

## Part 5 Merit Outcomes

The Merit Outcomes of the planning scheme are measures that facilitate the achievement of the Strategic Outcomes, in accordance with Section 16(1)(b) of the Act.

The Merit Outcomes are organised into the 16 themes described below. Section 3.6 provides guidance as to the use of these themes through both the Merit Outcomes and the Standard Outcomes in Part 6.

			
1. General	2. Agricultural Land	3. Airport Environs	4. Amenity and Privacy
			
5. Built Form and Development Design	6. Environmental Significance	7. Filling and Excavation	8. Heritage
			
9. Infrastructure and Services	10. Land Constraints	11. Land Use	12. Landscaping
			
13. Natural Hazards including Climate Change	14. Parking, Access and Transport	15. Reconfiguring a Lot	16. Vegetation Clearing

Note – Merit Outcomes are organised alphabetically in **Table 5.1** by theme following the first heading “General”. Each theme has also been assigned a sequential number (1-16) which is used consistently.

Note – Where the Merit Outcomes refer to a subject matter considered as part of an overlay, the mapping of this overlay is to be used as part of the assessment of development against those Merit Outcomes, unless Council is satisfied that more accurate technical evidence (such as (but not limited to) a site specific investigation undertaken by a suitably qualified person) is available to inform the assessment. Section 3.6 provides further explanation of the relationship between Standard Outcomes and Merit Outcomes, which is relevant in the consideration of overlays.

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Table 5.1 – Merit Outcomes



### 1. General

#### MO1.1

It is demonstrated that development has planning merit and achieves an appropriate balance between social, cultural, environmental and economic interests, having regard to:

- (a) the logical and orderly organisation of land uses, buildings and structures;
- (b) the manner in which the development responds to site features and characteristics;
- (c) the suitability of the land for the development;
- (d) the consistency of the development with the purpose and the local purpose of the zone/s within which the land is located;
- (e) the availability and suitability of other locations for the development;
- (f) the delivery of public facilities, such as open space or infrastructure, or other public benefits as part of the development;
- (g) the relationship of the development to community values and culture; and
- (h) the impacts and challenges of climate change.

Note – In assessing development against MO1.1, Council may determine that development has planning merit and achieves a balance between social, cultural, environmental and economic interests, despite being inconsistent with the purpose and/or local purpose of the relevant zone/s.

Note – MO1.1(e) is only to be considered where development is inconsistent with the purpose and/or local purpose of the relevant zone/s.

Note – In assessing development against MO1.1, it may be appropriate to consider the Standard Outcomes for the relevant zone contained in Part 6, as discussed in Section 3.1(12)(b).

#### MO1.2

Development does not detract from, or substantially differ from, the established amenity of the local area, having regard to:

- (a) noise;
- (b) hours of operation;
- (c) traffic;
- (d) visual amenity;
- (e) privacy and overlooking;
- (f) lighting;
- (g) odour; and
- (h) emissions.

