

3 May 2024



Town Planning and Project Services

Chief Executive Officer  
Douglas Shire Council  
64-66 Front Street  
MOSSMAN QLD 4873

Via email: [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au)

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**RE: DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE (SERVICE STATION) AND RECONFIGURATION OF A LOT (BOUNDARY REALIGNMENT) OVER LAND AT 3910 CAPE TRIBULATION ROAD, CAPE TRIBULATION, MORE FORMALLY DESCRIBED AS LOT 0 AND 4 ON SP219085 WHICH FORM PART OF THE WORLD HERITAGE COMMUNITY TITLE SCHEME 39715**

Aspire Town Planning and Project Services act on behalf of on behalf of MFB Properties (NQ) Pty Ltd (the 'Applicant' and 'Land Owner' of Lot 4 on SP219085) in relation to the above described Development Application. The registered landowners, being the Body Corporate for World Heritage Community Title Scheme 39715, have given written consent to the lodgement of this Development Application.

On behalf of the Applicant, please accept this correspondence and the accompanying attachments as a properly made Development Application pursuant to Sections 50 and 51 of the *Planning Act 2016* seeking a Development Permit for a Material Change of Use (Service Station) and Reconfiguring a Lot (Boundary Realignment).

Please find enclosed the following documentation associated with this Development Application:

- Duly completed DA Form 1 (Attachment 1);
- Land Owner's Consent (Attachment 2); and
- Town Planning Report (Attachment 3).

The applicable Application Fee is clearly defined within the Building, Planning and Plumbing Fee Schedule 2023/24. The proposed Service Station consists of two bowsters and an awning, no additional floor area. It is therefore recommended that Council apply the base fee of \$1,875.00 for the Material Change of Use aspect. The proposed Reconfiguration of a Lot (Boundary Realignment) aspect triggers a fee of \$1,061.00. We respectfully request that Council confirm the applicable fee and issue an invoice for payment directly by the Applicant.

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Thank you for your time in considering the attached Development Application. If you wish to inspect the property or have any further queries, please contact the undersigned.

Regards,

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line and a small flourish.

Daniel Favier

**Senior Town Planner**

**ASPIRE Town Planning and Project Services**

## **Attachment I**

**Duly completed DA Form I**

# DA Form 1 – Development application details

Approved form (version 1.4 effective 15 December 2023) 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 only 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) (individual or company full name)	MFB Properties (NQ) Pty Ltd
Contact name (only applicable for companies)	c/- Daniel Favier T/A Aspire Town Planning and Project Services
Postal address (P.O. Box or street address)	PO Box 1040
Suburb	Mossman
State	QLD
Postcode	4873
Country	Australia
Contact number	0418 826 560
Email address (non-mandatory)	admin@aspireqld.com
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	2024-01-01 - MFB Properties (NQ) Pty Ltd - 3910 Cape Tribulation Road, Cape Tribulation

2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input 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
		3910	Cape Tribulation Road	Cape Tribulation
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	0	SP219085	Douglas Shire
b)	Unit No.	Street No.	Street Name and Type	Suburb
		3910	Cape Tribulation Road	Cape Tribulation
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	4	SP219085	Douglas Shire

#### 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.

- ☐ 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 the details of these premises have been attached in a schedule to this development application  
☒ Not required

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

<input type="checkbox"/> In or adjacent to a water body or watercourse or in or above an aquifer
Name of water body, watercourse or aquifer:
<input type="checkbox"/> On strategic port land under the <i>Transport Infrastructure Act 1994</i>
Lot on plan description of strategic port land:
Name of port authority for the lot:
<input type="checkbox"/> In a tidal area
Name of local government for the tidal area (if applicable):
Name of port authority for tidal area (if applicable):
<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>
Name of airport:

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

**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):*

Service Station

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):*

Boundary Realignment

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 checked="" 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 <i>DA Form 2 – Building work details</i>

### 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 <sup>2</sup> ) (if applicable)
Underground fuel storage, 2 bowzers and an open sided canopy	Service Station	0	0
8.2) Does the proposed use involve the use of existing buildings on the premises?			
<input type="checkbox"/> Yes			
<input checked="" 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?	
2	
9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)	
<input type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input checked="" type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed 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				
10.2) Will the subdivision be staged?				
<input type="checkbox"/> Yes – provide additional details below				
<input type="checkbox"/> 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 <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )
Lot 4 on SP219085	14,380	Proposed Lot 4	14,580
Lot 0 on SP219085	10,620	Proposed Lot 0	10,420
12.2) What is the reason for the boundary realignment?			
To incorporate the proposed Service Station within Lot 4.			

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

### 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"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
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 type="checkbox"/> No	
14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)	
\$	

## 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?
<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application <input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached <input checked="" type="checkbox"/> No

## PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have 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 Act 2016:**

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure-related referrals – designated premises
- ☐ Infrastructure-related referrals – state transport infrastructure
- ☐ Infrastructure-related referrals – State transport corridor and future State transport corridor
- ☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure-related referrals – near a state-controlled road intersection
- ☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- ☐ Koala habitat in SEQ region – key resource areas
- ☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- ☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
- ☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
- ☐ Ports – Brisbane core port land – hazardous chemical facility
- ☐ Ports – Brisbane core port land – taking or interfering with water
- ☐ Ports – Brisbane core port land – referable dams
- ☐ Ports – Brisbane core port land – fisheries
- ☐ Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- ☐ 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
- ☐ SEQ northern inter-urban break – tourist activity or sport and recreation activity
- ☐ SEQ northern inter-urban break – community activity
- ☐ SEQ northern inter-urban break – indoor recreation
- ☐ SEQ northern inter-urban break – urban activity
- ☐ SEQ northern inter-urban break – 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 – 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 has been devolved to local government)*

☐ Heritage places – Local heritage places

Matters requiring referral to the **Chief Executive of the distribution entity or transmission entity**:

☐ Infrastructure-related referrals – Electricity infrastructure

Matters requiring referral to:

- 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

☐ Infrastructure-related referrals – Oil and gas infrastructure

Matters requiring referral to the **Brisbane City Council**:

☐ Ports – Brisbane core port land

Matters requiring referral to the **Minister responsible for administering the *Transport Infrastructure Act 1994***:

☐ Ports – Brisbane core port land *(where inconsistent with the Brisbane port LUP for transport reasons)*

☐ Ports – Strategic port land

Matters requiring referral to the **relevant port operator**, if applicant is not port operator:

☐ Ports – Land within Port of Brisbane's port limits *(below high-water mark)*

Matters requiring referral to the **Chief Executive of the relevant port authority**:

☐ Ports – Land within limits of another port *(below high-water mark)*

Matters requiring referral to the **Gold Coast Waterways Authority**:

☐ Tidal works or work in a coastal management district *(in Gold Coast waters)*

Matters requiring referral to the **Queensland Fire and Emergency Service**:

☐ Tidal works or work in a coastal management district *(involving a marina (more than six vessel berths))*

**18) Has any referral agency provided a referral response for this development application?**

☐ Yes – referral response(s) received and listed below are attached to this development application

☒ 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 this development application, or include details in a schedule to this development application *(if applicable)*.

## PART 6 – INFORMATION REQUEST

**19) Information request under Part 3 of the DA Rules**

☒ I agree to receive an information request if determined necessary for this development application

☐ I do not agree to accept an information request for this development application

**Note:** By not agreeing to accept an information request I, the applicant, acknowledge:

- 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
- Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.

Further advice about information requests is contained in the [DA Forms Guide](#).

## PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)

- ☐ Yes – provide details below or include details in a schedule to this development application  
☒ 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)

- ☐ Yes – a copy of the receipted QLeave form is attached to this development application  
☒ 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  
☐ 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 (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

- ☐ Yes – show cause or enforcement notice is attached  
☒ No

23) Further legislative requirements

### **Environmentally relevant activities**

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 *Environmental Protection Act 1994*?

- ☐ 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  
☒ No

**Note:** Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at [www.qld.gov.au](http://www.qld.gov.au). An ERA requires an environmental authority to operate. See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			

- ☐ Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

### **Hazardous chemical facilities**

23.2) Is this development application for a **hazardous chemical facility**?

- ☐ Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application  
☒ No

**Note:** See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information about hazardous chemical notifications.

### **Clearing native vegetation**

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](http://www.qld.gov.au) for further information on environmental offsets.

### **Koala habitat in SEQ Region**

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

☐ Yes – the development application involves premises in the koala habitat area in the koala priority area

☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area

☒ No

**Note:** If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at [www.des.qld.gov.au](http://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](http://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](http://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](http://www.dnrme.qld.gov.au) and [www.business.qld.gov.au](http://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](http://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](http://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](http://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](http://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

### Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation

23.16) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

☐ Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered

☒ No

**Note:** See guidance materials at [www.planning.dsdmip.qld.gov.au](http://www.planning.dsdmip.qld.gov.au) for further information.

## 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

☒ Yes

**Note:** See the Planning Regulation 2017 for referral requirements

If building work is associated with the proposed development, Parts 4 to 6 of [DA Form 2 – Building work details](#) have been completed and attached to this development application

☐ Yes

☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is with the development application

**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](#).

☒ Yes

Relevant plans of the development are attached to this development application

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

☒ Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)

☒ Yes

☐ Not applicable

### 25) Applicant declaration

☒ By making this development application, I declare that all information in this development application is true and correct

☒ 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 *Electronic Transactions Act 2001*

**Note:** It is unlawful to intentionally provide false or misleading information.

**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 *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – 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	

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 (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

## **Attachment 2**

### **Land Owner's Consent**

**Owner's consent to the making of a development application under the  
*Planning Act 2016***

I, **MARK BIANCOTTI**

The Chair

and the Secretary

of the Body Corporate mentioned below.

World Heritage Community Titles Scheme 39715

being the owner of the premises identified as follows:

Common Property at 3910 Cape Tribulation Road, Cape Tribulation, formally described as  
Lot 0 on SP219085

consent to the making of a development application under the *Planning Act 2016* by:

MFB Properties (NQ) Pty Ltd

on the premises described above for:

The purpose of a Material Change of Use (Service Station)

And Reconfiguring a Lot (Boundary Realignment)

Body Corporate Name: World Heritage Community Titles Scheme 39715

*M Beamioth*

Signature of Chair

*2/5/24*

Date

Signature of Secretary

Date

## **Attachment 3**

### **Town Planning Report**



# Town Planning Report

3910 CAPE TRIBULATION ROAD, CAPE TRIBULATION

**3 May 2024**

**ASPIRE Town Planning and Project Services**

**Authored by: Daniel Favier**

**Ref: 2024-01-01 – MFB Properties (NQ) Pty -**

**3910 Cape Tribulation Road, Cape Tribulation**



# Executive Summary

Aspire Town Planning and Project Services act on behalf of MFB Properties (NQ) Pty Ltd (the 'Applicant' and registered owner of Lot 4 on SP219805). The registered landowners of Lot 0 on SP219805, being the Body Corporate for the World Heritage Community Title Scheme 39715, have given written consent to the lodgement of this Development Application.

This Development Application is for a Material Change of Use (Service Station), over land at 3910 Cape Tribulation Road, Cape Tribulation, more formally described as Lot 0 on SP219805 which is Common Property under the World Heritage Community Title Scheme 39715. The Development Application also involves a Reconfiguration of a Lot (Boundary Realignment) to include the proposed Service Station within Lot 4.

Under the Douglas Shire Planning Scheme 2018 V1.0 (the 'planning scheme'), the site is within the Conservation Zone and furthermore under the Cape Tribulation and Daintree Coast Local Plan the site is within the Cape Tribulation Precinct 6 - Low Impact Tourism Accommodation Precinct. Within the Conservation Zone, the proposed development for a Service Station and Boundary Realignment is Impact Assessable (Inconsistent Use).

The small community of Cape Tribulation faces unique challenges, particularly evident in the aftermath of Cyclone Jasper. With recent isolation due to damaged infrastructure, the need for a Service Station and reliable fuel supply becomes paramount. A Service Station at this location not only ensures the accessibility of essential resources but also serves as a lifeline for the community's resilience and recovery efforts. In times of crisis, such as post-cyclone scenarios, having a local fuel source eliminates the logistical complexities and delays associated with barge and helicopter deliveries. It bolsters emergency response capabilities, enabling quick mobilisation of aid and resources to support residents, businesses, and critical services. Moreover, a dependable fuel supply fosters a sense of security and self-sufficiency, empowering the community to navigate future challenges with greater ease and efficiency. Thus, establishing a Service Station becomes not just a convenience but a vital necessity for the small but resilient Cape Tribulation community.

This Town Planning Report includes a comprehensive assessment of the proposed development against the relevant Local Government Assessment Benchmarks. The information provided in this report, and accompanying attachments, demonstrates that the proposed development achieves compliance with the applicable provisions of the relevant Local Government Assessment Benchmarks and is presented to Douglas Shire Council ('Council') for approval. It would be appreciated if Council could provide 'without prejudice' draft conditions for review prior to the issue of a Decision Notice.

# 1.0 Summary

Table 1: Application Summary.

<b>Street Address</b>	3910 Cape Tribulation Road, Cape Tribulation
<b>Lot and Plan</b>	Lot 0 on SP219085 Lot 4 on SP219085
<b>Land Owner</b>	Lot 0: The Body Corporate for World Heritage Community Title Scheme 39715 Lot 4: MFB Properties (NQ) Pty Ltd
<b><i>See Attachment 1 – Certificate of Title</i></b>	
<b>Road Frontages Generally</b>	93.959m to Cape Tribulation Road (sealed gazette road) 242.265m to Avalon Street (unformed gazetted road)
<b>Easements</b>	Easement A on SP219085: Access and Services Easement through Lot 4 benefiting Lots 1-3
<b>Environmental and Contaminated Land Register</b>	To the best of common knowledge the site is not listed on the EMR or CLR
<b>Current Approved Use Generally</b>	Based on review of Council's Development Applications Online Portal, the approved uses across the entire site (Lots 0-4 on SP219085) include: <ul style="list-style-type: none"> <li>- Caravan Park</li> <li>- General License Premises – Tavern (Restaurant/Bar)</li> <li>- Take Away Food (Bottle Shop)</li> <li>- Shop/Kiosk</li> <li>- Telecommunications Facility</li> </ul> The Common Property area where the development is proposed is currently used as open vehicle circulation and parking area
<b>Proposal</b>	<ul style="list-style-type: none"> <li>- Service Station including up to 2 bowzers and freestanding awning</li> <li>- Boundary Realignment</li> </ul>
<b>Approvals Sought</b>	Development Permit
<b>Level of Assessment</b>	Impact Assessable
<b>Planning Scheme Zone</b>	Conservation
<b>Local Plan</b>	Cape Tribulation and Daintree Coast Local Plan (Cape Tribulation Precinct 6 - Low Impact Tourism Accommodation Precinct)
<b>Regional Plan Designation</b>	Regional Landscape and Rural Production Area
<b>State Planning Policy</b>	Appropriately reflected within the Douglas Shire Planning Scheme 2018
<b>State Development Assessment Provisions</b>	Nil

<b>Referral</b>	Nil
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This Development Application is for a Material Change of Use (Service Station), over land at 3910 Cape Tribulation Road, Cape Tribulation, more formally described as Lot 0 on SP219805 which is currently Common Property under the World Heritage Community Title Scheme 39715. The Community Title Scheme is not active. Lots 1-4 on SP219805 are held under common ownership, the scheme was established a number of years ago when the land owner had other development intentions. The application includes a Reconfiguration of a Lot (Boundary Realignment) to facilitate the option of including the proposed Service State within Lot 4, otherwise the Landowner may decide to dissolve the World Heritage Community Title Scheme 39715.

The proposed development is unlike a traditional Service Station. It is a low key and scale development which includes a 6m x 6m canopy, with two pumping bowsers. It is likely that the facility will be self service, however may include an option for payment at the PK Jungle Village Reception. The Service Station does not propose a retail component or illuminated pylon signs. The development is discrete and in keeping with the scale and character of the locality.

## 2.0 Site Description

The subject site at 3910 Cape Tribulation Road, Cape Tribulation is located 35km north of the Daintree Ferry by road and is located within the main township and economic focal point of Cape Tribulation. The site is commonly and locally known as PK's Jungle Village and also accommodates a Convenience Store and communications tower.

Whilst the site has sealed frontage to Cape Tribulation Road (93.959m), secondary unsealed road frontage is available along Avalon Street (242.265m). Pedestrian access only is available via Avalon Street as vehicle access is restricted due to the location of a Council playground within the road reserve.

The World Heritage Community Title Scheme 39715 has an overall area of 25,001m<sup>2</sup> however the proposed development is isolated to a small area of Common Property within the existing setback area from Cape Tribulation Road.

The site slopes gently from west to east. The area of the proposed development is cleared of vegetation and currently forms part of the driveway access.



Image 1: Subject Site and Development Area (source: QLD Globe, 2024)

## 3.0 Proposal

This Development Application Seeks approval for a Development Permit for a Material Change of Use (Service Station) over land at 3910 Cape Tribulation Road, Cape Tribulation and more formally described as Common Property under the World Heritage Community Title Scheme 39715 or Lot 0 on SP219085.

The Development Application also seeks approval for a Development Permit for Reconfiguring a Lot (Boundary Realignment) to include the proposed Service Station within Lot 4 on SP219085 (PK Jungle Village).

The proposed development is unlike a traditional Service Station. It is a low key and scale development consisting of a basic 6m x 6m canopy over two central bowzers. The Proposal Plans illustrate a two bowser arrangement, however the Applicant may opt for a single dual sided bowser. The diffidence between a single and double bowser is immaterial and should not affect the Development Application.

The facility will be self service, however will include an option to switch so that payment can be made at the PK Jungle Village reception. The Service Station does not propose a retail component or illuminated pylon signs. The development is discrete and in keeping with the scale and character of the locality.

The bowser canopy is a 6m x 6m skillion, with a tapered roofline varying in height from approximately 4.5m to 5.3m. The proposed fuel storage is within an underground tank with capacity for 30,000L storage comprising 11,200L premium unleaded petrol, 11,200 unleaded petrol and 12,000 diesel. Refueling will be by body truck as illustrated on the Proposal Plans. The refueling truck can be parked onsite without interfering with traffic flow. Parking spaces will be temporarily blocked however this can be managed onsite either by timing deliveries outside of peak traffic days/hours or restricting access to the parking bays in advance of a fuel delivery.

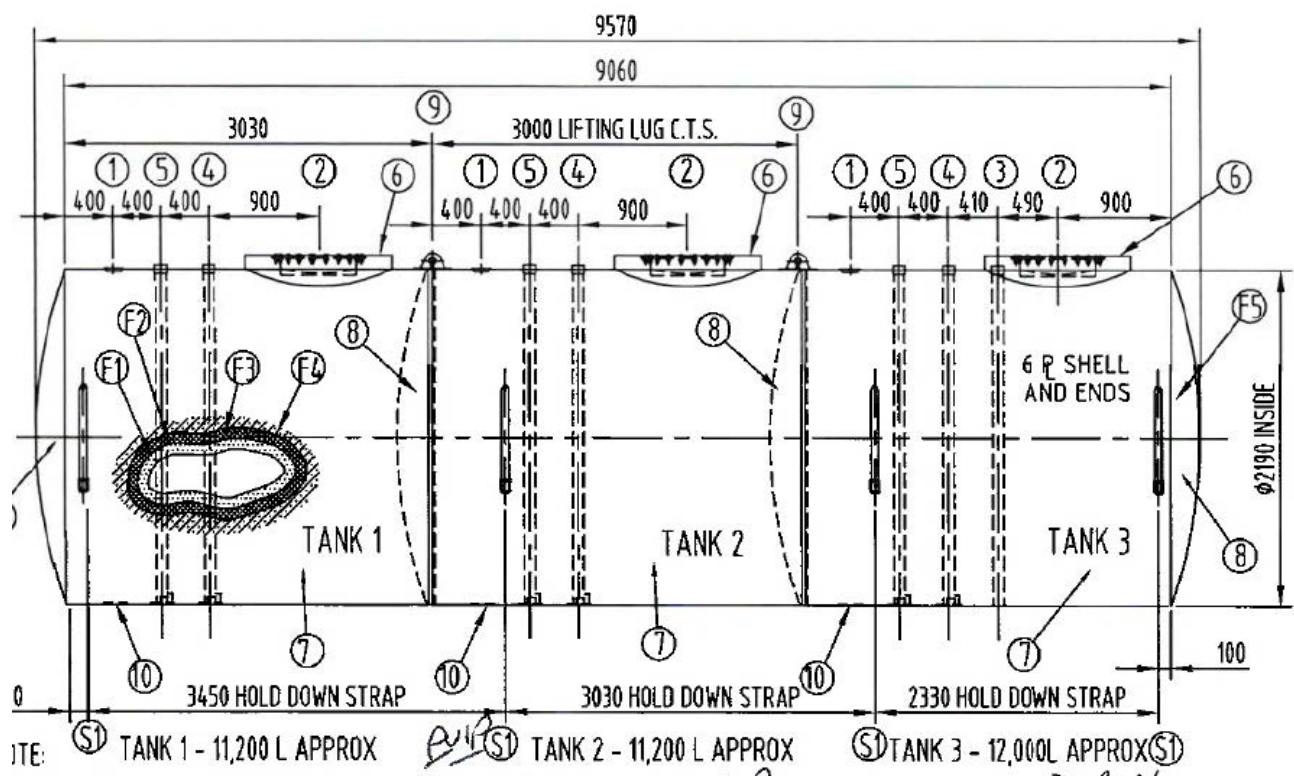
The design maintains the existing 90 degree vehicle parking along the site frontage. The use of the bowser adjacent will temporarily restrict access to a limited number of spaces, however this may be managed onsite, in that these spaces are reserved for staff. Regardless, if the bowzers are occupied, the waiting period for the driveway to clear would be only short.

Sufficient customer queuing areas are accommodated within the design. The development does not impact upon the level of existing onsite parking and given there is no retail component, does not require the provision of additional dedicated onsite parking.



The proposed boundary around the Service Station (Proposed Part Lot 4) is approximately 200m<sup>2</sup> and allows for vehicle circulation through the site without need for easements.

Further refer to the Proposal Plans included under **Attachment 2**.



**Image 2: Typical Storage Tank**

## 4.0 Statutory Town Planning Framework

### 4.1 Planning Act 2016

The *Planning Act 2016* (the 'Planning Act') is the statutory instrument for the State of Queensland under which, amongst other matters, Development Applications are assessed by Local Governments. The Planning Act is supported by the *Planning Regulation 2017* (the 'Planning Regulation'). The following sections of this report discuss the parts of the Planning Act and Planning Regulation applicable to the assessment of a development application.

#### 4.1.1 Approval and Development

Pursuant to Sections 49, 50 and 51 of the Planning Act, the Development Application seeks a Development Permit for Material Change of Use (Service Station) and Reconfiguring a Lot (Boundary Realignment).

#### 4.1.2 Application

The proposed development is:

- development that is located completely in a single local government area;
- development made assessable under a local categorising instrument; and
- for a Material Change of Use and Reconfiguring a Lot,

In accordance with Section 48 of the Planning Act and Schedule 8, Table 2, Item 1 of the Planning Regulation, the development application is required to be made to the applicable Local Government, in this instance being Douglas Shire Council (the 'Council').

