

GMA Certification Group

BUILDING SURVEYORS

ACN 150 435 617

Leaders in Building Certification Services

PLANNING DIVISION

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Our Ref: 20191378

Date: 25 June 2019

Douglas Shire Council
PO Box 723
Mossman QLD 4873

Via Email: enquiries@douglas.qld.gov.au

Dear Sir,

**RE: APPLICATION FOR RECONFIGURING A LOT ON LAND
LOCATED AT MOWBRAY RIVER ROAD, MOWBRAY (LOT
95 SP121802 AND LOT 94 SP121802)**

Please find attached an application for Reconfiguring a Lot located at Mowbray River Road, Mowbray, and described as Lot 95 and Lot 94 on SP121802.

The application material comprises the following:

- Easement Document for easement A on lot 94;
- Application Form 1A; and,
- Supporting Planning Statement containing the proposal plans and Benchmark Assessment.

The applicant is the owner of Lot 95 and not the owner of Lot 94, containing easement A. However, landowners consent for lot 94 is not required in this instance as lot 94 is considered to be an 'excluded premises' for the purpose of section 51 of the *Planning Act 2016*.

In accordance with the *Planning Act 2016* S51 the consent of the landowner is not required where the premises is a servient tenement for an easement and the development is consistent with the easement's terms. In this instance, section 3.3 of the easement document states the following:

3.3 The benefit and burden of this easement and of the Covenants Agreements and stipulations contained herein, shall pass with and bind the Dominant and Servient Tenements respectively so as to ensure for the benefit of an bind all persons deriving title from or through the Grantor and Grantee respectively including but not limited to the

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Registered Owners for the time being of all lots in any subdivision or reconfiguration (whether by Standard Format Plan, Building Format Plan or otherwise) comprising the Dominant Tenement or the Servient Tenement their servants, agents, workmen, visitors and licensees.

It is considered that the easements terms have been drafted to provide for the subdivision of the land and on that basis the proposed reconfiguration is consistent with the terms of the easement.

We note that the application will attract an application fee and it would be appreciated if you could provide details of the amount and method of payment by response.

Should you have queries in relation to this fee estimate please do not hesitate to contact Patrick Clifton on 0438 755 374.

Kind Regards,

Patrick Clifton
PLANNING MANAGER
GMA CERTIFICATION GROUP

DA Form 1 – Development application details

Approved form (version 1.1 effective 22 JUNE 2018) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules).

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	Michael & Kerry Knight
Contact name <i>(only applicable for companies)</i>	Patrick Clifton, GMA Certification
Postal address <i>(P.O. Box or street address)</i>	PO Box 831
Suburb	Port Douglas
State	QLD
Postcode	4877
Country	Australia
Contact number	07 4098 5150
Email address <i>(non-mandatory)</i>	Patrick.C@gmacert.com.au
Mobile number <i>(non-mandatory)</i>	0438 755 374
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	20191378

2) Owner's consent
2.1) Is written consent of the owner required for this development application?
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application
<input checked="" type="checkbox"/> No – proceed to 3)

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see DA Forms Guide: Relevant plans.

3.1) Street address and lot on plan

- Street address **AND** lot on plan (all lots must be listed), **or**
 Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon; all lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
			Mowbray River Road	Mowbray
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	94	SP121802	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
			Mowbray River Road	Mowbray
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	95	SP121802	Douglas Shire Council

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row. Only one set of coordinates is required for this part.

- Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

- Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

3.3) Additional premises

- Additional premises are relevant to this development application and their details have been attached in a schedule to this application
 Not required

4) Identify any of the following that apply to the premises and provide any relevant details

- In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer:

- On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

- In a tidal area

Name of local government for the tidal area (if applicable):

Name of port authority for tidal area (if applicable):

- On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*

Name of airport:

- Listed on the Environmental Management Register (EMR) under the *Environmental Protection Act 1994*

EMR site identification:	
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>	
CLR site identification:	

5) Are there any existing easements over the premises?

Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).

- Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

a) What is the type of development? *(tick only one box)*

- Material change of use Reconfiguring a lot Operational work Building work

b) What is the approval type? *(tick only one box)*

- Development permit Preliminary approval Preliminary approval that includes a variation approval

c) What is the level of assessment?

- Code assessment Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

Reconfiguring a Lot (1 into 2) and access easement.

e) Relevant plans

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms guide: Relevant plans](#).

- Relevant plans of the proposed development are attached to the development application

6.2) Provide details about the second development aspect

a) What is the type of development? *(tick only one box)*

- Material change of use Reconfiguring a lot Operational work Building work

b) What is the approval type? *(tick only one box)*

- Development permit Preliminary approval Preliminary approval that includes a variation approval

c) What is the level of assessment?

- Code assessment Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

e) Relevant plans

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).

- Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development

- Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
- Not required

Section 2 – Further development details

7) Does the proposed development application involve any of the following?

Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input checked="" type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete DA Form 2 – Building work details

Division 1 – Material change of use

Note: This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)

8.2) Does the proposed use involve the use of existing buildings on the premises?

<input type="checkbox"/> Yes		
<input type="checkbox"/> No		

Division 2 – Reconfiguring a lot

Note: This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?

One

9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)

<input checked="" type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a construction road (complete 13))

10) Subdivision

10.1) For this development, how many lots are being created and what is the intended use of those lots:

Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created	Two			

10.2) Will the subdivision be staged?

- Yes – provide additional details below
- No

How many stages will the works include?	
What stage(s) will this development application apply to?	

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?

Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment

12.1) What are the current and proposed areas for each lot comprising the premises?

Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)

12.2) What is the reason for the boundary realignment?

--

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)

Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement
Proposed	6 m	Approx 213m	Access and Services	Proposed lot 96

Division 3 – Operational work

Note: This division is only required to be completed if any part of the development application involves operational work.

14.1) What is the nature of the operational work?

- | | | |
|---|-------------------------------------|--|
| <input type="checkbox"/> Road work | <input type="checkbox"/> Stormwater | <input type="checkbox"/> Water infrastructure |
| <input type="checkbox"/> Drainage work | <input type="checkbox"/> Earthworks | <input type="checkbox"/> Sewage infrastructure |
| <input type="checkbox"/> Landscaping | <input type="checkbox"/> Signage | <input type="checkbox"/> Clearing vegetation |
| <input type="checkbox"/> Other – please specify: <input style="width: 300px;" type="text"/> | | |

14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)

<input type="checkbox"/> Yes – specify number of new lots: <input style="width: 150px;" type="text"/>
<input type="checkbox"/> No

14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)

\$ <input style="width: 150px;" type="text"/>

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application

Douglas Shire Council

16) Has the local government agreed to apply a superseded planning scheme for this development application?

- Yes – a copy of the decision notice is attached to this development application
- Local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- No

PART 5 – REFERRAL DETAILS

17) Do any aspects of the proposed development require referral for any referral requirements?

Note: A development application will require referral if prescribed by the Planning Regulation 2017.

No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the Planning Regulation 2017:**

- Clearing native vegetation
- Contaminated land (*unexploded ordnance*)
- Environmentally relevant activities (ERA) (*only if the ERA have not been devolved to a local government*)
- Fisheries – aquaculture
- Fisheries – declared fish habitat area
- Fisheries – marine plants
- Fisheries – waterway barrier works
- Hazardous chemical facilities
- Queensland heritage place (*on or near a Queensland heritage place*)
- Infrastructure – designated premises
- Infrastructure – state transport infrastructure
- Infrastructure – state transport corridors and future state transport corridors
- Infrastructure – state-controlled transport tunnels and future state-controlled transport tunnels
- Infrastructure – near a state-controlled road intersection
- On Brisbane core port land near a State transport corridor or future State transport corridor
- On Brisbane core port land – ERA
- On Brisbane core port land – tidal works or work in a coastal management district
- On Brisbane core port land – hazardous chemical facility
- On Brisbane core port land – taking or interfering with water
- On Brisbane core port land – referable dams
- On Brisbane core port land - fisheries
- Land within Port of Brisbane's port limits
- SEQ development area
- SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- SEQ regional landscape and rural production area or SEQ rural living area – community activity
- SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- SEQ regional landscape and rural production area or SEQ rural living area – combined use
- Tidal works or works in a coastal management district
- Reconfiguring a lot in a coastal management district or for a canal
- Erosion prone area in a coastal management district
- Urban design
- Water-related development – taking or interfering with water
- Water-related development – removing quarry material (*from a watercourse or lake*)
- Water-related development – referable dams
- Water-related development – construction of new levees or modification of existing levees (*category 3 levees only*)
- Wetland protection area

Matters requiring referral to the **local government:**

- Airport land
- Environmentally relevant activities (ERA) (*only if the ERA have been devolved to local government*)
- Local heritage places

Matters requiring referral to the chief executive of the distribution entity or transmission entity: <input type="checkbox"/> Electricity infrastructure
Matters requiring referral to: <ul style="list-style-type: none"> • The Chief executive of the holder of the licence, if not an individual • The holder of the licence, if the holder of the licence is an individual <input type="checkbox"/> Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council: <input type="checkbox"/> Brisbane core port land
Matters requiring referral to the Minister under the <i>Transport Infrastructure Act 1994</i>: <input type="checkbox"/> Brisbane core port land (inconsistent with Brisbane port LUP for transport reasons) <input type="checkbox"/> Strategic port land
Matters requiring referral to the relevant port operator: <input type="checkbox"/> Land within Port of Brisbane's port limits (below high-water mark)
Matters requiring referral to the Chief Executive of the relevant port authority: <input type="checkbox"/> Land within limits of another port (below high-water mark)
Matters requiring referral to the Gold Coast Waterways Authority: <input type="checkbox"/> Tidal works, or work in a coastal management district in Gold Coast waters
Matters requiring referral to the Queensland Fire and Emergency Service: <input type="checkbox"/> Tidal works marina (<i>more than six vessel berths</i>)

18) Has any referral agency provided a referral response for this development application?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application <input checked="" type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and the development application the subject of this form, or include details in a schedule to this development application (<i>if applicable</i>).		

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application <input type="checkbox"/> I do not agree to accept an information request for this development application
<p>Note: <i>By not agreeing to accept an information request I, the applicant, acknowledge:</i></p> <ul style="list-style-type: none"> • <i>that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties</i> • <i>Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</i> <p><i>Further advice about information requests is contained in the DA Forms Guide.</i></p>

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)			
<input type="checkbox"/> Yes – provide details below or include details in a schedule to this development application <input checked="" type="checkbox"/> No			
List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)		
<input type="checkbox"/> Yes – a copy of the receipted QLeave form is attached to this development application <input type="checkbox"/> No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid <input checked="" type="checkbox"/> Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)		
Amount paid	Date paid (dd/mm/yy)	QLeave levy number
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?
<input type="checkbox"/> Yes – show cause or enforcement notice is attached <input checked="" type="checkbox"/> No

23) Further legislative requirements			
<u>Environmentally relevant activities</u>			
23.1) Is this development application also taken to be an application for an environmental authority for an Environmentally Relevant Activity (ERA) under section 115 of the <i>Environmental Protection Act 1994</i>?			
<input type="checkbox"/> Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below <input checked="" type="checkbox"/> No <i>Note: Application for an environmental authority can be found by searching "ESR/2015/1791" as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.</i>			
Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			
<input type="checkbox"/> Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.			
<u>Hazardous chemical facilities</u>			
23.2) Is this development application for a hazardous chemical facility?			
<input type="checkbox"/> Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application <input checked="" type="checkbox"/> No <i>Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.</i>			
<u>Clearing native vegetation</u>			

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter

No

Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala conservation

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work within an assessable development area under Schedule 10, Part 10 of the Planning Regulation 2017?

Yes

No

Note: See guidance materials at www.des.qld.gov.au for further information.

Water resources

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the Water Act 2000**?

Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au for further information.

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

Waterway barrier works

23.7) Does this application involve **waterway barrier works**?

Yes – the relevant template is completed and attached to this development application

No

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

Marine activities

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants**?

Yes – an associated *resource* allocation authority is attached to this development application, if required under the *Fisheries Act 1994*

No

Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000*?

- Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
 No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?

- Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
 No

Note: Contact the Department of Environment and Science at www.des.qld.gov.au for further information.

Referable dams

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the Water Supply Act)?

- Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the Water Supply Act is attached to this development application
 No

Note: See guidance materials at www.dnrme.qld.gov.au for further information.

Tidal work or development within a coastal management district

23.12) Does this development application involve **tidal work or development in a coastal management district**?

- Yes – the following is included with this development application:
 Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
 A certificate of title
 No

Note: See guidance materials at www.des.qld.gov.au for further information.

Queensland and local heritage places

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

- Yes – details of the heritage place are provided in the table below
 No

Note: See guidance materials at www.des.qld.gov.au for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
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Brothels

23.14) Does this development application involve a **material change of use for a brothel**?

- Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*
 No

Decision under section 62 of the Transport Infrastructure Act 1994

23.15) Does this development application involve new or changed access to a state-controlled road?

- Yes - this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
 No

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist	
I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17 <i>Note: See the Planning Regulation 2017 for referral requirements</i>	<input checked="" type="checkbox"/> Yes
If building work is associated with the proposed development, Parts 4 to 6 of <i>DA Form 2 – Building work details</i> have been completed and attached to this development application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with development application <i>Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see DA Forms Guide: Planning Report Template.</i>	<input checked="" type="checkbox"/> Yes
Relevant plans of the development are attached to this development application <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>	<input checked="" type="checkbox"/> Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (<i>see 21</i>)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

25) Applicant declaration	
<input checked="" type="checkbox"/> By making this development application, I declare that all information in this development application is true and correct <input checked="" type="checkbox"/> Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the <i>Electronic Transactions Act 2001</i> <i>Note: It is unlawful to intentionally provide false or misleading information.</i>	
<p>Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website. Personal information will not be disclosed for a purpose unrelated to the <i>Planning Act 2016</i>, <i>Planning Regulation 2017</i> and the <i>DA Rules</i> except where:</p> <ul style="list-style-type: none"> such disclosure is in accordance with the provisions about public access to documents contained in the <i>Planning Act 2016</i> and the <i>Planning Regulation 2017</i>, and the access rules made under the <i>Planning Act 2016</i> and <i>Planning Regulation 2017</i>; or required by other legislation (including the <i>Right to Information Act 2009</i>); or otherwise required by law. <p>This information may be stored in relevant databases. The information collected will be retained as required by the <i>Public Records Act 2002</i>.</p>	

PART 9 – FOR OFFICE USE ONLY

Date received: Reference number(s):

Notification of engagement of alternative assessment manager	
Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	

Relevant licence number(s) of chosen assessment manager	
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QLeave notification and payment	
<i>Note: For completion by assessment manager if applicable</i>	
Description of the work	
QLeave project number	
Amount paid (\$)	
Date paid	
Date received form sighted by assessment manager	
Name of officer who sighted the form	



GMA Certification
Group

*Leader's in
Building Certification Services*



PLANNING STATEMENT

For: Michael James and Kerry Anne Knight
Development: Reconfiguring a Lot (1 into 2)
At: Mowbray River Road, Mowbray (Lot 94 & 95
SP121802)
Prepared by: GMA Certification Group
File Ref: 20191378
Revision: A

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1.0 Introduction

This report has been prepared in behalf of Michael and Kerry Knight in support of a Development Application to Douglas Shire Council for a Development Permit for Reconfiguring a Lot for the purpose of a two lot subdivision on land located at Mowbray Rover Road, Mowbray and described as Lot 94 (access only) and Lot 95 on SP121802.

The application site comprises two allotments with lot 95, being the lot to be subdivided, and lot 94, providing easement access to lot 95. Lot 95 has an area of 24,577m² and is currently development with a single dwelling house and outbuildings. Lot 94 is similarly developed with a single dwelling house and access buildings and contains an access easement in favour of lot 95 with a width of approximately 6 metres.

The application site is located within an established rural residential area and development in the vicinity of the site is characterised by dwelling houses on larger allotments. To the north east the site adjoins Spring Creek and on all other sides the site adjoins rural residential allotments.

It is proposed to reconfigure Lot 95 to create two allotments being proposed lot 95, the balance lot, and proposed lot 96. Lot 96 would contain 4,000m² and would be located in the south west of the existing lot 95 and would be accessed via the existing access easement over lot 94 and a proposed 6 metre wide access easement over proposed lot 95.

The application is identified as being Code Assessable and consideration can only be given to the applicable assessment benchmarks contained in the Planning Scheme. The development is considered to be consistent in terms of allotment size and configuration in the locality and is considered to provide a suitable residential amenity.

The application is submitted for approval, subject to reasonable and relevant conditions.

2.0 Development Summary

Address:	Mowbray River Road, Mowbray
Real Property Description:	Lot 94 (Access only) and Lot 95 SP121802
Easements & Encumbrances:	Lot 94 – Access and Services Easement
Site Area/Frontage:	Area: Lot 94 – 13,550m ² Lot 95 – 24,577m ² Frontage: Lot 94 – Approx. 70 metres Lot 95 - Nil
Registered Owner:	Lot 94 – Steven John and Bernadette Mary Pisot Lot 95 – Michael James and Kerry Anne Knight
Proposal:	Reconfiguring a Lot (1 into 2) and access easement.
Approval Sought:	Development Permit
Level of Assessment:	Code Assessment
State Interests – State Planning Policy	<ul style="list-style-type: none">• Economic Growth – Agricultural Land Classification – class A and B.• Environment and Heritage – Biodiversity:<ul style="list-style-type: none">○ MSES Regulated Vegetation Category B, in part;○ MSES Regulated Vegetation Category R, in part; and,○ MSES Regulated Vegetation (intersecting a water course), in part.• Safety and Resilience to Hazards<ul style="list-style-type: none">○ Flood Hazard Area – Level 1 – Queensland Floodplain Assessment Overlay, in part;

- Bushfire Prone Area – Potential Impact Buffer.

State Interests – SARA Mapping:

- Native Vegetation Clearing –
 - Category B on the regulated vegetation management map, in part;
 - Category R on the regulated vegetation management map, in part;
 - Category x on the vegetation management map, in part.

Referral Agencies:

Nil

State Development Assessment Provisions:

N/A

Regional Plan Designation:

Rural Living Area

Zone:

Rural Residential

Local Plan Designation:

N/A

Overlays:

- Acid Sulfate Soils Overlay – 5-10m AHD;
 - Bushfire Hazard Overlay – Potential Impact Buffer;
 - Hillslopes Overlay, in part;
 - Landscape Values Overlay – High/Medium Landscape Value;
 - Natural Areas Overlay – MSES Regulated Vegetation intersecting a watercourse and MSES regulated vegetation of concern; and,
 - Potential Landslide Hazard, in part.
-

3.0 Site and Locality

The application site comprises two allotments located at Mowbray River Road, Mowbray and described as Lot 95 and Lot 95 on SP 121802. Lot 94 contains an access easement that benefits lot 95 and is only included in the application site on that basis.

Lot 95 contains an area of 24,577m² and does not have any road frontage. It currently contains a dwelling house and outbuildings with the balance of the land maintained and cleared and landscaped curtilage to the dwelling house.

The site is generally flat and is predominantly cleared of vegetation with the exception of vegetation on the north eastern and south eastern boundaries and stands of trees that provide buffers within the site.

The locality containing the site is generally characterised by rural residential allotments with the predominant natural feature being Spring Creek located adjoining the north eastern boundary. To the south the site adjoins a power line reserve that forms part of the electricity network



Photo 1 – Site Location (Source Queensland Globe)

4.0 Proposal

It is proposed to reconfigure lot 95 to create two allotments, proposed lot 95 (the balance lot) and proposed lot 96 and to create an access easement over proposed lot 95 in favour of proposed lot 96.

Proposed lot 96 would contain an area of 4,000m² and would be located in the south eastern corner of the site. It would have dimensions of approximately 46 metres by 81 metres and would be separated from the balance lot by existing stands of vegetation. Proposed lot 94 would be accessed by a 6 metre wide access and services easement that would extend from the easement over lot 94 to the north and would traverse proposed lot 95 adjacent the western and southern boundary.

Proposal Plans are attached at [Appendix 2](#).

5.0 Statutory Planning Considerations

This section provides a summary of the legislative framework affecting the application pursuant to the Planning Act 2016.

5.1 Planning Act 2016

5.1.1 Categorisation of Development

The proposed development is not identified as prohibited development having regard to the relevant instruments that can prohibit development under the *Planning Act 2016*, including

- Schedule 10 of the Planning Regulations 2017
- Relevant Categorising Instruments.

The development is made assessable under the Douglas Shire Council Planning Scheme, which is a categorising instrument for the purpose of s43 of the *Planning Act 2016*.

5.1.2 Assessment Manager

Pursuant to Schedule 8 of the *Planning Regulations 2017*, the Assessment Manager for the application is the Douglas Shire Council.

5.1.3 Level of Assessment

The application involves Reconfiguring a Lot. The table below identifies the level of assessment and the categorising section of the Douglas Shire Council Planning Scheme.

Development	Categorising Section	Level of Assessment
Reconfiguring a Lot	Table 5.6.k Rural residential zone	Code Assessable

5.1.4 Statutory Considerations for Assessable Development

As the application is subject to Code Assessment, in deciding the application pursuant to s60 of the *Planning Act 2016*, the Council, as Assessment Manager, can only have regard to the matters established in the relevant planning benchmarks.

This assessment is further discussed in Section 6.0 of this report and a detailed assessment of the proposed development against the assessment benchmarks is provided at [Appendix 3](#).

5.1.5 State Planning Policy

The application site has the following State Planning Policy designations/classifications:

- Economic Growth – Agricultural Land Classification – class A and B.
- Environment and Heritage – Biodiversity:

- MSES Regulated Vegetation Category B, in part;
 - MSES Regulated Vegetation Category R, in part; and,
 - MSES Regulated Vegetation (intersecting a water course), in part.
- Safety and Resilience to Hazards
 - Flood Hazard Area – Level 1 – Queensland Floodplain Assessment Overlay, in part;
 - Bushfire Prone Area – Potential Impact Buffer.

It is understood that the Minister has identified that the State Planning Policy has been appropriately integrated into in the Douglas Shire Council Planning Scheme and consequently no further assessment is required in this instance.

5.1.6 Regional Plan

The application site is identified in the Rural Residential designation of the FNQ Regional Plan. Consistent with the State Planning Policies, it is understood that the Planning Scheme has been determined to appropriately advance the Regional Plan and, on that basis, no further assessment is required in this instance.

5.1.7 Referral Agencies

There are no referral agencies identified in respect of this application.

5.1.8 State Development Assessment Provisions

As there are no referral agencies for the application, no State Development Assessment Provisions Apply to the assessment.

6.0 Local Planning Considerations

6.1 Douglas Shire Council Planning Scheme

Within the Douglas Shire Council Planning Scheme (Version 1.0), the site is identified within the Rural Residential Zone and is affected by the following Overlays:

- Acid Sulfate Soils Overlay – 5-10m AHD;
- Bushfire Hazard Overlay – Potential Impact Buffer;
- Hillslopes Overlay, in part;
- Landscape Values Overlay – High/Medium Landscape Value;
- Natural Areas Overlay – MSES Regulated Vegetation intersecting a watercourse and MSES regulated vegetation of concern; and,
- Potential Landslide Hazard, in part.

The Table below identifies the applicable Assessment Benchmarks contained within the Planning Scheme.

