

Integrated Planning Act 1997

STATE PLANNING POLICY 1/09

Reconfiguration of a Lot Code for Land in Indigenous Local Government Areas to which a Local Planning Scheme does not Apply

The Minister for Infrastructure and Planning adopted State Planning Policy 1/09 on 10 November 2009.

Making of the State Planning Policy

The State Planning Policy 1/09 was made under Schedule 4 of the *Integrated Planning Act 1997*.

Commencement

The State Planning Policy 1/09 took effect on 20 November 2009, and expires on 19 November 2010.

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EXPLANATORY STATEMENT

Background

The Queensland State Government, as a signatory to the National Partnership Agreement on Remote Indigenous Housing, is committed to providing better housing and living conditions in remote communities. The State Government in conjunction with the affected Indigenous local governments is seeking to create separate secure land tenure through the establishment of 40 year leases to facilitate additional housing. 40 year leases will ensure that housing is built, managed and maintained by the State Government for the life of the lease.

The creation of 40 year leases constitutes assessable development (reconfiguration of a lot) under the *Integrated Planning Act 1997* (IPA) and the subsequent *Sustainable Planning Act 2009* (SPA). Development approval for the reconfiguration is required to be given by the local government to enable the registration of the 40 year leases.

There are few areas that are suitable for residential development in the remote communities where an IPA compliant planning scheme regulates development. The State Planning Policy (the Policy) will apply to indigenous local government areas where a local planning scheme does not exist. The Policy will enable the local governments to consider development applications and to issue development approvals for reconfiguration applications in these areas.

The purpose of the Policy is to provide a code to be used for the assessment of a development application for reconfiguring a lot and any associated operational works for the purposes of private residential housing and ancillary development within Indigenous local government areas which do not have a local planning scheme. The code does not apply to a Material Change of Use.

Once a planning scheme commences in these local government areas, the provisions of the planning scheme will take precedence over any provisions that are contained in a code to this Policy. In such an instance, this Policy will have no effect in the relevant local government area.

Outcomes sought by the Policy

The Policy supports the objectives of the *Integrated Planning Act 1997* and subsequently the *Sustainable Planning Act 2009*.

The outcome of the Policy is to enable consideration and approval of a development application for the reconfiguration of a lot to enable the construction of new dwellings and for housing related infrastructure in remote indigenous communities. The approval of the development application is a prerequisite for the registration of the 40-year leases required as part of the National Partnership Agreement on Remote Indigenous Housing.

Implementing the Policy

The principles for implementing the Policy are:-

- Development Assessment decisions ensure that land for housing in remote communities is suitable for private residential housing and is in areas supported by appropriate infrastructure.
- Development Assessment decisions ensure that leases created for housing in remote communities do not adversely impact on coastal processes, environmental values, and cultural heritage areas through appropriate location and design criteria.

The matters covered by this Policy are not in conflict with other existing State planning policies.

Reflecting Regional Plans

This Policy is consistent with the Far North Queensland Regional Plan 2009-2031. The regional planning processes support strong communities by improving the quality and safety of the built environment and the planning for community services and facilities and ensuring housing meets demand. The Far North Queensland Regional Plan 2009-2031 supports opportunities for Indigenous Queenslanders to be involved in planning processes and have input into decision making and management processes.

This Policy enables the relevant Indigenous Councils to be involved in the decision making for development applications involving reconfiguration for the 40 year leases prior to the adoption of a local planning scheme.

PART 1 – POLICY OUTCOME

- 1 Outcome sought by the Policy
- 1.1 Development that is a reconfiguration of a lot and associated operational work for the purposes of private residential housing provided under the National Partnership Agreement on Remote Indigenous Housing is planned, designed, constructed and operated to ensure adequate connection to related infrastructure (connection and supply of power, drinking water and sewerage to permanent dwellings).

PART 2 – APPLICATION OF THE POLICY

2 State Planning Policy

- 2.1 The State Planning Policy 1/09: Reconfiguring a Lot Code for Land in Indigenous Local Governments to which a Local Planning Scheme does not Apply (the Policy) is a statutory instrument made under the *Integrated Planning Act 1997* (IPA).
- 2.2 Terms used in the Policy have the same meaning as defined in the IPA and subsequently the *Sustainable Planning Act 2009* (SPA).
- 2.3 The Glossary in section 10 explains particular words used in the Policy.

3 Effect of the Policy

- 3.1 Under the *Integrated Planning Act 1997*, the Policy has effect for one year from the day the adoption of the policy is notified in the gazette and will expire on 12 November 2010.