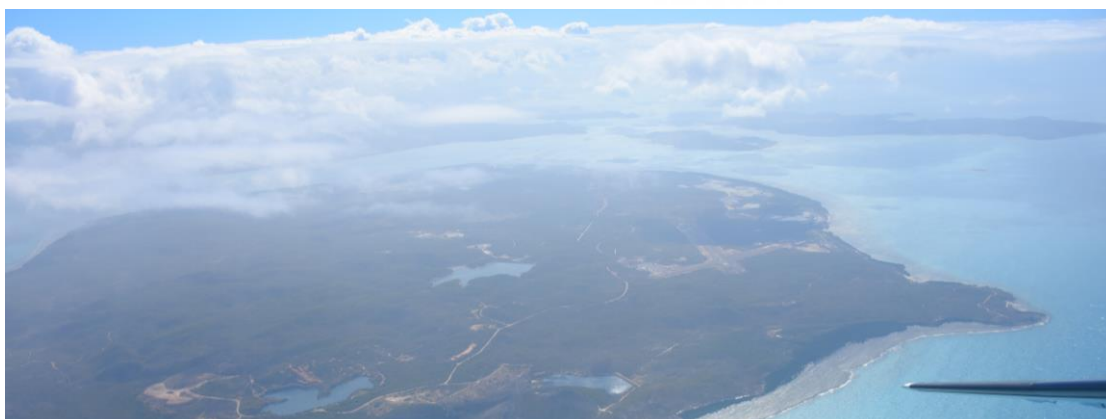


## 2. Agricultural Land

<b>MO2.1</b>	Development does not result in the fragmentation of agricultural land.
<b>MO2.2</b>	Development ensures that agricultural land remains available for land uses and activities that seek to utilise the quality of the land for <u>agricultural purposes</u> .
<b>MO2.3</b>	Development does not result in the introduction of land uses which could prejudice the efficient and effective operation of existing or future <u>agricultural purposes</u> , including <i>Stock Routes</i> .
<b>MO2.4</b>	Development that supports the efficient operation of <u>agricultural purposes</u> , such as supporting land uses and infrastructure, is only located on agricultural land where there is no alternative location available.
<b>MO2.5</b>	<p>The function, connectivity and pasture productivity of the <i>Stock Route</i> network is to be maintained for sustainable use by travelling stock. The <i>Stock Route</i> network and existing pasturage rights are protected from incompatible development.</p> <p>Editor's note – Section 432 of the <i>Land Act 1994</i> specifies where pasturage rights exist.</p>

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### 3. Airport Environs

<b>MO3.1</b>	Development and associated activities do not interfere with the function of aviation facilities.
<b>MO3.2</b>	Development does not create incompatible intrusions, or compromise aircraft safety within operational airspace.
<b>MO3.3</b>	Development does not, as a result of light, dust or gas emissions, interfere with, compromise or affect aircraft operations.
<b>MO3.4</b>	Development does not distract or confuse pilots of aircraft.
<b>MO3.5</b>	Land uses are appropriately located in relation to airport environs to ensure that: <ul style="list-style-type: none"> <li>(a) the potential for wildlife hazards to aircraft is minimised;</li> <li>(b) people are not exposed to unacceptable noise levels resulting from aircraft operations;</li> <li>(c) they do not have the potential to prejudice the future efficient operation of an airport or an aviation facility due to reverse amenity impacts; and</li> <li>(d) risk to people in the event of an aircraft failure is not increased.</li> </ul>

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#### 4. Amenity and Privacy

##### MO4.1

Development provides a quality of amenity for on-site residents, employees and visitors that is compatible with the intended character of the zone within which it is located and the nature of the land use, having regard to:

- (a) noise;
- (b) hours of operation;
- (c) traffic;
- (d) visual amenity;
- (e) privacy and overlooking;
- (f) lighting;
- (g) odour and other emissions;
- (h) access to open space; and
- (i) availability of on-site facilities.

Note – The purpose and local purpose of the zone within which the land is located should be considered in determining compliance with MO4.1.

##### MO4.2

Development, where resulting in two (or more) different land uses being located on adjoining land, ensures that an interface between the land uses is achieved that maintains the amenity and privacy of each land use, to a standard commensurate with the expectations of the zone within which the land uses are located.

##### MO4.3

Development is designed in a manner that provides a level of privacy to residents, land owners, employees and visitors of any existing or future development that is commensurate with the reasonable expectations associated with the land use pattern, density and character of the surrounding area.

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## 5. Built Form and Development Design

<b>MO5.1</b>	Development is consistent with the established built form character of the surrounding area, having regard to the <u>overall height</u> , <u>site cover</u> , <u>setbacks</u> and overall scale of existing buildings and structures on adjoining and nearby land.
<b>MO5.2</b>	<p>Despite MO5.1 development may be inconsistent with the established built form character of the surrounding area where it is demonstrated that the established built form character of the surrounding area is largely inconsistent with the purpose and local purpose of the zone within which the land and the surrounding land is located.</p> <p>Note – This outcome is applicable where there is a clear intention under this planning scheme, by way of the manner in which land is zoned, to alter the character of an area or <u>site</u>.</p>
<b>MO5.3</b>	<p>Development is sited and designed in a manner that maintains an appropriate level of amenity for residents, land owners, employees and visitors of any existing or future development having regard to:</p> <ul style="list-style-type: none"> <li>(a) access to daylight and sunlight;</li> <li>(b) overlooking and sight lines;</li> <li>(c) access to prevailing breezes and air; and</li> <li>(d) outlook.</li> </ul>
<b>MO5.4</b>	<p>Buildings and structures are designed in a manner which positively contributes to the character and appearance of the <u>site</u> and the surrounding area, having regard to:</p> <ul style="list-style-type: none"> <li>(a) materials and finishes;</li> <li>(b) variations in shape, form and finishes;</li> <li>(c) apparent size and scale;</li> <li>(d) use of lightweight materials;</li> <li>(e) the relationship between built form and landscaping; and</li> <li>(f) the visibility of service areas, vehicular parking and other infrastructure.</li> </ul>
<b>MO5.5</b>	<p>Buildings and structures are designed to ensure that safety is achieved for people on-site, on adjoining land and in public places, having regard to:</p> <ul style="list-style-type: none"> <li>(a) opportunities for casual surveillance;</li> <li>(b) potential entrapment locations;</li> <li>(c) frequency and nature of use; and</li> <li>(d) lighting.</li> </ul>



## 5. Built Form and Development Design (continued)

### MO5.6

Buildings are designed in a manner that engages with the adjoining street environment. The extent of engagement is commensurate with the intended character of the zone within which the building is located.