#### 4.1.3 Referral

Section 54(2) of the Planning Act and Section 22 and Schedules 9 and 10 of the Planning Regulation provide for the identification of the jurisdiction of referral agencies, to which a copy of the development application must be provided. A review of the Development Assessment Mapping System confirms the site is within the Wetland Protection Area Trigger Area and within 200m of a Wetland. However as the development does not involve more than 100m<sup>3</sup> of earthworks the application does not trigger referral under the Planning Regulation. The development is expected to require approximately 40m<sup>3</sup> of excavation to install the underground tank.

#### 4.1.4 Public Notification

Section 53(1) of the Planning Act provides that an applicant must give notice of a Development Application where any part is subject to Impact Assessment or where it is an application, which includes a variation request.

The Development Application is subject to Impact Assessment and therefore Public Notification of the Development Application is required.

Aspire Town Planning and Project Services will coordinate Public Notification at the appropriate time.

#### 4.1.5 Assessment Framework

An Impact Assessable Development Application is required in this instance. Section 45(5) of the Planning Act provides that:

*“(5) An impact assessment is an assessment that—*

*(a) must be carried out—*

*(i) against the assessment benchmarks in a categorising instrument for the development; and*

*(ii) having regard to any matters prescribed by regulation for this subparagraph; and*

*(b) may be carried out against, or having regard to, any other relevant matter, other than a person’s personal circumstances, financial or otherwise.*

*Examples of another relevant matter—*

- *a planning need*
- *the current relevance of the assessment benchmarks in the light of changed circumstances*
- *whether assessment benchmarks or other prescribed matters were based on material errors”*

The Douglas Shire Planning Scheme 2018 v1.0 (the ‘Planning Scheme’) is the applicable local categorising instrument.

Section 30 of the Planning Regulation provides the following assessment benchmarks for the purposes of Section 45(5) (a) of the Planning Act:



*“(1) For section 45(5)(a)(i) of the Act, the impact assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.*

*(2) Also, if the prescribed assessment manager is the local government, the impact assessment must be carried out against the following assessment benchmarks—*

*(a) the assessment benchmarks stated in—*

*(i) the regional plan for a region; and*

*(ii) the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*

*(iii) a temporary State planning policy applying to the premises;*

*(b) if the development is not in a local government area—any local planning instrument for a local government area that may be materially affected by the development;*

*(c) if the local government is an infrastructure provider—the local government’s LGIP.*

*(3) However, an assessment manager may, in assessing development requiring impact assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.”*

Section 27 of the Planning Regulation provides matters for the purposes of Section 45(3)(b) of the Planning Act:

*“(1) For section 45(5)(a)(ii) of the Act, the impact assessment must be carried out having regard to—*

*(a) the matters stated in schedules 9 and 10 for the development; and*

*(b) if the prescribed assessment manager is the chief executive—*

*(i) the strategic outcomes for the local government area stated in the planning scheme; and*

*(ii) the purpose statement stated in the planning scheme for the zone and any overlay applying to the premises under the planning scheme; and*

*(iii) the strategic intent and desired regional outcomes stated in the regional plan for a region; and*

*(iv) the State Planning Policy, parts C and D; and*

- (v) for premises designated by the Minister—the designation for the premises; and*
- (c) if the prescribed assessment manager is a person other than the chief executive or the local government—the planning scheme; and*
- (d) if the prescribed assessment manager is a person other than the chief executive—*
  - (i) the regional plan for a region; and*
  - (ii) the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
  - (iii) for designated premises—the designation for the premises; and*
- (e) any temporary State planning policy applying to the premises; and*
- (f) any development approval for, and any lawful use of, the premises or adjacent premises; and*
- (g) the common material.*

*(2) However—*

- (a) an assessment manager may, in assessing development requiring impact assessment, consider a matter mentioned in subsection (1) only to the extent the assessment manager considers the matter is relevant to the development; and*
- (b) if an assessment manager is required to carry out impact assessment against assessment benchmarks in an instrument stated in subsection (1), this section does not require the assessment manager to also have regard to the assessment benchmarks.”*

The following sections of this Report discuss the applicable assessment benchmarks and applicable matters in further detail.

## **4.2 Far North Queensland Regional Plan 2009-2031**

The Far North Queensland Regional Plan 2009 - 2031 ('the Regional Plan') is intended to guide and manage the region's development and to address key regional environmental, social, economic and urban objectives. The site falls within the area to which the Regional Plan applies. The Regional Plan is

identified in the Planning Scheme as being appropriately integrated in the scheme. The Regional Plan is therefore not applicable to the assessment of the development application.

## 4.3 State Planning Policy

The State Planning Policy ('the SPP') was released on 2 December 2013 and replaced all previous State Planning Policies. The SPP has since been revised, with new versions released on 2 July 2014, 29 April 2016 and 3 July 2017. The April 2016 version of the SPP is identified in the Planning Scheme as being appropriately integrated. Whilst the SPP has been amended since April 2016 version, it is considered that the policy content and outcomes contained within the SPP, to the extent they are relevant and applicable to the proposed development, have not been sufficiently amended to require the reconsideration of the SPP separately.

## 4.4 Temporary State Planning Policies

There are currently no temporary State Planning Policies in effect in Queensland.

## 4.5 Douglas Shire Planning Scheme 2018 v1.0

The Planning Scheme came into effect on 2 January 2018 and is the applicable planning scheme to the Douglas Local Government Area. It is noted that the Planning Scheme was drafted under the *Sustainable Planning Act 2009* ('the SPA'). The interpretation of the Planning Scheme with respect to the proposed development is therefore based on the transitional provisions of the Planning Act.

### 4.5.1 Strategic Framework

The Strategic Framework sets the policy direction for the Planning Scheme and forms the basis for ensuring appropriate development occurs within the Shire for the life of the Planning Scheme. The proposed development is Impact assessable and an assessment against the Strategic Framework has been undertaken. Table 2 below includes an assessment against each of these the Six Themes.

**Table 2: Assessment against Overall Outcomes**

Strategic Framework	Assessment Response
<b>3.4 Theme 1: Settlement Pattern</b>	
3.4.1 Strategic Outcomes	<b>Complies.</b> The proposed development is appropriately located within the existing commercial and tourist focal point of Cape Tribulation which is identified as a Tourist Node under the Strategic Framework Mapping. The development is discrete, low scale and in keeping with

	the character of the area. The development does not require vegetation clearing or any environmental damage and maintains the existing natural and scenic qualities of the landscape.
3.4.2 Element – Urban Settlement	<b>Not Applicable.</b> The subject site is not located within an Urban Area.
3.4.3 Element – Activity Centres	<b>Not Applicable.</b> The subject site is not located within an Activity Centre.
3.4.4 Element – Industrial Areas	<b>Not Applicable.</b> The subject site is not located within an Industrial Area.
3.4.5 Element – Residential Areas and Activities	<b>Not Applicable.</b> The subject site is not located within a Residential Area.
3.4.6 Element – Rural Residential Areas	<b>Not Applicable.</b> The subject site is not located within a Rural Residential Area.
3.4.7 Element – Mitigation of Hazards	<b>Complies.</b> The small community of Cape Tribulation faces unique challenges, particularly evident in the aftermath of Cyclone Jasper. With recent isolation due to damaged infrastructure, the need for a Service Station and reliable fuel supply becomes paramount. A Service Station at this location not only ensures the accessibility of essential resources but also serves as a lifeline for the community's resilience and recovery efforts. In times of crisis, such as post-cyclone scenarios, having a local fuel source eliminates the logistical complexities and delays associated with barge and helicopter deliveries. It bolsters emergency response capabilities, enabling quick mobilisation of aid and resources to support residents, businesses, and critical services. Moreover, a dependable fuel supply fosters a sense of security and self-sufficiency, empowering the community to navigate future challenges with greater ease and efficiency. Thus, establishing a Service Station becomes not just a convenience but a vital necessity for the small but resilient Cape Tribulation community.
3.4.8 Element – Recognition of Rights and Interests of Native Title Land Holders	<b>Not Applicable.</b> Not relevant to the proposed development.
<b>3.5 Theme 2 – Environmental and Landscape Values</b>	
3.5.1 Strategic Outcomes	<b>Complies.</b> The proposed development is located with an existing disturbed area of the site currently used for driveway

	access and parking. No vegetation clearing, environmental impacts or will result from the development. Environmental risks of the development may be managed through a Site Based Management Plan which may be conditional of the development proceeding. The design of the development is low scale and in keeping with the character of the area.
3.5.2 Element – Aboriginal Cultural Heritage Values	<b>Not Applicable.</b> Not relevant to the proposed development.
3.5.3 Element – Biodiversity	<b>Complies.</b> The development does not impact upon biodiversity values. The area of the proposed development is cleared and does not display any matters of environmental significance. Environmental risks of the development may be managed through a Site Based Management Plan which may be conditional of the development proceeding.
3.5.4 Element – Coastal Zones	<b>Complies.</b> The development is sited as far possible landward on the site and does not impact upon coastal resources, including foreshores, coastal wetlands, mangroves, marine ecosystems and sand dunes. The area of the proposed development is outside of mapped erosion prone areas. Environmental risks of the development may be managed through a Site Based Management Plan which may be conditional of the development proceeding.
3.5.5 Element – Scenic Amenity	<b>Complies.</b> Cape Tribulation Road is identified as a Scenic Route. The proposed development is a basic awning structure and is collocated adjacent other existing built infrastructure. The Service Station does not include an additional retail element or large illuminated pylon signage. It is considered that the development will not detract from the scenic landscape.
3.5.6 Element Air and Acoustic Protection and Hazardous Materials	<b>Not Applicable.</b> The development is not involve heavy industry.
<b>3.6 Theme 3 – Natural Resource Management</b>	
3.6.1 Strategic Outcomes	<b>Complies.</b> The proposed development does not immediately impact upon natural resources of the Shire. Environmental risks of the development may be

	managed through a Site Based Management Plan which may be conditional of the development proceeding.
3.6.2 Element – Land and Catchment Management	<b>Complies.</b> Environmental risks of the development may be managed through a Site Based Management Plan which may be conditional of the development proceeding.
3.6.3 Element – Primary Production, Forestry and Fisheries	<b>Complies.</b> Environmental risks of the development may be managed through a Site Based Management Plan which may be conditional of the development proceeding.
3.6.4 Element – Resource Extraction	<b>Not Applicable.</b> The development is not involve resource extraction.
<b>3.7 Theme 4 – Strong Communities and Identity</b>	
3.7.1 Strategic Outcomes	<b>Complies.</b> The design of the development is low scale and will not impact upon the character of the area or sense of place. The subject site represents the most practical and logical location for the proposed development given it is an existing cleared and disturbed site and collocated with other buildings.
3.7.2 Element – Social Planning and Infrastructure	<b>Not Applicable.</b>
3.7.3 Element – Active Communities	<b>Not Applicable.</b>
3.7.4 Element – Sense of Place, Community and Identity	<b>Complies.</b> The design of the development is low scale and will not impact upon the character of the area or sense of place. The subject site represents the most practical and logical location for the proposed development given it is an existing cleared and disturbed site and collocated with other buildings.
3.7.5 Element – Housing Choice and Affordability	<b>Not Applicable.</b>
3.7.6 Element – Arts and Culture	<b>Not Applicable.</b>
3.7.7 Element – Cultural and Landscape Heritage	<b>Not Applicable.</b>
3.7.8 Element – Strengthening Indigenous Communities	<b>Not Applicable.</b>
<b>3.8 Theme 5 – Economy</b>	
3.8.1 Strategic Outcomes	<b>Complies.</b> Establishment of a local Service Station supports the local community, businesses and tourist visitors. The

	proposed development supports and strengthens the local economy.
3.8.2 Element – Economic Growth and Diversification	<b>Complies.</b> Establishment of a local Service Station supports the local community, businesses and tourist visitors. The proposed development supports and strengthens the local economy.
3.8.3 Element – Tourism	<b>Complies.</b> Establishment of a local Service Station supports the local community, businesses and tourist visitors. The proposed development supports and strengthens the local economy.
3.8.4 Element – Primary Production	<b>Not Applicable.</b>
3.8.5 Element – Innovation and Technology	<b>Not Applicable.</b>
<b>3.9 Theme 6 – Infrastructure and Transport</b>	
3.9.1 Strategic Outcomes	<b>Complies.</b> The site is accessed directly via Cape Tribulation Road. The development is low scale and displays appropriate connection to infrastructure. Appropriate internal areas are available for parking, queuing and circulation.
3.9.2 Element – Energy	<b>Complies.</b> The site is self sufficient in terms of power supply.
3.9.2 Element – Water and Waste Management	<b>Complies.</b> Water management will be further addressed under a Site Based Management Plan.
3.9.3 Element – Transport	<b>Complies.</b> Appropriate internal areas are available for parking, queuing and circulation. The development will not impact on the local transport network.
3.9.5 Element – Information Technology	<b>Not Applicable.</b>

#### 4.5.2 Zone

The subject site is located within the Conservation Zone. The other accompanying sites to the Development Application are included within the Industry Zone and Rural Zone. The following map extract identifies the zoning of the land (refer to Image 5).

The purpose of the Conservation Zone *“is to provide for the protection, restoration and management of areas identified as supporting significant biological diversity and ecological integrity.”* The area of

the subject site over which the development is proposed is cleared of vegetation. The proposed development will not impact upon significant biological diversity and ecological integrity.

An assessment of the proposed development against the Conservation Zone Overall Outcomes is provided within Table 3 below.

**Table 3: Assessment against Overall Outcomes**

<b>Overall Outcome</b>	<b>Assessment Response</b>
<i>Biological diversity, ecological integrity and scenic amenity are protected.</i>	<b>Complies.</b> The area of the site over which the development is cleared of vegetation and currently functions as a internal driveway. The area of the site does not display any biological diversity, ecological integrity or scenic amenity values.
<i>Any recreational or other uses of areas that are in the control of the Crown, or the Council, such as reserves, national parks and the Wet Tropics World Heritage Area or areas adjacent to these areas, are consistent with the management plans of the controlling authority so that conservation and scenic values of these areas are not adversely affected.</i>	<b>Complies.</b> The subject site adjoins private freehold land to the north, Esplanade to the east and road reserve to the south and west.
<i>Any use of land in private ownership does not affect the environmental, habitat, conservation or scenic values of that land or surrounding area.</i>	<b>Complies.</b> The risks of the development on the surrounding area will be managed under a site specific Site Based Management Plan. The development is discrete and in keeping in scale and character with the surrounding area and would not impact on scenic values.
<i>Any low intensity facilities based on the appreciation of the natural environment or nature based recreation only establish where there is a demonstrated need and provided they have a minimal impact on the environmental and scenic amenity values of the site or surrounding area.</i>	<b>Not Applicable.</b>
<i>The provisions of the Return to Country Local Plan facilitate economic and social opportunities on traditional Indigenous lands</i>	<b>Not Applicable.</b>



<i>Further lot reconfigurations other than amalgamations, boundary realignments to resolve encroachments, or for the practical needs of essential community infrastructure, or to facilitate Return to Country outcomes do not occur.</i>	<b>Not Applicable.</b>
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### 4.5.3 Local Plan

The subject site is located within the Cape Tribulation and Daintree Coast Local Plan – Precinct 6 Low Impact Tourism Accommodation Precinct. The purpose of Precinct 6 is to recognise existing small-scale tourist accommodation and ancillary low key activities, based on and compatible with an appreciation of the natural environment and permit their continued use.

The proposed development is a low key service which supports the local and tourist industry. It is considered that the proposed development is located within an appropriate and practical location which does not compromise the ongoing use of the site for accommodation purposes. The area within which the development is proposed, currently provides for vehicle circulation and parking and would not normally be used for accommodation.

Given the location of the site and characteristics it is considered that the proposed development is an acceptable alternative land use within Precinct 6 Low Impact Tourism Accommodation Precinct.

Further assessment against the Local Plan Code is included under **Attachment 3**.

### 4.5.4 Overlays

The Table 4 below identifies the applicable Overlays pertaining to the area of the subject site within which the Service Station is proposed. Further assessment against the relevant Overlay Codes is included under **Attachment 3**.

**Table 4: Applicable Overlays**

Overlay	Sub-category
Acid Sulfate Soils	Acid Sulfate Soils (5m-20m)
Bushfire Hazard	Potential Impact Buffer
Flood and Storm Tide Hazard Overlay	Flood Plain Assessment Overlay (Daintree River)
Landscape Values Overlay	Scenic Route Buffer Landscape Values (Medium and High)
Transport Pedestrian Cycle	Iconic Recreation Route
Transport Road Hierarchy	Access Road Sub Arterial Road

#### **4.5.5 Category of Assessment**

Pursuant to Part 5 of the Planning Scheme, a Development Application for a Material Change of Use (Service Station) and Reconfiguring a Lot (Boundary Realignment) in the Conservation Zone is identified as Assessable Development, to which Impact Assessment is applicable.

The category of assessment of the proposed development is not otherwise altered by the Planning Scheme.

## 6.0 Conclusion

This Report accompanies an application by MFB Properties (NQ) Pty Ltd, seeking a Development Permit for a Material Change of Use (Service Station) and Reconfiguring a Lot (Boundary Realignment) over land at 3910 Cape Tribulation Road, Cape Tribulation, more formally described as Lots 0 and 4 on SP219805 which is respectively Common Property under the World Heritage Community Title Scheme 39715 and land owned by MFB Properties (NQ) Pty Ltd.

This application is lodged pursuant to sections 49, 50 and 51 of the Planning Act.

Assessment of the proposed development against the applicable planning framework has been undertaken in order to assess potential impacts and compliance of the proposed development with the relevant assessment criteria. The information provided in this Report (and accompanying attachments) demonstrates that the proposed development largely complies with the applicable provisions of the relevant planning framework; where conflicts exist, suitable alternative solutions are provided to support approval of the development application.

If Council requires any further information, either formally or informally, throughout the assessment of the Development Application please contact Aspire Town Planning and Project Services. Prior to the determination of the Development Application it would be greatly appreciated if Council could provide a suite of Draft Conditions to facilitate discussion and reach a mutually favourable outcome.

# **Attachment 1**

## **Certificate of Title**

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>50759262</b>	<b>Search Date:</b>	23/04/2024 13:52
<b>Date Title Created:</b>	02/03/2009	<b>Request No:</b>	47796218
<b>Previous Title:</b>	21170201		

#### LAND DESCRIPTION

COMMON PROPERTY OF WORLD HERITAGE COMMUNITY TITLES SCHEME 39715

COMMUNITY MANAGEMENT STATEMENT 39715

Local Government: DOUGLAS

#### REGISTERED OWNER

Dealing No: 712230331 19/02/2009

BODY CORPORATE FOR WORLD HERITAGE COMMUNITY TITLES  
SCHEME 39715

BODY CORPORATE SERVICES  
PO BOX 5134  
CAIRNS QLD 4870

#### EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20654199 (POR 1)
2. REQUEST FOR NEW CMS No 712662304 14/08/2009 at 10:23  
New COMMUNITY MANAGEMENT STATEMENT 39715  
SMALL SCHEMES MODULE
3. LEASE No 720002050 09/04/2020 at 11:08  
OPTUS MOBILE PTY LIMITED A.C.N. 054 365 696  
OF LEASE P ON SP315409  
TERM: 01/12/2019 TO 30/11/2029 OPTION NIL
4. TRANSFER No 722370943 24/03/2023 at 14:41  
LEASE: 720002050  
LEASE: 720002064  
AUSTRALIA TOWER NETWORK PTY LIMITED A.C.N. 643 875 165
5. LEASE No 720002064 09/04/2020 at 11:13  
OPTUS MOBILE PTY LIMITED A.C.N. 054 365 696  
OF LEASE P ON SP315409  
TERM: 01/12/2029 TO 30/11/2039 OPTION NIL
6. LEASE No 720162890 20/07/2020 at 11:00  
TELSTRA CORPORATION LIMITED A.B.N. 33 051 775 556  
OF LEASE T ON SP232167  
TERM: 01/03/2020 TO 28/02/2030 OPTION NIL
7. TRANSFER No 722573844 28/06/2023 at 12:25  
LEASE: 720162890  
LEASE: 720162898  
TELSTRA LIMITED A.C.N. 086 174 781
8. LEASE No 720162898 20/07/2020 at 11:01  
TELSTRA CORPORATION LIMITED A.B.N. 33 051 775 556  
OF LEASE T ON SP232167  
TERM: 01/03/2030 TO 29/02/2040 OPTION NIL

#### ADMINISTRATIVE ADVICES

NIL

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

Title Reference:	50759262
------------------	----------

**UNREGISTERED DEALINGS**

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>50759266</b>	<b>Search Date:</b>	03/05/2024 06:48
<b>Date Title Created:</b>	02/03/2009	<b>Request No:</b>	47893639
<b>Previous Title:</b>	21170201		

#### ESTATE AND LAND

Estate in Fee Simple

LOT 4 SURVEY PLAN 219085

Local Government: DOUGLAS

COMMUNITY MANAGEMENT STATEMENT 39715

#### REGISTERED OWNER

Dealing No: 712230331 19/02/2009

M.F.B. PROPERTIES (NQ) PTY LTD A.C.N. 101 980 303  
UNDER INSTRUMENT 706185220

TRUSTEE

#### EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20654199 (POR 1)
2. EASEMENT No 712230336 19/02/2009 at 10:38  
burdening the land to  
LOTS 1-3 ON SP219085  
OVER EASEMENT A ON SP219085
3. MORTGAGE No 721372328 22/12/2021 at 15:06  
NATIONAL AUSTRALIA BANK LIMITED A.C.N. 004 044 937

#### ADMINISTRATIVE ADVICES

NIL

#### UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*

# **Attachment 2**

## **Proposal Plans**





1 Aerial Site & Locality Plan  
1 : 1000

### Property Description

Lot 0 On SP 219085 ( Common property )

Locality - Cape Tribulation

Douglas Shire Council

### GENERAL NOTES

1. Refer any discrepancy to designer for written instructions
2. All work to be in accordance with the B.C.A. Class 1 & 10.
3. Plumbing & Drainage to comply with AS/NZS 3500.
4. Footings to comply with AS 2870.
5. Glazing to comply with AS 1288.
6. Cold formed steel to comply with AS/NZS 4600.
7. Timber framing to comply with AS 1684.3-2006.
8. Termite treatment: Timber to be preservative treated (L.O.S.P.) in accordance with AS 3660-2000.
9. Stormwater to be discharged to council regulations.
10. All structural fixed bolts, nuts and washers to be hot dipped galvanised.
11. Confirm all joinery fit-out details with proprietor prior to construction.



Description  
Date  
Number

### Notes

All work must be in accordance with Local Authority By-laws and the "Building Construction Code of Australia". The Builder should verify all dimensions on site before commencing any work. TAKE FIGURED DIMENSIONS IN PREFERENCE TO SCALED

IF IN DOUBT ASK !!

### Client

**MFB  
Properties  
(NQ) Pty Ltd**

### Project

**Proposed  
Service Station**

### Location

**3910 Cape Tribulation  
Road  
Cape Tribulation**

### Design Wind Classification - C2

Date February 2024

Drawn Max Slade

Scale 1 : 1000

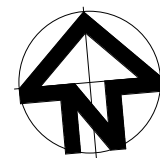
### Job No.

**M24 - 4970**

A.B.N. No. 16 010 608 321  
Max Slade Designs Pty. Ltd.  
QBSA Lic. No. 659479  
Builder - Low Rise  
Building Designer - Medium Rise  
Phone 07 40 91 2099  
maxslade@bigpond.net.au

Sheet No. Sheet Name.