4 Areas to which the Policy applies

- 4.1 The Policy applies in the following local government areas, if no local planning scheme made in accordance with the IPA or the SPA has commenced:-
 - Aurukun
 - Hope Vale
 - Kowanyama
 - Doomadgee
 - Yarrabah
 - Palm Island
 - Mornington Island
 - Pormpuraaw
 - Napranum
 - Mapoon
 - Northern Peninsula Area Region
 - Torres Strait Island Region
 - Lockhart River
 - Wujal Wujal
 - Woorabinda
 - Cherbourg

- 4.2 The Policy applies to development that is:
- (a) reconfiguration of a lot that is assessable development under the IPA or the SPA; and
 - (b) operational work associated with the reconfiguration of a lot that is assessable development under the IPA or the SPA

5 Development outside the scope of the Policy

- 5.1 The Policy does not apply to development for a material change of use within a local government area listed in 4.1 of this Policy.

6 Relationship with other Legislation and State Planning Policies

- 6.1 This Policy supports outcomes in the *Local Government Act 1993*, the Far North Queensland Regional Plan 2009-2031, and the Gulf Regional Development Plan 2000.

PART 3 – DEVELOPMENT ASSESSMENT

7 Achieving the Outcome sought by the Policy through development assessment

- 7.1 The Policy applies where a local planning scheme has not commenced. Once a planning scheme is in force, the provisions of the planning scheme will take precedence over any provisions that are contained in a code in this Policy. In such an instance, the provisions of a code in this Policy will have no effect in the relevant local government area.
- 7.2 The Policy outcome would be achieved when development for the reconfiguring of a lot and associated operational work assessable under either Schedule 8 of the *Integrated Planning Act 1997* or the *Sustainable Planning Regulation 2009*, to which the Policy applies is in accordance with specific outcomes set out in the code in Annexe 1 to this Policy.
- 7.3 The code contains a ‘purpose’ and a range of performance outcomes that a proposed development must achieve in order to comply with the code. The stated acceptable outcomes represent one way in which the relevant performance outcomes may be met. Development that does not comply with an acceptable outcome may present an alternative solution to demonstrate compliance with the relevant performance criteria in order to satisfy the requirements of the code.

8 Acceptable circumstances for not fully achieving the Policy outcome

- 8.1 Despite 7.2 above, the acceptable circumstances for not fully achieving the Policy outcome are where the proposed development:
- a) provides for an overriding need in the public interest in accordance with the factors outlined in Annexe 1; or
 - b) is a development commitment

PART 4 – INFORMATION AND ADVICE ON THE POLICY

9 Sources of information and advice

- 9.1 The Chief Executive under the *Integrated Planning Act 1997* and subsequently the *Sustainable Planning Act 2009* can provide advice on interpretation, implementation and reflecting the Policy in a local planning instrument.
- 9.2 The Chief Executive under the *Land Title Act 1994* can provide advice on the preparation of survey plans, local government endorsement and title registration processes.

10 Glossary

- 10.1 The following terms used in the Policy are explained below:

Term	Meaning
Development commitment	Includes any of the following: <ul style="list-style-type: none"> • development carried out under a valid preliminary approval; • development that arises from and is necessary to give effect to a valid development permit; • development consistent with a designation for community infrastructure made under the IPA.
IDAS	Integrated Development Assessment System (IDAS) is a framework that establishes a common statutory system under the IPA or the SPA for making, assessing and deciding development applications, regardless of the nature of development, its location in Queensland or the authority administering the regulatory control.
Indigenous local government	An Indigenous local government established under the <i>Local Government Act 1993</i> .
IPA	<i>Integrated Planning Act 1997</i> .
Local government area	An area established under the <i>Local Government Act 1993</i> as a local government area.
Operational work associated with a reconfiguration of a lot	Has the meaning given under the IPA or the SPA and includes, for example, earthworks, drainage works, landscaping, extracting gravel, soil, rock, excavation, filling and vegetation clearing if the operational work is associated with the reconfiguration of the lot.
Planning scheme	A local planning instrument made by a local government under the IPA or the SPA.
Reconfiguration of a lot	Has the meaning given under the IPA or the SPA and includes, for example, subdivision of lots, rearranging of the boundaries of lots, and dividing land into parts by agreement for separate occupation.
SPA	<i>Sustainable Planning Act 2009</i> .

