Part 7. Local Plan Codes

7.1. Preliminary

- (1) Local plans address matters at the local or district level and may provide more detailed planning for the zones.
- (2) Local plans are mapped and included in Schedule 2.
- (3) A precinct may be identified for part of a local plan.
- (4) The categories of development and assessment for development in a local plan are in Part 5.
- (5) Assessment benchmarks for local plans are contained in a local plan code.
- (6) Each local plan code identifies the following:
 - (a) the application of the local plan code;
 - (b) the purpose of the local plan code;
 - (c) the overall outcomes that achieve the purpose of the local plan code;
 - (d) the performance outcomes that achieve the overall outcomes of the local plan code;
 - (e) the acceptable outcomes that achieve the performance outcomes of the local plan code; and
 - (f) the performance and acceptable outcomes of a precinct that achieve the overall outcomes of the precinct.
- (7) The following are the local plan codes for the planning scheme:
 - (a) Seaspray local plan code.

7.2. Seaspray local plan code

7.2.1. Application

This code applies to the assessment of development if it is identified as an applicable code for development, as specified in the assessment benchmarks column in the tables of assessment located in Part 5 of the planning scheme.

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

All subject matter in this code is applicable to the development assessment, unless the following circumstance arises:

- (1) The heading of a specific benchmarks for assessment table specifies otherwise; or
- (2) A heading within a specific benchmark for assessment table specifies that the outcomes apply to a specific type of development or to development at a specific location; or
- (3) A performance outcome or acceptable outcome specifies that the outcomes apply to a specific type of development or to development at a specific location.

In the circumstance where point (2) or point (3) above arises the following applies:

- (1) the development assessment outcomes apply only to the type of development specified or only to development at the location specified; and
- (2) the development must still be assessed against all other general subject matter of the code (for example, assessment benchmarks including but not limited to those relating to built form, appearance, or general land use).

7.2.2. Purpose

The purpose of the Seaspray local plan code is to provide locally relevant planning provisions for the assessment of development within the Seaspray residential neighbourhood.

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7.2.3. Overall outcomes

The purpose of the code will be achieved through the following overall outcomes:

- (1) urban development within the Seaspray local plan area is limited to areas within the nominated precinct boundaries to protect the adjoining National Park and open space areas;
- (2) development retains the key landscape and built form elements established in the earlier stages of the development that contribute to a high quality urban environment, including site development, street scaping, building design and detailing;
- (3) the form and scale of development is low key, with buildings that are low rise and include significant areas for landscaping and private open space;
- (4) biodiversity values are identified and conserved for:
 - (a) maintenance of ecological systems and natural processes;
 - (b) awareness, education, and appreciation by residents and visitors;
- (5) a range of residential accommodation styles include short-term and long-term accommodation occurs, with the overriding style being for long-term accommodation;
- (6) appropriate physical and social infrastructure necessary for the scale and density of development is provided so as not to detract from the character and amenity of precincts in which it is located;
- (7) a network of open space comprising social and recreation/sporting facilities services the communities of Zilzie and surrounds, with emphasis on public access to the foreshore;
- (8) development minimises impacts on the adjoining National Park;
- (9) development minimises the risks associated with any bushfire hazard from the National Park;
- (10) landscape and visual quality is preserved, with particular attention paid to the vegetated ridgeline and open headland as important character elements of this locality;
- (11) a neighbourhood centre which provides local convenience facilities, including a limited range of office and retail uses for the enjoyment and basic convenience needs of residents and visitors, occurs in the local plan area only if:
 - (a) there is a demonstrated community need;
 - (b) it is designed to appropriately integrate with sensitive land use and be consistent with the character of the local plan area;
 - (c) it is located in the vicinity of Svendsens Road;
- (12) buildings and structures are designed and located to meet site-specific opportunities and constraints and achieve a high level of architectural design and finish;
- (13) development is extensively landscaped and provides privacy to adjoining residential uses;
- (14) community and open space areas provide a public space for congregation and social interaction, comprising a community, recreation and limited commercial facilities that support the convenience needs and enjoyment of residents and visitors; and

Where located in the local plan precinct LPP-01 – Seaspray Residential Low Density Precinct

