Waterway Code

1 Application

This Code will apply in assessing any assessable development where:

- in a waterway corridor or the Brisbane River Corridor, as defined, or as indicated on the Planning Scheme Maps
- on land subject to storm surge (being land at a level of 2.5m AHD or lower)
- on land subject to flooding during a 100 year ARI event.

The Planning Scheme Maps indicate as waterways some constructed drains that have never been part of a natural waterway. Council will not consider this Code in assessing proposals in a waterway corridor adjacent to these constructed drains.

2 Using this Code

In using this Code reference should also be made to Section 1.1—How to use the Codes, at the front of this Chapter.

This Code is only ever called up as a ‘secondary’ Code by some other Code. This Code is to be read as part of that other Code.

In assessing proposals the following Codes are also likely to be used:

- Biodiversity
- Stormwater Management.

Waterway Corridors contribute to the protection and enhancement of the City’s biodiversity, but by themselves will not necessarily adequately perform the function of ecological corridors as defined in the Biodiversity Code.

When investigating the extent to which a particular site may contribute to an ecological corridor, reference must also be made to the Biodiversity Code.

The Beach Protection Authority has also declared Erosion Prone Areas along tidal waterways and Moreton Bay for the purpose of managing these areas. The Authority’s policy statement, Beach Protection Buffer Zones should also be referred to where development is also in an Erosion Prone Area.

3 Purpose

The purpose of this Code is to:

General

- keep waterway corridors clear of development wherever possible

- protect and enhance the water flow, water quality, ecology and open space, and recreational and amenity values of the City’s waterways and the Brisbane River and their corridors in an ecologically sustainable way

Water flow

- ensure that development is not at unreasonable risk of flooding
- maintain or enhance the flood carrying capacity of waterways and the Brisbane River in a manner that achieves an acceptable balance between risk and costs (capital and maintenance)

Water quality

- ensure development occurs only where discharges to waterways during or after construction protects or enhances the environmental values of the receiving waters as defined in the Stormwater Management Code

Biodiversity

- contribute to the protection and enhancement of the City’s biodiversity
- protect or enhance the role of the City’s waterways and the Brisbane River and their corridors as important components of wildlife habitats that can support a diversity of aquatic and terrestrial flora and fauna
- ensure the protection and/or restoration of riparian vegetation in urbanised areas as a component of the corridor links between bushland remnants or reserves, allowing the movement of wildlife into and out of urban areas

Open Space/Recreation/Amenity

- encourage effective use of the City’s waterways and the Brisbane River and their corridors as a valuable recreation, open space or amenity resource
- secure suitable land within the City’s waterways and the Brisbane River and their corridors for open space, recreational and amenity purposes
- contribute to a linear open space and recreation system along the City’s waterways and the Brisbane River and their corridors through continuous linked areas where possible

Location and design of buildings, structures and activities

- ensure that development enhances the desired character and amenity of the riparian landscape by ensuring that location and design is sensitive to the physical conditions and qualities of the site and its environs

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Riparian landscape

- protect landscape values associated with the City’s waterways and the Brisbane River and enhance the different landscapes along the Brisbane River

Access to waterways and the Brisbane River

- ensure that access to the City’s waterways and the Brisbane River is provided in an equitable and ecologically sustainable manner where it is appropriate

Dry boat storage

- ensure that land based dry boat storage facilities do not dominate the waterway corridor and are compatible with the desired landscape of the area

Note: the Brisbane River Corridor Planning Scheme Policy provides guidance on the information that should be provided to demonstrate compliance with the requirements of this Code.

