



# **TOWN PLANNING REPORT**

## MATERIAL CHANGE OF USE EASTERN KUKU YALANJI WARRA COMMUNITY TOURISM PARK

Applicant:
Jabalbina Yalanji Aboriginal Corporation
C/- wildPLAN Pty Ltd



2024 | JANUARY wildplan PTY LTD



### A PROJECT CONTACT DETAILS

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#### **B** DOCUMENT INFORMATION

Client Name	Jabalbina Yalanji Aboriginal Corporation RNTBC
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### C PLANNING REPORT TEMPLATE VERSION

Version	Revision Date		2016 version	Planning Regulation 2017 version
5.0	18 Jun 2021	Planning Report Template	10 June 2022	11 Dec 2023

### D DOCUMENT HISTORY

Version	Execution Date	Description	Preparation	Review
1.0	25 Jan 2024	Draft	DH	UT

### **E DOCUMENT AUTHORISATION**

Version	Description	Authorised by	Signature	Execution Date
1.0	Authorised for lodgement	Dominic Hammersley	26	26 Jan 2024



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### 1. SUMMARY

#### 1.1 SITE DETAILS

Site address:	Cape Tribulation Road
	Cape Tribulation QLD 4873
Real property description:	Lot 172 on SP219620 ('Lot 172')
	Lot 12 on SP219620 ('Lot 12')
Site area:	30,760m²
Existing land use:	Not Applicable (unimproved)

#### 1.2 KEY PARTIES TO DEVELOPMENT APPLICATION

Applicant:	Jabalbina Yalanji Aboriginal Corporation
Owner:	Jabalbina Yalanji Aboriginal Corporation
	Refer <b>Schedule 1 - Searches</b> .
Assessment manager:	Douglas Shire Council
Referral Agencies	Nil

### 1.3 DEVELOPMENT APPLICATION DETAILS

Proposed development:	Eastern Kuku Yalanji Warra Community Tourism Park comprising:  • Environment Facility  • Nature-Based Tourism  • Outstation  • Caretaker's Accommodation	
Type of approval sought:	<ul> <li>Material Change of Use for:</li> <li>Environment Facility</li> <li>Nature-Based Tourism</li> <li>Outstation</li> <li>Caretaker's Accommodation</li> </ul>	
Related applications	Not Applicable	
Level of assessment:	Impact Assessment	
Notification required:	Yes	
Referral required:	N/A¹	

<sup>&</sup>lt;sup>1</sup> At the time of preparation of the development application documented herein: equal to or less than 100m<sup>3</sup> of earthworks (cut/fill) is proposed within 200 metres of a Wetland Protection Area.



### 1.4 STATE PLANNING INSTRUMENT MATTERS

State Matters of Interest	The following matters of State interest are relevant to the site:
	<ul> <li>Wetland protection area trigger area</li> </ul>
	<ul> <li>Wetland protection area wetland</li> </ul>
	<ul> <li>Regulated vegetation management map (Category A and B extract)</li> </ul>
	Refer <b>Schedule 2 – SARA DA Map</b> .
Applicable SDAP Codes	N/A
Regional Plan	Far North Queensland Regional Plan 2009–2031
Regional Plan Designation	Regional Landscape and Rural Production Area

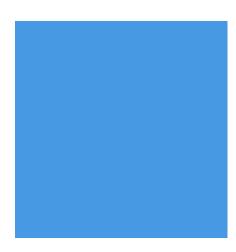
### 1.5 LOCAL PLANNING INSTRUMENT MATTERS

Planning Scheme:	Douglas Shire Planning Scheme 2018	
Amendment:	Version 1	
TLPIs:	None Applicable	
Zone:	Conservation Zone	
Precinct / Local plan:	Precinct 2 – Low Impact Residential Precinct of the Cape Tribulation and Daintree Coast Local Plan	
Overlays:	<ul> <li>Acid Sulfate Soils (5-20m AHD)</li> <li>Bushfire Hazard Overlay:         <ul> <li>Potential Impact Buffer</li> </ul> </li> <li>Flood and Storm Tide Hazard Overlay:         <ul> <li>Floodplain Assessment Overlay (Daintree River)</li> </ul> </li> <li>Landscape Values Overlay:         <ul> <li>Medium Landscape Values</li> <li>Scenic Route Buffer</li> </ul> </li> <li>Natural Areas Overlay:         <ul> <li>MSES Regulated Vegetation</li> <li>MSES Wildlife Habitat</li> </ul> </li> <li>Transport Overlay:         <ul> <li>Transport Pedestrian Cycle (Iconic Recreation Route)</li> <li>Transport Road Hierarchy (Sub Arterial)</li> </ul> </li> </ul>	
Assessment requirements <sup>2</sup> :	Road) The Assessment Benchmarks of the Planning Scheme,	
	to the extent relevant, including:	
	<ul><li>Strategic Framework</li><li>Conservation Zone Code</li><li>Cape Tribulation and Daintree Coast Local Plan</li></ul>	

<sup>&</sup>lt;sup>2</sup> The applicability of codes is discussed in the Planning Report (refer Section 6.4).

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#### Code

- Caretaker's Residence Code
- Acid Sulfate Soils Overlay Code
- Bushfire Hazard Overlay Code
- Flood and Storm Tide Hazard Overlay Code
- Landscape Values Overlay Code
- Natural Areas Overlay Code
- Transport Network Overlay Code
- Access, Parking and Servicing Code
- Environmental Performance Code
- Filling and Excavation Code
- Landscaping Code
- Vegetation Management Code.



#### 2. SITE DETAILS

This development application has regard to land at Cape Tribulation Road, Cape Tribulation (refer **Figure 1** and **Figure 2**), which is more accurately known as Lot 12 and Lot 172 on SP219620 ('the site').

The site is unimproved and has an area of 3.76 hectares.

The site is understood to contain native vegetation to the extent described in the proposal plans (refer **Schedule 3**).

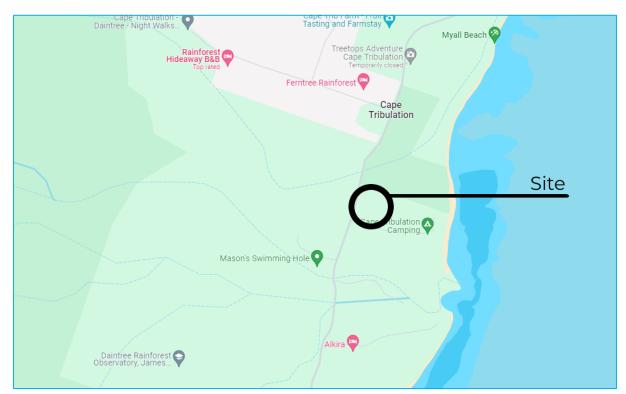
The site is located within the Conservation Zone pursuant to the *Douglas Shire Planning Scheme 2018* (refer **Figure 3**). The site is also located within the Low Impact Residential Precinct (Precinct 2) of the Cape Tribulation and Daintree Coast Local Plan (refer **Figure 4**).

The area is predominantly characterised by tourism development and infrastructure and National Park.

#### 2.1 LOCATION

#### **TABLE 2-1 SITE LOCATION**

Site address:	Cape Tribulation Road, Cape Tribulation QLD 4873
Real property description:	Lot 12 and Lot 172 on SP219620



**FIGURE 1** SITE LOCATION SOURCE: GOOGLE MAPS 2024





FIGURE 2 AERIAL IMAGE OF SITE
SOURCE STATE OF QUEENSLAND, 2024 (VIA QUEENSLAND GLOBE)

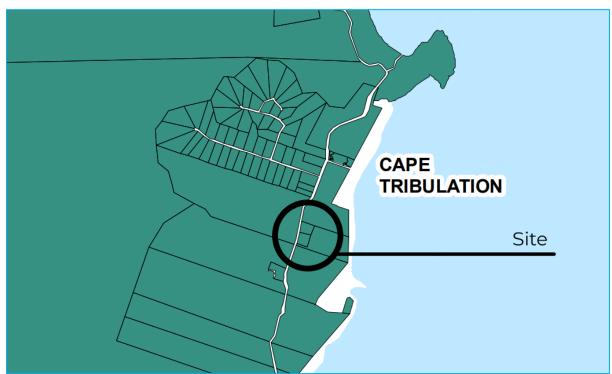


FIGURE 3 ZONING CONTEXT
SOURCE DOUGLAS SHIRE PLANNING SCHEME 2018



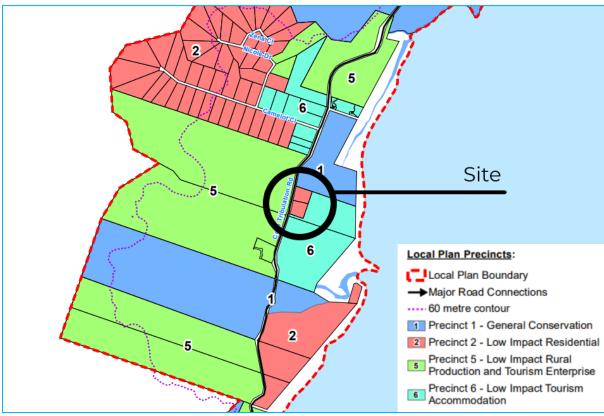


FIGURE 4 LOCAL PLAN CONTEXT

SOURCE DOUGLAS SHIRE PLANNING SCHEME 2018

### 2.2 SITE FEATURES

TABLE 2-2 SITE CHARACTERISTICS AND SUPPORTING INFRASTRUCTURE

Site characteristic	Description						
Site area	3.76 ha						
Existing land use Not Applicable (unimproved)							
Infrastructure							
• Services	It is understood that the site is not connected to any reticulated services.						
• Access	The site has a 238.34 metre frontage to and gains access from Cape Tribulation Road (sub-arterial road and iconic recreation route <sup>3</sup> ).						
Environment							
<ul> <li>Topography</li> </ul>	The site has a gentle slope from an elevation of 8 metres on the site's western boundary down to 5-6 metres on the site's eastern boundary.						

<sup>&</sup>lt;sup>3</sup> Refer Transport Network Overlay mapping.



Site characteristic	Description
<ul><li>Existing vegetation</li></ul>	The site contains Category B native vegetation.  Refer <b>Schedule 2 - SARA DA Map</b>
EMR/CLR	The site is not identified on the Contaminated Land Register ('CLR'), or the Environmental Management Register ('EMR').  Refer <b>Schedule 1 - Searches</b>
Other	
• Easements	The site is not burdened nor benefitted by any easements.  Refer <b>Schedule 1 - Searches</b>



### 3. BACKGROUND

Jabalbina Yalanji Aboriginal Corporation ('Jabalbina') are responsible for delivery of the Eastern Kuku Yalanjiwarra (EKY) Community Culture and Tourism Program in Far North Queensland ('the Program').

The Program operates across the entire EKY tribal estate including the communities of Wujal Wujal, Mossman, Port Douglas, Rossville and Yarrabah where most EKY people reside.

The Program currently intends to deliver three (3) community-based projects that seek to provide positive cultural, economic, and environmentally sustainable outcomes for the EKY. The three projects include:

### • Project 1: The Eastern Kuku Yalanji Warra Visitor Centre

The Eastern Kuku Yalanji Warra Visitor Centre is to be located in the Daintree National Park (Cape York Peninsula Aboriginal Land (CYPAL)), more properly described as Lot 16 on SP296966. Project 1 is to be delivered under Infrastructure Designation 1121-0555 dated 5 May 2023 and is to comprise a new Visitor Centre building inclusive of 33m² Gross Floor Area (GFA) ancillary retail space (refer **Figure 5** and **Figure 6**).



FIGURE 5
SOURCE

**EKY VISITOR CENTRE ELEVATION (DAINTREE NATIONAL PARK)** CA ARCHITECTS



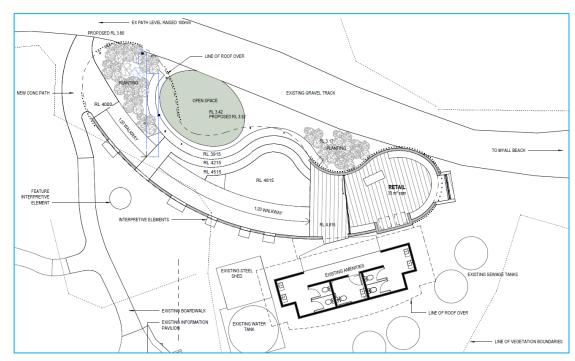


FIGURE 6 EKY VISITOR CENTRE FLOOR PLAN (DAINTREE NATIONAL PARK)
SOURCE CA ARCHITECTS

Note: **Project 1 (The Eastern Kuku Yalanji Warra Visitor Centre)** <u>does not</u> form part of the proposed development the subject of this development application; however, it is contextually relevant as the Daintree National Park adjoins the northern boundary of Project 2<sup>4</sup> (refer **Figure 7**) and is complementary to activities and development proposed under Project 2 i.e. Project 1 does not duplicate or conflict with other projects under the Program.

#### Project 2: The Eastern Kuku Yalanji Warra Community Tourism Park

Project 2 is the subject of this development application (refer **Section 4 – Proposed Development** for further details).

#### Project 3: The Eastern Yalanji Warra <u>Cultural Tourism Park</u>:

The Eastern Yalanji Warra Cultural Tourism Park is proposed on George Mansfield Reserve, adjacent the James Cook University Daintree Rainforest Observatory ('the Observatory'). George Mansfield Reserve is more accurately described as Lot 6 on RP741072, located on Cape Tribulation Road approximately 500 metres south-west of Project 2 (refer **Figure 7**).

The business plan for the Program indicates that the ability to deliver tourism experiences at scale during the school holidays when visitor numbers surge is important to support year-round economic sustainability. The EKY Cultural Tourism Park is proposed to accommodate EKY tourism experiences during these peak periods. In off peak periods the EKY Cultural Tourism Park will be used by EKY Elders

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<sup>&</sup>lt;sup>4</sup> **Project 2** is the subject of this development application.



and community members for cultural activities and occasionally for exclusive groups including research groups and events being run at the Observatory. The EKY Cultural Tourism Park is currently proposed to include five (5) activity and event huts to support a range of cultural activities including spear making, language classes, weaving workshops and 3.7 km of walking tracks.

Note: **Project 3 (The Eastern Yalanji Warra Cultural Tourism Park)** does not form part of the proposed development the subject of this development application; however, it is contextually relevant to **Project 2**<sup>4</sup> and is complementary to activities and development proposed under Project 2 i.e. Project 3 does not duplicate or conflict with other projects under the Program.

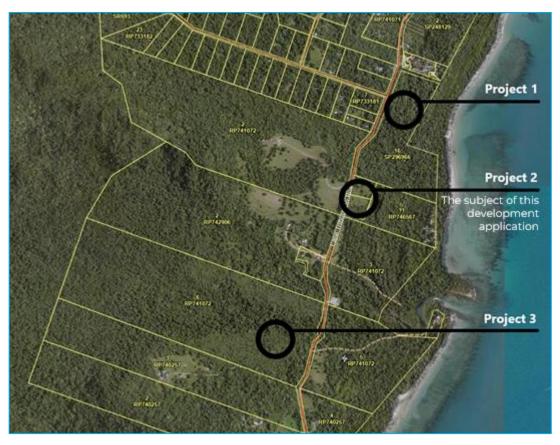


FIGURE 7 THE PROGRAM PROJECT LOCATIONS



#### 4. PROPOSED DEVELOPMENT

**The Eastern Kuku Yalanji Warra <u>Community Tourism Park</u>** (Project 2 under the Program) is proposed to be located on 3.76 ha of freehold land, located to the immediate south of the Daintree National Park and the Visitor Centre<sup>5</sup>.

The Project 2 site is owned by Jabalbina.

The EKY Community Tourism Park will function primarily as an Environment Facility headquarters for Jabalbina.

Project 2 includes the following aspects of development:

### 1. Environment Facility

'Environment Facility', is defined under the Planning Regulation 2017 ('the Regulation') as follows -

- (a) means the use of premises for a facility for the appreciation, conservation or interpretation of an area of cultural, environmental or heritage value; but
- (b) does not include the use of premises to provide accommodation for tourists and travellers.

The Environment Facility is centred around a performing circle, which will be used for EKY environmental and cultural displays and interpretation<sup>6</sup>. The performing circle is bordered by a seating area for tourists and travellers to appreciate EKY environmental and cultural displays.

The Environment Facility will also be used as:

- a headquarters for Jabalbina, for the coordination and management of cultural and environmental values across the EKY tribal estate, including land and sea. The Environment Facility will therefore be a meeting place for EKY Traditional Owners for the conservation of both culture and the environment for the site and broader EKY tribal estate; and
- a living coral bio-bank as part of the Forever Reef Project<sup>7</sup>, which is a
  dedicated Great Barrier Reef research and coral conservation facility for
  the appreciation, interpretation and conservation of Great Barrier Reef
  species now threatened by Climate Change. The Forever Reef Hub
  Facility will include aquarium and other displays and information for
  tourists and travellers.

The Environment Facility includes the following built infrastructure:

- Kitchen (15.2m<sup>2</sup> GFA);
- Keeping place (14.4m² GFA) for the safe keeping of culturally significant items and objects on Country;
- Storage (31.7m<sup>2</sup>GFA);

<sup>&</sup>lt;sup>5</sup> **Project 1** under the Program.

<sup>&</sup>lt;sup>6</sup> The subject site is on EKY traditional lands and has special significance to EKY culture and traditions.

<sup>&</sup>lt;sup>7</sup> For more information on the 'Forever Reef Project' visit: <u>foreverreef.org</u>



- Amenities, including male, female and PWD cubicles with toilet and wash basin facilities (18.3m² GFA);
- A deck (123m²) to provide a connection between the above-mentioned buildings and to provide an upper-level viewing area overlooking the performing circle;
- Forever Reef Hub Facility (30m<sup>2</sup> GFA) including deck (33m<sup>2</sup>);
- Maintenance shed, being a Class 10 structure (54m² GFA);
- Administration building (15m<sup>2</sup> GFA);
- 36 dedicated car parking spaces (including 2 People with Disability (PWD) spaces;
- Refuse storage area, fenced to enclose bulk bins to service the site8;
- 2 water tanks;
- On-site waste-water treatment<sup>8,9</sup>; and
- On-site water treatment<sup>8,10</sup> including water treatment shed, being a Class 10 structure (24m<sup>2</sup> GFA).

