Division 2: Open Space Zone

About the Open Space Zone

- The Open Space Zone, as mapped on Maps A1 & A2, contains those areas of the Shire predominantly used for, or conserved for State Forests, National Parks, and Timber reserves, and includes some areas provided as buffers between incompatible land uses, and other areas of sport and recreational value.
- The Open Space Zone contains a distinct sub area, being:
 - o the Open Space Long Island Environmental Reserve Area; and
 - o the Duck Pond Reserve.

The Open Space Code regulates new uses and works in relation to their impacts on the natural values of the environment, separation distances between incompatible land uses, their scale and location

4.2.1 Assessment tables for the Open Space Zone

(1) Assessment categories for the Open Space Zone

The assessment categories¹⁵ are identified for development in the Open Space Zone in Column 2 of Tables 4.2.1(1) and 4.2.1(2) as follows:

- (a) Table 4.2.1(1)—making a material change of use¹⁶ for a defined use, or another use in a defined use class, listed in Column 1; or
- (b) Table 4.2.1(2)—other development¹⁷ listed in Column 1, including:
 - (i) operational work;
 - (ii) reconfiguring a lot; and
 - (iii) carrying out operational work for reconfiguring a lot.

(2) Relevant assessment criteria for self assessable and assessable development in the Open Space Zone

The relevant assessment criteria in the Open Space Zone are referred to in Column 3 of Tables 4.2.1(1) and 4.2.1(2).

For self-assessable development and development requiring code assessment, the relevant assessment criteria are applicable codes.

¹⁷ See Fitzroy Shire Planning Scheme Explanatory Notes giving examples that explain the type of development involved in different proposals.



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¹⁵ Information about assessment categories is provided in the Fitzroy Shire Planning Scheme User's Guide.

Works associated with an application for a material change of use may be assessed together with the material change of use. Also, see Fitzroy Shire Planning Scheme Explanatory Notes giving examples that explain the type of development involved in different proposals.

TABLE 4.2.1 (1) ASSESSMENT CATEGORIES AND RELEVANT ASSESSMENT CRITERIA FOR THE OPEN SPACE ZONE MAKING A MATERIAL CHANGE OF USE			
Column 1 Defined use or use class ¹⁸¹⁹	Column 2 Assessment Category- (where Self Assessable development Solutions in the applicable codes, it requires Code assessment. Refer to Section 1.2.9)	Column 3 Relevant criteria ²⁰ - is the applicable codes for self assessable and code assessable development.	
Rural Use Class			
Agriculture	Self assessable where for the purposes of forestry	Open Space Zone Code ; Development Standards Code; and Animals Code	
	Impact assessable if the criteria for self assessable development do not apply		
Animal Husbandry/Grazing	Self assessable where: 1. For the purposes of keeping of bees or grazing; and 2. Located in a State Forest or Timber Reserve	Open Space Zone Code ; Development Standards Code; and Animals Code	
	Impact assessable if the criteria for self assessable development do not apply		
All other uses in the Rural Use Class	Impact assessable		
Residential Use Class			
Caretaker's Residence	Code assessable	Open Space Zone Code; Development Standards Code	
All other uses in the Residential Use Class	Impact assessable		
Commercial Use Class			
Outdoor Entertainment	Code assessable	Open Space Zone Code; Development Standards Code	
All other uses in the Commercial Use Class	Impact assessable		
Industrial Use Class			
All uses in the Industrial Use Class	Impact assessable		
Community Use Class			
Open space	Evenet	N/A	
Public Facility - Operational	Exempt	1N/ A	
All other uses in the Community Use Class	Impact assessable		

For impact assessable development the 'relevant assessment criteria' are provided for assistance and in no way affect the regard given to the planning scheme as a whole in accordance with section 3.5.5 of the IPA.



¹⁸ See Dictionary (Division 1 Schedule A (Defined Uses and Use Classes).

Department of Main Roads should be contacted to consent to the access arrangements for any new use with frontage to a State Controlled Road.