- (15) the Seaspray Residential Low Density Precinct accommodates predominantly single detached dwelling houses and dual occupancies on lots ranging in size from 450 square metres to 1400 square metres;
- (16) non-residential uses are limited to a neighbourhood centre which meets the convenience needs of the residential community, low-key home-based business activities which do not detract from the quiet residential amenity of the precinct, and low-impact essential community infrastructure;
- (17) buildings and structures are designed and located to meet site-specific opportunities and constraints and to achieve a high level of architectural design and finish;
- (18) development is extensively landscaped and provides privacy to adjoining dwellings;

- (19) the preferred uses for the Seaspray Residential Low Density Precinct are:
 - (a) dual occupancy;
 - (b) dwelling house;
 - (c) home based business;
 - (d) sales office;
 - (e) wholesale nursery (limited to a temporary plant nursery limited to landscape stock propagation for use during construction);
 - (f) landing; and
 - (g) a low-impact use within the special activities group which is an essential component of infrastructure servicing the community; and

Where located in the local plan precinct LPP-02 – Seaspray Residential Medium Density Precinct

- (20) the Seaspray Residential Medium Density Precinct accommodates predominantly a mix of multiple dwellings, single detached dwellings and dual occupancies on lots over 1200 square metres;
- (21) non-residential uses are limited to low-key home-based business activities which do not detract from the residential amenity of the precinct, and low-impact essential community infrastructure;
- (22) buildings and structures are designed and located to meet site-specific opportunities and constraints and to achieve a high level of architectural design and finish;
- (23) development is extensively landscaped and provides privacy to adjoining dwellings;
- (24) the preferred uses for the Seaspray Residential Medium Density Precinct are:
 - (a) dual occupancy;
 - (b) dwelling house;
 - (c) home based business;
 - (d) multiple dwelling;
 - (e) rooming accommodation;
 - (f) short term accommodation, where involving serviced apartments;
 - (g) sales office;
 - (h) wholesale nursery (limited to a temporary plant nursery including landscape stock propagation for use during construction);
 - (i) landing; and
 - (j) a low-impact use within the special activities group which is an essential component of infrastructure servicing the community; and

Where located in the local plan precinct LPP-03 – Seaspray Community and Recreation Precinct

- (25) the Seaspray Community and Recreation Precinct provides for the development of passive and active recreation uses, with other uses incorporated into this recreation space only where compatible;
- (26) development within the precinct responds to and respects the coastal landscape setting to preserve the amenity and character of the local plan area;
- (27) vegetation corridors are protected and enhanced where practicable;
- (28) new uses establish in the precinct only if:
 - (a) the location, scale and type of uses are compatible with the residential setting of the local plan area;
 - (b) open space remains accessible for public use;

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- (29) development:
 - (a) is designed to complement the existing buildings located in the precinct and development located in the adjacent Seaspray Residential Medium Density Precinct;
 - (b) is located to meet site-specific opportunities and constraints;
 - (c) achieves a high level of architectural design and finish;
- (30) the preferred uses for the Seaspray Community and Recreation Precinct are:
 - (a) park;
 - (b) environment facility;
 - (c) child care centre;
 - (d) club;
 - (e) indoor sport and recreation;
 - (f) outdoor sport and recreation;
 - (g) wholesale nursery (limited to a temporary plant nursery limited to landscape stock propagation for use during construction);
 - (h) caretaker's accommodation;
 - (i) dwelling unit;
 - (j) shop;
 - (k) office;
 - (I) food and drink outlet (where not involving a drive-through facility);
 - (m) function facility;
 - (n) sales office;
 - (o) health care services;
 - (p) landing; and
 - (q) a low-impact use within the special activities group which is an essential component of infrastructure servicing the community.