**A100 SITE PLAN**



Concept #1b 24 04 24



Description  
Date  
Number

Notes

All work must be in accordance with Local Authority By-laws and the "Building Construction Code of Australia". The Builder should verify all dimensions on site before commencing any work. TAKE FIGURED DIMENSIONS IN PREFERENCE TO SCALED

IF IN DOUBT ASK !!

Client

**MFB Properties (NQ) Pty Ltd**

Project

**Proposed Service Station**

Location

**3910 Cape Tribulation Road  
Cape Tribulation**

Design Wind Classification - C2

Date February 2024

Drawn Author

Scale 1 : 1000

Job No.

**M24 - 4970**

A.B.N. No. 16 010 608 321

Max Slade Designs Pty. Ltd.

QBSA Lic. No. 659479

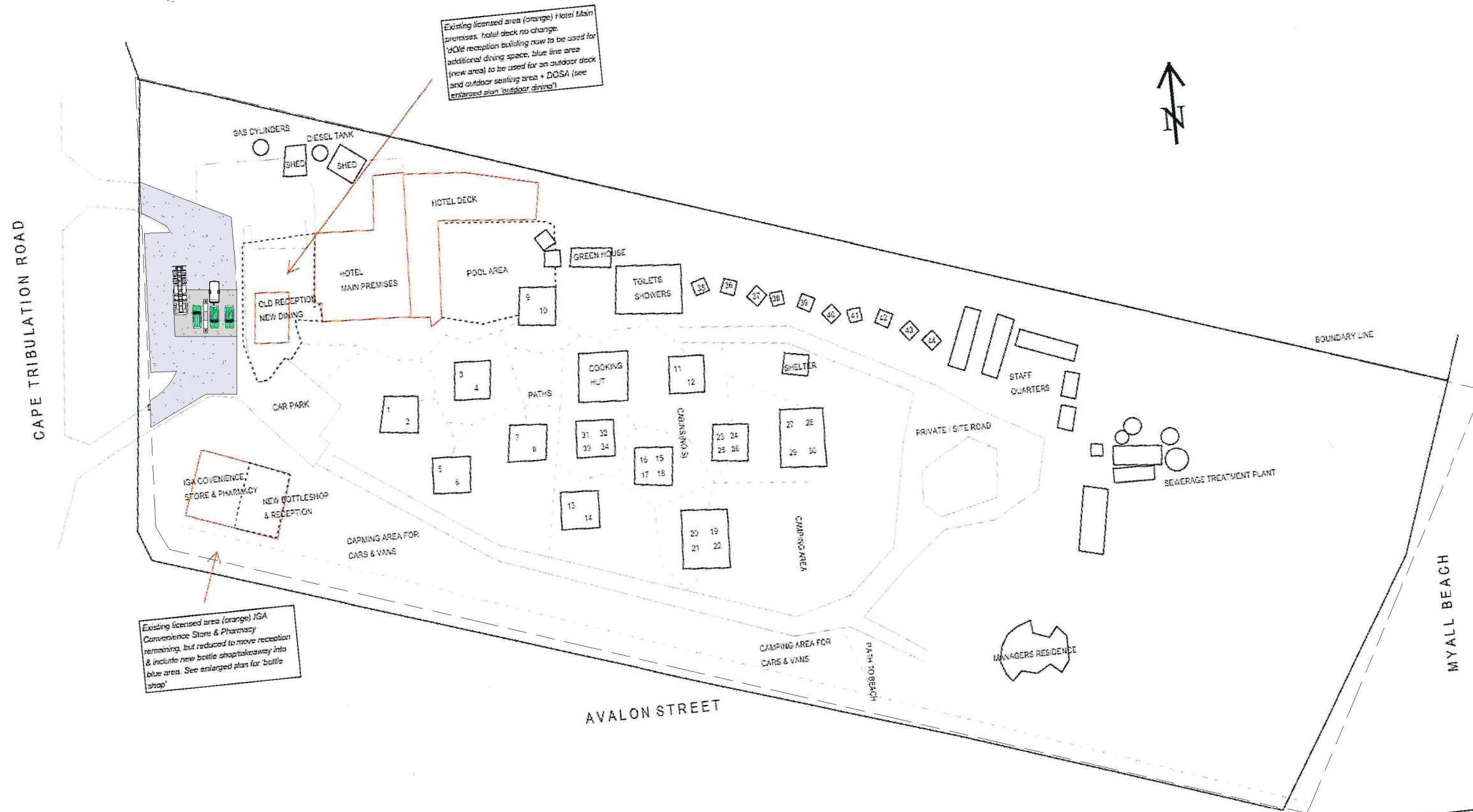
Builder - Low Rise

Building Designer - Medium Rise

Phone 07 40 91 2099

maxslade@bigpond.net.au

Concept #1b 24 04 24



1 True North  
1 : 1000

Sheet No. Sheet Name.

**A101 Overall Site Plan**





All work must be in accordance with Local Authority By-laws and the "Building Construction Code of Australia"  
The Builder should verify all dimensions on site before commencing any work.  
**TAKE FIGURED DIMENSIONS IN PREFERENCE TO SCALED**

Client

Project 1

**Concept #1b 24 04 24**

Design Wind Classification - C2

Date	February 2024
------	---------------

Drawn	Author
-------	--------

Scale 1 : 500

Job No. \_\_\_\_\_

M24 - 4970

**A.B.N. No. 16 010 608 321**  
**Max Slade Designs Pty. Ltd.**  
**QBSA Lic. No. 659479**  
**Builder - Low Rise**  
**Building Designer - Medium Rise**  
**Phone 07 40 91 2099**  
**maxslade@bigpond.net.**

Sheet No.      Sheet Name.

## A102 Survey Site Plan



**Beatrice Street  
Atherton 4883  
maxslade@bigpond.net.au**

23/04/2024 10:00:47 AM

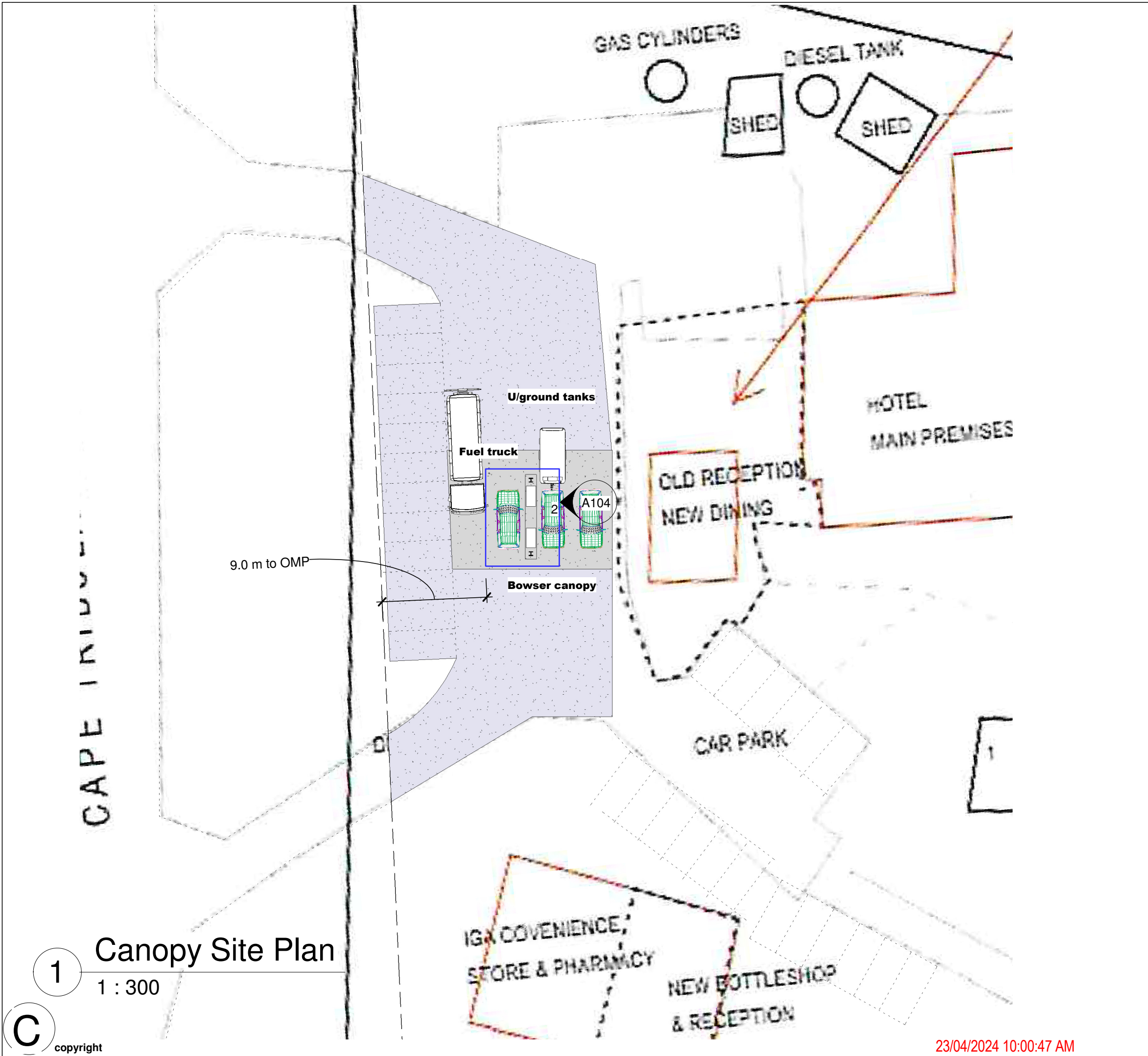
© copyright

1

# Survey Site Plan

1 : 500





Description  
Date  
Number

Notes

All work must be in accordance with Local Authority By-laws and the "Building Construction Code of Australia". The Builder should verify all dimensions on site before commencing any work. TAKE FIGURED DIMENSIONS IN PREFERENCE TO SCALED

IF IN DOUBT ASK !!

Client

**MFB  
Properties  
(NQ) Pty Ltd**

Project

**Proposed  
Service Station**

Location

**3910 Cape Tribulation  
Road  
Cape Tribulation**

Design Wind Classification - C2

Date February 2024

Drawn Max Slade

Scale 1 : 300

Job No.

**M24 - 4970**

A.B.N. No. 16 010 608 321  
Max Slade Designs Pty. Ltd.  
QBSA Lic. No. 659479  
Builder - Low Rise  
Building Designer - Medium Rise

Phone 07 40 91 2099  
maxslade@bigpond.net.au

Concept #1b 24 04 24

Sheet No. Sheet Name.

**A103 CANOPY SITE PLAN**



1

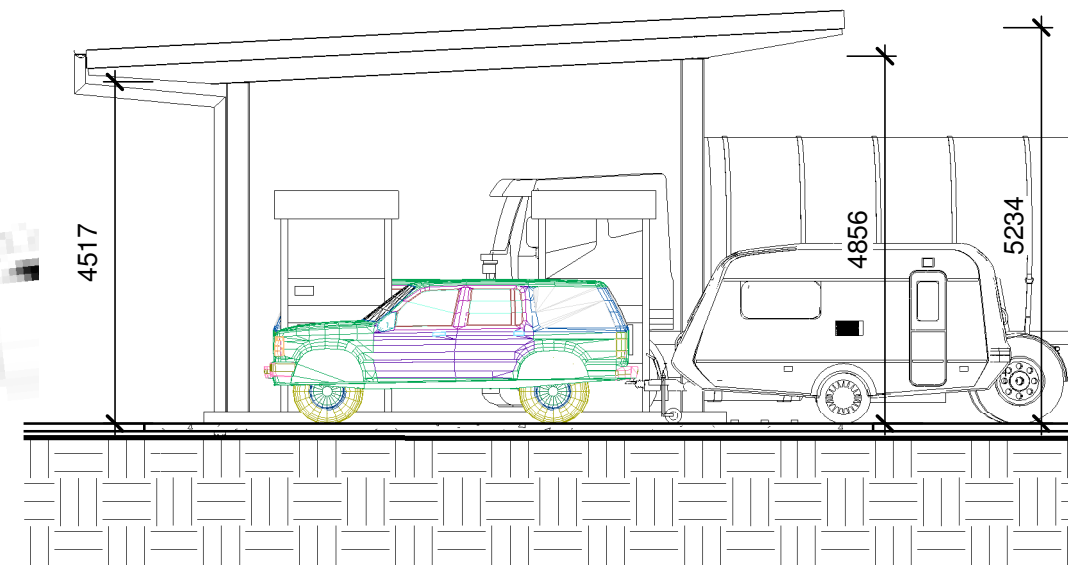
Canopy Site Plan

1 : 300

C

copyright

23/04/2024 10:00:47 AM



Description		
Date		
Number		
Notes		
All work must be in accordance with Local Authority By-laws and the "Building Construction Code of Australia". The Builder should verify all dimensions on site before commencing any work. TAKE FIGURED DIMENSIONS IN PREFERENCE TO SCALED		
IF IN DOUBT ASK !!		

Client  
**MFB Properties (NQ) Pty Ltd**

Project  
**Proposed Service Station**

Location  
**3910 Cape Tribulation Road Cape Tribulation**

Design Wind Classification - C2

Date February 2024

Drawn Max Slade

Scale 1 : 100

Job No.  
**M24 - 4970**

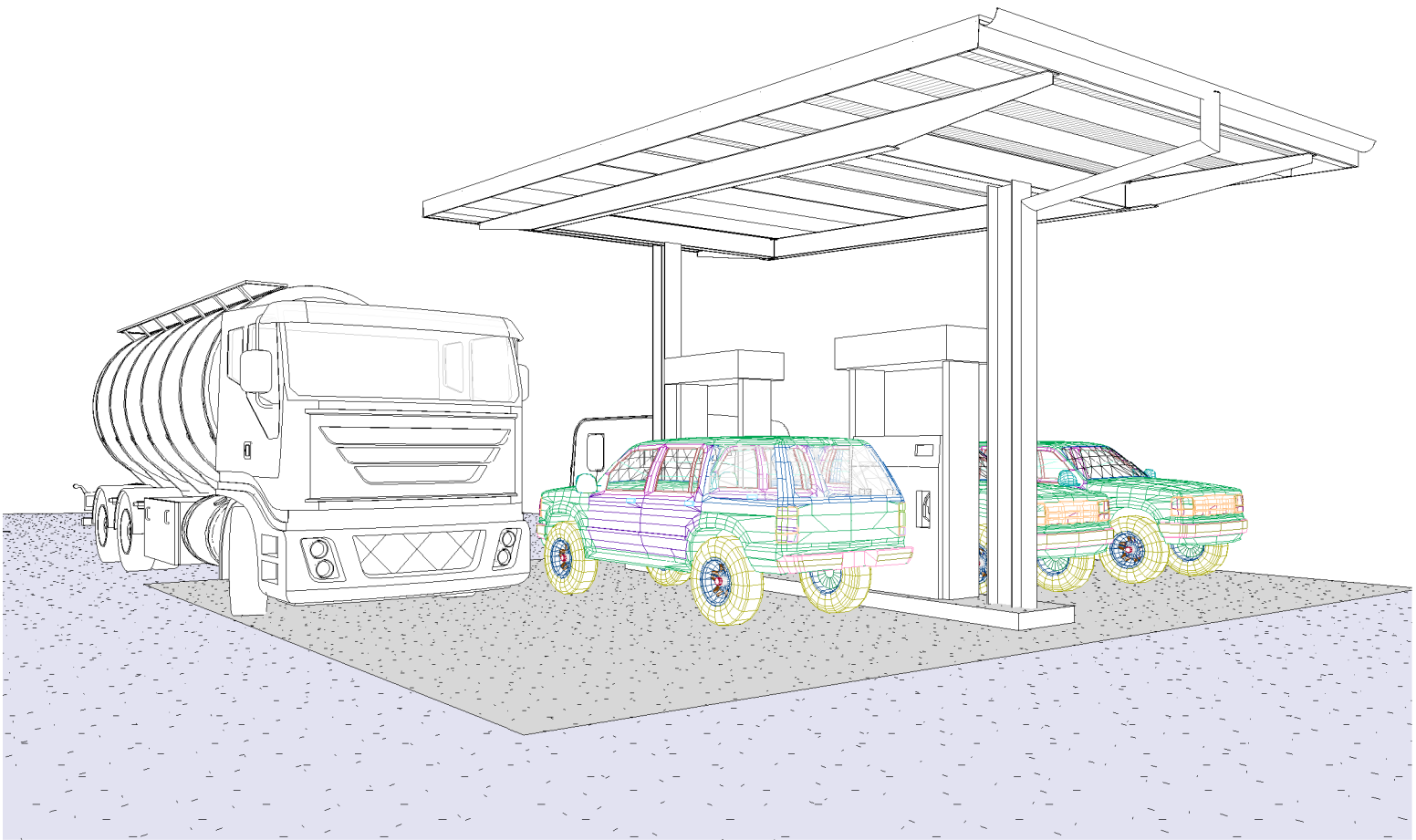
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Max Slade Designs Pty. Ltd.  
QBSA Lic. No. 659479  
Builder - Low Rise  
Building Designer - Medium Rise  
Phone 07 40 91 2099  
maxslade@bigpond.net.au

Concept #1b 24 04 24

**Canopy Plan**  
1 : 100  
C1 copyright

Sheet No. Sheet Name.  
**A104 Canopy Plan**

Beatrice Street  
Atherton 4883  
maxslade@bigpond.net.au



3D View 2

1

Description  
Date  
Number

Notes

All work must be in accordance with Local Authority By-laws and the "Building Construction Code of Australia"  
The Builder should verify all dimensions on site before commencing any work.  
TAKE FIGURED DIMENSIONS IN PREFERENCE TO SCALED  
IF IN DOUBT ASK !!

Client

**MFB  
Properties  
(NQ) Pty Ltd**

Project

**Proposed  
Service Station**

Location

**3910 Cape Tribulation  
Road  
Cape Tribulation**

Design Wind Classification - C2

Date February 2024

Drawn Max Slade

Scale

Job No.

**M24 - 4970**

A.B.N. No. 16 010 608 321  
Max Slade Designs Pty. Ltd.  
QBSA Lic. No. 659479  
Builder - Low Rise  
Building Designer - Medium Rise  
Phone 07 40 91 2099  
maxslade@bigpond.net.au

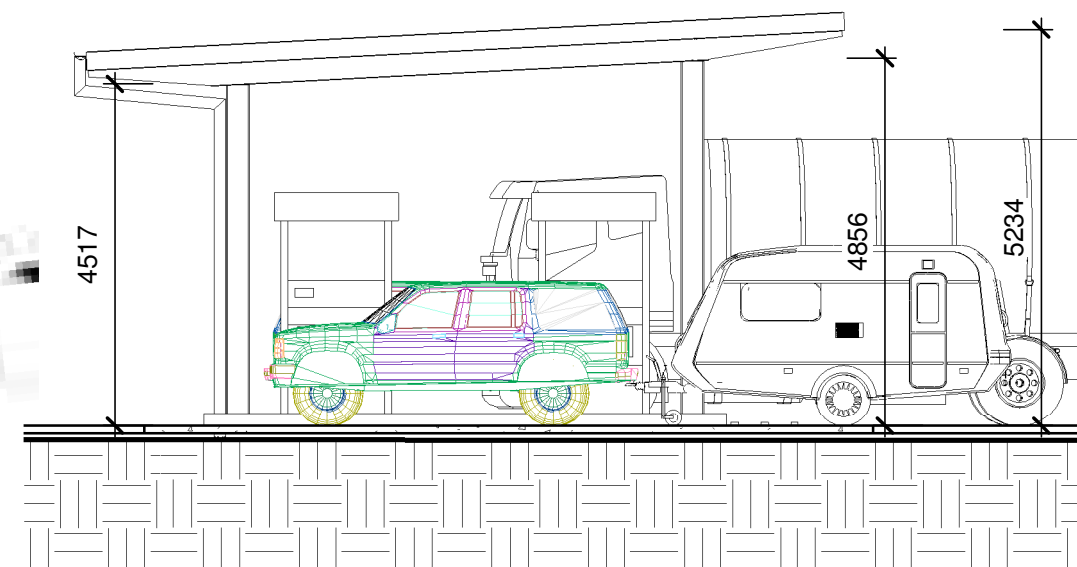
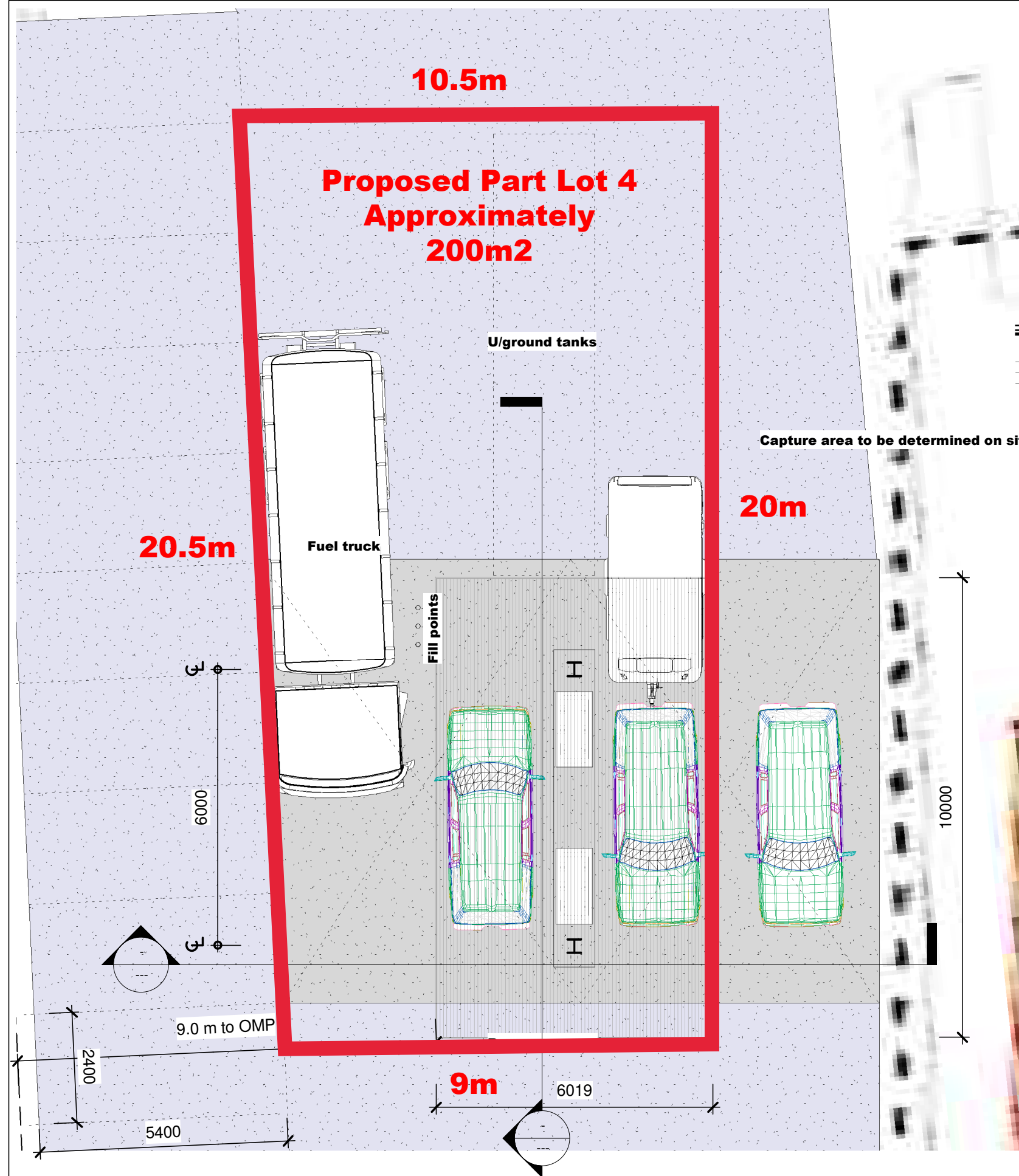
Concept #1b 24 04 24

Sheet No. Sheet Name.