Note – The purpose and the local purpose of the zone within which the land is located should be considered in determining compliance with MO5.6.

### MO5.7

Buildings and structures are located and designed in a manner that is reflective of, and responsive to, the tropical climate of Torres Shire, having regard to:

- (a) sunlight and daylight access;
- (b) aspect;
- (c) shading;
- (d) natural ventilation and temperature control; and
- (e) building materials.

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## 6. Environmental Significance

Note – In assessing development against these Standard Outcomes, reference should be made to the Planning Scheme Study *Terrestrial Biodiversity Values of the Torres Shire Council* prepared by David Fell Environmental Pty Ltd to the extent relevant.

<b>MO6.1</b>	Development is located, designed and constructed to avoid, and where avoidance is not possible, minimise impacts on <u>matters of environmental significance</u> .
<b>MO6.2</b>	Development is only located within an area containing a <u>matter of environmental significance</u> where: <ul style="list-style-type: none"> <li>(a) the development is compatible with the biodiversity and ecology characteristics of the area;</li> <li>(b) any potential or actual impacts on environmental processes are avoided, mitigated or otherwise minimised; and</li> <li>(c) the nature of the development necessitates its location in the area containing a <u>matter of environmental significance</u>.</li> </ul>
<b>MO6.3</b>	Development on land containing <u>matters of environmental significance</u> : <ul style="list-style-type: none"> <li>(a) is designed in a manner that is reflective of, and responsive to, the ecological characteristics of the land; and</li> <li>(b) provides opportunities for the appreciation and interpretation of the Shire's natural environment by the community.</li> </ul>
<b>MO6.4</b>	Development does not result in: <ul style="list-style-type: none"> <li>(a) the fragmentation of areas containing <u>matters of environmental significance</u>; or</li> <li>(b) the isolation of an area containing <u>matters of environmental significance</u>; or</li> <li>(c) a reduction in ecological connectivity; or</li> <li>(d) the creation of barriers to wildlife movement.</li> </ul>
<b>MO6.5</b>	Development provides for the maintenance, protection, and where practical enhancement, of the areas containing <u>matters of environmental significance</u> , particularly the habitat of native wildlife.
<b>MO6.6</b>	Development ensures the environmental significance of the Great Barrier Reef is protected through the avoidance, or otherwise minimisation, of silt runoff.





## 6. Environmental Significance (continued)

Note – In assessing development against these Standard Outcomes, reference should be made to the Planning Scheme Study *Terrestrial Biodiversity Values of the Torres Shire Council* prepared by David Fell Environmental Pty Ltd to the extent relevant.

<p><b>MO6.7</b></p>	<p>Development within the <i>Turtle Sensitive Area</i> is designed, constructed and operated in a manner that minimises the potential impacts of development on sea turtle nesting and sea turtle activity by:</p> <ul style="list-style-type: none"> <li>(a) locating, designing (including shielding) and operating artificial lighting to avoid direct illumination of the beach, ocean or sky at night;</li> <li>(b) minimising the brightness and luminance of outside lighting;</li> <li>(c) avoiding the reflection of light and contribution to sky glow;</li> <li>(d) using building design to minimise the extent to which internal lighting is visible external to the building;</li> <li>(e) maximising the retention of vegetation proximate to the <i>Very Significant Sea Turtle Nesting Area</i> and the <i>Significant Sea Turtle Nesting Area</i> to screen development when viewed from the ocean or beach;</li> <li>(f) using built or landscaping elements to screen development when viewed from the ocean or beach;</li> <li>(g) avoiding flood lighting proximate to the <i>Very Significant Sea Turtle Nesting Area</i> and the <i>Significant Sea Turtle Nesting Area</i>;</li> <li>(h) including fencing and other access management measures to reduce potential interaction with potential turtle nesting sites;</li> <li>(i) appropriately designing any beach access to ensure that any potential impact on turtle nesting is avoiding or otherwise minimised; and</li> <li>(j) implementing appropriate controls at both construction and operational phases of any development.</li> </ul> <p>Note – In assessing the potential impacts of development on turtle nesting, the duration of turtle nesting seasons should be considered. The duration of turtle nesting seasons is as follows:</p> <ul style="list-style-type: none"> <li>• Jardine River Camping Reserve: March – December</li> <li>• Deliverance Island: June – December</li> <li>• Bramble Cay: October – June</li> <li>• All other locations: November – May</li> </ul>
<p><b>MO6.8</b></p>	<p>Development within the <i>coastal management district</i> as shown on <b>Map OM-401</b> to <b>Map OM-409b</b>:</p> <ul style="list-style-type: none"> <li>(a) protects <u>coastal landforms</u>, wetlands and native vegetation;</li> <li>(b) does not adversely impact on coastal processes and resources; and</li> <li>(c) supports the provision of appropriate public access to the coast, where it is compatible with the nature of surrounding land use and the environmental values of the <u>coastal landform</u>.</li> </ul>

