

## **6.2.3 Recreation zones category**

### **6.2.3.1 Recreation and open space zone code**

#### **6.2.3.1.1 Application**

This code applies to assessing material change of use and reconfiguring a lot development where the Recreation and open space zone code is shown as being applicable in the table of assessment.

When using this code, reference should be made to section 5.3.2 and, where applicable, section 5.3.3, in Part 5.

#### **6.2.3.1.2 Purpose and criteria for assessment**

- (1) The purpose of the Recreation and open space zone code provides for:
  - (a) informal recreation where the built form is not essential to the enjoyment of the space.
  - (b) local and district scale parks that serve the recreational needs of a wide range of residents and visitors.
  - (c) a range of organised activities that includes sport, cultural and educational activities where the uses require a level of built infrastructure.
- (2) The local government purpose of the code is to:
  - (a) implement the policy direction set in the Strategic Framework, in particular:
    - (i) Theme 4: Strong communities, Element 3.7.3 Healthy communities.
  - (b) provide land for the recreational needs to enhance liveability and the health and well-being of the Yarrabah community.
- (3) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Areas are provided for active sport and recreation to meet community needs, including playing fields, outdoor cultural facilities, educational activities, public swimming pools and outdoor courts.
  - (b) Open space is accessible to the general public for a range of outdoor sport and recreation activities.
  - (c) A range of functional and accessible open spaces, including local and regional parks and linkages, are available for the use and enjoyment of residents and visitors.
  - (d) Ancillary structures and buildings such as shelters, amenity facilities, picnic tables and playgrounds are provided where necessary.
  - (e) Sport and recreation areas are planned and designed to enhance community liveability, scenic amenity and provide a retreat from developed areas.
  - (f) The use of sport and recreation areas does not affect the amenity of adjacent areas, particularly residential areas.
  - (g) The Recreation and open space along the foreshore in the Shire is 100 metres in depth and is not intended to be used for active sport and recreation needs. This part of the zone is intended to permit low-scale, low-impact recreational activity that is compatible with the environmental values of the zone and protects coastal processes and resources. Dwelling houses that lawfully exist in this foreshore area are permitted to remain and any re-development will only be permitted where environmental values and coastal processes and resources are protected.

**Table 6.2.3.1.a Self–assessable and assessable development in the Recreation and open space zone**

<b>Performance outcomes</b>	<b>Acceptable outcomes</b>
<b>Dwelling house development in the foreshore area</b>	
<p><b>PO1</b> Re-development of existing dwelling houses located in the foreshore area protects environmental values and coastal processes and resources.</p>	<p><b>AO1</b> Re-development of dwelling houses that lawfully exist in the foreshore area: (a) Is limited to the gross floor area that currently exists; (b) Is limited to the footprint that exists for the dwelling house; and (c) Protects environmental values and coastal processes and resources.</p>
<b>Building height</b>	
<p><b>PO1</b> The height of buildings and structures respects the low-scale character of the area.</p>	<p><b>AO1</b> Buildings and structures are not more than: (a) 8.5 metres in height; or (b) for specific recreational activities, a height appropriate to the function of the activity.</p>
<b>Setbacks</b>	
<p><b>PO2</b> Buildings, structures and car parking areas are setback to ensure that they do not detract from the open character of the site or impact on any use in the Sensitive land use activity group.</p>	<p><b>AO2.1</b> Buildings, structures and car parking areas are setback a minimum of: (a) 6 metres from road frontages; (b) 6 metres from land within a Residential zone; or (c) 3 metres from land in any other zone.</p>
	<p><b>AO2.2</b> A densely planted landscape buffer is provided within the set setback space between car parking and any adjoining land containing a sensitive land use activity.</p>
<b>Cultural heritage</b>	
<p><b>PO3</b> Development is located, designed and operated to ensure that any impacts on land with known cultural values can be managed in collaboration with traditional owners.</p>	<p><b>AO3.1</b> Development is not undertaken on land with known cultural values (including both physical artefacts and places of significance); or <b>AO3.2</b> Where a place of significance is identified and cannot be avoided, development should promote the place, where appropriate, with the approval from the relevant traditional owners.</p>
<b>Scenic amenity</b>	
<p><b>PO4</b> Development is to maximise opportunities to maintain and/ or enhance important natural landscapes, views and vistas through the maintenance and restoration of vegetated buffer zones between development and coastal waters, unless the development is within a port or airport or is marine development.</p>	<p><b>AO4.1</b> Development maintains or enhances natural landscape features, view and vistas. <b>AO4.2</b> Trees and vegetation are used to screen buildings and infrastructure. and <b>AO4.3</b> Development is constructed of materials and with finishes that complement the scenic landscape.</p>