**A105 3D VIEWS**







Number	Date	Description	Notes
			All work must be in accordance with Local Authority By-laws and the "Building Construction Code of Australia". The Builder should verify all dimensions on site before commencing any work. TAKE FIGURED DIMENSIONS IN PREFERENCE TO SCALED
			IF IN DOUBT ASK !!

Client  
**MFB Properties (NQ) Pty Ltd**

Project  
**Proposed Service Station**

Location  
**3910 Cape Tribulation Road Cape Tribulation**

Design Wind Classification - C2

Date February 2024

Drawn Max Slade

Scale 1 : 100

Job No.  
**M24 - 4970**

A.B.N. No. 16 010 608 321  
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Phone 07 40 91 2099  
maxslade@bigpond.net.au

Concept #1b 24 04 24

**Canopy Plan**  
1 : 100  
C1 copyright

Sheet No. Sheet Name.  
**A104 Canopy Plan**

Beatrice Street  
Atherton 4883  
maxslade@bigpond.net.au

# **Attachment 3**

## **Statement of Code Compliance Against the Relevant Planning Scheme Codes**



## **6.2.3 Conservation zone code**

### **6.2.3.1 Application**

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

### **6.2.3.2 Purpose**

- (1) The purpose of the Conservation zone code is to provide for the protection, restoration and management of areas identified as supporting significant biological diversity and ecological integrity.
- (2) The local government purpose of the code is to:
  - (a) implement the policy direction set in the Strategic Framework, in particular:
    - (i) Theme 2 : Environmental and landscape values, Element 3.5.2 – Aboriginal cultural heritage values, Element 3.5.3 – Biodiversity, Element 3.5.3 – Coastal zones.
    - (ii) Theme 3 – Natural resource management, Element 3.6.2 – Land and catchment management.
    - (iii) Theme 4 – Strong communities and identity, Element 3.7.8 – Strengthening indigenous communities.
  - (b) conserve and maintain the integrity of biodiversity values, wildlife, habitats and other significant ecological assets and processes over time, across public and private lands.
- (3) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Biological diversity, ecological integrity and scenic amenity are protected;
  - (b) Any recreational or other uses of areas that are in the control of the Crown, or the Council, such as reserves, national parks and the Wet Tropics World Heritage Area or areas adjacent to these areas, are consistent with the management plans of the controlling authority so that conservation and scenic values of these areas are not adversely affected;
  - (c) Any use of land in private ownership does not affect the environmental, habitat, conservation or scenic values of that land or surrounding area;
  - (d) Any low intensity facilities based on the appreciation of the natural environment or nature based recreation only establish where there is a demonstrated need and provided they have a minimal impact on the environmental and scenic amenity values of the site or surrounding area.
  - (e) The provisions of the Return to Country Local Plan facilitate economic and social opportunities on traditional Indigenous lands;
  - (f) Further lot reconfigurations other than amalgamations, boundary realignments to resolve encroachments, or for the practical needs of essential community infrastructure, or to facilitate Return to Country outcomes do not occur.



### 6.2.3.3 Assessment criteria

Table 6.2.3.3.a - Conservation zone – assessable development

Performance outcomes		Acceptable outcomes
For assessable development		
<p><b>PO1</b></p> <p>The establishment of uses is consistent with the outcomes sought for the Conservation zone and protects the zone from the intrusion of inconsistent uses.</p>	<p><b>AO1</b></p> <p>Uses identified in Table 6.2.3.3.b are not established in the Conservation zone.</p>	<p><b>Alternative Solution.</b></p> <p>The Service Station is low key and scale and consistent with the character of the area. The development is proposed within an area of the site which is disturbed and does not display any environmental values or attributes. The development co-located within the Cape Tribulation Tourist Node.</p> <p>Potential environmental risks may be appropriately managed through adoption of a Site Based Management Plan which may form a condition of approval.</p> <p>The small community of Cape Tribulation faces unique challenges, particularly evident in the aftermath of Cyclone Jasper. With recent isolation due to damaged infrastructure, the need for a Service Station and reliable fuel supply becomes paramount. A Service Station at this location not only ensures the accessibility of essential resources but also serves as a lifeline for the community's resilience and recovery efforts. In times of crisis, such as post-cyclone scenarios, having a local fuel source eliminates the logistical complexities and delays associated with barge and helicopter deliveries. It bolsters emergency response capabilities, enabling quick mobilisation of aid and resources to support residents, businesses, and critical services. Moreover, a dependable fuel supply fosters a sense of security and self-sufficiency, empowering the community to navigate future challenges with greater ease and efficiency. Thus, establishing a Service Station becomes not just a convenience but a vital necessity for the small but resilient Cape Tribulation community.</p>



<p><b>PO2</b> The height of buildings is compatible with the character of the area and does not adversely affect the amenity of the area.</p>	<p><b>AO2</b> Buildings and structures are not more than 8.5 metres in height and two storeys. Note - Height is inclusive of roof height.</p>	<p><b>Complies.</b> Building height is approximately 5.2m and consists of a freestanding canopy.</p>
<p><b>PO3</b> Development is setback from site boundaries so they are screened from view from the boundaries of adjoining properties and adjoining roads to maintain the scenic values of the area.</p>	<p><b>AO3</b> Buildings and structures are setback not less than: (a) 40 metres from the frontage of a State-controlled road, existing or proposed arterial road, existing or proposed sub-arterial road, as identified on the Transport network overlay maps contained in Schedule 2; (b) 25 metres from Cape Tribulation Road frontage; (c) 20 metres from any other road frontage (d) 10 metres from side and rear boundaries.</p>	<p><b>Complies with PO3.</b> The Service Station consists of an open sided, free standing, 6m x 6m canopy which is setback 9m from the Cape Tribulation Road boundary. The canopy has a slightly angled flat roof.</p> <p>The Cape Tribulation Road pavement surface is setback approximately a 16m from the subject site. Within this wide verge is existing mature screening landscaping.</p> <p>In the context of the surrounds including the wide landscaped road verge and setback of other buildings within the site (i.e. Convenience Store) and in vicinity of the site (i.e. building across the road to the south west), the proposed development will not unduly detract from the scenic values.</p> <p>The structure may be finished in a similar colour scheme to other buildings on the site so that it is further obscured.</p>
<p><b>PO4</b> The site coverage of all buildings and structures does not have an adverse effect on the conservation or scenic amenity values of the site and surrounding area and buildings are subservient to the natural environment.</p>	<p><b>AO4</b> Development is sited in an existing cleared area or an area approved for clearing, but which is not yet cleared until a development permit to carry out Building Works is issued. Any clearing is limited to a maximum area of 700m<sup>2</sup> and is sited clear of the high bank of any watercourse.</p> <p>Note – The 700m<sup>2</sup> area of clearing does not include an access driveway.</p>	<p><b>Complies with AO4.</b> The proposed Service Station is located within an existing cleared and disturbed area of the site. No vegetation clearing is required.</p>



<p><b>PO5</b> Development is consistent with the overall outcomes sought for the Conservation zone.</p>	<p><b>AO5</b> No acceptable outcomes are prescribed.</p>	<p><b>Complies with PO5.</b> Compliance is demonstrated under s4.5.2 of the Planning Report.</p>
<p><b>PO6</b> Development complements, and is subservient to the surrounding environment and is in keeping with the ecological, landscape and scenic values of the area.</p>	<p><b>AO6</b> The exterior finishes and colours of all development are non-reflective and consist of colours that blend easily with surrounding native vegetation and view-shed.</p>	<p><b>Will Comply with AO6.</b> A condition would be acceptable requiring the Applicant provide to Council a materials and colour schedule for endorsement.</p>
<p><b>PO7</b> Development is screened from view from adjoining roads and properties with a dense screen of endemic/native landscape which: (a) is informal in character and complementary to the existing natural environment; (b) provides screening; (c) enhances the visual appearance of the development.</p> <p>Note – Planning scheme policy – Landscaping provides further guidance on meeting the performance outcome.</p>	<p><b>AO7.1</b> For any development, the balance area of the site not built upon, including all setback areas must be landscaped/revegetated with dense three tier, endemic planting which is maintained to ensure successful screening is achieved.</p> <p><b>AO7.2</b> Endemic palm species, where used, are planted as informal accent features and not as avenues and not in a regular pattern.</p>	<p><b>Complies with PO7.</b> No further landscaping is proposed. The setback area is currently used for onsite parking and will continue to do so. Existing external landscaping within the road reserve provides a high level of screening.</p>
<p><b>P08</b> Development is complementary to the surrounding environment.</p>	<p><b>AO8.1</b> Development harmonises with the surrounding environment, for example, through suspended, light-weight construction on sloping sites, which requires minimal excavation or fill.</p> <p><b>AO8.2</b> A driveway or parking areas are constructed and maintained to: (a) minimise erosion, particularly in the wet season; (b) minimise cut and fill; (c) follow the natural contours of the site;</p>	<p><b>Complies with AO8.1</b> The design is light weight and in keeping in scale and character with the area. The proposed storage tank will be located underground out of views.</p> <p><b>Complies with AO8.2</b> The area of the proposed development is generally level and requires no vegetation clearing. It is anticipated that Council will condition that driveway and parking areas are imperviously sealed.</p>



(d) minimise vegetation clearing.

**AO8.3**

Buildings and structures are erected on land not exceeding a maximum gradient of 1 in 6 (16.6%)

or

On land steeper than 1 in 6 (16.6%) gradient:

- (a) A split level building form is utilised;
- (b) A single plane concrete slab is not utilised;
- (c) Any voids between building and ground level, or between outdoor decks and ground level are screened from view using lattice/battens and/or landscaping.

and

- (d) is accompanied by a Geotechnical Report prepared by a qualified engineer at development application stage which includes certification that the site can be stabilised, followed by a certificate upon completion of works.

**AO8.4**

Buildings and structures are sited below any ridgelines and are sited to avoid protrusion above the surrounding tree-level canopy.

**Complies with AO8.3**

The site grade is less than 1 in 6.

**Complies with AO8.4**

The proposed canopy does not protrude above a ridgeline or the surrounding tree canopy.



<p><b>PO9</b> Development is located to:</p> <ul style="list-style-type: none"> <li>(a) protect the ecological values of the site and surrounding land;</li> <li>(b) maintain the scenic values of the area;</li> <li>(c) maintain appropriate setbacks to waterways, watercourses, wetlands, tidal areas and overland flow paths;</li> <li>(d) avoid areas that are vulnerable to natural hazards;</li> <li>(e) minimise to the greatest extent possible on site excavation and filling;</li> <li>(f) provide buffers to cultural, historical or ecological features;</li> <li>(g) minimise visibility from external sites or public viewing points;</li> <li>(h) minimises to the greatest extent possible the loss of native vegetation and fauna habitat.</li> </ul>	<p><b>AO9</b> No acceptable outcomes are prescribed.</p>	<p><b>Complies with PO9.</b> In response:</p> <ul style="list-style-type: none"> <li>a. The site of the Service Station does not display any ecological values, it is a carpark and driveway area. The surrounding ecological values will be protected via adoption of a Site Based Management Plan.</li> <li>b. The proposed canopy is a small, light weight structure with a flat angled roof and therefore not easily visible from the road given existing mature landscaping within the road verge adjacent the site.</li> <li>c. The siting of the development setback from hydrological features.</li> <li>d. The siting of the development avoids natural areas.</li> <li>e. Excavation will be limited to the installation of the underground storage tank only. Once the tank is installed there would be no evidence of earthworks.</li> <li>f. The development is appropriately setback from cultural, historical or ecological features.</li> <li>g. The proposed canopy is a small, light weight structure with a flat angled roof and therefore not easily visible from the road given existing mature landscaping within the road verge adjacent the site.</li> <li>h. No vegetation clearing is required to facilitate the development.</li> </ul>
<p><b>PO10</b> Development does not result in adverse impacts on:</p> <ul style="list-style-type: none"> <li>(a) ecological function or features;</li> <li>(b) on-site or surrounding waterways and wetlands.</li> </ul>	<p><b>AO10</b> No acceptable outcomes are prescribed.</p>	<p><b>Complies with PO10.</b> The immediate site of the development does not display any ecological or hydrological values, it is a carpark and driveway area. Risks of the development will be appropriately managed via a Site Based Management Plan.</p>



<p><b>PO11</b> Rehabilitation of natural processes on disturbed sites is undertaken to improve the environmental integrity of the area.</p>	<p><b>AO11</b> No acceptable outcomes are prescribed</p>	<p><b>Not Applicable.</b> The proposed development does not involve rehabilitation.</p>
<p><b>PO12</b> Fencing is designed to not impede the free movement of native fauna through the site.</p>	<p><b>AO12</b> No acceptable outcomes are prescribed.</p>	<p><b>Complies with PO12</b> No fencing is proposed.</p>
<p><b>PO13</b> New lots contain a minimum lot size of 200 hectares, unless:</p> <ul style="list-style-type: none"> <li>(a) the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments);</li> <li>(b) the reconfiguration is limited to one additional lot to accommodate an existing or approved: <ul style="list-style-type: none"> <li>(i) Telecommunications facility;</li> <li>(ii) Utility installation;</li> </ul> </li> <li>(c) the lot reconfiguration facilitates and outcome consistent with the Return to Country local plan.</li> </ul> <p>Note – Boundary realignments must result in an improved environmental outcome or resolve encroachments.</p>	<p><b>AO13</b> No acceptable outcomes are prescribed.</p>	<p><b>Complies with PO13.</b> The development is for a boundary realignment and does not involve any new lots.</p>

**Table 6.2.3.3.b — Inconsistent uses within the Conservation zone**

Inconsistent uses		
<ul style="list-style-type: none"> <li>• Adult store</li> <li>• Agricultural supplies store</li> <li>• Air services</li> <li>• Animal husbandry</li> <li>• Aquaculture</li> <li>• Bar</li> <li>• Brothel</li> <li>• Bulk landscape supplies</li> <li>• Car wash</li> <li>• Caretaker's accommodation</li> <li>• Cemetery</li> <li>• Child care centre</li> <li>• Club</li> <li>• Community care centre</li> <li>• Community residence</li> <li>• Community use</li> <li>• Crematorium</li> <li>• Cropping</li> <li>• Detention facility</li> <li>• Dual occupancy</li> <li>• Dwelling unit</li> <li>• Educational establishment</li> <li>• Extractive industry</li> <li>• Food and drink outlet</li> <li>• Function facility</li> </ul>	<ul style="list-style-type: none"> <li>• Garden centre</li> <li>• Hardware and trade supplies</li> <li>• High impact industry</li> <li>• Hospital</li> <li>• Hotel</li> <li>• Indoor sport and entertainment</li> <li>• Intensive animal industry</li> <li>• Intensive horticulture</li> <li>• Landing</li> <li>• Low impact industry</li> <li>• Major sport, recreation and entertainment facility</li> <li>• Marine industry</li> <li>• Market</li> <li>• Motor sport facility</li> <li>• Multiple dwelling</li> <li>• Nightclub entertainment facility</li> <li>• Office</li> <li>• Outdoor sales</li> <li>• Parking station</li> <li>• Place of worship</li> <li>• Port services</li> <li>• Relocatable home park</li> <li>• Research and technology industry</li> <li>• Residential care facility</li> </ul>	<ul style="list-style-type: none"> <li>• Resort complex</li> <li>• Retirement facility</li> <li>• Roadside stall</li> <li>• Rooming accommodation</li> <li>• Rural activities (unless in accordance with the exceptions nominated in the Table of Assessment for the Conservation Zone in Part 5)</li> <li>• Rural workers accommodation</li> <li>• Sales office</li> <li>• Service Station</li> <li>• Shop</li> <li>• Shopping centre</li> <li>• Showroom</li> <li>• Special industry</li> <li>• Substation</li> <li>• Theatre</li> <li>• Tourist attraction</li> <li>• Tourist park</li> <li>• Transport depot</li> <li>• Utility installation</li> <li>• Veterinary services</li> <li>• Warehouse</li> <li>• Wholesale nursery</li> <li>• Winery</li> </ul>

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.



## 7.2 Local plan codes

### 7.2.1 Cape Tribulation and Daintree Coast local plan code

#### 7.2.1.1 Application

- (1) This code applies to assessing development within the Cape Tribulation and Daintree Coast local plan area as identified on the Cape Tribulation and Daintree Coast local plan maps contained in Schedule 2.
- (2) When using this code, reference should be made to Part 5.

#### 7.2.1.2 Context and setting

Editor's note - This section is extrinsic material under section 15 of the Statutory Instruments Act 1992 and is intended to assist in the interpretation of the Cape Tribulation and Daintree Coast local plan code.

The Cape Tribulation and Daintree Coast local plan area is located in the northern half of the Douglas Shire on land located predominantly to the north and east of the Daintree River. The local plan area contains land of extremely high biodiversity value and is where two World Heritage areas meet – the Wet Tropics World Heritage Area and the Great Barrier Reef World Heritage Area. The precinct is a biodiversity hotspot of international significance and predominantly consists of the Daintree National Park and other reserves. The local plan area provides significant habitat for the critically endangered Southern Cassowary, amongst many other species of fauna and flora and cultural and landscape heritage sites.

The natural environment, containing areas of the highest biodiversity value and flora and fauna unique to the area, are part of the immense drawcard to large numbers of domestic and international visitors. While such an economic resource is invaluable to the Shire, the area needs to be carefully managed to ensure these values are not diminished. However, a significant portion of the local plan area is privately owned freehold land and outside the boundaries of the Wet Tropics World Heritage Area, but is still equally important to the continued conservation of the biodiversity, environmental and scenic values of the area.

Prior to European settlement, the area formed part of the traditional land of the Eastern Kuku Yalanji people. In the late 1800s, limited European settlement commenced associated with timber getting and agriculture. From the 1920s onwards seasonal workers and miners also set up semi-permanent camps in the area. However such activity was restricted due to the relative isolation of the area. The settlement pattern in the area dramatically changed in the late 1970s to 1980s when approximately 950 residential lots were created. The 'rural residential style' allotments north of the Daintree River posed a risk of significant detrimental impacts on the ecology and landscape character of the area, particularly if fully developed. Such development would also result in a greater resident population leading to pressure for an increased level of service and extension of infrastructure, which in turn would lead to more development pressure. Such an outcome is contrary to the objectives of preserving the area's natural environment, landscape character and relative isolation to maintain the area's intrinsic attractiveness to tourists and residents.

Past successive planning regimes have progressively proceeded to rein in development rights within the area. Precincts were created and development was limited. In particular, decisive action was undertaken in 2004 to control and limit permanent residential development north of the Daintree River. This was necessary to ensure a critical population was not reached, and adverse effects from development were not felt on the water quality, biodiversity, scenic amenity and flora and fauna of the region.

Where development rights were extinguished, compensation was paid and / or land was bought as part of a buy-back scheme and retained for conservation purposes. The protection of the regional ecosystem and rare and threatened species is paramount in the limitation of development opportunities within the region.

### **7.2.1.3 Purpose**

- (1) The purpose of the Daintree River - Bloomfield River local plan is to retain the attraction of the area as a very low-key, largely undeveloped nature-based recreation environment, based on the exploration and appreciation of the natural environment and to ensure that any development that does occur is appropriate and does not place additional pressures on the values of area.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) areas within the local plan are appropriately managed to protect biological diversity, water catchment quality, ecological functioning, beach protection and coastal management, scenic amenity, and historical and cultural values;
  - (b) the natural character of the locality is protected, and where degraded, restored or enhanced;
  - (c) new development does not occur, with the exception of development located within, and consistent with the respective precinct intents for:
    - (i) Precinct 1 – Conservation precinct
    - (ii) Precinct 2 – Low impact residential precinct;
    - (iii) Precinct 3 – Low impact commercial precinct;
    - (iv) Precinct 4 – Low impact community purpose precinct;
    - (v) Precinct 5 – Low impact rural production and tourism enterprise precinct;
    - (vi) Precinct 6 – Low impact tourism accommodation precinct;
  - (d) where development occurs it is:
    - (i) very low scale and remains within the limits imposed by the vehicular capacity of the Daintree River ferry crossing, the Alexandra Range road crossing and the local road network;
    - (ii) sensitive and sympathetic to its remote location in an area of unique biodiversity, ecological, conservation and scenic amenity value;
    - (iii) self-contained through the use of appropriate on-site or nearby rain water collection and storage, sewerage treatment and electricity generation;
  - (e) adequate services and facilities for settlement areas and an appropriate level of economic opportunity for local residents are provided

### **7.2.1.4 Precinct 1 – Conservation precinct**

- (1) The purpose of Precinct 1 as detailed on the Local Plan maps contained in Schedule 2 is to provide for the protection, restoration and management of areas identified as supporting significant biological diversity and ecological integrity.
- (2) The overall outcomes sought for Precinct 1 are to:
  - (a) ensure the conservation, protection and restoration of biological diversity and ecological integrity values of land , and to maintain scenic amenity values;

- (b) ensure that further incompatible development, including houses, does not occur;
- (c) ensure that where development does occur, it does not adversely affect environmental and scenic amenity values and is in keeping with the natural characteristics of the land.

#### **7.2.1.5 Precinct 2- Low impact residential precinct**

- (1) The purpose of Precinct 2 as detailed on the Local Plan maps contained in Schedule 2 is to allow for the construction of a single detached dwelling and necessarily associated infrastructure and outbuildings.
- (2) The overall outcomes sought for Precinct 2 are to:
  - (a) ensure development is for a single detached dwelling of limited scale and size and necessary outbuildings and infrastructure only;
  - (b) locate development within existing cleared areas, or where no cleared area exists, development is located such that impacts on conservation, biological, ecological and scenic amenity values are mitigated through the minimisation of excavation, fill and vegetation removal, to the maximum extent possible;
  - (c) ensure development is visually non-obtrusive.

#### **7.2.1.6 Precinct 3 - Low impact commercial precinct**

- (1) The purpose of Precinct 3 as detailed on the Local Plan maps contained in Schedule 2 is to recognise the existing commercial uses and permit their continued use.
- (2) The overall outcomes sought for Precinct 3 are to:
  - (a) ensure that low impact commercial uses are appropriately located;
  - (b) locate development within existing cleared areas, or where no cleared area exists, development is located such that impacts on conservation, biological, ecological and scenic amenity values are mitigated through the minimisation of excavation, fill and vegetation removal, to the maximum extent possible;
  - (c) carry out development in accordance with an Environmental Management Plan;
  - (d) ensure development is visually non-obtrusive.