Refer Schedule 3 - Proposal Plans.

### 2. Nature-based Tourism / Outstation

'Nature-based Tourism', is defined under the Regulation as follows -

means the use of premises for a tourism activity, including accommodation for tourists, for the appreciation, conservation or interpretation of—

- (a) an area of environmental, cultural or heritage value; or
- (b) a local ecosystem; or
- (c) the natural environment.

Examples of nature-based tourism—

environmentally responsible accommodation facilities including cabins, huts, lodges and tents

'Outstation', is defined under the Regulation as follows -

means the use of premises for—

(a) cultural or recreation activities by Aboriginal people or Torres Strait Islanders; or

<sup>&</sup>lt;sup>8</sup> In association with other **Project 2** land uses.

<sup>&</sup>lt;sup>9</sup> The proposed on-site waste-water treatment is an Environmentally Relevant Activity 63 – sewage treatment in the Threshold 1(a) category of 21 to 100EP and is therefore not a Concurrence ERA i.e. a Material Change of Use for ERA 63 is not required and the waste-water treatment facility may be considered integral and subservient to the proposed Material Change of Use development.

<sup>&</sup>lt;sup>10</sup> Less than 10ML of raw water in a day is proposed to be treated and/or less than 5ML of advanced treatment and therefore proposed on-site water treatment is less than the threshold for ERA 64 – water treatment.



(b) facilities for short-term or long-term camping activities, if the use is ancillary to the use in paragraph (a).

Critical to the success of Project 2 and the broader Program is the provision of accommodation facilities for:

- tourists and travellers, which will provide a contributing income base for the Program; and
- EKY Traditional Owners in association with the cultural and environmental conservation management activities of Jabalbina on the Project 2 site and across the broader EKY tribal estate.

For the purposes of the development application, both Nature-based Tourism and Outstation land use definitions are applied to the eleven (11) two-bedroom accommodation units. The dual land use categorisation is applied as the two land uses are considered to be sufficiently different, and appropriately aligned with the subject land use definitions and proposed intent for the accommodation of tourists and/or the accommodation of Traditional Owners and/or Jabalbina<sup>12</sup> employees and tour guides undertaking environmental, recreational and cultural duties across the EKY tribal estate. The two (2) land uses are intended to be interchangeable as demand requires.

Both Nature-Based Tourism and Outstation accommodation activities will be provided for short-term accommodation only i.e. the proposed land uses are not for the purposes of long-term or permanent living and the accommodation units are not self-contained i.e. do not constitute<sup>13</sup> a *dwelling* for the purposes of the administrative definition under the *Regulation*:

dwelling means all or part of a building that—

- (a) is used, or capable of being used, as a self-contained residence; and
- (b) contains—
  - (i) food preparation facilities; and
  - (ii) a bath or shower; and
  - (iii) a toilet; and
  - (iv) a wash basin; and
  - (v) facilities for washing clothes.

Moreover, in respect to the Outstation land use, it is Jabalbina policy that permanent residential activities do not occur on operational sites such as the EKY Community Tourism Park.

It is anticipated that stays in the proposed accommodation under the Outstation land use definition will typically average between 2 and 3 nights, with an upper maximum of 2 weeks. Accordingly, the Applicant invites a condition of approval that enforces a maximum 2 week stay under the Outstation land use definition as it reinforces Jabalbina policy.

<sup>&</sup>lt;sup>11</sup> The Douglas Shire Planning Scheme Outstation land use definition states that the: 'Use may involve permanent low scale built infrastructure.'

<sup>&</sup>lt;sup>12</sup> Jabalbina is a Registered Native Title Bodies Corporate (RNTBC).

<sup>&</sup>lt;sup>13</sup> Note – accommodation units will not have facilities for washing clothes.



The 11 accommodation units are comprised of two (2) 20-foot shipping containers and include:

- two (2) bedrooms in Module 1 (GFA of 15m<sup>2</sup>);
- living, kitchenette, toilet and wash basin in Module 2 (GFA of 15m²);
- a deck (20m² in area) that links Module 1 and Module 2, that includes an outdoor wash basin and outdoor shower 14;
- a roof that provides all weather protection to Module 1, Module 2 and the deck; and
- a dedicated car park adjacent the accommodation unit.

A Back of House (BoH) building is also proposed for storage and laundry facilities (for laundering of linen etc) in association with the Nature-based Tourism, Outstation and Caretaker's Accommodation land uses<sup>15</sup> and also includes an electrical room (battery storage for the solar electricity supply for the whole site). The BoH building has a GFA of 24m<sup>3</sup> and an 8m<sup>2</sup> deck.

Refer Schedule 3 - Proposal Plans.

#### 3. Caretaker's Accommodation

'Caretaker's Accommodation', is defined under the Regulation as follows -

means the use of premises for a dwelling for a caretaker of a non-residential use on the same premises.

The proposed Caretaker's Accommodation is for the permanent accommodation of a caretaker responsible for the Nature-based Tourism and Environment Facility non-residential land uses on the site.

The Caretaker's Accommodation is comprised of three (3) 20-foot shipping containers and includes:

- two (2) bedrooms in Module 1 (GFA of 15m<sup>2</sup>);
- living, kitchenette, toilet and wash basin in Module 2 (GFA of 15m<sup>2</sup>);
- a third bedroom, with ensuite in Module 3 (GFA of 15m<sup>2</sup>);
- a deck (35m² in area) that links Module 1, 2 and 3, that includes an outdoor wash basin and outdoor shower 14;
- a roof that provides all weather protection to Module 1, 2, 3 and the deck.

Refer Schedule 3 - Proposal Plans.

<sup>&</sup>lt;sup>14</sup> Located under roof.

<sup>&</sup>lt;sup>15</sup>The BoH laundry may be used for the occasional use of the Environment Facility land use.



### 4.1 DEVELOPMENT SUMMARY

### **TABLE 4-1 DEVELOPMENT SUMMARY**

Material Change of Use	(Environment Facility)
Buildings	6
Staging	<ul> <li>Two stages:</li> <li>Stage 1: All buildings and infrastructure, excluding Stage 2</li> <li>Stage 2: Kitchen and Keeping Place buildings and associated deck, and fire pit.</li> <li>Refer DA.04 Staging Master Plan in Schedule 3 - Proposal Plans</li> </ul>
Setbacks	Rear: 40 metres <sup>16</sup> Front: 41 metres <sup>17</sup> Side (north): 101 metres <sup>18</sup> Side (south): 75 metres <sup>18</sup>
Building Height	<ul><li>1 storey</li><li>4.657m maximum building height</li></ul>
Finished Floor Level	Minimum FFL of 7.0m Australian Height Datum (AHD)
<b>Gross Floor Area</b>	<b>Total:</b> 202.6m <sup>2</sup> (all buildings, including Class 10)
Car Parking	36 car parking space <sup>19</sup>
Materials and finishes	<b>Roof:</b> Colorbond shale grey. <b>Walls:</b> Weatherboard in a subdued non reflective colour.  Note – decks and pergola construction to comprise solid timber.
Material Change of Use	(Nature-based Tourism / Outstation)
Accommodation units	11
Buildings	12
Staging	<ul> <li>Two stages:</li> <li>Stage 1: 7 accommodation units and the BoH building</li> <li>Stage 2: 4 accommodation units</li> <li>Refer DA.04 Staging Master Plan in Schedule 3 - Proposal Plans</li> </ul>
Building Height (Proposed)	<ul><li>1 storey</li><li>4.042m maximum building height</li></ul>
Setbacks	Rear: 21 metres <sup>20</sup> Front: 46 metres <sup>21</sup> Side (north): 20 metres <sup>18</sup> Side (south): 76 metres <sup>22</sup>

<sup>&</sup>lt;sup>16</sup> As measured to the kitchen building.

<sup>&</sup>lt;sup>17</sup> As measured to the administration building.

<sup>&</sup>lt;sup>18</sup> As measured to Accommodation Unit 2 (building).

<sup>&</sup>lt;sup>19</sup> Includes shared parking for the Caretaker's Accommodation.

<sup>&</sup>lt;sup>20</sup> As measured to Accommodation Unit 8 (building).

<sup>&</sup>lt;sup>21</sup> As measured to Accommodation Unit 2 (deck).

<sup>&</sup>lt;sup>22</sup> As measured to Accommodation Unit 11 (building).



Finished Floor Level	Minimum FFL of 6.0m AHD
<b>Gross Floor Area</b>	<b>Total:</b> 354m² (all buildings)
Car Parking	11 car parking spaces <sup>23</sup>
Materials and finishes	Roof: Colorbond shale grey.  Walls: Colorbond woodland grey.  Note – decks and exposed column construction to comprise solid timber.
Material Change of Use	(Caretaker's Accommodation)
Number of buildings	1 (comprising three (3) shipping containers) <sup>24</sup>
Staging	Stage 1
Building Height (Proposed)	<ul><li>1 storey</li><li>4.009m maximum building height</li></ul>
Setbacks	Rear: 75 metres Front: 45 metres Side (north): 90 metres Side (south): 133 metres
Finished Floor Level	Minimum FFL of 7.0m AHD
<b>Gross Floor Area</b>	45m <sup>2</sup>
Car Parking	No dedicated car park <sup>25</sup>
Materials and finishes	Roof: Colorbond shale grey. Walls: Colorbond woodland grey. Note – decks to comprise solid timber.
Material Change of Use	(all aspects)
Staging	2 stages Refer DA.04 Staging Master Plan in <b>Schedule 3 – Proposal</b> <b>Plans</b>
Waste-water	An ERA 63 – sewage treatment licence (21-100 Equivalent Persons) from the Department of Environment, Science and Innovation under the <i>Environmental Protection Regulation 2019</i> will need to be obtained / maintained for the waste-water treatment plant. <sup>9</sup> The proposed location of the waste-water treatment plant and associated absorption area is located toward the rear of the site and is separated from the rear boundary by a boundary fence (1.8 metres high) and a 10 metre wide dense landscaped buffer.
Water	A bore and water treatment plant will provide potable and non-potable water to meet the water demands of the proposed development. Water treatment of less than 10ML per day will be undertaken on site. The water treatment facility

 <sup>&</sup>lt;sup>23</sup> One (1) car park provided directly adjacent each accommodation unit.
 <sup>24</sup> Additionally includes storage and laundry use of the BoH building.

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<sup>&</sup>lt;sup>25</sup> Relies on Environment Facility car parking (36 car parks).



	is located central to Lot 12 with side, rear and front setbacks of in excess of 50 metres.
	The proposed development will be supported by solar electricity supply, with battery storage located in the BoH building.
	Refer Schedule 3 - Proposal Plans
	The location of the existing access to Lot 172 is to be maintained and the access and crossover upgraded to current FNQROC standards.
	A dedicated refuse area is located proximate to the site entry for waste collection and includes a sealed turnaround area for the entry and exit of a refuse collection vehicle in forward gear. The proposed refuse area has an area of approximately 20 metres squared, will be fenced and will accommodate bulk bins to service the entire development.
	The proposed development is located primarily in cleared areas on the site, with select clearing required in establishing a new access and associated driveway and limited clearing associated with Accommodation Unit 8.  Built form is otherwise setback 20 metres from mapped regulated vegetation under the <i>Vegetation Management Act</i> 1999 (refer <b>Schedule 2 – SARA DA Mapping</b> and DA.05 (Landscape Plan) in <b>Schedule 3 – Proposal Plans</b> ).
Total car parking <sup>26</sup>	47 car parking spaces

 $^{26}$  i.e. for Environment Facility, Caretaker's Accommodation and Nature-based Tourism / Outstation land uses combined.

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### 5. STATE PLANNING MATTERS

#### **5.1 PLANNING ACT 2016**

The current version of the *Planning Act 2016* is **10 June 2022**.

#### 5.2 PLANNING REGULATION 2017

The current version of the *Planning Regulation 2017* ('the Regulation') is **11 December 2023**.

Schedule 10 of the *Planning Regulation 2017* identifies development that is prohibited development.

**Table 5-1** provides a checklist against Schedule 10 and identifies that the development the subject of this development application does not include prohibited development.

TABLE 5-1 PROHIBITED DEVELOPMENT IDENTIFIED IN PLANNING REGULATION 2017

Prohibited Development	Prohibition Description (Schedule 10)	Applicable (Y/N)
Brothels	Part 2, Division 1	N
Development in Caboolture West Investigation Area	Part 2A, Division 1	N
Clearing native vegetation other than for a relevant purpose	Part 3, Division	N
Environmentally relevant activities – development in North Stradbroke Island Region	Part 5, Division 1	Ν
Development interfering with koala habitat in koala priority area and koala habitat area	Part 10, Division 1	Ν
Noise sensitive place on noise attenuation land	Part 11	N
SEQ regional landscape and rural production area and SEQ rural living area – Reconfiguring a Lot	Part 16, Division 1	N
SEQ regional landscape and rural production area and SEQ rural living area (Community activity) – Residential Care Facility	Part 16, Division 3, Subdivision 1	Ν
SEQ regional landscape and rural production area and SEQ rural living area (Residential development)	Part 16, Division 5	Ν
SEQ regional landscape and rural production area and SEQ rural living area (Urban activity - Shopping Centre)	Part 16, Division 6, Subdivision 1	Ν
Wetland Protection Area – operational work in wetland protection area	Part 20, Division 1	Ν

#### 5.2.1 REFERRALS

Schedule 10 of the Regulation identifies when a development application requires referral to a referral agency. In respect to referrals, the Regulation identifies the:

- Trigger for referral
- Referral agency
- Limitations on referral agency's powers
- Matters the referral agency's assessment must or may be against (as applicable)
- Matters the referral agency's assessment must or may have regard to (as applicable)
- Fee for referral.



**Table 5-2** and **Table 5-3** are referral checklists against the requirements of Schedule 9 and Schedule 10 and identifies that the subject development application is not subject to any referrals.



#### TABLE 5-2 REFERRALS IDENTIFIED IN SCHEDULE 9 OF THE PLANNING REGULATION 2017

Referral Aspect	Referral Requirement (Schedule 9)	Asp		evelopr gger	ment	Juris	diction	Assessment Matter	Applicable (Y/N)
		OPW	ROL	MCU	BW	State	Other		
Premises seaward of coastal building line	Part 3, Division 1, Table 1, Item 1				•	•		SDAP	N
Declared fish habitat area	Part 3, Division 1, Table 2, Item 1				•	•		SDAP	N
State transport corridor	Part 3, Division 1, Table 3, Item 1				•	•		SDAP	Ν
Future State transport corridor	Part 3, Division 1, Table 4, Item 1				•	•		SDAP	Ν
Particular class 1 and 10 buildings and structures involving possible amenity and aesthetic impacts	Part 3, Division 2, Table 1, Item 1				•		•	Other <sup>27</sup>	Ν
Particular buildings for residential purposes	Part 3, Division 2, Table 2, Item 1				•		•	Other <sup>28</sup>	Ν
Design and siting	Part 3, Division 2, Table 3, Item 1				•		•	Other <sup>29</sup>	Ν
Fire safety in particular budget accommodation buildings	Part 3, Division 2, Table 4, Item 1				•		•	Other <sup>30</sup>	N
Higher risk personal appearance services	Part 3, Division 2, Table 5, Item 1				•		•	Other <sup>31</sup>	Ν
Building work for residential services	Part 3, Division 2, Table 6, Item 1				•		•	Other <sup>32</sup>	N
Building work for removal or rebuilding	Part 3, Division 2, Table 7, Item 1				•		•	Other <sup>33</sup>	Ν

<sup>&</sup>lt;sup>27</sup> Whether the building or structure will impact on the amenity or aesthetics of the locality, including, for example, whether the building or structure complies with a matter stated in a local instrument that regulates impacts on amenity or aesthetics

<sup>&</sup>lt;sup>28</sup> Whether the building is suitable for residential purposes

<sup>&</sup>lt;sup>29</sup> Whether the proposed building or structure complies with the performance criteria or qualitative statement stated in the paragraph

<sup>&</sup>lt;sup>30</sup> Whether, after the building work is completed, the building will comply with the fire safety standard under the Building Act

<sup>31</sup> Whether the building work complies with the performance criteria stated in the Queensland Development Code, part 5.2 that are relevant to the acceptable solution

<sup>&</sup>lt;sup>32</sup> Whether, if the building work is carried out, the premises would comply with the Queensland Development Code, part 5.7

<sup>&</sup>lt;sup>33</sup> (a) Whether the local government should require security, of no more than the value of the building work, for the performance of the work (b) If security is required, the amount and form of security that is appropriate for the development



Referral Aspect	Referral Requirement (Schedule 9)	Asp		evelopr Jger	nent	Jurisc	liction	Assessment Matter	Applicable (Y/N)
		OPW	ROL	MCU	BW	State	Other		
Building work for particular class 1 buildings relating to Material Change of Use	Part 3, Division 2, Table 8, Item 1				•		•	Other <sup>34</sup>	N
Temporary accommodation buildings	Part 3, Division 2, Table 9, Item 1				•		•	Other <sup>35</sup>	N
Building work relating to end of trip facilities for Queensland Development Code, part 4.1	Part 3, Division 2, Table 10, Item 1				•		•	Other <sup>36</sup>	N
Building work for class 1 building on premises with on-site wastewater management system	Part 3, Division 2, Table 11, Item 1				•		•	Other <sup>37</sup>	N
Flood hazard area	Part 3, Division 2, Table 12, Item 1				•		•	Other <sup>38</sup>	N

<sup>&</sup>lt;sup>34</sup> The relevant provisions of a local instrument that would apply for the application if schedule 6, part 2, section 2(2) did not apply for the material change of use

<sup>35</sup> Whether the building work complies with performance criteria 1 of the Queensland Development Code, part 3.3

<sup>&</sup>lt;sup>36</sup> Whether the building work complies with performance criteria P12 of the Queensland Development Code, part 4.1

<sup>&</sup>lt;sup>37</sup> Whether the building work complies with the Queensland Plumbing and Wastewater Code, part 1, performance criteria P2

<sup>38</sup> Matters stated in Part 3, Division 2, Table 12, Item 4



#### TABLE 5-3 REFERRALS IDENTIFIED IN SCHEDULE 10 OF THE PLANNING REGULATION 2017

Referral Aspect	Referral Requirement (Schedule 10)	Aspect of Development Trigger				Juris	diction	SDAP Code / Assessment	Applicable (Y/N)
		OPW	ROL	MCU	BW	State	Other	Matter	
Airport Land	Part 1, Division 3, Table 1, Item 1 - Column 2	•	•	•	•		•	Other <sup>39</sup>	Ν
Clearing native vegetation	Part 1, Division 4, Table 1-3, Item 1 – Column 2	•	•	•		•		16	N <sup>40</sup>
Contaminated land	Part 4, Division 3, Table 1, Item 1 - Column 2		•	•		•		13 <sup>41</sup>	N
Environmentally relevant activities	Part 5, Division 4, Table 1, Item 1 - Column 2			•			•	22	N <sup>42</sup>
Fisheries (Aquaculture)	Part 6, Division 1, Subdivision 3, Table 1, Item 1 - Column 2			•		•		17	N
Fisheries (Declared Fish Habitat)	Part 6, Division 2, Subdivision 3, Table 1, Item 1 - Column 2	•				•		12	N
Fisheries (Marine Plants)	Part 6, Division 3, Subdivision 3, Table 1-2, Item 1 – Column 2	•	•	•		•		11	Ν
Fisheries (Waterway barrier works)	Part 6, Division 4, Subdivision 3, Table 1, Item 1 - Column 2	•				•		18	N
Hazardous chemical facilities	Part 7, Division 3, Table 1, Item 1 - Column 2			•		•		21	Ν
Heritage Places (Local heritage places)	Part 8, Division 1, Subdivision 3, Table 1, Item 1 - Column 2				•		•	Other <sup>43</sup>	N

<sup>&</sup>lt;sup>39</sup> The matters the Local Government as referral agency must be against include the impacts of the proposed development, identified by the local government, on land in its local government area, other than airport land.