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## 7. Filling and Excavation

<b>MO7.1</b>	Alteration of <u>ground level</u> is minimised to the greatest extent practical, with preference given to development that uses the natural topography of the <u>site</u> .
<b>MO7.2</b>	Filling and excavation minimise the number, height and extent of retaining walls.
<b>MO7.3</b>	Filling and excavation maintains ground stability and does not increase the potential for land slips.
<b>MO7.4</b>	Filling and excavation does not result in the creation of earthworks features (such as retaining walls and batters) that negatively impact on the character of the local area or the amenity of an on-site, adjoining or nearby land use.
<b>MO7.5</b>	The need to import or export fill as part of earthworks is minimised, with preference given to balanced earthworks (where importing or exporting is not required).
<b>MO7.6</b>	Filling and excavation avoids, or otherwise minimises, silt runoff to ensure the protection of The Great Barrier Reef.



## 8. Heritage



Note – Schedule 7 provides statements of significance (where available) for *Local Indigenous heritage places* and *Local non-Indigenous heritage places*. Where a statement of significance is provided, this should be used to inform the understanding of the cultural heritage significance of a place and the assessment completed against these Merit Outcomes.

<b>MO8.1</b>	Development conserves the cultural heritage significance of Torres Shire, including both Indigenous and non-Indigenous heritage.
<b>MO8.2</b>	<p>Areas with known or potential cultural heritage significance are used, managed and developed in a manner that ensures the conservation of any cultural heritage significance.</p> <p>Note – Planning Scheme Policy 2 – Cultural Heritage provides guidance on the management of cultural heritage.</p>
<b>MO8.3</b>	<p><u>Sites</u> and buildings of cultural heritage significance are used in a manner that promotes the appreciation of their significance, particularly through public access, where this is compatible with the nature and significance of the <u>site</u> or building.</p> <p>Note – In some instances public access may be inconsistent with the conservation of the cultural heritage significance of the place.</p>
<b>MO8.4</b>	<p>The local Indigenous people are consulted, where appropriate, in relation to any development involving known or potential <u>sites</u> of Indigenous cultural heritage.</p> <p>Note – Consultation is to be undertaken in accordance with Planning Scheme Policy 2 – Cultural Heritage.</p>
<b>MO8.5</b>	<p>New development is respectful of, compatible with, and reflective of <u>sites</u> and buildings of cultural heritage significance by:</p> <ul style="list-style-type: none"> <li>(a) maintaining the visibility of locations of cultural heritage significance from public viewpoints such as roads, parks and lookouts, insofar as this is compatible with the cultural sensitivities of the <u>site</u>;</li> <li>(b) being of a scale and size that is commensurate to the setting of the place;</li> <li>(c) maintains the prominence of <u>sites</u> of cultural heritage significance; and</li> <li>(d) comprising design elements that are sympathetic to the <u>site</u> of cultural heritage significance, whilst not imitating or replicating heritage elements.</li> </ul>

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## 8. Heritage (continued)

### MO8.6

Buildings that are identified as being of cultural heritage significance are conserved without alteration unless the alterations:

- (a) relate to elements of the building that are not of cultural heritage significance; or
- (b) provide for the refurbishment, restoration or improvement of the building in a manner which increases the appreciation of its cultural significance; or
- (c) are minor in nature and do not substantially impact on the cultural heritage significance of the building; or
- (d) are necessary to maintain safety provided the works are completed in a manner that minimises any impact on the cultural heritage significance of the building; or
- (e) are necessary to permit the use of the building in an effective manner, where without the alterations the use of the building would not be possible and the cultural heritage significance of the building would likely be degraded; or
- (f) are necessary to provide a modern standard of services (an example of which is disability access) provided the works are completed in a manner that minimises any impact on the cultural heritage significance of the building.