#### **7.2.1.7 Precinct 4 - Low impact community purpose precinct**

- (1) The purpose of Precinct 4 as detailed on the Local Plan maps contained in Schedule 2 is to recognise the existing public purpose uses and permit their continued use.
- (2) The overall outcomes sought for Precinct 4 are to:
  - (a) ensure the establishment and expansion of community and public purpose uses such as child care centre, community use, educational establishment, health care services, outdoor sport and recreation, utility installation on appropriate sites within the precinct;

- (b) locate development within existing cleared areas or where no cleared area exists, development is located such that impacts on conservation, biological, ecological and scenic amenity values are mitigated through the minimisation of excavation, fill and vegetation removal, to the maximum extent possible
- (c) services are provided which are appropriate and adequately cater for the demand;
- (d) carry out development in accordance with an Environmental Management Plan;
- (e) ensure development is visually non-obtrusive.

#### **7.2.1.8 Precinct 5 - Low impact rural production and tourist enterprise precinct**

- (1) The purpose of Precinct 5 as detailed on the Local Plan maps contained in Schedule 2 is to recognise existing rural areas and permit their continued use, while encouraging low-impact tourism enterprise including bed and breakfast, short term accommodation (being farm stay accommodation) and nature based tourism (being forest stay accommodation) as an alternative land use, where significant restoration and/or rehabilitation measures are undertaken as an incentive.
- (2) The overall outcomes sought for Precinct 5 are to:
  - (a) provide for continued rural production activities where lawfully established and to permit low-key ancillary tourism enterprise such as farm attractions, roadside stalls in appropriate locations;
  - (b) provide for other tourism enterprise in the form of bed and breakfast, farm stay accommodation or forest stay accommodation as an alternative land use to primary production, where significant rehabilitation of habitat is achieved.
  - (c) facilitate other existing tourism enterprises based on the appreciation of the natural environment.
  - (d) ensure development, including waste treatment is limited to existing cleared areas;
  - (e) development, including primary production, is carried out in accordance with an Environmental Management Plan.

#### **7.2.1.9 Precinct 6 - Low impact tourism accommodation precinct**

- (1) The purpose of Precinct 6 as detailed on the Local Plan maps contained in Schedule 2 is to recognise existing small-scale tourist accommodation and ancillary low-key activities, based on and compatible with an appreciation of the natural environment and permit their continued use.
- (2) The overall outcomes sought for Precinct 6 are to:
  - (a) provide for continued small-scale tourist accommodation and ancillary low-key activities, based on and compatible with an appreciation of the natural environment in appropriate locations;
  - (b) ensure development, including treatment of waste, is confined to existing cleared areas;
  - (c) carry out development in accordance with an Environmental Management Plan;
  - (d) ensure development is visually non-obtrusive.



### 7.2.1.10 Criteria for assessment

Table 7.2.1.10.a – Cape Tribulation and Daintree Coast local plan – assessable development

All development in the Cape Tribulation and Daintree Coast local plan area		Assessment Response
<b>PO1</b> Development does not result in a demand which exceeds the capacity of: (a) the Daintree River ferry crossing; (b) Alexandra Range Road; (c) the local road network.	<b>AO1</b> No acceptable outcomes are prescribed.	<b>Complies with PO1.</b> The proposed Service Station is a convenience service and not a drawcard in itself which would compromise the ferry crossing, Alexandra Range or local road network. Refueling will be via body truck.
<b>PO2</b> Development provides a suitable standard of self-sufficient service for: (a) potable water; (b) water for fire fighting purposes; (c) electricity supply.	<b>AO2.1</b> Water storage is provided in tank/s with a minimum capacity to service the proposed use, including fire fighting capacity, and access to the tank/s for fire trucks. Tank/s are to be: (a) fitted with a 50mm ball valve and camlock fitting; (b) installed and connected prior to occupation; (c) sited so as to be visually unobtrusive.  <b>AO2.2</b> Water storage tanks are to be fitted with screening at their inlets to prevent the intrusion of leaves and insects.  <b>AO2.3</b> An environmentally acceptable and energy efficient power supply is constructed, installed and connected prior to occupation and sited so as to be screened from the road.	<b>Complies with AO2.1- AO2.3</b> Existing water storage is provided onsite within Lot 4.
<b>PO3</b> On-site waste water does not adversely impact on the environmental quality of the water and soil resources or amenity of residents, through the implementation of best environmental practice.	<b>AO3</b> No acceptable outcomes are prescribed.	<b>Complies with PO3.</b> No changes are proposed to the existing onsite waste water treatment within Lot 4. The proposed development does not generate additional demand.



<b>PO4</b> The sustainability of the natural water resources of the area is protected for ecological and domestic consumption purposes.	<b>AO4.1</b> If groundwater is to be used, development is limited to one bore per site and the bore is: not located within 100 metres of a septic disposal trench (on the site or adjoining sites); not located within 100 metres of another bore.	<b>Complies with PO4.</b> No changes are proposed to the existing water storage within Lot 4. A new service will be provided to the Service Station for convenience purposes.
	<b>AO4.2</b> Surface water is to be used for domestic purposes only.	
<b>PO5</b> Development does not adversely impact on areas of sensitive natural vegetation, foreshore areas, watercourses and/or areas of tidal inundation.	<b>AO5</b> No acceptable outcomes are prescribed.	<b>Complies with PO5.</b> The Service Station is sited within an existing cleared area and as far practically possible from the seaward site boundary. The area of the site is located outside of the Coastal Management District and Erosion Prone Areas.
<b>PO6</b> Development is subservient to the surrounding natural environment in scale and intensity and is designed to be functional in a humid tropical rainforest environment.	<b>AO6.1</b> The exterior finishes and colours of buildings are non-reflective and complement the colours of the surrounding vegetation and view shed.	<b>Will Comply with AO6.1.</b> Requirements may be conditioned.
	<b>AO6.2</b> The noise of generators is controlled by design, or the generator is enclosed within a sound insulated building with a residential approved muffler. The noise level generated is less than 65 dBA when measured from a distance of 7 metres.	<b>Complies with PO6</b> The Service Station will be connected to existing onsite electrical generation sources within Lot 4.
	<b>AO6.3</b> Any fuel storage associated with an on-site generator, with storage of 20 litres or more of fuel, is enclosed with a building and provided with a bund.	<b>Complies with PO6</b> The development will be connected to existing onsite electrical generation sources and fuel storage within Lot 4.



<p><b>PO7</b> Landscaping of the development ensures that the endemic character of the local area is dominant.</p>	<p><b>AO7.1</b> Landscaping complies with the requirements of Planning Scheme Policy 7 – Landscaping;</p> <p><b>AO7.2</b> All of the existing landscaping to be retained and all of the proposed landscaping is 100% endemic or native species and the details are provided on a landscape plan.</p>	<p><b>Complies with PO7.</b> The existing Common Property Area and Lot 4 are landscaped. In addition there is existing external landscaping within the Cape Tribulation Road reserve verge. No additional landscaping is proposed.</p>
<p><b>PO8</b> Site access driveways and roads within the local plan area are retained as safe, slow speed, scenic drives.</p>	<p><b>AO8.1</b> Site access driveways and existing or proposed roads comply with the relevant requirements of Planning Scheme Policy 5 – FNQROC Development Manual and are maintained as low speed gravel roads to maintain the scenic drive experience and to discourage the use of roads by through-traffic;</p> <p><b>AO8.2</b> Where existing roads/tracks are 4-wheel drive only, upgrading to facilitate conventional vehicles and an increase in through traffic does not occur.</p>	<p><b>May be Conditioned to Comply with AO8.1</b></p> <p><b>Not Applicable.</b></p>
<p><b>PO9</b> The on-site impacts on natural flow regimes and erosion and sedimentation are minimised.</p>	<p><b>AO9.1</b> Filling and excavation is kept to a minimum and involves not more than 5% of the cleared area of the lot.</p> <p><b>AO9.2</b> All exposed surfaces must incorporate erosion and sediment controls during construction and must be maintained until revegetation, or other permanent stabilisation, has occurred.</p>	<p><b>Complies with AO9.1</b> Excavation is limited to that necessary to install the storage tank. Once installed the site will be reinstated.</p> <p><b>Complies with AO9.2</b> The development does not result in exposed surfaces</p>



	<p><b>AO9.3</b> This is no disturbance to tree roots and trenching does not involve any damage to tree roots.</p> <p><b>AO9.4</b> On-site drainage and stormwater management: (a) maintains natural flow regimes; (b) minimises impervious surfaces; (c) avoids concentration of flows, but where there is any form of concentration of flow, energy dissipation measures are installed at the outlet to avoid erosion (e.g. rock rip rap, gravel beds, diffusers etc.)</p>	<p><b>Complies with AO9.3</b> The development site is setback from existing vegetation.</p> <p><b>Will Comply with AO9.4</b> Drainage and stormwater will be further addressed within a Site Based Management Plan. It is anticipated that this will form a condition of approval.</p>
<b>General requirements – Dwelling house</b>		
<p><b>PO10</b> Development minimises the loss of vegetation and habitat connectivity on site and is sited to protect the environmental values of the site.</p>	<p><b>AO10.1</b> The elements of development and access to the site are included in a Designated Development Area (DDA).</p> <p><b>AO10.2</b> Development is sited in an existing cleared area or in an area approved for vegetation clearing.</p> <p><b>AO10.3</b> Any new clearing is limited to a maximum area of 700m<sup>2</sup> and is sited to be clear of the high bank of any watercourse. Note – The 700m<sup>2</sup> of clearing does not include an access driveway.</p>	<b>Not Applicable.</b>
<p><b>PO11</b> All existing native vegetation on a house site, other than that required and approved to be cleared for the construction of a house and access thereto, is protected to ensure the environmental integrity of the local plan area.</p>	<p><b>AO11</b> No acceptable solutions are prescribed.</p>	





<p><b>PO12</b> Wildlife movement, fauna habitat and habitat corridors are protected and domestic impacts are minimised.</p>	<p><b>AO12.1</b> Fences are limited in extent to the confines of the cleared area around the house and any associated gates are self-closing.</p> <p><b>AO12.2</b> External lighting is to be kept to the minimum necessary for orientation, safety and security. Flood lights must not point up, and areas of retained vegetation should, in general, not be illuminated. Where appropriate, outdoor lights are controlled by movement detectors and/or timers.</p>	
<p><b>PO13</b> House sites have efficient and safe vehicle access and manoeuvring areas on site, and to the site, to an acceptable standard for the local plan area.</p>	<p><b>AO13.1</b> Vehicle access is limited to one access per lot and sited in an approved location, clear of any watercourses.</p> <p><b>AO13.2</b> Vehicular access is a maximum width of 4 metres, avoids large tree specimens and/or significant vegetation and habitat corridors and is constructed and maintained to a minimum gravel standard of 75mm of road base on a compacted soil surface.</p> <p><b>AO13.3</b> Vehicular access is constructed prior to house construction.</p>	<p><b>Not Applicable.</b></p>
<p><b>Additional requirements for Nature based tourism, being Forest stay accommodation</b></p>		

**PO14**

Forest stay accommodation provides a local economic opportunity for permanent residents of those parts of the Shire which are isolated and constrained by a lack of urban services and facilities.

**AO14**

Forest stay accommodation:

- (a) is confined to:
  - (i) Precinct 2 – Low impact residential precinct;
  - (ii) Precinct 5 – Low impact rural and tourism enterprise precinct;
  - (iii) Precinct 6 – Low impact tourism accommodation precinct.
- (b) does not occur above the 60 metre contour;
- (c) is located on lots of 10 hectares or greater.

**Not Applicable.**

**PO15**

Forest stay accommodation remains ancillary to the primary residential use and the natural values of the land and the use is compatible with the character and amenity of the locality.

**AO15.1**

The maximum number of guests is 10 (10 bed spaces) with up to a maximum of 4 staff (4 bed spaces);

Note – Staff includes permanent residents of the dwelling house involved in catering for the use.

**AO15.2**

None of the accommodation, whether for guests or staff, is self-contained as the use operates only in association with an existing dwelling on the site.

**AO15.3**

Forest stay accommodation is located on a site which has an existing cleared area.

**AO15.4**

The natural values of the balance area of the site are protected and enhanced with organised tours being conducted for visiting guests.

**AO15.5**

If forest stay accommodation is provided in buildings which are separate from the dwelling:

- (a) the maximum number of separate building/s is determined based on each building containing a minimum of 2 bed spaces each, provided that each building has a maximum area of 50m<sup>2</sup> (inclusive of verandahs/patios etc.);

or

- (b) a maximum of one communal bunkhouse is provided with a maximum area of 150m<sup>2</sup> to accommodate 10 guests (10 bed spaces) (inclusive of verandahs/patios etc.);

**Not Applicable.**



	<p>or (c) a maximum of two communal bunkhouses are provided with a maximum area of 150m<sup>2</sup> each to accommodate a maximum of 20 guests (20 bed spaces) (inclusive of verandahs/patios etc).</p> <p><b>AO15.6</b> No kitchen or cooking facilities, with the exception of those located within the existing dwelling on the site are provided in association with the forest stay accommodation.</p>	
<p><b>PO16</b> Development ensures guests are accommodated for short-stay and the dwelling is not the usual residence of the guest.</p>	<p><b>AO16</b> Development involves guests staying a maximum of 14 consecutive nights.</p>	<b>Not Applicable.</b>
<p><b>PO17</b> Development ensures that effluent disposal and treatment minimise odour and impacts on the natural environment.</p>	<p><b>AO17</b> Development provides an on-site effluent treatment system that is adequately sized to effectively treat effluent from the dwelling house and any additional persons occupying the premises as guests.</p>	<b>Not Applicable.</b>
<b>Additional requirements for Precinct 1 – Conservation precinct</b>		



<p><b>PO18</b> The biodiversity value of the area and the habitat of endemic species is protected on land included in the Rainforest Conservation precinct.</p>	<p><b>AO18</b> No new development occurs whether on undeveloped or developed land except for:</p> <p>Undeveloped land that meets one or more of the following criteria:</p> <p>Land which has been previously been lawfully cleared and currently remains cleared;</p> <p>(a) Land which is the subject of a current Clearing Permit, but has yet to be cleared;</p> <p>(b) Land which is subject of a current Operational Works Permit,</p> <p>can be developed for a house subject to compliance with all relevant codes.</p> <p>In addition, minor extensions can be undertaken to an existing development, provided:</p> <p>(a) The extensions are limited to 30% of the existing gross floor area of the house at the commencement date of the planning scheme.</p> <p>or</p> <p>(b) The extent of extensions are determined on a site specific/use specific basis for other land uses,</p> <p>and</p> <p>(c) No further clearing is required to accommodate the extensions for either a house or any other land use development.</p>	<p><b>Not Applicable.</b></p>
<p><b>Additional requirements for Precinct 2– Low impact residential precinct</b></p>		



<p><b>PO19</b> Development is for;</p> <ul style="list-style-type: none"> <li>(a) a detached dwelling of limited size and scale and necessary outbuildings and infrastructure;</li> <li>(b) home occupations, including bed and breakfast accommodation, where it can be demonstrated that the bed and breakfast accommodation can establish on the site and not detrimentally impact on the scenic values of the site and surrounding areas;</li> <li>(c) Nature based tourism, being Forest stay accommodation where in compliance with other requirements contained within this code.</li> </ul>	<p><b>AO19.1</b> Development is limited to one dwelling house per lot.</p> <p><b>AO19.2</b> Establishment of bed and breakfast accommodation only occurs on land on which a dwelling house has been approved and constructed.</p> <p><b>AO19.3</b> Bed and breakfast accommodation is limited to cleared areas on the land;</p> <p>or</p> <p><b>AO19.4</b> Bed and breakfast accommodation is established within an existing house, where there is no additional vegetation clearing required to accommodate the use;</p> <p><b>AO19.5</b> Bed and breakfast accommodation occurs on a site with a minimum area of 1 hectare, and thereafter occurs at a rate of 1 bedroom (2 beds) per hectare, up to a maximum of 4 bedrooms (8) beds per site.</p> <p><b>AO19.6</b> Development is setback a minimum of 100 metres to an Esplanade or a foreshore frontage.</p>	<p><b>Not Applicable.</b></p>
<p><b>Additional requirements for Precinct 3 – Low impact commercial precinct</b></p>		
<p><b>PO20</b> Commercial development is located in a convenient location and meets the requirements of the local community and visitors to the area.</p>	<p><b>AO20</b> Commercial development is located within Precinct 3 and has frontage to Cape Tribulation Road.</p>	<p><b>Not Applicable.</b></p>



<b>PO21</b> Development is small scale and provides a necessary service to the surrounding community.	<b>AO21</b> No acceptable outcomes are prescribed.	<b>Not Applicable.</b>
<b>PO22</b> Development is carried out in accordance with a site-specific, and development specific Environmental Management Plan.  Note – Planning scheme policy SC6.4 – Environmental management plans provides further guidance on meeting the performance outcome.	<b>AO22</b> No acceptable outcomes are prescribed.	<b>Not Applicable.</b>
<b>Additional requirements for Precinct 4 – Low impact community purpose precinct</b>		
<b>PO23</b> Development results in a small scale expansion of an existing use which provides a necessary service to the surrounding community;  or  Development results in a new community use or public purpose use for which there is an identified need within the surrounding community.	<b>AO23</b> No acceptable outcomes are prescribed.	<b>Not Applicable.</b>
<b>PO24</b> Development is carried out in accordance with a site specific and development specific Environmental Management Plan.  Note – Planning scheme policy SC6.4 – Environmental management plans provides further guidance on meeting the performance outcome.	<b>AO24</b> No acceptable outcomes are prescribed.	<b>Not Applicable.</b>
<b>Additional requirements for Precinct 5 – Low impact rural production and tourism enterprise precinct</b>		



<p><b>PO25</b> Development complements, protects and enhances the environmental and scenic values of the site.</p>	<p><b>AO25.1</b> One dwelling house establishes per lot.</p> <p><b>AO25.2</b> Any other development is limited to existing cleared areas on the site.</p> <p><b>AO25.3</b> No development is to occur above the 60 metre contour line.</p> <p><b>AO25.4</b> Any new primary production activity or a change to a primary production activity has minimal impact on the existing natural values of the site and surrounding area.</p>	<p><b>Not Applicable.</b></p>
<p><b>PO26</b> Large cleared or partially cleared sites are revegetated and rehabilitated in association with suitably small scale environmentally sustainable development.</p>	<p><b>AO26</b> The balance area of the development, including any existing area/s not identified for development is/are revegetated / rehabilitated in accordance with a landscape plan.</p>	<p><b>Not Applicable.</b></p>
<p><b>PO27</b> Development is carried out in accordance with a site specific and development specific Environmental Management Plan.</p> <p>Note – Planning scheme policy SC6.4 – Environmental management plans provides further guidance on meeting the performance outcome.</p>	<p><b>AO27</b> No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable.</b></p>
<p><b>Additional requirements for Precinct 6 – Low impact tourist accommodation precinct</b></p>		





<p><b>PO28</b> Development complements, protects and enhances the environmental and scenic values of the site.</p>	<p><b>AO28.1</b> One dwelling house establishes per lot.</p> <p><b>AO28.2</b> Any other development is limited to existing cleared areas on the site.</p> <p><b>AO28.3</b> No development is to occur above the 60 metre contour line.</p>	<p><b>Not Applicable.</b></p> <p><b>Complies with AO28.2.</b> The development is sited within an existing clearing.</p> <p><b>Complies with AO28.3.</b> The development is sited around 5m AHD.</p>
<p><b>PO29</b> Development results in a small scale expansion of existing tourist accommodation and any associated activities, based on the appreciation of the natural environment.</p>	<p><b>AO29</b> No acceptable outcomes are prescribed.</p>	<p><b>Complies with PO29.</b> The proposed development is low key and scale and complements the existing use. No new retail components or large advertising device are proposed.</p>
<p><b>PO30</b> Development is carried out in accordance with a site specific and development specific Environmental Management Plan.</p> <p>Note – Planning scheme policy – Environmental management plans SC6.4 provides further guidance on meeting the performance outcome.</p>	<p><b>AO30</b> No acceptable outcomes are prescribed.</p>	<p><b>Will Comply with PO30.</b> It is anticipated that Council will condition the requirement for a Site Based Management Plan.</p>

## 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.
- (3) 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 sulfate 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.

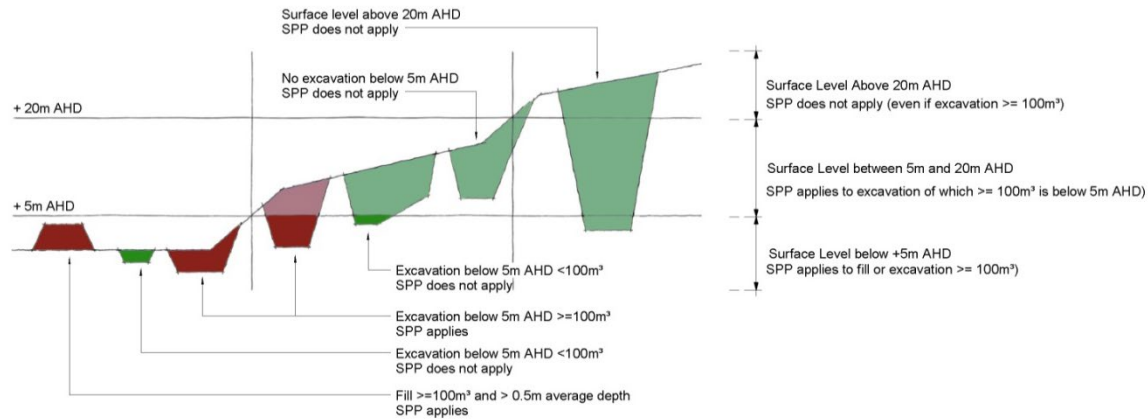
**Criteria for assessment****Table 8.2.1.3.a – Acid sulfate soils overlay code – assessable development**

Performance outcomes	Acceptable outcomes	Applicant response
<b>For assessable development</b>		
<b>P01</b> The extent and location of potential or actual acid sulfate soils is accurately identified.	<b>AO1.1</b> No excavation or filling occurs on the site.  or  <b>AO1.2</b> An acid sulfate soils investigation is undertaken.  Note - Planning scheme policy SC 6.12– Potential and actual acid sulfate soils provides guidance on preparing an acid sulfate soils investigation.	<b>Will Comply with AO1.2</b> Excavation works are required to facilitate the installation of the 30,000L underground storage. Investigation for acid sulfate soils will be undertaken prior to works. It is anticipated that this requirement will form a condition of approval.
<b>P02</b> 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.	<b>AO2.1</b> The disturbance of potential acid sulfate soils or actual acid sulfate soils is avoided by: (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: (i) actual acid sulfate soils being moved below the water table; (ii) previously saturated acid sulfate soils being aerated.  or	<b>Will Comply with AO2.1 or AO2.2</b> Refer to comment above.