TABLE 4.2.1 (2) ASSESSMENT CATEGORIES AND RELEVANT ASSESSMENT CRITERIA FOR THE OPEN SPACE ZONE OTHER DEVELOPMENT			
Column 1 Defined use or use class	Column 2 Assessment Category- (where Self Assessable development Solutions in the applicable codes, it requires Code assessment. Refer to Section 1.2.9)	Column 3 Relevant criteria ²¹ - is the applicable codes for self assessable and code assessable development.	
Operational work			
Works - Roads	Codo assessable		
Works - Bridges	Code assessable		
Works – Structures (eg traffic barriers, pedestrian safety rails, retaining walls and street lighting)	Self assessable		
Works – Earth Dams and Detention Basins	Code assessable		
Works – Stormwater Drainage		Open Space Zone Code; Development Standards Code.	
Works – Site Works	Self assessable		
Works – Erosion Control and Stormwater Management			
Works - Cycleway and Pathway	Code assessable		
Works – Bushfire Protection			
Works – Water	<u> </u>		
Works – Sewerage	Code assessable		
Works – Car Parking and Access			
Works - Parks, Landscaping and Street Trees	Self assessable		
Works – Electricity and Telecommunications	Self assessable		
Reconfiguration of a lot ²²			
All circumstances	Code assessable; 1 Where the size of any additional lots created is; (i) Not more than 5% below, (ii) Equal to, or (iii) Greater than the relevant specified minimum lot sizes in the Reconfiguring a Lot Code; or 2. where no additional lots are created and the proposal is for the rearrangement of existing lot boundaries.	Open Space Zone Code Reconfiguring a Lot Code; and Development Standards – Reconfiguring a Lot Code	
	Impact assessable where circumstances for Code assessable do not apply		
Carrying out operational work for reconfiguring	ng a lot		
All circumstances	Self assessable	Open Space Zone Code Reconfiguring a Lot Code; and Development Standards – Reconfiguring a Lot Code	
Other			
All other development	Exempt		
	<u> </u>	1	

given to the planning scheme as a whole in accordance with section 3.5.5 of the IPA.

Under IPA, Schedule 9, the Reconfiguring of a Lot is exempt and cannot be made self-assessable or assessable by a planning scheme if the proposal is for amalgamating 2 or more lots, for a building format plan that does not subdivide land, in relation to the Acquisition of Land Act 1967, or on Strategic Port Land.



For impact assessable development the 'relevant assessment criteria' are provided for assistance and in no way affect the regard

4.2.2 Open Space Zone Code

(1) Open Space Zone Code

The provisions in this division comprise the Open Space Zone Code. They are:

- (i) the Purpose of the Open Space Zone Code Section (2); and
- (ii) the Specific Outcomes, Probable Solutions and Acceptable Solutions for the Open Space Zone – Table 4.2.2 Open Space Zone.

(2) The Purpose of the Open Space Zone Code

The purpose of the Open Space Zone Code is to achieve the following overall outcomes:

- (i) Environmentally significant habitats are protected from the encroachment of incompatible uses;
- (ii) Land within the Zone is used for, or conserved for one or more of the following;
 - (a) State Forests; and
 - (b) National Parks; and
 - (c) Areas containing significant habitats.
- (iii) Development makes provision for the protection and buffering of areas of cultural and historic significance;
- (iv) Public passive and active recreation activities occur without detrimental impacts on natural values;
- (v) Development for recreational or educational purposes including buildings and works for access, safety or basic amenities occurs where the Specific Outcomes are met;
- (vi) The inclusion of formal sport and recreational facilities such as club houses, sports fields, and arenas, and tourism based development in the Zone only occurs where:
 - (a) such development's location is necessarily and directly associated with the natural features of the land;
 - (b) they are grouped with similar uses in the locality; and
 - (c) the potential impacts on the natural environment and amenity of the area are mitigated;
- (vii) Land capabilities and constraints are recognised by the delineation of different Areas; the overall outcomes for each being specified below:
 - A. The overall outcome of the **Open Space Long Island Environmental Reserve Area** is:
 - (a) the natural values of the Area is retained, without significant impact due to incompatible land uses or due to over use for recreational purposes.

TABLE 4.2.2 OPEN SPACE ZONE CODE

Specific outcomes (S) for Code and Impact assessable development

Probable Solutions (P) for Code and Impact assessable development; and

Acceptable Solutions (A) for Self assessable development. (where Self assessable development does not meet the Acceptable Solutions in the applicable codes, it requires Code assessment. Refer to Section 1.2.9).

