

## **3.7-3.10 - SMOAs**

## **Division 3 – Assessment Provisions for Special Management Overlay Areas (SMOA)**

### **3.7 Preliminary**

- (1) The provisions of this Division comprise the Codes for Special Management Overlay Areas (SMOAs) outlined in Table 2 of Section 1.4 of Part 1 of this planning scheme.
- (2) Applicability of each of the Elements in this Division is determined by the *Tables of Assessment Categories and Assessment Criteria* for each zone set out in Division 2 of this Part and by reference to SMOA Overlay Maps – 2A – 2F.

### **3.8 Natural Features and Resources Overlay Code**

#### **(1) PURPOSE OF THE CODE – Overall Outcomes:**

- (a) *The Purpose of the Natural Features and Resources Overlay Code is the achievement of the overall outcomes sought for the Special Management Overlay Areas (SMOA) identified on the Natural Features and Resources Overlays.*
- (b) *The overall outcomes sought for the Natural Features and Resources SMOA are that development of identified places, areas, landscapes, features and sites:*
  - (i) *is located, designed and operated to protect the significant values of the various natural features and resources in the Shire in terms of:*
    - (1) *physical change,*
    - (2) *damage or removal,*
    - (3) *visibility,*
    - (4) *accessibility,*
    - (5) *visual detracting, or*
    - (6) *on-going availability of resources for productive use without significant conflict with other uses; and*
  - (ii) *avoids or minimises, within acceptable levels, any significant risks to the natural or built environment or human wellbeing or safety.*

#### **(2) ELEMENTS:**

##### **(a) SMOA map 2A - Mineral and Extractive Resources and Buffer Areas:**

##### **Specific Outcomes:**

- O1 Development on a site depicted on SMOA map 2A as a Resource or Tenure:**
  - (1) provides for access to and the winning of the entire resource in an efficient and viable manner that avoids significant adverse affects on the surrounding environment,**
  - (2) is compatible with extraction or mining operations, and**
  - (3) minimises unacceptable alienation of the resource.**
- O2 Development on sites within buffer areas to Resources and Tenures depicted on SMOA map 2A are located, designed and operated to be compatible with:**
  - (1) the winning of the entire resource from the adjacent site in the manner outlined in O1; and**
  - (2) transportation operations associated with the winning of the entire resource from the adjacent site.**

**(b) SMOA map 2B - Natural Hazard Risk Management Areas – Possible Bushfire Hazard Areas<sup>1</sup>:**

**(i) General:**

**Specific Outcomes:**

- O3 Development which would be placed at unacceptable risk from, increase the extent or severity of, or is incompatible<sup>2</sup> with bushfire maintains the safety of people and property by:**
- (1) avoiding areas shown as moderate through to and including very high potential bushfire risk areas on SMOA map 2B; or**
  - (2) mitigating the risk of development in the nominated areas through:**
    - 1. lot design and the siting of buildings and uses so:**
      - i. high intensity uses are located on the least bushfire prone area on the site and activities least susceptible to fire are sited closest to the bushfire hazard,**
      - ii. efficient emergency access is optimised, and**
      - iii. bushfire risk is effectively minimised having regard to aspect, elevation, slope and vegetation, and**
    - 2. including firebreaks that provide adequate:**
      - i. set backs between buildings/structures and hazardous vegetation, and**
      - ii. access for fire fighting or other emergency vehicles; and**
    - 3. providing adequate road access for fire fighting/other emergency vehicles and safe evacuation (refer Figure A below as an example); and**
    - 4. providing an adequate, reliable and accessible water supply with sufficient capacity for pumping during bushfire incidents for fire fighting purposes and which is in addition to providing for other consumption needs.**
- O4 Public safety and the environment are not adversely affected by the detrimental impacts of bushfire on hazardous materials manufactured or stored in bulk on a site on land shown on SMOA map 2B.**
- O5 Community uses in any area shown on SMOA map 2B as Possible Bushfire Hazard Area is able to function effectively during and immediately after bushfire events.**

<sup>1</sup> Lands shown on SMOA map 2B, are designated bushfire potential areas for the purposes of the SBR (Section 55) and the BCA

<sup>2</sup> Development which is not compatible with the nature of a natural hazard is either:

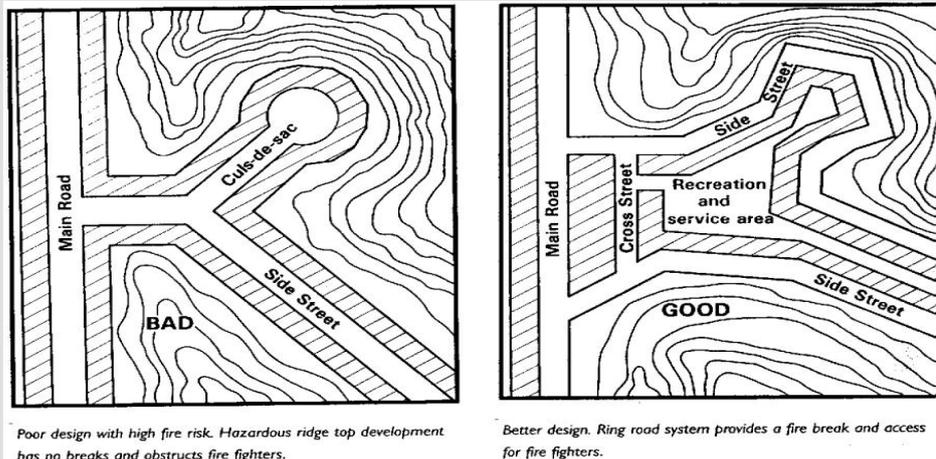
- in the public interest,
- not catered to by another site which is suitable and available for the proposal, or
- minimises adverse impacts from natural hazards and does not create an unacceptable risk to people and property.

The parameters will be determined for assessable development in accordance with the *State Planning Policy Guideline – Mitigation of Adverse Impacts of Flood, Bushfire and Landslide*, Queensland Government, June, 2003

**(b) SMOA map 2B - Natural Hazard Risk Management Areas – Possible Bushfire Hazard Areas continued:**

**Figure A**

Road layouts facilitate easy and safe access and movement by emergency vehicles in the event of encroaching fire and provides that an alternative safe access (if one direction is blocked in the event of fire) is maintained at all times as illustrated below.



From *Bushfire Hazard Planning in Queensland* (Rural Fire Service + Dept. Local Government and Planning), 1998.

**(ii) Possible Bushfire Risk Area Management for Dwelling House, Annexed Unit and Caretakers Residence:**

Specific Outcome	Acceptable Solutions (if self assessable) Probable Solutions (if code assessable)
<p>O6 Major risks to the safety of property and to the wellbeing of occupants in areas which may be at moderate to very high risk from bushfire incidents is minimised through appropriate siting, servicing and managing of residential premises.</p>	<p>S6.1 New dwelling units within areas depicted on SMOA map 2B are located:</p> <ol style="list-style-type: none"> <li>(1) centrally within an existing cleared area on a lot which allows a regular shaped area (with a minimum dimension of 50 metres) of 5000m<sup>2</sup> to be identified that:                             <ol style="list-style-type: none"> <li>1. is free of highly combustible vegetated areas, and</li> <li>2. is on southerly to easterly facing slopes not exceeding 15% slope, or</li> <li>3. on flat lands not exceeding 15% gradient at the base of north to western facing slopes, or</li> </ol> </li> <li>(2) a fire protection buffer<sup>3</sup> is established around the complete perimeter of the dwelling unit within a lot for a minimum width of:                             <ol style="list-style-type: none"> <li>1. 50 metres to that part of the dwelling unit on north to westerly slopes or within 50 metres of a ridgeline, and</li> <li>2. elsewhere, 30 metres.</li> </ol> </li> </ol>

<sup>3</sup> Details on the establishment and maintenance of the fire protection buffer may be found in Planning Scheme Policy 4

