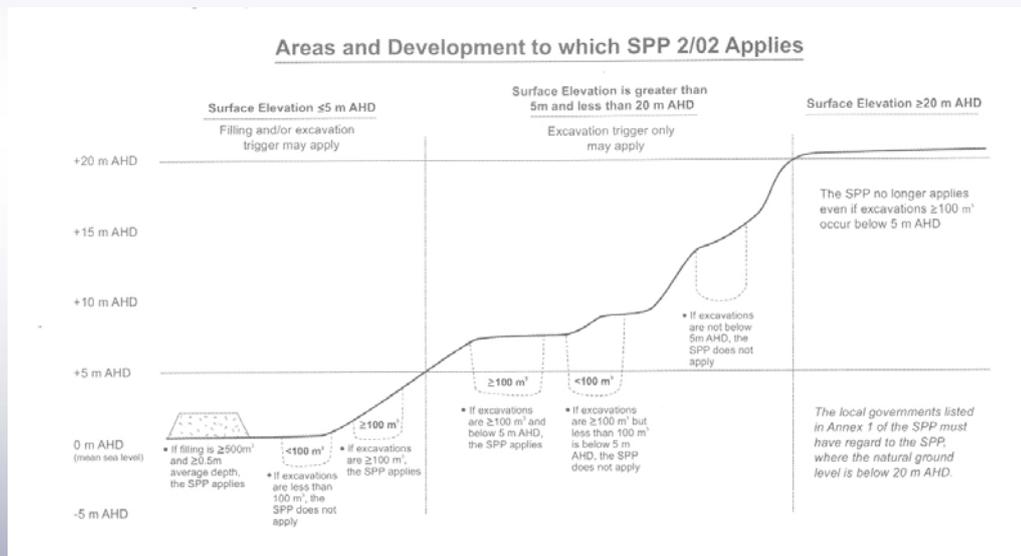


PART 5

OVERLAYS**About the Natural Features and Conservation Overlays**

- The Natural Features and Conservation Overlays comprise the following;
 - (i) The Wetlands Overlay;
 - (ii) The Heritage Places Overlay;
 - (iii) The Acid Sulfate Soil Overlay; and
 - (iv) The Erosion Prone Land Overlay.
- The Wetlands Overlay regulates development which occurs in areas of Inland or Marine wetlands, as shown by maps B13, B14 & B15 and within 100 metres of these wetlands.
- The Heritage Places Overlay regulates development which occurs on the site of premises contained on the Queensland Heritage Register, as shown by Map B16.
- The Acid Sulfate Soil Overlay regulates development which occurs in areas below 5 metres AHD, or in which the activity affects soil and sediment below 5 metres AHD where the natural ground level of the land is below 20 metres as identified in *State Planning Policy 2/02: Planning and Managing Development Involving Acid Sulfate Soils* and indicated below.



This Overlay applies throughout the Shire as shown, in part, by Maps B19 and B20.

- The Erosion Prone Land Overlay regulates development which is on erosion prone land, as shown by Map B21.

5.1.1 Assessment Tables for the Natural Features and Conservation Overlays Code**(1) Assessment Categories for the Natural Features and Conservation Overlays Code**

The assessment categories⁷⁸ are identified for development in the Natural Features and Conservation Overlays in Column 2 of Tables 5.1.1(1) and 5.1.1(2) as follows:

- (a) Table 5.1.1(1)—making a material change of use⁷⁹ for a defined use, or another use in a defined use class, listed in Column 1; or
- (b) Table 5.1.1(2)—other development⁸⁰ listed in Column 1, including:
 - (i) Operational work, including but not limited to, filling and excavating, clearing of vegetation, and the placing of advertising devices;
 - (ii) Reconfiguring a lot;
 - (iii) Carrying out operational work for reconfiguring a lot.

(2) Relevant assessment criteria for self assessable and assessable development in the Natural Features and Conservation Overlays

The relevant assessment criteria in the Natural Features and Conservation Overlays are referred to in Column 3 of Tables 5.1.1(1) and 5.1.1(2).

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

⁷⁸ Information about assessment categories is provided in the Fitzroy Shire Planning Scheme User's Guide.

⁷⁹ 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.

⁸⁰ See Fitzroy Shire Planning Scheme Explanatory Notes giving examples that explain the type of development involved in different proposals.

