

9 Development codes

9.4.1.8 Limited development zone

9.4.1.8.1 Purpose - Limited development zone

1. The purpose of this part of the Reconfiguring a lot code is to facilitate and manage the outcomes of development for reconfiguring a lot and its associated Operational Works in the Limited development zone, to achieve the Overall Outcomes.
2. The purpose of this part of the code will be achieved through the overall outcomes as identified in Part 9.4.1 - Reconfiguring a lot code and the following additional Limited development zone specific overall outcomes:
 - a. Reconfiguring a lot in the Limited development zone is for Park⁽⁵⁷⁾ or Permanent plantation⁽⁵⁹⁾ purposes only or ensures that lots have sufficient area outside of the zone for development consistent in the adjoining zone.
 - b. Reconfiguring a lot avoids areas subject to constraint, limitation, or environmental values. Where reconfiguring a lot cannot avoid these identified areas, it responds by:
 - i. adopting a 'least risk, least impact' approach when designing, siting and locating development to minimise the potential risk to people, property and the environment;
 - ii. ensuring no further instability, erosion or degradation of the land, water or soil resource;
 - iii. maintaining environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of environmental offsets, landscaping and facilitating safe wildlife movement through the environment;
 - iv. protecting native species and protecting and enhancing native species habitat;
 - v. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance;
 - vi. establishing effective separation distances, buffers and mitigation measures associated with major infrastructure to minimise adverse effects on sensitive land uses from noise, dust and other nuisance generating activities;
 - vii. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of major infrastructure;
 - viii. Ensuring effective and efficient disaster management response and recovery capabilities.
 - c. The Reconfiguring a lot, Operational works associated with the Reconfiguring a lot, and uses expected to occur as a result of the Reconfiguring a lot:
 - i. responds to the risk presented by overland flow and minimises risk to personal safety;
 - ii. is resilient to overland flow impacts by ensuring the siting and design accounts for the potential risks to property associated with overland flow;
 - iii. does not impact on the conveyance of overland flow up to and including the Overland Flow Defined Flood Event;
 - iv. directly, indirectly and cumulatively avoids an increase in the severity of overland flow and potential for damage on the premises or to a surrounding property.
 - d. Reconfiguring a lot achieves the intent and purpose of the Limited development zone outcomes as identified in Part 6.

9.4.1.8.2 Criteria for assessment

Part S - Criteria for assessable development - Limited development zone

Table 9.4.1.8.1 Assessable development - Limited development zone

Performance outcomes	Acceptable outcomes
General criteria	
PO1	No acceptable outcome provided.

Performance outcomes	Acceptable outcomes
Reconfiguring a lot does not create lots wholly contained within the Limited development zone unless for the purposes of Park ⁽⁵⁷⁾ or Permanent plantation ⁽⁵⁹⁾ .	
<p>PO2</p> <p>Reconfiguring for any purpose other than Park⁽⁵⁷⁾ or Permanent plantation⁽⁵⁹⁾ ensures appropriate building area outside of the Limited development zone to support land uses consistent with the adjoining zone.</p>	No acceptable outcome provided.
Boundary realignment	
<p>PO3</p> <p>Boundary alignments ensure that infrastructure and services are wholly contained within the lot they serve.</p>	No acceptable outcome provided.
<p>PO4</p> <p>Boundary realignment does not result in existing land uses on-site becoming non-compliant with planning scheme requirements.</p> <p>Note - Examples may include but are not limited to:</p> <ol style="list-style-type: none"> a. minimum lot size requirements; b. setbacks; c. parking and access requirements; d. servicing and Infrastructure requirements; e. dependant elements of an existing or approved land use being separately titled, including but not limited to: <ol style="list-style-type: none"> i. Where premises is approved as Multiple dwelling⁽⁴⁹⁾ with a communal open space area, the communal open space cannot be separately titled as it is required by the Multiple dwelling approval. ii. Where a commercial or industrial land use contains an ancillary office⁽⁵³⁾, the office⁽⁵³⁾ cannot be separately titled as it is considered part of the commercial or industrial use. iii. Where a Dwelling house⁽²²⁾ includes a secondary dwelling or associated outbuildings, they cannot be separately titled as they are dependent on the Dwelling house⁽²²⁾ use. 	No acceptable outcome provided.
<p>PO5</p> <p>Boundary realignment results in lots which have appropriate size, dimensions and access to cater for uses consistent with the zone.</p>	No acceptable outcome provided.

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Performance outcomes	Acceptable outcomes
<p>PO6</p> <p>Boundary realignment does not place future development in areas of increased natural hazard risk, unless for Park⁽⁵⁷⁾ or Permanent plantation⁽⁵⁹⁾.</p> <p>Note - The Flood Hazard Overlay and Coastal Hazard Overlay allocate areas of risk for development within the respective flood planning area and coastal planning area.</p>	<p>No acceptable outcome provided.</p>

Historic Version
MBRC Planning Scheme v1