Annexe 1 - Determining factors

Factors for determining overriding need in the public interest

A1.1 The applicant for the development must establish:

- a) The overall social, economic and environmental benefits of the development outweigh:
 - i) any detrimental effect upon the natural values of the site and adjacent areas; and
 - ii) conflicts with the policy outcome of this Policy.

Annexe 2 - Development Assessment Code for Reconfiguring a Lot in Indigenous Local Governments to which a Local Planning Scheme does not apply

Application

A2.1 This code is a code for IDAS to be used when assessing development applications under the IPA or the SPA, for the following development:

- (a) reconfiguration of a lot for private residential purposes, that is assessable development under the IPA or the SPA; and
- (b) operational work associated with the reconfiguration of a lot for private residential purposes, that is assessable development under the IPA or the SPA.

A2.2 This code applies in the following local government areas, if no local planning scheme made in accordance with the IPA or the SPA has commenced:-

Aurukun
Hope Vale
Kowanyama
Doomadgee
Yarrabah
Palm Island
Mornington Island
Pormpuraaw
Napranum
Mapoon
Northern Peninsula Area Region
Torres Strait Island Region
Lockhart River
Wujal Wujal
Woorabinda
Cherbourg

Purpose of the code

A2.3 The purpose of this code is to achieve the development outcomes identified in part 3 of the Policy.

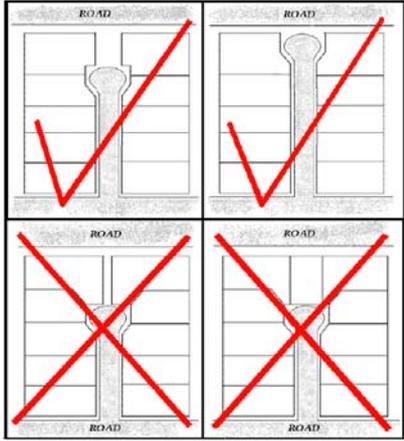
Using this code

A2.4 Each part of the code contains performance outcomes which a proposed development must achieve to the extent that they are relevant in order to comply with the code.

A2.5 One or more acceptable outcomes are provided for most performance outcomes. Acceptable outcomes represent ways in which the relevant performance outcome can be met. A development application that complies fully with the stated acceptable outcome(s) for a performance outcome achieves that outcome. If a development application does not comply with the acceptable outcome(s) or if no acceptable outcome has been provided for a particular performance outcome, the application must demonstrate how the proposed development achieves the performance outcome.

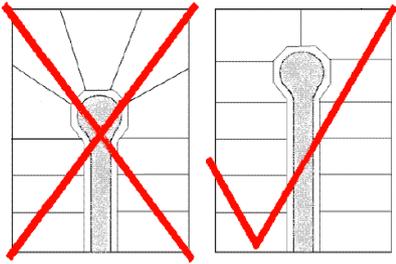
	Performance Outcome		Acceptable Outcome
Natural hazards – flood, bushfire, and landslide			
PO1	Development minimises the potential adverse impacts of flood, bushfire and landslide on people, property, economic activity and the environment.	AO1	Each lot meets the requirements of Development Outcomes 1, 2 and 3 of Section 6 of the <i>State Planning Policy 1/03 – Mitigating the Adverse Impacts of Flood, Bushfire and Landslide</i> in accordance with Section 6 of the <i>State Planning Policy 1/03 Guideline – Mitigating the Adverse Impacts of Flood, Bushfire and Landslide</i> .
Coastal processes			
PO2	Coastal development maintains the safety of people and does not adversely affect the capacity to use land within the coastal area due to the effects of storm tide or coastal erosion including potential impacts from long term sea level rise.	AO2.1	No new lots are created within an erosion prone area; and Note: Any application within an erosion prone area should have regard for a sea level rise of 0.8 metres by 2100
		AO2.2	No new lots are created within a storm tide hazard area; or Note: Any application within a storm tide inundation area should have regard for a sea level rise of 0.8 metres by 2100
		AO2.3	Where a lot is partially or wholly within a storm tide hazard area, an acceptable outcome is provided in accordance with the State Coastal Management Plan or any State Planning Policy Coastal Protection that addresses the effects of storm tide and coastal inundation on development. Note: Any application within a storm tide hazard area should have regard for a sea level rise of 0.8 metres by 2100 and otherwise be consistent with the State Coastal Management Plan and associated guideline, “Mitigating the Adverse Impacts of Storm Tide Inundation” or any State Planning Policy that addressed the affects of storm tide and coastal inundation on development.
Acid sulfate soils			
PO4	The release of acid and associated metal contaminants into the environment is avoided.	AO4.1	Each lot has an elevation of in excess of 20 metres AHD; or
		AO4.2	Where a lot has an elevation of less than 20 metres, no soils below a level of 5 metres AHD will be disturbed as a result of any operational works associated with the reconfiguration of a lot; or
		AO4.3	Where a lot has an elevation of less than 20 metres AHD and disturbance of soils at an elevation of 5 metres AHD or