Assessment Benchmark	Applicability	Compliance
Rural Residential Zone Code	Applies	Consideration is required to be given to P10 – Road Frontage.
Acid Sulfate Soils Overlay Code	Applies	Complies with all applicable Acceptable Outcomes.
Bushfire Hazard Overlay Code	Applies	Consideration is required to be given to PO6 – fire separation and PO12 Access.
Flood and Storm Tide Hazard Inundation Overlay Code	Applies	Complies with all applicable Acceptable Outcomes.
Hillslopes Overlay Code	Applies	Complies with all applicable Acceptable Outcomes.
Landscape Values Overlay Code	Applies	Complies with all applicable Acceptable Outcomes.
Natural Areas overlay Code	Applies	Complies with all applicable Acceptable Outcomes.

Environmental Performance Code	Applies	Complies with all applicable Acceptable Outcomes.
Filling and Excavation Code	Not Applicable	No relevant Assessment Benchmarks
Infrastructure Works Code	Applies	Complies with or able to comply with all applicable Acceptable Outcomes.
Landscaping Code	Applies	Complies with all applicable Acceptable Outcomes.
Reconfiguring a Lot Code	Applies	Consideration is required to be given to the potential future subdivision of the balance lot and the creation of rear lots.
Vegetation Management Code	Applies	No relevant Assessment Benchmarks

6.1.1 Statement of Compliance – Benchmark Assessment

6.1.1.1 Road Frontage

The proposal involves the subdivision of an existing rural residential allotment that does not benefit from a road frontage. The access to the new lot would be secured by an easement across the balance portion and through the existing easement on the adjoining lot. The proposal would provide for:

- Development of a detached dwelling houses on a large lot that would cater for hobby-farm living requiring limited infrastructure and services.
- Development that preserves the environmental, scenic amenity and topographical features of the land by integrating an appropriate scale of residential activities among these features.
- Development that provides a high level of residential amenity.
- A rural residential allotment of sufficient size that would provide for the safe use of on-site wastewater treatment systems for effluent disposal.

The proposed development is considered to satisfy the purpose of the Rural Residential Zone Code.

6.1.1.2 Fire Separation and Access

The proposed new allotment would be separated from hazardous vegetation by a powerline reserve that adjoins the site to the south and has a width capable of

accommodating a fire fighting appliance. Access to the balance of the land would be secured by an access easement that would also be capable of accommodating a fire fighting appliance. The proposed reconfiguration would provide for a suitable separation of the proposed building area and any hazardous vegetation as required by Performance Outcome 6 of the Bushfire Hazard Overlay Code.

In terms of access, the proposed development would create an allotment that would have an access to Mowbray River Road that exceeds the Acceptable Outcome of 60 metres from the road frontage. However, the access would serve only two rural residential allotments and, given the low volumes of traffic, the access would be suitable to provide safe evacuation for occupants and easy access for fire fighting appliances. The proposed lot reconfiguration is considered to be able to satisfy the requirements of Performance Outcome 12 of the Bushfire Hazard overlay Code.

6.1.1.3 Potential future subdivision and rear lots

Under the current planning scheme, the proposed new lot would not be capable of further reconfiguration. However, the balance lot would contain an area of 2.0577 hectares and could be further subdivided to provide 4,000m² lots. This would be constrained by providing a suitable access for the increase in traffic. If suitable access could be provided, the lot configuration proposed as part of this application with the new lot located against the existing boundary and the use of an access easement would provide for further subdivision of the land in a suitable manner. The easement could be extinguished with a new road created through the middle of the site and terminating at a cul-de-sac with new lots off that new road. On this basis, it is considered that the proposal would not compromise ultimate development outcomes, consistent with the requirements of Performance Outcome 5 of the reconfiguring a Lot Code.

With respect to the creation of rear lots, the proposed reconfiguration would result in two lots behind a frontage lot, inconsistent with the Acceptable Outcomes. Notwithstanding, the proposed new lot would not adversely affect the amenity of the area and given the minor increase in traffic associated with one new lot, it would not adversely affect the safety of the access or road network. To further protect the amenity and if considered necessary, the access easement could be sealed to reduce dust nuisance and to ensure that an appropriate standard of access is maintained. On this basis, it is considered that the proposed development is consistent with Performance Outcome PO7 of the Reconfiguring a Lot code.

7.0 Summary and Conclusion

This report has been prepared in behalf of Michael and Kerry Knight in support of a Development Application to Douglas Shire Council for a Development Permit for Reconfiguring a Lot for the purpose of a two lot subdivision on land located at Mowbray Rover Road, Mowbray and described as Lot 94 (access only) and Lot 95 on SP121802

The application site comprises two allotments with lot 95 being the lot to be subdivided and lot 94 providing easement access to lot 95. Lot 95 has an area of 24,577m² and is currently development with a single dwelling house and outbuildings. Lot 94 is similarly developed with a single dwelling house and access buildings and contains an access easement in favour of lot 95 with a width of approximately 6 metres.

The application site is located within an established rural residential area and development in the vicinity of the site is characterised by dwelling houses on larger allotments. To the north east the site adjoins Spring Creek and on all other sides the site adjoins rural residential allotments.

It is proposed to reconfigure Lot 95 to create two allotments being proposed lot 95, the balance lot, and proposed lot 96. Lot 96 would contain 4,000m² and would be located in the south west of the existing lot 95 and would be accessed via the existing access easement over lot 94 and a proposed 6 metre wide access easement over proposed lot 95.

The application is identified as being Code Assessable and consideration can only be given to the applicable assessment benchmarks contained in the Planning Scheme. The proposed development is considered to be consistent with the Assessment Benchmarks and the purpose of the Rural Residential Zone. The development is considered to be consistent in terms of allotment size and configuration in the locality and would provide a suitable residential amenity.

The application is submitted for approval, subject to reasonable and relevant conditions.

CERTIFICATE OF TITLE

CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 27156457

Search Date: 23/10/2017 12:00

Title Reference: 50293502

Date Created: 23/12/1999

Previous Title: 18806012

18806020

REGISTERED OWNER

Dealing No: 717524816 20/09/2016

MICHAEL JAMES KNIGHT

KERRY ANNE KNIGHT

JOINT TENANTS

ESTATE AND LAND

Estate in Fee Simple

LOT 95

SURVEY PLAN 121802

Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 18806012 (Lot 76 on CP SR122)
Deed of Grant No. 18806020 (Lot 96 on CP SR122)
2. EASEMENT No 703761602 15/12/1999 at 16:14
benefiting the land over
EASEMENT A ON SP121802

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

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Requested By: D-ENQ URBIS PRO

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 31197653

Search Date: 13/05/2019 13:50

Title Reference: 50293501

Date Created: 23/12/1999

Previous Title: 18806012

18806020

REGISTERED OWNER

Dealing No: 713972949 22/07/2011

STEVEN JOHN PISOT

BERNADETTE MARY PISOT JOINT TENANTS

ESTATE AND LAND

Estate in Fee Simple

LOT 94 SURVEY PLAN 121802

Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 18806012 (Lot 76 on CP SR122)
Deed of Grant No. 18806020 (Lot 96 on CP SR122)
2. EASEMENT No 703761602 15/12/1999 at 16:14
burdening the land to
LOT 95 ON SP121802 OVER
EASEMENT A ON SP121802

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

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Requested By: D-ENQ GLOBALX TERRAIN

Land Title Act 1994 ; Land Act 1994
Form 21 Version 2

Sheet 1 of 1

SURVEY PLAN

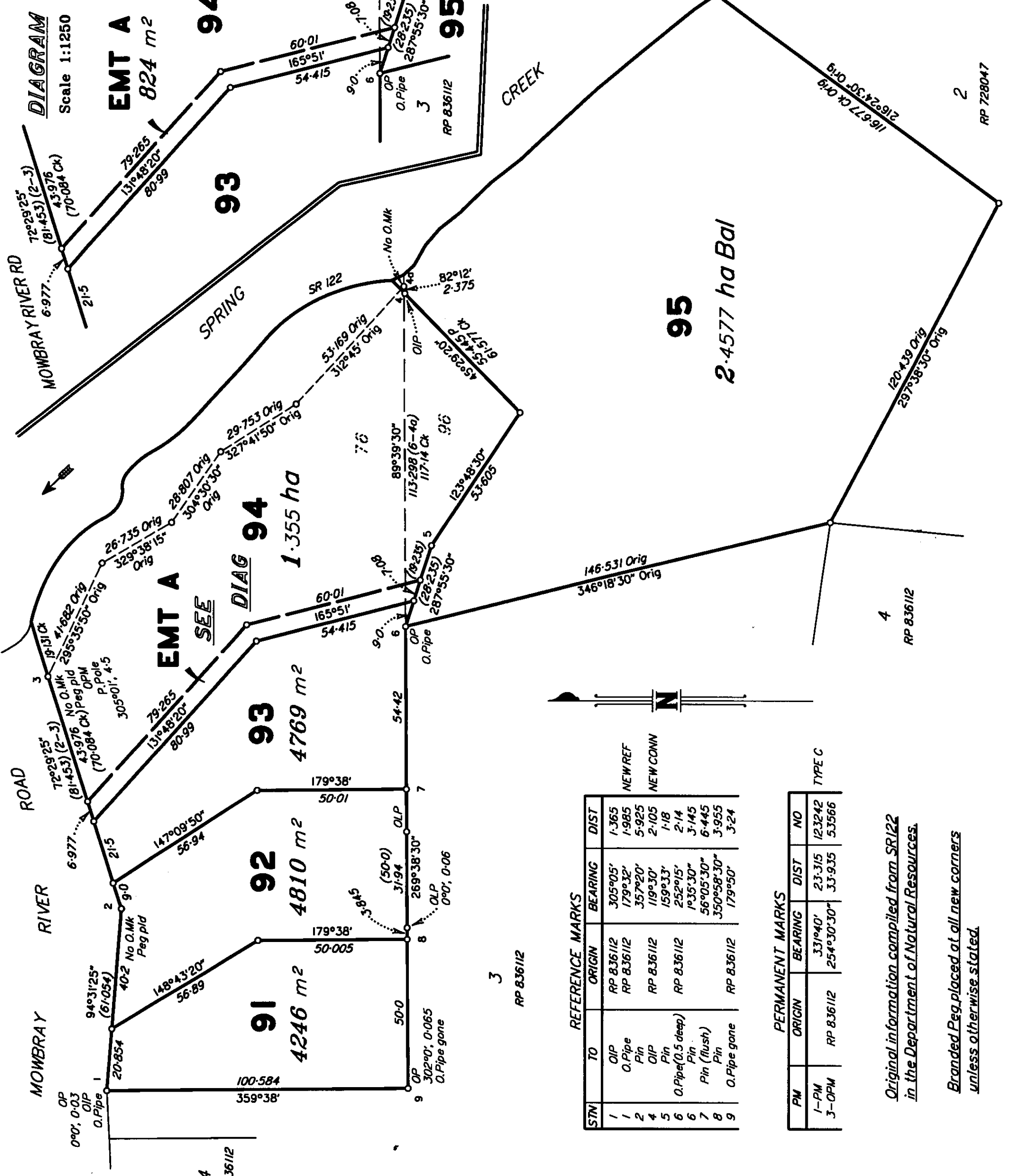


DIAGRAM
Scale 1:1250

EMT A
824 m²

94

95

93

94
1.355 ha

93
4769 m²

92
4810 m²

91
4246 m²

95
2.4577 ha Bal



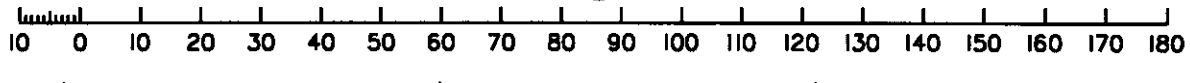
STN	TO	ORIGIN	BEARING	DIST	NEW REF	NEW CONN
1	O.P.	RP 836112	305°05'	1.365		
1	O.Pipe	RP 836112	179°32'	1.985		
2	Pin	RP 836112	357°20'	5.925		
4	O.P.	RP 836112	119°30'	2.105		
5	Pin	RP 836112	159°33'	1.18		
6	O.Pipe(0.5 deep)	RP 836112	252°15'	2.14		
6	Pin	RP 836112	1°35'30"	3.145		
7	Pin (flush)	RP 836112	56°05'30"	6.445		
8	Pin	RP 836112	350°58'30"	3.955		
9	O.Pipe gone	RP 836112	179°50'	3.24		

PM	ORIGIN	BEARING	DIST	NO	TYPE C
1-PM	RP 836112	33°40'	23.315	123242	
3-OPM	RP 836112	254°30'30"	33.935	53566	

*Original information compiled from SR122
in the Department of Natural Resources.*

*Branded Peg placed at all new corners
unless otherwise stated.*

Scale 1:1250 - Lengths are in Metres.



Plan of

**Lots 91 - 95 &
Emt A in Lot 94**

Cancelling Lots 76 & 96 on SR 122

PARISH: **MOWBRAY** COUNTY: **Solander**

Meridian: **RP 836112** F/N's: **YES**

Scale: **1:1250**

Format: **STANDARD**

SP121802

Plan Status:

JEREMY SCRIVEN & ASSOCIATES PTY LTD ACN 072 257 704 hereby certify that the Company has surveyed the land comprised in this plan by DAVID ALLAN JERICO, Licensed Surveyor, for whose work the company accepts responsibility, that the plan is accurate, that the said survey was performed in accordance with the Surveyors Act 1977 and the Surveyors Regulations 1992 and that the said survey was completed on 20/10/1999.

Jeremy Matheson, Director, Licensed Surveyor

Date: 22.10.99

David Allan Jerico, Licensed Surveyor

703761563

\$485.00
15/12/1999 16:09

CS 400 NT

WARNING : Folded or Mutilated Plans will not be accepted.
Plans may be rolled.
Information may not be placed in the outer margins.

Registered

s. Lodged by

Greer & Timms 738
PO Box 57
Port Douglas Q 4871
(07) 40 995 995

(Include address, phone number, reference, and Lodger Code)

1. Certificate of Registered Owners or Lessees.

I/We ANTON PISOT & INEZ PISOT AS JOINT TENANTS

(Names in full)

* as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

* as Lessees of this land agree to this plan.

Signature of *Registered Owners *Lessees


ANTON PISOT


INEZ PISOT

* Rule out whichever is inapplicable

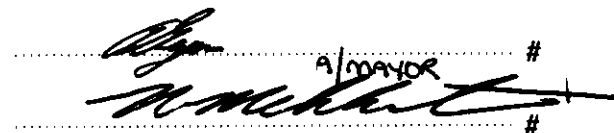
2. Local Government Approval.

* DOUGLAS SHIRE COUNCIL

hereby approves this plan in accordance with the :

% Local Government (Planning & Environment) Act 1990

Dated this 16th day of NOVEMBER 1999


A/MAYOR #

* Insert the name of the Local Government. % Insert Integrated Planning Act 1997 or # Insert designation of signatory or delegation Local Government (Planning & Environment) Act 1990

3. Plans with Community Management Statement :

CMS Number :
Name :

4. References :

Dept File :
Local Govt : Appl No. 392
Surveyor : 1105PIS

6. Existing

Title Reference	Lot	Plan
18806012	76	SR 122
18806020	96	SR 122

Created

Lots	Emts	Road
91-95	A	---
93-95	A	---

POR 96	93-95 & Emt A
POR 76	91-95 & Emt A
Orig	Lots

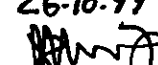
7. Portion Allocation :

8. Map Reference :
7964-11214

9. Locality :

10. Local Government :
DOUGLAS SHIRE COUNCIL

11. Passed & Endorsed :

By: JEREMY MATTHEW SCRIVEN
Date: 26-10-99
Signed: 
Designation: LICENSED SURVEYOR

12. Building Format Plans only.

I certify that :
* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road;
* Part of the building shown on this plan encroaches onto adjoining * lots and road

Licensed Surveyor/Director * Date
*delete words not required

13. Lodgement Fees :

Survey Deposit \$
Lodgement \$
New Titles \$
Photocopy \$
Postage \$
TOTAL \$

14. Insert Plan Number
SP121802

PROPOSAL PLANS



AERIAL IMAGERY.

The aerial photography used in this plan has not been rectified. The image has been overlaid as a best fit on the boundaries shown and position is approximate only.

Date of Capture: 08/2017

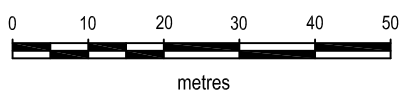
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IMPORTANT NOTE

This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified. No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.



SCALE 1:1000 IS APPLICABLE ONLY
TO THE ORIGINAL SHEET SIZE. (A3)

AMENDMENTS	PROJECT MANAGER	
	A Solomon	
CAD REF PR144010-1.DWG	SURVEYED	
	COMPILED	
SHEET 1 OF SHEETS 1	KJB 24/05/19	
	SHEET SIZE	
	A3	

M & K KNIGHT

RECONFIGURATION OF A LOT
Plan of Lots 95 & 96
Cancelling Lot 95 on SP121802
Mowbray River Road, Mowbray

RPS Australia East Pty Ltd
ACN 140 292 762
135 Abbott St
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CAIRNS QLD 4870
T +61 7 4031 1336
F +61 7 4031 2942
W rpsgroup.com

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SCALE 1:1000	DATE 24/04/2019	DRAWING NO. PR144010-1	ISSUE
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PLANNING BENCHMARK ASSESSMENT



20191378 – Mowbray River Road, Mowbray

6.2.11 Rural residential zone code

6.2.11.1 Application

- (1) This code applies to assessing development in the Rural residential zone.
- (2) When using this code, reference should be made to Part 5.

6.2.11.2 Purpose

- (1) The purpose of the Rural residential zone code is to provide for rural residential development on large lots where infrastructure and services may not be provided on the basis that the intensity of development within the zone is dispersed.
- (2) The local government purpose of the code is to:
 - (a) implement the policy direction set in the Strategic Framework, in particular:
 - (i) Theme 1 : Settlement pattern, Element 3.4.6 – Rural residential areas, Element 3.4.7 – Mitigation of hazards.
 - (ii) Theme 2 : Environment and landscape values, Element 3.5.5 – Scenic amenity.
 - (iii) Theme 6 : Infrastructure and transport, Element 3.9.2 – Energy, Element 3.9.3 – Water and waste management.
 - (b) provide for dwellings on lots generally larger than 4000m²:
 - (c) provide protection to areas of ecological significance and scenic amenity significance where present.
- (3) The purpose of the code will be achieved through the following overall outcomes:



20191378 – Mowbray River Road, Mowbray

- (a) Development is predominantly for detached dwelling houses on large lots catering for hobby-farm living requiring limited infrastructure and services.
- (b) Development preserves the environmental, scenic amenity and topographical features of the land by integrating an appropriate scale of residential activities among these features.
- (c) Development provides a high level of residential amenity.
- (d) Development provides for the safe use of on-site wastewater treatment systems for effluent disposal with systems designed for varied soil type, slopes and prolonged periods of wet weather.

Editor's note - Reticulated sewerage is not generally available and is not required to be provided.

6.2.11.3 Criteria for assessment

Table 6.2.11.3.a – Rural residential zone code – assessable development

Performance outcomes	Acceptable outcomes	Compliance
For self-assessable and assessable development		
PO1 The height of buildings is compatible with the rural residential character of the area and must not detrimentally impact on visual landscape amenity.	AO1.1 Dwelling houses are not more than 8.5 metres in height. Note – Height is inclusive of roof height.	Not Applicable The development is Reconfiguring a Lot only.



20191378 – Mowbray River Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
<p>PO2</p> <p>Buildings and structures are setback to maintain the rural residential character of the area and achieve separation from buildings on adjoining properties.</p>	<p>AO2</p> <p>Buildings are setback not less than:</p> <ul style="list-style-type: none"> (a) 40 metres from a property adjoining a State controlled road; (b) a minimum of 25 metres from the property boundary adjoining Cape Tribulation Road; (c) 20 metres from front boundaries; (d) 6 metres from side and rear property boundaries. 	<p>Not Applicable</p> <p>The development is Reconfiguring a Lot only</p>
<p>PO2</p> <p>Buildings and structures are setback to maintain the rural character of the area and achieve separation from buildings on adjoining properties.</p>	<p>AO2</p> <p>Buildings are setback not less than:</p> <ul style="list-style-type: none"> (a) 40 metres from the property boundary and a State-controlled road; (b) 25 metres from the property boundary adjoining Cape Tribulation Road; (c) 20 metres from the boundary with any other road; 	<p>Not Applicable</p> <p>The development is Reconfiguring a Lot only</p>



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Performance outcomes	Acceptable outcomes	Compliance
	(d) 6 metres from side and rear property boundaries.	
<p>PO3</p> <p>Building scale is compatible with the rural residential character of the area and must not detrimentally impact on visual landscape amenity.</p>	<p>AO3.1</p> <p>The maximum building footprint of all buildings and structures (including outbuildings) contained on a lot does not exceed 500m².</p>	<p>Not Applicable</p> <p>The development is Reconfiguring a Lot only</p>
	<p>AO3.2</p> <p>An outbuilding used for purposes ancillary to a dwelling house has maximum site coverage not greater than 20% of the total building footprint specified in AO3.1 above.</p>	<p>Not Applicable</p> <p>The development is Reconfiguring a Lot only</p>
<p>PO4</p> <p>Buildings/structures are designed to maintain the rural residential character of the area.</p>	<p>AO4</p> <p>White and shining metallic finishes are avoided on external surfaces of buildings.</p>	<p>Not Applicable</p> <p>The development is Reconfiguring a Lot only</p>
For assessable development		
<p>PO5</p>	<p>AO5</p>	<p>Not Applicable</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>The establishment of uses is consistent with the outcomes sought for the Rural residential zone and protects the zone from the intrusion of inconsistent uses.</p>	<p>Uses identified in Table 0.a are not established in the Rural residential zone.</p>	<p>The development is Reconfiguring a Lot only</p>
<p>PO6</p> <p>Existing native vegetation along watercourses and, in or adjacent to areas of environmental value, or areas of remnant vegetation of value is protected.</p>	<p>A06</p> <p>No acceptable outcomes are prescribed.</p>	<p>Complies with PO6</p> <p>The proposed new lot would not share a common boundary with the watercourse and would not require the removal of any vegetation.</p>
<p>PO7</p> <p>Development is located, designed, operated and managed to respond to the characteristics, features and constraints of the site and surrounds.</p> <p>Note- planning scheme policy – site assessments provides guidance on identifying the characteristics, features and constraints of a site and its surrounds.</p>	<p>A07</p> <p>No acceptable outcomes are prescribed.</p>	<p>Complies with PO7</p> <p>The proposed new lot would be created within an existing cleared area and separated from the adjacent watercourse.</p>
<p>PO8</p>	<p>A08</p> <p>No acceptable outcomes are prescribed.</p>	<p>Not Applicable</p> <p>The development is Reconfiguring a Lot only</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>Development does not adversely impact on the Rural residential character and amenity of the area in terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts.</p>		
<p>PO9</p> <p>New lots contain a minimum area of 4000m², incorporating:</p> <ul style="list-style-type: none"> (a) a minimum of contiguous area of 2000m² exclusive of 1 in 6 (16.6%) gradients, with a minimum dimension of 20 metres; (b) sufficient area to cater for on-site waste water management systems. <p>Note – Acceptable on-site waste disposal is to be demonstrated in a report prepared by a suitably qualified professional.</p>	<p>AO9</p> <p>No acceptable outcomes are prescribed.</p>	<p>Complies with PO9</p> <p>The proposed new lot would have an area of 4,000m².</p>
<p>PO10</p> <p>New lots have a minimum road frontage of 30 metres</p>	<p>AO10</p> <p>No acceptable outcomes are prescribed.</p>	<p>Complies with the purpose of the zone</p> <p>The proposal involves the subdivision of an existing rural residential allotment that does not</p>



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Performance outcomes	Acceptable outcomes	Compliance
		<p>benefit from a road frontage. The access to the new lot would be secured by an easement across the balance portion and through the existing easement on the adjoining lot. The proposal would provide for:</p> <ul style="list-style-type: none">• Development of a detached dwelling houses on a large lot that would cater for hobby-farm living requiring limited infrastructure and services.• Development that preserves the environmental, scenic amenity and topographical features of the land by integrating an appropriate scale of residential activities among these features.• Development that provides a high level of residential amenity.• A rural residential allotment of sufficient size that would provide for the safe use of on-site wastewater treatment systems for effluent disposal.



