stormwater is discharged to a lawful point of discharge.
PO2 Development occurs on sites with frontage to a gazetted road, constructed to a standard necessary to accommodate traffic generated by the use.		AO2.1 Access is designed and constructed in accordance with the standards contained in Planning Scheme Policy 1: Development Standards.
Section 2 General		
PO3 Development is compatible with the level of flood hazard identified for the site. Editor's note: a detailed site-based flood investigation will be required to identify the flood hazard anticipated for the subject site.		AO3.1 The scale and/or intensity of uses is not increased. Where an increase is proposed, a report prepared by a suitably qualified person, demonstrates that the proposed development does not increase the risk to people or property from a natural hazard, particularly flooding.
PO4 Development reflects and is consistent with the established character and land use pattern of the surrounding area.		AO4.1 No Acceptable Outcome specified.

Performance Outcomes	Acceptable Outcomes
<p>PO5 Development siting and layout responds to flooding potential and maintains personal safety at all times.</p>	<p>AO5.1 New buildings are: (a) located outside the zone; or (b) building floor levels of habitable rooms must be at or above the flood hazard level.</p> <p>and</p> <p>AO5.2 A safe evacuation route off the site is provided, incorporating appropriate signage on site indicating the position and path of the route.</p> <p>Editor's Note:</p> <ol style="list-style-type: none"> 1. Building work in a designated flood hazard overlay area must meet the requirements of the relevant building assessment provisions under the <i>Building Act 1975</i>. 2. Gympie Regional Council has made resolutions under section 13 of the <i>Building Regulation 2006</i> designating a flood hazard management areas and the level to which habitable rooms of buildings must be built. This information, as well as the Final Report for Gympie Regional Flood Study (February 2012) is available by contacting Council on 1300 307 800. 3. Determining theoretical flood lines for major floods involves making a number of assumptions. The flood lines on the plans represent a best estimate based on information available for each catchment at that time, and may be changed as more information becomes available.
<p>PO6 Development is resilient to flood events by ensuring design and built form account for the potential risks of flooding.</p>	<p>Residential buildings:</p> <p>AO6.1 Dwelling houses are not constructed as single storey slab on ground.</p> <p>and</p> <p>AO6.2 Only non-habitable rooms (e.g. garages, laundries) are located on the ground floor of other residential development.</p> <p>and</p> <p>AO6.3 Screening is used to ensure that the understorey is not visible from the street.</p> <p>and</p> <p>AO6.4 Orientation to the street is achieved by ensuring that the stairs to the dwelling and at least one habitable room overlook the street.</p> <p>and</p> <p>AO6.5 Ground floors are constructed using resilient building materials and allow for the flow through of flood water.</p> <p>Non-residential buildings:</p> <p>AO6.6 Non-residential buildings and structures:</p> <ol style="list-style-type: none"> (a) orient to the street by activating the street frontage through ground floor commercial uses or urban design treatments such as recess wall treatments, screening and/or landscaping; and (b) allow for the flow through of flood water on the ground floor.

Performance Outcomes	Acceptable Outcomes
	and AO6.7 Resilient building materials are used in accordance with the relevant building assessment provisions.
PO7 Development directly, indirectly and cumulatively avoids any significant increase in water flow, velocity or flood level, and does not increase the potential for flood damage either on site or other properties.	AO7.1 Works associated with the proposed development do not involve: (a) any physical alteration to a watercourse or floodway including vegetation clearing; or (b) a nett increase in filling.
PO8 Development avoids the release of hazardous materials into floodwaters.	or AO8.1 Materials manufactured or stored on site are not hazardous in nature. AO8.2 Hazardous materials and any associated manufacturing equipment are located above the adopted flood level.
PO9 Community infrastructure is able to function effectively during and immediately after flood events.	AO9.1 No Acceptable Outcome specified.
Section 3 Advertising devices	
PO10 Advertising devices: (a) are of a scale and appearance that reflect the established character of the zone; and (b) maintain the safety of pedestrian and transport networks.	and AO10.1 Advertising devices do not occur unless on the same premises and in direct association with a lawful business or community activity. and AO10.2 The combined maximum signface area does not exceed 1m ² per site. and AO10.3 The maximum height does not exceed 2.4m above ground level. and AO10.4 The advertising device is wholly contained within the boundaries of the lot. and AO10.5 The advertising device is not a moving sign.
Section 4 For development affected by one or more overlays	
Heritage and neighbourhood character	
PO11 Existing Local Heritage Places (identified as Heritage Character – Local on the Heritage and Neighbourhood Character Overlay Map) are conserved.	AO11.1 Development incorporates the retention and productive reuse of a Local Heritage Place (identified as Heritage Character – Local on the Heritage and Neighbourhood Character Overlay Map).
Potential and actual acid sulfate soils	
PO12 Where development involves: (a) excavating or otherwise removing 100m ³ or more of soil or sediment, or	AO12.1 The disturbance of acid sulfate soils is avoided by:

Performance Outcomes	Acceptable Outcomes
<p>(b) filling of land with more than 500m³ of material with an average depth of 0.5m or greater, the disturbance of potential or actual acid sulfate soils is avoided or appropriately managed to mitigate the release of acid and metal contaminants.</p> <p>Editor's Note: Excavating or otherwise removing more than 1,000m³ of soil or sediment or using more than 1,000m³ of material as fill triggers referral to the Chief Executive administering the <i>Land Act 1994</i> as an advice agency.</p>	<p>(a) not excavating or otherwise removing soil or sediment identified as containing acid sulfate soils;</p> <p>(b) not permanently or temporarily extracting groundwater that results in the aeration of previously saturated acid sulfate soils;</p> <p>(c) not undertaking filling that results in actual acid sulfate soils being moved below the watertable or previously saturated acid sulfate soils being aerated.</p> <p>or</p> <p>AO12.2 The disturbance of acid sulfate soils avoids the release of acid or associated metal contaminants by:</p> <p>(a) neutralising existing acidity and preventing the generation of acid and associated metal contaminants; and</p> <p>(b) preventing the release of surface or groundwater flows containing acid or associated metal contaminants into the environment.</p>
Conservation significant areas	
<p>PO13 Development avoids or minimises adverse impacts on areas of conservation significance.</p>	<p>AO13.1 Development occurs outside the overlay area.</p> <p>or</p> <p>AO13.2 Development is compatible with the values of the conservation significant area.</p> <p>or</p> <p>AO13.3 Where development within a conservation significant area is unavoidable, measures are incorporated to protect and retain the ecological values and underlying ecosystem processes within or adjacent to the development site to the greatest extent practicable.</p> <p>and</p> <p>AO13.4 Buffer areas are to be maintained or where possible rehabilitated.</p> <p>Editor's Note: This buffer does not apply to equipment such as pumps that are necessary to access water.</p>
Bushfire	
<p>PO14 Development maintains the safety of people and property, including the function of community infrastructure, during and immediately after bushfire events.</p>	<p>AO14.1 Development is not located in areas identified as a High or Medium bushfire hazard area.</p> <p>or</p>

Performance Outcomes	Acceptable Outcomes
	<p>AO14.2 Road access for fire-fighting appliances and firebreaks are provided through a perimeter road that separates the use from areas of bushfire hazard and that road has a minimum cleared width of 20 metres;</p> <p>and</p> <p>AO14.3 For a development requiring MCU involving new or existing buildings with a gross floor area greater than 50m² where a reticulated water supply is not available and a water tank is provided for the purpose of household water supply, one tank within 100m of each class 1, 2, 3 or 4 building has:</p> <ul style="list-style-type: none"> (a) fire brigade tank fittings; and (b) if the buildings are in a high or medium risk area identified in the bushfire hazard overlay, the building's take off connection from the tank is at a level that allows 5,000 litres to be dedicated for fire fighting purposes.
<p>PO15 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>AO15.1 No Acceptable Outcome identified.</p>