9.2 Development that cannot be made assessable in accordance with schedule 6 of the Planning Regulation 2017

9.2.1 Community residence requirements

1. Development for a community residence that complies with all of the requirements in Table 9.2.1.1 is accepted development.

Table 9.2.1.1—Community residence for accepted development only

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| Requirements |

|  |  |
| --- | --- |
| 1 | The premises are in a residential zone or rural residential zone.  |
| 2 | No more than 7 support workers attend the residence in a 24-hour period.  |
| 3 | At least 2 car parks are provided on the premises for the use of residents and visitors. |
| 4 | At least 1 of the car parks stated in (3) is suitable for a person with disabilities. |
| 5 | At least 1 car park is provided on the premises for use by support workers. |

Editor's note—Schedule 6, Part 2, (6) of the Regulation states the development the planning scheme is prohibited from making assessable development for a material change of use for community residence.

9.2.2 Requirements for cropping involving forestry for wood production code for accepted development

Table 9.2.2.1—Requirements for accepted development that is a material change of use for cropping involving forestry for wood production or operational work for harvesting trees for wood production

|  |
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| Requirements |
| 1 | The use or work is at a distance of at least the separation distance stated in Table 9.2.2.2—Separation distances. |
| 2 | Seedlings within the separation distance stated in requirement 1 are removed if the seedlings—1. are the same species as the trees to be harvested; and
2. are not native to the local area.
 |
| 3 | For land with a slope of more than 10% but less than 25%—the development uses only—1. mechanical strip cultivation on the contour; or
2. spot cultivation; or
3. manual cultivation.
 |
| 4 | For land with a slope of 25% or more—the development uses only—1. spot cultivation; or
2. manual cultivation.
 |
| 5 | The construction, operation or maintenance of a track or road for the development does not adversely affect— 1. a natural drainage feature of the land; or
2. land that is subject to erosion or landslide
 |
| 6 | A track or road for the development—1. is appropriately drained; and
2. has a stable surface.
 |
| 7 | Drainage structures for a track or road for the development are regularly maintained. |
| 8 | Drainage water from a track or road for the development is directed away from exposed soils and onto undisturbed ground or other areas with a stable surface. |
| 9 | For development involving a forest for wood production that is less than 40ha—a fire break that is at least 7m wide, measured from the base of the outermost tree in the forest to be harvested, is established and maintained.  |
| 10 | For development involving a forest for wood production that is at least 40ha, but less than 100ha—a fire break that is at least 10m wide, measured from the base of the outermost tree in the forest to be harvested, is established and maintained. |
| 11 | For development involving a forest for wood production that is 100ha or more— 1. a fire break that is at least 20m wide, measured from the base of the outermost tree in the forest to be harvested, is established and maintained; or
2. both of the following things are established and maintained—
3. a fire break that is at least 10m wide, measured from the base of the outermost tree in the forest to be harvested;
4. a fuel reduction area immediately behind the fire break that is at least 10m wide.
 |
| 12 | Trees to be harvested in the fuel reduction area are pruned to a minimum height of 5m when the trees reach a height of 10m. |
| 13 | Fire breaks are kept clear of flammable material with a height of more than 1m. |
| 14 | Fire access tracks and roads that are at least 4m wide are established and maintained on the premises. |
| 15 | Each part of the forest for wood production is within 250m of a fire access track or road.  |
| 16 | Despite requirement (1) the following works may be carried out within the separation distance mentioned in Table 9.2.2.2—Separation distances—1. the construction of roads and tracks for the development;
2. maintenance works for the development.
 |

Table 9.2.2.2—Separation distances

|  |  |
| --- | --- |
| Column 1 Structure or thing | Column 2Separation distance  |
| 1 A watercourse shown on the regulated vegetation map (1:100,000) and classified as stream order 1 to 2 under the Strahler stream order classification system | 5m from the defining bank of the watercourse |
| 2 A watercourse shown on the regulated vegetation management map (1:100,000) and classified as stream order 3 to 5 under the Strahler stream order classification system | 10m from the defining bank of the watercourse |
| 3 A watercourse shown on the regulated vegetation management map (1:100,000) and classified as stream order 6 under the Strahler stream order classification system  | 20m from the defining bank of the watercourse |
| 4 A State-owned protected area or forest reserve under the *Nature Conservation Act 1992* | 10m from the boundary of the protected area or forest reserve  |
| 5 A category A area, category B area, category C area or category R area | 10m from the boundary of the area |
| 6 A dwelling | 100m from the dwelling, or another distance that complies with the Building Code and AS 3959-2009 Construction of buildings in bushfire prone areas.  |
| 7 A machinery shed | A distance that is the longer of the following— 1. 25m from the machinery shed; or
2. a distance from the machinery shed that equals 1.5 times the maximum height of the trees to be harvested
 |
| 8 A transmission grid, supply network or above-ground pipeline, that services more than 1 premises and is not the subject of an easement | A distance that is the longer of the following— 1. 25m from the structure; or
2. a distance from the structure that equals 1.5 times the maximum height of the trees to be harvested
 |

9.2.3 Requirements for cropping involving forestry for wood production code for assessable development

9.2.3.1 Application

1. This code applies to assessing assessable development for a material change of use for development involving cropping (where involving forestry for wood production) in the Rural zone.