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Performance outcomes	Acceptable outcomes	Compliance
<p>PO11</p> <p>New lots contain a 40 metre x 50 metre rectangle</p>	<p>AO11</p> <p>No acceptable outcomes are prescribed.</p>	<p>Complies with PO11</p> <p>The proposed new lot would contain a 45 metre x 85 metre rectangle.</p>

Table 0.a — Inconsistent uses within the Rural residential zone.

Inconsistent uses		
<ul style="list-style-type: none"> • Adult store • Air services • Agricultural supplies store • Bar • Brothel • Bulk landscape supplies • Car wash • Cemetery • Community care centre • Community residence • Crematorium • Club • Detention facility 	<ul style="list-style-type: none"> • Indoor sport and recreation • Intensive animal industry • Intensive horticulture • Low impact industry • Major electricity infrastructure • Major sport, recreation and entertainment facility • Marine industry • Market • Medium impact industry • Motor sport facility • Multiple dwelling • Nightclub entertainment facility 	<ul style="list-style-type: none"> • Port services • Relocatable home park • Renewable energy facility • Research and technology industry • Residential care facility • Resort complex • Retirement facility • Rooming accommodation • Rural industry • Rural workers accommodation • Service industry • Service Station • Shop



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<ul style="list-style-type: none"> • Dual occupancy • Educational establishment • Food and drink outlet • Funeral parlour • Garden centre • Hardware and trade supplies • Health care services • High impact industry • Hospital • Hotel 	<ul style="list-style-type: none"> • Non-resident workforce accommodation • Office • Outdoor sales • Outstation • Parking station • Outdoor sport and recreation • Parking station • Permanent plantation • Place of worship 	<ul style="list-style-type: none"> • Shopping centre • Short-term accommodation • Showroom • Special industry • Theatre • Tourist attraction • Tourist park • Transport depot • Warehouse, • Winery
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Note – This table does not imply that all other uses not listed in the table are automatically consistent uses within the zone. Assessable development must still demonstrate consistency through the assessment process.



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8.2.1 Acid sulfate soils overlay code

8.2.1.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Acid sulfate soils overlay, if:
 - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.
- (2) Land in the Acid sulphate soils overlay is identified on the Acid sulfate soils overlay map in Schedule 2 and includes the following sub-categories:
 - (a) Land at or below the 5m AHD sub-category;
 - (b) Land above the 5m AHD and below the 20m AHD sub-category.
- (3) When using this code, reference should be made to Part 5.

8.2.1.2 Purpose

- (1) The purpose of the acid sulfate soils overlay code is to:
 - (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 2: Environment and landscape values, Element 3.5.4 Coastal zones.
 - (ii) Theme 3: Natural resource management, Element 3.6.2 land and catchment management, Element 3.6.3 Primary production, forestry and fisheries.
- (2) enable an assessment of whether development is suitable on land within the Acid sulfate soils overlay sub-categories.



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

- (a) Development ensures that the release of any acid and associated metal contaminant is avoided by not disturbing acid sulfate soils when excavating, removing soil or extracting ground water or filling land;
- (b) Development ensures that disturbed acid sulphate soils, or drainage waters, are treated and, if required, on-going management practices are adopted that minimise the potential for environmental harm from acid sulfate soil and protect corrodible assets from acid sulfate soil.

8.2.1.3 Criteria for assessment

Table Error! No text of specified style in document..a – Acid sulphate soils overlay code –assessable development

Performance outcomes	Acceptable outcomes	Compliance
For assessable development		
<p>PO1</p> <p>The extent and location of potential or actual acid sulfate soils is accurately identified.</p>	<p>AO1.1</p> <p>No excavation or filling occurs on the site.</p> <p>or</p> <p>AO1.2</p> <p>An acid sulfate soils investigation is undertaken.</p>	<p>Complies with AO1.1</p> <p>No excavation or filling would occur on the site as a result of this application.</p>



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	<p>Note - Planning scheme policy SC 6.12– Potential and actual acid sulfate soils provides guidance on preparing an acid sulfate soils investigation.</p>	
<p>PO2</p> <p>Development avoids disturbing potential acid sulfate soils or actual acid sulfate soils, or is managed to avoid or minimise the release of acid and metal contaminants.</p>	<p>AO2.1</p> <p>The disturbance of potential acid sulfate soils or actual acid sulfate soils is avoided by:</p> <ul style="list-style-type: none"> (a) not excavating, or otherwise removing, soil or sediment identified as containing potential or actual acid sulfate soils; (b) not permanently or temporarily extracting groundwater that results in the aeration of previously saturated acid sulfate soils; (c) not undertaking filling that results in: (d) actual acid sulfate soils being moved below the water table; (e) previously saturated acid sulfate soils being aerated. <p>or</p>	<p>Complies with AO2.1</p> <p>No excavation or filling would occur on the site as a result of this application.</p>



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AO2.2

The disturbance of potential acid sulfate soils or actual acid sulfate soils is undertaken in accordance with an acid sulfate soils management plan and avoids the release of metal contaminants by:

- (a) neutralising existing acidity and preventing the generation of acid and metal contaminants;
- (b) preventing the release of surface or groundwater flows containing acid and metal contaminants into the environment;
- (c) preventing the in situ oxidisation of potential acid sulfate soils and actual acid sulfate soils through ground water level management;
- (d) appropriately treating acid sulfate soils before disposal occurs on or off site;
- (e) documenting strategies and reporting requirements in an acid sulfate soils environmental management plan.

Note - Planning scheme policy SC 6.12 – Acid sulfate



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	soils provides guidance on preparing an acid sulfate soils management plan.	
<p>PO3</p> <p>No environmental harm is caused as a result of exposure to potential acid sulfate soils or actual acid sulfate soils.</p>	<p>AO3</p> <p>No acceptable outcomes are prescribed.</p>	<p>Complies with PO3</p> <p>No excavation or filling would occur on the site as a result of this application.</p>



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8.2.2 Bushfire hazard overlay code

Note - Land shown on the bushfire hazard overlay map is designated as the bushfire prone area for the purposes of section 12 of the Building Regulations 2006. The bushfire hazard area (bushfire prone area) includes land covered by the high and medium hazard areas as well as the buffer area category on the overlay map.

8.2.2.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational works or building work in the Bushfire hazard overlay, if:
 - (a) self-assessable or assessable where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.

- (2) Land in the Bushfire hazard overlay is identified on the Bushfire hazard overlay map in Schedule 2 and includes the following sub-categories:
 - (a) Medium bushfire risk sub-category;
 - (b) High bushfire risk sub-category;
 - (c) Very high bushfire risk sub-category;
 - (d) Potential impact buffer sub-category.

- (3) When using this code, reference should be made to Part 5.

8.2.2.2 Purpose

- (1) The purpose of the Bushfire overlay code is to:
 - (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 1 Settlement pattern: Element 3.4.7 Mitigation of hazards;



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(ii) Theme 6 Infrastructure and transport: Element 3.9.2 Energy.

(b) enable an assessment of whether development is suitable on land within the Bushfire risk overlay sub-categories.

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

- (a) development avoids the establishment or intensification of vulnerable activities within or near areas that are subject to bushfire hazard;
- (b) development is designed and located to minimise risks to people and property from bushfires;
- (c) bushfire risk mitigation treatments are accommodated in a manner that avoids or minimises impacts on the natural environment and ecological processes;
- (d) development involving the manufacture or storage of hazardous materials does not increase the risk to public safety or the environment in a bushfire event;
- (e) development contributes to effective and efficient disaster management response and recovery capabilities.

Note - A site based assessment may ground-truth the extent of hazardous vegetation and extent and nature of the bushfire hazard area (bushfire prone area). Such assessments should be undertaken using the methodology set out in Planning scheme policy SC6.9 - Natural Hazards.



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8.2.2.3 Criteria for assessment

Table Error! No text of specified style in document..a – Bushfire hazard overlay code –assessable development

Performance outcomes	Acceptable outcomes	Compliance
For self-assessable and assessable development		
Compatible development		
<p>PO1 A vulnerable use is not established or materially intensified within a bushfire hazard area (bushfire prone area) unless there is an overriding need or other exceptional circumstances.</p> <p>Note - See the end of this code for examples of vulnerable uses.</p>	<p>AO1 Vulnerable uses are not established or expanded.</p> <p>Note – Where, following site inspection and consultation with Council, it is clear that the mapping is in error in identifying a premises as being subject to a medium, high, very high bushfire hazard or potential impact buffer sub-category, Council may supply a letter exempting the need for a Bushfire Management Plan.</p> <p>Note – Where the assessment manager has not previously approved a Bushfire Management Plan (either by condition of a previous development approval), the development proponent will be expected to prepare such a plan.</p> <p>Note – Planning scheme policy SC6.9 - Natural</p>	<p>Not Applicable The application is for Reconfiguring a Lot only.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	hazards, provides a guide to the preparation of a Bushfire Management Plan.	
<p>PO2 Emergency services and uses providing community support services are able to function effectively during and immediately after a bushfire hazard event.</p>	<p>AO2 Emergency Services and uses providing community support services are not located in a bushfire hazard sub-category and have direct access to low hazard evacuation routes.</p>	<p>Not Applicable The application is for Reconfiguring a Lot only.</p>
<p>PO3 Development involving hazardous materials manufactured or stored in bulk is not located in bushfire hazard sub-category.</p>	<p>AO3 The manufacture or storage of hazardous material in bulk does not occur within bushfire hazard sub-category.</p>	<p>Not Applicable The application is for Reconfiguring a Lot only.</p>
Development design and separation from bushfire hazard – reconfiguration of lots		
<p>PO4.1 Where reconfiguration is undertaken in an urban area or is for urban purposes or smaller scale rural residential purposes, a separation distance from hazardous vegetation is provided to achieve a radiant heat flux level of 29kW/m² at the edge of</p>	<p>AO4.1 No new lots are created within a bushfire hazard sub-category. or</p>	<p>Complies with AO4.2</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>the proposed lot(s).</p> <p>Note - “Urban purposes” and “urban area” are defined in the <i>Sustainable Planning Regulations 2009</i>.</p> <p>Reconfiguration will be taken to be for rural residential purposes where proposed lots are between 2000m² and 2ha in area. “Smaller scale” rural residential purposes will be taken to be where the average proposed lot size is 6000m² or less.</p> <p>Note - The radiant heat levels and separation distances are to be established in accordance with method 2 set out in AS3959-2009.</p>		
<p>PO4.2</p> <p>Where reconfiguration is undertaken for other purposes, a building envelope of reasonable dimensions is provided on each lot which achieves radiant heat flux level of 29kW/m² at any point.</p>	<p>AO4.2</p> <p>Lots are separated from hazardous vegetation by a distance that:</p> <p>(a) achieves radiant heat flux level of 29kW/m² at all boundaries; and</p> <p>(b) is contained wholly within the development site.</p> <p>Note - Where a separation distance is proposed to be achieved by utilising existing cleared developed areas external to the site, certainty must be established</p>	<p>Complies with AO4.2</p> <p>The proposed new allotment would be separated from hazardous vegetation by a power line reserve that adjoins the development site to the south.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>(through tenure or other means) that the land will remain cleared of hazardous vegetation.</p> <p>For staged developments, temporary separation distances, perimeter roads or fire trails may be absorbed as part of subsequent stages.</p> <p>Note - The achievement of a cleared separation distance may not be achievable where other provisions within the planning scheme require protection of certain ecological, slope, visual or character features or functions.</p>	
<p>PO5 Where reconfiguration is undertaken in an urban area or is for urban purposes, a constructed perimeter road with reticulated water supply is established between the lots and the hazardous vegetation and is readily accessible at all times for urban fire fighting vehicles.</p> <p>The access is available for both fire fighting and maintenance/defensive works.</p>	<p>AO5.1 Lot boundaries are separated from hazardous vegetation by a public road which:</p> <ul style="list-style-type: none"> (a) has a two lane sealed carriageway; (b) contains a reticulated water supply; (c) is connected to other public roads at both ends and at intervals of no more than 500m; (d) accommodates geometry and turning radii in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; 	<p>Not Applicable The proposed reconfiguration is for Rural Residential purposes.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>(e) has a minimum of 4.8m vertical clearance above the road;</p> <p>(f) is designed to ensure hydrants and water access points are not located within parking bay allocations; and</p> <p>(g) incorporates roll-over kerbing.</p>	
	<p>AO5.2 Fire hydrants are designed and installed in accordance with AS2419.1 2005, unless otherwise specified by the relevant water entity.</p> <p>Note - Applicants should have regard to the relevant standards set out in the reconfiguration of a lot code and works codes in this planning scheme.</p>	<p>Not Applicable The proposed reconfiguration is for Rural Residential purposes.</p>
<p>PO6 Where reconfiguration is undertaken for smaller scale rural residential purposes, either a constructed perimeter road or a formed, all weather fire trail is established between the lots and the hazardous vegetation and is readily accessible at all times for the type of fire fighting</p>	<p>AO6 Lot boundaries are separated from hazardous vegetation by a public road or fire trail which has:</p> <p>(a) a reserve or easement width of at least 20m;</p> <p>(b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15</p>	<p>Complies with PO6 The proposed new allotment would be separated from hazardous vegetation by a powerline reserve that adjoins the site to the south and has a width capable of accommodating a fire fighting appliance. Access to the balance of the land would be secured by an access easement that would</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>vehicles servicing the area.</p> <p>The access is available for both fire fighting and maintenance/hazard reduction works.</p>	<p>tonne vehicle and which is at least 6m clear of vegetation;</p> <p>(c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path;</p> <p>(d) a minimum of 4.8m vertical clearance;</p> <p>(e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines;</p> <p>(f) a maximum gradient of 12.5%;</p> <p>(g) a cross fall of no greater than 10 degrees;</p> <p>(h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy;</p> <p>(i) vehicular access at each end which is connected to the public road network at intervals of no more than 500m;</p> <p>(j) designated fire trail signage;</p> <p>(k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and</p> <p>(l) if a fire trail, has an access easement that is</p>	<p>also be capable of accommodating a fire fighting appliance.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>granted in favour of Council and Queensland Fire and Emergency Services.</p>	
<p>PO7 Where reconfiguration is undertaken for other purposes, a formed, all weather fire trail is provided between the hazardous vegetation and either the lot boundary or building envelope, and is readily accessible at all times for the type of fire fighting vehicles servicing the area.</p> <p>However, a fire trail will not be required where it would not serve a practical fire management purpose.</p>	<p>AO7 Lot boundaries are separated from hazardous vegetation by a public road or fire trail which has:</p> <ul style="list-style-type: none"> (a) a reserve or easement width of at least 20m; (b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation; (c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path; (d) a minimum of 4.8m vertical clearance; (e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; (f) a maximum gradient of 12.5%; (g) a cross fall of no greater than 10 degrees; (h) drainage and erosion control devices in 	<p>Complies with PO6</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>accordance with the standards prescribed in a planning scheme policy;</p> <ul style="list-style-type: none"> (i) vehicular access at each end which is connected to the public road network; (j) designated fire trail signage; (k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and (l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services. 	
<p>PO8 The development design responds to the potential threat of bushfire and establishes clear evacuation routes which demonstrate an acceptable or tolerable risk to people.</p>	<p>AO8 The lot layout:</p> <ul style="list-style-type: none"> (a) minimises the length of the development perimeter exposed to, or adjoining hazardous vegetation; (b) avoids the creation of potential bottle-neck points in the movement network; (c) establishes direct access to a safe assembly /evacuation area in the event of an 	<p>Complies with AO8 The proposed allotment would have its narrowest dimension facing the hazardous vegetation and would have a direct access to Mowbray River Road via access easements.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>approaching bushfire; and (d) ensures roads likely to be used in the event of a fire are designed to minimise traffic congestion.</p> <p>Note - For example, developments should avoid finger-like or hour-glass subdivision patterns or substantive vegetated corridors between lots.</p> <p>In order to demonstrate compliance with the performance outcome, a bushfire management plan prepared by a suitably qualified person may be required. The bushfire management plan should be developed in accordance with the Public Safety Business Agency (PSBA) guideline entitled "Undertaking a Bushfire Protection Plan.</p> <p>Advice from the Queensland Fire and Emergency Services (QFES) should be sought as appropriate</p>	
<p>PO9 Critical infrastructure does not increase the potential bushfire hazard.</p>	<p>AO9 Critical or potentially hazardous infrastructure such as water supply, electricity, gas and telecommunications are placed underground.</p>	<p>Able to comply with AO9 All infrastructure associated with this development is able to be placed underground.</p>



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Performance outcomes	Acceptable outcomes	Compliance
Development design and separation from bushfire hazard – material change of use		
<p>PO10 Development is located and designed to ensure proposed buildings or building envelopes achieve a radiant heat flux level at any point on the building or envelope respectively, of:</p> <p>(e) 10kW/m² where involving a vulnerable use; or (f) 29kW/m² otherwise.</p> <p>The radiant heat flux level is achieved by separation unless this is not practically achievable.</p> <p>Note - The radiant heat levels and separation distances are to be established in accordance with method 2 set out in AS3959-2009.</p>	<p>AO10 Buildings or building envelopes are separated from hazardous vegetation by a distance that:</p> <p>(a) achieves a radiant heat flux level of at any point on the building or envelope respectively, of 10kW/m² for a vulnerable use or 29kW/m² otherwise; and (b) is contained wholly within the development site.</p> <p>Note - Where a separation distance is proposed to be achieved by utilising existing cleared developed areas external to the site, certainty must be established (through tenure or other means) that the land will remain cleared of hazardous vegetation. For staged developments, temporary separation distances, perimeter roads or fire trails may be absorbed as part of subsequent stages. Note - The achievement of a cleared separation distance may not be achievable where other provisions within the planning scheme require protection of certain ecological, slope, visual or character features or</p>	<p>Not Applicable The proposal is for Reconfiguring a Lot only.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	functions.	
<p>PO11 A formed, all weather fire trail is provided between the hazardous vegetation and the site boundary or building envelope, and is readily accessible at all times for the type of fire fighting vehicles servicing the area.</p> <p>However, a fire trail will not be required where it would not serve a practical fire management purpose.</p> <p>Note - Fire trails are unlikely to be required where a development site involves less than 2.5ha</p>	<p>AO11 Development sites are separated from hazardous vegetation by a public road or fire trail which has:</p> <ul style="list-style-type: none"> (a) a reserve or easement width of at least 20m; (b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation; (c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path; (d) a minimum of 4.8m vertical clearance; (e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; (f) a maximum gradient of 12.5%; (g) a cross fall of no greater than 10 degrees; 	<p>Not Applicable The proposal is for Reconfiguring a Lot only</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<ul style="list-style-type: none"> (h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy; (i) vehicular access at each end which is connected to the public road network which is connected to the public road network at intervals of no more than 500m; (j) designated fire trail signage; (k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and (l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services. 	
All development		
<p>PO12 All premises are provided with vehicular access that enables safe evacuation for occupants and easy access by fire fighting appliances.</p>	<p>AO12 Private driveways:</p> <ul style="list-style-type: none"> (a) do not exceed a length of 60m from the street to the building; 	<p>Complies with PO12 The proposed development would create an allotment that would have an access to Mowbray River Road that exceeds the Acceptable Outcome; however, the access would serve only two rural</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<ul style="list-style-type: none"> (b) do not exceed a gradient of 12.5%; (c) have a minimum width of 3.5m; (d) have a minimum of 4.8m vertical clearance; (e) accommodate turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; and (f) serve no more than 3 dwellings or buildings. 	<p>residential allotments and, given the low volumes of traffic, the access would be suitable to provide safe evacuation for occupants and easy access for fire fighting appliances.</p>
<p>PO13 Development outside reticulated water supply areas includes a dedicated static supply that is available solely for fire fighting purposes and can be accessed by fire fighting appliances.</p>	<p>AO13 A water tank is provided within 10m of each building (other than a class 10 building) which:</p> <ul style="list-style-type: none"> (a) is either below ground level or of non-flammable construction; (b) has a take off connection at a level that allows the following dedicated, static water supply to be left available for access by fire fighters: <ul style="list-style-type: none"> (i) 10,000l for residential buildings <p>Note – A minimum of 7,500l is required in a tank and the extra 2,500l may be in the form of accessible swimming pools or</p>	<p>Not Applicable The proposal is for Reconfiguring a Lot only.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>dams.</p> <p>(ii) 45,000l for industrial buildings; and (iii) 20,000l for other buildings;</p> <p>(c) includes shielding of tanks and pumps in accordance with the relevant standards;</p> <p>(d) includes a hardstand area allowing medium rigid vehicle (15 tonne fire appliance) access within 6m of the tank;</p> <p>(e) is provided with fire brigade tank fittings – 50mm ball valve and male camlock coupling and, if underground, an access hole of 200mm (minimum) to accommodate suction lines; and</p> <p>(f) is clearly identified by directional signage provided at the street frontage.</p>	
<p>PO14 Landscaping does not increase the potential bushfire risk.</p>	<p>AO14 Landscaping uses species that are less likely to exacerbate a bushfire event and does not increase fuel loads within separation areas.</p>	<p>Not Applicable The proposal is for Reconfiguring a Lot only</p>
<p>PO15</p>	<p>AO15</p>	<p>Complies with AO15</p>



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Performance outcomes	Acceptable outcomes	Compliance
The risk of bushfire and the need to mitigate that risk is balanced against other factors (such as but not limited to, biodiversity or scenic amenity).	Bushfire risk mitigation treatments do not have a significant impact on the natural environment or landscape character of the locality where this has value.	There would be no requirement to undertake bushfire mitigation treatment.



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8.2.4 Flood and storm tide hazard overlay code

8.2.4.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Flood and storm tide hazard overlay, if:
 - (a) self assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.
- (2) Land in the Flood and storm tide hazard overlay is identified on the Flood and storm tide hazard overlay map in Schedule 2 and includes the:
 - (a) Storm tide – high hazard sub-category;
 - (b) Storm tide – medium hazard sub-category;
 - (c) Flood plain assessment sub-category;
 - (d) 100 ARI Mossman, Port Douglas and Daintree Township Flood Studies sub-category.
- (3) When using this code, reference should be made to Part 5.

Note - The Flood and storm tide hazards overlay maps contained in Schedule 2 identify areas (Flood and storm tide inundation areas) where flood and storm tide inundation modelling has been undertaken by the Council. Other areas not identified by the Flood and inundation hazards overlay maps contained in Schedule 2 may also be subject to the defined flood event or defined storm tide event.