4 Performance Criteria and Acceptable Solutions

4.1 General

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
</table>
| P1 The natural functions of waterways as landscape and environmental corridors must be preserved | A1 No vegetation is disturbed on land:  
  • in the Green Space Areas  
  • covered by a Vegetation Protection Order or Voluntary Conservation Agreement  
  • designated in a Local Plan as being an area subject to environmental and scenic constraint  
  • identified in the Natural Assets Planning Scheme Policy |
| P2 Waterfront land must be preserved for public use where relevant | A2 Land in a waterway corridor or Brisbane River Corridor is transferred into public ownership in accordance with the applicable infrastructure planning instrument, where that land is required for ecological, open space or recreation functions, including:  
  • public use  
  • access for maintenance  
  • linking core and remnant habitat areas  
  • protecting water quality and ecological processes  
  • other public benefit |
| P3 The proposal must provide for ongoing maintenance of any works or planting required to ensure that impacts on the ecology of waterways or the Brisbane River, or on riparian vegetation, are minimised both during and after construction | A3.1 A maintenance program is approved by Council and implemented  
 A3.2 A performance bond and agreement is lodged with Council to ensure the ongoing maintenance program is implemented |
| P4 Where a site includes degraded land identified for rehabilitation in a Catchment Management Plan, SMP, WMP or a rehabilitation plan approved by Council, it must be implemented and maintained at the landowner’s expense | A4.1 A rehabilitation plan is approved by Council and implemented  
 A4.2 A performance bond and agreement is lodged with Council to ensure the ongoing maintenance of rehabilitation works |
4.2 Water flow
All development in a waterway corridor or the Brisbane River Corridor must comply with the requirements of the Stormwater Management Code in relation to water flow and relevant parameters. Relevant details are included in that Code.

4.3 Water quality
All development in a waterway corridor or the Brisbane River Corridor must comply with the requirements of the Stormwater Management Code in relation to water quality. Relevant details are included in that Code.

4.4 Biodiversity
All development in a waterway corridor or the Brisbane River Corridor must comply with the requirements of the Biodiversity Code in relation to biodiversity. Relevant details are included in that Code.

4.5 Open space/recreation/riparian amenity
A technical report required by the Acceptable Solutions in this section must:
- be prepared by a suitably qualified person
- use recognised and locally accepted data and design methodologies.

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>P1 Where a development site has frontage to a waterway or the Brisbane River or contains a waterway, land required by Council for open space/recreation (community land) or public access, must focus on that waterway or the Brisbane River where applicable</td>
<td></td>
</tr>
<tr>
<td>Note: the Brisbane River Corridor Planning Scheme Policy provides guidance on meeting this Performance Criteria</td>
<td></td>
</tr>
<tr>
<td>A1 No Acceptable Solution is prescribed</td>
<td></td>
</tr>
</tbody>
</table>

| P2 Open space/recreation areas must contribute positively to managing flooding impacts, protecting water quality, preserving or enhancing ecological processes and maintaining/enhancing amenity |
| A2 No Acceptable Solution is prescribed |