<sup>&</sup>lt;sup>40</sup> Each of Lot 12 and Lot 172 is below 5ha in area and is below the threshold for referral.

<sup>&</sup>lt;sup>41</sup> Where for other than contamination because of unexploded ordnance, the Single Assessment Referral Agency (SARA) will assess contaminated land applications against the criteria in the Regulation.

<sup>&</sup>lt;sup>42</sup> The proposed waste-water treatment facility and water treatment facility are below the threshold for a concurrence ERA / referral.

<sup>&</sup>lt;sup>43</sup> For a local heritage place on the local government's local heritage register under the Heritage Act – assessment must be against the code in the *Queensland Heritage Regulation 2015*, schedule 2. For a local heritage place identified in the local government's planning scheme – the assessment must be against the relevant provisions of a local categorising instrument.



Referral Aspect	Referral Requirement (Schedule 10)	Asp		evelopr gger	nent	Juriso	diction	SDAP Code / Assessment	Applicable (Y/N)
		OPW	ROL	мси	BW	State	Other	Matter	
Heritage Places (Queensland heritage place)	Part 8, Division 2, Subdivision 3, Table 1-2, Item 1 – Column 2	•	•	•	•	•		14	N
Infrastructure-related referrals (Designated premises)	Part 9, Division 1, Table 1, Item 1 - Column 2 (Assessable Development)	•	•	•	•	•		Other <sup>44</sup>	N
Infrastructure-related referrals (Electricity infrastructure)	Part 9, Division 2, Table 1-3, Item 1 – Column 2	•	•	•			•	Other <sup>45</sup>	N
Infrastructure-related referrals (Oil and gas infrastructure)	Part 9, Division 3, Table 1 - 3, Item 1 - Column 2	•	•	•		•		Other 46	N
Infrastructure-related referrals (State transport infrastructure generally)	Part 9, Division 4, Subdivision 1, Table 1, Item 1 – Column 2	•	•	•		•		6	N
Infrastructure-related referrals (State transport corridors and future State transport corridor)	Part 9, Division 4, Subdivision 2, Table 1-6, Item 1 – Column 2	•	•	•		•		1, 2, 3, 4	N
Infrastructure-related referrals (State-controlled transport tunnels and future State-controlled transport tunnels)	Part 9, Division 4, Subdivision 3, Table 1-3, Item 1 – Column 2	•	•	•		•		5	N
Ports (Brisbane core port land)	Part 13, Division 1, Subdivision 2, Table 1			•			•	Other <sup>47</sup>	N
Ports (Brisbane core port land)	Part 13, Division 1, Subdivision 2, Table 2-11	•	•	•	•	•		1 <sup>48</sup> , 22, 8, 21, 10, 20, 12	N
Ports (Land within Port of Brisbane's port limits—referral agency's assessment)	Part 13, Division 2, Table 1, Item 1 – Column 2	•	•	•		•		8	N

The referral agency's assessment must have regard to the designation.

45 The referral agency's assessment must be against the purposes of the Electricity Act and the Electrical Safety Act.

<sup>&</sup>lt;sup>46</sup> The referral agency's assessment must be against the purposes of the Petroleum and Gas Act.

<sup>&</sup>lt;sup>47</sup> The matters Brisbane City Council assessment as referral agency must be against include the impacts of the proposed development, identified by the council, on land in its local government area, other than Brisbane core port land.

<sup>48</sup> Where involving development that is inconsistent with Brisbane port LUP for transport reasons the matters the referral agency must be against include 'the transport reasons'.



Referral Aspect	Referral Requirement (Schedule 10)	Aspect of Development Trigger				Juriso	diction	SDAP Code / Assessment	Applicable (Y/N)
		OPW	ROL	мси	BW	State	Other	Matter	
Ports (Land within Port of Brisbane's port limits—referral agency's assessment)	Part 13, Division 2, Table 2, Item 1 – Column 2	•	•	•			•	Other <sup>49</sup>	N
Ports (Land within limits of another port – assessable development)	Part 13, Division 3, Table 1, Item 1 – Column 2	•	•	•			•	Other 50	N
Ports (Strategic port land)	Part 13, Division 5, Subdivision 3, Table 1, Item 1 – Column 2	•	•	•		•		Other <sup>51</sup>	N
SEQ Development Area (Reconfiguring a lot – referral agency's assessment)	Part 15, Division 1, Table 1, Item 1 – Column 2		•			•		Other 52	N
SEQ Development Area (Material Change of Use)	Part 15, Division 2, Subdivision 3, Table 1, Item 1 – Column 2			•		•		Other <sup>53</sup>	N
SEQ regional landscape and rural production area and SEQ rural living area (Tourist or sport and recreation activity)	Part 16, Division 2, Subdivision 3, Table 1, Item 1 – Column 2			•		•		Other <sup>54</sup>	N
SEQ regional landscape and rural production area and SEQ rural living area (Community activity)				•		•		Other <sup>55</sup>	N
SEQ regional landscape and rural production area and SEQ rural living area (Indoor recreation)				•		٠		Other <sup>56</sup>	N

<sup>&</sup>lt;sup>49</sup> The referral agency's assessment must be against the safety and operational integrity of the port.

<sup>&</sup>lt;sup>50</sup> The referral agency's assessment must be against the port authority functions under the Transport Infrastructure Act, Chapter 8, part 3.

<sup>51</sup> The referral agency's assessment must be against the Transport Infrastructure Act, section 287A.

<sup>52</sup> The referral agency's assessment must be against whether the development is consistent with the future planning intent for the area in which the premises are located.

<sup>&</sup>lt;sup>53</sup> As stated in Part 15, Division 2, Subdivision 3, Table 1, Item 4

<sup>&</sup>lt;sup>54</sup> As stated in Part 16, Division 2, Subdivision 3, Table 1, Item 4

<sup>55</sup> As stated in Part 16, Division 3, Subdivision 4, Table 1, Item 4

<sup>&</sup>lt;sup>56</sup> As stated in Part 16, Division 4, Subdivision 3, Table 1, Item 4



Referral Aspect	Referral Requirement (Schedule 10)	Aspect of Development Trigger				Jurisdiction		SDAP Code / Assessment	Applicable (Y/N)
		OPW	ROL	MCU	BW	State	Other	Matter	
SEQ regional landscape and rural production area and SEQ rural living area (Urban activity - biotechnology industry / service station / another urban activity)				•		•		Other <sup>57</sup>	N
SEQ regional landscape and rural production area and SEQ rural living area (Combined uses – community activity / indoor recreation / sport and recreation / tourist activity / urban activity)				•		•		Other <sup>58</sup>	N
Tidal works or work in a coastal management district	Part 17, Division 3, Table 1-6, Item 1 – Column 2	•	•	•		•		7, 8	N
Urban design	Part 18			•		•		24	N
Water related development (Taking or interfering with water)	Part 19, Division 1, Subdivision 3, Table 1, Item 1 – Column 2	•				•		10	Ν
Water related development (Removing quarry material)	Part 19, Division 2, Subdivision 3, Table 1, Item 1 – Column 2	•				•		15	N
Water related development (Referable dams)	Part 19, Division 3, Subdivision 3, Table 1, Item 1 – Column 2	•				•		20	Ν
Water related development (Levees)	Part 19, Division 4, Subdivision 3, Table 1, Item 1 – Column 2	•				•		19	N
Wetland Protection Area	Part 20, Division 4, Table 1-2, Item 1 – Column 2	•	•	•		•		9	N <sup>59</sup>

 $<sup>^{57}</sup>$  As stated in Part 16, Division 6, Subdivision 4, Table 1, Item 4

 $<sup>^{58}</sup>$  As stated in Part 16, Division 7, Subdivision 3, Table 1, Item 4

<sup>&</sup>lt;sup>59</sup> The proposed development is anticipate to involve less than 100m<sup>3</sup> of earthworks within 200 metres of a wetland protection area.



#### 5.3 STATE PLANNING POLICY

The current version of the State Planning Policy (SPP) is July 2017.

The local planning instrument referred to in section 5.0 of this Planning Report is identified by the then Minister to appropriately reflect the prior version of the SPP.

Notwithstanding that the Planning Scheme appropriately advances the superseded version of the State Planning Policy, we note that the project seeks to provide positive cultural, economic, and environmentally sustainable outcomes, including for (but not limited to) the EKY people<sup>60</sup>. It is considered relevant to identify that the proposed development is consistent with the following aspects of the State Planning Policy:

• Under State Interest – 'Planning for liveable communities and housing' (p.22):

'Effective planning for local community will: ... acknowledge Aboriginal and Torres Strait Islander peoples' special relationship to their Traditional lands.'

Under State Interest – 'Tourism' (p.36):

'Tourism planning and development opportunities that are appropriate and sustainable are supported, and the social, cultural and natural values underpinning tourism developments are protected.'

'The delivery of sustainable tourism development is facilitated where it:

- (a) is complementary to and compatible with other land uses, including sensitive land uses
- (b) promotes the protection or enhancement of the character, landscape and visual amenity, and the economic, social, cultural and environmental values of the natural and built assets associated with the tourism development.
- (4) Appropriate infrastructure to support and enable tourism development is planned for.'
- Under State Interest 'Planning for environment and heritage' (p.37):

'Sustainable planning will balance the conservation of important environmental and cultural values (including Aboriginal and Torres Strait Islander cultural heritage) with economic growth, job creation and social wellbeing.'

• Under State Interest – 'Biodiversity' (p.39):

'Matters of state environmental significance are identified and development is located in areas that avoid adverse impacts; where adverse impacts cannot be reasonably avoided, they are minimised.'

'Matters of local environmental significance are identified and development is located in areas that avoid adverse impacts; where adverse impacts cannot be reasonably avoided, they are minimised'.

<sup>&</sup>lt;sup>60</sup> Being the recognised Traditional Owners of the are in which the site of proposed development is located.



Therefore, the proposed development is consistent with the State Interest objectives of the State Planning Policy, namely that the project acknowledges the special relationship between EKY peoples and the land, as well as providing a triple bottom line solution by:

- contributing the social wellbeing of EKY peoples through preservation and the practicing of cultural and environmental knowledge; and
- creating economic and long-term job creation opportunities for the EKY people (in particular); and
- creating a significant construction investment opportunity for Cape Tribulation<sup>61</sup>;
- sharing the cultural and environmental knowledge of the EKY people with tourists and visitors alike: and
- diversifying and/or expanding the ecotourism and cultural tourism economy; and
- protecting areas of state and local environmental significance as well as providing a base for the EKY people to administer cultural and environmental management practices across the broader EKY tribal estate.

#### 5.4 **REGIONAL PLAN**

The Far North Queensland Regional Plan 2009 - 2031 ('the Regional Plan') is relevant to the site. The site is located within the Regional Landscape and Rural Production Area pursuant to the Regional Plan.

The Minister has identified that the Planning Scheme, specifically the strategic framework, appropriately advances the Regional Plan, as it applies in the planning scheme area.

Notwithstanding that the Planning Scheme appropriately advances the Regional Plan, we note that the project seeks to provide positive cultural, economic, and environmentally sustainable outcomes, including for the EKY people<sup>58</sup>. It is relevant to identify that the proposed development is consistent with the following aspects of the Regional Plan (emphasis added):

- 'The **<u>Traditional Owners of the region are recognised and respected</u> and a** harmonious mix of cultures ensures the region offers a multicultural experience. The region's unique Aboriginal and Torres Strait Islander cultural diversity is protected and progressed, and artistic and cultural experiences that bring people together are abundant.' (p.10)
- 'The land in the Eastern Kuku Yalainj [sic] ILUA is currently in the regional landscape and rural production area but has been identified as an area requiring further investigation (see section 3.8)' (p.23)62
- 'The government's vision for Aboriginal and Torres Strait Islander Queenslanders is to have their cultures affirmed, their heritage sustained and to have the same prospects for health, prosperity and quality of life as other **Queenslanders** (ATSIP, 2005)'.

Section 3 (Strong Communities – Desired Regional Outcome) (p.59)

'Aboriginal and Torres Strait Islanders have strong family and cultural ties that are closely connected to the land and sea. Maintaining the connection with their land is important for social and cultural well being. Respecting these strong

<sup>&</sup>lt;sup>61</sup> With a current construction value of \$5.5 million.

<sup>&</sup>lt;sup>62</sup> Note – while the Project 2 site is not subject to an ILUA (being excluded by freehold) the Regional Plan specifically identifies the EKY people at the Regional Plan level.



connections to the land and sea is important for the on-going survival of their culture.'

Section 3.5 (Sense of community, place and identity) – Explanatory notes (p.65)

• 'Aboriginal and Torres Strait Islander cultural heritage places and landscapes are especially important in FNQ. Indigenous cultural heritage may include significant areas, objects or places with evidence of archaeological or historic significance of Aboriginal or Torres Strait Islander occupation. Intangible aspects such as language, song, stories and art are part of the Aboriginal and Torres Strait Islander peoples' strong sense of heritage as well as physical places and objects. Protecting knowledge and information associated with cultural heritage places is as important as the physical protection of a place'.

Section 3.7 (Cultural Heritage) (p.66)<sup>63</sup>

• 'Regional **planning processes recognise and facilitate the need to increase Indigenous economic** and housing **opportunities**'.

Section 3.8 (Strengthening Indigenous communities) - Objective 1 (p.69).<sup>64</sup>

• 'Tourism has been the fastest growing industry in FNQ over the past three decades and provides significant employment benefits for the region. The development of the Cairns international airport, improved access to high-quality natural attractions such as the reef and rainforests, and increased global travel has contributed to this growth.

The region's tourism industry is predominantly based on natural and cultural features. Tourist activities are primarily concentrated between Mission Beach and Cape Tribulation along the coast, and those areas of the Great Barrier Reef with direct access from Cairns, Port Douglas and Mission Beach. Key visitor attractions include the Great Barrier Reef, the Wet Tropics rainforest, scenic landscapes, natural areas and a tropical climate. Protection of the natural attractions and character of the region is important to the sustainability of the tourism industry in the region.

Although the tourism industry is looking to diversify into areas such as cultural and business tourism, nature-based activities are expected to remain the major drawcard and the focus of product promotion for the region. Sustainable opportunities must be identified and developed to cater for nature-based tourism needs over the long term. Future opportunities in the tourism sector lie in:

- o the potential to increase the region's business tourism market
- ecotourism with the presence of two World Heritage listed sites located side by side in the region
- o the expansion of cultural tourism.'

<sup>&</sup>lt;sup>63</sup> The relevance of the intangible cultural heritage of the EKY cannot be understated, and the proposed development provides a base for the sharing of ancient cultural (including environmental) knowledge and wisdom within the EKY community such that the culture of the EKY people is maintained and sustained as well as providing a platform to share this culture with the broader community, tourist and travellers alike. On this basis, the development seeks to value, protect and promote Aboriginal and Torres Strait Islander knowledge, culture and tradition.

<sup>&</sup>lt;sup>64</sup> The proposed development is critical to support the local economic interests of the EKY people as established under the Program.



Section 5.5 (Tourist Development) (p.100).65

• 'FNQ's international reputation as a world-class destination for nature-based and sustainable tourism is maintained and enhanced.'

Section 5.5 (Tourist Development) - Objective (p.100) 63

- 'Tourist development, including development that incorporates short-term accommodation for tourists, may be undertaken within the regional landscape and rural production area where there is an identified need in a subregion and the accommodation:
  - (a) <u>is of a nature and scale that is sympathetic to the maintenance</u> <u>of the regional landscape and rural production values</u>
  - (b) minimises the impact on good-quality agricultural land<sup>66</sup>
  - (c) <u>avoids areas of high ecological significance</u> and coastal hill slopes and headlands (see sections 1.1 and 2.3).

Section 5.5 (Tourist Development) – Land Use Policy 5.5.2 (p.100)

• Workers accommodation<sup>67</sup> may be provided in tourist development in the regional landscape and rural production area, where there is limited alternative housing and/or limited workforce available locally.