8.2.4.2 Purpose

- (1) The purpose of the Flood and storm tide hazard overlay code is to:



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- (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 1 Settlement pattern: Element 3.4.7 Mitigation of hazards;
 - (ii) Theme 6 Infrastructure and transport: Element 3.9.2 Energy.
 - (b) enable an assessment of whether development is suitable on land within the Flood and storm tide hazard sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
- (a) development siting, layout and access responds to the risk of the natural hazard and minimises risk to personal safety;
 - (b) development achieves an acceptable or tolerable risk level, based on a fit for purpose risk assessment;
 - (c) the development is resilient to natural hazard events by ensuring siting and design accounts for the potential risks of natural hazards to property;
 - (d) the development supports, and does not unduly burden disaster management response or recovery capacity and capabilities;
 - (e) the development directly, indirectly and cumulatively avoids an unacceptable increase in severity of the natural hazards and does not significantly increase the potential for damage on site or to other properties;
 - (f) the development avoids the release of hazardous materials as a result of a natural hazard event;
 - (g) natural processes and the protective function of landforms and/or vegetation are maintained in natural hazard areas;
 - (h) community infrastructure is located and designed to maintain the required level of functionality during and immediately after a hazard event.

8.2.4.3 Criteria for assessment

Table 8.2.4.3.a – Flood and storm tide hazards overlay code –assessable development

Performance outcomes	Acceptable outcomes	Compliance
For assessable and self-assessable development		
PO1	AO1.1	Complies with AO1.1



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Performance outcomes	Acceptable outcomes	Compliance
<p>Development is located and designed to: ensure the safety of all persons; minimise damage to the development and contents of buildings; provide suitable amenity; minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events.</p> <p>Note – For assessable development within the flood plain assessment sub-category, a flood study by a suitably qualified professional is required to identify compliance with the intent of the acceptable outcome.</p>	<p>Development is sited on parts of the land that is not within the Flood and Storm tide hazards overlay maps contained in Schedule 2; or For dwelling houses, AO1.2 Development within the Flood and Storm Tide hazards overlay maps (excluding the Flood plain assessment sub-category) is designed to provide immunity to the Defined Inundation Event as outlined within Table 8.2.4.3.b plus a freeboard of 300mm.</p>	<p>The proposed allotment would be on land not subject to flood hazard.</p>
	<p>AO1.3 New buildings are: (a) not located within the overlay area; (b) located on the highest part of the site to minimise entrance of flood waters; (c) provided with clear and direct pedestrian and vehicle evacuation routes off the site.</p>	<p>Not Applicable The proposal is for Reconfiguring a Lot only</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>AO1.4</p> <p>In non urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters.</p>	<p>Not Applicable</p> <p>The proposal is for Reconfiguring a Lot only</p>
For assessable development		
<p>PO2</p> <p>The development is compatible with the level of risk associated with the natural hazard.</p>	<p>AO2</p> <p>The following uses are not located in land inundated by the Defined Flood Event (DFE) / Storm tide:</p> <ul style="list-style-type: none"> (a) Retirement facility; (b) Community care facility; (c) Child care centre. 	<p>Not Applicable</p> <p>The proposal is for Reconfiguring a Lot only</p>
<p>PO3</p> <p>Development siting and layout responds to flooding potential and maintains personal safety</p>	<p>For Material change of use</p> <p>AO3.1</p> <p>New buildings are:</p> <ul style="list-style-type: none"> (a) not located within the overlay area; (b) located on the highest part of the site to 	<p>Not Applicable</p> <p>The proposal is for Reconfiguring a Lot only</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>minimise entrance of flood waters;</p> <p>(c) provided with clear and direct pedestrian and vehicle evacuation routes off the site.</p> <p>or</p> <p>AO3.2</p> <p>The development incorporates an area on site that is at least 300mm above the highest known flood inundation level with sufficient space to accommodate the likely population of the development safely for a relatively short time until flash flooding subsides or people can be evacuated.</p> <p>or</p> <p>AO3.3</p> <p>Where involving an extension to an existing dwelling house that is situated below DFE /Storm tide, the maximum size of the extension does not exceed 70m² gross floor area.</p> <p>Note – If part of the site is outside the Hazard Overlay area, this is the preferred location of all buildings.</p>	



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Performance outcomes	Acceptable outcomes	Compliance
	<p>For Reconfiguring a lot</p> <p>AO3.4</p> <p>Additional lots:</p> <p>(a) are not located in the hazard overlay area; or</p> <p>(b) are demonstrated to be above the flood level identified for the site.</p> <p>Note - If part of the site is outside the Hazard Overlay area, this is the preferred location for all lots (excluding park or other open space and recreation lots).</p> <p>Note – Buildings subsequently developed on the lots will need to comply with the relevant building assessment provisions under the <i>Building Act 1975</i>.</p>	<p>Complies with AO3.4</p> <p>The proposed allotment would be on land not subject to flood hazard.</p>
	<p>AO3.5</p> <p>Road and/or pathway layout ensures residents are not physically isolated from adjacent flood free urban areas and provides a safe and clear evacuation route path:</p> <p>(a) by locating entry points into the reconfiguration</p>	<p>Complies with AO3.5</p> <p>The access easement created as a result of this application for Reconfiguring a Lot would not be within an area subject to flood hazard.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>above the flood level and avoiding culs-de-sac or other non-permeable layouts; and (b) by direct and simple routes to main carriageways.</p>	
	<p>AO3.6 Signage is provided on site (regardless of whether the land is in public or private ownership) indicating the position and path of all safe evacuation routes off the site and if the site contains, or is within 100m of a floodable waterway, hazard warning signage and depth indicators are also provided at key hazard points, such as at floodway crossings or entrances to low-lying reserves. or</p>	<p>Complies with AO3.7</p>
	<p>AO3.7 There is no intensification of residential uses within the flood affected areas on land situated below the DFE/Storm tide.</p>	<p>Complies with AO3.7 The proposed allotment would be on land not subject to a flood hazard.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>For Material change of use (Residential uses)</p> <p>AO3.1</p> <p>The design and layout of buildings used for residential purposes minimise risk from flooding by providing:</p> <p>(a) parking and other low intensive, non-habitable uses at ground level;</p> <p>Note - The high-set 'Queenslander' style house is a resilient low-density housing solution in floodplain areas. Higher density residential development should ensure only non-habitable rooms (e.g. garages, laundries) are located on the ground floor.</p>	<p>Not Applicable</p> <p>The proposal is for Reconfiguring a Lot only</p>
<p>PO4</p> <p>Development is resilient to flood events by ensuring design and built form account for the potential risks of flooding.</p>	<p>For Material change of use (Non-residential uses)</p> <p>AO4.2</p> <p>Non residential buildings and structures allow for the flow through of flood waters on the ground floor.</p> <p>Note - Businesses should ensure that they have the necessary contingency plans in place to account for the potential need to relocate property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a</p>	<p>Not Applicable</p> <p>The proposal is for Reconfiguring a Lot only</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>building or off site).</p> <p>Note - The relevant building assessment provisions under the <i>Building Act 1975</i> apply to all building work within the Hazard Area and need to take into account the flood potential within the area.</p>	
	<p>AO4.3</p> <p>Materials are stored on-site:</p> <p>(a) are those that are readily able to be moved in a flood event;</p> <p>(b) where capable of creating a safety hazard by being shifted by flood waters, are contained in order to minimise movement in times of flood.</p> <p>Notes -</p> <p>(a) Businesses should ensure that they have the necessary contingency plans in place to account for the potential need to relocate property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a building or off site).</p> <p>(b) Queensland Government Fact Sheet 'Repairing your House after a Flood' provides information about water resilient products and building techniques.</p>	<p>Not Applicable</p> <p>The proposal is for Reconfiguring a Lot only</p>



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<p>PO5</p> <p>Development directly, indirectly and cumulatively avoids any increase in water flow velocity or flood level and does not increase the potential flood damage either on site or on other properties.</p> <p>Note – Berms and mounds are considered to be an undesirable built form outcome and are not supported.</p>	<p>For Operational works</p> <p>AO5.1</p> <p>Works in urban areas associated with the proposed development do not involve:</p> <ul style="list-style-type: none"> (a) any physical alteration to a watercourse or floodway including vegetation clearing; or (b) a net increase in filling (including berms and mounds). <p>AO5.2</p> <p>Works (including buildings and earthworks) in non urban areas either:</p> <ul style="list-style-type: none"> (a) do not involve a net increase in filling greater than 50m³; or (b) do not result in any reductions of on-site flood storage capacity and contain within the subject site any changes to depth/duration/velocity of flood waters; <p>or</p> <ul style="list-style-type: none"> (c) do not change flood characteristics outside the 	<p>Not Applicable</p> <p>The proposal is for Reconfiguring a Lot only</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>subject site in ways that result in:</p> <ul style="list-style-type: none"> (i) loss of flood storage; (ii) loss of/changes to flow paths; (iii) acceleration or retardation of flows or any reduction in flood warning times elsewhere on the flood plain. 	
	<p>For Material change of use</p> <p>AO5.3</p> <p>Where development is located in an area affected by DFE/Storm tide, a hydraulic and hydrology report, prepared by a suitably qualified professional, demonstrates that the development maintains the flood storage capacity on the subject site; and</p> <ul style="list-style-type: none"> (a) does not increase the volume, velocity, concentration of flow path alignment of stormwater flow across sites upstream, downstream or in the general vicinity of the 	<p>Not Applicable</p> <p>The proposal is for Reconfiguring a Lot only</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>subject site; and</p> <p>(b) does not increase ponding on sites upstream, downstream or in the general vicinity of the subject site.</p>	
	<p>For Material change of use and Reconfiguring a lot</p> <p>AO5.4</p> <p>In non urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters.</p> <p>Note – Fences and irrigation infrastructure (e.g. irrigation tape) in rural areas should be managed to minimise adverse the impacts that they may have on downstream properties in the event of a flood.</p>	<p>Not Applicable</p> <p>The proposal is for Reconfiguring a Lot only</p>
<p>PO6</p> <p>Development avoids the release of hazardous materials into floodwaters.</p>	<p>For Material change of use</p> <p>AO6.1</p> <p>Materials manufactured or stored on site are not</p>	<p>Not Applicable</p> <p>The proposal is for Reconfiguring a Lot only</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>hazardous or noxious, or comprise materials that may cause a detrimental effect on the environment if discharged in a flood event;</p> <p>or</p> <p>AO6.2</p> <p>If a DFE level is adopted, structures used for the manufacture or storage of hazardous materials are:</p> <p>(a) located above the DFE level;</p> <p>or</p> <p>(b) designed to prevent the intrusion of floodwaters.</p>	
	<p>AO6.3</p> <p>Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by the DFE</p>	<p>Not Applicable</p> <p>The proposal is for Reconfiguring a Lot only</p>
	<p>AO6.4</p> <p>If a flood level is not adopted, hazardous materials and their manufacturing equipment are located on</p>	<p>Not Applicable</p> <p>The proposal is for Reconfiguring a Lot only</p>



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	<p>the highest part of the site to enhance flood immunity and designed to prevent the intrusion of floodwaters.</p> <p>Note – Refer to <i>Work Health and Safety Act 2011</i> and associated Regulation and Guidelines, the <i>Environmental Protection Act 1994</i> and the relevant building assessment provisions under the <i>Building Act 1975</i> for requirements related to the manufacture and storage of hazardous materials.</p>	
<p>PO7</p> <p>The development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.</p>	<p>AO7</p> <p>Development does not:</p> <ul style="list-style-type: none"> (a) increase the number of people calculated to be at risk of flooding; (b) increase the number of people likely to need evacuation; (c) shorten flood warning times; and (d) impact on the ability of traffic to use evacuation routes, or unreasonably increase traffic volumes on evacuation routes. 	<p>Complies with AO7</p> <p>The proposed allotment would be located on land that is not subject to flood hazard and would not adversely affect any evacuation routes.</p>
<p>PO8</p>	<p>AO8.1</p>	<p>Not Applicable</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>Development involving community infrastructure:</p> <ul style="list-style-type: none"> (a) remains functional to serve community need during and immediately after a flood event; (b) is designed, sited and operated to avoid adverse impacts on the community or environment due to impacts of flooding on infrastructure, facilities or access and egress routes; (c) retains essential site access during a flood event; (d) is able to remain functional even when other infrastructure or services may be compromised in a flood event. 	<p>The following uses are not located on land inundated during a DFE/Storm tide:</p> <ul style="list-style-type: none"> (a) community residence; and (b) emergency services; and (c) residential care facility; and (d) utility installations involving water and sewerage treatment plants; and (e) storage of valuable records or items of historic or cultural significance (e.g. archives, museums, galleries, libraries). <p>or</p> <p>AO8.2</p> <p>The following uses are not located on land inundated during a 1% AEP flood event:</p> <ul style="list-style-type: none"> (a) community and cultural facilities, including facilities where an education and care service under the Education and care Services National law (Queensland) is operated or child care service under the <i>Child Care Act 2002</i> is conducted, 	<p>The proposal is for Reconfiguring a Lot only</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>(b) community centres; (c) meeting halls; (d) galleries; (e) libraries.</p> <p>The following uses are not located on land inundated during a 0.5% AEP flood event.</p> <p>(a) emergency shelters; (b) police facilities; (c) sub stations; (d) water treatment plant</p> <p>The following uses are not located on land inundated during a 0.2% AEP flood event:</p> <p>(a) correctional facilities; (b) emergency services; (c) power stations; (d) major switch yards.</p>	
	<p>AO8.3 The following uses have direct access to low</p>	<p>Not Applicable The proposal is for Reconfiguring a Lot only</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>hazard evacuation routes as defined in Table 8.2.4.3.c:</p> <ul style="list-style-type: none"> (a) community residence; and (b) emergency services; and (c) hospitals; and (d) residential care facility; and (e) sub stations; and (f) utility installations involving water and sewerage treatment plants. 	
	<p>and/or</p> <p>AO8.4</p> <p>Any components of infrastructure that are likely to fail to function or may result in contamination when inundated by flood, such as electrical switch gear and motors, telecommunications connections, or water supply pipeline air valves are:</p> <ul style="list-style-type: none"> (a) located above DFE/Storm tide or the highest known flood level for the site; 	<p>Not Applicable</p> <p>The proposal is for Reconfiguring a Lot only</p>



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Performance outcomes	Acceptable outcomes	Compliance
	(b) designed and constructed to exclude floodwater intrusion / infiltration.	
	<p>AO8.5</p> <p>Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by a flood.</p>	<p>Not Applicable</p> <p>The proposal is for Reconfiguring a Lot only</p>

Table 8.2.4.3.b- Minimum immunity (floor levels) for development

Minimum immunity to be achieved (floor levels)	Uses and elements of activities acceptable in the event
20% AEP level	<ul style="list-style-type: none"> • Parks and open space.
5% AEP level	<ul style="list-style-type: none"> • Car parking facilities (including car parking associated with use of land).
1% AEP level	<ul style="list-style-type: none"> • All development (where not otherwise requiring an alternative level of minimum immunity).
0.5% AEP level	<ul style="list-style-type: none"> • Emergency services (if for a police station); • Industry activities (if including components which store, treat or use hazardous materials); • Substation;



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	<ul style="list-style-type: none">• Utility installation.
0.2% AEP level	<ul style="list-style-type: none">• Emergency services;• Hospital;• Major electricity infrastructure;• Special industry.



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Table 8.2.4.3.c - Degree of flood

Criteria	Low	Medium	High	Extreme
Wading ability	If necessary children and the elderly could wade. (Generally, safe wading velocity depth product is less than 0.25)	Fit adults can wade. (Generally, safe wading velocity depth product is less than 0.4)	Fit adults would have difficulty wading. (Generally, safe wading velocity depth product is less than 0.6)	Wading is not an option.
Evacuation distances	< 200 metres	200-400 metres	400-600 metres	600 metres
Maximum flood depths	< 0.3 metre	< 0.6 metre	< 1.2 metres	1.2 metres
Maximum flood velocity	< 0.4 metres per second	< 0.8 metres per second	< 1.5 metres per second	1.5 metres per second
Typical means of egress	Sedan	Sedan early, but 4WD or trucks later	4WD or trucks only in early stages, boats or helicopters	Large trucks, boats or helicopters
Timing Note: This category cannot be implemented until evacuation times have been established in the Counter Disaster Plan (Flooding)	Ample flood forecasting. Warning and evacuation routes remain passable for twice as long as evacuation time.	Evacuation routes remain trafficable for 1.5 times as long as the evacuation.	Evacuation routes remain trafficable for only up to minimum evacuation time.	There is insufficient evacuation time.



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8.2.5 Hillslopes overlay code

8.2.5.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Hillslopes overlay, if:
 - (a) self assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.
- (2) Land in the Hillslopes overlay is identified on the Hillslopes overlay map in Schedule 2 and includes the following sub-categories:
 - (a) Hillslopes constraint sub-category.
- (3) When using this code, reference should be made to Part 5.

8.2.5.2 Purpose

- (1) The purpose of the Hillslopes overlay code is to:
 - (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 1 - Settlement pattern: Element 3.4.7 Mitigation of hazards;
 - (ii) Theme 2 – Environment and landscape values: Element 3.5.5 Scenic amenity.
 - (b) enable an assessment of whether development is suitable on land within the Hillslopes sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:



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- (a) development on hillslopes is safe, serviceable and accessible;
- (b) the ecological values, landscape character and visual quality of the hillslopes are protected from development so as to retain the scenic backdrop to the region;
- (c) Development on hillslopes is appropriate, having regard to the topographic constraints and environmental characteristics of the land;
- (d) Development responds to the constraints of the site including gradient and slope stability;
- (e) Works do not involve complex engineering solutions.

8.2.5.3 Criteria for assessment

Table Error! No text of specified style in document..a – Hillslopes overlay code –assessable development

Performance outcomes	Acceptable outcomes	Compliance
For self-assessable development		
PO1 The landscape character and visual amenity quality of hillslopes areas is retained to protect the scenic backdrop to the region.	AO1.1 Development is located on parts of the site that are not within the Hillslopes constraint subcategory as shown on the Hillslopes overlay Maps contained in schedule 2.	Not Applicable The application is for Reconfiguring a Lot only and the new lot would contain sufficient area outside of the hillslopes overlay to accommodate new development.
For assessable development		
PO2 The landscape character and visual amenity	AO2.1 Development does not occur on land with a	Not Applicable The application is for Reconfiguring a Lot only and



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<p>quality of hillslopes areas is retained to protect the scenic backdrop to the region</p>	<p>gradient in excess of 1 in 6 (16.6%) or AO2.2 Where development on land steeper than 1 in 6 (16.6%) cannot be avoided, development follows the natural contours of the site.</p>	<p>the new lot would contain sufficient area outside of the hillslopes overlay to accommodate new development</p>
	<p>AO2.3 Access ways and driveways are:</p> <ul style="list-style-type: none"> (a) constructed with surface materials that blend with the surrounding environment; (b) landscaped with dense planting to minimise the visual impact of the construction; (c) provided with erosion control measures immediately after construction. 	<p>Not Applicable The application is for Reconfiguring a Lot only and the new lot would contain sufficient area outside of the hillslopes overlay to accommodate new development</p>
	<p>AO2.4 The clearing or disturbance of vegetation is limited to clearing and disturbance that:</p> <ul style="list-style-type: none"> (a) is necessary for the construction of driveways; (b) is necessary to contain the proposed development; (c) minimises canopy clearing or disturbance; 	<p>Complies with AO2.3 No vegetation within the hillslopes overlay area would be required to be removed to facilitate the development.</p>



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	<p>(d) minimises riparian clearing or disturbance.</p>	
	<p>AO2.5 On land with slopes greater than 1 in 6 (16.6%) or greater, alternative construction methods to concrete slab on ground are utilised (i.e. split level or post and beam constructed buildings that minimise modification to the natural terrain of the land).</p>	<p>Not Applicable The application is for Reconfiguring a Lot only and the new lot would contain sufficient area outside of the hillslopes overlay to accommodate new development</p>
	<p>AO2.6 Development does not alter the sky line.</p>	<p>Not Applicable The application is for Reconfiguring a Lot only and the new lot would contain sufficient area outside of the hillslopes overlay to accommodate new development</p>
	<p>AO2.7 Buildings and structures: (a) are finished predominantly in the following exterior colours or surfaces: (i) moderately dark to darker shades of olive green, brown, green, blue, or charcoal; or</p>	<p>Not Applicable The application is for Reconfiguring a Lot only and the new lot would contain sufficient area outside of the hillslopes overlay to accommodate new development</p>



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	<ul style="list-style-type: none"> (ii) moderately dark to darker wood stains that blend with the colour and hues of the surrounding vegetation and landscape; (b) are not finished in the following exterior colours or surfaces: <ul style="list-style-type: none"> (i) pastel or terracotta colours, reds, yellows, shades of white or beige, or other bright colours that do not blend with the surrounding vegetation and landscape; (ii) reflective surfaces. 	
	<p>AO2.8</p> <p>Exterior colour schemes limit the use of white or other light colours to exterior trim and highlighting of architectural features</p>	<p>Not Applicable</p> <p>The application is for Reconfiguring a Lot only and the new lot would contain sufficient area outside of the hillslopes overlay to accommodate new development</p>
	<p>AO2.9</p> <p>Areas between the first floor (including outdoor deck areas) and ground level are screened from view.</p>	<p>Not Applicable</p> <p>The application is for Reconfiguring a Lot only and the new lot would contain sufficient area outside of the hillslopes overlay to accommodate new</p>



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	<p>AO2.10 Recreational or ornamental features (including tennis courts, ponds or swimming pools) do not occur on land:</p> <ul style="list-style-type: none"> (a) with a gradient of 1 in 6 (16.6%) or more; (b) are designed to be sited and respond to the natural constraints of the land and require minimal earthworks. 	<p>development</p> <p>Not Applicable The application is for Reconfiguring a Lot only and the new lot would contain sufficient area outside of the hillslopes overlay to accommodate new development</p>
<p>PO3 Excavation or filling does not have an adverse impact on the amenity, safety, stability or function of the site or adjoining premises through:</p> <ul style="list-style-type: none"> (a) loss of privacy; (b) loss of access to sunlight; (c) intrusion of visual or overbearing impacts; (d) complex engineering solutions. 	<p>AO3 Excavation or fill:</p> <ul style="list-style-type: none"> (a) is not more than 1.2 metres in height for each batter or retaining wall; (b) is setback a minimum of 2 metres from property boundaries; (c) is stepped with a minimum 2 metre wide berm to incorporate landscaping in accordance with Planning scheme policy SC6.7 – Landscaping; (d) does not exceed a maximum of 3 batters 	<p>Not Applicable The application is for Reconfiguring a Lot only and the new lot would contain sufficient area outside of the hillslopes overlay to accommodate new development</p>



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	<p>and 3 berms (i.e. not greater than 3.6 metres in height) on any one lot.</p>	
<p>Lot reconfiguration</p>		
<p>PO4 For development that involves reconfiguring a lot, lot layout and design is responsive to the natural constraints of the land and each lot is capable of being used for its intended purpose.</p>	<p>AO4.1 The frontage and depth of all lots is of sufficient width to:</p> <ul style="list-style-type: none"> (a) allow driveways to follow the natural contours of the site and not exceed a gradient of 1 in 6 (16.6%); (b) accommodate any changes in gradient between the road and lot within the lot boundary and not within the road reserve. 	<p>Complies with AO4.1 The driveway would not be located within the hillslopes area and the lot has sufficient size to accommodate development without locating development within the hillslopes area.</p>
	<p>AO4.2 Development does not create new lots containing land of greater than 1 in 6 (16.6%), except where a rectangular area of land of lesser grade is contained within the new lots to accommodate the intended land use, with the balance left in its natural state to the greatest extent possible. Note – The size of rectangular areas is outlined within</p>	<p>Complies with AO4.2 There would be more than the minimum requirement for developable area located outside of the hillslopes area.</p>



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	each zone code.	
	<p>AO4.3 Development does not alter ridgelines.</p>	<p>Complies with AO4.3 The development is for Reconfiguring a Lot only and the site is located below any ridgelines.</p>
	<p>AO4.4 Lots are designed to ensure rooflines of future buildings and structures do not protrude above a ridgeline.</p>	<p>Complies with AO4.4 The development is for Reconfiguring a Lot only and the site is located below any ridgelines</p>



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8.2.6 Landscape values overlay code

8.2.6.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Landscape values overlay, if:
 - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.
- (2) Land in the Landscape values overlay is identified on the Landscape values overlay map in Schedule 2 and includes in following sub-categories:
 - (c) High landscape value sub-category;
 - (d) Medium landscape value sub-category;
 - (e) Scenic route buffer / view corridor area sub-category;
 - (f) Coastal scenery area sub-category.
- (3) When using this code, reference should be made to Part 5.