TABLE 5.1.1 (1) ASSESSMENT CATEGORIES AND RELEVANT ASSESSMENT CRITERIA FOR THE NATURAL FEATURES AND CONSERVATION OVERLAYS – MAKING A MATERIAL CHANGE OF USE		
Column 1 Defined use or use class ⁸¹	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 ⁸² - is the applicable codes for self assessable and code assessable development.
WETLANDS OVERLAY		
Rural Use Class		
Aquaculture Intensive Animal Husbandry Kennels and Catteries Rural Dwelling Stock Saleyard Agriculture Intensive Agriculture	Code assessable	Natural Features and Conservation Overlays Code – Wetlands Overlay
All other uses in the Rural Use Class	Exempt	N/A
Residential Use Class		
All uses in the Residential Use Class	Code assessable	Natural Features and Conservation Overlays Code – Wetlands Overlay
Commercial Use Class		
All uses in the Commercial Use Class	Code assessable	Natural Features and Conservation Overlays Code – Wetlands Overlay
Industrial Use Class		
All uses in the Industrial Use Class	Code assessable	Natural Features and Conservation Overlays Code – Heritage Places Overlay
Community Use Class		
Open Space; and Public facility -operational	Exempt	N/A
All other uses in the Community Use Class	Code assessable	Natural Features and Conservation Overlays Code – Heritage Places Overlay
HERITAGE PLACES OVERLAY		
Agriculture	Self assessable	Natural Features and Conservation Overlays Code – Heritage Places Overlay
Animal Husbandry/Grazing	Exempt	
Roadside Stall	Self assessable where use area does not exceed 10m2 Code assessable where criteria for self assessable do not apply	
Rural Dwelling	Self assessable	
All other uses	Code assessable	

⁸¹ See Dictionary (Division 1 Schedule A (Defined Uses and Use Classes)).

⁸² 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.

TABLE 5.1.1 (1) ASSESSMENT CATEGORIES AND RELEVANT ASSESSMENT CRITERIA FOR THE NATURAL FEATURES AND CONSERVATION OVERLAYS – MAKING A MATERIAL CHANGE OF USE		
Column 1 Defined use or use class ⁸¹	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 ⁸² - is the applicable codes for self assessable and code assessable development.
ACID SULFATE SOIL OVERLAY		
All Uses in All Use Classes		
All circumstances	<p>Self assessable where;</p> <ul style="list-style-type: none"> (i) Involving the excavation of less than 100 m³ of material, or (ii) Involving the filling of less than 500m³ of material. <hr style="border-top: 1px dashed black;"/> <p>Code assessable where;</p> <ul style="list-style-type: none"> (i) Involving the excavation of equal to or more than 100m³ of material below 5m AHD; or (ii) Involving the filling of equal to or more than 500 m³ to an average depth equal to or exceeding 0.5m; or (iii) Lowering the water table to at or below 5m AHD. 	Natural Features and Conservation Code – Acid Sulfate Soil Overlay
EROSION PRONE LAND OVERLAY		
All Uses in All Use Classes		
All circumstances	Code assessable where in the mapped area of the Erosion Prone Land Overlay.	Natural Features and Conservation Code – Erosion Prone Land Overlay

TABLE 5.1.1 (2) ASSESSMENT CATEGORIES AND RELEVANT ASSESSMENT CRITERIA FOR THE NATURAL FEATURES AND CONSERVATION OVERLAYS – OTHER DEVELOPMENT		
Column 1 Defined use or use class ⁸³	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 ¹¹ - is the applicable codes for self assessable and code assessable development.
WETLANDS OVERLAY		
Operational work		
Filling and Excavating	Exempt where less than 1m depth and less than 50m ³ Code assessable where the circumstances for Exempt development are exceeded.	N/A
Works – Roads	Code assessable	Natural Features and Conservation Overlays Code – Wetlands Overlay
Works – Car Parking and Access		
Works – Water and Works – Sewerage		
Works – Stormwater Drainage		
Works – Electricity and Telecommunication Services		
Works – Footpaths and Cycleways		
Works – Parks, Landscaping and Street Trees	Code assessable where for a park or landscaping Self assessable where the circumstances for Code assessment do not apply.	
Work – Structures	Code assessable	
Clearing of vegetation on freehold land		
Other Operational work associated with a Code or Impact assessable Material Change of Use (not including operational work associated with reconfiguring a lot)		
Reconfiguring a lot		
All circumstances	Code assessable	Natural Features and Conservation Overlays Code – Wetlands Overlay
Carrying out operational work for reconfiguring a lot		
All circumstances	Code assessable	Natural Features and Conservation Overlays Code – Wetlands Overlay
Other		
Other Operational work associated with a Code or Impact assessable Material Change of Use (not including operational work associated with reconfiguring a lot)	Code assessable where associated with an assessable Material Change of Use Exempt if the circumstances for Code assessable do not apply	Natural Features and Conservation Overlays Code – Wetlands Overlay N/A

⁸³ See Dictionary (Division 1 Schedule A (Defined Uses and Use Classes)).