Section 5.5 (Tourist Development) - Land Use Policy 5.5.2 (p.100)

Therefore, the proposed development is consistent with the objectives of Regional Plan, specifically the: (a) 'Strong Communities - Desired Regional Outcome' including in particular 'Strengthening Indigenous Communities'; and (b) 'Economic - Desired Regional Outcome', including in particular 'Tourist Development', namely through delivery of a project that acknowledges the special relationship between EKY peoples and the land, as well as providing a triple bottom line solution by:

- contributing the social wellbeing of EKY peoples through preservation and the practicing of cultural and environmental knowledge; and
- creating economic and long-term job creation opportunities for the EKY people (in particular); and
- sharing the cultural and environmental knowledge of the EKY people with tourists and visitors alike; and
- diversifying and/or expanding the ecotourism and cultural tourism economy; and
- protecting areas of state and local environmental significance as well as providing a base for the EKY people to administer cultural and environmental management practices across the broader EKY tribal estate.

<sup>&</sup>lt;sup>65</sup> The proposed development diversifies and contributes to both eco-tourism and cultural tourism markets in Cape Tribulation / Far North Queensland.

<sup>&</sup>lt;sup>66</sup> The site is not located in the Rural Zone.

<sup>&</sup>lt;sup>67</sup> Provided in the form of 'Outstation' development.



#### 6. LOCAL PLANNING MATTERS

The *Douglas Shire Planning Scheme 2018* is the local planning instrument in force within the Douglas Shire local government area.

The current version of the Douglas Shire Planning Scheme is version 1.

#### 6.1 ZONE

The site is located in the Conservation Zone.

#### 6.2 LOCAL PLAN

The site is located within Precinct 2 – Low Impact Residential Precinct of the Cape Tribulation and Daintree Coast Local Plan.

#### 6.3 OVERLAYS

The site is subject to the following overlays:

- Acid Sulfate Soils (5-20m AHD)
- Bushfire Hazard Overlay (Potential Impact Buffer)
- Flood and Storm Tide Hazard Overlay (Floodplain Assessment Overlay (Daintree River))
- Landscape Values Overlay (Medium Landscape Values / Scenic Route Buffer)
- Natural Areas Overlay (MSES Regulated Vegetation / MSES Wildlife Habitat)
- Transport Overlay (Transport Pedestrian Cycle (Iconic Recreation Route) / Transport Road Hierarchy (Sub Arterial Road)

#### 6.4 CATEGORIES OF DEVELOPMENT AND ASSESSMENT

The proposed development is subject to Impact Assessment, pursuant to Table 5.6.c of the Planning Scheme<sup>68</sup>.

#### 6.5 CODE COMPLIANCE

Pursuant to Table 5.6.c of the Planning Scheme, the following benchmarks are identified as relevant to the assessment of the proposed development:

- Conservation Zone Code
- Cape Tribulation and Daintree Coast Local Plan Code
- Caretaker's Residence Code
- Acid Sulfate Soils Overlay Code
- Bushfire Hazard Overlay Code
- Flood and Storm Tide Hazard Overlay Code
- Landscape Values Overlay Code
- Natural Areas Overlay Code
- Transport Network Overlay Code
- Environmental Performance Code

<sup>&</sup>lt;sup>68</sup> For all Material Change of Use aspects of development with the exception of Outstation, which is identified as code assessable.



- Access, Parking and Servicing Code
- Filling and Excavation Code
- Landscaping Code
- Vegetation Management Code.

An assessment against each of the following key codes is provided in **Schedule 4**:

- Conservation Zone Code
- Cape Tribulation and Daintree Coast Local Plan Code
- Caretaker's Residence Code
- Environmental Performance Code
- Access, Parking and Servicing Code
- Bushfire Hazard Overlay Code
- Flood and Storm Tide Hazard Overlay Code
- Landscape Values Overlay Code
- Natural Areas Overlay Code
- Transport Network Overlay Code.

Summarised responses are provided below for the balance of applicable codes:

- Acid Sulfate Soils Overlay Code: The proposed development primarily involves buildings that are located above ground and set on piers and limited to no earthworks are proposed. The site is also noted to only include land above 5m AHD and is therefore at lesser risk of exposing acid sulfate soils through development. Development complies or can comply with the relevant provisions of the Acid Sulfate Soils Overlay Code.
- **Filling and Excavation Code:** The proposed development primarily involves buildings that are located above ground and set on piers and limited to no earthworks are proposed on site. Development complies or can comply with the relevant provisions of the Filling and excavation code.
- Landscaping Code: The site contains existing vegetation, which will be retained to the greatest extent practicable and contribute to the landscaping of the site. A 10-metre wide landscaping buffer will be provided to all side and rear boundaries and a 25 metre setback to Cape Tribulation Road. Development therefore complies with the Landscaping code; including overall outcome (2)(e), which requires that "As far as practical, existing vegetation on site is retained, and protected during works and integrated with the built environment".

### 6.5.1 ALTERNATIVE SOLUTIONS

Alternative Solutions provided in respect of Acceptable / Performance Outcomes are detailed in **Table 6-1**.



#### **TABLE 6-1 ALTERNATIVE SOLUTIONS**

#### **Acceptable Outcome**

#### **Performance Outcome**

#### **Cape Tribulation and Daintree Coast Local Plan Code**

#### PO19

Development is for;

- (a) a detached dwelling of limited size and scale and necessary outbuildings and infrastructure;
- (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;
- (c) Nature based tourism, being Forest stay accommodation where in compliance with other requirements contained within this code.

# Complies with Strategic Framework, Regional Plan and State Planning Policy Benchmarks

Refer **Section 6.6 (Key Issues)** in the Town Planning Report for further discussion.

### **Conservation Zone Code**

#### A01

Uses identified in Table 6.2.3.3.b are not established in the Conservation zone.

#### P01

The establishment of uses is consistent with the outcomes sought for the Conservation zone and protects the zone from the intrusion of inconsistent uses.

#### **Complies with Performance Outcome**

Caretaker's Accommodation is identified as an 'inconsistent use' within the Conservation Zone. However, Nature-based Tourism, Environment Facility and Outstation – being the primary land uses, are not identified as inconsistent land uses. In so much as the Caretaker's Accommodation is a minor and subservient land use to the primary land use activities, the Caretaker's Accommodation is not considered to represent the intrusion of an inconsistent use, and the proposed development is otherwise consistent with the overall outcomes of the code including that:

- Biological diversity, ecological integrity and scenic amenity values are not negatively impacted by the development; and
- The proposed Nature-based tourism and Environment Facility land uses are low intensity facilities established for the appreciation of the environment and are proposed relevant to the economic, social and environmental interests of EKY people.

Development complies with POI on this basis.

#### **Bushfire Hazard Overlay Code**

### A011

Development sites are separated from hazardous vegetation by a public road or fire trail which has:

#### **Complies with Performance Outcome**

In accordance with POII a fire trail is not considered to be required as it serves no practical purpose noting that



#### **Acceptable Outcome**

#### **Performance Outcome**

- (a) a reserve or easement width of at least 20m;
- (b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation;
- (c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path;
- (d) a minimum of 4.8m vertical clearance;
- (e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines;
- (f) a maximum gradient of 12.5%;
- (g) a cross fall of no greater than 10 degrees;
- (h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy;
- (i) vehicular access at each end which is connected to the public road network which is connected to the public road network at intervals of no more than 500m:
- (j) designated fire trail signage;
- (k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and
- (I) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services.

#### PO11

A formed, all weather fire trail is provided between the hazardous vegetation and the site boundary or building envelope, and is readily accessible at all times for the type of fire fighting vehicles servicing the area.

However, a fire trail will not be required where it would not serve a practical fire management purpose. source of bushfire hazard is located approximately 100 metres to the east of the site's eastern boundary; each lot the subject of the site is less than 2.5ha; and no buildings or driveways are proposed to be located in a bushfire hazard area.

Development complies with PO1/PO3 on this basis.



### **Performance Outcome**

Note - Fire trails are unlikely to be required where a development site involves less than 2.5ha

### Flood and Storm Tide Hazards Overlay Code

### A01.3 / A03.1

New buildings are:

- (a) not located within the overlay area;
- (b) located on the highest part of the site to minimise entrance of flood waters:
- (c) provided with clear and direct pedestrian and vehicle evacuation routes off the site.

### PO1

Development is located and designed to:

- (a) ensure the safety of all persons;
- (b) minimise damage to the development and contents of buildings:
- (c) provide suitable amenity;
- (d) minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events.

### PO3

Development siting and layout responds to flooding potential and maintains personal safety.

For Material change of use (Non-residential uses)

### A04.2

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

### Complies with Performance Outcome(s)

Development is proposed within the Floodplain Assessment Overlay sub-category and therefore does not comply with AO1.3(a). However, the natural ground level on the ranges between 8.0mAHD and 5.0m AHD with built infrastructure designed to have a finished floor level (FFL) of not less than 6m AHD.

The site is not located within a Medium Storm Tide Hazard Area or High Storm Tide Hazard Area which impacts lower lying areas adjacent the coast at natural ground levels of 4.0m AHD (approx.) and below.

Craig Cartling (pers comm (January 2024)), Tourism Facilitator at Jabalbina, confirmed that the site did not experience any flood impacts during the December 2023 major flood event, following Cyclone Jasper.

The proposed accommodation buildings will be elevated, with a FFL of not less than 6.0m AHD, and the Environment Facility and Caretaker's Accommodation with a FFL of 7.0m AHD and all buildings (excluding Class 10 structures) approximately 400mm above existing natural ground level.

'All weather access' is proposed to all built infrastructure, including an upgraded asphalt access and turnaround facility.

Development has therefore been designed in consideration of the safety of all persons, and to minimise damage to the development and contents of buildings and minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events.

Development complies with PO1/PO3 on this basis.

### **Complies with Performance Outcome**

Non-residential uses include Outstation, Nature-based Tourism and Environment Facility (Note – these land uses are not defined as an 'Accommodation Activity' in Schedule 1 of the Planning Scheme). The proposed accommodation buildings will be elevated, with a FFL of not less than 6.0m AHD, and the Environment Facility and Caretaker's Accommodation with a FFL of 7.0m AHD and all buildings (excluding Class 10 structures) approximately 400mm above existing natural ground level, meaning that any flow (despite this being unlikely) will flow under proposed accommodation buildings. However, the Environment Facility will involve minor fill, raising the building above existing ground levels; the site of the Environment Facility (in particular) is



### **Performance Outcome**

property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a building or off site).

upstairs level of a building or off site).

Note - The relevant building assessment provisions under the Building Act 1975 apply to all building work within

the Hazard Area and need to take into account the flood potential within the area. not known to flood (being a relative high point in the context of surrounding lower-level land and the source of flood, being coastal).

Therefore, the proposed built form is considered to be resilient to flood events and otherwise accounts for the potential risks of flooding.

Development complies with PO4 on this basis.

### **PO4**

Development is resilient to flood events by ensuring design and built form account for the potential risks of flooding.

### **Landscape Values Overlay Code**

### A03.2

No clearing of native vegetation is undertaken within a Scenic route buffer area.

### PO3

Development within a Scenic route buffer / view corridor area as identified on the Landscape values overlay maps contained in Schedule 2:

- (a) retains visual access to views of the surrounding landscape, the sea and other water bodies;
- (b) retains existing vegetation and incorporates landscaping to visually screen and soften built form elements whilst not impeding distant views view corridors;
- (c) incorporates building materials and external finishes that are compatible with the visual amenity

### **Complies with Performance Outcome**

The site is within a scenic route buffer and vegetation clearing is proposed to provide vehicle access to the premises. Vegetation exists to the frontage of the site (refer **Figure 2** in the Town Planning Report and **Schedule 3 – Proposal Plans**) and a landscaped buffer (25 metres wide) is proposed adjacent Cape Tribulation Road, which will enhance the existing screening provided by vegetation. Therefore, limited vegetation is required to access the site; however, the development is otherwise consistent with the requirements of PO3:

- (a) retains visual access to views of the surrounding landscape, the sea and other water bodies, to the extent relevant;
- (b) otherwise retains existing vegetation and incorporates landscaping to visually screen and soften built form elements whilst not impeding distant views or view corridors;
- (c) incorporates building materials and external finishes that are compatible with the visual amenity and the landscape character;
- (d) minimises visual impacts on the setting and views in terms of:
  - the scale, height and setback of buildings;
  - the extent of earthworks (which is minimal) and impacts on the landform including the location and configuration of access roads and driveways;
  - the scale, extent and visual prominence of advertising devices in so much as no advertising devices are proposed at this time.

Development complies with PO3 on this basis.



### **Performance Outcome**

- and the landscape character;
- (d) minimises visual impacts on the setting and views in terms of:
- (e) the scale, height and setback of buildings;
- (f) extent earthworks and impacts on the landform including location and configuration of access roads and driveways;
- (g) the scale, extent and visual prominence of advertising devices.

### **Natural Areas Overlay Code**

### AO3.1

A buffer for an area of state environmental significance (Wetland protection area) has a minimum width of:

- (a) 100 metres where the area is located outside Urban areas; or
- (b) 50 metres where the area is located within a Urban areas.

### PO3

An adequate buffer to areas of state environmental significance is provided and maintained.

### **Complies with Performance Outcome**

The 100 metre buffer to the Wetland Protection Area partially extends into the site at its eastern boundary, and despite proposed buildings and structures being setback in excess of 20 metres of the rear boundary, the proposed development does intrude on the edge of the 100 metre buffer. The *Planning Regulation 2017* identifies the referral trigger for a wetland protection area as being 100m<sup>3</sup> of earthworks within 200 metres of a wetland protection area and the proposed development is anticipated to involve less than 100m<sup>3</sup> of earthworks. On the basis that the proposed development provides a 20 metre setback to the rear boundary; and that the site is not mapped as a Wetland Protection Area and that the proposed development is below the State Assessment Referral Agency trigger for earthworks it is considered that an adequate buffer to the Wetland Protection Area is provided.

Development complies with PO3 on this basis.

### Caretaker's Accommodation Code

### AO2.2

The caretaker's accommodation is provided with:

- (a) an outdoor service court with a minimum area of 5m² to facilitate clothes drying;
- (b) an area for general storage;
- (c) an area for the storage of a garbage receptacle;
- (d) a designated covered car parking space;

### **Complies with Performance Outcome**

The caretaker's accommodation is provided with:

- a) an outdoor service court with a minimum area of 5m<sup>2</sup> to facilitate clothes drying in the form of the BoH facility deck area adjoining the Caretaker's Accommodation;
- (b) an area for general storage is provided within the BoH facility adjoining the Caretaker's Accommodation;
- (c) an area for the storage of a garbage receptacle on the deck of the Caretaker's Accommodation;
- a designated covered car parking space is not allocated to the Caretaker's Accommodation; however, the Caretaker's Accommodation is otherwise consistent with Performance



# (e) separate occupant access, independent from access to any non-residential building on the site.

### PO2

The caretaker's accommodation provides sufficient outdoor private open space for the reasonable recreation and domestic needs of the resident(s).

### **Performance Outcome**

Outcome 2 which only requires the provision of sufficient outdoor private open space to meet the needs of the resident;

(e) separate occupant access independent from access to any non-residential building on the site.

Development complies with PO2 on this basis.

### **Vegetation Management Code**

Note - AO1.1 – AO1.12 exemptions do not apply to the proposed vegetation clearing

### P01

Vegetation is protected to ensure that:

- (a) the character and amenity of the local area is maintained;
- (b) vegetation damage does not result in fragmentation of habitats;
- (c) vegetation damage is undertaken in a sustainable manner;
- (d) the Shire's biodiversity and ecological values are maintained and protected;
- (e) vegetation of historical, cultural and / or visual significance is retained;
- (f) vegetation is retained for erosion prevention and slope stabilisation.

### **Complies with Performance Outcome**

Vegetation is protected to ensure that:

- (a) the character and amenity of the local area is maintained through limiting vegetation clearing to establishment of vehicle access to the site consistent with FNQROC standards;
- (b) vegetation damage does not result in fragmentation of habitats in so much as no vegetation clearing is proposed within any mapped wildlife habitat areas;
- (c) vegetation damage is undertaken in a sustainable manner in so much as the majority of vegetation on site is proposed to be protected and enhanced by landscaping using endemic flora and culturally significant flora;
- (d) the Shire's biodiversity and ecological values are maintained and protected in so much as no clearing within any areas of local or state environmental significance is proposed;
- (e) vegetation of historical, cultural and / or visual significance is retained to the extent relevant;
- (f) vegetation will be retained for erosion prevention and slope stabilisation as relevant.

Development complies with POI on this basis.

### 6.6 KEY ISSUES

# 6.6.1 Development is inconsistent with part of the intent of Precinct 2 – Limited Residential Precinct in Cape Tribulation and Daintree Coast Local Plan Code

The proposed development does not comply with Acceptable Outcome 19.1 to 19.5 of the Cape Tribulation and Daintree Coast Local Plan Code. In particular, it is noted that Acceptable Outcome 19.1 seeks to limit development on a lot within Precinct 2 – Low Impact Residential to a Dwelling House (only). The Dwelling House land use is expanded by



Acceptable Outcome 19.2 to 19.5 to allow for a Home-Based Business land use in the form of a 'Bed and Breakfast' activity, where:

- 1. on land with a minimum area of 1 hectare on which a Dwelling House has been approved and constructed; and
- 2. limited to 1 bedroom (2 'beds') per hectare, up to a maximum of 4 bedrooms (8) 'beds' per site; and
- 3. limited to cleared areas on the land; or
- 4. established within an existing Dwelling House, requires no additional vegetation clearing required to accommodate the use.

Land use and administrative definitions from the Douglas Shire Planning Scheme that are relevant to the discussion of this Key Issue are provided as follows:

**Dwelling House** - A residential use of premises for one household that contains a single dwelling. The use includes domestic outbuildings and works normally associated with a dwelling and may include a secondary dwelling.