### MO8.7

Development is operated and constructed in a manner that ensures that archaeological evidence is retained for the benefit of the entire community. Indigenous objects are managed in accordance with Indigenous cultural requirements.

Note – Planning Scheme Policy 2 – Cultural Heritage provides guidance on the management of cultural heritage.



## 9. Infrastructure and Services

### MO9.1

All development is provided with a reliable, safe and efficient method of access to the following infrastructure services:

- (a) water supply;
- (b) sewerage;
- (c) stormwater;
- (d) telecommunications; and
- (e) electricity / power.

Note – In assessing development against MO9.1, it may be appropriate to consider the Standard Outcomes for Works, Services and Infrastructure contained in Part 6, as discussed in Section 3.1(12)(b).

### MO9.2

The nature and design of infrastructure connections is to be commensurate with the nature of the development, having regard to:

- (a) the location of the development within the Shire;
- (b) the manner in which surrounding development accesses infrastructure services;
- (c) the proximity of any reticulated network and any planned upgrades to, or extensions of, this network;
- (d) the intent, with respect to character and scale, for development within the zone within which the land is located;
- (e) the scale of the development;
- (f) the likely demand the development will have for infrastructure services; and
- (g) potential impacts on the amenity and character of the general locality, including nearby existing and future uses.

### MO9.3

Development provides for the appropriate management of stormwater to ensure that:

- (a) development does not negatively impact on the surrounding catchment and stormwater network/system;
- (b) does not result in the unlawful discharge of stormwater onto adjoining land;
- (c) does not cause an actionable nuisance;
- (d) stormwater infrastructure is appropriately located and can be accessed for maintenance;
- (e) stormwater collected is appropriately treated for quality purposes; and
- (f) stormwater infrastructure is designed to be fit for purpose.

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## 9. Infrastructure and Services (continued)

**MO9.4**

Development does not result in damage to existing infrastructure or, where damage occurs, rectification works are undertaken at no cost to the infrastructure owner/provider.

**MO9.5**

Lighting associated with development is designed and located in a manner that does not negatively affect the amenity of adjoining or nearby land uses or the character of the surrounding area.

**MO9.6**

Mechanical services are appropriately located and designed in order to not degrade the established character of the local area or the streetscape.

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## 10. Land Constraints

<b>MO10.1</b>	<p>Development:</p> <ul style="list-style-type: none"> <li>(a) avoids, or otherwise mitigates, the extent to which potential or actual <u>acid sulfate soils</u> are required to be disturbed; and</li> <li>(b) ensures that the location and severity of <u>acid sulfate soils</u> within any area to be disturbed is accurately identified.</li> </ul>
<b>MO10.2</b>	<p>Development is appropriately managed to avoid adverse effects associated with the release of acid or metal contaminants into the environment having specific regard to:</p> <ul style="list-style-type: none"> <li>(a) the ecology of wetlands and shallow freshwater and brackish aquifer systems;</li> <li>(b) commercial and recreational fisheries and agricultural crop productivity;</li> <li>(c) corrosion rates of concrete and steel infrastructure; and</li> <li>(d) human health.</li> </ul> <p>Note – Any development involving the disturbance of potential or actual <u>acid sulfate soils</u> is to be subject to management controls that achieve compliance with MO10.2. The management of <u>acid sulfate soils</u> must be consistent with Queensland's latest <u>acid sulfate soil</u> management guidelines.</p>
<b>MO10.3</b>	<p>Where development is within close proximity to a former mining activity, associated risks to people and property are appropriately mitigated.</p> <p>Note – It may be necessary for remediation of the land to occur to support development.</p> <p>Note – A geotechnical assessment report prepared by a <u>suitably qualified person</u> will assist in demonstrating achievement of this Merit Outcome.</p> <p>Note – <u>Sites</u> of former mining activities are identified in the Queensland Government's GeoResGlobe.</p>

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## 11. Land Use

### MO11.1

Development involves land uses that are:

- (a) compatible with existing and anticipated land uses and activities in the surrounding area;
- (b) within the reasonable expectations of existing residents, land owners, employees and visitors of adjoining and nearby existing uses;
- (c) consistent with the purpose and local purpose of the zone/s within which they are located; and
- (d) located in a manner that does not prejudice the future use of well-located land for urban purposes in the long-term through inappropriate interim uses.

Note – In assessing development against MO11.1, it may be appropriate to consider the Standard Outcomes for the relevant zone contained in Part 6, as discussed in Section 3.1(12)(b).