8.2.6.2 Purpose

- (1) The purpose of the Landscape values overlay code is to:
 - (a) implement the policy direction of the Strategic Framework, in particular:
 - (i) Theme 2: Environment and landscape values Element 3.5.5 Scenic amenity;



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(ii) Theme 3: Natural resource management Element 3.6.4 – Resource extraction.

(b) enable an assessment of whether development is suitable on land within the Landscape values overlay sub-categories.

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

(a) areas of High landscape value are protected, retained and enhanced;

(b) areas of Medium landscape value are managed to integrate and limit the visual impact of development;

(c) the landscape values of the Coastal scenery area are managed to integrate and limit the visual impact of development;

(d) development maintains and enhances the significant landscape elements and features which contribute to the distinctive character and identity of Douglas Shire;

(e) ridges and vegetated hillslopes are not developed in a way that adversely impacts on landscape values;

(f) watercourses, forested mountains and coastal landscape character types remain predominantly natural in appearance in order to maintain the region's diverse character and distinctive tropical image, in particular:

(i) areas in the coastal landscape character type which are predominantly natural and undeveloped in appearance retain this natural landscape character;

(ii) watercourses which are predominantly natural and undeveloped in appearance retain this natural landscape character;

(iii) the rural character of cane fields and lowlands landscape character types which are predominantly rural or natural in appearance are maintained;

(iv) landscape values are maintained when viewed from lookouts, scenic routes, gateways and public places.

(g) views towards High landscape value areas and the Coral Sea are not diminished;

(h) development is consistent with the prevailing landscape character of its setting, and is neither visually dominant nor visually intrusive;

(i) advertising devices do not detract from the landscape values, character types or amenity of an area.

8.2.6.3 Criteria for assessment

Table 8.2.6.3.a – Landscape Values overlay code –assessable development



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Performance outcomes	Acceptable outcomes	Compliance
For assessable development		
Development in a High landscape value area		
<p>PO1</p> <p>Development within High landscape value areas identified on the Landscape values overlay maps contained in Schedule 2:</p> <p>(a) avoids detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, the coastal foreshore or the shoreline of other water bodies through the loss of vegetation;</p> <p>(b) is effectively screened from view from a road, lookout or other public place by an existing natural landform or native vegetation, or will be effectively screened by native vegetation within 3 years of construction;</p> <p>(c) retains existing vegetation and incorporates</p>	<p>AO1.1</p> <p>Buildings and structures are not more than 8.5 metres and two storeys in height</p> <p>Note - Height is inclusive of roof height.</p>	<p>Not Applicable</p> <p>The development is for Reconfiguring a Lot only</p>
	<p>AO1.2</p> <p>Buildings and structures are setback not less than 50 metres from ridgelines or peaks.</p>	<p>Not Applicable</p> <p>The development is for Reconfiguring a Lot only</p>
	<p>AO1.3</p> <p>Development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer.</p>	<p>Not Applicable</p> <p>The development is for Reconfiguring a Lot only</p>
	<p>AO1.4</p>	<p>Not Applicable</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>new landscaping to enhance existing vegetation and visually soften built form elements;</p> <p>(d) incorporates development of a scale, design, height, position on site, construction materials and external finishes that are compatible with the landscape values of the locality;</p> <p>(e) avoids detrimental impacts on landscape values and excessive changes to the natural landform as a result of the location, position on site, scale, design, extent and alignment of earthworks, roads, driveways, retaining walls and other on-ground or in-ground infrastructure;</p>	<p>Where development on land steeper than 1 in 6 (16.6%) cannot be avoided:</p> <p>(a) development follows the natural; contours of the site;</p> <p>(b) buildings are split level or suspended floor construction, or a combination of the two;</p> <p>(c) lightweight materials are used to areas with suspended floors.</p> <p>Note - Examples of suitable lightweight materials include timber or fibre cement boards or sheeting for walls and factory treated metal sheeting for walls and roofs.</p>	<p>The development is for Reconfiguring a Lot only</p>
<p>(f) avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of telecommunications facilities, electricity towers, poles and lines and other tall</p>	<p>AO1.5</p> <p>The external features, walls and roofs of buildings and structures have a subdued and non-reflective palette.</p> <p>Note - Examples of suitable colours include shades of green, olive green, blue green, grey green, green blue,</p>	<p>Not Applicable</p> <p>The development is for Reconfiguring a Lot only.</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>infrastructure;</p> <p>(g) extractive industry operations are avoided.</p> <p>Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.</p>	<p>indigo, brown, blue grey, and green yellow.</p>	
	<p>AO1.6</p> <p>No clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.5%).</p>	<p>Not Applicable</p> <p>The development is for Reconfiguring a Lot only; however, no clearing would be required to facilitate the development.</p>
	<p>AO1.7</p> <p>Where for accommodation activities or reconfiguration of a lot in a High landscape value area, development demonstrates that the height, design, scale, positioning on-site, proposed construction materials and external finishes are compatible with the landscape values.</p> <p>Note - A visual impact assessment undertaken in accordance with Planning scheme policy SC6.6 – Landscape values may be required.</p>	<p>Complies with AO1.7</p> <p>The proposed new allotment would be located within an existing cleared area.</p>
<p>AO1.8</p> <p>Advertising devices do not occur.</p>	<p>Complies with AO1.8</p> <p>No advertising devices are proposed.</p>	



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Performance outcomes	Acceptable outcomes	Compliance
Development within the Medium landscape value area		
<p>PO2</p> <p>Development within Medium landscape value areas identified on the Landscape values overlay maps contained in Schedule 2:</p> <p>(g) avoids detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, the coastal foreshore or the shoreline of other water bodies through the loss of vegetation;</p> <p>(h) is effectively screened from view from a road, lookout or other public place by an existing natural landform or native vegetation, or will be effectively screened by native vegetation within 5 years of construction;</p> <p>(i) retains existing vegetation and incorporates</p>	<p>AO2.1</p> <p>Buildings and structures are not more than 8.5 metres and two storeys in height.</p> <p>Note - Height is inclusive of the roof height.</p>	<p>Not Applicable</p> <p>The development is for Reconfiguring a Lot only</p>
	<p>AO2.2</p> <p>Development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer.</p>	<p>Not Applicable</p> <p>The development is for Reconfiguring a Lot only</p>
	<p>AO2.3</p> <p>Where development on land steeper than 1 in 6 (16.6%) cannot be avoided:</p> <p>(a) development follows the natural; contours of the site;</p> <p>(b) buildings are split level or suspended floor</p>	<p>Not Applicable</p> <p>The development is for Reconfiguring a Lot only</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>new landscaping to enhance existing vegetation and visually soften built form elements;</p> <p>(j) incorporates development of a scale, design, height, position on site, construction materials and external finishes that are compatible with the landscape values of the locality;</p>	<p>construction, or a combination of the two;</p> <p>(c) lightweight materials are used to areas with suspended floors.</p> <p>Note - Examples of suitable lightweight materials include timber or fibre cement boards or sheeting for walls and factory treated metal sheeting for walls and roofs.</p>	
<p>(k) avoids detrimental impacts on landscape values and excessive changes to the natural landform as a result of the location, position on site, scale, design and alignment of earthworks, roads, driveways, retaining walls and other on-ground or in-ground infrastructure;</p>	<p>AO2.4</p> <p>The external features, walls and roofs of buildings and structures have a subdued and non-reflective palette.</p> <p>Note - Examples of suitable colours include shades of green, olive green, blue green, grey green, green blue, indigo, brown, blue grey, and green yellow.</p>	<p>Not Applicable</p> <p>The development is for Reconfiguring a Lot only</p>
<p>(l) avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of telecommunications facilities, electricity</p>	<p>AO2.5</p> <p>No clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.6%).</p>	<p>Not Applicable</p> <p>The development is for Reconfiguring a Lot only; however, no clearing would be required to</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>towers, poles and lines and other tall infrastructure;</p> <p>(m) extractive industry operations are avoided, or where they cannot be avoided, are screened from view.</p> <p>Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.</p>	<p>AO2.6</p> <p>Advertising devices do not occur.</p>	<p>facilitate the development.</p> <p>Complies with AO2.6</p> <p>No advertising devices are proposed.</p>
<p>Development within a Scenic route buffer / view corridor area</p>		
<p>PO3</p> <p>Development within a Scenic route buffer / view corridor area as identified on the Landscape values overlay maps contained in Schedule 2:</p> <p>(n) retains visual access to views of the surrounding landscape, the sea and other</p>	<p>AO3.1</p> <p>Where within a Scenic route buffer / view corridor area, the height of buildings and structures is not more than identified within the acceptable outcomes of the applicable zone code.</p>	<p>Not Applicable</p> <p>The site is not within a Scenic route buffer / view corridor area.</p>
	<p>AO3.2</p>	<p>Not Applicable</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>water bodies;</p> <p>(o) retains existing vegetation and incorporates landscaping to visually screen and soften built form elements whilst not impeding distant views or view corridors;</p>	<p>No clearing of native vegetation is undertaken within a Scenic route buffer area.</p>	<p>The site is not within a Scenic route buffer / view corridor area.</p>
<p>(p) incorporates building materials and external finishes that are compatible with the visual amenity and the landscape character;</p> <p>(q) minimises visual impacts on the setting and views in terms of:</p>	<p>AO3.3</p> <p>Where within a Scenic route buffer / view corridor area development is set back and screened from view from a scenic route by existing native vegetation with a width of at least 10 metres and landscaped in accordance with the requirements of the landscaping code.</p>	<p>Not Applicable</p> <p>The site is not within a Scenic route buffer / view corridor area.</p>
<p>(i) the scale, height and setback of buildings;</p> <p>(ii) the extent of earthworks and impacts on the landform including the location and configuration of access roads and driveways;</p> <p>(iii) the scale, extent and visual prominence of advertising devices.</p>	<p>AO3.4</p> <p>Development does not result in the replacement of, or creation of new, additional, or enlarged advertising devices.</p>	<p>Not Applicable</p> <p>The site is not within a Scenic route buffer / view corridor area.</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.</p>		
<p>Development within the Coastal scenery area</p>		
<p>PO4</p> <p>The landscape values of the Coastal scenery zone as identified on the Landscape values overlay maps contained in Schedule 2 are managed to integrated and limit the visual impact of development.</p> <p>Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.</p>	<p>AO4.1</p> <p>The dominance of the natural character of the coast is maintained or enhanced when viewed from the foreshore.</p> <p>AO4.2</p> <p>Where located adjacent to the foreshore buildings and structures are setback:</p> <p>(a) Where no adjoining development, a minimum of 50 metres from the coastal high water mark and the setback area is landscaped with a native vegetation buffer that has a minimum width of 25 metres; or</p>	<p>Not Applicable</p> <p>The site is not within a Coastal scenery area.</p> <p>Not Applicable</p> <p>The site is not within a Coastal scenery area.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>(b) Where there is adjoining development, setbacks will be consistent with that of adjoining buildings and structures, but not less than 10 metres from the coastal high water mark. The setback area is landscaped in accordance with the requirements of the Landscaping code.</p>	
	<p>AO4.3</p> <p>Where separated from the foreshore by land contained within public ownership (e.g. unallocated State land, esplanade or other public open space), buildings and structures area setback:</p> <p>(a) where no adjoining development, a minimum of 6 metres from the coastward property boundary. The setback area is landscaped in accordance with the requirements of the Landscaping code; or</p> <p>(b) where there is adjoining development,</p>	<p>Not Applicable</p> <p>The site is not within a Coastal scenery area.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>setbacks will be consistent with that of adjoining buildings and structures. The setback area is landscaped in accordance with the requirements of the Landscaping code.</p>	
<p>PO5</p> <p>Development is to maximise opportunities to maintain and/or enhance natural landscape values through the maintenance and restoration of vegetated buffers between development and coastal waters, where practical.</p> <p>Note – A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in satisfaction of a performance outcome.</p>	<p>AO5</p> <p>No clearing of native vegetation is undertaken within a Coastal scenery area zone, except for exempt vegetation damage undertaken in accordance with the Vegetation management code.</p>	<p>Not Applicable</p> <p>The site is not within a Coastal scenery area.</p>



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8.2.7 Natural areas overlay code

8.2.7.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Natural areas overlay, if:
 - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.

- (2) Land in the Natural areas overlay is identified on the Natural areas overlay map in Schedule 2 and includes the following sub-categories:
 - (a) MSES – Protected area;
 - (b) MSES – Marine park;
 - (c) MSES – Wildlife habitat;
 - (d) MSES – Regulated vegetation;
 - (e) MSES – Regulated vegetation (intersecting a Watercourse);
 - (f) MSES – High ecological significance wetlands;
 - (g) MSES – High ecological value waters (wetlands);
 - (h) MSES – High ecological value waters (watercourse);
 - (i) MSES – Legally secured off set area.

Note – MSES = Matters of State Environmental Significance.

- (3) When using this code, reference should be made to Part 5.



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8.2.7.2 Purpose

- (1) The purpose of the Natural areas overlay code is to:
 - (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 2: Environment and landscape values, Element 3.5.3 Biodiversity, Element 3.5.4 Coastal zones;
 - (ii) Theme 3: Natural resource management Element 3.6.2 Land and catchment management, Element 3.6.3 Primary production, forestry and fisheries.
 - (b) enable an assessment of whether development is suitable on land within the Biodiversity area overlay sub-categories.

- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development is avoided within:
 - (i) areas containing matters of state environmental significance (MSES);
 - (ii) other natural areas;
 - (iii) wetlands and wetland buffers;
 - (iv) waterways and waterway corridors.
 - (b) where development cannot be avoided, development:
 - (i) protects and enhances areas containing matters of state environmental significance;
 - (ii) provides appropriate buffers;
 - (iii) protects the known populations and supporting habitat of rare and threatened flora and fauna species, as listed in the relevant State and Commonwealth legislation;
 - (iv) ensures that adverse direct or indirect impacts on areas of environmental significance are minimised through design, siting, operation, management and mitigation measures;



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- (v) does not cause adverse impacts on the integrity and quality of water in upstream or downstream catchments, including the Great Barrier Reef World Heritage Area;
 - (vi) protects and maintains ecological and hydrological functions of wetlands, waterways and waterway corridors;
 - (vii) enhances connectivity across barriers for aquatic species and habitats;
 - (viii) rehabilitates degraded areas to provide improved habitat condition, connectivity, function and extent;
 - (ix) protects areas of environmental significance from weeds, pests and invasive species.
- (c) strategic rehabilitation is directed to areas on or off site, where it is possible to achieve expanded habitats and increased connectivity.

8.2.7.3 Criteria for assessment

Table 8.2.7.3.a – Natural areas overlay code –assessable development

Performance outcomes	Acceptable outcomes	Compliance
For self-assessable and assessable development		
Protection of matters of environmental significance		
PO1 Development protects matters of environmental significance.	AO1.1 Development avoids significant impact on the relevant environmental values.	Complies with AO1.1 The proposed new allotment would not be located within an area of environmental values.



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Performance outcomes	Acceptable outcomes	Compliance
	<p>or</p> <p>AO1.2</p> <p>A report is prepared by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, that the development site does not contain any matters of state and local environmental significance.</p> <p>or</p> <p>AO1.3</p> <p>Development is located, designed and operated to mitigate significant impacts on environmental values. For example, a report certified by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, how the proposed development mitigates impacts, including on water quality, hydrology and biological processes.</p>	
<p>Management of impacts on matters of environmental significance</p>		



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Performance outcomes	Acceptable outcomes	Compliance
<p>PO2</p> <p>Development is located, designed and constructed to avoid significant impacts on matters of environmental significance.</p>	<p>AO2</p> <p>The design and layout of development minimises adverse impacts on ecologically important areas by:</p> <ul style="list-style-type: none"> (a) focusing development in cleared areas to protect existing habitat; (b) utilising design to consolidate density and preserve existing habitat and native vegetation; (c) aligning new property boundaries to maintain ecologically important areas; (d) ensuring that alterations to natural landforms, hydrology and drainage patterns on the development site do not negatively affect ecologically important areas; (e) ensuring that significant fauna habitats are protected in their environmental context; and (f) incorporating measures that allow for the safe movement of fauna through the site. 	<p>Complies with AO2</p> <p>The proposed new allotment would not be located within an area of environmental values</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>PO3</p> <p>An adequate buffer to areas of state environmental significance is provided and maintained.</p>	<p>AO3.1</p> <p>A buffer for an area of state environmental significance (Wetland protection area) has a minimum width of:</p> <p>(a) 100 metres where the area is located outside Urban areas; or</p> <p>(b) 50 metres where the area is located within a Urban areas.</p> <p>or</p> <p>AO3.2</p> <p>A buffer for an area of state environmental significance is applied and maintained, the width of which is supported by an evaluation of environmental values, including the function and threats to matters of environmental significance.</p>	<p>Not Applicable</p> <p>The proposed new allotment would not be located within an area of environmental values</p>
<p>PO4</p>	<p>AO4.1</p>	<p>Not Applicable</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>Wetland and wetland buffer areas are maintained, protected and restored.</p> <p>Note – Wetland buffer areas are identified in AO3.1.</p>	<p>Native vegetation within wetlands and wetland buffer areas is retained.</p>	<p>The site is not located within an wetlands or wetlands buffer area.</p>
	<p>AO4.2</p> <p>Degraded sections of wetlands and wetland buffer areas are revegetated with endemic native plants in patterns and densities, which emulate the relevant regional ecosystem.</p>	<p>Not Applicable</p> <p>The site is not located within an wetlands or wetlands buffer area.</p>
<p>PO5</p> <p>Development avoids the introduction of non-native pest species (plant or animal) that pose a risk to ecological integrity.</p>	<p>AO5.1</p> <p>Development avoids the introduction of non-native pest species.</p>	<p>Not Applicable</p> <p>The proposal is for Reconfiguring a Lot only.</p>
	<p>AO5.2</p> <p>The threat of existing pest species is controlled by adopting pest management practices for long-term ecological integrity.</p>	<p>Not Applicable</p> <p>The proposal is for Reconfiguring a Lot only.</p>



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Performance outcomes	Acceptable outcomes	Compliance
Ecological connectivity		
<p>PO6</p> <p>Development protects and enhances ecological connectivity and/or habitat extent.</p>	<p>AO6.1</p> <p>Development retains native vegetation in areas large enough to maintain ecological values, functions and processes.</p> <p>and</p> <p>AO6.2</p> <p>Development within an ecological corridor rehabilitates native vegetation.</p> <p>and</p> <p>AO6.3</p> <p>Development within a conservation corridor mitigates adverse impacts on native fauna, feeding, nesting, breeding and roosting sites and native fauna movements.</p>	<p>Not Applicable</p> <p>The site is not located in an area of ecological connectivity.</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>PO7</p> <p>Development minimises disturbance to matters of state environmental significance (including existing ecological corridors).</p>	<p>AO7.1</p> <p>Development avoids shading of vegetation by setting back buildings by a distance equivalent to the height of the native vegetation.</p> <p>and</p> <p>AO7.2</p> <p>Development does not encroach within 10 metres of existing riparian vegetation and watercourses.</p>	<p>Complies with AO7.1 and AO7.2</p> <p>The proposed new allotment would not be located in an area of environmental significance or adjacent an area of ecological significance.</p>
<p>Waterways in an urban area</p>		
<p>PO8</p> <p>Development is set back from waterways to protect and maintain:</p> <p>(a) water quality;</p> <p>(b) hydrological functions;</p>	<p>AO8.1</p> <p>Where a waterway is contained within an easement or a reserve required for that purpose, development does not occur within the easement or reserve;</p> <p>or</p>	<p>Not Applicable</p> <p>The site is not within an urban area.</p>



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Performance outcomes	Acceptable outcomes	Compliance
(c) ecological processes; (d) biodiversity values; (e) riparian and in-stream habitat values and connectivity; (f) in-stream migration.	AO8.2 Development does not occur on the part of the site affected by the waterway corridor. Note – Waterway corridors are identified within 8.	
Waterways in a non-urban area		
PO9 Development is set back from waterways to protect and maintain: (a) water quality; (b) hydrological functions; (c) ecological processes; (d) biodiversity values; (e) riparian and in-stream habitat values and	AO9 Development does not occur on that part of the site affected by a waterway corridor. Note – Waterway corridors are identified within table 8.2.7.3.b.	Complies with AO9 The proposed new lot would not be located within a waterway corridor.



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Performance outcomes	Acceptable outcomes	Compliance
connectivity; (f) in-stream migration.		

8.2.7.3.b — Widths of waterway corridors for waterways

Waterways classification	Waterway corridor width
Waterways in Urban areas	10 metres measured perpendicular from the top of the high bank.
Waterways in Other areas	For a dwelling house, 10 metres measured perpendicular from the top of the high bank. For all other development, 20 metres measured perpendicular from the top of the high bank.



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9.4.3 Environmental performance code

9.4.3.1 Application

(1) This code applies to assessing:

(a) building work for outdoor lighting;

(b) a material change of use or reconfiguring a lot if:

(i) assessable development where the code is identified in the assessment criteria column of a table of assessment; or

(ii) impact assessable development, to the extent relevant.

Note – Where for the purpose of lighting a tennis court in a Residential zone, a compliance statement prepared by a suitably qualified person must be submitted to Council with the development application for building work.

(2) When using this code, reference should be made to Part 5.

9.4.3.2 Purpose

(1) The purpose of the Environmental performance code is to ensure development is designed and operated to avoid or mitigate impacts on sensitive receiving environments.

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

(a) activities that have potential to cause an adverse impact on amenity of adjacent and surrounding land, or environmental harm is avoided through location, design and operation of the development;



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- (b) sensitive land uses are protected from amenity related impacts of lighting, odour, airborne particles and noise, through design and operation of the development;
- (c) stormwater flowing over, captured or discharged from development sites is of a quality adequate to enter receiving waters and downstream environments;
- (d) development contributes to the removal and ongoing management of weed species.