**Home-Based Business** - A dwelling used for a business activity where subordinate to the residential use.

**Bed and breakfast** - A dwelling with rooms used for overnight paying guest accommodation.

**Bed space** - Means a space occupied by one person for the purpose of sleeping.<sup>69</sup>

The Home-Based Business Code includes additional benchmarks, relevant to 'Bed and Breakfast' as follows:

- **AO3.3:** In 'Other areas', no more than 4 bedrooms (a maximum of 8 bed spaces) and optional ensuites are used for bed and breakfast accommodation.
- **AO3.4:** In 'Other areas', bed and breakfast accommodation can be located in a maximum of 4 separate buildings to the existing house, provided that each building is a maximum of 50m2 (inclusive of verandahs / patios etc.) and located within 50 metres of the existing house and on the same lot.
- **A04:** Development involves guests staying a maximum of 14 consecutive nights.

Therefore, an Acceptable Outcome under the Planning Scheme for 'Lot 12' and 'Lot 172' is for a Dwelling House with a Home-Based Business ('Bed and Breakfast') providing accommodation for up to three (3) overnight guests on each lot.

The Performance Outcome relevant to Acceptable Outcomes 19.1 to 19.6 is repeated as follows:

### PO19

Development is for;

- (a) a detached dwelling of limited size and scale and necessary outbuildings and infrastructure;
- (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;

<sup>&</sup>lt;sup>69</sup> Despite that AO19.5 refers to 'bed' and not 'bed space' it is reasonable to assume that a 'bed' as referred to in AO19.5 may be taken as a 'bed space' i.e. a 'bed' for the purposes of AO19.5 means for one (1) person.



(c) Nature based tourism, being Forest stay accommodation where in compliance with other requirements contained within this code.

### It is noted that Performance Outcome 19:

- Refers to a detached dwelling of limited size and scale, despite no benchmarks relevant to limiting size or scale i.e. the Local Plan does not apply Acceptable Outcomes relevant to limitation on the size or scale of a dwelling or Dwelling House;
- In its reference to 'home occupations' (assumed to refer to Home-Based Business) the Performance Outcome is concerned only with the scenic values of the 'site and surrounding areas' and no other impacts;
- Refers to Nature-based Tourism, in the form of 'Forest Stay' accommodation despite having no corresponding Acceptable Outcomes<sup>70</sup>.

The purpose of the Local Plan states that 'new development does not occur, with the exception of development located within, and consistent with respective precinct intents for: ... (ii) Precinct 2 – Low impact residential precinct' (emphasis added):

### 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.

The line of sight between the purpose of Precinct 2 and the Acceptable Outcomes and Performance Outcomes relative to Precinct 2 is disjointed, in so much as Acceptable Outcomes and Performance Outcomes facilitate a much broader outcome for development than expressed in the intent and overall outcomes for Precinct 2. Therefore, the Local Plan Code is considered to be conflicted and unclear in its intent, relevant to development outcomes in Precinct 2.

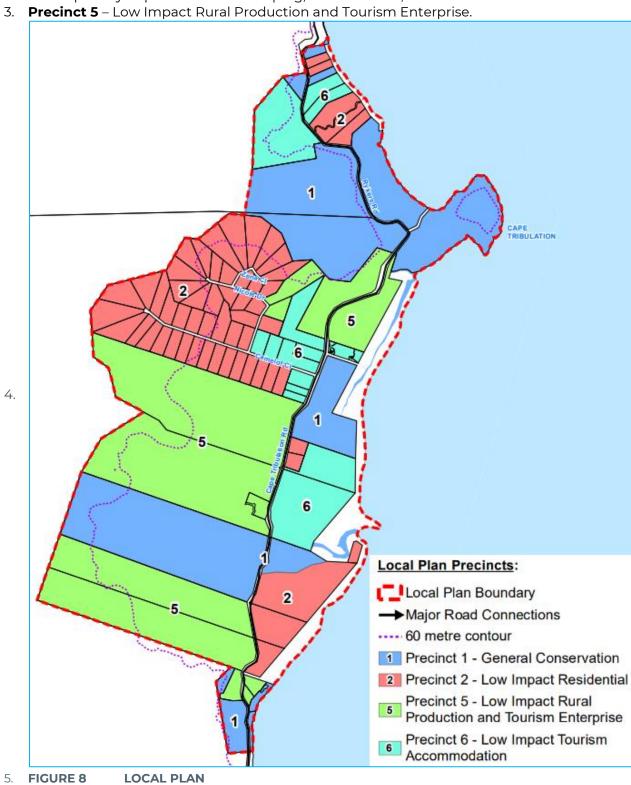
Conflict within the Local Plan is also identified in the Local Plan Map (refer **Figure 8**), in so much as the allocation of Precinct 2 within the Local Plan, is not supported by 'best practice planning' in the case of the site the subject of proposed development, which is noted to adjoin:

- 1. **Precinct 1** General Conservation, located to the north. This land comprises the Daintree National Park, which is a protected area available for visitation by the public;
- 2. **Precinct 6** Low Impact Tourism Accommodation to the east and south. This land

 $<sup>^{70}</sup>$  Forest Stay accommodation is facilitated by PO14/AO14 to PO17/AO17 the Local Plan in Precinct 2 and where on a lot with a minimum area of 10 hectares and/or where undertaken by 'permanent residents' in 'isolated parts of the Shire'.



is occupied by Cape Tribulation Camping, a Tourist Park;



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i.e. Contextually, Precinct 2 (comprising the subject two lots) is not co-located with



compatible precincts and Councils intent for the subject two lots, relevant to adjoining precincts, is unclear.

That is, an isolated allocation of Precinct 2 (for limited residential development), surrounded by tourism-related land uses and/or intent for tourism-related land uses does not make 'good planning' sense and instead facilitates potential conflict between land-uses.

As identified in section 6.4, Impact Assessment applies to the assessment of the subject development application. Section 45 (5) of the *Planning Act 2016* states:

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

It is established above that material and/or strategic errors exist within the planning construct applicable to the site.

### Merits of proposed development

Merits of the proposed development, which are considered to be 'relevant matters' and/or assessment benchmarks in a State planning instrument pursuant to section 45(5) of the Planning Act, are discussed below in providing a balanced assessment of the application.

- 1. The proposed development implements and or is supported by the following State Interests under the State Planning Policy:
  - a. Planning for liveable communities and housing<sup>71</sup>
  - b. Tourism<sup>71</sup>
  - c. Planning for environment and heritage71.
  - d. Biodiversity<sup>71</sup>

Section 8 (4) of the *Planning Act 2016* states that '[t]o the extent of any inconsistency – (a) a State planning policy applies instead of a regional plan or local planning instrument'.

- 2. The proposed development implements and or is supported by the following Desired Regional Outcomes under the Regional Plan:
  - a. 'Strong Communities', including in particular: 'Strengthening Indigenous Communities'<sup>72</sup>

<sup>71</sup> Refer section 5.3 for discussion.

<sup>72</sup> Refer section 5.4 for discussion.



- b. 'Economic', including in particular: 'Tourist Development' 72
- Section 8 (4) of the *Planning Act 2016* states that '[t]o the extent of any inconsistency (a) a regional plan applies instead of a local planning instrument'.
- 3. The land the subject of the development application is owned by Jabalbina Yalanji Aboriginal Corporation RNTBC (refer **Schedule 1 Searches**). Jabalbina holds native title, land and cultural heritage rights and interests in trust on behalf of the Eastern Kuku Yalanji Traditional Bama (people)<sup>73</sup>. EKY Bama are the Traditional Owners of the bubu (land)<sup>74</sup> and jalun (sea) stretching along the east coast of Tropical North Queensland from the Mowbray Valley to the Annan River, south of Cooktown. Jabalbina's purpose is to collaborate Kuku Yalanji Traditional Owners, Jabalbina is dedicated to preserving Yalanji Bama culture through diverse programs and projects both on and off country. As a central responsibility, Jabalbina ensures the care of Yalanji land, fostering economic and community potential, while safeguarding cultural integrity and optimizing benefits for Kuku Yalanji Traditional Owners.
  - Section 5 (2) of the *Planning Act 2016* states that '[a]dvancing the purpose of this Act includes –... (d) valuing, protecting and promoting Aboriginal and Torres Strait Islander knowledge, culture and tradition'.
- 4. The land the subject of the development application immediately adjoins (to the north, east, south and west) tourism and/or tourism related land assets or land intended for tourism including Daintree National Park (Cape York Peninsula Aboriginal Land) (CYPAL). The Eastern Kuku Yalanji Aboriginal people are the Traditional Owners of Daintree National Park (CYPAL). National Parks are provided for public benefit and the co-location of the development as proposed by Jabalbina, being a platform for the celebration of Aboriginal culture and natural values and economic interests, adjacent the National Park and other tourism development is a good planning outcome.
- 5. Councillor Michael Kerr, Mayor of Douglas Shire Council states that the project 'will drive key social and economic outcomes for our First Nations Community and aligns with strategic priorities in Douglas Shire Council's Corporate Plan and Economic Development Strategy. The project also aligns with Tourism Port Douglas Daintree's Tourism Plan 2025 which is supported by Douglas Shire Council' (refer **Schedule 5**).<sup>75</sup>
- 6. The proposed development avoids and/or successfully mitigates potential impacts on landscape values, matters of state environmental significance and matters of local environmental significance being the values that the intent for Precinct 2 of the Local Plan seeks to conserve i.e. the proposed development is consistent with section 7.2.1.5 (2) overall outcomes (b) and (c), despite the proposed land uses:

<sup>&</sup>lt;sup>73</sup> As identified at section 3.5.2 (1) of the Strategic Framework.

<sup>&</sup>lt;sup>74</sup> Pre-dating the formation of Douglas Shire Council and European occupation of EKY bubu as identified at section 3.5.1 (1) of the Strategic Framework.

<sup>&</sup>lt;sup>75</sup> This letter of support is to be taken in the context it was given, being support for Jabalbina's grant application for the Growing Regions Program Funding, and not an approval or tacit approval for the proposed development; however, it does demonstrate that the proposed development aligns with other corporate and strategic documents outside the context of the Planning Scheme, which constitutes a relevant 'other matter', in respect to impact assessment of the development application.



(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

### **Response:**

The proposed development is located predominantly within cleared of the site, with limited clearing proposed in respect to vehicular access to the site and the potential removal of vegetation<sup>76</sup> associated with accommodation unit 8. Moreover, there is no proposed clearing within areas of mapped remnant vegetation or mapped areas in the Natural Areas Overlay Map, inclusive of 20 metre and 10 metre setbacks between buildings and mapped vegetation (respectively). Earthworks associated with built infrastructure are also proposed to minimised and/or avoided.

Therefore, the proposed development is consistent with Overall Outcome 7.2.1.5 (2)(b).

(d) ensure development is visually non-obtrusive.

### Response:

The proposed development is visually unobtrusive, comprising single storey buildings not exceeding 4.657 metres in height, of muted tones and maintaining the following vegetated and/or landscaped setbacks:

- 10 metres to side and rear boundaries; and
- 25 metres to Cape Tribulation Road.

Therefore, the proposed development is consistent with Overall Outcome 7.2.1.5 (2)(c).

- 7. The Douglas Shire Planning Scheme Strategic Framework references the return to country aspirations for EKY Bama including, specifically:
  - a. the 'desire to return to their Country to practice their culture and strengthen their identity' (Theme 1 Settlement Pattern: Element 3.4.8 (3) Recognition of the rights and interest of native title land holders (p.19)); and
  - b. that 'Aboriginal cultural heritage values of the Wet Tropics bioregion are acknowledged, protected and enhanced' (Theme 2 Environment and landscape values: Strategic Outcome 3.5.1(1) (p.19));
  - c. that '[p]rogress will be made working with Aboriginal and Torres Strait Islander peoples and the wider community, to help remove social and economic disadvantages' (Theme 4 'Strong communities and identity': Strategic Outcome 3.7.1(5) (p.26))
  - d. that '...a range of economic initiatives is facilitated in appropriate in appropriate locations, including: ... (j) enhanced economic opportunities

<sup>&</sup>lt;sup>76</sup> Anticipated to involve only one (1) tree.



through appropriate development of Aboriginal Freehold Land' (Element – 'Economic growth and diversification': Strategic Outcome 3.7.1(5) (p.26))

However, the Planning Scheme is fundamentally flawed in its delivery of return to country aspirations of EKY Bama in so much as the Return to Country Local Plan is incomplete<sup>77</sup> and cannot deliver on the cultural and economic aspirations of Bama that the scheme aspires to deliver as the area to which the Return to Country Local Plan applies is significantly removed from any sustainable economies. Conversely, the proposed development delivers a triple-bottom-line development outcome that meets State Planning Policy, Regional Plan and Douglas Shire Planning Scheme Strategic Framework strategic interests on a site that is entirely suitable for the proposed development, and complementary to its context.

Additionally, Specific Outcome 3.8.3.1 (1) of the Element – Tourism (under Theme 5 – Economy of the Strategic Framework) also provides support for the proposed development adjacent the Daintree National Park (CYPAL):

'Development that contributes to the tourism industry and complements and promotes the Shire's natural assets is facilitated. In particular, tourism development is consistent with, and sensitive to, the nature of tourism appropriate in different parts of the Shire.'

Section 1.5(1) of the Planning Scheme states that '[w]here there is inconsistency between provisions within the planning, the following rules apply: (a) the strategic framework prevails over all other components to the extent of the inconsistency'.

-

 $<sup>^{77}</sup>$  Note – the Return to Country Local Plan states '*Provisions to be developed in consultation with clan groups*' and '*To be further development via sub-precincts*' throughout the Return to Country Local Plan.



### 7. CONCLUSION

Jabalbina Yalanji Aboriginal Corporation ('the Applicant') proposes Material Change of Use development for Environment Facility, Nature-based Tourism, Outstation and Caretaker's Accommodation land uses on Jabalbina owned freehold land at Cape Tribulation Road, Cape Tribulation more properly described as Lot 172 and Lot 12 on SP219620.

Development complies with the relevant assessment benchmarks; where alternative solutions are provided to Acceptable Outcomes, development complies with the corresponding Performance Outcome and/or the Purpose and Overall Outcomes of the relevant Code. That is, with the exception of the intent for Precinct 2 of the Cape Tribulation and Daintree Coast Local Plan, which this Town Planning Report identifies is sufficiently conflicted in its construct, and the State Planning Policy, Regional Plan and Strategic Framework of the Planning Scheme together with the merits of the development as elucidated in section 6.6 (Key Issues) of the Town Planning Report provides sufficient grounds to resolve conflicts (and what are considered to be material errors) between the benchmarks in the Cape Tribulation and Daintree Coast Local Plan.

On this basis, the proposed development is considered to be capable of being approved in the context of applicable State planning instruments and the Douglas Shire Planning Scheme.

Most importantly, the proposed development is considered to advance the purpose of the *Planning Act 2016* relevant to valuing, protecting and promoting Aboriginal and Torres Strait Islander knowledge, culture and tradition; and represents progress toward the return to country of the Eastern Kuku Yalanji Bama.

Accordingly, on behalf of the Applicant, we respectfully recommend approval of the development application, subject to reasonable and relevant conditions of approval.



### 8. SCHEDULES

**SCHEDULE 1** SEARCHES

SCHEDULE 2 SARA DA MAPPING

**SCHEDULE 3** PROPOSAL PLANS

**SCHEDULE 4** PLANNING SCHEME COMPLIANCE

**SCHEDULE 5** LETTER OF SUPPORT

SCHEDULE 6 DA FORM 1

## **SCHEDULE 1**

**SEARCHES** 

# HAN SCHEDULE





### Queensland Titles Registry Pty Ltd ABN 23 648 568 101

Title Reference:	50825642
Date Title Created:	08/10/2010
Previous Title:	40060954

### **ESTATE AND LAND**

Estate in Fee Simple

LOT 12 SURVEY PLAN 219620

Local Government: DOUGLAS

LOT 172 SURVEY PLAN 219620

Local Government: DOUGLAS

### REGISTERED OWNER

Dealing No: 713506549 08/10/2010

JABALBINA YALANJI ABORIGINAL CORPORATION

### **EASEMENTS, ENCUMBRANCES AND INTERESTS**

 Rights and interests reserved to the Crown by Deed of Grant No. 40060954 (Lot 12 on SP 219620) (Lot 172 on SP 219620)

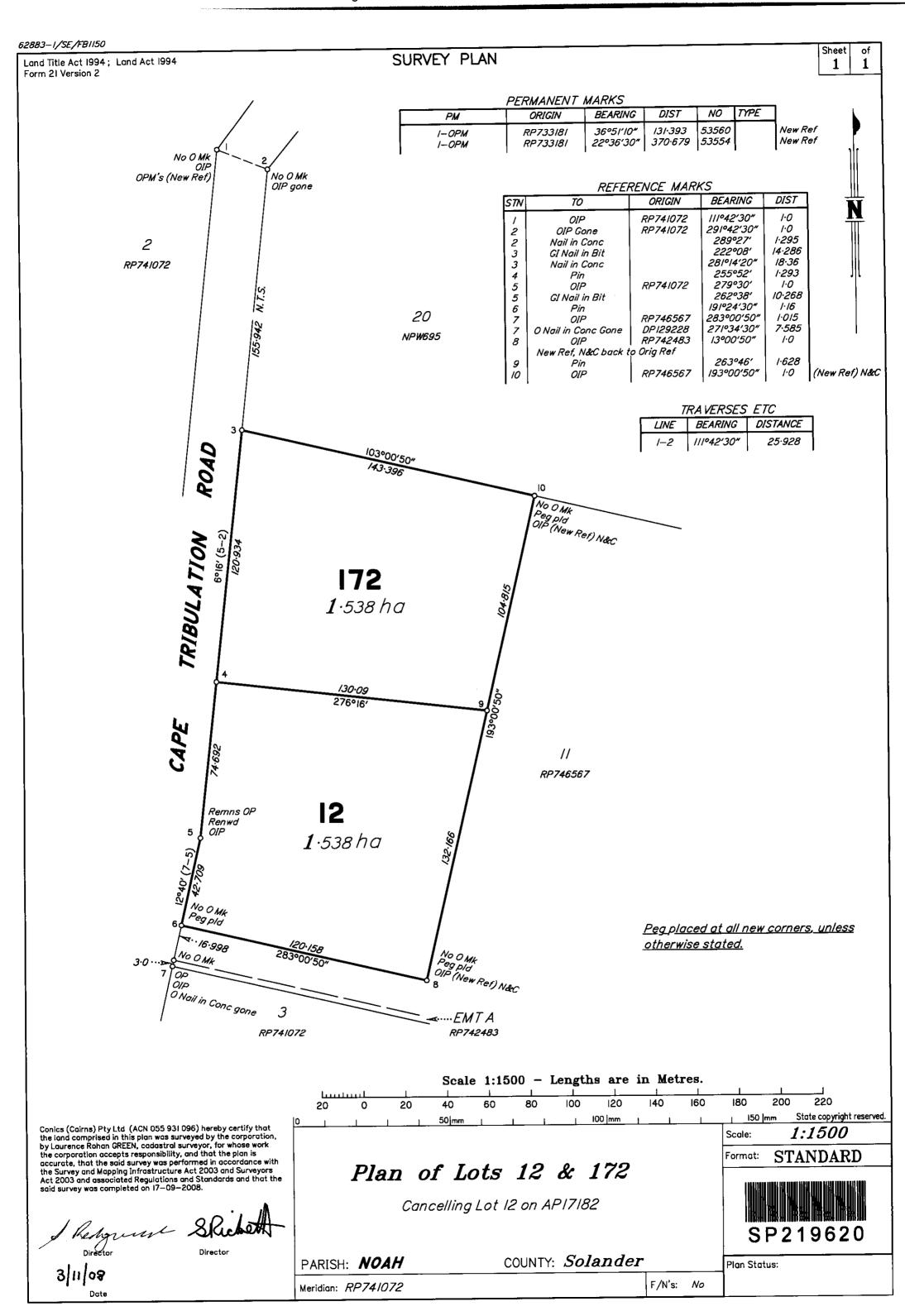
### ADMINISTRATIVE ADVICES

NIL

### UNREGISTERED DEALINGS

NIL

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



# 713428430

NO FEE 25/08/2010 15:23

CS 495

WARNING: Folded or Mutilated Plans will not be accepted.