7.2.4. Specific benchmarks for assessment

Table 7.2.4.1 — Outcomes for development that is accepted subject to requirements and assessable development

Performance outcomes	Acceptable outcomes
Land use	
If a dual occupancy	
PO1	A01.1
The development of a dual occupancy occurs only if:	The development of a dual occupancy occurs only if it does not result in more than twenty (20) per
 (a) it does not result in a dominance of dual occupancies in the block compared to detached dwelling houses; 	cent of the lots in the block having a dual occupancy.
(b) it does not result in a high concentration of similarly designed dual occupancies; and(c) it does not adversely impact the character or amenity of the streetscape.	 AO1.2 The dual occupancy: (a) does not adjoin another dual occupancy; or (b) where it adjoins another dual occupancy, the development has variations to the adjoining dual occupancy in relation to the following:

Performance outcomes	 Acceptable outcomes (i) roof pitch; and (ii) façade design. AO1.3 Each dwelling has a clearly identifiable and visible entrance when viewed from a point in the street, located directly in front of the development site. AO1.4 The development is oriented to the street and has at least one window or balcony that faces the street. AO1.5 To soften the visual impact of large building surfaces when viewed from a point in the street, located directly in front of the development site, articulation in the design of building walls and roofs is used at least for every ten (10) metres of surface.
Dwelling density	
PO2 Residential density is compatible with the local amenity expressed by the overall outcomes for the local plan area.	 AO2.1 Residential density does not exceed the following: (a) in the Seaspray Residential Low Density Precinct: one (1) dwelling unit for every 450 square metres of site area; and (b) in the Seaspray Residential Medium Density Precinct: one dwelling unit per 250 square metres of site area.
Seaspray character and built form	
 PO3 Buildings and structures are: (a) attractive and feature interesting designs that are commensurate with the Seaspray resort and recreation centre in Precinct 3; (b) constructed of contemporary materials and finishes compatible with existing development in the area and the setting; and (c) designed with a predominantly coastal vernacular including verandas, decks and balconies, and open courtyards. 	 AO3.1 Roofs are designed in accordance with the following: (a) roof materials are subdued colours that blend with the house and the surrounding vegetation and do not include bright, high contrast colours; and (b) roofs have a minimum pitch of two (2) degrees; and (c) roofs include an eave width which is not less than 600 millimetres, except where verandas are proposed. AO3.2
	Materials and finishes for all buildings and structures are in accordance with the following: (a) external wall finishes have the same tonal value as the surrounding vegetation and do

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Performance outcomes	Acceptable outcomes
	not include bright, high contrast colours;
	 (b) walls are clad with a mix of materials with no more than seventy-five (75) per cent of one material;
	(c) walls are clad with:
	(i) rendered and painted surfaces; or
	 (ii) timber or plywood finished with stain or low-reflective paint; or
	(iii) copper or zinc alloys;
	(iv) coloured aluminium or pre-finished metal or resin sheeting; or
	(v) natural or artificial stone;
	(d) walls are not clad with:
	(i) face brick; or
	(ii) unfinished concrete blocks; or
	(iii) reflective glass/glass tints; and
	(e) verandas are constructed of timber, galvanised steel or masonry.
PO4	AO4.1
The height and bulk of buildings and structures	The height of buildingsBuilding height and the
in all precincts are consistent with the intended character of the local plan area and do not adversely impact the character or amenity of the	height of structures (other than a Class 10a building under the Building Code of Australia) does not exceed the following:
streetscape, adjoining sites and surrounding area.	 (a) where located in the Seaspray Residential Low Density Precinct or the Seaspray Residential Medium Density Precinct: 8.5 metres; and
	(b) where located in the Seaspray Community and Recreation Precinct: twelve (12) metres.
	AQ4.2
	The Building height of a standalone Class 10a
	building under the Building Code of Australia,
	being a garage or shed, does not exceed the
	lesser of the following:
	 (a) if there is a dwelling house on the site, the height of the dwelling house; or
	(b) five (5) metres to the apex of the Class 10a
	building.
	AO4.3
	The volume of a standalone Class 10a building
	under the Building Code of Australia, being a garage or shed, does not exceed three (3) per cent of the lot volume.
	Editor's note: Lot volume is defined in SC1.2 Administrative definitions.
	AO4.4
	Development (including verandas, covered and uncovered decks) does not exceed the following