9.4.3.3 Criteria for assessment

Table 9.4.3.3.a – Environmental performance code – assessable development

Performance outcomes	Acceptable outcomes	Compliance
Lighting		
PO1 Lighting incorporated within development does not cause an adverse impact on the amenity of adjacent uses and nearby sensitive land uses.	AO1.1 Technical parameters, design, installation, operation and maintenance of outdoor lighting comply with the requirements of Australian standard AS4282-1997 Control of the obtrusive effects of outdoor lighting.	Not Applicable No lighting is proposed as part of this application.
	AO1.2 Development that involves flood lighting is restricted to a type that gives no upward component of light where mounted horizontally.	Not Applicable No lighting is proposed as part of this application



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	<p>AO1.3</p> <p>Access, car parking and manoeuvring areas are designed to shield nearby residential premises from impacts of vehicle headlights.</p>	<p>Not Applicable</p> <p>No lighting is proposed as part of this application</p>
<p>Noise</p>		
<p>PO2</p> <p>Potential noise generated from the development is avoided through design, location and operation of the activity.</p> <p>Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.</p>	<p>AO2.1</p> <p>Development does not involve activities that would cause noise related environmental harm or nuisance;</p> <p>or</p>	<p>Not Applicable</p> <p>The application is for Reconfiguring a Lot only.</p>
	<p>AO2.2</p> <p>Development ensures noise does not emanate from the site through the use of materials, structures and architectural features to not cause an adverse noise impact on adjacent uses.</p>	<p>Not Applicable</p> <p>The application is for Reconfiguring a Lot only.</p>
	<p>AO2.3</p> <p>The design and layout of development ensures car parking areas avoid noise impacting directly on adjacent sensitive land uses through one or</p>	<p>Not Applicable</p> <p>The application is for Reconfiguring a Lot only</p>



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	<p>more of the following:</p> <ul style="list-style-type: none"> (a) car parking is located away from adjacent sensitive land uses; (b) car parking is enclosed within a building; (c) a noise ameliorating fence or structure is established adjacent to car parking areas where the fence or structure will not have a visual amenity impact on the adjoining premises; (d) buffered with dense landscaping. <p>Editor's note - The Environmental Protection (Noise) Policy 2008, Schedule 1 provides guidance on acoustic quality objectives to ensure environmental harm (including nuisance) is avoided.</p>	
Airborne particles and other emissions		
<p>PO3</p> <p>Potential airborne particles and emissions generated from the development are avoided through design, location and operation of the activity.</p>	<p>AO3.1</p> <p>Development does not involve activities that will result in airborne particles or emissions being generated; or</p>	<p>Not Applicable</p> <p>The application is for Reconfiguring a Lot only</p>
<p>Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance</p>	<p>AO3.2</p> <p>The design, layout and operation of the</p>	<p>Not Applicable</p> <p>The application is for Reconfiguring a Lot only</p>



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<p>on preparing a report to demonstrate compliance with the purpose and outcomes of the code.</p>	<p>development activity ensures that no airborne particles or emissions cause environmental harm or nuisance. Note - examples of activities which generally cause airborne particles include spray painting, abrasive blasting, manufacturing activities and car wash facilities. Examples of emissions include exhaust ventilation from basement or enclosed parking structures, air conditioning/refrigeration ventilation and exhaustion. The Environmental Protection (Air) Policy 2008, Schedule 1 provides guidance on air quality objectives to ensure environmental harm (including nuisance) is avoided.</p>	
<p>Odours</p>		
<p>PO4 Potential odour causing activities associated with the development are avoided through design, location and operation of the activity. Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.</p>	<p>AO4.1 The development does not involve activities that create odorous emissions; or</p> <p>AO4.2 The use does not result in odour that causes environmental harm or nuisance with respect to surrounding land uses.</p>	<p>Not Applicable The application is for Reconfiguring a Lot only</p> <p>Not Applicable The application is for Reconfiguring a Lot only</p>



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Waste and recycleable material storage		
<p>PO5</p> <p>Waste and recycleable material storage facilities are located and maintained to not cause adverse impacts on adjacent uses.</p> <p>Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.</p>	<p>AO5.1</p> <p>The use ensures that all putrescent waste is stored in a manner that prevents odour nuisance and is disposed of at regular intervals.</p>	<p>Not Applicable</p> <p>The application is for Reconfiguring a Lot only</p>
	<p>AO5.2</p> <p>Waste and recycleable material storage facilities are located, designed and maintained to not cause an adverse impact on users of the premises and adjacent uses through consideration of:</p> <p>(a) the location of the waste and recycleable material storage areas in relation to the noise and odour generated;</p> <p>(b) the number of receptacles provided in relation to the collection, maintenance and use of the receptacles;</p> <p>(c) the durability of the receptacles, sheltering and potential impacts of local climatic conditions;</p> <p>(d) the ability to mitigate spillage, seepage or leakage from receptacles into adjacent areas and</p>	<p>Not Applicable</p> <p>The application is for Reconfiguring a Lot only</p>



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	<p>sensitive receiving waters and environments.</p> <p>Editor's note - the Environmental Protection (Waste Management) Policy 2008 provides guidance on the design of waste containers (receptacles) to ensure environmental harm (including nuisance) is avoided.</p>	
Sensitive land uses		
<p>PO6</p> <p>Sensitive land use activities are not established in areas which will receive potentially incompatible impacts on amenity from surrounding, existing development activities and land uses.</p>	<p>AO6.1</p> <p>Sensitive land use activities are not established in areas that will be adversely impacted upon by existing land uses, activities and potential development possible in an area; or</p>	<p>Complies with AO6.1</p> <p>The proposed rural residential allotment would be in an established rural residential area and would not be impacted upon by incompatible uses.</p>
	<p>AO6.2</p> <p>Sensitive land activities are located in areas where potential adverse amenity impacts mitigate all potential impacts through layout, design, operation and maintenance.</p>	<p>Complies with AO6.1</p>
Stormwater quality		
<p>PO7</p> <p>The quality of stormwater flowing over, through or</p>	<p>AO7.1</p> <p>Development activities are designed to ensure</p>	<p>Not Applicable</p> <p>The application is for Reconfiguring a Lot only</p>



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<p>being discharged from development activities into watercourses and drainage lines is of adequate quality for downstream environments, with respect to:</p> <p>(a) the amount and type of pollutants borne from the activity;</p> <p>(b) maintaining natural stream flows</p> <p>(c) the amount and type of site disturbance;</p> <p>(d) site management and control measures.</p>	<p>stormwater over roofed and hard stand areas is directed to a lawful point of discharge.</p>	
	<p>A07.2</p> <p>Development ensures movement of stormwater over the site is not impeded or directed through potentially polluting activities.</p>	<p>Not Applicable</p> <p>The application is for Reconfiguring a Lot only</p>
	<p>A07.3</p> <p>Soil and water control measures are incorporated into the activity's design and operation to control sediment and erosion potentially entering watercourses, drainage lines and downstream receiving waters.</p> <p>Note - Planning scheme policy - FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the Environmental Protection Act 1994. During construction phases of development, contractors and builders are to have consideration in their work methods and site preparation for their environmental duty to protect stormwater quality.</p>	<p>Not Applicable</p> <p>The application is for Reconfiguring a Lot only</p>

Pest plants (for material change of use on vacant land over 1,000m²)



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<p>PO8</p> <p>Development activities and sites provide for the removal of all pest plants and implement ongoing measures to ensure that pest plants do not reinfest the site or nearby sites.</p> <p>Editor's note - This does not remove or replace all land owner's obligations or responsibilities under the Land Protection (Pest and Stock Route Management) Act 2002.</p>	<p>AO8.1</p> <p>The land is free of declared pest plants before development establishes new buildings, structures and practices; or</p>	<p>Not Applicable</p> <p>The application is for Reconfiguring a Lot only</p>
	<p>AO8.2</p> <p>Pest plants detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person prior to construction of buildings and structures or earthworks. Note - A declaration from an appropriately qualified person validates the land being free from pest plants. Declared pest plants include locally declared and State declared pest plants.</p>	<p>Not Applicable</p> <p>The application is for Reconfiguring a Lot only</p>



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9.4.4 Filling and excavation code

9.4.4.1 Application

- (1) This code applies to assessing:
 - (a) operational work for filling or excavation which is self-assessable or code assessable development if this code is an applicable code identified in the assessment criteria column of a table of assessment; or
 - (b) a material change of use or reconfiguring a lot if:
 - (i) assessable development where this code is identified as a prescribed secondary code in the assessment criteria column of a table of assessment; or
 - (ii) impact assessable development, to the extent relevant.

Note—This code does not apply to building work that is regulated under the Building Code of Australia.

- (2) When using this code, reference should be made to Part 5.

9.4.4.2 Purpose

- (1) The purpose of the Filling and excavation code is to assess the suitability of development for filling or excavation.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) filling or excavation does not impact on the character or amenity of the site and surrounding areas;
 - (b) filling and excavation does not adversely impact on the environment;
 - (c) filling and excavation does not impact on water quality or drainage of upstream, downstream or adjoining properties;



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- (d) filling and excavation is designed to be fit for purpose and does not create land stability issues;
- (e) filling and excavation works do not involve complex engineering solutions.

9.4.4.3 Criteria for assessment

Table 9.4.4.3.a – Filling and excavation code – for self-assessable and assessable development

Performance outcomes	Acceptable outcomes	Compliance
For self-assessable and assessable development		
Filling and excavation - General		
PO1 All filling and excavation work does not create a detrimental impact on the slope stability, erosion potential or visual amenity of the site or the surrounding area.	AO1.1 The height of cut and/or fill, whether retained or not, does not exceed 2 metres in height. and Cuts in excess of those stated in A1.1 above are separated by benches/ terraces with a minimum width of 1.2 metres that incorporate drainage provisions and screen planting.	Not Applicable No excavation or fill would be undertaken as part of the development.
	AO1.2	Not Applicable



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Performance outcomes	Acceptable outcomes	Compliance
	Cuts are supported by batters, retaining or rock walls and associated benches/terraces are capable of supporting mature vegetation.	No excavation or fill would be undertaken as part of the development.
	<p>AO1.3</p> <p>Cuts are screened from view by the siting of the building/structure, wherever possible.</p>	<p>Not Applicable</p> <p>No excavation or fill would be undertaken as part of the development.</p>
	<p>AO1.4</p> <p>Topsoil from the site is retained from cuttings and reused on benches/terraces.</p>	<p>Not Applicable</p> <p>No excavation or fill would be undertaken as part of the development.</p>
	<p>AO1.5</p> <p>No crest of any cut or toe of any fill, or any part of any retaining wall or structure is closer than 600mm to any boundary of the property, unless the prior written approval of the adjoining landowner has been obtained.</p>	<p>Not Applicable</p> <p>No excavation or fill would be undertaken as part of the development.</p>
	<p>AO1.6</p>	<p>Not Applicable</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>Non-retained cut and/or fill on slopes are stabilised and protected against scour and erosion by suitable measures, such as grassing, landscaping or other protective/aesthetic measures.</p>	<p>No excavation or fill would be undertaken as part of the development.</p>
<p>Visual Impact and Site Stability</p>		
<p>PO2</p> <p>Filling and excavation are carried out in such a manner that the visual/scenic amenity of the area and the privacy and stability of adjoining properties is not compromised.</p>	<p>AO2.1</p> <p>The extent of filling and excavation does not exceed 40% of the site area, or 500m² whichever is the lesser, except that AO2.1 does not apply to reconfiguration of 5 lots or more.</p>	<p>Not Applicable</p> <p>No excavation or fill would be undertaken as part of the development.</p>
	<p>AO2.2</p> <p>Filling and excavation does not occur within 2 metres of the site boundary.</p>	<p>Not Applicable</p> <p>No excavation or fill would be undertaken as part of the development.</p>
<p>Flooding and drainage</p>		



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Performance outcomes	Acceptable outcomes	Compliance
<p>PO3</p> <p>Filling and excavation does not result in a change to the run off characteristics of a site which then have a detrimental impact on the site or nearby land or adjacent road reserves.</p>	<p>AO3.1</p> <p>Filling and excavation does not result in the ponding of water on a site or adjacent land or road reserves.</p>	<p>Not Applicable</p> <p>No excavation or fill would be undertaken as part of the development.</p>
	<p>AO3.2</p> <p>Filling and excavation does not result in an increase in the flow of water across a site or any other land or road reserves.</p>	<p>Not Applicable</p> <p>No excavation or fill would be undertaken as part of the development.</p>
	<p>AO3.3</p> <p>Filling and excavation does not result in an increase in the volume of water or concentration of water in a watercourse and overland flow paths.</p>	<p>Not Applicable</p> <p>No excavation or fill would be undertaken as part of the development.</p>
	<p>AO3.4</p> <p>Filling and excavation complies with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.</p>	<p>Not Applicable</p> <p>No excavation or fill would be undertaken as part of the development.</p>



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Performance outcomes	Acceptable outcomes	Compliance
Water quality		
<p>PO4</p> <p>Filling and excavation does not result in a reduction of the water quality of receiving waters.</p>	<p>AO4</p> <p>Water quality is maintained to comply with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.</p>	<p>Not Applicable</p> <p>No excavation or fill would be undertaken as part of the development.</p>
Infrastructure		
<p>PO5</p> <p>Excavation and filling does not impact on Public Utilities.</p>	<p>AO5</p> <p>Excavation and filling is clear of the zone of influence of public utilities.</p>	<p>Not Applicable</p> <p>No excavation or fill would be undertaken as part of the development.</p>



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9.4.5 Infrastructure works code

9.4.5.1 Application

- (1) This code applies to assessing:
 - (a) operational work which requires an assessment as a condition of a development permit or is assessable development if this code is identified in the assessment criteria column of a table of assessment;
 - (b) a material change of use or reconfiguring a lot if:
 - (i) assessable development where this code is identified in the assessment criteria column of the table of assessment;
 - (ii) impact assessable development, to the extent relevant.

Note – The Filling and excavation code applies to operational work for filling and excavation.

- (2) When using this code, reference should be made to Part 5.

9.4.5.2 Purpose

- (1) The purpose of the Infrastructure works code is to ensure that development is safely and efficiently serviced by, and connected to, infrastructure.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) the standards of water supply, waste water treatment and disposal, stormwater drainage, local electricity supply, telecommunications, footpaths and road construction meet the needs of development and are safe and efficient;
 - (b) development maintains high environmental standards;
 - (c) development is located, designed, constructed and managed to avoid or minimise impacts arising from altered stormwater quality or flow, wastewater discharge, and the creation of non-tidal artificial waterways;



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- (d) the integrity of existing infrastructure is maintained;
- (e) development does not detract from environmental values or the desired character and amenity of an area.

9.4.5.3 Criteria for assessment

Table 9.4.5.3.a – Filling and excavation code –assessable development

Performance outcomes	Acceptable outcomes	Compliance
For self-assessable and assessable development		
Works on a local government road		
PO1 Works on a local government road do not adversely impact on footpaths or existing infrastructure within the road verge and maintain the flow, safety and efficiency of pedestrians, cyclists and vehicles.	AO1.1 Footpaths/pathways are located in the road verge and are provided for the hierarchy of the road and located and designed and constructed in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.	Not Applicable No works are proposed within a local government road as part of this application.
	AO1.2 Kerb ramp crossovers are constructed in accordance with Planning scheme policy SC 5 –	Not Applicable No works are proposed within a local government road as part of this application.



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Performance outcomes	Acceptable outcomes	Compliance
	FNQROC Regional Development Manual.	
	<p>AO1.3</p> <p>New pipes, cables, conduits or other similar infrastructure required to cross existing footpaths:</p> <p>(a) are installed via trenchless methods; or</p> <p>(b) where footpath infrastructure is removed to install infrastructure, the new section of footpath is installed to the standard detailed in the Planning scheme policy SC5 – FNQROC Regional Development Manual, and is not less than a 1.2 metre section.</p>	<p>Not Applicable</p> <p>No works are proposed within a local government road as part of this application.</p>
	<p>AO1.4</p> <p>Where existing footpaths are damaged as a result of development, footpaths are reinstated ensuring:</p> <p>(a) similar surface finishes are used;</p> <p>(b) there is no change in level at joins of new</p>	<p>Not Applicable</p> <p>No works are proposed within a local government road as part of this application.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>and existing sections;</p> <p>(c) new sections are matched to existing in terms of dimension and reinforcement.</p>	
	<p>AO1.5</p> <p>Decks, verandahs, stairs, posts and other structures located in the road reserve do not restrict or impede pedestrian movement on footpaths or change the level of the road verges.</p>	<p>Not Applicable</p> <p>No works are proposed within a local government road as part of this application.</p>
Accessibility structures		
<p>PO2</p> <p>Development is designed to ensure it is accessible for people of all abilities and accessibility features do not impact on the efficient and safe use of footpaths.</p> <p>Note – Accessibility features are those features required to ensure access to premises is provided for</p>	<p>AO2.1</p> <p>Accessibility structures are not located within the road reserve.</p>	<p>Not Applicable</p> <p>No accessibility structures are proposed as part of this application.</p>
	<p>AO2.2</p> <p>Accessibility structures are designed in accordance with AS1428.3.</p>	<p>Not Applicable</p> <p>No accessibility structures are proposed as part of this application.</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>people of all abilities and include ramps and lifts.</p>	<p>AO2.3</p> <p>When retrofitting accessibility features in existing buildings, all structures and changes in grade are contained within the boundaries of the lot and not within the road reserve.</p>	<p>Not Applicable</p> <p>No accessibility structures are proposed as part of this application.</p>
<p>Water supply</p>		
<p>PO3</p> <p>An adequate, safe and reliable supply of potable, fire fighting and general use water is provided.</p>	<p>AO3.1</p> <p>The premises is connected to Council’s reticulated water supply system in accordance with the Design Guidelines set out in Section D6 of the Planning scheme policy SC5 – FNQROC Regional Development Manual;</p> <p>or</p> <p>AO3.2</p> <p>Where a reticulated water supply system is not available to the premises, on site water storage tank/s with a minimum capacity of 10,000 litres of</p>	<p>Able to comply with AO3.1</p> <p>The site is able to connect to the Councils reticulated water supply.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>stored water, with a minimum 7,500 litre tank, with the balance from other sources (e.g. accessible swimming pool, dam etc.) and access to the tank/s for fire trucks is provided for each new house or other development. Tank/s are to be fitted with a 50mm ball valve with a camlock fitting and installed and connected prior to occupation of the house and sited to be visually unobtrusive.</p>	
<p>Treatment and disposal of effluent</p>		
<p>PO4</p> <p>Provision is made for the treatment and disposal of effluent to ensure that there are no adverse impacts on water quality and no adverse ecological impacts as a result of the system or as a result of increasing the cumulative effect of systems in the locality.</p>	<p>AO4.1</p> <p>The site is connected to Council’s sewerage system and the extension of or connection to the sewerage system is designed and constructed in accordance with the Design Guidelines set out in Section D7 of the Planning scheme policy SC5 – FNQROC Regional Development Manual;</p> <p>or</p> <p>AO4.2</p>	<p>Able to comply with AO4.2</p> <p>The site has sufficient area to accommodate on-site waste water disposal.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>Where not in a sewerage scheme area, the proposed disposal system meets the requirements of Section 33 of the <i>Environmental Protection Policy (Water) 1997</i> and the proposed on site effluent disposal system is designed in accordance with the <i>Plumbing and Drainage Act (2002)</i>.</p>	
Stormwater quality		
<p>PO5</p> <p>Development is planned, designed, constructed and operated to avoid or minimise adverse impacts on stormwater quality in natural and developed catchments by:</p> <ul style="list-style-type: none"> (a) achieving stormwater quality objectives; (b) protecting water environmental values; (c) maintaining waterway hydrology. 	<p>AO5.1</p> <p>A connection is provided from the premises to Council’s drainage system;</p> <p>or</p> <p>AO5.2</p> <p>An underground drainage system is constructed to convey stormwater from the premises to Council’s drainage system in accordance with the Design Guidelines set out in Sections D4 and D5 of the Planning scheme policy SC5 – FNQROC</p>	<p>Not Applicable</p> <p>The proposed development is for a two lot subdivision only and would not involve the construction of any infrastructure.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	Regional Development Manual.	
	<p>AO5.3</p> <p>A stormwater quality management plan is prepared, and provides for achievable stormwater quality treatment measures meeting design objectives listed in Table 9.4.5.3.b and Table 9.4.5.3.c, reflecting land use constraints, such as:</p> <ul style="list-style-type: none"> (a) erosive, dispersive and/or saline soil types; (b) landscape features (including landform); (c) acid sulfate soil and management of nutrients of concern; (d) rainfall erosivity. 	<p>Not Applicable</p> <p>The proposed development is for a two lot subdivision only and would not involve the construction of any infrastructure.</p>
	<p>AO5.4</p> <p>Erosion and sediment control practices are designed, installed, constructed, monitored, maintained, and carried out in accordance with an erosion and sediment control plan.</p>	<p>Not Applicable</p> <p>The proposed development is for a two lot subdivision only and would not involve the construction of any infrastructure.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>AO5.5</p> <p>Development incorporates stormwater flow control measures to achieve the design objectives set out in Table 9.4.5.3.b and Table 9.4.5.3.c, including management of frequent flows, peak flows, and construction phase hydrological impacts.</p> <p>Note – Planning scheme policy SC5 – FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the <i>Environmental Protection Act 1994</i>.</p> <p>Note – During construction phases of development, contractors and builders are to have consideration in their work methods and site preparation for their environmental duty to protect stormwater quality.</p>	<p>Not Applicable</p> <p>The proposed development is for a two lot subdivision only and would not involve the construction of any infrastructure.</p>
Non-tidal artificial waterways		
<p>PO6</p> <p>Development involving non-tidal artificial</p>	<p>AO6.1</p> <p>Development involving non-tidal artificial</p>	<p>Not Applicable</p> <p>The development does not involve any artificial</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>waterways is planned, designed, constructed and operated to:</p> <ul style="list-style-type: none"> (a) protect water environmental values; (b) be compatible with the land use constraints for the site for protecting water environmental values; (c) be compatible with existing tidal and non-tidal waterways; (d) perform a function in addition to stormwater management; (e) achieve water quality objectives. 	<p>waterways ensures:</p> <ul style="list-style-type: none"> (a) environmental values in downstream waterways are protected; (b) any ground water recharge areas are not affected; (c) the location of the waterway incorporates low lying areas of the catchment connected to an existing waterway; (d) existing areas of ponded water are included. 	<p>waterways.</p>
	<p>AO6.2</p> <p>Non-tidal artificial waterways are located:</p> <ul style="list-style-type: none"> (a) outside natural wetlands and any associated buffer areas; (b) to minimise disturbing soils or sediments; (c) to avoid altering the natural hydrologic regime in acid sulfate soil and nutrient hazardous 	<p>Not Applicable</p> <p>The development does not involve any artificial waterways.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>areas.</p>	
	<p>AO6.3</p> <p>Non-tidal artificial waterways located adjacent to, or connected to a tidal waterway by means of a weir, lock, pumping system or similar ensures:</p> <p>(a) there is sufficient flushing or a tidal range of >0.3 m; or</p> <p>(b) any tidal flow alteration does not adversely impact on the tidal waterway; or</p> <p>(c) there is no introduction of salt water into freshwater environments.</p>	<p>Not Applicable</p> <p>The development does not involve any artificial waterways.</p>
	<p>AO6.4</p> <p>Non-tidal artificial waterways are designed and managed for any of the following end-use purposes:</p> <p>(a) amenity (including aesthetics), landscaping or</p>	<p>Not Applicable</p> <p>The development does not involve any artificial waterways.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>recreation; or</p> <p>(b) flood management, in accordance with a drainage catchment management plan; or</p> <p>(c) stormwater harvesting plan as part of an integrated water cycle management plan; or</p> <p>(d) aquatic habitat.</p>	
	<p>AO6.5</p> <p>The end-use purpose of the non-tidal artificial waterway is designed and operated in a way that protects water environmental values.</p>	<p>Not Applicable</p> <p>The development does not involve any artificial waterways.</p>
	<p>AO6.6</p> <p>Monitoring and maintenance programs adaptively manage water quality to achieve relevant water quality objectives downstream of the waterway.</p>	<p>Not Applicable</p> <p>The development does not involve any artificial waterways.</p>
	<p>AO6.7</p> <p>Aquatic weeds are managed to achieve a low</p>	<p>Not Applicable</p> <p>The development does not involve any artificial</p>