TABLE 5.1.1 (2) (continued) ASSESSMENT CATEGORIES AND RELEVANT ASSESSMENT CRITERIA FOR THE NATURAL FEATURES AND CONSERVATION OVERLAYS – OTHER DEVELOPMENT		
Column 1 Defined use or use class ⁸⁴	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 ⁸⁵ - is the applicable codes for self assessable and code assessable development.
HERITAGE PLACES OVERLAY		
Operational work		
Filling and Excavating	Exempt where less than 1m depth and less than 50m ³ Self assessable where the circumstances for Exempt development are exceeded.	N/A
Works – Roads	Code assessable	Natural Features and Conservation Overlays Code – Heritage Places Overlay
Works – Car Parking and Access		
Works – Water and Works – Sewerage		
Works – Stormwater Drainage		
Works – Electricity and Telecommunication Services		
Works – Footpaths and Cycleways		
Works – Parks, Landscaping and Street Trees		
Work – Structures	Code assessable	
Clearing of vegetation on freehold land	Self assessable ⁸⁵	
Other Operational work associated with a Code or Impact assessable Material Change of Use (not including operational work associated with reconfiguring a lot)	Code assessable	
Reconfiguring a lot		
All circumstances	Code assessable	Natural Features and Conservation Overlays Code – Heritage Places Overlay
Carrying out operational work for reconfiguring a lot		
All circumstances	Code assessable	Natural Features and Conservation Overlays Code – Heritage Places Overlay
Other		
Other Operational work associated with a Code or Impact assessable Material Change of Use (not including operational work associated with reconfiguring a lot)	Code assessable where associated with an assessable Material Change of Use	Natural Features and Conservation Overlays Code – Heritage Places Overlay
	Exempt if the circumstances for Code assessable do not apply	N/A

⁸⁴ See Dictionary (Division 1 Schedule A (Defined Uses and Use Classes)).

⁸⁵ Despite any assessment against this Planning Scheme, other approvals may need to be obtained from the Department of Natural Resources and Mines in accordance with the Vegetation Management Act 1999.

TABLE 5.1.1 (2) (continued) ASSESSMENT CATEGORIES AND RELEVANT ASSESSMENT CRITERIA FOR THE NATURAL FEATURES AND CONSERVATION OVERLAYS – OTHER DEVELOPMENT		
Column 1 Defined use or use class ⁸⁶	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- is the applicable codes for self assessable and code assessable development.
ACID SULFATE SOIL OVERLAY		
Operational work		
All Operational work associated with a Code or Impact assessable Material Change of Use (not including operational work associated with reconfiguring a lot).	<p>Self assessable where;</p> <ul style="list-style-type: none"> (i) Involving the excavation of less than 100 m³ of material, or (ii) Involving the filling of less than 500m³ of material. <hr style="border-top: 1px dashed black;"/> <p>Code assessable where;</p> <ul style="list-style-type: none"> (i) Involving the excavation of equal to or more than 100m³ of material below 5m AHD; or (ii) Involving the filling of equal to or more than 500 m³ to an average depth equal to or exceeding 0.5m; or (iii) Lowering the water table to at or below 5 m AHD. 	Natural Features and Conservation Overlays Code – Acid Sulfate Soil Overlay
EROSION PRONE LAND OVERLAY		
Operational work		
All Operational work associated with a Code or Impact assessable Material Change of Use (not including operational work associated with reconfiguring a lot).	Code assessable where in the mapped area of the Erosion Prone Land Overlay.	Natural Features and Conservation Overlays Code – Erosion Prone Land Overlay

5.1.2 Natural Features and Conservation Overlays Code**(1) Natural Features and Conservation Overlays Code**

The provisions in this division comprise the Natural Features and Conservation Overlays Code. They are;

- (a) The Purpose of the Natural Features and Conservation Overlays Code – Section (2); and
- (b) The Specific Outcomes, Probable Solutions and Acceptable Solutions for the Natural Features and Conservation Overlays – Table 5.1.2. Natural Features and Conservation Overlays

(2) The Purpose of the Natural Features and Conservation Overlays Code

The purpose of the Natural Features and Conservation Overlays Code is to achieve the following overall outcomes;

- (a) The overall outcomes sought for the **Wetlands Overlay** are;
 - (i) Development does not significantly impact upon the ecological values of Inland and Marine wetlands; and
 - (ii) Development that potentially threatens the ecological values sought to be protected in the Inland and Marine wetlands, is excluded.
- (b) The overall outcomes sought for the **Heritage Places Overlay** are;
 - (i) Development does not significantly impact upon the values sought to be protected for the heritage place; and
 - (ii) Development that potentially threatens the values sought to be protected for the heritage place, is excluded.
- (c) The overall outcomes sought for the **Acid Sulfate Soil Overlay** are;
 - (i) Development does not increase the potential for environmental harm or increase rates of corrosion of public or private assets through the disturbance of Acid Sulfate Soils; and
 - (ii) Development that by means of excavation or filling threatens water quality reduces environmental health of receiving environments or adversely impacts environmentally sensitive areas is excluded, or undertaken only in accordance with an effective acid sulfate soil management plan that ensures existing and potential acidity is neutralised and/or prevents acid generation and export
- (d) The overall outcomes sought for the **Erosion Prone Land Overlay** are;
 - (i) Development does not increase the risk of loss or damage to people and/or property within the Erosion Prone Land Overlay.