4.6 Location and design of buildings, structures and activities

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td>P1 For sites within the Brisbane River Corridor, and fronting the Brisbane River, the attractive appearance of the Brisbane River and its banks, when viewed from the Brisbane River, from development near the Brisbane River, or from other public vantage points, must be maintained and enhanced</td>
<td></td>
</tr>
<tr>
<td>Materials used for buildings and structures must complement surrounding buildings, the visual character of the area and the character of the precinct</td>
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<tr>
<td>In Precinct 1, buildings must not locate within the corridor and must be minimised to maintain landscape values</td>
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</tr>
<tr>
<td>In Precincts 2, 3, 4 and 5 setbacks must be no less than the setbacks of buildings sharing a common boundary. In these circumstances buildings must be of a similar height and</td>
<td></td>
</tr>
<tr>
<td>A1.1 Buildings, parking and servicing areas, placing of materials, goods or solid waste, storage areas and filling or excavation are not located:</td>
<td></td>
</tr>
<tr>
<td>• within 30m horizontal distance of high water mark in Precinct 1</td>
<td></td>
</tr>
<tr>
<td>OR</td>
<td></td>
</tr>
<tr>
<td>• within 20m horizontal distance of high water mark in Precincts 2, 3, 4 or 5</td>
<td></td>
</tr>
<tr>
<td>A1.2 Reclamation of land does not occur in Precincts 1, 2, 3 or 4, or on residential land in Precinct 5</td>
<td></td>
</tr>
<tr>
<td>A1.2 Reclamation of land does not occur in Precincts 1, 2, 3 or 4, or on residential land in Precinct 5</td>
<td></td>
</tr>
<tr>
<td><strong>Performance Criteria</strong></td>
<td><strong>Acceptable Solutions</strong></td>
</tr>
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</tr>
</tbody>
</table>
| bulk to these adjoining buildings, substantially shielded from view of the Brisbane River by vegetation and ancillary structures between the main building and the Brisbane River must be restricted to minimise impacts on the Brisbane River’s landscape values  
In the City Centre, setbacks must maintain the existing building line and minimise impacts on the Brisbane River’s landscape values  | A2.1 The minimum proportion of the land between buildings and the Brisbane River that is provided as landscaped area is:  
- 70% in Precinct 1  
- 50% in Precincts 2 and 4  
- 30% in Precincts 3 and 5  
Refer to Figure a |
| P2 Land between buildings and the Brisbane River is dominated by landscaped areas which preserve the landscape characteristics of the area  | A2.2 The landscaped area includes:  
- at least one tree that will grow to a height of at least 5m for every 20m² of landscaped area  
- a minimum of 50% garden area planted with ground cover and shrubs of various growth forms  
- a maximum of 50% grassed/lawn area  |
| A2.3 Hardstand areas, minor buildings and structures are limited to the following site cover of the land between buildings and the Brisbane River:  
- 30% in Precinct 1  
- 50% in Precincts 2 and 4  
- 70% in Precincts 3 and 5  | |
| P3 Ancillary buildings and structures must:  
- enhance the character and amenity of their site and surrounding area  
- not adversely impact upon the riparian landscape  
- minimise their visual impact on the Brisbane River’s landscape values  
In Precinct 1 ancillary buildings and structures, tennis courts and swimming pools must only locate in the corridor where there is no other alternative site on the lot, and where designed to be unobtrusive and take into account the surrounding landscape  
Tennis courts and swimming pools must minimise impacts on the character of the area and precinct and be heavily landscaped in Precincts 2, 3 and 4.  
Fencing materials and design must minimise:  
- impacts on the Brisbane River’s landscape values  | A3.1 Ancillary buildings and structures are:  
- not located over water  
- located and of a size:  
  - consistent with Table 1 in Precincts 1, 2 and 4  
  OR  
  - consistent in height, scale/bulk and setbacks with ancillary buildings and structures on the site in Precincts 3 and 5  
  OR  
  - for any precinct, located where they will be screened from view of the Brisbane River by vegetation subject to a Vegetation Protection Order or Voluntary Conservation Agreement or topographic features such as high banks |
### Performance Criteria
- impedance to the flow of floodwaters or to fauna movement
- destruction of native vegetation for its erection

Riverwalls must minimise impacts on the character of the area and precinct and must be designed as follows:
- the natural form of the riverbanks in Precinct 1 must be maintained
- riverwall design and materials in Precincts 3 and 4 must complement the intended character of the Precinct
- riverwalls are designed to manage riverbank stabilisation so to control erosion

### Acceptable Solutions
- constructed of materials that are durable, of low visual impact, visually recessive and complementary to the surrounding buildings

Within Precincts 2, 3 and 4 minor structures within the Brisbane River Corridor do not exceed:
- 3m in height
- 40m² site cover for all roofed structures, including 20m² for unenclosed roofed structures such as pergolas

**Note:** ancillary structures and buildings include:
- outdoor living structures such as decks (roofed or unroofed), gazebos, poolside shelters, garden pavilions, and green-houses and glass-houses
- roofed play areas for children
- buildings and other structures for activities necessarily associated with the use of the Brisbane River
- garages and carports

#### A3.2
Tennis Courts and swimming pools located between buildings and the Brisbane River are:
- located and designed to minimise the need for retaining walls with the maximum height of retaining walls limited to 1m
- located landward of a minimum 6m landscaped strip which covers the full width of the site and includes planting as required for general landscaped areas in A2.2

**Note:** this landscaped area forms part of the required proportion of landscape area outlined in A2.1
- not within 30m horizontal distance of high water mark for land in the Environmental Protection or Rural Areas

**OR**
- not within 20m horizontal distance of high water mark for other land

**OR**
- located where they will be screened from view of the Brisbane River by vegetation subject to a Vegetation...
### Performance Criteria