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Performance outcomes	Acceptable outcomes	Compliance
	percentage of coverage of the water surface area, and pests and vectors are managed through design and maintenance.	waterways.
Wastewater discharge		
<p>PO7</p> <p>Discharge of wastewater to waterways, or off site:</p> <p>(a) meets best practice environmental management;</p> <p>(b) is treated to:</p> <p>(i) meet water quality objectives for its receiving waters;</p> <p>(ii) avoid adverse impact on ecosystem health or waterway health;</p> <p>(iii) maintain ecological processes, riparian vegetation and waterway integrity;</p>	<p>A07.1</p> <p>A wastewater management plan is prepared and addresses:</p> <p>(a) wastewater type;</p> <p>(b) climatic conditions;</p> <p>(c) water quality objectives;</p> <p>(d) best practice environmental management.</p>	<p>Not Applicable</p> <p>The development is for a two lot subdivision only and would not involve the discharge of any wastewater to waterways or off-site.</p>
	<p>A07.2</p> <p>The waste water management plan is managed in accordance with a waste management hierarchy that:</p>	<p>Not Applicable</p> <p>The development is for a two lot subdivision only and would not involve the discharge of any wastewater to waterways or off-site.</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>(iv) offset impacts on high ecological value waters.</p>	<p>(a) avoids wastewater discharge to waterways; or</p> <p>(b) if wastewater discharge cannot practicably be avoided, minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and ground water.</p>	
	<p>A07.3</p> <p>Wastewater discharge is managed to avoid or minimise the release of nutrients of concern so as to minimise the occurrence, frequency and intensity of algal blooms.</p>	<p>Not Applicable</p> <p>The development is for a two lot subdivision only and would not involve the discharge of any wastewater to waterways or off-site.</p>
	<p>A07.4</p> <p>Development in coastal catchments avoids or minimises and appropriately manages soil disturbance or altering natural hydrology and:</p> <p>(a) avoids lowering ground water levels where potential or actual acid sulfate soils are</p>	<p>Not Applicable</p> <p>The development is for a two lot subdivision only and would not involve the discharge of any wastewater to waterways or off-site.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>present;</p> <p>(b) manages wastewater so that:</p> <ul style="list-style-type: none">(i) the pH of any wastewater discharges is maintained between 6.5 and 8.5 to avoid mobilisation of acid, iron, aluminium and other metals;(ii) holding times of neutralised wastewater ensures the flocculation and removal of any dissolved iron prior to release;(iii) visible iron floc is not present in any discharge;(iv) precipitated iron floc is contained and disposed of;(v) wastewater and precipitates that cannot be contained and treated for discharge on site are removed and disposed of through trade waste or another lawful method.	



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Performance outcomes	Acceptable outcomes	Compliance
Electricity supply		
<p>PO8</p> <p>Development is provided with a source of power that will meet its energy needs.</p>	<p>AO8.1</p> <p>A connection is provided from the premises to the electricity distribution network;</p> <p>or</p> <p>AO8.2</p> <p>The premises is connected to the electricity distribution network in accordance with the Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.</p> <p>Note - Areas north of the Daintree River have a different standard.</p>	<p>Able to comply with AO8.1</p> <p>An electricity connection would be available to service the proposed new allotment.</p>
<p>PO9</p> <p>Development incorporating pad-mount electricity infrastructure does not cause an adverse impact</p>	<p>AO9.1</p> <p>Pad-mount electricity infrastructure is:</p> <p>(a) not located in land for open space or sport and</p>	<p>Not Applicable</p> <p>The proposed development would not incorporate any padmount infrastructure.</p>



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Performance outcomes	Acceptable outcomes	Compliance
on amenity.	recreation purposes; (b) screened from view by landscaping or fencing; (c) accessible for maintenance.	
	AO9.2 Pad-mount electricity infrastructure within a building, in a Town Centre is designed and located to enable an active street frontage. Note – Pad-mounts in buildings in activity centres should not be located on the street frontage.	Not Applicable The proposed development would not incorporate any padmount infrastructure.
Telecommunications		
PO10 Development is connected to a telecommunications service approved by the relevant telecommunication regulatory authority.	AO10 The development is connected to telecommunications infrastructure in accordance with the standards of the relevant regulatory authority.	Able to comply with AO10 The proposed new allotment is able to be connected to telecommunications infrastructure.



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Performance outcomes	Acceptable outcomes	Compliance
<p>PO11</p> <p>Provision is made for future telecommunications services (e.g. fibre optic cable).</p>	<p>AO11</p> <p>Conduits are provided in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.</p>	<p>Able to comply with AO11</p> <p>Conduits are able to be provided if considered necessary.</p>
<p>Road construction</p>		
<p>PO12</p> <p>The road to the frontage of the premises is constructed to provide for the safe and efficient movement of:</p> <p>(a) pedestrians and cyclists to and from the site;</p> <p>(b) pedestrians and cyclists adjacent to the site;</p> <p>(c) vehicles on the road adjacent to the site;</p> <p>(d) vehicles to and from the site;</p> <p>(e) emergency vehicles.</p>	<p>AO12.1</p> <p>The road to the frontage of the site is constructed in accordance with the Design Guidelines set out in Sections D1 and D3 of the Planning scheme policy SC5 – FNQROC Regional Development Manual, for the particular class of road, as identified in the road hierarchy.</p>	<p>Not Applicable</p> <p>No new roads would be constructed as part of the development.</p>
	<p>AO12.2</p> <p>There is existing road, kerb and channel for the full road frontage of the site.</p>	<p>Not Applicable</p> <p>No new roads would be constructed as part of the development.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>AO12.3</p> <p>Road access minimum clearances of 3.5 metres wide and 4.8 metres high are provided for the safe passage of emergency vehicles.</p>	<p>Not Applicable</p> <p>No new roads would be constructed as part of the development.</p>
<p>Alterations and repairs to public utility services</p>		
<p>PO13</p> <p>Infrastructure is integrated with, and efficiently extends, existing networks.</p>	<p>AO13</p> <p>Development is designed to allow for efficient connection to existing infrastructure networks.</p>	<p>Complies with AO13</p> <p>Connections would be available to the public utility services.</p>
<p>PO14</p> <p>Development and works do not affect the efficient functioning of public utility mains, services or installations.</p>	<p>AO14.1</p> <p>Public utility mains, services and installations are not required to be altered or repaired as a result of the development;</p> <p>or</p> <p>AO14.2</p> <p>Public utility mains, services and installations are altered or repaired in association with the works</p>	<p>Complies with AO14.1</p> <p>Public utility mains would not be required to be altered to facilitate the development.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>so that they continue to function and satisfy the relevant Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.</p>	
Construction management		
<p>PO15</p> <p>Work is undertaken in a manner which minimises adverse impacts on vegetation that is to be retained.</p>	<p>AO15</p> <p>Works include, at a minimum:</p> <ul style="list-style-type: none"> (a) installation of protective fencing around retained vegetation during construction; (b) erection of advisory signage; (c) no disturbance, due to earthworks or storage of plant, materials and equipment, of ground level and soils below the canopy of any retained vegetation; (d) removal from the site of all declared noxious weeds. 	<p>Not applicable</p> <p>There would be no construction work as part of this application.</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>PO16</p> <p>Existing infrastructure is not damaged by construction activities.</p>	<p>AO16</p> <p>Construction, alterations and any repairs to infrastructure is undertaken in accordance with the Planning scheme policy SC5 – FNQROC Regional Development Manual.</p> <p>Note - Construction, alterations and any repairs to State-controlled roads and rail corridors are undertaken in accordance with the Transport Infrastructure Act 1994.</p>	<p>Not applicable</p> <p>There would be no construction work as part of this application.</p>
<p>For assessable development</p>		
<p>High speed telecommunication infrastructure</p>		
<p>PO17</p> <p>Development provides infrastructure to facilitate the roll out of high speed telecommunications infrastructure.</p>	<p>AO17</p> <p>No acceptable outcomes are prescribed.</p>	<p>Able to comply with PO17</p> <p>Infrastructure to provide for high speed internet is able to be provided if considered necessary.</p>
<p>Trade waste</p>		



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Performance outcomes	Acceptable outcomes	Compliance
<p>PO18</p> <p>Where relevant, the development is capable of providing for the storage, collection treatment and disposal of trade waste such that:</p> <p>(a) off-site releases of contaminants do not occur;</p> <p>(b) the health and safety of people and the environment are protected;</p> <p>(c) the performance of the wastewater system is not put at risk.</p>	<p>AO18</p> <p>No acceptable outcomes are prescribed.</p>	<p>Not Applicable</p> <p>The proposal is for Reconfiguring a Lot only.</p>
<p>Fire services in developments accessed by common private title</p>		
<p>PO19</p> <p>Hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.</p>	<p>AO19.1</p> <p>Residential streets and common access ways within a common private title places hydrants at intervals of no more than 120 metres and at each intersection. Hydrants may have a single outlet and be situated above or below ground.</p>	<p>Not Applicable</p> <p>The proposed development would not include common private title.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>AO19.2</p> <p>Commercial and industrial streets and access ways within a common private title serving commercial properties such as factories and warehouses and offices are provided with above or below ground fire hydrants located at not more than 90 metre intervals and at each intersection. Above ground fire hydrants have dual-valved outlets.</p>	<p>Not Applicable</p> <p>The proposed development would not include common private title.</p>
<p>PO20</p> <p>Hydrants are suitable identified so that fire services can locate them at all hours.</p> <p>Note – Hydrants are identified as specified in the Department of Transport and Main Roads Technical Note: ‘Identification of street hydrants for fire fighting purposes’ available under ‘Publications’.</p>	<p>AO20</p> <p>No acceptable outcomes are prescribed.</p>	<p>Not Applicable</p> <p>The proposed development would not include common private title.</p>



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9.4.6 Landscaping code

9.4.6.1 Application

- (1) This code applies to assessing:
 - (a) operational work which requires a compliance assessment as a condition of a development permit; or
 - (b) a material change of use or reconfiguring a lot if:
 - (i) assessable development where this code is identified in the assessment criteria column of the table of assessment;
 - (ii) impact assessable development, to the extent relevant.
- (2) When using this code, reference should be made to Part 5.

9.4.6.2 Purpose

- (1) The purpose of the Landscaping code is to assess the landscaping aspects of a development.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) The tropical, lush landscape character of the region is retained, promoted and enhanced through high quality landscape works;
 - (b) The natural environment of the region is enhanced;
 - (c) The visual quality, amenity and identity of the region is enhanced;
 - (d) Attractive streetscapes and public places are created through landscape design;
 - (e) As far as practical, existing vegetation on site is retained, and protected during works and integrated with the built environment;
 - (f) Landscaping is provided to enhance the tropical landscape character of development and the region;



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- (g) Landscaping is functional, durable, contributes to passive energy conservation and provides for the efficient use of water and ease of ongoing maintenance;
- (h) Landscaping takes into account utility service protection;
- (i) Weed species and invasive species are eliminated from development sites;
- (j) Landscape design enhances personal safety and incorporates CPTED principles.

9.4.6.3 Criteria for assessment

Table 9.4.6.3.a – Landscaping code –assessable development

Performance outcomes	Acceptable outcomes	Compliance
For self-assessable and assessable development		
Landscaping design		
<p>PO1</p> <p>Development provides landscaping that contributes to and creates a high quality landscape character for the site, street and local areas of the Shire by: (</p> <ul style="list-style-type: none"> (a) promoting the Shire’s character as a tropical environment; (b) softening the built form of development; 	<p>AO1</p> <p>Development provides landscaping:</p> <ul style="list-style-type: none"> (a) in accordance with the minimum area, dimensions and other requirements of applicable development codes; (b) that is designed and planned in a way that meets the guidelines for landscaping outlined in Planning Scheme Policy SC6.7 	<p>Not Applicable</p> <p>No landscaping is required as part of the other development codes.</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>(c) enhancing the appearance of the development from within and outside the development and makes a positive contribution to the streetscape;</p> <p>(d) screening the view of buildings, structures, open storage areas, service equipment, machinery plant and the like from public places, residences and other sensitive development;</p> <p>(e) where necessary, ensuring the privacy of habitable rooms and private outdoor recreation areas;</p> <p>(f) contributing to a comfortable living environment and improved energy efficiency, by providing shade to reduce glare and heat absorption and re-radiation from buildings, parking areas and other hard surfaces;</p> <p>(g) ensuring private outdoor recreation space is useable;</p> <p>(h) providing long term soil erosion protection;</p>	<p>– Landscaping;</p> <p>(c) that is carried out and maintained in accordance with a landscaping plan that meets the guidelines for landscaping outlined in Planning Scheme Policy SC6.7</p> <p>– Landscaping.</p> <p>Note - Planning scheme policy SC6.7 – Landscaping provides guidance on meeting the outcomes of this code. A landscape plan submitted for approval in accordance with the Planning policy is one way to achieve this outcome.</p>	



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Performance outcomes	Acceptable outcomes	Compliance
(i) providing a safe environment; (j) integrating existing vegetation and other natural features of the premises into the development; (k) not adversely affecting vehicular and pedestrian sightlines and road safety		
For assessable development		
PO2 Landscaping contributes to a sense of place, is functional to the surroundings and enhances the streetscape and visual appearance of the development.	AO2.1 No acceptable outcomes are specified. Note - Landscaping is in accordance with the requirements specified in Planning scheme policy SC6.7 – Landscaping.	Not Applicable No landscaping is required as part of the development.
	AO2.2 Tropical urbanism is incorporated into building design. Note – ‘Tropical urbanism’ includes many things such as green walls, green roofs, podium planting and vegetation incorporated into the design of a building	Not Applicable The application is for Reconfiguring a Lot only.



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Performance outcomes	Acceptable outcomes	Compliance
<p>PO3</p> <p>Development provides landscaping that is , as far as practical, consistent with the existing desirable landscape character of the area and protects trees, vegetation and other features of ecological, recreational, aesthetic and cultural value.</p>	<p>AO3.1</p> <p>Existing vegetation on site is retained and incorporated into the site design, wherever possible, utilising the methodologies and principles outline in AS4970-2009 Protection of Trees on Development Sites.</p>	<p>Complies with AO3.1</p> <p>No existing vegetation would be required to be removed to facilitate the development.</p>
	<p>AO3.2</p> <p>Mature vegetation on the site that is removed or damaged during development is replaced with advanced species</p>	<p>Not Applicable</p> <p>No mature vegetation would be required to be removed to facilitate the development.</p>
	<p>AO3.3</p> <p>Where there is an existing landscape character in a street or locality which results from existing vegetation, similar species are incorporated into new development</p>	<p>Not Applicable</p> <p>There is no existing landscape character in the street or locality.</p>
	<p>AO3.4</p> <p>Street trees are species which enhance the landscape character of the streetscape, with</p>	<p>Not Applicable</p> <p>No street trees are required as part of the proposed development.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	species chosen from the Planning scheme policy SC6.7 – Landscaping.	
<p>PO4</p> <p>Plant species are selected with consideration to the scale and form of development, screening, buffering, streetscape, shading and the locality of the area.</p>	<p>A04</p> <p>Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.</p>	<p>Not Applicable</p> <p>No landscaping is required as part of the development.</p>
<p>PO5</p> <p>Shade planting is provided in car parking areas where uncovered or open, and adjacent to driveways and internal roadways.</p>	<p>A05</p> <p>Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.</p>	<p>Not Applicable</p> <p>The application is for Reconfiguring a Lot only.</p>
<p>PO6</p> <p>Landscaped areas are designed in order to allow for efficient maintenance.</p>	<p>A06.1</p> <p>A maintenance program is undertaken in accordance with Planning scheme policy SC6.7 – Landscaping.</p>	<p>Not Applicable</p> <p>No landscaping is required as part of the development.</p>
	<p>A06.2</p> <p>Tree maintenance is to have regard to the ‘Safe Useful Life Expectancy of Trees (SULE). Note – It</p>	<p>Not Applicable</p> <p>No landscaping is required as part of the development.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>may be more appropriate to replace trees with a SULE of less than 20 years (as an example), and replant with younger healthy species</p>	
<p>PO7 Podium planting is provided with appropriate species for long term survival and ease of maintenance, with beds capable of proper drainage.</p>	<p>AO7.1 Podium planting beds are provided with irrigation and are connected to stormwater infrastructure to permit flush out.</p>	<p>Not Applicable The application is for Reconfiguring a Lot only.</p>
	<p>AO7.2 Species of plants are selected for long term performance designed to suit the degree of access to podiums and roof tops for maintenance.</p>	<p>Not Applicable The application is for Reconfiguring a Lot only.</p>
<p>PO8 Development provides for the removal of all weed and invasive species and implement on-going measures to ensure that weeds and invasive species do not reinfest the site and nearby premises</p>	<p>AO8 Weed and invasive species detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person.</p>	<p>Not Applicable No weeds or invasive species have been identified on the site.</p>
<p>PO9</p>	<p>AO9</p>	<p>Not Applicable</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>The landscape design enhances personal safety and reduces the potential for crime and vandalism</p>	<p>No acceptable outcomes are specified. Note - Planning scheme policy SC6.3 – Crime prevention through environmental design (CPTED) provides guidance on meeting this outcome.</p>	<p>No landscaping is required as part of the development.</p>
<p>PO10 The location and type of plant species does not adversely affect the function and accessibility of services and facilities and service areas.</p>	<p>AO10 Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping..</p>	<p>Not Applicable No landscaping is required as part of the development.</p>



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9.4.7 Reconfiguring a lot code

9.4.7.1 Application

(1) This code applies to assessing reconfiguring a lot if:

- (a) assessable development where the code is an applicable code identified in the assessment criteria column of a table of assessment;
- (b) impact assessable development, to the extent relevant.

(2) When using this code, reference should be made to Part 5.

9.4.7.2 Purpose

(1) The purpose of the Reconfiguring a lot code is to regulate development for reconfiguring a lot.

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

- (a) development results in a well-designed pattern of streets supporting walkable communities;
- (b) lots have sufficient areas, dimensions and shapes to be suitable for their intended use taking into account environmental features and site constraints;
- (c) road networks provide connectivity that is integrated with adjoining existing or planned development while also catering for the safe and efficient access for pedestrians, cyclists and for public transport;
- (d) lots are arranged to front all streets and parkland such that development enhances personal safety, traffic safety, property safety and security; and contributes to streetscape and open space quality;
- (e) development does not diminish environmental and scenic values, and where relevant, maintains and enhances public access and use of



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natural areas, rivers, dams, creeks and the foreshore, in a way that protects natural resources;

- (f) people and property are not placed at risk from natural hazards;
- (g) a range of functional parkland, including local and district parks, major areas of parkland with a region-wide focus and open space links are available for the use and enjoyment of residents and visitors to the region;
- (h) the appropriate standard of infrastructure is provided.

9.4.7.3 Criteria for assessment

Table 9.4.7.3.a – Reconfiguring a lot – assessable development

Performance outcomes	Acceptable outcomes	Compliance
General lot design standards		
PO1 Lots comply with the lot reconfiguration outcomes of the applicable Zone code in Part 5	AO1 No acceptable outcomes are prescribed.	Complies with PO1 Refer to the assessment against the rural residential Code.
PO2 New lots are generally rectangular in shape with functional areas for land uses intended by the zone.	AO2 Boundary angles are not less than 45 degrees.	Complies with AO2 No boundary is less than 45 degrees.