All Uses and Works

Environmental Considerations

Ç1

Land uses and works are located and designed so as not to have significant negative impacts on natural values of the environment including;

- (i) Natural fauna and flora habitats;
- (ii) Water quality, watercourse integrity and, ground water resources,
- (iii) Soil and land resources; and
- (iv) Natural landscape features which:
 - (a) Contribute to the diversity of recreation settings; and
 - (b) Provide linkages between open space areas or corridors for path networks.

P/A1.1

All uses and works are setback a minimum of 50m from a river and 25m from a creek, as measured to the top of bank.

P/A1.2

Where the site and any newly created lots are not connected to the reticulated sewerage system, on-site sewerage disposal methods meet;

- (i) the Department of Natural Resources and Mines On-site Severage Code (July 2002) or any subsequent update of that Code; and
- (ii) AS/NZS 1547:2000 On-site Domestic Wastewater Management.

P/A1.3

Any roads or driveways through the site have a maximum width of 9m, measured to include the road, any kerb and channelling and any pedestrian footpath.

P1.4

Development on land within 100m of land in the Open Space Zone does not detrimentally affect the natural values of the Open Space zoned land.

P/A1.5

Land is kept free of declared weeds and noxious plant infestations, as detailed in the Fitzroy Shire Council Pest Management Plan.



TABLE 4.2.2 OPEN SPACE ZONE CODE (continued)

Specific outcomes (S) for Code and Impact assessable development

Probable Solutions (P) for Code and Impact assessable development; and

Acceptable Solutions (A) for Self assessable development. (where Self assessable development does not meet the Acceptable Solutions in the applicable codes, it requires Code assessment. Refer to Section 1.2.9).

All Uses and Works

Amenity

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Land uses and works are integrated with the landform and landscape of the site and surrounding area, particularly in areas of scenic value.

P/A2.1

Buildings, roads, driveways and other works are sited and constructed without the need for cut and fill earthworks.

S3

Land uses and works have no significant impact on the amenity of adjoining premises or surrounding area;

P3.1

No solutions specified

- (i) By their design, orientation or construction materials;
- (ii) Due to the operation of machinery or electrical equipment; or
- (iii) Due to the emission of light, noise, vibration, odour, fumes, smoke, vapour, steam, soot, ash, grit, oil, dust, waste water, waste products, or electrical interference.

S4

Land uses are located such that the potential impacts of noise from major roads and rail lines are reduced.

P/A4.1

Noise sensitive uses23 are located;

- (i)At least 100m from any frontage to a State Controlled Road; OR
- (ii) Are only located within 100m of any frontage to a Main Road where:
 - (a) The Department of Main Roads has consented to the location without conditions; or
 - (b) The Department of Main Roads has set conditions on the development to reduce the impacts of traffic noise and the development is undertaken in accordance with those conditions.

P/A4.2

Noise sensitive uses²⁴ are located

- (i)At least 90m from any frontage to a rail line; OR
- (ii)Bedroom and living areas in residential uses and noise sensitive areas in non residential uses are sited and designed to reduce the impact of all rail noise. This can be achieved through:
- (a)Siting noise affected areas a far away as practicable from the railway corridor noise source; or
- (b)Using roof and wall insulation mechanical ventilation, thickened glass, double glazing of windows and doors; or
- (c)Orientating openings (for example windows and dors) away from the rail corridor noise source; or
- (d) Incorporating noise attenuation barriers such as earth mounds landscaping and fences or walls without gaps between the noise source and the use

OR

Queensland Transport has set conditions on the development to reduce the impacts of railway noise and the development is undertaken in accordance with those conditions.

²⁴ See Administrative Definition of "Noise sensitive uses" contained in Section 2.1.1 Schedule B



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²³ See Administrative Definition of "Noise sensitive uses" contained in Section 2.1.1 Schedule B

TABLE 4.2.2 OPEN SPACE ZONE CODE (continued)

Specific outcomes (S) for Code and Impact assessable development

Probable Solutions (P) for Code and Impact assessable development; and

Acceptable Solutions (A) for Self assessable development. (where Self assessable development does not meet the Acceptable Solutions in the applicable codes, it requires Code assessment. Refer to Section 1.2.9).