**(c) SMOA map 2B - Natural Hazard Risk Management Areas – Possible Drainage or Flood Problem Areas:**

**Specific Outcomes:**

- 07** Development on a possible drainage or flood problem area depicted on SMOA map 2B which would be placed at unacceptable risk from or is incompatible<sup>4</sup> with flooding, maintains the safety of people and minimises damage to property on the site by:
- (1) avoiding areas shown as possible flood or drainage problem on SMOA map 2B; or
  - (2) mitigating the risk through:
    1. lot design and the siting of buildings and uses so:
      - i. efficient emergency access is optimised, and
      - ii. the number of people and properties at risk is minimised.
- 08** Development on a possible drainage or flood problem area depicted on SMOA map 2B, is of a type and intensity<sup>5</sup> and is located and designed so that the hydrological regime of drainage or flood problem areas is not altered to the detriment of the following values related to the site and surrounds:
- (1) public safety,
  - (2) the integrity of property including buildings, structures, plant, equipment and stock,
  - (3) the operational efficiency of essential service infrastructure during and following an event,
  - (4) flood storage and conveyancing capacity including static or dynamic loads,
  - (5) depth, duration, velocity and warning times associated with flooding,
  - (6) soil and bank stability,
  - (7) hydraulic capacity and effective functions of watercourses and drainage lines,
  - (8) access routes and emergency vehicle operations,
  - (9) integrity of areas accommodating contaminants or hazardous materials,
  - (10) the capacity to use land in the floodplain, and
  - (11) downstream water quality.
- 09** *Community uses* on a site shown as a possible drainage or flood problem area on SMOA map 2B are able to function effectively during and immediately after flood events.

<sup>4</sup> Development which is not compatible with the nature of a natural hazard is either:

- in the public interest,
- not catered to by another site which is suitable and available for the proposal, or
- minimises adverse impacts from natural hazards and does not create an unacceptable risk to people and property.

The parameters will be determined for assessable development in accordance with the *State Planning Policy Guideline – Mitigation of Adverse Impacts of Flood, Bushfire and Landslide*, Queensland Government, June, 2003

<sup>5</sup> Development which is not compatible with the nature of a natural hazard is either:

- in the public interest,
- not catered to by another site which is suitable and available for the proposal, or
- minimises adverse impacts from natural hazards and does not create an unacceptable risk to people and property.

The parameters will be determined for assessable development in accordance with the *State Planning Policy Guideline – Mitigation of Adverse Impacts of Flood, Bushfire and Landslide*, Queensland Government, June, 2003

**(d) SMOA map 2C - Environmental Management Areas – Critical Nature Conservation Network, Conservation State Lands and Buffer Areas to Conservation State Lands:**

**Specific Outcomes:**

- O10** Development on a site depicted on SMOA map 2C as being a critical nature conservation network, conservation state lands or within the buffer area to a conservation state land, is designed and operated so as not to cause significant adverse affects on the environmental values associated with the areas, including those adverse affects related to the following which cannot reasonably be mitigated or rectified by rehabilitation using non-invasive native species:
- (1) management of fire risk, including the use of natural firebreaks and local, endemic, fire resistant species;
  - (2) changes to natural drainage and riparian lands (including bed and bank stability);
  - (3) loss of or disturbance to significant native vegetation or habitat or stabilising vegetation;
  - (4) unmanaged public access;
  - (5) downstream water quality, particularly linked to on-site effluent and stormwater quality management;
  - (6) erosion and sediment movement associated with land disturbance;
  - (7) introduction and management of animal and plant pests;
  - (8) changes to natural activities of animals with respect to the location and affects of uses, fencing, lighting and the like;
  - (9) fragmentation of wildlife and ecological corridors or significant habitats;
  - (10) groundwater contamination or negative affects on groundwater levels;
  - (11) salinisation of land and water resources.

**(e) SMOA map 2C - Environmental Management Areas – Major Wetlands and Buffers:**

**Specific Outcomes:**

- O11** Development on lands shown on SMOA map 2C as wetlands or within buffers to wetlands are designed, located and operated so no significant adverse affects are caused to these areas in terms of:
- (1) habitat, ecological processes and environmental values,
  - (2) water quality including groundwater quality and levels,
  - (3) hydrological processes,
  - (4) landscape quality, or
  - (5) land and soil stability and salinity levels.

**(f) SMOA map 2C - Environmental Management Areas – Water Quality Elements:**

**Specific Outcomes:**

- O12 Development on lands within identified water resources and associated catchment areas to Bjelke Petersen Dam, in waterways and other drainage features or in riparian land buffers shown on SMOA map 2C are designed, located and operated so no significant adverse affects are caused to these areas in terms of:
- (1) surface and groundwater hydrology (both upstream and downstream),
  - (2) environmental and ecological processes of water resources,
  - (3) habitat and landscape values of water resources,
  - (4) water quality arising from migration of sediment, pollutants or nutrients into waterways,
  - (5) stream or bank stability, or
  - (6) quantity and availability of raw water within any referable dams which is fit for its intended purposes of consumption.