Performance outcomes	Acceptable outcomes	Applicant response
	<p><b>AO2.2</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>(a) neutralising existing acidity and preventing the generation of acid and metal contaminants;</li> <li>(b) preventing the release of surface or groundwater flows containing acid and metal contaminants into the environment;</li> <li>(c) preventing the in situ oxidisation of potential acid sulfate soils and actual acid sulfate soils through ground water level management;</li> <li>(d) appropriately treating acid sulfate soils before disposal occurs on or off site;</li> <li>(e) documenting strategies and reporting requirements in an acid sulfate soils environmental management plan.</li> </ul> <p>Note - Planning scheme policy SC 6.12 – Acid sulfate soils provides guidance on preparing an acid sulfate soils management plan.</p>	
<p><b>PO3</b></p> <p>No environmental harm is caused as a result of exposure to potential acid sulfate soils or actual acid sulfate soils.</p>	<p><b>AO3</b></p> <p>No acceptable outcomes are prescribed.</p>	<p><b>Will Comply with PO3.</b></p> <p>Refer to comments above.</p>

Figure 8.2.1.3.a – Acid sulfate soils (SPP triggers)



## 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;
    - (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.

### Criteria for assessment

**Table 8.2.2.3.a – Bushfire hazard overlay code –assessable development**

Performance outcomes	Acceptable outcomes	Assessment Response
<b>For self-assessable and assessable development</b>		
<b>Compatible development</b>		
<b>P01</b> 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.  Note - See the end of this code for examples of vulnerable uses.	<b>A01</b> Vulnerable uses are not established or expanded.  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. 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. Note – Planning scheme policy SC6.9 - Natural hazards, provides a guide to the preparation of a Bushfire Management Plan.	<b>Not Applicable.</b> The application is not for a vulnerable use.
<b>P02</b> Emergency services and uses providing community support services are able to function effectively during and immediately after a bushfire hazard event.	<b>A02</b> 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.	<b>Not Applicable.</b>
<b>P03</b> Development involving hazardous materials manufactured or stored in bulk is not located in bushfire hazard sub-category.	<b>A03</b> The manufacture or storage of hazardous material in bulk does not occur within bushfire hazard sub-category.	<b>Not Applicable.</b>



Performance outcomes	Acceptable outcomes	Assessment Response
<b>Development design and separation from bushfire hazard – reconfiguration of lots</b>		
<p><b>PO4.1</b> 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/m<sup>2</sup> at the edge of the proposed lot(s).</p> <p>Note - "Urban purposes" and "urban area" are defined in the <i>Sustainable Planning Regulations 2009</i>. Reconfiguration will be taken to be for rural residential purposes where proposed lots are between 2000m<sup>2</sup> and 2ha in area. "Smaller scale" rural residential purposes will be taken to be where the average proposed lot size is 6000m<sup>2</sup> 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><b>PO4.2</b> 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/m<sup>2</sup> at any point.</p>	<p><b>AO4.1</b> No new lots are created within a bushfire hazard sub-category.</p> <p>or</p> <p><b>AO4.2</b> Lots are separated from hazardous vegetation by a distance that:</p> <ul style="list-style-type: none"> <li>(a) achieves radiant heat flux level of 29kW/m<sup>2</sup> at all boundaries; and</li> <li>(b) is contained wholly within the development site.</li> </ul> <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.</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><b>Not Applicable.</b></p>
<p><b>PO5</b> 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><b>AO5.1</b> Lot boundaries are separated from hazardous vegetation by a public road which:</p> <ul style="list-style-type: none"> <li>(a) has a two lane sealed carriageway;</li> <li>(b) contains a reticulated water supply;</li> <li>(c) is connected to other public roads at both ends and at intervals of no more than 500m;</li> <li>(d) accommodates geometry and turning radii in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines;</li> </ul>	<p><b>Not Applicable.</b></p>





Performance outcomes	Acceptable outcomes	Assessment Response
	<ul style="list-style-type: none"> <li>(e) has a minimum of 4.8m vertical clearance above the road;</li> <li>(f) is designed to ensure hydrants and water access points are not located within parking bay allocations; and</li> <li>(g) incorporates roll-over kerbing.</li> </ul> <p><b>AO5.2</b> 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><b>PO6</b> 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 vehicles servicing the area.</p> <p>The access is available for both fire fighting and maintenance/hazard reduction works.</p>	<p><b>AO6</b> Lot boundaries are separated from hazardous vegetation by a public road or fire trail which has:</p> <ul style="list-style-type: none"> <li>(a) a reserve or easement width of at least 20m;</li> <li>(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;</li> <li>(c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path;</li> <li>(d) a minimum of 4.8m vertical clearance;</li> <li>(e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines;</li> <li>(f) a maximum gradient of 12.5%;</li> <li>(g) a cross fall of no greater than 10 degrees;</li> <li>(h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy;</li> </ul>	<b>Not Applicable.</b>



Performance outcomes	Acceptable outcomes	Assessment Response
	<ul style="list-style-type: none"> <li>(i) vehicular access at each end which is connected to the public road network at intervals of no more than 500m;</li> <li>(j) designated fire trail signage;</li> <li>(k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and</li> <li>(l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services.</li> </ul>	
<p><b>P07</b> 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><b>A07</b> Lot boundaries are separated from hazardous vegetation by a public road or fire trail which has:</p> <ul style="list-style-type: none"> <li>(a) a reserve or easement width of at least 20m;</li> <li>(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;</li> <li>(c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path;</li> <li>(d) a minimum of 4.8m vertical clearance;</li> <li>(e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines;</li> <li>(f) a maximum gradient of 12.5%;</li> <li>(g) a cross fall of no greater than 10 degrees;</li> <li>(h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy;</li> <li>(i) vehicular access at each end which is connected to the public road network;</li> <li>(j) designated fire trail signage;</li> </ul>	<b>Not Applicable.</b>



Performance outcomes	Acceptable outcomes	Assessment Response
	(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.	
<b>P08</b> The development design responds to the potential threat of bushfire and establishes clear evacuation routes which demonstrate an acceptable or tolerable risk to people.	<b>A08</b> The lot layout: (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 approaching bushfire; and (d) ensures roads likely to be used in the event of a fire are designed to minimise traffic congestion.  Note - For example, developments should avoid finger-like or hour-glass subdivision patterns or substantive vegetated corridors between lots. 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. Advice from the Queensland Fire and Emergency Services (QFES) should be sought as appropriate	<b>Not Applicable.</b>
<b>P09</b> Critical infrastructure does not increase the potential bushfire hazard.	<b>A09</b> Critical or potentially hazardous infrastructure such as water supply, electricity, gas and telecommunications are placed underground.	<b>Not Applicable.</b>



Performance outcomes	Acceptable outcomes	Applicant response
<b>Development design and separation from bushfire hazard – material change of use</b>		
<p><b>PO10</b> 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>(a) 10kW/m<sup>2</sup> where involving a vulnerable use; or (b) 29kW/m<sup>2</sup> 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><b>AO10</b> 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/m<sup>2</sup> for a vulnerable use or 29kW/m<sup>2</sup> 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.</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><b>May be Conditioned to Comply.</b></p>
<p><b>PO11</b> 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><b>AO11</b> Development sites 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; (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</p>	<p><b>Complies with AO11.</b> The development is located within an existing cleared area and separated from hazardous vegetation by a minimum 4m wide trafficable driveway, setback greater than 6m from vegetation.</p> <p>Turning areas are available onsite for emergency vehicles.</p> <p>The site is level and directly accessible from Cape Tribulation Road. There are no gates restricting access.</p>



Performance outcomes	Acceptable outcomes	Applicant response
	<p>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 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 granted in favour of Council and Queensland Fire and Emergency Services.</p>	
<b>All development</b>		
<p><b>PO12</b></p> <p>All premises are provided with vehicular access that enables safe evacuation for occupants and easy access by fire fighting appliances.</p>	<p><b>AO12</b></p> <p>Private driveways:</p> <p>(a) do not exceed a length of 60m from the street to the building;</p> <p>(b) do not exceed a gradient of 12.5%;</p> <p>(c) have a minimum width of 3.5m;</p> <p>(d) have a minimum of 4.8m vertical clearance;</p> <p>(e) accommodate turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; and</p> <p>(f) serve no more than 3 dwellings or buildings.</p>	<p><b>Complies with AO12.</b></p> <p>The existing driveway is sufficiently sized to facilitate emergency vehicle access and circulation.</p>



Performance outcomes	Acceptable outcomes	Applicant response
<b>PO13</b> 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.	<b>AO13</b> A water tank is provided within 10m of each building (other than a class 10 building) which: <ul style="list-style-type: none"> <li>(a) is either below ground level or of non-flammable construction;</li> <li>(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"> <li>(i) 10,000l for residential buildings</li> </ul> </li> <li>(c) includes shielding of tanks and pumps in accordance with the relevant standards;</li> <li>(d) includes a hardstand area allowing medium rigid vehicle (15 tonne fire appliance) access within 6m of the tank;</li> <li>(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</li> <li>(f) is clearly identified by directional signage provided at the street frontage.</li> </ul> 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 dams.	<b>Complies with PO13.</b> The site is serviced by existing onsite water supply.
<b>PO14</b> Landscaping does not increase the potential bushfire risk.	<b>AO14</b> Landscaping uses species that are less likely to exacerbate a bushfire event, and does not increase fuel loads within separation areas.	<b>Complies with PO14.</b> No new landscaping is proposed.



Performance outcomes	Acceptable outcomes	Applicant response
<b>PO15</b> 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).	<b>AO15</b> Bushfire risk mitigation treatments do not have a significant impact on the natural environment or landscape character of the locality where this has value.	<b>Not Applicable.</b>

Note – 'Vulnerable activities' are those involving:

- (1) the accommodation or congregation of vulnerable sectors of the community such as child care centres, community care centre, educational establishments, detention facilities, hospitals, rooming accommodation, retirement facilities or residential care facilities; or
- (2) the provision of essential services including community uses, emergency services, utility installation, telecommunications facility, substations and major electricity infrastructure.

## 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:
  - (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.

### Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant response
<b>For self-assessable and assessable development</b>		
<p><b>PO1</b> 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><b>AO1.1</b> Development is sited on parts of the land that is not within the Flood and Storm tide hazards overlay maps contained in Schedule 2;</p> <p>or</p> <p>For dwelling houses,</p> <p><b>AO1.2</b> 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><b>Complies with PO1.</b> The proposed development is located within the overlay area, however this is limited to the Flood Plain Assessment Sub Category.</p> <p>The proposed development is located within the highest part of the site and clear vehicle and pedestrian access is available via Cape Tribulation Road.</p> <p>The development site is setback greater than 50m from a riparian corridor.</p>



Performance outcomes	Acceptable outcomes	Applicant response
	<p><b>AO1.3</b> New buildings are:</p> <ul style="list-style-type: none"> <li>(a) not located within the overlay area;</li> <li>(b) located on the highest part of the site to minimise entrance of flood waters;</li> <li>(c) provided with clear and direct pedestrian and vehicle evacuation routes off the site.</li> </ul> <p><b>AO1.4</b> 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>	
<b>For assessable development</b>		
<p><b>PO2</b> The development is compatible with the level of risk associated with the natural hazard.</p>	<p><b>AO2</b> The following uses are not located in land inundated by the Defined Flood Event (DFE) / Storm tide:</p> <ul style="list-style-type: none"> <li>(a) Retirement facility;</li> <li>(b) Community care facility;</li> <li>(c) Child care centre.</li> </ul>	<b>Not Applicable.</b>
<p><b>PO3</b> Development siting and layout responds to flooding potential and maintains personal safety</p>	<p>For Material change of use</p> <p><b>AO3.1</b> New buildings are:</p> <ul style="list-style-type: none"> <li>(a) not located within the overlay area;</li> <li>(b) located on the highest part of the site to minimise entrance of flood waters;</li> <li>(c) provided with clear and direct pedestrian and vehicle evacuation routes off the site.</li> </ul> <p>or</p>	<p><b>Alternative solution</b> The proposed development is located within the overlay area, however this is limited to the Flood Plain Assessment Sub Category.</p> <p>The proposed development is located within the highest part of the site and clear vehicle and pedestrian access is available via Cape Tribulation Road.</p> <p>The area is not known to flood.</p>



Performance outcomes	Acceptable outcomes	Applicant response
	<p><b>AO3.2</b> 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><b>AO3.3</b> 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 70m<sup>2</sup> 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> <p>For Reconfiguring a lot</p> <p><b>AO3.4</b> Additional lots: (a) are not located in the hazard overlay area; or (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>	



Performance outcomes	Acceptable outcomes	Applicant response
	<p><b>AO3.5</b> 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> <ul style="list-style-type: none"> <li>(a) by locating entry points into the reconfiguration above the flood level and avoiding culs-de-sac or other non-permeable layouts; and</li> <li>(b) by direct and simple routes to main carriageways.</li> </ul> <p><b>AO3.6</b> 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.</p> <p>or</p> <p><b>AO3.7</b> There is no intensification of residential uses within the flood affected areas on land situated below the DFE/Storm tide.</p>	



Performance outcomes	Acceptable outcomes	Applicant response
	<p>For Material change of use (Residential uses)  <b>AO3.8</b>            The design and layout of buildings used for residential purposes minimise risk from flooding by providing:            (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>	<b>Not Applicable.</b>
<p><b>PO4</b>            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)  <b>AO4.2</b>            Non residential buildings and structures allow for the flow through of flood waters on the ground floor.            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 building or off site).            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.  <b>AO4.3</b>            Materials are stored on-site:            (a) are those that are readily able to be moved in a flood event;            (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.            Notes -            (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>Complies with AO4.2</b>            The proposed development comprises an open sided canopy and would not restrict water flows.</p> <p><b>Complies with AO4.3</b>            The development does not involve materials stored onsite that can be easily moved by flood waters.</p>



Performance outcomes	Acceptable outcomes	Applicant response
	(b) Queensland Government Fact Sheet 'Repairing your House after a Flood' provides information about water resilient products and building techniques.	
<p><b>P05</b> 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><b>A05.1</b> Works in urban areas associated with the proposed development do not involve:</p> <ul style="list-style-type: none"> <li>(a) any physical alteration to a watercourse or floodway including vegetation clearing; or</li> <li>(b) a net increase in filling (including berms and mounds).</li> </ul> <p><b>A05.2</b> Works (including buildings and earthworks) in non urban areas either:</p> <ul style="list-style-type: none"> <li>(a) do not involve a net increase in filling greater than 50m<sup>3</sup>; or</li> <li>(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;</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>(c) do not change flood characteristics outside the subject site in ways that result in: <ul style="list-style-type: none"> <li>(i) loss of flood storage;</li> <li>(ii) loss of/changes to flow paths;</li> <li>(iii) acceleration or retardation of flows or any reduction in flood warning times elsewhere on the flood plain.</li> </ul> </li> </ul>	<p><b>Not Applicable.</b></p>



Performance outcomes	Acceptable outcomes	Applicant response
	<p>For Material change of use</p> <p><b>AO5.3</b> 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> <p>(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 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><b>AO5.4</b> 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><b>Complies with AO5.3</b> The lot is affected by storm tide inundation for the Year 2100, 1 in 100 (1% AEP) event. The 1% AEP for the year 2100 (including a Sea Level Rise of 0.8m) is at 2.7538 (without freeboard). The Freeboard for the Study is 0.5m and is applied to determine Finished Floor Level for habitable rooms. The development area is approximately 5.25m according to Council's Spectrum Spatial Mapping.</p>
<p><b>PO6</b> Development avoids the release of hazardous materials into floodwaters.</p>	<p>For Material change of use</p> <p><b>AO6.1</b> Materials manufactured or stored on site are not hazardous or noxious, or comprise materials that may</p>	<p><b>Complies with AO6.2.</b> The lot is affected by storm tide inundation for the Year 2100, 1 in 100 (1% AEP) event. The 1% AEP for the year 2100 (including a Sea Level Rise of 0.8m) is at 2.7538 (without</p>



Performance outcomes	Acceptable outcomes	Applicant response
	<p>cause a detrimental effect on the environment if discharged in a flood event;</p> <p>or</p> <p><b>AO6.2</b> If a DFE level is adopted, structures used for the manufacture or storage of hazardous materials are: (a) located above the DFE level; or (b) designed to prevent the intrusion of floodwaters.</p> <p><b>AO6.3</b> Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by the DFE.</p> <p><b>AO6.4</b> If a flood level is not adopted, hazardous materials and their manufacturing equipment are located on 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>freeboard).The Freeboard for the Study is 0.5m and is applied to determine Finished Floor Level for habitable rooms. The development area is approximately 5.25m according to Council's Spectrum Spatial Mapping. Furthermore, the fuel storage is designed to prevent water intrusion.</p>
<p><b>P07</b> The development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.</p>	<p><b>A07</b> Development does not: (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</p>	<p><b>Complies with A07.</b> The proposed development does not unreasonably increase the number of people at risk.</p>





Performance outcomes	Acceptable outcomes	Applicant response
	(d) impact on the ability of traffic to use evacuation routes, or unreasonably increase traffic volumes on evacuation routes.	
<b>PO8</b> Development involving community infrastructure: (a) remains functional to serve community need during and immediately after a flood event; 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; retains essential site access during a flood event; is able to remain functional even when other infrastructure or services may be compromised in a flood event.	<b>AO8.1</b> The following uses are not located on land inundated during a DFE/Storm tide: (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).  or  <b>AO8.2</b> The following uses are not located on land inundated during a 1% AEP flood event: (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, (b) community centres; (c) meeting halls; (d) galleries; (e) libraries.	<b>Not Applicable.</b>



Performance outcomes	Acceptable outcomes	Applicant response
	<p>The following uses are not located on land inundated during a 0.5% AEP flood event.</p> <ul style="list-style-type: none"> <li>(a) emergency shelters;</li> <li>(b) police facilities;</li> <li>(c) sub stations;</li> <li>(d) water treatment plant</li> </ul> <p>The following uses are not located on land inundated during a 0.2% AEP flood event:</p> <ul style="list-style-type: none"> <li>(a) correctional facilities;</li> <li>(b) emergency services;</li> <li>(c) power stations;</li> <li>(d) major switch yards.</li> </ul> <p>and/or</p> <p><b>AO8.3</b> The following uses have direct access to low hazard evacuation routes as defined in</p> <p>Table 8.2.4.3.c :</p> <ul style="list-style-type: none"> <li>(a) community residence; and</li> <li>(b) emergency services; and</li> <li>(c) hospitals; and</li> <li>(d) residential care facility; and</li> <li>(e) sub stations; and</li> <li>(f) utility installations involving water and sewerage treatment plants.</li> </ul> <p><b>AO8.4</b> 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</p>	



Performance outcomes	Acceptable outcomes	Applicant response
	<p>motors, telecommunications connections, or water supply pipeline air valves are:</p> <p>(a) located above DFE/Storm tide or the highest known flood level for the site;</p> <p>(b) designed and constructed to exclude floodwater intrusion / infiltration.</p> <p><b>AO8.5</b> Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by a flood.</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"> <li>Parks and open space.</li> </ul>
5% AEP level	<ul style="list-style-type: none"> <li>Car parking facilities (including car parking associated with use of land).</li> </ul>
1% AEP level	<ul style="list-style-type: none"> <li>All development (where not otherwise requiring an alternative level of minimum immunity).</li> </ul>
0.5% AEP level	<ul style="list-style-type: none"> <li>Emergency services (if for a police station);</li> <li>Industry activities (if including components which store, treat or use hazardous materials);</li> <li>Substation;</li> <li>Utility installation.</li> </ul>
0.2% AEP level	<ul style="list-style-type: none"> <li>Emergency services;</li> <li>Hospital;</li> <li>Major electricity infrastructure;</li> <li>Special industry.</li> </ul>

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.

Note: The evacuation times for various facilities or areas would (but not necessarily) be included in the Counter Disaster Plan.  
Generally safe wading conditions assume even walking surfaces and no obstructions, steps, soft underfoot etc.

## 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:
  - (a) High landscape value sub-category;
  - (b) Medium landscape value sub-category;
  - (c) Scenic route buffer / view corridor area sub-category;
  - (d) 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;
    - (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.

### Criteria for assessment

Table 8.2.6.3.z – Landscape values overlay code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
<b>For assessable development</b>		
<b>Development in a High landscape value area</b>		
<b>PO1</b> Development within High landscape value areas identified on the Landscape values overlay maps contained in Schedule 2: <ul style="list-style-type: none"> <li>(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;</li> <li>(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;</li> </ul>	<b>AO1.1</b> Buildings and structures are not more than 8.5 metres and two storeys in height.  Note - Height is inclusive of roof height.  <b>AO1.2</b> Buildings and structures are setback not less than 50 metres from ridgelines or peaks.  <b>AO1.3</b> Development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer.	<b>Not Applicable.</b>



Performance outcomes	Acceptable outcomes	Applicant response
<p>(c) retains existing vegetation and incorporates 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>(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 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><b>AO1.4</b> Where development on land steeper than 1 in 6 (16.6%) cannot be avoided: (a) development follows the natural; contours of the site; buildings are split level or suspended floor construction, or a combination of the two; 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><b>AO1.5</b> 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><b>AO1.6</b> No clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.5%).</p> <p><b>AO1.7</b> 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>	



Performance outcomes	Acceptable outcomes	Applicant response
	<b>AO1.8</b> Advertising devices do not occur.	
<b>Development within the Medium landscape value area</b>		
<b>P02</b> Development within Medium landscape value areas identified on the Landscape values overlay maps contained in Schedule 2: <ul style="list-style-type: none"> <li>(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;</li> <li>(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 5 years of construction;</li> <li>(c) retains existing vegetation and incorporates new landscaping to enhance existing vegetation and visually soften built form elements;</li> <li>(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;</li> <li>(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 and alignment of earthworks, roads, driveways, retaining walls and other on-ground or in-ground infrastructure;</li> </ul>	<b>AO2.1</b> Buildings and structures are not more than 8.5 metres and two storeys in height.  Note - Height is inclusive of the roof height.  <b>AO2.2</b> Development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer.  <b>AO2.3</b> Where development on land steeper than 1 in 6 (16.6%) cannot be avoided: <ul style="list-style-type: none"> <li>(a) development follows the natural; contours of the site;</li> <li>(b) buildings are split level or suspended floor construction, or a combination of the two;</li> <li>(c) lightweight materials are used to areas with suspended floors.</li> </ul> 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.  <b>AO2.4</b> The external features, walls and roofs of buildings and structures have a subdued and non-reflective palette.  Note - Examples of suitable colours include shades of green, olive green, blue green, grey green, green blue, indigo, brown, blue grey, and green yellow.	<b>Complies with AO2.1.</b> The proposed freestanding canopy is approximately 5.2m high.  <b>Complies with AO2.3</b> The development is screened by existing mature vegetation within the road verge.  <b>Not Applicable.</b>  <b>Can be Conditioned to Comply with AO2.4</b>





Performance outcomes	Acceptable outcomes	Applicant response
<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 infrastructure;</p> <p>(g) 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><b>AO2.5</b> No clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.6%).</p> <p><b>AO2.6</b> Advertising devices do not occur.</p>	<p><b>Not Applicable.</b></p> <p><b>Complies with AO2.6.</b> No new advertising devices are proposed.</p>
<b>Development within a Scenic route buffer / view corridor area</b>		
<p><b>P03</b> Development within a Scenic route buffer / view corridor area as identified on the Landscape values overlay maps contained in Schedule 2:</p> <p>(a) retains visual access to views of the surrounding landscape, the sea and other water bodies;</p> <p>(b) retains existing vegetation and incorporates landscaping to visually screen and soften built form elements whilst not impeding distant views or view corridors;</p> <p>(c) incorporates building materials and external finishes that are compatible with the visual amenity and the landscape character;</p> <p>(d) minimises visual impacts on the setting and views in terms of:</p> <p>(e) the scale, height and setback of buildings;</p> <p>(f) the extent of earthworks and impacts on the landform including the location and configuration of access roads and driveways;</p>	<p><b>AO3.1</b> 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><b>AO3.2</b> No clearing of native vegetation is undertaken within a Scenic route buffer area.</p> <p><b>AO3.3</b> 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><b>AO3.4</b></p>	<p><b>Complies with AO3.1</b> The proposed structures is approximately 5.2m high.</p> <p><b>Complies with AO3.2</b> There is no proposed vegetation clearing.</p> <p><b>Alternative Solution.</b> The development relies on existing mature screening vegetation within the road reserve verge. No new landscaping is proposed.</p> <p><b>Complies with AO3.4</b> No new advertising devices are proposed.</p>



Performance outcomes	Acceptable outcomes	Applicant response
<p>(g) the scale, extent and visual prominence of advertising devices.</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>Development does not result in the replacement of, or creation of new, additional, or enlarged advertising devices.</p>	
<b>Development within the Coastal scenery area</b>		
<p><b>PO4</b> 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><b>AO4.1</b> The dominance of the natural character of the coast is maintained or enhanced when viewed from the foreshore.</p> <p><b>AO4.2</b> 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>(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><b>AO4.3</b> 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><b>Not Applicable.</b></p>



Performance outcomes	Acceptable outcomes	Applicant response
	<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, 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><b>P05</b> 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><b>A05</b> 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><b>Not Applicable.</b></p>

## 8.2.10 Transport network overlay code

### 8.2.10.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Transport network 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 within the Transport network overlay is identified on the Transport network (Road Hierarchy) overlay map and the Transport network (Pedestrian and Cycle) overlay map in Schedule 2 and includes the following sub-categories:
  - (a) Transport network (Road Hierarchy) overlay sub-categories:
    - (i) State controlled road sub-category;
    - (ii) Sub-arterial road sub-category;
    - (iii) Collector road sub-category;
    - (iv) Access road sub-category;
    - (v) Industrial road sub-category;
    - (vi) Major rural road sub-category;
    - (vii) Minor rural road sub-category;
    - (viii) Unformed road sub-category;
    - (ix) Major transport corridor buffer area sub-category.
  - (b) Transport network (Pedestrian and Cycle) overlay sub-categories:
    - (i) Principal route;
    - (ii) Future principal route;
    - (iii) District route;
    - (iv) Neighbourhood route;
    - (v) Strategic investigation route.