Plans may be rolled.

Information may not be placed in the outer margins.

Registered

5. Lodged by LYN PAINE C52341

DERM

P.O.BOX 937, CAIRNS 4870

PH: 0740398771 REF: 2007/009383

					address, phone number, reference,	ress, phone number, reference, and Lodger Code)		
ı. Certificate of Registered Owners or Lessees.		6. Existing		}	Created			
THE STATE OF QUEENSLAND		Title Reference	Lot	Plan	Lots	Emts	Road	
(REPRESENTED BY DEPARTA NATURAL RESOURCES AND V	_	47028911	12	AP17182	12 & 172			
(Names in full)		1						
*as Registered Owners of this land agree to this plan an Land as shown hereon in accordance with Section 50 of t								
*as Lossees of this land agree to this plan.								
Signature of *Registered Owners *Lessees								
		<u>.</u>						
		]						
★ Rule out whichever is inapplicable								
2. Local Government Approval.								
* hereby approves this plan in accordance with the:								
%								
		10.0.1		D - 2	12. Building Format ( I certify that :			
		12 & 17	c	Por 3	* As far as it is practica of the building shown on			
	Lots 7. Portion Allo	cation	Orig	onto adjoining lots or road;  * Part of the building shown on this plan				
	8. Map Reference:				encroaches onto adjoining* lots and road			
Dated this day of	7965–11231			Cadastral Surveyor/Dire	Cadestral Surveyor/Director* Date #delete words not required			
#	9. Locality:  CAPE TRIBULATION			13. Lodgement Fees Survey Deposit				
,	Io. Local Government :			Lodgement				
#	CAIRNS REGIONAL			New Titles				
* Insert the name of the Local Government. % Insert Integrated # Insert designation of signatory or delegation Local Governmen	II. Passed & E		<del></del>	Photocopy Postage				
3.Plans with Community Management Statement :	4. References :	By: Conics (Cairns) Pty Ltd			TOTAL	<b>\$</b>		
CMS Number :	Dept File: CNS929057 FN/08/817 Local Govt: 2007[009383	Date: <b>3ー</b> / Signed:		Hodrust.	14. Insert			
Name :	Surveyor: 62883-1	Designation :		dastral Surveyor	l Plan CIDS	19620		



Department of Environment and Science (DES)
ABN 46 640 294 485
400 George St Brisbane, Queensland 4000
GPO Box 2454, Brisbane QLD 4001, AUSTRALIA
www.des.qld.gov.au

### **SEARCH RESPONSE**

# ENVIRONMENTAL MANAGEMENT REGISTER (EMR) CONTAMINATED LAND REGISTER (CLR)

Dye & Durham Lvl 6 410 Ann St Brisbane QLD 4000

Transaction ID: 50911757 EMR Site Id: 23 January 2024

Cheque Number: Client Reference:

This response relates to a search request received for the site:

Lot: 172 Plan: SP219620 CAPE TRIBULATION RD CAPE TRIBULATION

### **EMR RESULT**

The above site is NOT included on the Environmental Management Register.

### **CLR RESULT**

The above site is NOT included on the Contaminated Land Register.

### ADDITIONAL ADVICE

All search responses include particulars of land listed in the EMR/CLR when the search was generated. The EMR/CLR does NOT include:-

- 1. land which is contaminated land (or a complete list of contamination) if DES has not been notified
- 2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if DES has not been notified

If you have any queries in relation to this search please email emr.clr.registry@des.qld.gov.au

**Administering Authority** 

## **SCHEDULE 2**

SARA DA MAPPING

# SCHEDULE 2

### **State Assessment and Referral Agency**

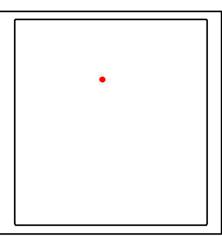
Date: 28/07/2023



### Queensland Government

© The State of Queensland 2023.

Us calamer:
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### Matters of Interest for all selected Lot Plans

Coastal management district Wetland protection area trigger area Regulated vegetation management map (Category A and B extract)

# **Matters of Interest by Lot Plan**

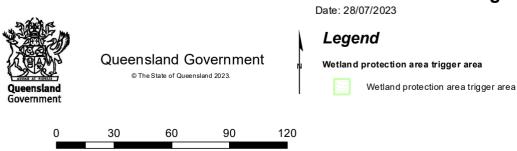
Lot Plan: 12SP219620 (Area: 15380 m<sup>2</sup>) Wetland protection area trigger area

Lot Plan: 172SP219620 (Area: 15380 m<sup>2</sup>)

Coastal management district Wetland protection area trigger area Regulated vegetation management map (Category A and B extract)

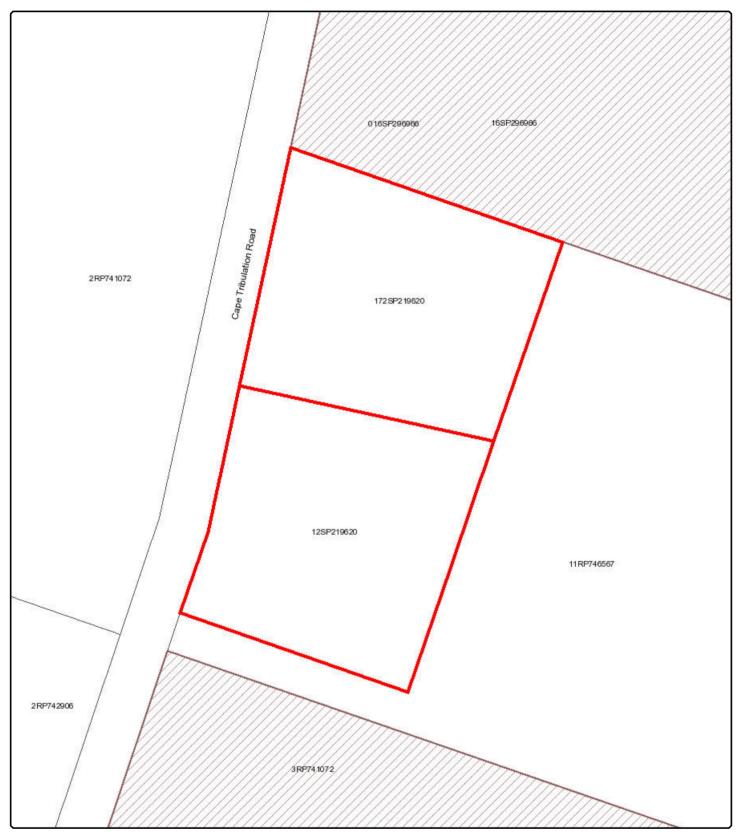


# **State Assessment and Referral Agency**

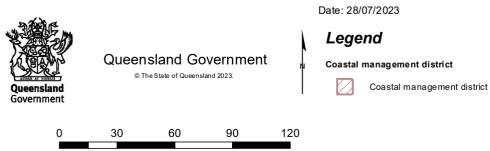


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Metres

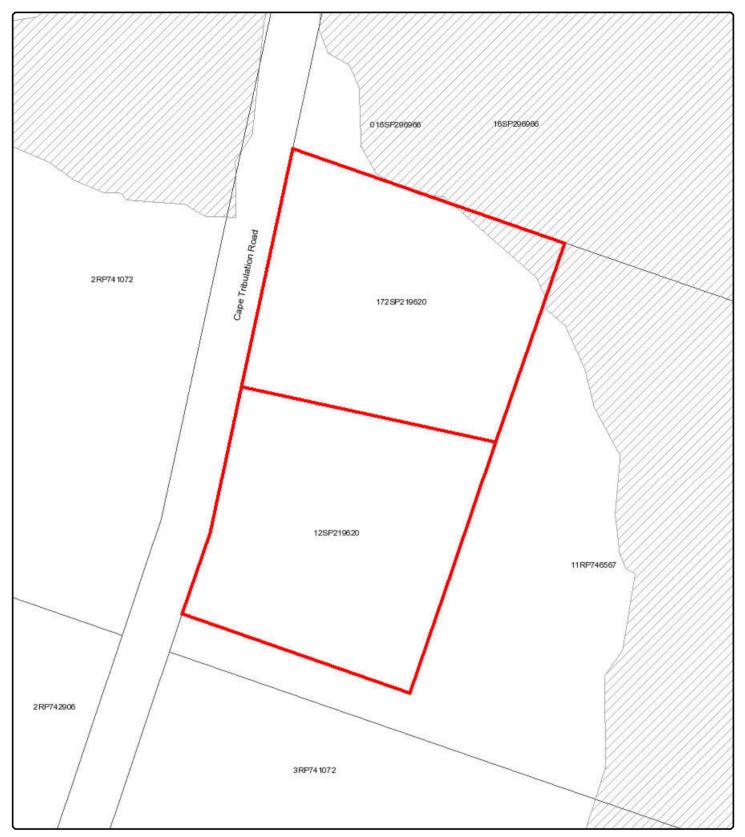


# **State Assessment and Referral Agency**



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Metres



### **State Assessment and Referral Agency** Date: 28/07/2023

Legend Queensland Government Regulated vegetation management map © The State of Queensland 2023. (Category A and B extract) Queensland Category A on the regulated vegetation Government management map Category B on the regulated vegetation 120 90 30 60 management map Metres

