



## PLANNING SCHEME Information sheet

### Scenic Amenity

This information sheet provides information to raise awareness and to assist the reader in understanding how the planning scheme identifies scenic amenity areas and how it regulates development at these locations.

#### How does the planning scheme manage impacts on identified areas of scenic amenity?

The planning scheme recognises the need to plan and manage potential adverse development impacts on valued scenic amenity areas. It does this via the regulation of development in specific circumstances if it is located in an area affected by a scenic amenity overlay.

#### Are the scenic amenity overlays new?

No. The Livingstone Shire Planning Scheme 2005 has regulated scenic amenity via the Capricorn Coast Landscape Code since October 2005. It is recognised as a local policy matter expressed in the planning scheme.

Despite the scenic amenity overlays existing in the 2005 planning scheme, some of the circumstances where a development application may be required and some of the assessment benchmarks used to assess development may vary in the new planning scheme compared to the previous planning scheme.

#### Where do Scenic Amenity Overlays come from?

The planning scheme identifies and displays by overlays, areas known to have significant scenic landscape features and values. Many of these areas are facing increasing development pressure and need to be managed.

The scenic amenity overlays and planning matters associated with these areas have been derived from information contained within the Capricorn Coast Landscape Study. A copy of this document can be obtained from Council's internet website.

As a brief summary, the Capricorn Coast Landscape Study focussed on a ten kilometre wide portion of the Capricorn Coast generally from the locality of Byfield to the locality of Keppel Sands. The study identified that the character of the Capricorn Coast and its distinctive scenic quality derives primarily from its undulating coastal landform with a sequence of headlands, bays and valleys, and the patterns of remnant vegetation and urban development that have developed to create a fine-grained diversity of views and scenery.



Figure 1: Coastal scenic foreshore area

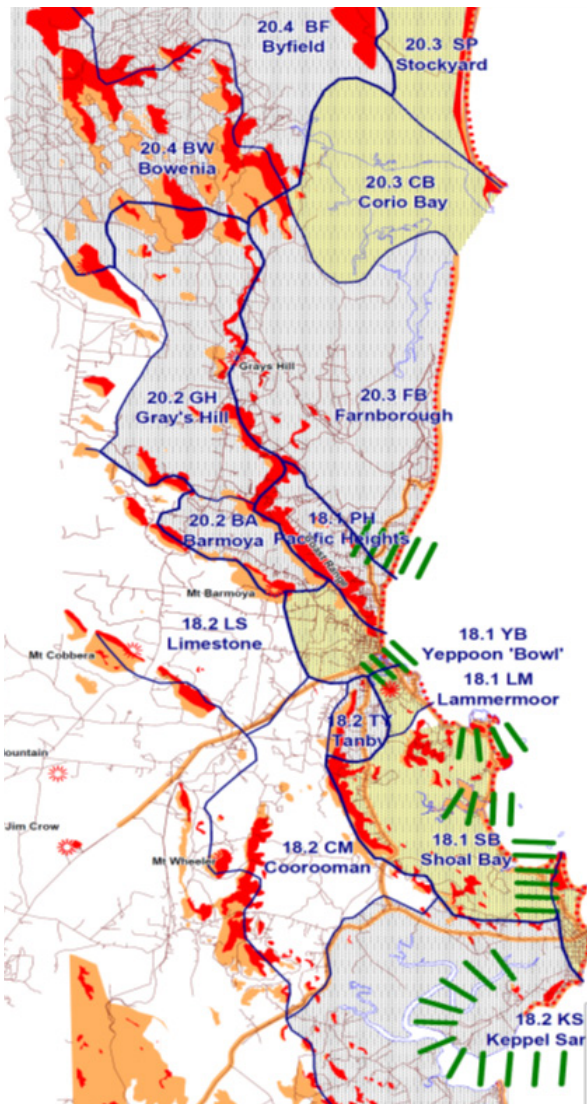


Figure 2: Scenic amenity areas identified in the Capricorn Coast Landscape Study.

### What happens if a lot is affected by a scenic amenity overlay?

Having a scenic amenity overlay situated over a lot may or may not trigger a development assessment under the planning scheme. The overlay maps are to be used in conjunction with the Tables of Assessment contained within Part 5 of the planning scheme. The Tables of Assessment determine the circumstances whether or not an overlay applies, the categories of development and assessment if the lot is affected by an overlay, and also the assessment benchmarks to be used for any development assessment.