9.2.3.2 Purpose

1. The purpose of the code is to ensure forestry for wood production is assessed with equal regard to other forms of cropping, to guarantee long-term harvest and minimise impacts.

Note—The following purpose, overall outcomes, performance outcomes and acceptable outcomes comprise the assessment benchmarks of this code.

1. The purpose of the code will be achieved through the following overall outcomes:
2. the use is appropriately located and setback from areas of environmental interest and existing infrastructure;
3. the impacts on adjoining land uses are minimised;
4. the risk of fire is minimised;
5. expected harvest cycles, volumes, timescales and haulage routes, plus proposed wildfire management and the location of supportive infrastructure are known by the local government, where development is assessable.

9.2.3.3 Performance outcomes and acceptable outcomes

Table 9.2.3.3—Performance outcomes and acceptable outcomes

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| Performance outcomes | Acceptable outcomes |
| PO1The establishment of the forest for wood production is located to minimise impacts (such as shading and falling trees) on infrastructure and areas of environmental interest. | AO1.1The use or work is at a distance of at least the separation distance stated in Table 9.2.2.2—Separation distances. Editor's note—Despite requirement AO1.1, the following works may be carried out within the separation distance mentioned in Table 9.2.2.2—Separation distances: (a) the construction of roads and tracks for the development; (b) maintenance works for the development |
| AO1.2Seedlings within the separation distance stated in requirement 1 are removed if the seedlings:1. are the same species as the trees to be harvested;
2. are not native to the local area.
 |
| PO2The impacts of the forest for wood production on soil structure, fertility and stability are minimised through appropriate management of the site. | AO2.1For land with a slope of more than 10% but less than 25%, the development uses only:1. mechanical strip cultivation on the contour; or
2. spot cultivation; or
3. manual cultivation.
 |
| AO2.2For land with a slope of 25% or more, the development uses only:1. spot cultivation; or
2. manual cultivation.
 |
| AO2.3The construction, operation or maintenance of a track or road for the development does not adversely affect:1. natural drainage feature of the land; or
2. land that is subject to erosion or landslide.
 |
| AO2.4A track or road for the development:1. is appropriately drained;
2. has a stable surface.
 |
| AO2.5Drainage structures for a track or road for the development are regularly maintained. |
| AO2.6Drainage water from a track or road for the development is directed away from exposed soils and onto undisturbed ground or other areas with a stable surface. |
| PO3The risk of fire to adjoining premises and infrastructure is minimised through the provision of firebreaks and fire tracks and roads that are accessible and trafficable by fire suppression vehicles. | AO3.1For development involving a forest for wood production that is less than 40ha—a fire break that is at least 7m wide, measured from the base of the outermost tree in the forest to be harvested, is established and maintained. |
| AO3.2For development involving a forest for wood production that is at least 40ha, but less than 100ha—a fire break that is at least 10m wide, measured from the base of the outermost tree in the forest to be harvested, is established and maintained. |
| AO3.3For development involving a forest for wood production that is 100ha or more:1. a fire break that is at least 20m wide, measured from the base of the outermost tree in the forest to be harvested, is established and maintained; or
2. both of the following things are established and maintained:
3. a fire break that is at least 10m wide, measured from the base of the outermost tree in the forest to be harvested;
4. a fuel reduction area immediately behind the fire break that is at least 10m wide.
 |
| AO3.4Trees to be harvested in the fuel reduction area are pruned to a minimum height of 5m when the trees reach a height of 10m. |
| AO3.5Fire breaks are kept clear of flammable material with a height of more than 1m. |
| AO3.6Fire access tracks and roads that are at least 4m wide are established and maintained on the premises. |
| AO3.7Each part of the forest for wood production is within 250m of a fire access track or road.  |
| PO4The local government is informed of the expected cropping harvest cycles, volumes, timescales and haulage routes, plus proposed wildfire management and location of supportive infrastructure. | AO4When the forest for wood production area is greater than 10ha a management report is attached to the development application that contains the following information:1. expected harvest cycles and estimated harvest timescale;
2. an estimated haulage route plan identifying likely local roads for transporting the harvest to the primary destination/s;
3. proposed methods and supporting infrastructure location for managing wild fire (including an area map of the property location, adjacent roads and tracks, property entrances, location of fire access tracks and turnarounds on the property and location of water points in the area).
 |

9.2.4 Reconfiguring a lot (subdividing 1 lot into 2 lots) and associated operational works code

1. The purpose of the reconfiguring a lot (subdividing 1 lot into 2 lots) and associated operational works code is for assessing applications for code assessment for development for reconfiguring a lot that requires assessment as regulated in Part 5, section 5.4 under Table 5.4.2—Regulated categories of development and categories of assessment: reconfiguring a lot.