All Uses and Works

Separation Distances

S5

Land uses and works are located, and include mitigation measures that:

- (i) Are sufficient to protect the amenity of the area;
- (ii) Are sufficient to protect the capacity for existing and approved uses to continue to operate; and
- (iii) Are sufficient to protect the opportunities for existing and approved uses to expand in allocated /zoned land; and
- (iv) For agricultural uses, are outlined in *Planning Guidelines: Separating Agricultural and Residential Land Uses DNR and DLGP*, 1997;and
- (v) For the keeping of cattle, are outlined in Section 4 of the DPI Reference Manual for the Establishment and Operation of Beef Cattle Feedlots in Queensland, 2000; and
- (vi) For the keeping of poultry, are outlined in the Guidelines for Poultry Farming in Queensland; (vii) For the keeping of pigs, are outlined in the Separation Guidelines for Queensland Piggeries (2001); and
- (vii) for the keeping of pigs, are outlined in the Separation Guidelines for Queensland Piggeries (2001); and
- (viii) For development in proximity to watercourses and water bodies, are outlined in the SEQWATER Development Assessment Guidelines, prepared as a collaboration of State Government Departments;
- (ix) Are consistent with the Guidelines to minimise mosquito and biting midge problems in new development areas, and
- (x) Take into account the following variables;
 - (a) The nature of the proposed land use; and
 - (b) The existing and future amenity of the area; and
 - (c) The existing and future development in the area; and
 - (d)The location of any existing vegetation which would buffer the proposed use; and
 - (e)predominant wind directions; and
 - (f) The topography of the site.

P/A5.1

Uses in the Residential Use Class, except for houses, home host accommodation and home based businesses on lots with an area of 5ha or less, have separation distances between uses in the Residential Use Class and other uses, applicable to both existing and approved uses, in accordance with PART 4 Division 1;

Schedule A – Separation Distances Between Uses in the Residential Use Class and Other Uses (Rural Zone).

S6

Uses in the Residential Use Class are located where they;

- (i) Have access to town or village facilities; and
- (ii) Have services including roads, water supply, sewerage disposal, electricity and telephone services.

P6 1

No solutions specified



TABLE 4.2.2 OPEN SPACE ZONE CODE (continued)

Specific outcomes (S) for Code and Impact assessable development

Probable Solutions (P) for Code and Impact assessable development; and

Acceptable Solutions (A) for Self assessable development. (where Self assessable development does not meet the Acceptable Solutions in the applicable codes, it requires Code assessment. Refer to Section 1.2.9).

All Uses and Works

Building Setbacks

S7

Building setbacks reflect the character of existing development and land uses, and are provided having regard for the following;

- (i) The existing and proposed amenity of the area;
- (ii) The existing or proposed future development in the area;
- (iii) The distance between any constructed road and the proposed building;
- (iv)The distance between any existing buildings on other sites and the proposed building;
- (v)The location of any existing vegetation which would buffer the proposed building; and
- (vi)Any constraints to development due to the topography of the site.

P/A7.1

Buildings and other structures have a minimum road frontage setback of

Building Height

SS

Building height reflects the character of existing development and land uses, and buildings are provided having regard for the following;

- (i) The existing and proposed amenity of the area;
- (ii) The existing or proposed future development in the area;
- (iii) The efficient and safe operation of any airstrips or airfields;
- (iv) The particular characteristics of the proposed building;
- (v) The distance of proposed buildings from roads and other public places from which the building could be viewed;
- (vi)The topography, shape and location of the site; and
- (vii)The location of any existing vegetation which would buffer the proposed building.

P/A8.1

Buildings and other structures have a maximum building height of $8.5\mathrm{m}.$



Division 2: Schedule A: Preparation of an Ecological Assessment Reports and Environmental Management Plans

Preparation of an Ecological Assessment Report

An Ecological Assessment Report is a tool used to provide detailed information about the proposal, the potential ecological impacts of the proposal and the measures proposed to avoid or minimise those potential adverse impacts. As a result each Ecological Assessment Report is specific to the individual proposal.