If a development application is required under Part 5 of the planning scheme as a result of a scenic amenity overlay, in most instances the Scenic Amenity Overlay Code will be triggered as an assessment benchmark.

### What does the Scenic Amenity Overlay Code seek to achieve?

For assessable development affected by a Scenic Amenity Overlay, the Scenic Amenity Overlay Code seeks to achieve the following outcomes:

- development integrates all aspects of engineering, architecture, building, operational work and landscaping with the natural features and characteristics of the site, to minimise adverse effects on the environment and the landscape; and
- areas identified as having landscape values are protected from inappropriate development or the effects of development that may reduce those values in terms of:
  - physical changes to the natural environment; or
  - damage or removal of vegetation; or
  - prominence of development within its landscape setting and the extent of associated visual detractor.

### What happens if development is not consistent with the Scenic Amenity Overlay Code?

A development proposal that is assessed as not complying with the Scenic Amenity Overlay Code will trigger Council's ability to refuse the development proposal or to impose conditions if it is considered that the conditions will be suitable for ensuring that the development can comply with the overlay code.

### Minimising development impacts on scenic landscape features

The visual impacts of development on a significant scenic landscape feature may potentially be mitigated by incorporating design responses including but not limited to the following:

1. retention or rehabilitation of vegetation on ridgelines and prominent slopes;
2. retention or rehabilitation of waterways, drainage paths, and riparian vegetation;
3. locating buildings so that there is minimal disruption to the skyline, and locating buildings so that roofs are below the canopy height of surrounding trees or ridgelines;
4. retention of mature trees and stands of established vegetation;
5. use of non-reflective roofing materials and colours;
6. use of building materials and colours that are drawn from or complement the natural or rural landscape of the locality;
7. avoidance of the use of imported building types and themes that are incompatible with the natural or rural landscape of the locality;
8. avoidance of the creation of extended straight lengths of new road or driveways in areas of hilly topography or where inconsistent with the established road pattern of the locality;





Figure 3: Coastal scenic headlands and islands

9. avoidance of fencing, landscaping and lighting treatments that are urban in scale and appearance if the site is in a rural or non-urban setting;
10. provision of building setbacks to boundaries and provision of spacing between buildings which are in proportion to the size of allotments;
11. retention of mature vegetation and planting of new vegetation in building setback areas, particularly the setback areas located within the sight of major public roads and public viewer places;
12. location of buildings and other structures so as not to obscure or interrupt any significant views from a public viewer place to an identified significant scenic landscape feature;
13. minimising the scarring of the land due to earthworks and the use of large retaining walls at highly visible locations;
14. if for a subdivision, the creation of larger lot sizes at highly visible locations, with the lots having sufficient size to accommodate buildings and structures while retaining significant vegetation coverage;
15. removing advertising signage along scenic transport routes; and
16. if adjoining a scenic transport route or coastline foreshore area:
  - use of vegetation buffers, non-overbearing building heights and stepped building designs where appropriate; and
  - minimising multi-level development, except within in a zone allocation which specifically encourages higher densities and higher maximum building heights.

### Scenic amenity in areas that are not identified by an overlay

There are a number of places and features located throughout the Livingstone Shire planning scheme area that have not been the specific focus of detailed landscape and scenic amenity studies. Some of these places contain landscape elements and features that are distinctive, well known, and highly valued by the community for their scenic amenity and their strong contribution to character, identity and sense of place.

Council at its discretion may call upon the content of the scenic amenity planning scheme policy when assessing development that Council considers could potentially have an adverse effect on the scenic amenity even if the place or feature is not identified by an overlay.



Figure 4: Example of an inland scenic landscape feature



Figure 5: Example of an inland scenic landscape feature (volcanic plug)

### Visual Impact Assessment Report

To assist with demonstrating that a development does not adversely affect scenic amenity values, an applicant can consider submitting a Visual Impact Assessment Report with a development application or Council may request that one be submitted. For further details on Visual Impact Assessment Reports, reference should be made to the Scenic Amenity Planning Scheme Policy contained within Schedule 7 of the planning scheme.

*Disclaimer: The content of this information sheet is a summary and has been prepared to assist the reader to understand the Planning Scheme. This advice given does not bind or fetter the Council in any way in exercising its statutory responsibilities in assessing any development application which might be made to the Council. Please refer to the full Livingstone Planning Scheme 2018 document on Council's website for further detail.*