<table>
<thead>
<tr>
<th>Location</th>
<th>Minimum horizontal setback from high water mark (m)</th>
<th>Maximum area with corridor setback (m²)</th>
<th>Maximum height of deck or floor above ground level (m)</th>
<th>Maximum height of structure above ground level (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Precinct 1</td>
<td>Less than 10</td>
<td>Nil</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td>&gt; 10 to &lt; 15</td>
<td>10</td>
<td>1</td>
<td>2 (no roof)</td>
</tr>
<tr>
<td></td>
<td>&gt; 15 to &lt; 20</td>
<td>25</td>
<td>1.5</td>
<td>3.5</td>
</tr>
<tr>
<td></td>
<td>&gt; 20 to &lt; 25</td>
<td>36</td>
<td>2</td>
<td>3.5</td>
</tr>
<tr>
<td></td>
<td>&gt; 25 to &lt; 30</td>
<td>50</td>
<td>3</td>
<td>3.5</td>
</tr>
<tr>
<td></td>
<td>More than 30</td>
<td>65</td>
<td>3</td>
<td>8.5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Location</th>
<th>Minimum horizontal setback from high water mark (m)</th>
<th>Maximum area with corridor setback (m²)</th>
<th>Maximum height of deck or floor above ground level (m)</th>
<th>Maximum height of structure above ground level (m)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Precinct 2 and Precinct 4 (Residential land in Hawthorne and Bulimba only)</td>
<td>Less than 5</td>
<td>10</td>
<td>1</td>
<td>2 (no roof)</td>
</tr>
<tr>
<td></td>
<td>&gt; 5 to &lt; 10</td>
<td>25</td>
<td>1</td>
<td>3.5</td>
</tr>
<tr>
<td></td>
<td>&gt; 10 to &lt; 15</td>
<td>36</td>
<td>1.5</td>
<td>3.5</td>
</tr>
<tr>
<td></td>
<td>&gt; 15 to &lt; 20</td>
<td>50</td>
<td>2</td>
<td>3.5</td>
</tr>
</tbody>
</table>

### 4.7 Riparian landscape

#### Performance Criteria

| P1 | Valued habitats, remnant riparian vegetation and mature examples of appropriate planted tree species must be conserved and protected |

#### Acceptable Solutions

| A1 | Native vegetation within the Brisbane River or waterway corridor is incorporated as part of any development proposal and landscaping involves the sustainable removal of weed species.  
Note: this may be demonstrated by the submission of a landscape plan as detailed in the Brisbane River Corridor Planning Scheme Policy |

## Table 1—Siting and design for other buildings and structures

- Precinct 1
- Precinct 2 and Precinct 4 (Residential land in Hawthorne and Bulimba only)
<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
</tr>
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</table>
| **P2** Reshaping of the landform (e.g. to create terraced areas, steps and ramps) must minimise the extent of earthworks required, minimise removal/clearing of native and riparian vegetation and be consistent with the desired character of the Precinct in which the site is located. Earthworks within a Waterway Corridor are to be in accordance with the **Compensatory Earthworks Planning Scheme Policy** | **A2** Landscaping or site works proposed on land wholly or partly within the Brisbane River Corridor or a waterway corridor, which is intended to create terraces stepping down to the water, do not occur:  
- within 30m horizontal distance from high water mark for land in the Environmental Protection or Rural Areas  
- within 20m horizontal distance from high water mark for other land |
| **P3** Retaining walls are designed to minimise the extent of earthworks required and present attractively to public viewing areas such as the Brisbane River, Brisbane riverside walkways and paths, or Brisbane River bridge crossings. Retaining walls are to be designed to manage riverbank stabilisation so to control erosion. Retaining walls should be permitted in Precincts 2, 3, 4 or 5 if they retain the existing approved height or ground level (as defined) in this plan of the land | **A3.1** Retaining walls are:  
- not constructed within 30m horizontal distance from high water mark for land in the Environmental Protection or Rural Areas  
- not constructed within 20m horizontal distance from high water mark for other land  
- designed and constructed to withstand flood conditions  
**A3.2** Retaining walls proposed in locations where they are visible from the Brisbane River are:  
- limited to a height of 1m  
- separated by at least 5m between any other retaining wall higher or lower on the slope  
- constructed of durable materials that complement that character and amenity of the immediate environs with respect to their texture, shape and colour (e.g. natural stone, coloured off-form concrete)  
- landscaped to obscure at least 50% of the face of any retaining wall, including at least one tree or shrub that will grow to a minimum height of 5m for every 5m of retaining wall length  
Refer to Figure c |
| **P4** Steps and ramps are designed to be unobtrusive, involve the use of natural or natural toned materials and to minimise the need for cut and fill | **A4** Steps and ramps:  
- do not require the constriction of retaining walls greater than 1m in height  
- are designed to be obscured by landscaping, and  
- are constructed of materials which are dark green/brown in colour |
### 4.8 Access to Waterways and the Brisbane River