TABLE 5.1.2 NATURAL FEATURES AND CONSERVATION OVERLAYS CODE

TABLE 5.1.2 NATURAL FEATURES AND CONSERVATION OVERLAYS 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).
<i>All Uses and Works on land in the Wetlands Overlay</i>	
<p>S1 Development has no detrimental impacts on the values of the Marine wetlands, having regard to the detailed requirements of Policy 2.8.2 of the State Coastal Management Plan.</p>	<p>P/A1.1 Development on land affected by Marine wetlands as mapped on Overlay Map B20, retains a 100m wide vegetated buffer to the edge of the wetland.</p> <p>P1.2 Stormwater runoff from the development is subject to quality improvement and flow velocity reduction to ensure that the water quality in the wetlands is maintained.</p> <p>P1.3 Reconfiguration of a Lot development includes all land within 100m of the wetland as park to be included in the Open Space Zone.</p>
<p>S2 Development has no detrimental impacts on the values of the Inland wetlands, particularly the habitat, water quality and landscape values of the wetlands.</p>	<p>P/A2.1 Development on land affected by Inland wetlands as mapped on Overlay Maps B21 and B22 retains a 50m wide buffer from the static high water mark of the wetland in which existing riparian vegetation is retained, where the static high water mark is taken to mean the mapped boundary of the wetland.</p> <p>P2.2 Reconfiguration of a Lot development includes all land within 100m of the wetland as park to be included in the Open Space Zone.</p>
<i>All Uses and Works on land in the Heritage Places Overlay</i>	
<p>S3 Development; (i) Respects the cultural significance of the heritage place; (ii) Is based on, and takes account of, all aspects of the cultural significance of the heritage place; and (iii) Is sympathetic to and consistent with the values sought to be protected in the setting of the adjoining heritage place.</p>	<p>P/A3.1 All new uses and buildings are at least 250m distant from the Gracemere Homestead building.</p>
<i>All Uses and Works on land in the Acid Sulfate Soil Overlay</i>	
<p>S4 Development is protected from the adverse environmental impacts and faster rates of corrosion of assets resulting from the disturbance of land that may contain acid sulfate soils and, where involving the excavation or filling of land, is carried out in a manner that ensures that there is no worsening of water quality levels, reduction in the ecological health of receiving environments or adverse impacts to environmentally sensitive areas.</p> <p>Note: Refer to the Guideline for State Planning Policy 2/02 Planning and Managing Development Involving Acid Sulfate Soils.</p>	<p>A4.1 Soil and sediment is not disturbed, whether by excavation, filling or dewatering, below 5m AHD. or A4.2 Where soil and sediment is to be disturbed below 5m AHD, the disturbance involves the excavation of less than 100m³ or fill volumes of less than 500m³ or any volume of fill averaging less than 0.5m depth.</p>

TABLE 5.1.2 NATURAL FEATURES AND CONSERVATION OVERLAYS CODE

TABLE 5.1.2 NATURAL FEATURES AND CONSERVATION OVERLAYS 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).
<i>All Uses and Works on land in the Erosion Prone Land Overlay</i>	
<p>S5 Development is protected from the adverse effects of erosion and does not put the safety and lives of people, and property, at risk from erosion or natural fluctuations of the coastline.</p> <p>Where the development cannot be located outside of the erosion prone area, the development is located as far landward as practicable within the lot, and does not extend any further toward tidal waters than the existing building alignment of neighbouring properties.</p> <p>Development does not increase the overall scale or intensity of urban use within the erosion prone area for the locality.</p> <p>Development does not compromise protection for life and property relating to coastal hazards including erosion and storm tide, with consideration of potential climate change and sea level rise.</p> <p>Development does not compromise the emergency response to coastal hazards and evacuation routes are adequate to meet needs resulting from increase in population.</p> <p>Development does not further compromise the objective of allowing the natural fluctuations of the coast to occur, including those resulting from potential climate change and sea level rise.</p> <p>Sufficient area is set aside seaward of the development, within the lot; to allow for the construction of erosion-proofing structures should they be required.</p> <p>Vulnerability to erosion by tidal waters is minimised.</p>	<p>P5.1 No solutions specified.</p>