**(g) SMOA map 2D - Economic Resources – Good Quality Agricultural Land:**

**(i) General (other than for Dwelling Units):**

**Specific Outcomes:**

- O13 Land depicted in SMOA map 2D as Class A, B or C1 good quality agricultural land is retained for productive rural use of the soil by:
- (1) conducting uses other than *Farming* and *Forestry business* on good quality agricultural land only if they are:
    1. temporary in nature, or
    2. do not reduce the productive capacity of the site and the surrounds.
  - (2) avoiding the use of identified land for other uses other than outlined in (1) unless it can be demonstrated<sup>6</sup> that:
    1. the land is not actually good quality agricultural land;
    2. development is for farm restructuring to optimise productive usage of the site;
    3. development is essential for better management of land and water resources to prevent degradation or waste; or
    4. there is an overriding community need in terms of public benefit for the proposal and the proposal cannot be located on alternative sites that are not identified as good quality agricultural land, including if:
      - a) the proposed location has features that make it desirable for the proposal; and
      - b) the features are not available in areas not identified as good quality agricultural land.
  - (3) avoiding significant conflicts between the agricultural use of the subject land and the use of adjoining land

<sup>6</sup> Assessable development pertaining to this circumstance will be required (as part of any information request) to be accompanied by an accredited agronomist report determining the exact agricultural land capability and classification and land/crop suitability of the land under the Guidelines to SPP 1/92. The terms of reference for such report are outlined in PSP No.1

**(ii) Dwelling Units on Good Quality Agricultural Land:**

Specific Outcome	Acceptable Solution (if self assessable) Probable Solution (if code assessable)	
	O14 New dwelling units are located such that the productive rural use of soils on the site is not prejudiced.	S14.1

**(iii) Dwelling Units within 500 metres of Good Quality Agricultural Land:**

Specific Outcome	Acceptable Solution (if self assessable) Probable Solution (if code assessable)	
	O15 New dwelling units are located such that the productive rural use of soils on the surrounds is not prejudiced.	S15.1

**(h) SMOA map 2D(i) - Economic Resources – Buffer Area Management to Intensive Animal Husbandry Purposes:**

**Specific Outcome:**

**Acceptable Solution**

<p><b>O16</b> Development on sites within the buffer areas to <i>Intensive animal husbandry</i> enterprises depicted on SMOA map 2D(i) are located, designed and operated to:</p> <ol style="list-style-type: none"> <li>(1) protect the integrity and operations of the lawful <i>Intensive animal husbandry</i> uses, and</li> <li>(2) be compatible with the operations, impacts and risks associated with the lawful <i>Intensive animal husbandry</i> uses, or</li> <li>(3) minimise impacts, risks and nuisance to a level where reasonable safety and amenity of occupants and the safety of property is provided for by the effective separation, buffering, location and/or building treatments for the new development relative to the enterprise.</li> </ol>	<p><b>S16</b> Any dwelling unit in the Rural Locality located on a site within 1km proximity of an approved and lawful <i>Intensive animal husbandry</i> facility depicted on SMOA map 2D(i) should be located outside whichever of the following is the greater:</p> <ol style="list-style-type: none"> <li>(a) the approved receptor distance to the facility, or</li> <li>(b) the following as measured from the approved facility:             <ol style="list-style-type: none"> <li>(i) a 1km radius of the pens, ponds, yards and stockpiles, or</li> <li>(ii) 300 metres from spray and injection application of treated waste water, and</li> <li>(iii) 100 metres of any manure disposal area.</li> </ol> </li> </ol>
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**(i) SMOA map 2D(i) - Economic Resources – Buffer Area Management to the General Industry Preferred Land Use Area:**

**Specific Outcomes:**

<p><b>O17</b> Development in the Rural or Rural Residential Locality or Residential zone on a site within 200 metres measured from the edge of the General Industry preferred land use area shown on SMOA map 2D(i) is located, designed and operated to:</p> <ul style="list-style-type: none"> <li>• protect the integrity and operations of industrial usage of the General Industry preferred land use area, and</li> <li>• be compatible with the operations, impacts and risks associated with industrial usage of the General Industry preferred land use area, or</li> <li>• minimise impacts, risks and nuisance to a level where reasonable safety and amenity of occupants and the safety of property is provided for by the effective separation, buffering, location and/or building treatments for the new development relative to the General Industry preferred land use area.</li> </ul>
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### 3.9 Community Facility Overlay Code