Performance outcomes	Acceptable outcomes
<b>Public access</b>	
<p><b>PO5</b> Development adjacent to coastal land or tidal water is located, designed and operated to:</p> <ul style="list-style-type: none"> <li>a) Maintain existing access to and along the foreshore;</li> <li>b) Minimise any loss of access to and along the foreshore, or</li> <li>c) Offset any loss of access to an along the foreshore by providing for enhanced alternative access in the general location,</li> </ul> <p>Where access is provided in a way that protects public safety and coastal resources.</p>	<p><b>AO5.1</b> Development adjacent to coastal land or tidal water:</p> <ul style="list-style-type: none"> <li>a) Demonstrates that restrictions to public access are necessary for: <ul style="list-style-type: none"> <li>i) The safe or secure operation of development</li> <li>ii) The maintenance of coastal landforms and coastal habitat, or</li> </ul> </li> <li>b) Maintains existing public access (including public access infrastructure that has been approved by the local government or relevant authority) through the site to the foreshore for: <ul style="list-style-type: none"> <li>i) Pedestrians via access points including approved walking tracks, boardwalks and viewing platforms, or</li> <li>ii) Vehicles via access points including approved roads or tracks.</li> </ul> </li> </ul> <p><b>AO5.2</b> Development adjacent to coastal land or tidal water:</p> <ul style="list-style-type: none"> <li>a) Is located and designed to: <ul style="list-style-type: none"> <li>i) Allow safe and unimpeded access to, over, under or around built structures located on, over or along the foreshore</li> <li>ii) Ensure emergency vehicles can access the area near the development, or</li> </ul> </li> <li>b) Minimises and offsets any loss of access to and along the foreshore within the bay or within two kilometres for longer foreshores of the existing access points and development is located and designed to: <ul style="list-style-type: none"> <li>i) Allow safe and unimpeded access to, over, under or around built structures located on, over or along the foreshore, and</li> <li>ii) Ensure emergency vehicles can access the area near the development.</li> </ul> </li> </ul>

**Table 6.2.3.1.b Assessable development in the Recreation and open space zone**

Performance outcomes	Acceptable outcomes
<b>Uses and other development</b>	
<p><b>PO6</b> The establishment of uses is consistent with the outcomes sought for the zone.</p>	<p><b>AO6</b> Uses identified in Table 6.2.3.1.c are not established in the Recreation and open space zone.</p>
<b>Reconfiguring a lot outcomes</b>	
<p><b>PO7</b> Reconfiguration does not prejudice the use of the land for recreational purposes.</p>	<p><b>AO7</b> No acceptable outcomes are prescribed.</p>

**Table 6.2.3.1.c Table of inconsistent uses in the Recreation and open space zone**

Adult store, Agricultural supplies store, Air services, Animal husbandry, Animal keeping, Aquaculture, Brothel, Bulk landscape supplies, Cemetery, Child care centre, Crematorium, Cropping, Detention facility, Dual occupancy, Dwelling house (where not existing), Extractive industry, Funeral parlour, Garden centre, Hardware and trade supplies, Health care services, High impact industry, Home based business, Hospital, Hotel,	Intensive animal industry, Intensive horticulture, Low impact industry, Major electricity infrastructure, Major sport, recreation and entertainment facility, Marine industry, Medium impact industry, Motor sport facility, Multiple dwelling, Nightclub entertainment facility, Non-resident workforce accommodation, Office, Outdoor sales, Outstation, Parking station, Permanent plantation, Place of worship, Port services, Relocatable home park, Renewable energy facility,	Research and technology industry, Residential care facility, Resort complex, Retirement facility, Roadside stall, Rooming accommodation, Rural industry, Rural workers' accommodation, Sales office, Service industry, Service station, Shop, Shopping centre, Short term accommodation, Showroom, Special industry, Theatre, Transport depot, Veterinary services, Warehouse, Wholesale nursery, Winery
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Note: This table does not imply that all other uses not listed in the table are automatically consistent uses within the zone. Assessable development must still demonstrate consistency through the assessment process.

## 6.2.4 Environmental zones category

### 6.2.4.1 Conservation zone code

#### 6.2.4.1.1 Application

This code applies to assessing material change of use and reconfiguring a lot development where the Conservation zone code is shown as being applicable in the table of assessment.

When using this code, reference should be made to section 5.3.2 and, where applicable, section 5.3.3, in Part 5.

#### 6.2.4.1.2 Purpose and criteria for assessment

- (1) The purpose of the Conservation zone code is to provide for the protection, restoration and management of areas identified as supporting significant biological diversity and ecological integrity.
- (2) The local government purpose of the zone is to:
  - (a) implement the policy direction set in the Strategic Framework, in particular:
    - (i) Theme 4: Strong communities, Element 3.7.7 Cultural heritage and traditional knowledge.
    - (ii) Theme 5: Natural resources and landscapes, Element 3.8.4 Water resources, Element 3.8.5 Scenic amenity.
    - (iii) Theme 6: Natural environment theme, Element 3.9.2 Biodiversity conservation, Element 3.9.3 Coastal management.
  - (b) ensure that the values of the Wet Tropics World Heritage area are protected.
  - (c) restrict development within the zone, with the exception of very low intensity uses based on the appreciation of the significant values of the area, that do not detrimentally impact on those values.