	Performance Outcome		Acceptable Outcome
			less is likely to occur as a result of operational works associated with the reconfiguration of a lot, an acid sulfate soil mitigation plan, prepared by a qualified soils scientist, is provided which demonstrates that potential acid leaching can be mitigated.
Cultural heritage			
PO5	Known features of cultural heritage are protected or preserved.	AO5.1	Each lot is not listed in the Queensland Heritage Register or an adopted Local Heritage Register maintained by the local government; or
		AO5.2	Where a lot is identified on the Queensland Heritage Register or a Local Heritage Register, the application is accompanied by a heritage preservation plan, that has been prepared in accordance with specifications from the Department of Environment and Resource Management for the site (for land identified on the Queensland Heritage Register) and the local government (for land identified on a local heritage register).
Contaminated lands			
PO6	Development occurs on land that is safe from contaminants that may cause harm to people or property.	AO6.1	Development does not occur on land that is listed on the Environmental Management Register or Contaminated Land Register; or
		AO6.2	Where land is listed on the Environmental Management Register or Contaminated Land Register, a site investigation report is provided by a qualified contaminated land specialist that demonstrates the land is suitable for the intended use or identifies appropriate mitigation measures.
Development near airports and aviation facilities			
PO7	Development in the vicinity of airports and aviation facilities avoid: <ul style="list-style-type: none"> a) adversely affecting the safety and operational efficiency of those airports and b) aviation facilities; c) large increases in the numbers of people adversely affected by significant d) aircraft noise; and e) increasing the risk to public safety near the ends of airport runways. 	AO7	Each lot meets the requirements of Development Outcomes 1, 2 and 4 of Section 6 of the <i>State Planning Policy 1/02 – Development in the Vicinity of Certain Airports and Aviation Facilities</i> in accordance with Section 4 of <i>State Planning Policy 1/02 – Development in the Vicinity of Certain Airports and Aviation Facilities Guidelines</i> .
Access			
PO8	Development can be adequately and safely accessed by vehicles.	AO8	Each lot has a frontage and practicable access to a constructed public road.
PO9	Development will not adversely impact on the capacity of the local road network to accommodate vehicular traffic movements.	AO9	The road network is designed and constructed to a standard that is able to support any additional vehicular traffic generated by each additional lot in

	Performance Outcome		Acceptable Outcome
			accordance with the Department of Transport and Main Roads document entitled <i>Road Planning and Design Manual (as amended)</i> .
PO10	Vehicle access and intersections are to be adequate for the type and volume of existing and predicted traffic to be generated by the development.	AO10	Design is in accordance with the Department of Transport and Main Roads document entitled <i>Road Planning and Design Manual (as amended)</i> .
PO11	An acceptable level of flood immune access is provided to lots.	AO11.1	Roads providing access to lots are no less than: <ul style="list-style-type: none"> a) 0.5m above the 1 in 50 year flood level for access to new lots in the Rural zone; or b) 0.5m above the 1 in 10 year flood level where providing access to park land only; or c) 0.5m above the 1 in 20 year flood level otherwise.
		AO11.2	Each lot is capable of accommodating a building envelope of not less than 200 square metres above the 1 in 100 year Annual Recurrence Interval flood level.
PO12	<p>The street network:</p> <ul style="list-style-type: none"> a) provides a high level of internal accessibility and appropriate external connections for vehicles, pedestrian and cycle movements; b) provides convenient and efficient public transport routes; c) deters through traffic in residential areas and creates safe conditions for local road users, pedestrians and cyclists; d) incorporates street junctions and access to lots which are located and spaced to facilitate safe and convenient vehicle, pedestrian and cycle movements; e) provides for street widths and lengths that optimise the cost-effectiveness of the network and the provision of public utilities; f) provides for an appropriate level of on street parking; g) where adjacent to the coast or coastal waters, provides for public access to the coast and waters; and h) allows for efficient and unimpeded movement of emergency services vehicles. 	AO12	<p>Where a cul-de-sac is proposed, a high level of pedestrian and cyclist connectivity to adjoining roads is maintained (as illustrated in Figure 1 below).</p>  <p>Figure 1: Acceptable outcome for cul-de-sac connectivity</p>