### MO11.2

Development for commercial purposes is located and scaled in a manner that maintains consistency with the following principles:

- (a) The role of Thursday Island as the primary commercial centre for Torres Shire and the Torres Strait region is maintained and enhanced through the inclusion of the highest order of services in the Shire and the region;
- (b) The *Centre Zone* maintains its role as providing a range of commercial and community services for surrounding land; and
- (c) Any commercial purposes located outside the *Centre Zone* is:
  - (i) of a lower order to commercial purposes currently provided in the *Centre Zone*;
  - (ii) is of a small scale;
  - (iii) services the immediate surrounding community and/or a specific land use; and
  - (iv) does not degrade the existing or future role of land in the *Centre Zone*.

### MO11.3

Development involving residential purposes ensures that:

- (a) housing is well located proximate to key services;
- (b) a diversity of housing options is provided;
- (c) the provided housing products cater for the needs and demands of all members of the community; and
- (d) opportunities for housing affordability and home ownership are promoted.

### MO11.4

Development providing accommodation or facilities for tourists is appropriately scaled, designed and located to ensure that it does not dominate the local area and remains a subordinate part of the overall land use mix.



## 11. Land Use (continued)

### MO11.5

Development proximate to an identified strategic port complements and, where possible, enhances the role and function of the port and does not prejudice its ongoing operation.

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## 12. Landscaping

### MO12.1

Development includes a quality and quantity of landscaping that positively contributes to the character of the surrounding area, particularly the streetscape.

### MO12.2

Development includes landscaping that is sufficient to ensure that any element of built form does not appear dominant.

### MO12.3

Development provides landscaping to achieve the screening of service areas, vehicular parking and other infrastructure and achieve privacy for residents, land owners, employees and visitors.

### MO12.4

Landscaping does not compromise the safety of people on-site, on adjoining land and in public places, and does not introduce invasive species.

### MO12.5

Landscaping is provided to protect the amenity of land uses and areas in locations where:

- (a) buffering is required between incompatible land uses; or
- (b) screening of unsightly land uses or components of land uses is required; or
- (c) screening of land uses is required to maintain the visual amenity of the road environment.



### 13. Natural Hazards including Climate Change

MO13.1	<p>Development is not located within an area that is identified as being subject to a natural hazard, unless the location of the development is considered appropriate, having regard to the following:</p> <ul style="list-style-type: none"> <li>(a) the compatibility of the extent of development located in an area identified as being subject to a natural hazard with the level of risk associated with the hazard;</li> <li>(b) the nature of the development and any necessity for the development to be located within an area that is identified as being subject to a natural hazard;</li> <li>(c) the ability for the development to result in a reduction or removal of the risk of natural hazard;</li> <li>(d) the availability of alternative suitable <u>sites</u> that are subject to a lesser risk of natural hazard;</li> <li>(e) the necessity of the development for the community;</li> <li>(f) the potential to mitigate risks to people and property to an extent that is tolerable having regard to the nature of the development; and/or</li> <li>(g) the actual on-site natural hazard risks, as identified as part of a site-based technical assessment.</li> </ul> <p>Note – Paragraphs (a) to (e) are provided as guidance in determining whether the location of development in an area that is identified as being subject to a natural hazard is appropriate.</p> <p>Note – It is recommended that a technical assessment of the relevant natural hazard/s be prepared by a <u>suitably qualified person</u> to demonstrate compliance with MO13.1, particularly paragraph (g). An example of a technical assessment is a Flood Impact Assessment.</p>
MO13.2	Development does not result in an increase in the potential risk to people or property from a natural hazard on the <u>site</u> or adjoining or nearby land.
MO13.3	Development does not hinder the ability of the community to effectively and efficiently respond to natural hazards, natural disasters or climate change.
MO13.4	Development involving the manufacturing or storage of hazardous materials is appropriately located in relation to potential natural hazards to ensure the likelihood of human and environmental harm is minimised.
MO13.5	<u>Vital community infrastructure</u> is located in relation to potential natural hazards in a manner that ensures that the infrastructure can continue to operate in the event of a natural hazard or natural disaster.

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### 13. Natural Hazards including Climate Change (continued)

#### MO13.6

Land uses and lots located in areas that are subject to natural hazards include:

- (a) methods of notifying residents, employees and visitors of the natural hazard risk;
- (b) management controls to ensure that residents, employees and visitors are able to evacuate if required, including the identification of a designated evacuation area; and
- (c) access to facilities and services necessary to mitigate impacts associated with the natural hazard risk.

Note – An example of a facility or service for the purposes of paragraph (c) is the provision of a water supply for fire fighting where within a bushfire hazard area.