Editor's note—Schedule 12 (3) of the Regulation sets out the assessment benchmarks for the reconfiguring a lot.

Table 9.2.4.1—Reconfiguring a lot (subdividing 1 lot into 2 lots) and associated operational works requiring code assessment

1. This code applies to a reconfiguration of a lot if—
2. the lot is in an industrial zone or residential zone (other than a rural residential zone); and
3. the reconfiguration is the subdivision of 1 lot, other than a rear lot, into 2 lots (each a created lot); and
4. each created lot is at least the minimum lot size for the relevant zone stated in a local instrument; and
5. the reconfiguration is consistent with the purpose statement for the relevant zone stated in a local instrument.
6. However, this code does not apply if —
7. all or part of the premises are in an erosion prone area or any of the following areas under a local instrument—
8. a flood hazard area;
9. a bushfire hazard area;
10. a landslide hazard area;
11. a storm tide inundation area; or
12. an overlay in a local instrument applies to all or part of the premises.
13. For this section—
14. Industrial zone means area (however described) designated in a local categorising instrument as industrial.
15. Relevant zone means the zone applying to premises under a local instrument.
16. A reference to a local instrument is reference to a local instrument applying to the premises.

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| Requirements |
| 1 | The frontage of each created lot complies with the minimum frontage requirements for the relevant zone stated in a local instrument. Editor's note—The frontage requirements are contained in Table 9.4.10.3.B in the Subdivision code. |
| 2 | The building envelope of each created lot complies with the building envelope requirements for the relevant zone stated in a local instrument.  |
| 3 | The reconfiguration involves the creation of a rear lot only if the local instrument states that a rear lot is consistent with the relevant zone. |
| 4 | The number of lots, including rear lots, adjoining each created lot complies with the maximum number of adjoining lots for the relevant zone stated in a local instrument. |
| 5 | If the reconfiguration creates a rear lot—1. an access strip for the rear lot does not adjoin the access strip of more than 1 other rear lot; and
2. no more than 2 rear lots are accessed from the head of a single cul-de-sac.
 |
| 6 | If a local instrument states minimum setback distances for the relevant zone—the distance of a building or structure from a boundary of a created lot complies with the minimum setback distances stated in the local instrument. Editor's note—If a small lot, the Dwelling house (small lot) code, if not a small lot, the Queensland Development Code. |
| 7 | If the reconfiguration is in a residential zone and a local instrument does not state minimum setback distances for the zone—the distance of an existing building or structure from a boundary of a created lot complies with the minimum setback distances stated in the Queensland Development Code, parts 1.1 to 1.3.  |
| 8 | A new building or structure on the premises—1. will comply with the Queensland Development Code, part 1.4; and
2. will be outside of an existing or planning infrastructure easement.
 |
| 9 | Each created lot has access to the road network through— 1. direct road frontage; or
2. an access strip; or
3. an access easement, if a local instrument states that an access easement is consistent with the relevant zone.
 |
| 10 | Access from each created lot to the road network is–1. lawful, safe and practical; and
2. designed and built in accordance with the requirements for the relevant zone stated in the local instrument, including requirements about width, length or gradient.
 |
| 11 | If a local instrument does not state a minimum width requirement for an access strip or an access easement in the relevant zone—an access strip or access easement for a created lot has a minimum width of—1. For reconfiguring a lot in a residential zone—5m; or
2. For reconfiguring a lot in an industry zone—8m.
 |
| 12 | If a local instrument does not state a maximum length requirement for an access strip or access easement in the relevant zone—an access strip or access easement for a created lot has a maximum length of 50m.  |
| 13 | If the premises are in a reticulated water area—each created lot is connected to the reticulated water supply system. |
| 14 | If the premises are not in a reticulated water area—each created lot has an alternative potable water supply source that complies with the minimum storage capacity requirements for the relevant zone stated in a local instrument.  |
| 15 | If the premises are in an area with a sewerage service—each created lot is connected to the sewerage service.Editor's note—Sewered area is defined in the *Plumbing and Drainage Act 2002* and means a service area for a sewerage service under the *Water Supply (Safety and Reliability) Act 2008*. |
| 16 | If the premises are not in an area with a sewerage service—each created lot has an effluent treatment and disposal system designed and built in accordance with the requirements stated in a local instrument. Editor's note—Sewered area is defined in the *Plumbing and Drainage Act 2002* and means a service area for a sewerage service under the *Water Supply (Safety and Reliability) Act 2008*. |
| 17 | Each lot is connected to a supply network and telecommunication network, if required under a local instrument. |
| 18 | Any other infrastructure necessary to service the lots will be provided, designed and built in accordance with the requirements stated in a local instrument.  |
| 19 | The release of sediment from the premises, including erosion and sediment-laden stormwater runoff—1. is minimised during and after construction; and
2. complies with the requirements stated in a local instrument.
 |
| 20 | Filling and excavation on the premises—1. does not cause a vertical change to the natural ground level of more than 1 metre; and
2. does not result in ponding on the premises or adjoining land; and
3. complies with the requirements stated in a local instrument.
 |