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Performance outcomes	Acceptable outcomes
	site cover:
	 (a) where located in the Seaspray Residential Low Density Precinct or the Seaspray Residential Medium Density Precinct: fifty (50) per cent; and (b) where located in the Seaspray Community and
	Recreation Precinct: thirty (30) per cent.
PO5	AO5.1
The design and siting of buildings and structures results in a high level of on-site amenity and does not adversely impact the character or amenity of the streetscape or adjoining sites having regard to the following: (a) minimisation of potential sources of nuisance; (b) provision of and maintenance of access to natural light and ventilation; (c) provision of recreational open space for the occupants of dwellings; (d) consideration of the streetscape and landscape elements on the site and in the road reserve, relative to the siting of buildings and structures; and (e) integration with and consideration of the design and siting of any buildings and structures located on the site and on adjoining sites or public places.	 Buildings or structures (other than fences) have a setbackBuildings are set-back from road frontage property-lot boundaries in accordance with the following: (a) where located on a lot which has an approved building location envelope, the development is within the boundaries of the approved building location envelope; or (b) where located in the Seaspray Residential Low Density Precinct or the Seaspray Residential Medium Density Precinct and the lot does not have an approved building location envelope: (i) a setback minimum of six (6) metres; from the primary road frontage property-lot boundary of at least six (6) metres; and (ii) a minimum setbackof three (3) metres; from a secondary road frontage property lot boundary of at least three (3) metres; ind (ii) a minimum of six (6) metres; and (ii) a minimum of six (6) metres; and (ii) a minimum of six (6) metres; from a secondary road frontage property lot boundary of at least three (3) metres; (c) where located in the Seaspray Community and Recreation Precinct and the lot does not have an approved building location envelope: (i) a minimum of six (6) metressetback from any road frontage property-lot boundary of at least six (6) metres. Editor's note: A plan of the approved building location envelopes can be obtained from the Livingstone Shire Council. AO5.2 Buildings or structures (other than fences) have a setback Building location envelope; or (b) where located on a lot which has an approved building location envelope; or (c) where located on a lot which has an approved building location envelope; or (b) where located on the Seaspray Residential Low Density Precinct or the Seaspray Residential Medium Density Precinct and the lot does not have an approved building location envelope; or
	Recreation Precinct and the lot does not have an approved building location envelope:

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Porformanco outcomos	Accontable outcomes
Performance outcomes	Acceptable outcomes
	 at any point where the 'outermost projection height' is between two (2)
	metres and 4.5 metres, for a building or
	structure having height up to and including
	<mark>4.5 metres, a minimumsetback of <u>at least</u></mark>
	ten (10) metres; or
	(ii) at any point where the 'outermost
	projection height' for a building or structure having a height <u>is</u> greater than 4.5 metres, a <mark>minimum</mark> setback of <u>at least</u> ten (10) metres plus 0.3 of a metre for every additional metre <u>or part thereof</u> in height
	over 4.5 metres. Editor's note: A plan of the approved building location
	envelopes can be obtained from the Livingstone Shire Council.
	Editor's note: If the lot abuts more than one road, then the road frontage to the highest order road (as determined by Council) is the principal road frontage and any other frontage is a secondary road frontage.
	AO5.3
	Development directly adjoining a lot in the Seaspray Residential Low Density Precinct or the Seaspray Residential Medium Density Precinct, has the following to facilitate privacy for adjoining lots:
	(a) window sill heights a minimum of 1.5 metres above floor level; or
	(b) fixed opaque glazing in any part of the window below 1.5 metres above floor level; or
	(c) fixed external screens; or
	 (d) in the case of screening for a ground floor level, fencing to a height of 1.5 metres above ground floor level.
PO6	AO6.1
On steeply sloping sites: (a) development minimises earthwork;	On sites with slopes equal to or greater than fifteen (15) per cent, development results in the following:
 (b) buildings are designed to follow the contours of the land; and (c) endemic species are established where works occur. 	 (a) cut banks, retaining walls and un-retained fill slopes are limited to 1.2 vertical metres, with a minimum two (2) metre horizontal separation between the toe of one and the top of another;
	(b) building design involves:
	(i) split-level and pole-design buildings; or
	 (ii) slab-on-ground buildings only if the slab is part of a split level design or concealed slab design as shown in Figure 7.2.4.1.1; and
	 (c) the longer axis of the house is parallel to the contours of the site to facilitate stepped building forms; and
	(d) all excavation and fill is revegetated with endemic species immediately following