#### MO13.7

Development for Reconfiguring a Lot ensures that the resulting lot layout:

- (a) is responsive to the natural hazard risk of the site;
- (b) uses areas subject to natural hazard risk for purposes that are compatible with the nature of risk;
- (c) allows for the appropriate location of future buildings to achieve an acceptable or tolerable risk for future uses;
- (d) includes buffering to, or separation from, areas subject to natural hazard risk;
- (e) facilitates the safe evacuation of people, if required due to a natural hazard; and
- (f) facilitates access for emergency services, as appropriate.

#### MO13.8

Hard to evacuate uses are not established or intensified in an area that is subject to a natural hazard unless:

- (a) there is an overriding need in the public interest for the new or expanded service the development provides;
- (b) there are no other suitable alternative locations within the required catchment; and
- (c) site planning can appropriately mitigate the risk.





## 14. Parking, Access and Transport

Note – In demonstrating compliance with the Merit Outcomes for the Parking, Access and Transport theme, it may be appropriate for technical reporting to be prepared by a suitably qualified person examining the sufficiency and appropriateness of the proposed parking, circulation, movement, access, servicing and/or other transport arrangements. The extent and nature of any provided technical reporting will be dependent on the specific circumstances relating to the development, however types of reporting may comprise a Traffic Impact Assessment, Car Parking Strategy or a Car Parking Occupancy Assessment.

<b>MO14.1</b>	Development provides parking, circulation, movement, access, servicing and other transport arrangements that ensure the efficiency of traffic movement and the safety of all transport modes, including pedestrians and cyclists.
<b>MO14.2</b>	<p>Development provides parking arrangements, including a supply of car parking spaces, that:</p> <ul style="list-style-type: none"> <li>(a) is reflective of the anticipated demand for car parking;</li> <li>(b) does not negatively impact on the amenity or character of the <u>site</u> or surrounding area;</li> <li>(c) considers the nature of surrounding land use and infrastructure, with specific regard to car parking demand, supply and traffic movement; and</li> <li>(d) promotes efficiency in the use of land and associated traffic arrangements, including the maximisation of the potential of well-located land.</li> </ul> <p>Note – In assessing development against MO14.2, it may be appropriate to consider the Standard Outcomes for Parking, Access and Transport contained in Part 6, as discussed in Section 3.1(12)(b).</p>
<b>MO14.3</b>	Parking and access arrangements ensure that development is accessible to all members of the community, including (but not limited to) persons with disabilities.
<b>MO14.4</b>	Roads within Torres Shire are designed and constructed to a standard that is appropriate for the intended and anticipated vehicular, cyclist and pedestrian demand on the road.
<b>MO14.5</b>	Development provides for the upgrading of existing on-site and off-site transport infrastructure where required to provide for the safe and efficient movement of traffic and people.
<b>MO14.6</b>	Development does not detrimentally affect the safe and efficient operation of the existing and future external road network, due to traffic generation, access arrangements or development design.

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#### 14. Parking, Access and Transport (continued)

**MO14.7**

Development is designed to promote the use of active transport by making appropriate provision for pedestrians and cyclists including:

- (a) within the road network;
- (b) within sites;
- (c) through dedicated corridors;
- (d) through appropriate separation from traffic; and
- (e) through the provision of end of trip facilities, where demand necessitates.

**MO14.8**

New subdivisions facilitate the efficient movement of people via various transport modes to key trip attractors.

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## 15. Reconfiguring a Lot

<b>MO15.1</b>	All lots are of a size and shape that is consistent and compatible with the lot layout and character of the surrounding area.
<b>MO15.2</b>	<p>All lots are of a size and shape that allows for their future development in a manner that is consistent with the established character and amenity of the surrounding area.</p> <p>Note – In determining compliance with this outcome, regard should be had to the Standard Outcomes of this planning scheme that will be applicable to the future use of any proposed lot.</p>
<b>MO15.3</b>	<p>All lots are of a size and shape that is sufficient to accommodate all required buildings, structures, facilities, infrastructure and services associated with their intended future use.</p> <p>Note – In determining compliance with this outcome, regard should be had to the Standard Outcomes of this planning scheme that will be applicable to the future use of any proposed lot.</p>
<b>MO15.4</b>	Reconfiguring a Lot, where resulting in the creation of new roads, provides for the efficient movement of vehicles and pedestrians with the development and to and from external destinations.
<b>MO15.5</b>	<p>The lot layout of any reconfiguration is responsive to, and reflective of, the opportunities and constraints of the land which is being reconfigured, including consideration of:</p> <ul style="list-style-type: none"> <li>(a) topography;</li> <li>(b) existing vegetation;</li> <li>(c) existing and future land uses;</li> <li>(d) the existing road network;</li> <li>(e) the zoning pattern identified by this planning scheme;</li> <li>(f) the overlay designations of this planning scheme;</li> <li>(g) waterbodies;</li> <li>(h) solar patterns and daylight access;</li> <li>(i) prevailing air flow and breezes; and</li> <li>(j) the location of key attractors and destinations in the local area.</li> </ul>
<b>MO15.6</b>	Reconfiguring a Lot provides a range of lot sizes and types to suit a range of uses, building sizes and development types.
<b>MO15.7</b>	New residential subdivisions ensure that residents have easy access to public parkland to meet their recreational and leisure demands.