Performance Outcome			Acceptable Outcome
		AO12.2	For all other circumstances, no acceptable outcome provided.
PO13	A pedestrian and cycle network is provided that is safe, attractive and convenient, and provides links to centres, special uses, open space systems and public transport.	AO13	Pedestrian and cycle ways are integrated into the existing road and access network of the town.
PO14	The alignment of the access network (footpaths, cycle ways and roads) allows for the retention of trees and other significant views, landmarks and other features.	AO14	No acceptable outcome provided.
PO15	Pedestrian paths and cycle ways are located to promote safety for users.	AO15	Pedestrian paths and cycle ways are well lit and located where there is casual surveillance.
Lot Design			
PO16	<p>Development responds appropriately to sensitive environmental features of the site or locality, by:</p> <ul style="list-style-type: none"> a) avoiding steep slopes to minimise landscape disturbance and vegetation loss; b) avoiding use of cut and fill; c) avoiding penetrating or fragmenting remnant vegetation; d) avoiding drainage features, particularly in the location of access places and access streets; e) providing for safe wildlife movement where habitat corridors are interrupted. 	AO16	<p>The site is within an existing town area as shown on an approved Community Management Plan, or the like, and the development does not:</p> <ul style="list-style-type: none"> a) Have a slope in excess of 15^o degrees (i.e. 25%); or b) Require the placement or excavation of more 50 square metres of fill; and; or c) Require the removal of native vegetation other than for a house pad and vehicular access to the site; or d) Require modification to an existing drainage feature or watercourse; or e) Adversely affect a known wildlife corridor.
PO17	Development adequately provides for services, including water supply, sewage waste disposal, drainage, electricity and telecommunications, in a manner that is efficient, and which minimises the risk of adverse environmental or amenity related impacts.	AO17	<p>Each new lot includes:</p> <ul style="list-style-type: none"> a) Connection to a potable water supply without adversely affecting the capacity or pressure of the system; and b) Connection to the town's sewerage reticulation system without adversely affecting the ability of the system to transfer sewerage or treatment thereof at the council's sewerage treatment facility; and c) Design which can incorporate stormwater drainage that is contained and managed to achieve discharge to a lawful point of discharge without adversely affecting neighbouring properties, or other receiving areas, both during and post construction, and is designed in accordance with the

	Performance Outcome		Acceptable Outcome														
			<p><i>Queensland Urban Drainage Manual (QUDM)</i> such that the overall drainage system caters for a storm event with an Annual Recurrence interval of 1 in 100 years; and</p> <p>d) Connection to the electricity network; and</p> <p>e) Connection to a telecommunication provider.</p>														
PO18	Development facilitates the siting and design of buildings which promotes the use of renewable energy sources and assists in design appropriate for the climatic conditions.	AO18	For residential purposes, the lot layout is consistent with Advisory Design Element C2 of Parts 1, 2 & 3 of the <i>Queensland Residential Design Guidelines</i> .														
PO19	<p>Development is separated from any adjoining major road, sewerage treatment facility, landfill or solid waste transfer station, airport, or quarries having regard to:</p> <p>a) The location of existing facilities in relation to an existing town area;</p> <p>b) The health and safety of people;</p> <p>c) The safe and efficient operation of the major infrastructure; and</p> <p>d) The amenity of the locality.</p>	AO19	<p>Each new lot that can accommodate buildings frequented by people is not closer than the distances listed in Column 2 for the uses identified in Column 1 of Table 1.</p> <p>Table 1: Acceptable Separation Distances for Identified Uses</p> <table border="1"> <thead> <tr> <th>Column 1 Use</th> <th>Column 2 Minimum Separation Distance (metres)</th> </tr> </thead> <tbody> <tr> <td>Major roads</td> <td>25</td> </tr> <tr> <td>Sewerage treatment facilities</td> <td>1000</td> </tr> <tr> <td>Landfill or transfer station</td> <td>2000 (landfill) 1000 (transfer Station)</td> </tr> <tr> <td>Airport runway</td> <td>500</td> </tr> <tr> <td>Quarry</td> <td>2000</td> </tr> <tr> <td>Other industrial uses</td> <td>500</td> </tr> </tbody> </table>	Column 1 Use	Column 2 Minimum Separation Distance (metres)	Major roads	25	Sewerage treatment facilities	1000	Landfill or transfer station	2000 (landfill) 1000 (transfer Station)	Airport runway	500	Quarry	2000	Other industrial uses	500
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PO20	<p>Lot sizes, dimensions and location are consistent with the desired character of the zone in which the site is situated and its environmental values, and enables the provision of adequate:</p> <p>a) mix of lot sizes;</p> <p>b) open space buffering;</p> <p>c) ventilation sunlight;</p> <p>d) privacy;</p>	AO20.1	Each lot has a minimum area of 600 square metres and a minimum width of 15 meters, other than for a cul-de-sac lot which should have a minimum area of 700 square metres and a minimum width of 10 metres at the main street frontage.														