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Performance outcomes	Acceptable outcomes	Compliance
<p>PO3</p> <p>Lots have legal and practical access to a public road</p>	<p>AO3</p> <p>Each lot is provided with:</p> <ul style="list-style-type: none"> (a) direct access to a gazetted road reserve; or (b) access to a gazetted road via a formal access arrangement registered on the title. 	<p>Complies with AO3</p> <p>The proposed new lot would be provided with access to a gazetted road via a formal access arrangement registered on title.</p>
<p>PO4</p> <p>Development responds appropriately to its local context, natural systems and site features.</p>	<p>AO4</p> <p>Existing site features such as:</p> <ul style="list-style-type: none"> (a) significant vegetation and trees; (b) waterways and drainage paths; (c) vistas and vantage points are retained and/or are incorporated into open space, road reserves, near to lot boundaries or as common property. 	<p>Complies with AO4</p> <p>No natural feature or existing trees are required to be removed to facilitate the development.</p>
<p>PO5</p> <p>New lots which have the capability of being further reconfigured into smaller lots at a later date are designed to not compromise ultimate development outcomes permitted in the relevant</p>	<p>AO5</p> <p>The ability to further reconfigure land at a later date is demonstrated by submitting a concept plan that meets the planning scheme requirements for the applicable Zone.</p>	<p>Complies with PO5</p> <p>Under the current planning scheme the proposed new lot would not be capable of further reconfiguration.</p> <p>The balance lot would contain an area of 2.0577</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>zone.</p>		<p>hectares and could be further subdivided to provide 4,000m² lots; however, this would be constrained by providing a suitable access for the increase in traffic. If suitable access could be provided the lot configuration proposed as part of this application with the new lot located against the existing boundary and the use of an access easement would provide for further subdivision of the land in a suitable manner.</p> <p>The easement could be extinguished with a new road created through the middle of the site and terminating at a cul-de-sac with new lots off that new road.</p>
<p>PO6</p> <p>Where existing buildings or structures are to be retained, development results in:</p> <ul style="list-style-type: none"> (a) boundaries that offer regular lot shapes and usable spaces; (b) existing improvements complying with current building and amenity standards in 	<p>AO6</p> <p>Development ensures setbacks between existing buildings or structures and proposed boundaries satisfy relevant building standards or zone code requirements, whichever is the greater</p>	<p>Complies with AO6</p> <p>The setback requirements would be satisfied.</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>relation to boundary setbacks.</p> <p>Note - This may require buildings or structures to be modified, relocated or demolished to meet setback standards, resolve encroachments and the like.</p>		
<p>PO7</p> <p>Where rear lots are proposed, development:</p> <ul style="list-style-type: none"> (a) provides a high standard of amenity for residents and other users of the site and adjoining properties; (b) positively contributes to the character of adjoining properties and the area; (c) does not adversely affect the safety and efficiency of the road from which access is gained. 	<p>A07.1</p> <p>Where rear lots are to be established:</p> <ul style="list-style-type: none"> (a) the rear lot is generally rectangular in shape, avoiding contrived sharp boundary angles; (b) no more than 6 lots directly adjoin the rear lot; (c) no more than one rear lot occurs behind the road frontage lot; (d) no more than two access strips to rear lots directly adjoin each other; (e) access strips are located only on one side 	<p>Complies with PO7</p> <p>The proposed new lot would be rectangular in shape and there would be no more than 6 lots adjoining the proposed new lot. However, it would result in two lots behind the frontage lot.</p> <p>Notwithstanding, the proposed new lot would not adversely affect the amenity of the area and given the minor increase in traffic associated with one new lot, it would not adversely affect the safety of the access or road network.</p> <p>If considered necessary the access easement could be sealed to reduce dust nuisance and to</p>



20191378 – 357 Mowbray River Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<p>of the road frontage lot.</p>	<p>ensure that an appropriate standard of access is maintained.</p>
	<p>AO7.2 Access strips to the rear lot have a minimum width dimension of:</p> <ul style="list-style-type: none"> (a) 4.0 metres in Residential Zones. (b) 8.0 metres in Industrial Zones category. (c) 5.0 metres in all other Zones. <p>Note - Rear lots are generally not appropriate in non-Residential or non-Rural zones.</p>	<p>Complies with AO7.2 The access easement would be 6 metres in width.</p>
	<p>AO7.3 Access strips are provided with a sealed pavement of sufficient width to cater for the intended traffic, but no less than:</p> <ul style="list-style-type: none"> (a) 3.0 metres in Residential Zone. (b) 6.0 metres in an Industrial Zone. (c) 3.5 metres in any other Zone. 	<p>Abel to comply with AO7.3 The access is able to be sealed to a minimum width of 3.5 metres if considered necessary.</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>Structure plans Additional requirements for:</p> <ul style="list-style-type: none"> (a) a site which is more than 5,000m² in any of the Residential zones; or within these zones, and (b) creates 10 or more lots; or (c) involves the creation of new roads and/or public use land. or (d) For a material change of use involving: <ul style="list-style-type: none"> (i) preliminary approval to vary the effect of the planning scheme; (ii) establishing alternative Zones to the planning scheme. <p>Note - This part is to be read in conjunction with the other parts of the code</p>		
<p>PO8</p> <p>A structure plan is prepared to ensure that neighbourhood design, block and lot layout, street network and the location and provision on any open space recognises previous planning for the area and its surroundings and integrates appropriately into its surroundings.</p>	<p>AO8.1</p> <p>Neighbourhood design, lot and street layout, and open space provides for, and integrates with, any:</p> <ul style="list-style-type: none"> (a) approved structure plan; (b) the surrounding pattern of existing or approved subdivision. <p>Note - Planning scheme policy SC14– Structure planning provides guidance on meeting the performance outcomes.</p>	<p>Not Applicable</p> <p>The proposal is a two lot subdivision only.</p>
	<p>AO8.2</p> <p>Neighbourhood design, lot and street layouts</p>	<p>Not Applicable</p> <p>The proposal is a two lot subdivision only.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	enable future connection and integration with adjoining undeveloped land.	
<p>PO9</p> <p>Neighbourhood design results in a connected network of walkable streets providing an easy choice of routes within and surrounding the neighbourhood.</p>	<p>AO9.1</p> <p>Development does not establish cul-de-sac streets unless:</p> <ul style="list-style-type: none"> (a) cul-de-sacs are a feature of the existing pattern of development in the area; (b) there is a physical feature or incompatible zone change that dictates the need to use a cul-de-sac streets. 	<p>Not Applicable</p> <p>The proposal is a two lot subdivision only.</p>
	<p>AO9.2</p> <p>Where a cul-de-sac street is used, it:</p> <ul style="list-style-type: none"> (a) is designed to be no longer than 150 metres in length; (b) is designed so that the end of the cul-de-sac is visible from its entrance; (c) provides connections from the top of the culde-sac to other streets for pedestrians and cyclists, where appropriate. 	<p>Not Applicable</p> <p>The proposal is a two lot subdivision only.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>AO9.3 No more than 6 lots have access to the turning circle or turning-tee at the end of a cul-de-sac street</p>	<p>Not Applicable The proposal is a two lot subdivision only.</p>
<p>PO10 Neighbourhood design supports diverse housing choices through block sizes and lot design. In developing areas, significant changes in lot size and frontage occur at the rear of lots rather than on opposite sides of a street.</p>	<p>PO10 No acceptable outcomes are prescribed.</p>	<p>Not Applicable The proposal is a two lot subdivision only.</p>
<p>PO11 Provision of physical and social infrastructure in developing residential neighbourhoods is facilitated through the orderly and sequential development of land. Note - Part 4 – Local government infrastructure plan may identify specific levels of infrastructure to be provided within development sites.</p>	<p>AO11.1 New development adjoins adjacent existing or approved urban development.</p>	<p>Not Applicable The proposal is a two lot subdivision only.</p>
	<p>AO11.2 New development is not established beyond the identified Local government infrastructure plan area.</p>	<p>Not Applicable The proposal is a two lot subdivision only.</p>
<p>Urban parkland and environmental open space</p>		



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Performance outcomes	Acceptable outcomes	Compliance
<p>PO12</p> <p>Where appropriate development maintains and enhances public access and use of natural areas, rivers, dams, creeks and the foreshore.</p>	<p>AO12</p> <p>No acceptable outcomes are prescribed.</p>	<p>Not Applicable</p> <p>The proposal is a two lot subdivision only.</p>
<p>PO13</p> <p>Development provides land to:</p> <ul style="list-style-type: none"> (a) meet the recreation needs of the community; (b) provide an amenity commensurate with the structure of neighbourhoods and land uses in the vicinity; and adjacent to open space areas; (c) provide for green corridors and linkages. 	<p>AO13</p> <p>No acceptable outcomes are prescribed.</p> <p>Note - Part 4 – Priority infrastructure plan and Planning scheme policy SC14 – Structure Plans provides guidance in providing open space and recreation land.</p>	<p>Not Applicable</p> <p>The proposal is a two lot subdivision only.</p>
<p>AO14</p> <p>Lot size, dimensions, frontage and orientation permits buildings to be established that will facilitate casual surveillance to urban parkland and environmental open space.</p>	<p>AO14.1</p> <p>Urban parkland is regular in shape</p>	<p>Not Applicable</p> <p>The proposal is a two lot subdivision only.</p>
	<p>AO14.2</p> <p>At least 75% of the urban parkland's frontage is provided as road.</p>	<p>Not Applicable</p> <p>The proposal is a two lot subdivision only.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>AO14.3 Urban parkland and environmental open space areas are positioned to be capable of being overlooked by surrounding development.</p>	<p>Not Applicable The proposal is a two lot subdivision only.</p>
	<p>AO14.4 Surrounding lots are orientated so that facades will front and overlook the urban parkland and environmental open space.</p>	<p>Not Applicable The proposal is a two lot subdivision only.</p>
	<p>AO14.5 The number of lots that back onto, or are side orientated to the urban parkland and environmental open space is minimised.</p>	<p>Not Applicable The proposal is a two lot subdivision only.</p>
Private subdivisions (gated communities)		
<p>PO15 Private subdivisions (gated communities) do not compromise the establishment of connected and integrated infrastructure and open space networks.</p>	<p>PO15 No acceptable outcomes are prescribed.</p>	<p>Not Applicable The proposal is a two lot subdivision only.</p>



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Performance outcomes	Acceptable outcomes	Compliance
Additional requirements for reconfiguration involving the creation of public streets or roads		
<p>PO16</p> <p>The function of new roads is clearly identified and legible and provides integration, safety and convenience for all users.</p>	<p>AO16</p> <p>No acceptable outcomes are prescribed.</p> <p>Note - The design and construction standards are set out in Planning scheme policy SC5 – FNQROC Regional Development Manual, with reference to the specifications set out in Sections D1 and D3</p>	<p>Not Applicable</p> <p>The proposal is a two lot subdivision only and no public streets would be created.</p>
<p>PO17</p> <p>Street design supports an urban form that creates walkable neighbourhoods. Street design:</p> <ul style="list-style-type: none"> (a) is appropriate to the function(s) of the street; (b) meets the needs of users and gives priority to the needs of vulnerable users. 	<p>AO17</p> <p>No acceptable outcomes are prescribed.</p>	<p>Not Applicable</p> <p>The proposal is a two lot subdivision only and no public streets would be created.</p>
Public transport network		
<p>PO18</p> <p>Development provides a street pattern that caters for the extension of public transport routes and</p>	<p>AO18</p> <p>No acceptable outcomes are prescribed.</p>	<p>Not Applicable</p> <p>The proposal is a two lot subdivision only and no public streets would be created.</p>



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Performance outcomes	Acceptable outcomes	Compliance
<p>infrastructure including safe pedestrian pick-up and set-down up facilities.</p>		
<p>Pest Plants</p>		
<p>PO19 Development activities and sites provide for the removal of all pest plants and implement ongoing measures to ensure that pest plants do not reinfest the site or nearby sites. Editor's note - This does not remove or replace all land owner's obligations or responsibilities under the Land Protection (Pest and Stock Route Management) Act 2002.</p>	<p>AO19 Pest plants detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person prior to earthworks commencing. Note - A declaration from an appropriately qualified person validates the land being free from pest plants. Declared pest plants include locally declared and State declared pest plants.</p>	<p>Not Applicable No pest plants have been detected on site.</p>



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9.4.9 Vegetation management code

9.4.9.1 Application

(1) This code applies to assessing operational works for vegetation damage if:

- (a) assessable development where the code is an applicable code identified in the assessment criteria column of a table of assessment; (
- (b) impact assessable development, to the extent relevant.

(2) When using this code, reference should be made to Part 5.

9.4.9.2 Purpose

(1) The purpose of the Vegetation management code is achieved through the overall outcomes.

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

- (a) vegetation is protected from inappropriate damage;
- (b) where vegetation damage does occur it is undertaken in a sustainable manner;
- (c) significant trees are maintained and protected;
- (d) biodiversity and ecological values are protected and maintained;
- (e) habitats for rare, threatened and endemic species of flora and fauna are protected and maintained;
- (f) landscape character and scenic amenity is protected and maintained;
- (g) heritage values are protected and maintained.



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9.4.9.3 Criteria for assessment

Table 9.4.9.3.a – Vegetation Management – assessable development

Performance outcomes	Acceptable outcomes	Compliance
For self-assessable and assessable development		
<p>PO1 Vegetation is protected to ensure that:</p> <ul style="list-style-type: none"> (a) the character and amenity of the local area is maintained; (b) vegetation damage does not result in fragmentation of habitats; (c) vegetation damage is undertaken in a sustainable manner; (d) the Shire’s biodiversity and ecological values are maintained and protected; (e) vegetation of historical, cultural and / or visual significance is retained; (f) vegetation is retained for erosion prevention and slope stabilisation 	<p>AO1.1 Vegetation damage is undertaken by a statutory authority on land other than freehold land that the statutory authority has control over;</p> <p>or</p>	<p>Not Applicable No vegetation is required to be removed to facilitate the development.</p>
	<p>AO1.2 Vegetation damage is undertaken by or on behalf of the local government on land controlled, owned or operated by the local government;</p> <p>or</p>	<p>Not Applicable No vegetation is required to be removed to facilitate the development.</p>
	<p>AO1.3 Vegetation damage, other than referenced in AO1.1 or AO1.2 is the damage of:</p>	<p>Not Applicable No vegetation is required to be removed to facilitate the development.</p>



20191378 – 357 Mowbray River Road

Performance outcomes	Acceptable outcomes	Compliance
	<p>(a) vegetation declared as a pest pursuant to the Land Protection (Pest and Stock Route Management) Act 2002; or</p> <p>(b) vegetation identified within the local government’s register of declared plants pursuant to the local government’s local laws; or</p> <p>(c) vegetation is located within a Rural zone and the trunk is located within ten metres of an existing building; or</p> <p>(d) vegetation is located within the Conservation zone or Environmental management zone and the trunk is located within three metres of an existing or approved structure, not including a boundary fence;.</p> <p>or</p>	
	<p>AO1.4 Vegetation damage that is reasonably necessary for carrying out work that is:</p>	<p>Not Applicable No vegetation is required to be removed to facilitate the development.</p>



20191378 – 357 Mowbray River Road

Performance outcomes	Acceptable outcomes	Compliance
	<p>(a) authorised or required under legislation or a local law;</p> <p>(b) specified in a notice served by the local government or another regulatory authority;</p> <p>or</p>	
	<p>AO1.5</p> <p>Vegetation damage for development where the damage is on land the subject of a valid development approval and is necessary to give effect to the development approval;</p> <p>or</p>	<p>Not Applicable</p> <p>No vegetation is required to be removed to facilitate the development.</p>
	<p>AO1.6</p> <p>Vegetation damage is in accordance with an approved Property Map of Assessable Vegetation issued under the Vegetation Management Act 1999;</p> <p>or</p>	<p>Not Applicable</p> <p>No vegetation is required to be removed to facilitate the development.</p>



20191378 – 357 Mowbray River Road

Performance outcomes	Acceptable outcomes	Compliance
	<p>AO1.7 Vegetation damage is essential to the maintenance of an existing fire break; or</p>	<p>Not Applicable No vegetation is required to be removed to facilitate the development.</p>
	<p>AO1.8 Vegetation damage is essential to prevent interference to overhead service cabling; or</p>	<p>Not Applicable No vegetation is required to be removed to facilitate the development.</p>
	<p>AO1.9 Vegetation damage is for an approved Forest practice, where the lot is subject to a scheme approved under the Vegetation Management Act 1999; or</p>	<p>Not Applicable No vegetation is required to be removed to facilitate the development.</p>
	<p>AO1.10 Vegetation damage is undertaken in accordance with section 584 of the Sustainable Planning Act</p>	<p>Not Applicable No vegetation is required to be removed to facilitate the development.</p>



20191378 – 357 Mowbray River Road

Performance outcomes	Acceptable outcomes	Compliance
	2009.	
	<p>AO1.11 Vegetation damage where it is necessary to remove one tree in order to protect an adjacent more significant tree (where they are growing close to one another).</p>	<p>Not Applicable No vegetation is required to be removed to facilitate the development.</p>
	<p>AO1.12 Private property owners may only remove dead, dying, structurally unsound vegetation following receipt of written advice from, at minimum, a fully qualified Certificate V Arborist. A copy of the written advice is to be submitted to Council for its records, a minimum of seven business days prior to the vegetation damage work commencing.</p>	<p>Not Applicable No vegetation is required to be removed to facilitate the development.</p>
<p>PO2 Vegetation damaged on a lot does not result in a nuisance.</p>	<p>AO2.1 Damaged vegetation is removed and disposed of at an approved site; or</p>	<p>Not Applicable No vegetation is required to be removed to facilitate the development.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>AO2.2 Damaged vegetation is mulched or chipped if used onsite.</p>	<p>Not Applicable No vegetation is required to be removed to facilitate the development.</p>
<p>For assessable development</p>		
<p>PO3 Vegetation damage identified on the Places of significance overlay lot does not result in a negative impact on the site's heritage values</p>	<p>AO3 No acceptable outcomes are prescribed.</p>	<p>Not Applicable No vegetation is required to be removed to facilitate the development.</p>



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Building Certification Services*

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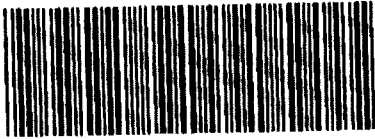
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FORM 9 Version 2
Land Title Act 1994 and Land Act 1994

QUEENSLAND LAND REGISTRY
Page 1 of 3

EASEMENT

Stamp Duty Imprint



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CS 600

Queensland Stamp Duty Paid	
13A-CCR:01	
19/1/99	
\$1.50	

1. Grantor	Lodger Name, address & phone number	Lodger Code
ANTON PISOT & INEZ PISOT	Greer & Timms PO Box 57 Port Douglas Qld 4871 (07) 40995 995	738

2. Description of Easement/Lot	County	Parish	Title Reference
Servient Tenement (burdened land)			
Easement A in Lot 94 on SP121802	Solander	Mowbray	18806012 18806020 to issue

***Dominant Tenement (benefited land)**

Lot 95 on SP121802	Solander	Mowbray	to issue
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* not applicable if easement in gross

3. Interest being burdened	*4. Interest being benefited
Fee Simple	Fee Simple
	* not applicable if easement in gross

5. Grantee	Given names	Surname/Company name and number	(include tenancy if more than one)
	ANTON INEZ	PISOT AND PISOT	

6. Consideration	7. Purpose of easement
\$1.00	Right of Way and Services

8. Grant/Execution

The Grantor for the above consideration grants to the Grantee the easement over the servient tenement for the purpose stated in item 7 and the Grantor and Grantee covenant with each other in terms of the attached schedule.

Witnessing Officer	Execution Date	Grantor's Signature
X signature	28/10/99	
DOUGLAS LEONARD WISEMAN full name		Inez Pisot
J.P. QUALIFIED 56433 qualification		
as per Schedule 1 of Land Title Act 1994 (eg Legal Practitioner, JP, C.Dec)		

Witnessing Officer	Execution Date	Grantee's Signature
signature	28/10/99	
DOUGLAS LEONARD WISEMAN full name		Inez Pisot
J.P. QUALIFIED 56433 qualification		
as per Schedule 1 of Land Title Act 1994 (eg Legal Practitioner, JP, C.Dec)		

Title Reference to issue

This is the Schedule referred to in Easement dated November 1999 , Title Reference 18806020 & 18806012

It is covenanted between the parties to the above Easement as follows:-

1.1 INTERPRETATION AND DEFINITIONS

This Easement shall be construed as provided in this clause and the words and phrases set out below shall unless the context otherwise requires have the meanings respectively attributed to them -

"the Dominant Tenement" means the Dominant Tenement referred to in Item (2) of the Form 9 Easement as the Dominant Tenement.

"this Easement" means this Schedule together with the Form 9 Easement.

"the Grantee" means the Registered Owner from time to time of the Dominant Tenement.

"the Grantor" means the Registered Owner from time to time of the Servient Tenement.

"Servient Tenement" means the Land referred to in Item (2) of the Form 9 Easement as the Servient Tenement, being Easement A in Lot 94 on SP121802.

1.2 Every Covenant Agreement or Obligation expressed or implied in this Easement by which two or more persons covenant agree or are bound, shall bind such persons jointly and each of them severally and every provision expressed or implied in this Easement which applies to two or more persons shall apply to such persons jointly and each of them severally.

1.3 Words denoting the singular number only shall include the plural number and vice versa and words importing the masculine or neuter gender shall include all other genders and words denoting individuals only shall include corporations.

1.4 Headings have been included for ease of reference and guidance and this Easement shall be construed without reference to them.

2. GRANT OF EASEMENT - RIGHT OF WAY AND SERVICES

2.1 Grant of Easement

The Grantor hereby grants to the Grantee:-

(a) The full and free right of way and passage over the Servient Tenement for the purpose of access (ingress and egress) to and from the Dominant Tenement at all times hereafter by day or night at the will of the Grantee with or without motor vehicles or other vehicles of any description laden or unladen, into, along and over the Servient Tenement for all purposes whatsoever in connection with the use and enjoyment of the Dominant Tenement to have and to hold the same as an Easement appurtenant to the said Dominant Tenement and every part thereof without interference or hindrance of any kind from the Grantor its successors in title and assigns; and

(b) The free right, liberty and licence from time to time and at all times hereafter to use the Servient Tenement or any part or parts thereof for drainage purposes and the provision of normal domestic services to the Dominant Tenement (including but not limited to water supply pipeline, electricity transmission, telephone, gas and other services) and for such purposes to construct and install all such electric cables, ducts, fittings, pipes and other equipment used in connection therewith as shall

Title Reference to issue

from to time be required in and through or under the Servient Tenement and to inspect, maintain and/or repair, reconstruct and replace same.

2.2 No Obstruction

The Grantor shall ensure that the Servient Tenement remains unobstructed at all times except for such reasonable times whilst any work associated with the construction, maintenance or repair of the Servient Tenement is being carried out.

Maintenance

2.3 The Grantor and the Grantee shall be equally responsible for the maintenance and reparation of the Servient Tenement and shall keep the Servient Tenement in good repair and condition and free of noxious weeds on the same basis. The Grantee shall be solely responsible for the maintenance and reparation of all services constructed or installed by the Grantee on the Servient Tenement.

2.4 In the event of any dispute between the parties as to whether maintenance work is required, the nature of the works or the person who is to carry out the work, then the dispute shall on the written reference of either party (a copy of which shall be served on the other party) be referred to a Civil Engineer to be agreed upon between the parties and, if no agreement is reached, to be appointed by the President for the time being of the Institute of Engineers of Australia (Queensland Division). The Civil Engineer shall give his decision in writing as an expert which decision shall bind both parties and shall be deemed to have formed part of this Easement as from the date of execution of this Easement.

3. GENERAL

Costs

3.1 The costs and expenses of and incidental to the preparation, stamping and registration of this Easement shall be borne and paid by the Grantee.

Grantor to Procure Registration

3.2 Each of the parties to this Easement will do all such acts necessary to enable this Easement to be registered.

3.3 The benefit and burden of this Easement and of the Covenants Agreements and Stipulations contained herein, shall pass with and bind the Dominant and Servient Tenements respectively so as to enure for the benefit of and bind all persons deriving title from or through the Grantor and the Grantee respectively including but not limited to the Registered Owners for the time being of all lots in any subdivision or reconfiguration (whether by way of Standard Format Plan, Building Format Plan or otherwise) comprising the Dominant Tenement or the Servient Tenement their servants, agents, workmen, visitors and licensees.

3.4 If requested by the other, the Grantor and Grantee shall from time to time execute all Deeds and other instruments and do all other things for further assuring to the other the rights intended to be conferred by this Easement.

1. Description of Lot	County	Parish	Title Reference
Lot 94 on SP 121802	Solander	Mowbray	to issue

2. Instrument being consented to


Instrument type	Easement
Dated	
Names of parties	ANTON PISOT AND INEZ PISOT - Grantor & Grantee

3. Instrument under which consent required

Dealing Type	Mortgage
Dealing No.	700299817
Name of consenting party	THE NATIONAL BANK OF AUSTRALASIA LIMITED

4. Execution by consenting party

The party identified in item 3 consents to the registration of the instrument identified in item 2.

Witnessing Officer
 J.P. signature
RICHARD DANIEL KENYON full name
JUSTICE OF PEACE qualification
as per Schedule 1 of Land Title Act 1994 (eg Legal Practitioner, JP, C.Dec)

Execution Date
28/10/99.

Consenting Party's Signature


1. Description of Lot	County	Parish	Title Reference
Lot 94 on SP 121802	Solander	Mowbray	to issue

2. Instrument being consented to

Instrument type	Easement
Dated	
Names of parties	ANTON PISOT AND INEZ PISOT - Grantor & Grantee

3. Instrument under which consent required

Dealing Type	Not Applicable
Dealing No.	Not Applicable
Name of consenting party	THE DOUGLAS SHIRE COUNCIL as Relevant Local Government

4. Execution by consenting party

The party identified in item 3 consents to the registration of the instrument identified in item 2.

Witnessing Officer

Execution Date

Consenting Party's Signature

.....
Nicole Susan Wood signature
 NIKOLE SUSAN WOOD full name
 J.P. (QUAL) qualification
 as per Schedule 1 of Land Title Act 1994 (eg Legal Practitioner, JP, C.Dec)

16/11/99

.....
[Signature]
 A/ Mayor



.....
[Signature]
 The Chief Executive Officer