

6.2.8 Limited development zone code

6.2.8.1 Application - Limited development zone

This code applies to assessing development in the Limited development zone, if:

1. self-assessable or assessable development where this code is an applicable code identified in the assessment criteria column of a table of assessment (Part 5);
2. impact assessable development (Part 5).

When using this code, reference should be made to section 5.3.2 Rules for determining the level of assessment and, where applicable, section 5.3.3 Rules for determining the assessment criteria located in Part 5.

6.2.8.2 Purpose - Limited development zone

1. The purpose of the Limited development zone code is to:
 - a. Identify land known to be affected by extremely unacceptable intolerable flood and/or storm tide risks which pose severe restrictions on the ability of land to be developed for urban purposes.
 - b. Limit any further urban development and promote transition of existing uses away from the areas of extremely unacceptable intolerable risk.
2. The Limited development zone seeks to implement the policy direction set in part 3, Strategic Framework.
3. The purpose of the code will be achieved through the following overall outcomes:
 - a. Development is compatible with the nature of the constraints present on the land.
 - b. Development is limited to avoid the extremely unacceptable intolerable risk of the flood hazard for both an existing lawful use and new development.
 - c. Supports, and does not unduly burden the disaster management response and recovery capacity and capabilities during and after significant flood events.
 - d. Provides for efficient evacuation of on site persons and facilitates direct and simple access for evacuation personnel and resources during flood events, while ensuring development does not hinder or place additional complexities upon evacuation activities for a surrounding property.
 - e. Avoids isolation of persons for flood events up to and including the Defined Flood Event.
 - f. Provides for siting, built form, layout, and access (including evacuation access) which responds to the risk of the flood hazard and minimises risk to personal safety in all flood hazard events up to and including the Defined Flood Event.
 - g. Is resilient to flood events by ensuring the siting and design of development accounts for the potential risks to property associated with flood hazards.
 - h. Directly, indirectly and cumulatively avoids an increase in the severity of flood hazards and potential for damage on the premises or to a surrounding property or elsewhere in the floodplain.
 - i. Involving essential community infrastructure remains functional during and immediately after a flood event up to and including the Defined Flood Event.
 - j. Avoids the accidental release of hazardous materials as a result of a flood event.
 - k. Maintains natural processes and the protective function of landforms and vegetation.
 - l. Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:

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- i. adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value 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. when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.
- iv. maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:
 - A. the provision of replacement, restoration, rehabilitation planting and landscaping;
 - B. the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;
 - C. the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.
- v. protecting native species and protecting and enhancing species habitat;
- vi. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance;
- vii. establishing effective separation distances, buffers and mitigation measures associated with identified infrastructure to minimise adverse effects on sensitive land uses from odour, noise, dust and other nuisance generating activities;
- viii. establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat;
- ix. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of identified infrastructure;
- x. ensuring effective and efficient disaster management response and recovery capabilities;
- xi. where located in an overland flow path:
 - A. development siting, built form, layout and access responds to the risk presented by the overland flow and minimises risk to personal safety;
 - B. development is resilient to the impacts of overland flow by ensuring the siting and design accounts for the potential risks to property associated with the overland flow;
 - C. development does not impact on the conveyance of the overland flow for any event up to and including the 1% AEP for the fully developed upstream catchment;
 - D. development directly, indirectly and cumulatively avoid an increase in the severity of overland flow and potential for damage on the premises or other premises, public lands, watercourses, roads or infrastructure.

m. Development in the Limited development zone includes the following:

<ul style="list-style-type: none"> • Outdoor sport and recreation⁽⁵⁵⁾ • Cropping⁽¹⁹⁾ - where involving forestry for wood production 	<ul style="list-style-type: none"> • Park⁽⁵⁷⁾ 	<ul style="list-style-type: none"> • Permanent Plantation⁽⁵⁹⁾
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n. Development in the Limited development zone does not include one or more of the following:

<ul style="list-style-type: none"> • Adult store⁽¹⁾ • Agricultural supplies store⁽²⁾ • Air services⁽³⁾ 	<ul style="list-style-type: none"> • Hardware and trade supplies⁽³²⁾ • Health care services⁽³³⁾ 	<ul style="list-style-type: none"> • Research and technology industry⁽⁶⁴⁾ • Residential care facility⁽⁶⁵⁾
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<ul style="list-style-type: none"> • Animal keeping⁽⁵⁾ • Bar⁽⁷⁾ • Brothel⁽⁸⁾ • Bulk landscape supplies⁽⁹⁾ • Car wash⁽¹¹⁾ • Caretaker's accommodation⁽¹⁰⁾ • Cemetery⁽¹²⁾ • Child care centre⁽¹³⁾ • Club⁽¹⁴⁾ • Community care centre⁽¹⁵⁾ • Community residence⁽¹⁶⁾ • Community use⁽¹⁷⁾ • Crematorium⁽¹⁸⁾ • Detention facility⁽²⁰⁾ • Dual occupancy⁽²¹⁾ • Dwelling house⁽²²⁾ • Dwelling unit⁽²³⁾ • Educational establishment⁽²⁴⁾ • Emergency services⁽²⁵⁾ • Food and drink outlet⁽²⁸⁾ • Function facility⁽²⁹⁾ • Funeral parlour⁽³⁰⁾ • Garden centre⁽³¹⁾ 	<ul style="list-style-type: none"> • High impact industry⁽³⁴⁾ • Home based business⁽³⁵⁾ • Hospital⁽³⁶⁾ • Indoor sport and recreation⁽³⁸⁾ • Intensive animal industry⁽³⁹⁾ • Intensive horticulture⁽⁴⁰⁾ • Low impact industry⁽⁴²⁾ • Major electricity infrastructure⁽⁴³⁾ • Major sport, recreation and entertainment facility⁽⁴⁴⁾ • Medium impact industry⁽⁴⁷⁾ • Motor sport facility⁽⁴⁸⁾ • Multiple dwelling⁽⁴⁹⁾ • Nightclub entertainment facility⁽⁵¹⁾ • Non-resident workforce accommodation⁽⁵²⁾ • Office⁽⁵³⁾ • Outdoor sales⁽⁵⁴⁾ • Parking station⁽⁵⁸⁾ • Place of worship⁽⁶⁰⁾ • Relocatable home park⁽⁶²⁾ • Renewable energy facility⁽⁶³⁾ 	<ul style="list-style-type: none"> • Resort complex⁽⁶⁶⁾ • Retirement facility⁽⁶⁷⁾ • Rooming accommodation⁽⁶⁹⁾ • Rural industry⁽⁷⁰⁾ • Rural workers' accommodation⁽⁷¹⁾ • Sales office⁽⁷²⁾ • Service industry⁽⁷³⁾ • Service station⁽⁷⁴⁾ • Shop⁽⁷⁵⁾ • Shopping centre⁽⁷⁶⁾ • Short-term accommodation⁽⁷⁷⁾ • Showroom⁽⁷⁸⁾ • Special industry⁽⁷⁹⁾ • Substation⁽⁸⁰⁾ • Telecommunications facility⁽⁸¹⁾ • Theatre⁽⁸²⁾ • Tourist attraction⁽⁸³⁾ • Tourist park⁽⁸⁴⁾ • Transport depot⁽⁸⁵⁾ • Veterinary services⁽⁸⁷⁾ • Warehouse⁽⁸⁸⁾ • Wholesale nursery⁽⁸⁹⁾ • Winery⁽⁹⁰⁾
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- o. Development not included in the tables above may be considered on its merits and where it reflects and supports the outcomes of the zone.

6.2.8.3 Criteria for assessment

There is no self-assessable development in the Limited development zone. Development is either code or impact assessable development. Where development is impact assessable, the assessment criteria becomes the whole of the planning scheme.

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Part A - Criteria for assessable development - Limited development zone

Table 6.2.8.1 Assessable development - Limited development zone

Performance outcomes	Acceptable outcomes
General criteria	
<p>PO1</p> <p>New buildings are not located in the Limited development zone and any other building work is only minor building work.</p>	No acceptable outcome provided
<p>PO2</p> <p>Hazardous chemicals are not stored in the Limited development zone.</p>	No acceptable outcome provided
<p>PO3</p> <p>Community infrastructure is not located in the Limited development zone.</p>	No acceptable outcome provided
<p>PO4</p> <p>On-site landscaping is provided, that:</p> <ol style="list-style-type: none"> a. is incorporated into the design of the development; b. does not involve fill; c. does not result in loss of flood storage or changes to flow paths; d. reduces the dominance of car parking and servicing areas from the street frontage; e. incorporates shade trees in car parking areas; f. retains mature trees wherever possible; g. contributes to quality public spaces by providing shelter and shade contributing to the microclimate; h. maintains the achievement of active frontages and sightlines for casual surveillance. <p>Note - Landscaping is to be provided in accordance with Planning scheme policy - Integrated design.</p>	No acceptable outcome provided
<p>PO5</p> <p>The planting of vegetation is undertaken in accordance with the revegetation specifications outlined in Planning scheme policy - Integrated design.</p>	No acceptable outcome provided

Editor's note - Notes may be included within a performance outcome or acceptable outcome highlighting other legislation to be complied with. For example, an Australian standard to support an acceptable outcome or local laws, or providing guidance on interpretation of a performance outcome.

Historic Version
MBRC Planning Scheme v1