Report format and content

Where an Ecological Assessment Report is required to accompany the development application, the proponent is strongly encouraged to meet with Council Officers prior to lodgement of the application. This will assist in determining and clarifying the relevant items, identified below, to be addressed in the report. As a general guide the following format and contents description indicates the items required to be detailed:

1. Title and Address of Proposed Development

2. Qualifications of Author

The Ecological Assessment Report should be prepared by a suitably qualified person. References and experience of the author (such as other similar reports prepared by the consultant or consultants) should also be included.

3. State Interests

The report should include reference to any applicable State policy contexts, and the report should address any rare, threatened or endangered species.

4. Overview

The aim of the overview is to provide a clear and concise summary of what is discussed in the report, leaving the reader with a clear understanding of the reports detailed assessment of the proposals potential impacts and measures to minimise the potential adverse impacts. The following may assist in conveying this information.

- Background and scope of proposal summarise the proposed development including the purpose and objectives, addressing the construction and operation of the project and associated infrastructure developments
- Existing environment summarise the features of the physical, biophysical and built environment relating to the proposed development and associated infrastructure
- Potential impacts of the proposed development summarise the main potential impacts of the project (direct, indirect and cumulative), both beneficial and detrimental, and any alternatives, on the existing environment
- Impact monitoring, protection and management procedures summarise the safeguards, standards and
 management procedures proposed to protect the environment, including environmental monitoring
 and the methods proposed to ameliorate or alleviate the potential impacts
- Conclusions summarise the key strategies and measures to the proposal to address any adverse environmental impacts

5. Background and scope of proposal

Outline in detail the purpose and objectives of the proposed development



- Discuss the following to illustrate the background of the proposal:
 - The need for the proposed development or works
 - The history of the proposal's formulation
 - Any alternatives considered and reasons for choosing the preferred option
 - Action already taken to minimise potential adverse impacts
- Provide a description of the project, addressing:
 - The precise nature and scale of works
 - The location and site requirements
 - The plant and/or building layout, size and design and the development staging program
 - The range and quantity of materials to be produced
 - The production process
 - Possible waste discharges
 - On-site works and operations
 - Off-site works and operations
 - Transport systems
 - Infrastructure requirements (water, sewerage, energy, waste disposal)
 - The workforce
 - Project life and time scale for completion
 - The possible future expansion of associated development/works
- Use of resources:
 - detail the implications of the proposal for the use of natural resources, including the quantity and source of water, raw materials and energy to be used

Existing Environment

The existing environment of the site and surrounding areas should be described in sufficient detail to allow the ecological impacts of the proposal to be accurately and adequately assessed, and to provide a baseline against which predicted and future changes can be established. This section shall address features such as, the physical, biophysical and built environment relating to the proposed development and associated infrastructure. The following provides a comprehensive, but not exhaustive, list of elements, which may need to be discussed to enable an adequate assessment on potential ecological impacts.

- Site and locality
- Physical Features including:
 - Landform, Geology and Geomorphology
 - Hydrology (surface water and groundwater)
- Climate



- Water Quality
- Air quality
- Noise environment
- Coastal processes (if applicable)
- Ecological status/significance including:
 - Types, structure and location of vegetation associations on the site and surrounding areas, including measures of foliage cover, health and natural regeneration
 - Species of flora and fauna (aquatic and terrestrial, native and introduced), weed and pest species, including the location and abundance of each species, especially the presence of rare or endangered species
 - Conservation significance local, regional and national status
 - Special ecological values of the site such as refuge habitat, a breeding habitat, a corridor for wildlife movement and use by migratory species
- Social Cultural and Economic Characteristics
- Cultural Heritage status as determined by consulting the Environmental Protection Agency Indigenous sites database and consult with Traditional owners regarding potential impacts to cultural heritage values in the area.
- Landscape Character and Visual Amenity
- Infrastructure, addressing items such as:
 - Transport
 - Water supply
 - Effluent Treatment and Disposal
 - Solid Waste
 - Power and Communications

7. Potential impacts of the development on the existing environment

Identify and detail the nature of any potential impacts, including cumulative impacts of the development on the existing environment including joint resolution of conflicts between economic, social and environmental impacts. These may be adverse or beneficial, direct or indirect, short or long term or incremental and are to be considered for both the construction and operation phases of the development. Detail any irreversible commitment of resources that would be involved if the proposed development is implemented. Discussion on the potential impacts of the development on the existing environment should include potential impacts on:

- Bio/Physical Features including:
 - Geology and geomorphology
 - Hydrology (surface and groundwater)
- Ecological status/significance
- Air quality



- Water Quality
- Noise levels
- Coastal processes
- Cultural heritage sites by the preparation of a cultural heritage survey, in consultation with relevant indigenous owners, by a cultural heritage practitioner under a permit issued by the Environmental Protection Agency pursuant to the Cultural Record (Landscapes Queensland and Queensland Estate) Act 1987; and the preparation of a Cultural Heritage Management Plan
- Infrastructure
- Safety & Risk Assessment including:
 - Potential events
 - Safety program

8. Impact monitoring, protection, risk management and post development management procedures

An environmental management plan should be prepared for the development to outline measures to maintain or monitor potential impacts of a proposal.

9. Consultation

The applicant/consultant should consult with relevant interest groups and parties likely to be affected by the proposal, and issues generated should be documented along with any proposed measures to address these issues.

10. References

- List other reference material and literature used
- List authorities consulted and contributors to the report
- Cross-reference the reference material in the text to allow easier access to information

11. Appendices

- Include detailed technical information collected through the investigation, and
- Include relevant documents or correspondence from Government Authorities.

Environmental Management Plans

An Environmental Management Plan (EMP) seeks to ensure that the potential impacts of development on the environment are adequately controlled. An EMP is a written description of what acceptable levels of environmental impact are intended to be achieved or maintained and how it is proposed to achieve or maintain them. This can include construction, operational and decommissioning stages of a development. EMP's will vary for each site or location based on the different characteristics and issues for each proposal. The EMP allows the Council to assess how the issues associated with a proposal on site will be managed to maintain or enhance its environmental values.

The range of issues that may be addressed in an EMP include, but is not limited to, the following:

Air quality;



- Buffer area management;
- Building/structure conservation or retention;
- Bushfire Risk Management;
- Energy efficiency and management;
- Erosion and sediment control;
- Land Stability;
- Loss of topsoil and associated dust problems;
- Management of activities and events, including monitoring and corrective action;
- Management of the impacts of land uses on surrounding sites;
- Natural and cultural heritage preservation/management;
- Noise control;
- Rehabilitation/landscaping;
- Rehabilitation of sites;
- Resource and waste management;
- Stormwater management;
- Vegetation management;
- Visual amenity;
- Water quality/waterway health; and
- Weed control.

Essential components of an EMP are:

- a) Identify all aspects of the project that require environmental management;
- b) Establishment of agreed performance criteria in relation to environmental and social impacts;
- c) Detailed practical and achievable prevention, minimisation and mitigation strategies (including design
- d) standards) for controlling environmental impacts of the proposal at specific sites;
- e) Details of the proposed monitoring of the effectiveness of remedial measures against the agreed performance criteria based on legislative requirements and government policies. The frequency of monitoring for each parameter and proposed location of monitoring sites should be shown to allow consideration of monitoring in risk assessment;
- f) Detail the features of alternatives investigated and the reasons for choosing the preferred option;
- g) Identify the authority and their responsibility for implementing management measures during both construction and operational stages of a proposal;
- h) Timing (milestones) of environmental management initiatives;

- i) Reporting requirements and auditing responsibilities for meeting environmental performance criteria;
- j) Establish procedures for monitoring and reporting incidents;
- Detail courses of action (and responsibility) for responding to incidents or non-compliance and emergency events which may be detailed or arise; and
- l) Corrective actions to rectify any deviation from performance standards.

The following provides a guide to the type of information that might be included in an EMP and how it could be structured.

Suggested Environmental Management Plan Format

Introduction

- Description of the development proposal;
- The need for the EMP in relation to the development;
- Structural scope.

Aims of the EMP

- Provide a framework for practically addressing and monitoring the significant environmental impacts of the proposal;
- Compliance with legislative requirements and government policies; and
- Evidence that the works and operations are being conducted in an environmentally responsible manner.

Identification of Environmental Issues or Environmentally Impacting Activities and Associated Management Actions

For each issue or environmentally impacting activity outline the following:

- Policy for addressing the issue/activity;
- Performance criteria;
- Implementing strategy;
- Monitoring program; and
- Details of how reporting will influence mitigation measures and how reporting is to take place.