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## **SCHEDULE 3**

PROPOSAL PLANS

# MAN SCHEDULE 3



**CULTURE AND TOURISM HUB** 

FOR: JABALBINA YALANJI ABORIGINAL CORPORATION

**DA ISSUE** 

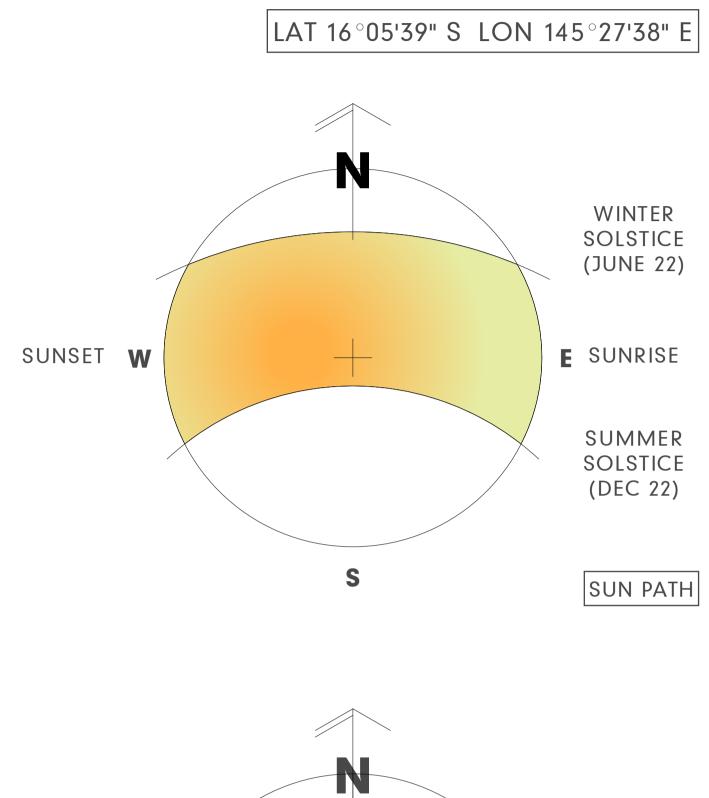
**COVER SHEET** 

SCALE 1:1 @A1

PROJECT NO. JABALBINA001 DRAWING NO. DA.01 **REVISION NO. 01** 24/1/2024 DATE







WIND ROSE

SITE LOCATION
SCALE1:10000

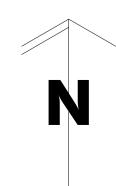
EASTERN KUKU YALANJI WARRA COMMUNITY **TOURISM PARK** 

**CULTURE AND TOURISM HUB** FOR: JABALBINA YALANJI ABORIGINAL CORPORATION **DA ISSUE** 

**LOCATION MAP & ANALYSIS** 

SCALE 1:10000 @A1

PROJECT NO. JABALBINA001 DRAWING NO. DA.02 REVISION NO. 01 24/1/2024







CULTURE AND TOURISM HUB
FOR: JABALBINA YALANJI ABORIGINAL CORPORATION

DA ISSUE

MASTER PLAN

SCALE 1:500 @A1

PROJECT NO. JABALBINA001
DRAWING NO. DA.03
REVISION NO. 01
DATE 24/1/2024





CULTURE AND TOURISM HUB
FOR: JABALBINA YALANJI ABORIGINAL CORPORATION

**DA ISSUE** 

STAGING MASTER PLAN

SCALE 1:500 @A1

PROJECT NO. JABALBINA001
DRAWING NO. DA.04
REVISION NO. 01
DATE 24/1/2024





CULTURE AND TOURISM HUB
FOR: JABALBINA YALANJI ABORIGINAL CORPORATION

DA ISSUE

LANDSCAPE PLAN

SCALE 1:500 @A1

PROJECT NO. JABALBINA001
DRAWING NO. DA.05
REVISION NO. 01
DATE 24/1/2024







ACCOMMODATION TYPE 1 FLOOR PLAN SCALE1:50

**ACCOMODATION FINISHES** 

COLORBOND SHALE GREY ROOF SHEETING

CB-F03

CB-F:WG Colorbond Woodland Grey



TBS-01 SOLID TIMBER



**TF-01**SOLID TIMBER



**GR-01** CRUSHED ROCK GRAVEL ROAD



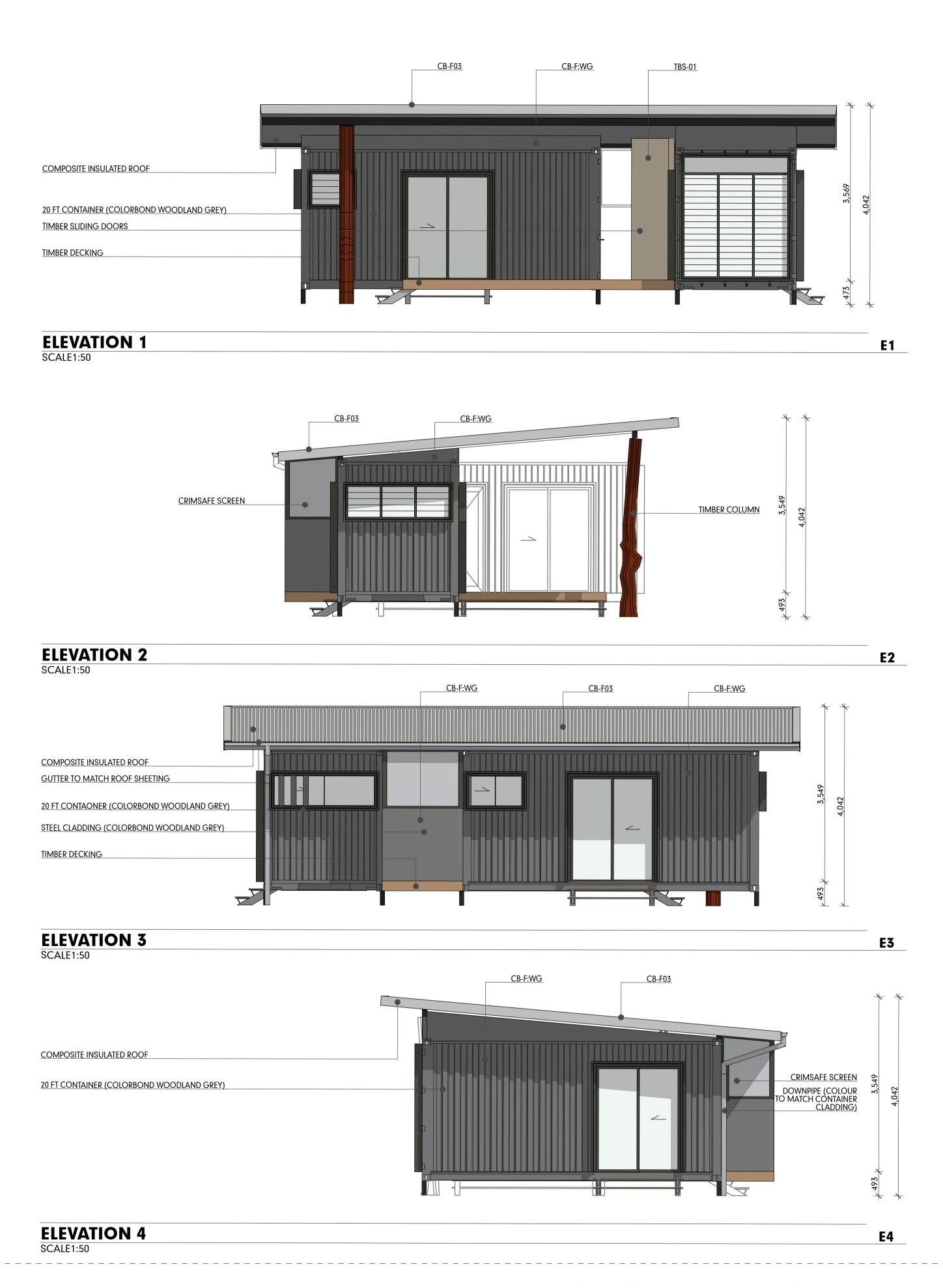
# EASTERN KUKU YALANJI WARRA COMMUNITY TOURISM PARK

CULTURE AND TOURISM HUB
FOR: JABALBINA YALANJI ABORIGINAL CORPORATION

# **DA ISSUE**

**ACCOMODATION FLOOR PLAN & ELEVATIONS** 

SCALE - 1:50 @A1



PROJECT NO. JABALBINA001

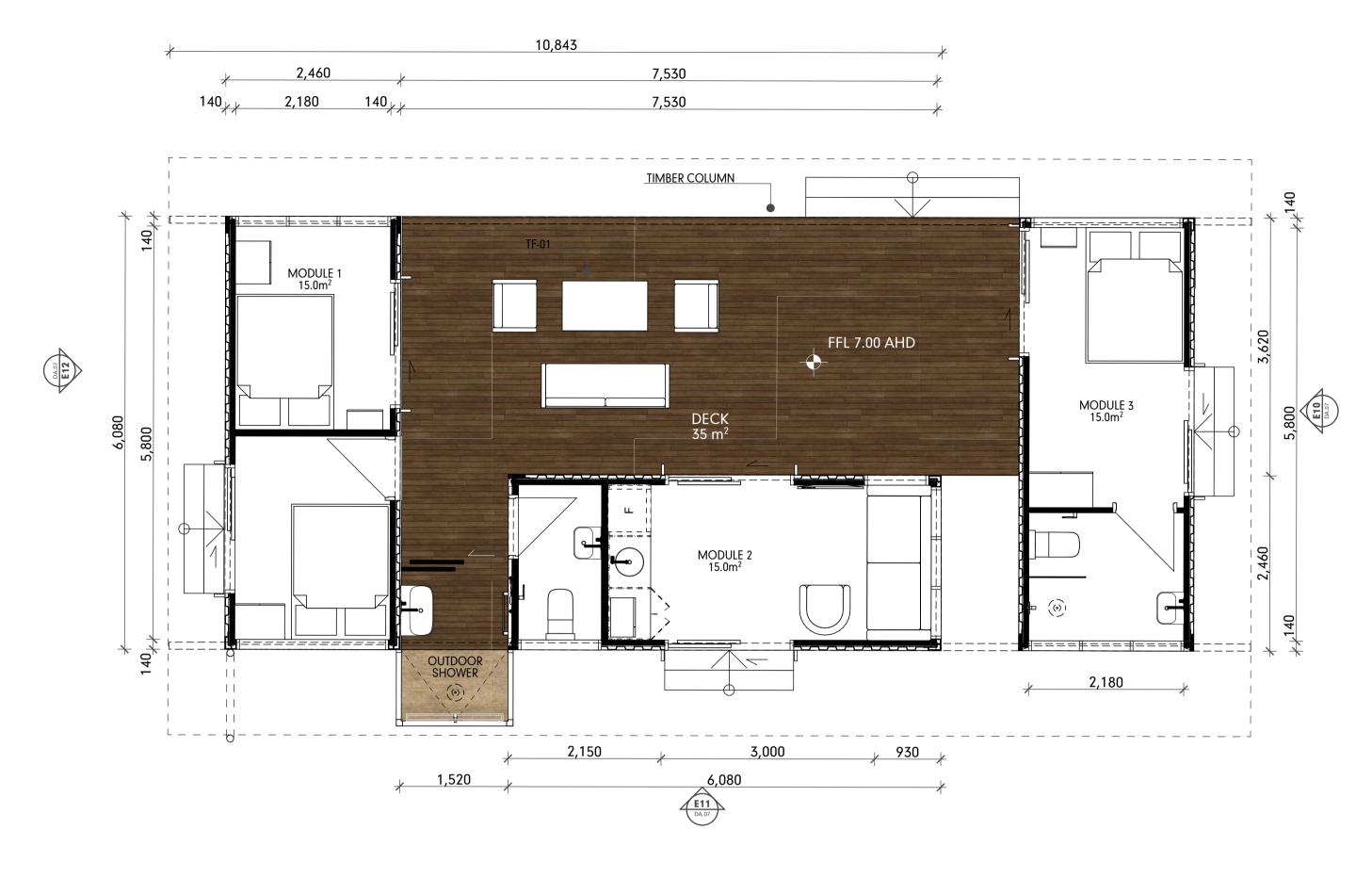
DRAWING NO. DA.06

REVISION NO. 01

DATE 24/1/2024







CARETAKER FLOOR PLAN

SCALE1:50

# **CARETAKER FINISHES**

CB-F03
COLORBOND SHALE
GREY ROOF SHEETING

CB-F:WG COLORBOND WOODLAND GREY



**TBS-01** 

SOLID TIMBER



**TF-01** SOLID TIMBER



**GR-01** CRUSHED ROCK GRAVEL ROAD





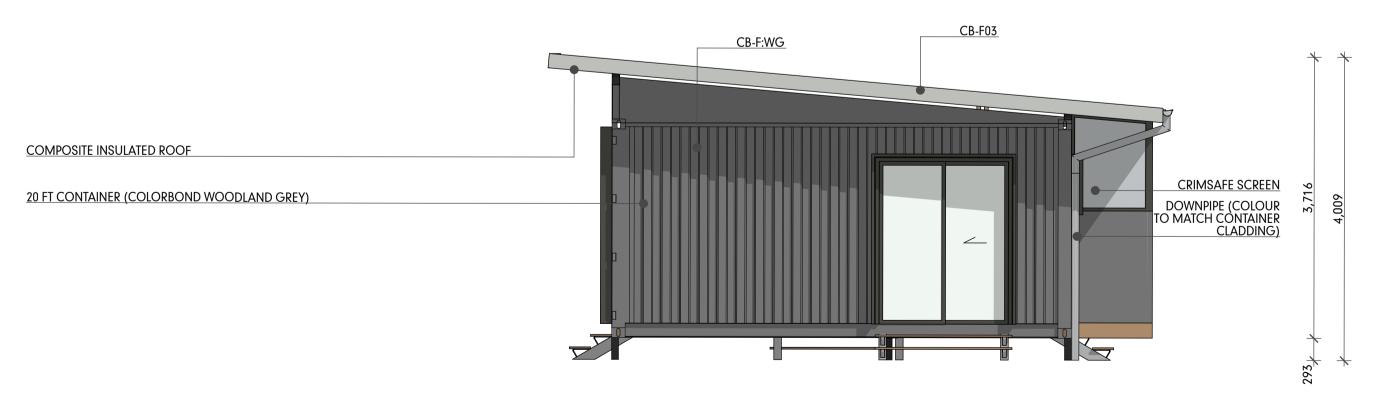


CARETAKER ELEVATION 2
SCALE1:50



CARETAKER ELEVATION 3
SCALE1:50

E11



CARETAKER ELEVATION 4

E12

# EASTERN KUKU YALANJI WARRA COMMUNITY TOURISM PARK

**CULTURE AND TOURISM HUB** 

FOR: JABALBINA YALANJI ABORIGINAL CORPORATION

# **DA ISSUE**

**CARETAKER FLOOR PLAN & ELEVATIONS** 

SCALE - 1:50 @A1

PROJECT NO. JABALBINA001

DRAWING NO. DA.07
REVISION NO. 01

DATE 24/1/2024



# LANDSCAPE BATTER SEATING // // AREA /// **KEEPING PLACE** FFL 7,00 AHD PERGOLA STRUCTURE DECK 123 m<sup>2</sup> LINE OF THE ROOF ABOVE SEATING AREA STORAGE PERFORMING CIRCLE FEMALE AMENITIES LANDSCAPE BATTER MALE AMENITIES PERGOLA STRUCTURE SEATING AREA **WATER** TANK 1 WATER TANK 2

# ENVIRONMENT FACILITY GROUND FLOOR PLAN SCALF1:100

# **ENVIRONMENT FACILITY FINISHES**

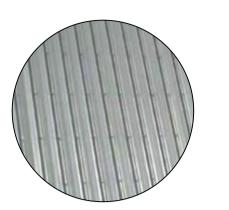
CB-F03

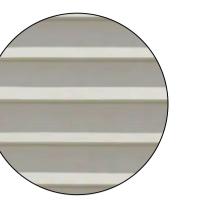
COLORBOND SHALE
GREY ROOF SHEETING

CWB-01
WEATHERBOARD WALL
CLADDING

TBS-01 SOLID TIMBER **TF-01**SOLID TIMBER

**GR-01**CRUSHED ROCK
GRAVEL ROAD

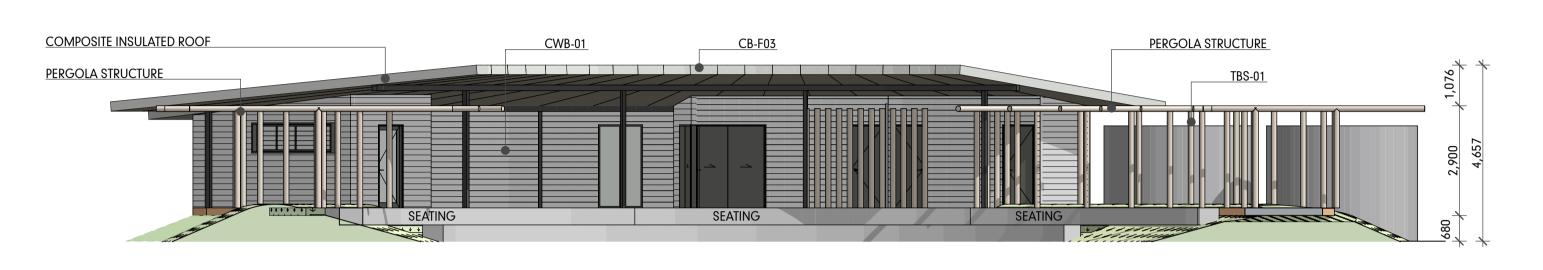




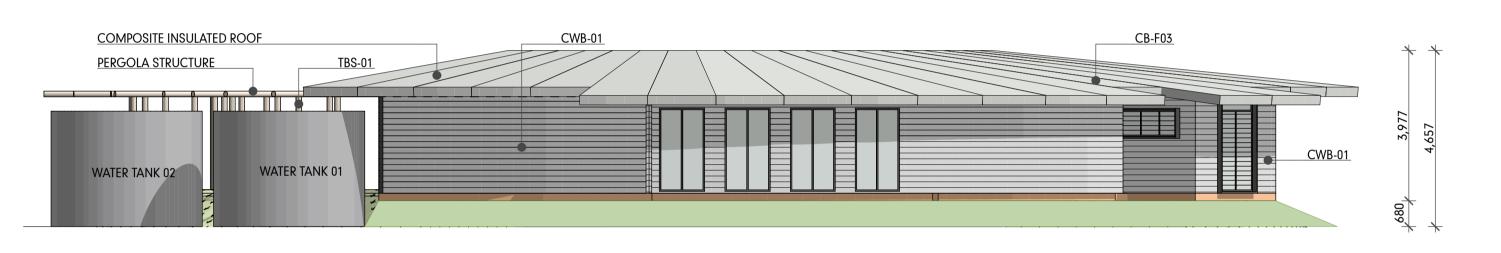




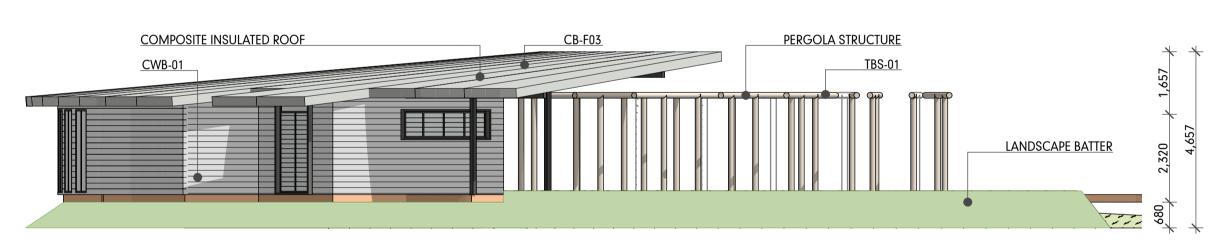




# ENVIRONMENT FACILITY ELEVATION 5 SCALE1:100

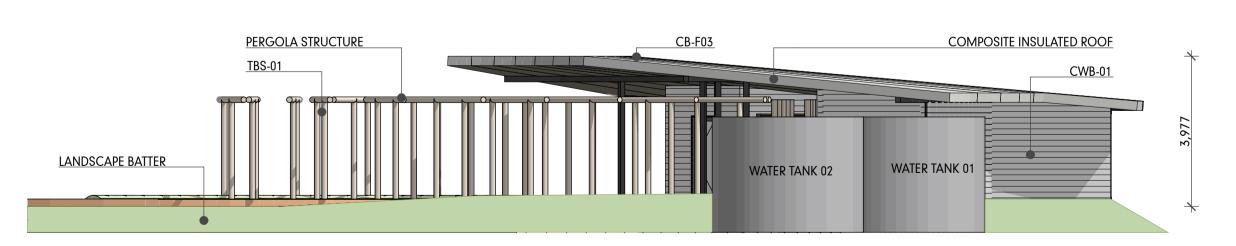


# ENVIRONMENT FACILITY ELEVATION 6 SCALE1:100



# ENVIRONMENT FACILITY ELEVATION 7

SCALE1:100



# ENVIRONMENT FACILITY ELEVATION 8 SCALE1:100

# EASTERN KUKU YALANJI WARRA COMMUNITY TOURISM PARK

CULTURE AND TOURISM HUB
FOR: JABALBINA YALANJI ABORIGINAL CORPORATION

**DA ISSUE** 

**ENVIRONMENT FACILITY FLOOR PLAN & ELEVATIONS** 

SCALE - 1:100 @A1

PROJECT NO. JABALBINA001
DRAWING NO. DA.08

REVISION NO. 01

DATE 24/1/2024



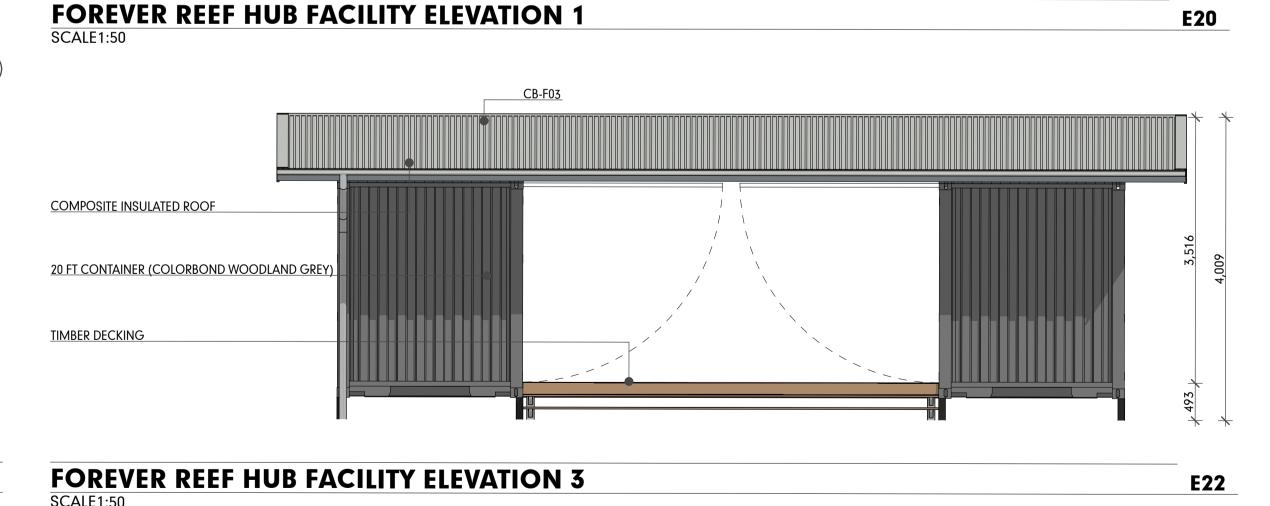


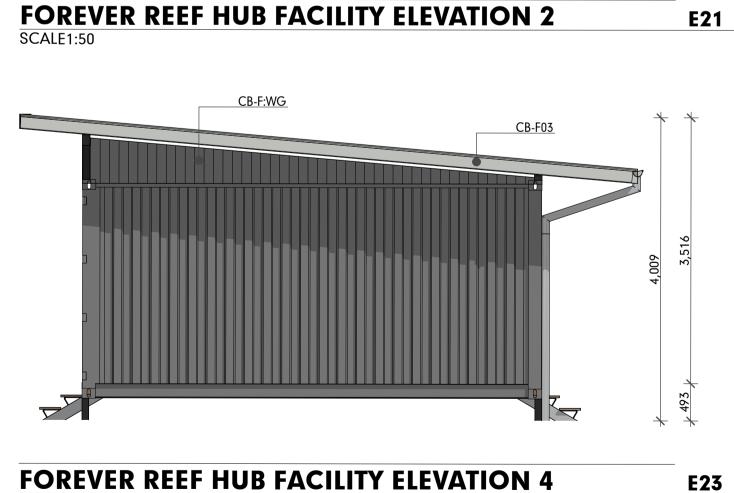


TIMBER DECKING









COMPOSITE INSULATED ROOF

# EASTERN KUKU YALANJI WARRA COMMUNITY **TOURISM PARK**

**CULTURE AND TOURISM HUB** FOR: JABALBINA YALANJI ABORIGINAL CORPORATION

FOREVER REEF HUB FACILITY FLOOR PLAN

DA ISSUE
BOH & FOREVER REEF HUB FACILITY FLOOR PLAN & **ELEVATIONS** 

SCALE - 1:50 @A1

PROJECT NO. JABALBINA001 DRAWING NO. DA.09 REVISION NO. 01 24/1/2024



**E23** 

# MAINTANANCE & WATER TREATMENT FINISHES CB-F:WG CB-F03 CB-F:WG COLORBOND WOODLAND GREY COLORBOND SHALE GREY ROOF SHEETING **MAINTANANCE ELEVATION 1 E24 MAINTANANCE ELEVATION 2 E25** 8,720 CB-F:WG CB-F03 CB-F:WG MAINTANANCE 54.0m<sup>2</sup> DA.10 E25 DA.10 **MAINTANANCE ELEVATION 3 MAINTANANCE ELEVATION 4** FFL 7.00 AHD **E26 E27** CB-F:WG MAINTANANCE FLOOR PLAN 5,720 **WATER TREATMENT ELEVATION 1** WATER TREATMENT ELEVATION 2 E29 **E28** WATER TREATMENT 24.0m<sup>2</sup> WATER TREATMENT ELEVATION 3 WATER TREATMENT ELEVATION 4 E31 E30 WATER TREATMENT FLOOR PLAN