#### (1) PURPOSE OF THE CODE – Overall Outcomes:

- (a) *The Purpose of the Community Facility Overlay Code is the achievement of the overall outcomes sought for the Special Management Overlay Areas (SMOAs) identified on the Community Facility Overlay.*
- (b) *The overall outcomes sought for the Community Facility SMOA are that development of identified infrastructure:*
- (i) *is located, designed and operated to protect the significant values of the community facility infrastructure features in terms of:*
    - (1) *physical change;*
    - (2) *damage or removal;*
    - (3) *visibility;*
    - (4) *accessibility; or*
    - (5) *visual detraction; and*
  - (ii) *avoids or minimises, within acceptable levels, any significant risks to the natural or built environment or human wellbeing or safety.*

#### (2) ELEMENTS:

##### **(a) SMOA map 2E - Aviation and Associated Facilities and Airport Affected Land - Nanango Aviation Facilities:**

##### **Specific Outcomes:**

- O1** Development on a site within 500 metres measured from the boundary of the Nanango town aerodrome as shown on SMOA map 2E is located, designed and operated so adverse affects on aircraft movements related to obstructions or other potential hazards are minimised to an acceptable level in terms of:
- (1)** the physical intrusion of buildings or structures into aircraft take-off and approach flight paths,
  - (2)** attracting birds and/or bats to the area for nesting or feeding,
  - (3)** installation of bright lighting,
  - (4)** interference with navigation or communication facilities,
  - (5)** emissions that may affect pilot visibility or aircraft operations, or
  - (6)** transient intrusions into the airport's operational airspace.
- O2** Development on a site within 500 metres measured from the boundary of the Nanango town aerodrome as shown on SMOA map 2E is not sensitive to noise interference or at high risk of aircraft collision.
- O3** Development on a site within 500 metres measured from the boundary of the ASA 550 VHF communication facility at Mt Mowbullan as shown on SMOA map 2E, is located, designed and operated so significant adverse affects on the functions of the communications facility are minimised to an acceptable level, in accordance with SPP1/02 guidelines.

**(b) SMOA map 2E - Protecting Major Utilities<sup>7</sup>:**

**Specific Outcomes:**

- O4** Development on sites within the buffer areas to *Major utilities* for sewerage treatment plants, waste management purposes or the power station depicted on SMOA map 2E are located, designed and operated to:
- (1)** protect the integrity and operations of the lawful use(s) being buffered, and
  - (2)** be compatible with the operations, impacts and risks associated with the lawful use(s) being buffered, or
  - (3)** minimise impacts, risks and nuisance to a level where reasonable safety and amenity of occupants and the safety of property is provided for by the effective separation, buffering, location and/or building treatments for the new development relative to the facility.
- O5** Development on sites within the buffer area to *Major utilities* for a water uptake (including bores, weirs and river off-takes) depicted on SMOA map 2E, are located, designed and operated to protect the integrity and operations of the water uptake facility from inappropriate development.
- O6** Development on sites within the buffer to *Major utilities* for Powerlink approved transmission routes or sub stations depicted on SMOA map 2E, are located, designed and operated to protect the integrity and operations of the electricity purposes from inappropriate development.

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<sup>7</sup> Technical terms of reference for establishing compatibility are outlined in Planning Scheme Policy No. 1

### 3.10 Cultural Features Overlay Code

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#### **(1) PURPOSE OF THE CODE – Overall Outcomes:**

- (a) *The Purpose of the Cultural Features Overlay Code is the achievement of the overall outcomes sought for the Special Management Overlay Areas (SMOAs) identified on the Cultural Features Overlay.*
- (b) *The overall outcomes sought for the Cultural Features SMOA are that identified places, areas, landscapes, features or sites are not subjected to changes that disregard or would significantly reduce the capacity of an individual to appreciate those places, areas, landscapes, features, and sites, their existing character, or the memories or history they represent, in terms of:*
- (i) *visibility;*
  - (ii) *visual detraction;*
  - (iii) *public accessibility or physical change; and*
  - (iv) *damage or removal.*

#### **(2) ELEMENTS:**

##### **(a) Non-Indigenous Cultural Heritage Sites:**

##### **Specific Outcomes:**

- O1** Development involving a site listed in Schedule 6 and shown on SMOA map 2F, provides for the conservation of the cultural heritage values of the heritage listed site.
- O2** Development on lands shown on SMOA map 2F as being in the area of influence to a site listed in Schedule 6, is located, designed and operated to:
- (1)** be compatible with the cultural heritage significance of the listed site so as not to detrimentally impact on its values or its setting; and
  - (2)** not obscure the appearance or prominence of the place when viewed from adjacent public or semi-public streets or open spaces, nor intrude into the place.