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### 15. Reconfiguring a Lot (continued)

MO15.8	<p>The layout of lots is designed to ensure that safety is achieved for people on-site, on adjoining land and in public places, having regard to:</p> <ul style="list-style-type: none"> <li>(a) opportunities for casual surveillance;</li> <li>(b) potential entrapment locations;</li> <li>(c) frequency and nature of use; and</li> <li>(d) lighting.</li> </ul>
MO15.9	<p><u>Rear lots</u> are only created where it is demonstrated that:</p> <ul style="list-style-type: none"> <li>(a) it will provide for the efficient use of land;</li> <li>(b) the streetscape character of the local area will not be affected;</li> <li>(c) the lot is of sufficient size to accommodate a lawful use, including appropriate access arrangements; and</li> <li>(d) the number of <u>rear lots</u> proposed is limited to a single <u>rear lot</u> behind a standard lot (i.e. multiple <u>rear lots</u> using the same <u>access handle</u> are not proposed).</li> </ul>
MO15.10	<p>Boundary realignments are undertaken only where:</p> <ul style="list-style-type: none"> <li>(a) any new boundary takes into consideration the existing and future use of the land;</li> <li>(b) any new boundary takes into consideration the planning scheme designations, such as zoning and overlays, applicable to the land;</li> <li>(c) resulting lots remain capable of accommodating land uses intended to occur on the land under this planning scheme; and</li> <li>(d) the frontage of any new lot remains sufficient to accommodate all required services and infrastructure in a manner that is compatible with the established character and amenity of the zone and locality.</li> </ul>
MO15.11	<p>Access easements are only created to:</p> <ul style="list-style-type: none"> <li>(a) provide legal protection for existing access arrangements; or</li> <li>(b) provide for the efficient use of land in urban areas; or</li> <li>(c) provide for the combination of accesses in urban areas to improve the pedestrian environment; or</li> <li>(d) provide for the creation of rear access lanes, where these are desirable; or</li> <li>(e) allow access to a secondary road, where it is undesirable for access to be gained from the <u>primary frontage</u>; or</li> <li>(f) allow for the combination of accesses in non-urban areas, where doing so would reduce the extent of public road required solely for property access; or</li> <li>(g) provide access to infrastructure for maintenance purposes.</li> </ul>
MO15.12	<p>Access easements are sufficiently sized to accommodate all likely vehicular and pedestrian traffic resulting from the land uses and lots serviced by the easement.</p>

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### 15. Reconfiguring a Lot (continued)

#### MO15.13

The creation or modification of a lease:

- (a) reflects the existing and future use of the land to which it relates;
- (b) ensures that the area and dimension of the lease is sufficient to accommodate land uses and other works in a manner that is consistent with this planning scheme;
- (c) ensures that any area of land not located within the lease is capable of use for a purpose intended by the zone within which it is located;
- (d) ensures that the lot upon which the lease is located is provided with sufficient infrastructure and service connections, including water, sewerage, stormwater, electricity, telecommunications and transport/access, to support the use of the lease.

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## 16. Vegetation Clearing

**MO16.1**

The clearing of vegetation is avoided to the greatest extent practical, particularly where involving mature and/or native vegetation. Where the clearing of vegetation cannot be reasonably avoided, the adverse impacts of clearing are minimised.

**MO16.2**

Retained vegetation is used as a feature within the development and use of land.

Note – This may be best achieved through incorporation of retained vegetation in proposed landscaping areas.

**MO16.3**

Vegetation clearing does not result in areas of land becoming unstable or increases in likelihood of landslip.

**MO16.4**

Vegetation clearing does not result in a degradation in the scenic quality of foreshore or hilltop areas.

**MO16.5**

Vegetation clearing does not result in a reduction in the amenity of residents.

**MO16.6**

Despite MO16.1 to MO16.5, vegetation clearing may be undertaken where it is demonstrated that the clearing is necessary to maintain public safety.

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