<table>
<thead>
<tr>
<th>Performance Criteria</th>
<th>Acceptable Solutions</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>P1</strong> Public access to Waterways and the Brisbane River Corridor must be provided in appropriate locations and designed to minimise the visual impact on the Brisbane River’s landscape values</td>
<td><strong>A1.1</strong> Where required by the <em>Brisbane RiverWalk Strategy</em>, proposals on land wholly or partly within the Brisbane River Corridor provide for the construction of contiguous walkways and structures, and surrender land to the Crown</td>
</tr>
<tr>
<td></td>
<td><strong>A1.2</strong> Public access is provided in a manner consistent with the ‘Public access’ Element of the <em>Brisbane River Corridor Planning Scheme Policy</em></td>
</tr>
<tr>
<td></td>
<td><strong>A1.3</strong> Public riverside pedestrian/cycle pathways and boardwalks and other facilities, including those identified in the <em>Brisbane RiverWalk Strategy</em>, are designed, constructed and maintained in accordance with the <em>Public Riverside Facilities Design and Maintenance Manual</em></td>
</tr>
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<td></td>
<td><strong>A1.4</strong> Public access in Precincts 3 and 4 is located above high water mark</td>
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### 4.9 Dry boat storage

<table>
<thead>
<tr>
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<th>Acceptable Solutions</th>
</tr>
</thead>
</table>
| **P1** Facilities for the dry storage of boats must only be constructed in appropriate locations and must be designed to:  
- be compatible with the character and amenity of the Precinct in which the site is located  
- minimise visual intrusiveness  
- minimise impacts on the Brisbane River’s landscape values  
- unobtrusive when viewed from the Brisbane River | **A1.1** Dry boat storage facilities are located on land involving:  
- hoists or lift facilities catering for one boat up to a maximum 4m in length  
- all other forms of dry storage designed for one boat up to a maximum 6m in length |
|                      | **A1.2** Dry boat storage facilities designed for more than one boat, or hoists or lift facilities catering for a boat greater than 4m in length, or all other forms of dry storage designed for a boat greater than 6m in length, are only located:  
- within the Port of Brisbane, or on a site used for marine industry, or within a marina  
- on a site used by a recreational or sporting club with associations with the Brisbane River  
- OR  
- within the Port of Brisbane, or on a site used for marine industry, or within a marina  
- on a site used by a recreational or sporting club with associations with the Brisbane River  |
|                      | **A1.3** Dry boat storage that comprise a shed or similar form of shelter are:  
- located on the landward side of high water mark |

Any facilities for the dry storage of boats is not appropriate in Precinct 1
Dry boat storage facilities must be located on the landward side of high water mark
Boat hoist or lift facilities in Precincts 2, 3 and 4 must be located on land, unobtrusive when viewed from the Brisbane River, and unroofed
4.10 Marina

Any development for a marina in a Waterway Corridor or the Brisbane River Corridor must comply with the requirements of the Landing Code in relation to marinas. Relevant details are included in that Code.

Performance Criteria

Acceptable Solutions

- to comply with the Performance Criteria and Acceptable Solutions in Section 4.6 ‘Location and design of buildings, structures and activities’
- within the Port of Brisbane, or on a site used for marine industry, or within a marina, or
- on a site used by a recreational or sporting club with associations with the Brisbane River

A1.4 Boat hoist or lift facilities and associated dry storage facilities for a boat are:

- located on the landward side of high water mark
- to comply with the Performance Criteria and Acceptable Solutions in Section 4.6 ‘Location and design of buildings, structures and activities’
- within the Port of Brisbane, or on a site used for marine industry, or within a marina, or
- on a site used by a recreational or sporting club with associations with the Brisbane River

Figure a Building design and landscaping

Figure b Location of tennis courts and swimming pools
Figure c  Maximum height of retaining walls

retaining wall may be higher if not visible from river
maximum height of retaining wall visible from river

1m
1m