Performance outcomes	Acceptable outcomes
	construction.
	Editor's note: Buildings on sloping land should achieve the least amount of cut and fill and consider the slope of the land for siting and building design and location. Note: Figure 7.2.4.1.1 illustrates the outcome sought.
	Figure 7.2.4.1.1
	Slope Integration
	Garage
	Split Level
	Garage
	Concealed Slab
	Garage Road Separate Garage from House
	Garage
P07	A07.1
Garages and carports are designed to: (a) not dominate the streetscape;	Garages and carports do not comprise more than fifty (50) per cent of the frontage width of a lot.
(b) be compatible in design and finishes with	407.2
the dwelling or main building; and(c) accommodate all vehicles, boats, trailers and caravans.	AO7.2 Garages and carports are located behind the house or are incorporated into the dwelling.
	AO7.3 Where not incorporated into the dwelling, garages and carports use the same roof forms, material

Performance outcomes	Acceptable outcomes
	and colours as the dwelling.
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	A07.4
	Carports are transparent and are constructed
	using materials which are consistent with the
	materials and design of the approved dwelling or main building.
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PO8	AO8.1
The development is designed in a manner that contributes to a high level of visual amenity	The development has a pedestrian entry point at or visible from the primary road frontage.
when viewed from the street, public places, and	or version and primary road montago.
the surrounding area by incorporating elements	A08.2
including but not limited to the following:	If fencing is provided:
(a) emphasis on entry points;	(a) where located between the road frontage
 (b) orientation to the street and any public places; 	property boundary and the front building line,
(c) inclusion of structures or vegetation to	the fence is a maximum height of 1.2 metres and it is no longer than fifty (50) per cent of the
screen any building plant and waste storage	site frontage; or
areas from view of the street or other public places;	(b) where not located between the road frontage
(d) minimising the length of unarticulated	property boundary and the front building line,
buildings; and	the fence is a maximum height of 1.8 metres having a minimum transparency of fifty (50)
(e) inclusion of vegetation to screen any large	per cent.
unarticulated walls.	
	AO8.3
	A standalone class 10a building under the Building
	Code of Australia, being a garage or shed, is located at the rear of the lot.
	AO8.4
	Any waste storage areas are screened from view
	of the street and adjoining public places by one or
	more of the following: (a) a solid screen fence; or
	(b) a wall; or
	(c) dense vegetation.
	AO8.5
	Any building plant is screened from view of the
	street and adjoining public places by one or more
	of the following: (a) a solid screen fence; or
	(b) a roof design feature; or
	(c) a wall; or
	(d) dense vegetation.
Driveways	
PO9	AO9.1
PO9 Driveways are designed to:	AO9.1 Driveway:
(a) minimise earthworks and vegetation	(a) gradients do no exceed twenty-five (25) per
clearing;	cent;
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Performance outcomes	Acceptable outcomes
(b) minimise visual impact on the streetscape; and	 (b) location does not result in vegetation clearing unless within 3.5 metres from the centreline of a driveway; and
(c) provide safe egress and access to the street.	 (c) design includes effective drainage designed and constructed in accordance with the Queensland Urban Drainage Manual (QUDM).
	AO9.2
	Driveways:
	(a) are limited to one driveway access per lot;
	 (b) do not create cut banks, retaining walls or un- retained fill slopes greater than one (1) vertical metre; and
	(c) are a maximum width of 4.5 metres for double garages and 3.5 metres for single garages.

able 7.2.4.2 – Additional outcomes for assessable development

Performance outcomes	Acceptable outcomes
Land use	
PO10	No acceptable outcome is nominated.
Uses, other than those listed as preferred uses in the Overall Outcomes, do not occur unless they:	
 (a) are compatible with preferred uses within the applicable local plan precinct and the surrounding uses by being of similar scale, intensity and character; and 	
(b) support preferred uses within the applicable local plan precinct; and	
(c) do not adversely affect the amenity of the applicable local plan precinct use area within which the site is located.	
PO11	No acceptable outcome is nominated.
The use contributes to a high level of amenity and an attractive living environment for residents in the immediate area.	
PO12	No acceptable outcome is nominated.
The use appropriately integrates with any established dwellings and other sensitive land use in the immediate area.	
PO13	No acceptable outcome is nominated.
The development of a use that is not within the accommodation activities group occurs only if it does not undermine the viability, role or function of a nearby centre.	
PO14	No acceptable outcome is nominated.
The development of a use that is not within the accommodation activities group occurs only if it is located at a site adjoining a road that is classified as a collector road or a higher order	