**8.2.10.2 Purpose**

- (1) The purpose of the Transport network overlay code is to:
  - (a) implement the policy direction of the Strategic Framework, in particular:
    - (i) Theme 1: Settlement pattern Element 3.4.2 Urban settlement, Element 3.4.3 Activity centres;
    - (ii) Theme 6: Infrastructure and transport Element 3.9.4 Transport;
  - (b) enable an assessment of whether development is suitable on land within the Transport network overlay.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) development provides for transport infrastructure (including active transport infrastructure);
  - (b) development contributes to a safe and efficient transport network;
  - (c) development supports the existing and future role and function of the transport network;
  - (d) development does not compromise the safety and efficiency of major transport infrastructure and facilities.

**Criteria for assessment****Table 8.2.10.3 a – Transport network overlay code – assessable development**

Performance outcomes	Acceptable outcomes	Applicant response
<b>For assessable development</b>		
<b>PO1</b> Development supports the road hierarchy for the region.  Note -A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.	<b>AO1.1</b> Development is compatible with the intended role and function of the transport network as identified on the Transport network overlay maps contained in Schedule 2.  <b>AO1.2</b> Development does not compromise the safety and efficiency of the transport network.	<b>Complies with AO1.1</b> The proposed development does not compromise role and function of the transport network. The development is low scale and has sufficient internal areas to accommodate expected queuing whilst maintaining internal circulation.  <b>Complies with AO1.2</b> The proposed development will utilise existing sealed road access points. The development is low scale and not expected to compromise



Performance outcomes	Acceptable outcomes	Applicant response
		the safety and efficiency of the transport network.
	<b>AO1.3</b> Development is designed to provide access via the lowest order road, where legal and practicable access can be provided to that road.	<b>Complies with AO1.3.</b> As discussed above.
<b>PO2</b> Transport infrastructure is provided in an integrated and timely manner.  Note - A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.	<b>AO2</b> Development provides infrastructure (including improvements to existing infrastructure) in accordance with: (a) the Transport network overlay maps contained in Schedule 2; (b) any relevant Local Plan.  Note – The Translink Public Transport Infrastructure Manual provides guidance on the design of public transport facilities.	<b>Not Applicable.</b> No new infrastructure upgrades are proposed.
<b>PO3</b> Development involving sensitive land uses within a major transport corridor buffer area is located, designed and maintained to avoid or mitigate adverse impacts on amenity for the sensitive land use.	<b>AO3</b> No acceptable outcomes are prescribed.  Note – Part 4.4 of the Queensland Development Code provides requirements for residential building design in a designated transport noise corridor.	<b>Not Applicable.</b>
<b>PO4</b> Development does not compromise the intended role and function or safety and efficiency of major transport corridors.  Note - A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.	<b>AO4.1</b> Development is compatible with the role and function (including the future role and function) of major transport corridors.  <b>AO4.2</b> Direct access is not provided to a major transport corridor where legal and practical access from another road is available.	<b>Complies with AO4.1</b> The proposed development will utilise existing sealed road access points. The development is low scale and not expected to compromise the function, safety and efficiency of the transport network. The design allows sufficient area for internal queuing.  <b>Complies with AO4.2.</b> The proposed development will utilise existing sealed road access points. No other alternative road frontages are available.



Performance outcomes	Acceptable outcomes	Applicant response
	<p><b>AO4.3</b> Intersection and access points associated with major transport corridors are located in accordance with:</p> <ul style="list-style-type: none"> <li>(a) the Transport network overlay maps contained in Schedule 2; and</li> <li>(b) any relevant Local Plan.</li> </ul> <p><b>AO4.4</b> The layout of development and the design of the associated access is compatible with existing and future boundaries of the major transport corridor or major transport facility.</p>	<p><b>Complies with AO4.3.</b> The proposed development will utilise existing sealed road access points.</p> <p><b>Complies with AO4.4.</b> The proposed development will utilise existing sealed road access points.</p>
<p><b>PO5</b> Development retains and enhances existing vegetation between a development and a major transport corridor, so as to provide screening to potential noise, dust, odour and visual impacts emanating from the corridor.</p>	<p><b>AO5</b> No acceptable outcomes are prescribed.</p>	<p><b>Complies with PO5.</b> Existing vegetation within the road verge is retained which provides a high level of screening. No new landscaping is proposed.</p>
<b>Pedestrian and cycle network</b>		
<p><b>PO6</b> Lot reconfiguration assists in the implementation of the pedestrian and cycle movement network to achieve safe, attractive and efficient pedestrian and cycle networks</p>	<p><b>AO6.1</b> Where a lot is subject to, or adjacent to an element of the pedestrian and cycle Movement network (identified on the Transport network overlay maps contained in Schedule 2) the specific location of this element of the pedestrian and cycle network is incorporated in the design of the lot layout.</p> <p><b>AO6.2</b> The element of the pedestrian and cycle network is constructed in accordance with the Design Guidelines set out in Sections D4 and D5 of the Planning scheme policy SC6.5 – FNQROC Regional Development Manual.</p>	<p><b>Not Applicable.</b></p>

## 9.4 Other development codes

### 9.4.1 Access, parking and servicing code

#### 9.4.1.1 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) self-assessable or 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.

#### 9.4.1.2 Purpose

- (1) The purpose of the Access, parking and servicing code is to assess the suitability of access, parking and associated servicing aspects of a development.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) sufficient vehicle parking is provided on-site to cater for all types of vehicular traffic accessing and parking on-site, including staff, guests, patrons, residents and short term delivery vehicles;
  - (b) sufficient bicycle parking and end of trip facilities are provided on-site to cater for customer and service staff;
  - (c) on-site parking is provided so as to be accessible and convenient, particularly for any short term uses;
  - (d) development provides walking and cycle routes through the site which link the development to the external walking and cycling network;
  - (e) the provision of on-site parking, loading / unloading facilities and the provision of access to the site do not impact on the efficient function of street network or on the area in which the development is located;
  - (f) new vehicular access points are safely located and are not in conflict with the preferred ultimate streetscape character and local character and do not unduly disrupt any current or future on-street parking arrangements.



### 9.4.1.3 Criteria for assessment

Table 9.4.1.3.a – Access, parking and servicing code – assessable development

Performance outcomes	Acceptable outcomes	Applicant Response
<b>For self-assessable and assessable development</b>		
<p><b>PO1</b> Sufficient on-site car parking is provided to cater for the amount and type of vehicle traffic expected to be generated by the use or uses of the site, having particular regard to:</p> <ul style="list-style-type: none"> <li>(a) the desired character of the area;</li> <li>(b) the nature of the particular use and its specific characteristics and scale;</li> <li>(c) the number of employees and the likely number of visitors to the site;</li> <li>(d) the level of local accessibility;</li> <li>(e) the nature and frequency of any public transport serving the area;</li> <li>(f) whether or not the use involves the retention of an existing building and the previous requirements for car parking for the building</li> <li>(g) whether or not the use involves a heritage building or place of local significance;</li> <li>(h) whether or not the proposed use involves the retention of significant vegetation.</li> </ul>	<p><b>AO1.1</b> The minimum number of on-site vehicle parking spaces is not less than the number prescribed in Table 9.4.1.3.b for that particular use or uses.</p> <p>Note - Where the number of spaces calculated from the table is not a whole number, the number of spaces provided is the next highest whole number.</p> <p><b>AO1.2</b> Car parking spaces are freely available for the parking of vehicles at all times and are not used for external storage purposes, the display of products or rented/sub-leased.</p> <p><b>AO1.3</b> Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking.</p> <p><b>AO1.4</b> For parking areas exceeding 50 spaces parking, is provided for recreational vehicles as a substitute for ordinary vehicle parking to a maximum of 5% of total ordinary vehicle parking rate.</p>	<p><b>Complies with PO1</b> The proposed Service Station does not include a retail element. The parking demand rate under the Planning Scheme is based on Gross Floor Area. As the Service Station does not include any Gross Floor Area, it is reasonable to conclude that the proposal does not generate any additional parking demand.</p> <p>The design incorporates provision for queuing commensurate with anticipated demand. This is a low scale use. The design accommodates queuing for a single north bound vehicle with trailer in tow, or two north bound single vehicles. Greater internal queuing is available for southbound traffic.</p> <p>The design maintains the existing 90 degree vehicle parking along the site frontage. The use of the bowser adjacent will temporarily restrict access to a limited number of spaces, however this may be managed onsite. If the bowzers are occupied, the waiting period for the driveway to clear would be only short. Alternatively, these parking spaces may be reserved for staff parking.</p> <p>The proposed development does not remove any existing parking space, nor generate demand for additional onsite parking spaces.</p>



<b>P02</b> Vehicle parking areas are designed and constructed in accordance with relevant standards.	<b>A02</b> Vehicle parking areas are designed and constructed in accordance with Australian Standard: (a) AS2890.1; (b) AS2890.3; (c) AS2890.6.	<b>Will comply</b>
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<p><b>PO3</b> Access points are designed and constructed:</p> <ul style="list-style-type: none"> <li>(a) to operate safely and efficiently;</li> <li>(b) to accommodate the anticipated type and volume of vehicles</li> <li>(c) to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate;</li> <li>(d) so that they do not impede traffic or pedestrian movement on the adjacent road area;</li> <li>(e) so that they do not adversely impact upon existing intersections or future road or intersection improvements;</li> <li>(f) so that they do not adversely impact current and future on-street parking arrangements;</li> <li>(g) so that they do not adversely impact on existing services within the road reserve adjacent to the site;</li> <li>(h) so that they do not involve ramping, cutting of the adjoining road reserve or any built structures (other than what may be necessary to cross over a stormwater channel).</li> </ul>	<p><b>AO3.1</b> Access is limited to one access cross over per site and is an access point located, designed and constructed in accordance with:</p> <ul style="list-style-type: none"> <li>(a) Australian Standard AS2890.1;</li> <li>(b) Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers.</li> </ul> <p><b>AO3.2</b> Access, including driveways or access crossovers:</p> <ul style="list-style-type: none"> <li>(a) are not placed over an existing: <ul style="list-style-type: none"> <li>(i) telecommunications pit;</li> <li>(ii) stormwater kerb inlet;</li> <li>(iii) sewer utility hole;</li> <li>(iv) water valve or hydrant.</li> </ul> </li> <li>(b) are designed to accommodate any adjacent footpath;</li> <li>(c) adhere to minimum sight distance requirements in accordance with AS2980.1.</li> </ul> <p><b>AO3.3</b> Driveways are:</p> <ul style="list-style-type: none"> <li>(a) designed to follow as closely as possible to the existing contours, but are no steeper than the gradients outlined in Planning scheme policy SC6.5 – FNQROC Regional Development Manual;</li> <li>(b) constructed such that where there is a grade shift to 1 in 4 (25%), there is an area with a grade of no more than 1 in 6 (16.6%) prior to this area, for a distance of at least 5 metres;</li> <li>(c) on gradients greater than 1 in 6 (16.6%) driveways are constructed to ensure the cross-fall of the driveway is one way and directed into the hill, for vehicle safety and drainage purposes;</li> </ul>	<p><b>Complies with AO3.1 – AO3.4</b> The driveway access locations is existing.</p>
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	<p>(d) constructed such that the transitional change in grade from the road to the lot is fully contained within the lot and not within the road reserve;</p> <p>(e) designed to include all necessary associated drainage that intercepts and directs storm water runoff to the storm water drainage system.</p> <p><b>AO3.4</b> Surface construction materials are consistent with the current or intended future streetscape or character of the area and contrast with the surface construction materials of any adjacent footpath.</p>	
<p><b>PO4</b> Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes.</p>	<p><b>AO4</b> The number of on-site wheel chair accessible car parking spaces complies with the rates specified in AS2890 Parking Facilities.</p>	Can Comply with AO4.
<p><b>PO5</b> Access for people with disabilities is provided to the building from the parking area and from the street.</p>	<p><b>AO5</b> Access for people with disabilities is provided in accordance with the relevant Australian Standard.</p>	Can Comply with AO5.
<p><b>PO6</b> Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development.</p>	<p><b>AO6</b> The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b.</p>	Not Applicable.

<p><b>PO7</b> Development provides secure and convenient bicycle parking which:</p> <ul style="list-style-type: none"> <li>(a) for visitors is obvious and located close to the building's main entrance;</li> <li>(b) for employees is conveniently located to provide secure and convenient access between the bicycle storage area, end-of-trip facilities and the main area of the building;</li> <li>(c) is easily and safely accessible from outside the site.</li> </ul>	<p><b>AO7.1</b> Development provides bicycle parking spaces for employees which are co-located with end-of-trip facilities (shower cubicles and lockers);</p> <p><b>AO7.2</b> Development ensures that the location of visitor bicycle parking is discernible either by direct view or using signs from the street.</p> <p><b>AO7.3</b> Development provides visitor bicycle parking which does not impede pedestrian movement.</p>	<p><b>Not Applicable.</b></p> <p><b>Not Applicable.</b></p> <p><b>Not Applicable.</b></p>
<p><b>PO8</b> Development provides walking and cycle routes through the site which:</p> <ul style="list-style-type: none"> <li>(a) link to the external network and pedestrian and cyclist destinations such as schools, shopping centres, open space, public transport stations, shops and local activity centres along the safest, most direct and convenient routes;</li> <li>(b) encourage walking and cycling;</li> <li>(c) ensure pedestrian and cyclist safety.</li> </ul>	<p><b>AO8</b> Development provides walking and cycle routes which are constructed on the carriageway or through the site to:</p> <ul style="list-style-type: none"> <li>(a) create a walking or cycle route along the full frontage of the site;</li> <li>(b) connect to public transport and existing cycle and walking routes at the frontage or boundary of the site.</li> </ul>	<p><b>Not Applicable.</b></p>
<p><b>PO9</b> Access, internal circulation and on-site parking for service vehicles are designed and constructed:</p> <ul style="list-style-type: none"> <li>(a) in accordance with relevant standards;</li> </ul>	<p><b>AO9.1</b> Access driveways, vehicle manoeuvring and on-site parking for service vehicles are designed and constructed in accordance with AS2890.1 and</p>	<p><b>Can comply</b></p>



<p>(b) so that they do not interfere with the amenity of the surrounding area;</p> <p>(c) so that they allow for the safe and convenient movement of pedestrians, cyclists and other vehicles.</p>	<p>AS2890.2.</p> <p><b>AO9.2</b> Service and loading areas are contained fully within the site.</p> <p><b>AO9.3</b> The movement of service vehicles and service operations are designed so they:</p> <ul style="list-style-type: none"> <li>(a) do not impede access to parking spaces;</li> <li>(b) do not impede vehicle or pedestrian traffic movement.</li> </ul>	<p><b>Complies with AO9.2.</b> The Proposal Plans demonstrate that refueling can be accommodated onsite.</p> <p><b>Complies with AO9.3.</b> The design maintains the existing 90 degree vehicle parking along the site frontage. The use of the bowser adjacent will temporarily restrict access to a limited number of spaces, however this may be managed onsite and these spaces reserved for staff parking. Regardless, if the bowzers are occupied, the waiting period for the driveway to clear would be only short.</p>
<p><b>PO10</b> Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.</p>	<p><b>AO10.1</b> Development provides adequate area on-site for vehicle queuing to accommodate the demand generated by the development where drive through facilities or drop-off/pick-up services are proposed as part of the use, including, but not limited to, the following land uses:</p> <ul style="list-style-type: none"> <li>(a) car wash;</li> <li>(b) child care centre;</li> <li>(c) educational establishment where for a school;</li> <li>(d) food and drink outlet, where including a drive-through facility;</li> <li>(e) hardware and trade supplies, where including a drive-through facility;</li> <li>(f) hotel, where including a drive-through facility;</li> <li>(g) service station.</li> </ul> <p><b>AO10.2</b> Queuing and set-down areas are designed and constructed in accordance with AS2890.1.</p>	<p><b>Complies with AO10.1.</b> The design incorporates provision for queuing commensurate with anticipated demand. This is a low scale use. The design accommodates queuing for a single north bound vehicles with trailer in tow, or two north bound sing vehicles. Greater internal queuing is available for southbound traffic.</p> <p><b>Not Applicable.</b></p>

**Table 9.4.1.3.b – Access, parking and servicing requirements**

Note – Where the number of spaces is not a whole number, the number of spaces to be provided is the next highest whole number.

Note – Where the proposed development involves one or more land use, the minimum number of spaces for the proposed development will be calculated using the minimum number of spaces specified for each land use component.

## **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;
  - (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	Applicant Response
<b>Lighting</b>		
<b>PO1</b> Lighting incorporated within development does not cause an adverse impact on the amenity of adjacent uses and nearby sensitive land uses.	<b>AO1.1</b> 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.  <b>AO1.2</b> Development that involves flood lighting is restricted to a type that gives no upward component of light where mounted horizontally.  <b>AO1.3</b> Access, car parking and manoeuvring areas are designed to shield nearby residential premises from impacts of vehicle headlights.	<b>May be Conditioned to Comply.</b>
<b>Noise</b>		
<b>PO2</b> Potential noise generated from the development is avoided through design, location and operation of the activity. Note – Planning Scheme Policy SC6.4 – Environmental	<b>AO2.1</b> Development does not involve activities that would cause noise related environmental harm or nuisance; or	<b>Complies</b> The proposed development does not involve noisy activities.



<p>management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.</p>	<p><b>AO2.2</b> 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><b>AO2.3</b> The design and layout of development ensures car parking areas avoid noise impacting directly on adjacent sensitive land uses through one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) car parking is located away from adjacent sensitive land uses;</li> <li>(b) car parking is enclosed within a building;</li> <li>(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;</li> <li>(d) buffered with dense landscaping.</li> </ul> <p>Editor's note - The <i>Environmental Protection (Noise) Policy 2008</i>, Schedule 1 provides guidance on acoustic quality objectives to ensure environmental harm (including nuisance) is avoided.</p>	<p><b>Complies with AO2.2</b> The proposed development is not likely to generate noise impacts on adjoining uses.</p> <p><b>Complies with AO2.3.</b> Vehicle access and parking is not likely to cause a nuisance for adjoining uses.</p>
<b>Airborne particles and other emissions</b>		
<p><b>PO3</b> Potential airborne particles and emissions generated from the development are 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><b>AO3.1</b> Development does not involve activities that will result in airborne particles or emissions being generated;</p> <p>or</p> <p><b>AO3.2</b> The design, layout and operation of the development activity ensures that no airborne particles or emissions cause environmental harm or nuisance.</p>	<p><b>Will Comply with PO3.</b> Response to these matters will be documented within the Site Based Management Plan.</p>



	<p>Note - examples of activities which generally cause airborne particles include spray painting, abrasive blasting, manufacturing activities and car wash facilities.</p> <p>Examples of emissions include exhaust ventilation from basement or enclosed parking structures, air conditioning/refrigeration ventilation and exhaustion.</p> <p>The <i>Environmental Protection (Air) Policy 2008</i>, Schedule 1 provides guidance on air quality objectives to ensure environmental harm (including nuisance) is avoided.</p>	
<b>Odours</b>		
<p><b>PO4</b> Potential odour causing activities associated with the development are 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><b>A04.1</b> The development does not involve activities that create odorous emissions;</p> <p>or</p> <p><b>A04.2</b> The use does not result in odour that causes environmental harm or nuisance with respect to surrounding land uses.</p>	<p><b>Will Comply with PO4.</b> Response to these matters will be documented within the Site Based Management Plan.</p>
<b>Waste and recyclable material storage</b>		

**PO5**

Waste and recyclable material storage facilities are located and maintained to not cause adverse impacts on adjacent uses.

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.

**AO5.1**

The use ensures that all putrescent waste is stored in a manner that prevents odour nuisance and is disposed of at regular intervals.

**AO5.2**

Waste and recyclable 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:

- (a) the location of the waste and recyclable material storage areas in relation to the noise and odour generated;
- (b) the number of receptacles provided in relation to the collection, maintenance and use of the receptacles;
- (c) the durability of the receptacles, sheltering and potential impacts of local climatic conditions;
- (d) the ability to mitigate spillage, seepage or leakage from receptacles into adjacent areas and sensitive receiving waters and environments.

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.

**Will Comply with PO5.**

Waste will be stored appropriately onsite so not to impact adjoining land uses.