	Performance Outcome		Acceptable Outcome
	<ul style="list-style-type: none"> e) car parking access; f) infrastructure services; g) adequate area for the principal use that the land is intended for; and h) other relevant on-site requirements. 		
		AO20.2	<p>Where cul-de-sac's are proposed, lots are generally rectangular in dimension as illustrated in Figure 2 below.</p>  <p><i>Figure 2: Acceptable outcome for cul-de-sac lots</i></p>
		AO20.3	<p>Rear access lots, other than through the subdivision of a single existing lot, occur within a designated town area only where:</p> <ul style="list-style-type: none"> a) the number of rear access lots created do not exceed a rate of 10%; b) not more than 2 rear access lots are permitted to be located adjoining to each other; c) access-ways to adjoining rear access lots are to be located together; d) the length of an access-way does not exceed 60m; e) not more than one rear lot is created behind any lot with road frontage; f) obtuse angled boundaries on the access-way of rear access lots are truncated by a 2m x 2m single chord truncation; g) the area of the access handle is not used in the calculation of the allotment area when considering the minimum allotment size
		AO20.4	<p>Demonstration that all lots identified for residential purposes are capable of containing one area measuring 10 metres by 15 metres for each dwelling</p>

Performance Outcome		Acceptable Outcome
		unit over land suitable for building purposes together with sufficient land for private open space and vehicle parking.
Open space		
PO21	Well-distributed public open space is provided that contributes to the legibility character of the locality, provides for a range of uses and activities that meet the needs of the community, is cost-effective to maintain, contributes to stormwater management and the conservation of environmental values.	AO21.1 Public open space areas are incorporated such that at least 90% of all proposed residential lots are within 400m of parkland unless the lot is used or has been used for residential dwelling purposes.
		AO21.2 Public open space: a) provides opportunities for multiple use and casual surveillance; b) is located away from excessive noise; c) is linked or can be linked to other public open space; d) facilitates pedestrian and cycle network connectivity; e) has a minimum area of 5000m ² ; f) has at least 50% of its perimeter fronting public road; g) has at least 80% of its area naturally sloping at less than 10%; h) has at least 10% of its area above the 1 in 50 year flood level; i) conserves any significant areas of natural vegetation; j) includes components that are located within 400m from public transport nodes/routes; and k) is designed to fulfil a dual recreational firebreak function where separating bushland and land intended for residential purposes.
		AO21.3 The area of land to be provided as open space is a minimum of 10% of the area of the land to be subdivided. Provided that such area excludes: a) land listed on the Contaminated Land Register or the Environmental Management Register; b) areas less than 15m in width, unless a linkage function or other benefit can be shown; c) easements; d) landscape buffers, that are

Performance Outcome		Acceptable Outcome	
			<p>necessary for noise amelioration or visual screening purposes;</p> <p>e) land affected by a natural slope greater than 1:6 (16%);</p> <p>f) land under high voltage power lines;</p> <p>g) constructed drains.</p>
		AO21.4	<p>Where open space is provided for use as a sports ground, the area:</p> <p>a) is a rectangular or oval shape;</p> <p>b) is a minimum of 4ha, with no dimension less than 200m;</p> <p>c) can accommodate a playing surface that is level, oriented north-south, self draining and fully grassed;</p> <p>d) utilises friable fertile soil for topsoiling to a depth of at least 75-100mm;</p> <p>e) a maximum grade of 1:10.</p>
PO22	Land provided for open space purposes does not lead to the separation of communities into dislocated and unconnected precincts with unusable or fenced-off parklands.	AO22.1	Areas provided for open space purposes, including drainage reserves are not lined by the rear boundaries of single dwelling house lots; or
		AO22.2	Where it is impractical to preclude rear boundaries of single dwelling house lots to directly abut open space reserves, covenants will be used precluding the use of paling or other high fences along the rear boundary of such lots.