Performance outcomes	Acceptable outcomes
road in the road hierarchy, and the road: (a) is designed to accommodate the traffic	
generated by the use;	
 (b) provides for convenient and safe access; and 	
(c) can minimise nuisance and disturbance to the surrounding residential area.	
If a neighbourhood centre	
PO15	No acceptable outcome is nominated.
Each individual use within the neighbourhood centre and the neighbourhood centre as a whole:	
(a) is small in scale;	
 (b) provides only a daily convenience function (day to day needs) serving the residents of the immediate area; and 	
(c) does not detract from the role and function of the higher order local, district and major centres.	
Landscape and natural environment	
PO16	No acceptable outcome is nominated.
Development is located, designed and operated to avoid significant adverse impacts on the following:	
 (a) existing environmental conditions relating to air, water and soil; 	
(b) landscape quality and scenic amenity values at the site;	
(c) significant trees and tracts of vegetation.	
Appearance	
P017	No acceptable outcome is nominated.
Large expanses of blank unarticulated building walls are broken up by use of fenestration, recesses, wall offsets, balconies, projections, or other building design features so that the development has an appearance which provides visual interest and contributes to a high level of visual amenity when viewed from the street, public places, and the surrounding area.	
Community safety	
PO18	No acceptable outcome is nominated.
Personal safety and property security is optimised through the use of Crime Prevention Through Environmental Design principles for buildings and spaces incorporating:	
(a) opportunities for surveillance;	
 (b) clear definition of boundaries between private and public spaces; and 	
(c) robust construction materials.	

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Performance outcomes	Acceptable outcomes
Infrastructure	
PO19 Safe, accessible, robust and reliable infrastructure relating to access and parking, energy supply, roads, roof and allotment drainage, sewage and wastewater treatment and disposal, stormwater management, telecommunications, and water supply, is adequately provided for the development in accordance with best practice and endorsed standards for the location, and relative to the needs of the development.	AO19.1 The development complies with the requirements of the Development Works Code.
Subdivision design	
 PO20 Reconfiguring a lot creates useable lots which have: (a) sufficient area and suitable proportions for preferred uses; (b) adequate frontage providing safe and convenient vehicular and pedestrian access; and (c) suitable areas within each lot for the location of relevant activities or works and which avoid risk to people and works from flooding, erosion, subsidence or other hazards; and (d) high quality landscaping is retained or incorporated into the landscape features of the land, including retention of existing mature vegetation within the road reserve, where practical. 	 AO20.1 Lots comply with the design parameters set out in Table 7.2.4.2.1 below. AO20.2 Landscaping is incorporated into new subdivisions through: (a) retention of existing vegetation outside the building footprint and driveway location; (b) retention of existing mature vegetation within the road reserve; and (c) the establishment of one (1) endemic street tree for every lot.

Local plan precinct	Minimum lot size	Design requirements	
		Minimum frontage	Depth to frontage ratio dimensions
LPP01 - Seaspray Residential Low Density Precinct	450 square metres provided that no more than 25% of the lots in any stage are less than 500 square metres	 12 metres for lots <600 square metres 20 metres for lots >600 square metres 	No less than 1 in 1.3 and no greater than 1 in 1.5
LPP02 - Seaspray Residential Medium Density Precinct	 (a) If subsequent to an Material Change of Use for either a dual occupancy or multiple dwelling – 250 square metres (b) Otherwise – 1,200 square metres 	20 metres	No less than 1 in 1.3 and no greater than 1 in 1.5
LPP03 - Seaspray Community and	No further subdivision	N/A	N/A

Table 7.2.4.2.1 – Design parameters for subdivision

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Performance outcomes	Acceptable outcomes	
Recreation Precinct		

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