**Sensitive land use activities**



<p><b>PO6</b> 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><b>AO6.1</b> 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;</p> <p>or</p> <p><b>AO6.2</b> Sensitive land activities are located in areas where potential adverse amenity impacts mitigate all potential impacts through layout, design, operation and maintenance.</p>	<p><b>Not Applicable.</b></p>
<p><b>Stormwater quality</b></p>		
<p><b>PO7</b> The quality of stormwater flowing over, through or being discharged from development activities into watercourses and drainage lines is of adequate quality for downstream environments, with respect to:</p> <ul style="list-style-type: none"> <li>(a) the amount and type of pollutants borne from the activity;</li> <li>(c) maintaining natural stream flows;</li> <li>(d) the amount and type of site disturbance;</li> <li>(e) site management and control measures.</li> </ul>	<p><b>AO7.1</b> Development activities are designed to ensure stormwater over roofed and hard stand areas is directed to a lawful point of discharge.</p> <p><b>AO7.2</b> Development ensures movement of stormwater over the site is not impeded or directed through potentially polluting activities.</p> <p><b>AO7.3</b> 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 <i>Environmental Protection Act 1994</i>.</p> <p>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><b>Will Comply with PO7.</b> Response to these matters will be documented within the Site Based Management Plan.</p>



Pest plants (for material change of use on vacant land over 1,000m <sup>2</sup> )		
<p><b>PO8</b> 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 <i>Land Protection (Pest and Stock Route Management) Act 2002</i>.</p>	<p><b>AO8.1</b> The land is free of declared pest plants before development establishes new buildings, structures and practices;</p> <p>or</p> <p><b>AO8.2</b> 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.</p> <p>Note - A declaration from an appropriately qualified person validates the land being free from pest plants.</p> <p>Declared pest plants include locally declared and State declared pest plants.</p>	<p><b>Not Applicable.</b></p>

## **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;
  - (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	Applicant response
For self-assessable and assessable development			
Filling and excavation - General			
<p><b>PO1</b> 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.</p>	<p><b>AO1.1</b> The height of cut and/or fill, whether retained or not, does not exceed 2 metres in height.</p> <p>and</p> <p>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.</p> <p><b>AO1.2</b> Cuts are supported by batters, retaining or rock walls and associated benches/terraces are capable of supporting mature vegetation.</p> <p><b>AO1.3</b> Cuts are screened from view by the siting of the building/structure, wherever possible.</p>	<p><b>Complies with PO1.</b> Excavation and filling is limited to that necessary to install the underground storage tank. The site will be reinstated once the tank is installed.</p>	





	<p><b>AO1.4</b> Topsoil from the site is retained from cuttings and reused on benches/terraces.</p> <p><b>AO1.5</b> 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><b>AO1.6</b> 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>	
<b>Visual Impact and Site Stability</b>		
<p><b>PO2</b> 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><b>AO2.1</b> The extent of filling and excavation does not exceed 40% of the site area, or 500m<sup>2</sup> whichever is the lesser,  except that AO2.1 does not apply to reconfiguration of 5 lots or more.</p> <p><b>AO2.2</b> Filling and excavation does not occur within 2 metres of the site boundary.</p>	<p><b>Complies with PO2.</b> Excavation and filling is limited to that necessary to install the underground storage tank. The site will be reinstated once the tank is installed. The proposed works will not cause visual impacts or impact site stability.</p>
<b>Flooding and drainage</b>		



<p><b>PO3</b> 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><b>AO3.1</b> Filling and excavation does not result in the ponding of water on a site or adjacent land or road reserves.</p> <p><b>AO3.2</b> 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><b>AO3.3</b> 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><b>AO3.4</b> Filling and excavation complies with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.</p>	<p><b>Will Comply.</b> Any concerns in this regard may be conditioned under a Development Permit.</p>
<b>Water quality</b>		
<p><b>PO4</b> Filling and excavation does not result in a reduction of the water quality of receiving waters.</p>	<p><b>AO4</b> Water quality is maintained to comply with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.</p>	<p><b>Will Comply.</b> Any concerns in this regard may be conditioned under a Development Permit.</p>
<b>Infrastructure</b>		
<p><b>PO5</b> Excavation and filling does not impact on Public Utilities.</p>	<p><b>AO5</b> Excavation and filling is clear of the zone of influence of public utilities.</p>	<p><b>Will Comply.</b> Any concerns in this regard may be conditioned under a Development Permit.</p>

## **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;
  - (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 – Infrastructure works code –assessable development

Performance outcomes		Acceptable outcomes	Applicant response
For self-assessable and assessable development			
Works on a local government road			
<p><b>PO1</b></p> <p>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.</p>	<p><b>AO1.1</b></p> <p>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.</p> <p><b>AO1.2</b></p> <p>Kerb ramp crossovers are constructed in accordance with Planning scheme policy SC 5 – FNQROC Regional Development Manual.</p> <p><b>AO1.3</b></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</p>	<p><b>Not Applicable.</b></p>	



	<p>in the Planning scheme policy SC5 – FNQROC Regional Development Manual, and is not less than a 1.2 metre section.</p> <p><b>AO1.4</b> Where existing footpaths are damaged as a result of development, footpaths are reinstated ensuring:</p> <ul style="list-style-type: none"> <li>(a) similar surface finishes are used;</li> <li>(b) there is no change in level at joins of new and existing sections;</li> <li>(c) new sections are matched to existing in terms of dimension and reinforcement.</li> </ul> <p>Note – Figure 9.4.5.3.a provides guidance on meeting the outcomes.</p> <p><b>AO1.5</b> 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>	
<b>Accessibility structures</b>		
<p><b>PO2</b> 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 people of all abilities and include ramps and lifts.</p>	<p><b>AO2.1</b> Accessibility structures are not located within the road reserve.</p> <p><b>AO2.2</b> Accessibility structures are designed in accordance with AS1428.3.</p> <p><b>AO2.3</b> 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>	<b>Not Applicable.</b>
<b>Water supply</b>		

**PO3**

An adequate, safe and reliable supply of potable, fire fighting and general use water is provided.

**AO3.1**

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;

or

**AO3.2**

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 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.

**Complies with AO3.2.**

The Service Station will be connected to existing water storage and supply within Lot 4.



Treatment and disposal of effluent		
<p><b>PO4</b> 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><b>AO4.1</b> 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><b>AO4.2</b> 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>	<p><b>Not Applicable.</b> The development does require disposal of effluent.</p>
Stormwater quality		
<p><b>PO5</b> 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"> <li>(a) achieving stormwater quality objectives;</li> <li>(b) protecting water environmental values;</li> <li>(c) maintaining waterway hydrology.</li> </ul>	<p><b>AO5.1</b> A connection is provided from the premises to Council's drainage system;</p> <p>or</p> <p><b>AO5.2</b> 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 Regional Development Manual.</p>	<p><b>May be Conditioned to Comply.</b> The development involves a small roof area of 6m x 6m which will be discharged to the ground and dispersed.</p>

**AO5.3**

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:

- (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.

**AO5.4**

Erosion and sediment control practices are designed, installed, constructed, monitored, maintained, and carried out in accordance with an erosion and sediment control plan.

**AO5.5**

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.

Note – Planning scheme policy SC5 – FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the *Environmental Protection Act 1994*.

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.	
<b>Non-tidal artificial waterways</b>		
<p><b>PO6</b> Development involving non-tidal artificial waterways is planned, designed, constructed and operated to:</p> <ul style="list-style-type: none"> <li>(a) protect water environmental values;</li> <li>(b) be compatible with the land use constraints for the site for protecting water environmental values;</li> <li>(c) be compatible with existing tidal and non-tidal waterways;</li> <li>(d) perform a function in addition to stormwater management;</li> <li>(e) achieve water quality objectives.</li> </ul>	<p><b>AO6.1</b> Development involving non-tidal artificial waterways ensures:</p> <ul style="list-style-type: none"> <li>(a) environmental values in downstream waterways are protected;</li> <li>(b) any ground water recharge areas are not affected;</li> <li>(c) the location of the waterway incorporates low lying areas of the catchment connected to an existing waterway;</li> <li>(d) existing areas of ponded water are included.</li> </ul> <p><b>AO6.2</b> Non-tidal artificial waterways are located:</p> <ul style="list-style-type: none"> <li>(a) outside natural wetlands and any associated buffer areas;</li> <li>(b) to minimise disturbing soils or sediments;</li> <li>(c) to avoid altering the natural hydrologic regime in acid sulfate soil and nutrient hazardous areas.</li> </ul> <p><b>AO6.3</b> 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> <ul style="list-style-type: none"> <li>(a) there is sufficient flushing or a tidal range of &gt;0.3 m; or</li> <li>(b) any tidal flow alteration does not adversely impact on the tidal waterway; or</li> </ul>	<p><b>Not Applicable.</b></p>



	<p>(c) there is no introduction of salt water into freshwater environments.</p> <p><b>AO6.4</b> Non-tidal artificial waterways are designed and managed for any of the following end-use purposes:</p> <ul style="list-style-type: none"> <li>(a) amenity (including aesthetics), landscaping or recreation; or</li> <li>(b) flood management, in accordance with a drainage catchment management plan; or</li> <li>(c) stormwater harvesting plan as part of an integrated water cycle management plan; or aquatic habitat.</li> </ul> <p><b>AO6.5</b> The end-use purpose of the non-tidal artificial waterway is designed and operated in a way that protects water environmental values.</p> <p><b>AO6.6</b> Monitoring and maintenance programs adaptively manage water quality to achieve relevant water quality objectives downstream of the waterway.</p> <p><b>AO6.7</b> (d) Aquatic weeds are managed to achieve a low percentage of coverage of the water surface area, and pests and vectors are managed through design and maintenance.</p>	
<b>Wastewater discharge</b>		



<p><b>P07</b> Discharge of wastewater to waterways, or off site:</p> <ul style="list-style-type: none"> <li>(a) meets best practice environmental management;</li> <li>(b) is treated to: <ul style="list-style-type: none"> <li>(i) meet water quality objectives for its receiving waters;</li> <li>(ii) avoid adverse impact on ecosystem health or waterway health;</li> <li>(iii) maintain ecological processes, riparian vegetation and waterway integrity;</li> <li>(iv) offset impacts on high ecological value waters.</li> </ul> </li> </ul>	<p><b>AO7.1</b> A wastewater management plan is prepared and addresses:</p> <ul style="list-style-type: none"> <li>(a) wastewater type;</li> <li>(b) climatic conditions;</li> <li>(c) water quality objectives;</li> <li>(d) best practice environmental management.</li> </ul> <p><b>AO7.2</b> The waste water management plan is managed in accordance with a waste management hierarchy that:</p> <ul style="list-style-type: none"> <li>(a) avoids wastewater discharge to waterways; or</li> <li>(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.</li> </ul> <p><b>AO7.3</b> 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><b>AO7.4</b> Development in coastal catchments avoids or minimises and appropriately manages soil disturbance or altering natural hydrology and:</p> <ul style="list-style-type: none"> <li>(a) avoids lowering ground water levels where potential or actual acid sulfate soils are present;</li> <li>(b) manages wastewater so that: <ul style="list-style-type: none"> <li>(i) the pH of any wastewater discharges is maintained</li> </ul> </li> </ul>	<p><b>May be Conditioned to Comply.</b></p>
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	<p>between 6.5 and 8.5 to avoid mobilisation of acid, iron, aluminium and other metals;</p> <p>(ii) holding times of neutralised wastewater ensures the flocculation and removal of any dissolved iron prior to release;</p> <p>visible iron floc is not present in any discharge;</p> <p>(iv) precipitated iron floc is contained and disposed of;</p> <p>(iii) 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.</p>	
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Electricity supply		
<b>PO8</b> Development is provided with a source of power that will meet its energy needs.	<b>AO8.1</b> A connection is provided from the premises to the electricity distribution network;  or  <b>AO8.2</b> 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.  Note - Areas north of the Daintree River have a different standard.	<b>Complies with PO8.</b> The site will be connected to existing onsite electricity generation within Lot 4.
<b>PO9</b> Development incorporating pad-mount electricity infrastructure does not cause an adverse impact on amenity.	<b>AO9.1</b> Pad-mount electricity infrastructure is: (a) not located in land for open space or sport and recreation purposes; (b) screened from view by landscaping or fencing; (c) accessible for maintenance.  <b>AO9.2</b> 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.	<b>Not Applicable.</b>
Telecommunications		
<b>PO10</b> Development is connected to a telecommunications service approved by the relevant telecommunication regulatory authority.	<b>AO10</b> The development is connected to telecommunications infrastructure in accordance with the standards of the relevant regulatory authority.	<b>Not Applicable.</b>



<b>PO11</b> Provision is made for future telecommunications services (e.g. fibre optic cable).	<b>AO11</b> Conduits are provided in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.	<b>Not Applicable.</b>
<b>Road construction</b>		
<b>PO12</b> The road to the frontage of the premises is constructed to provide for the safe and efficient movement of: (a) pedestrians and cyclists to and from the site; (b) pedestrians and cyclists adjacent to the site; (c) vehicles on the road adjacent to the site; (d) vehicles to and from the site; (e) emergency vehicles.	<b>AO12.1</b> 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.  <b>AO12.2</b> There is existing road, kerb and channel for the full road frontage of the site.  <b>AO12.3</b> Road access minimum clearances of 3.5 metres wide and 4.8 metres high are provided for the safe passage of emergency vehicles.	<b>Complies with PO12.</b> The road frontages are constructed. No changes are proposed.
<b>Alterations and repairs to public utility services</b>		
<b>PO13</b> Infrastructure is integrated with, and efficiently extends, existing networks.	<b>AO13</b> Development is designed to allow for efficient connection to existing infrastructure networks.	<b>Not Applicable.</b>



<p><b>PO14</b> Development and works do not affect the efficient functioning of public utility mains, services or installations.</p>	<p><b>AO14.1</b> 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><b>AO14.2</b> Public utility mains, services and installations are altered or repaired in association with the works 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>	<p><b>Not Applicable.</b></p>
<p><b>Construction management</b></p>		
<p><b>PO15</b> Work is undertaken in a manner which minimises adverse impacts on vegetation that is to be retained.</p>	<p><b>AO15</b> Works include, at a minimum:</p> <ul style="list-style-type: none"> <li>(a) installation of protective fencing around retained vegetation during construction;</li> <li>(b) erection of advisory signage;</li> <li>(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;</li> <li>(d) removal from the site of all declared noxious weeds.</li> </ul>	<p><b>Not Applicable.</b> No native vegetation onsite that is to be retained.</p>
<p><b>PO16</b> Existing infrastructure is not damaged by construction activities.</p>	<p><b>AO16</b> 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><b>May be Conditioned to Comply.</b></p>



Performance outcomes	Acceptable outcomes	Applicant response
<b>For assessable development</b>		
<b>High speed telecommunication infrastructure</b>		
<b>PO17</b> Development provides infrastructure to facilitate the roll out of high speed telecommunications infrastructure.	<b>AO17</b> No acceptable outcomes are prescribed.	<b>Not Applicable.</b>
<b>Trade waste</b>		
<b>PO18</b> Where relevant, the development is capable of providing for the storage, collection treatment and disposal of trade waste such that: (a) off-site releases of contaminants do not occur; (b) the health and safety of people and the environment are protected; (c) the performance of the wastewater system is not put at risk.	<b>AO18</b> No acceptable outcomes are prescribed.	<b>May be Conditioned to Comply if applicable.</b>
<b>Fire services in developments accessed by common private title</b>		
<b>PO19</b> Hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.	<b>AO19.1</b> 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.  <b>AO19.2</b> 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.	<b>Not Applicable.</b>





<b>PO20</b> Hydrants are suitable identified so that fire services can locate them at all hours.  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'.	<b>AO20</b> No acceptable outcomes are prescribed.	<b>Not Applicable.</b>
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**Table 9.4.5.3.b – Stormwater management design objectives (Construction phase).**

Issue	Design objectives
<b>Drainage control</b> (Temporary drainage works)	(a) Design life and design storm for temporary drainage works: (i) Disturbed open area for <12 months – 1 in 2 year ARI event; (ii) Disturbed open area for 12-24 months – 1 in 5 year ARI event; (iii) Disturbed open area for >24 months – 1 in 10 year ARI event. (b) Design capacity excludes minimum 150mm freeboard. (c) Temporary culvert crossing – minimum of 1 in 1-year ARI hydraulic capacity.
<b>Erosion control</b> (Erosion control measures)	(a) Minimise exposure of disturbed soils at any time. (b) Divert water run-off from undisturbed areas around disturbed areas. (c) Determine erosion risk rating using local rainfall erosivity, rainfall depth, soil loss rate or other acceptable methods. (d) Implement erosion control methods corresponding to identified erosion risk rating.
<b>Sediment control measures</b> (sediment control measures, design storm for sediment control basins, Sediment basin dewatering)	(a) Determine appropriate sediment control measures using: (i) potential soil loss rate; or (ii) monthly erosivity; or (iii) average monthly rainfall. (b) Collect and drain stormwater from disturbed soils to sediment basin for design storm event: (i) design storm for sediment basin sizing is 80th% five-day event or similar. (c) Site discharge during sediment basin dewatering: (i) TSS < 50mg/L TSS; (ii) Turbidity not > 10% receiving water's turbidity; (iii) pH 6.5-8.5.



<b>Water quality</b> (Litter and other waste, hydrocarbons and other contaminants)	(a) Avoid wind-blown litter; remove grass pollutants. (b) Ensure there is no visible oil or grease sheen on released waters. (c) Dispose of waste containing contaminants at authorised facilities.
<b>Waterway stability and flood flow management</b> (Changes to the natural hydraulics and hydrology)	(a) For peak flow for the 100% AEP event and 1% AEP event, use constructed sediment basins to attenuate the discharge rate of stormwater from the site.

**Table 9.4.5.3.c – Stormwater management design objectives (post-construction phase)**

Design objectives				Application
Minimum reductions in mean annual load from unmitigated development (%)				
Total suspended solids (TSS)	Total phosphorus (TP)	Total nitrogen (TN)	Gross pollutants >5mm	
80	60	40	90	Development for urban purposes  Excludes development that is less than 25% pervious.  In lieu of modelling, the default bio-retention treatment area to comply with load reduction targets of 1.5% of contributing catchment area.

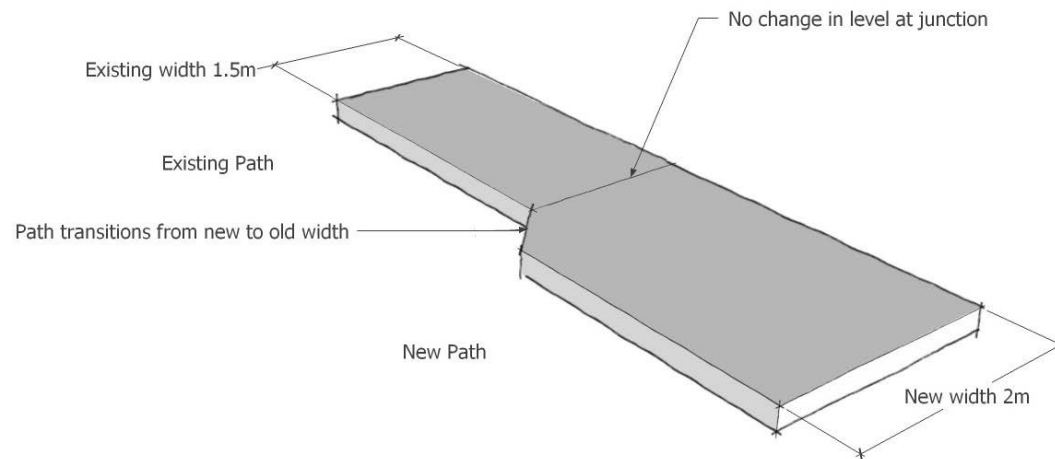
#### Water stability management

(a) Limit peak 100% AEP event discharge within the receiving waterway to the pre-development peak 100% AEP event discharge.

Catchments contributing to un-lined receiving waterway. Degraded waterways may seek alternative discharge management objectives to achieve waterway stability.

For peak flow for the 100% AEP event, use co-located storages to attenuate site discharge rate of stormwater.

**Figure 9.4.5.3.a – New footpath sections**



## 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;
  - (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	Applicant response
<b>For self-assessable and assessable development</b>		
<b>Landscape design</b>		



<p><b>PO1</b> 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"> <li>(a) promoting the Shire's character as a tropical environment;</li> <li>(b) softening the built form of development;</li> <li>(c) enhancing the appearance of the development from within and outside the development and makes a positive contribution to the streetscape;</li> <li>(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;</li> <li>(e) where necessary, ensuring the privacy of habitable rooms and private outdoor recreation areas;</li> <li>(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;</li> <li>(g) ensuring private outdoor recreation space is useable;</li> <li>(h) providing long term soil erosion protection;</li> <li>(i) providing a safe environment;</li> <li>(j) integrating existing vegetation and other natural features of the premises into the development;</li> <li>(k) not adversely affecting vehicular and pedestrian sightlines and road safety.</li> </ul>	<p><b>AO1</b> Development provides landscaping:</p> <ul style="list-style-type: none"> <li>(a) in accordance with the minimum area, dimensions and other requirements of applicable development codes;</li> <li>(b) that is designed and planned in a way that meets the guidelines for landscaping outlined in Planning Scheme Policy SC6.7 – Landscaping;</li> <li>(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 – Landscaping.</li> </ul> <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>	<p><b>Complies with PO1</b> The proposed Service Station is low key and located within an existing disturbed area of the site. Existing landscaping is maintained. No further landscaping is proposed.</p>
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For assessable development		
<p><b>PO2</b> Landscaping contributes to a sense of place, is functional to the surroundings and enhances the streetscape and visual appearance of the development.</p>	<p><b>AO2.1</b> No acceptable outcomes are specified.</p> <p>Note - Landscaping is in accordance with the requirements specified in Planning scheme policy SC6.7 – Landscaping.</p> <p><b>AO2.2</b> Tropical urbanism is incorporated into building design.</p> <p>Note – ‘Tropical urbanism’ includes many things such as green walls, green roofs, podium planting and vegetation incorporated into the design of a building.</p>	<p><b>Complies with PO2</b> The proposed Service Station is low key and located within an existing disturbed area of the site. Existing landscaping is maintained. No further landscaping is proposed.</p>
<p><b>PO3</b> 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><b>AO3.1</b> 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><b>AO3.2</b> Mature vegetation on the site that is removed or damaged during development is replaced with advanced species.</p> <p><b>AO3.3</b> 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><b>AO3.4</b> Street trees are species which enhance the landscape character of the streetscape, with species chosen from the Planning scheme policy SC6.7 – Landscaping.</p>	<p><b>Complies with AO3.1 – AO3.4.</b> Existing landscaping is retained. No clearing works are proposed. Existing street landscaping is retained.</p>



<b>P04</b> Plant species are selected with consideration to the scale and form of development, screening, buffering, streetscape, shading and the locality of the area.	<b>AO4</b> Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	<b>Not Applicable.</b>
<b>P05</b> Shade planting is provided in car parking areas where uncovered or open, and adjacent to driveways and internal roadways.	<b>AO5</b> Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	<b>Not Applicable.</b>
<b>P06</b> Landscaped areas are designed in order to allow for efficient maintenance.	<b>AO6.1</b> A maintenance program is undertaken in accordance with Planning scheme policy SC6.7 – Landscaping.  <b>AO6.2</b> Tree maintenance is to have regard to the 'Safe Useful Life Expectancy of Trees (SULE).  Note – It may be more appropriate to replace trees with a SULE of less than 20 years (as an example), and replant with younger healthy species.	<b>Not Applicable.</b>
<b>P07</b> Podium planting is provided with appropriate species for long term survival and ease of maintenance, with beds capable of proper drainage.	<b>AO7.1</b> Podium planting beds are provided with irrigation and are connected to stormwater infrastructure to permit flush out.  <b>AO7.2</b> Species of plants are selected for long term performance designed to suit the degree of access to podiums and roof tops for maintenance.	<b>Not Applicable.</b>
<b>P08</b> 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.	<b>AO8</b> Weed and invasive species detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person.	<b>Not Applicable.</b>



<b>PO9</b> The landscape design enhances personal safety and reduces the potential for crime and vandalism.	<b>AO9</b> No acceptable outcomes are specified.  Note - Planning scheme policy SC6.3 – Crime prevention through environmental design (CPTED) provides guidance on meeting this outcome.	<b>Not Applicable.</b>
<b>PO10</b> The location and type of plant species does not adversely affect the function and accessibility of services and facilities and service areas.	<b>AO10</b> Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	<b>Not Applicable.</b>