# EASTERN KUKU YALANJI WARRA COMMUNITY TOURISM PARK

CULTURE AND TOURISM HUB
FOR: JABALBINA YALANJI ABORIGINAL CORPORATION

DA ISSUE
MAINTANANCE & WATER TREATMENT FLOOR PLAN &
ELEVATIONS

SCALE - 1:50 @A1

PROJECT NO. JABALBINA001
DRAWING NO. DA.10
REVISION NO. 01

24/1/2024



# **ADMIN FINISHES**

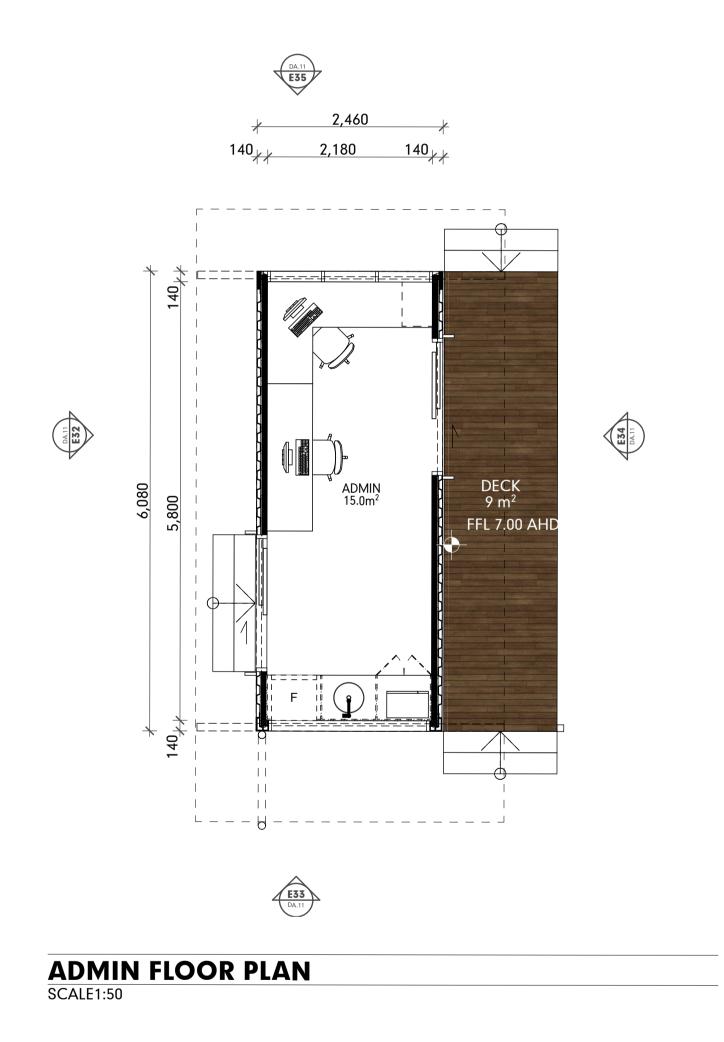
CB-F03

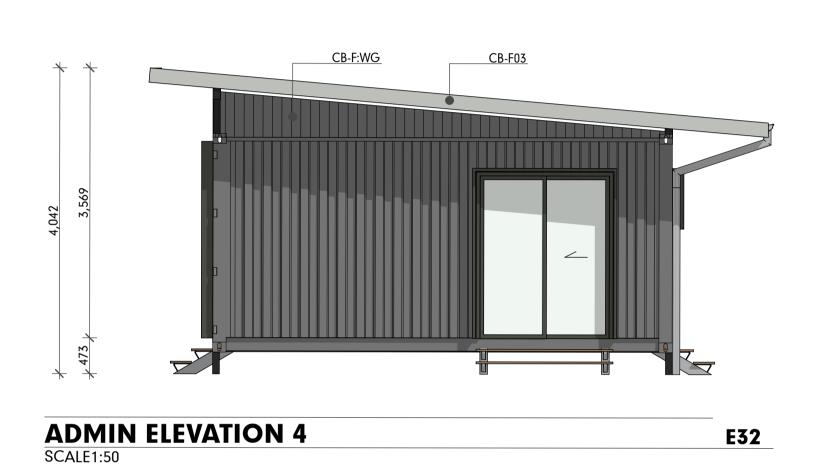
COLORBOND SHALE
GREY ROOF SHEETING



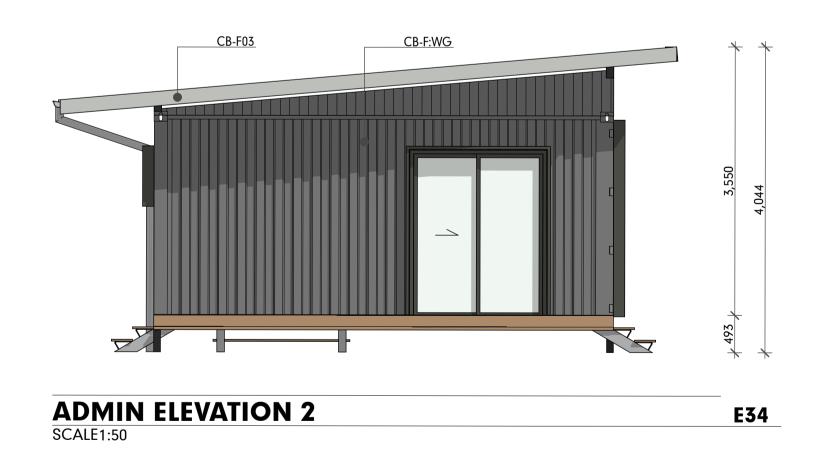
CB-F:WG COLORBOND WOODLAND GREY

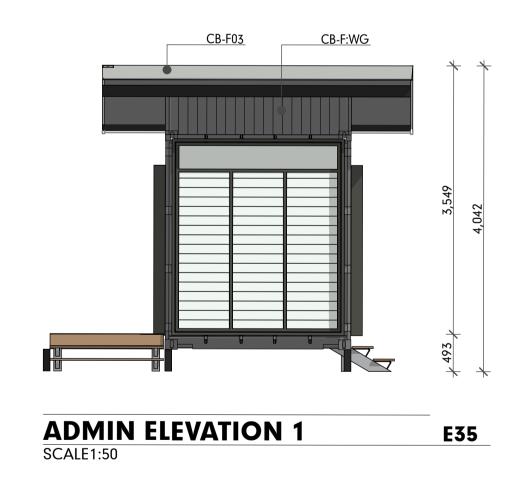












# EASTERN KUKU YALANJI WARRA COMMUNITY TOURISM PARK

CULTURE AND TOURISM HUB FOR: JABALBINA YALANJI ABORIGINAL CORPORATION **ADMIN FLOOR PLAN & ELEVATIONS** 

SCALE - 1:50 @A1

PROJECT NO. JABALBINA001
DRAWING NO. DA.11
REVISION NO. 01
DATE 24/1/2024



# **PARKING FINISHES**

LND-G-01 **GRASS** 

CIV-A ASPHALT

CRUSHED ROCK GRAVEL ROAD



**GR-01** 



# **CAR PARKING**

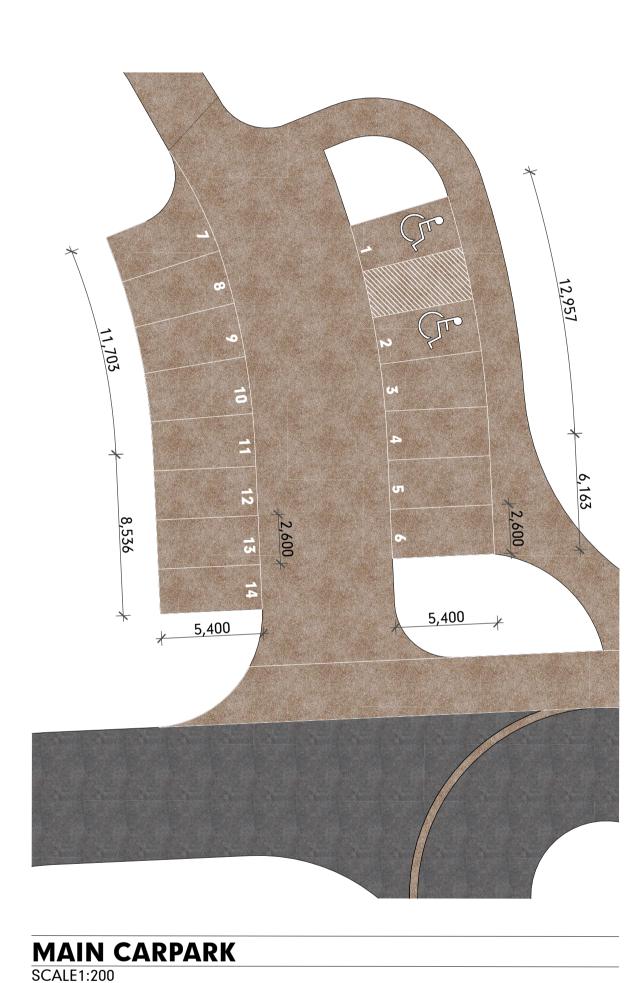
TOTAL:

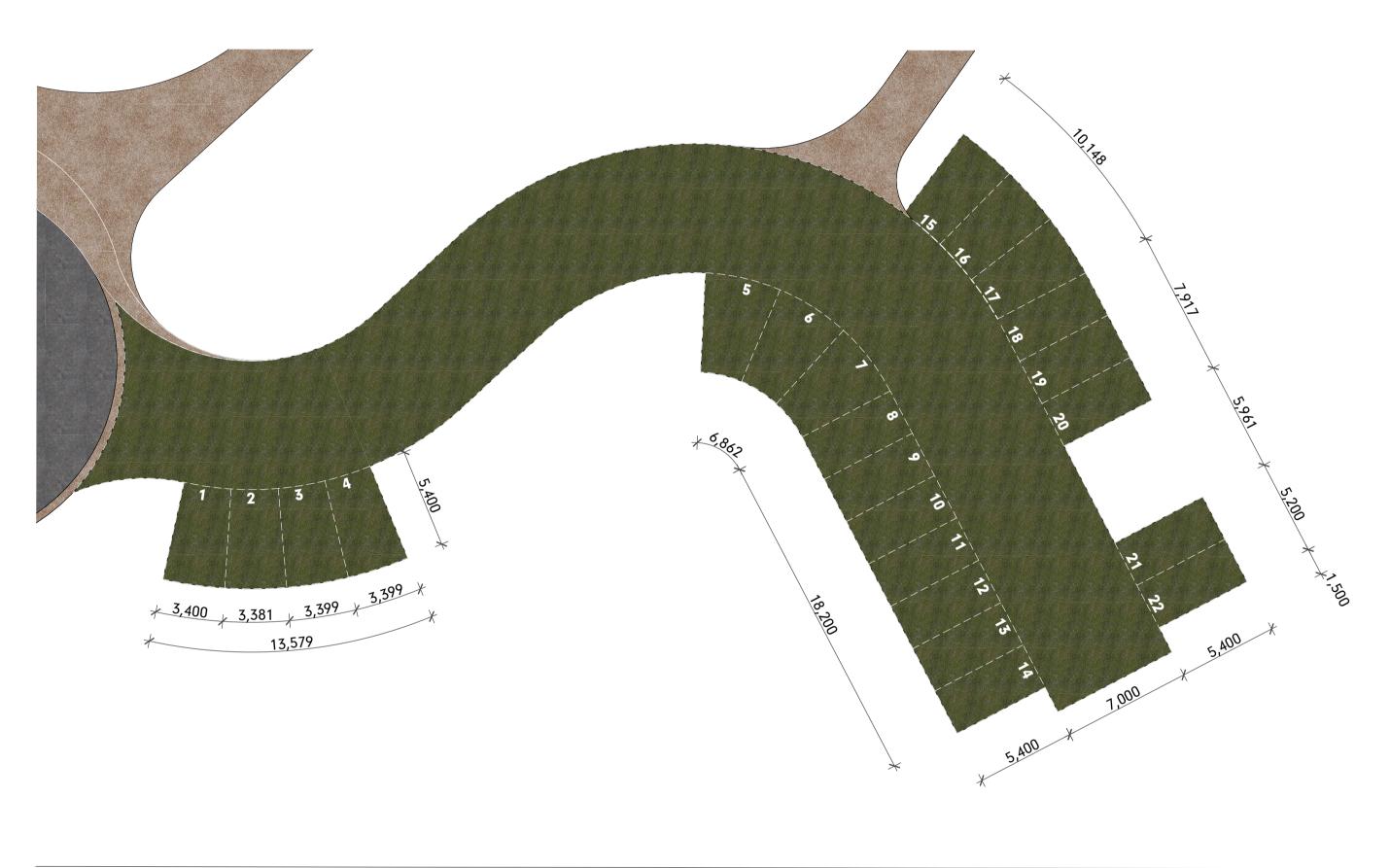
PRIMARY CAR PARK: OVERFLOW CAR PARK: ACCOMODATION CAR PARK: (NEXT TO EACH UNIT)

22 SPACES 11 SPACES

14 SPACES (INCLUSIVE OF 2 PWD SPACES)

**47 SPACES** 





**OVERFLOW CARPARK** 

CAR PARK IS TO BE DESIGNED TO **AS 2890.1:2004 PARKING FACILITIES.** 

# EASTERN KUKU YALANJI WARRA COMMUNITY **TOURISM PARK**

**CULTURE AND TOURISM HUB** 

FOR: JABALBINA YALANJI ABORIGINAL CORPORATION

**DA ISSUE** 

**CARPARK PLAN** 

SCALE 1:200 @A1

PROJECT NO. JABALBINA001 DRAWING NO. DA.12

REVISION NO. 01

24/1/2024





TYPICAL ACCOM. UNIT VISUALISATION 01



TYPICAL ACCOM. UNIT VISUALISATION 02

# EASTERN KUKU YALANJI WARRA COMMUNITY TOURISM PARK

**CULTURE AND TOURISM HUB** 

FOR: JABALBINA YALANJI ABORIGINAL CORPORATION

**DA ISSUE** 

**VISUALISATIONS** 

SCALE @A1

PROJECT NO. JABALBINA001
DRAWING NO. DA.13
REVISION NO. 01
DATE 24/1/2024



## **SCHEDULE 4**

PLANNING SCHEME COMPLIANCE

# SCHEDULE



### 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 Criteria for assessment

Table 6.2.3.3.a - Conservation zone - assessable development

Performance outcomes	Acceptable outcomes	Applicant response	
For assessable development			
PO1 The establishment of uses is consistent with the outcomes sought for the Conservation zone and protects the zone from the intrusion of inconsistent uses.	AO1 Uses identified in Table 6.2.3.3.b are not established in the Conservation zone.	R1 Performance Solution Caretaker's Accommodation is identified as an 'inconsistent use' within the Conservation Zone. However, Nature-based Tourism, Environment Facility and Outstation – being the primary land uses, are not identified as inconsistent land uses. In so much as the Caretaker's Accommodation is a minor and subservient land use to the primary land use activities the Caretaker's Accommodation is not considered to represent the intrusion of an inconsistent use, and the proposed development is otherwise consistent with the overall outcomes of the code including that:  • Biological diversity, ecological integrity and scenic amenity values are not negatively impacted by the development; and  • The proposed Nature-based tourism and Environment Facility land uses are low intensity facilities established for the appreciation of the environment and are proposed relevant to the economic, social and environmental interests of EKY people.  Development complies with PO1 on this basis.	
PO2 The height of buildings is compatible with the character of the area and does not adversely affect the amenity of the area.	AO2 Buildings and structures are not more than 8.5 metres in height and two storeys. Note - Height is inclusive of roof height.	R2 Complies The proposed development is single storey and has a maximum building height of approximately 4.657 metres.	





		•
Performance outcomes	Acceptable outcomes	Applicant response
PO3 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.	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.	R3 Complies Buildings and structures are proposed to be setback a minimum of:  (a) 25 metres from Cape Tribulation Road frontage;  (b) 20 metres from any other road frontage; and  (c) 10 metres from side and rear boundaries.
PO4 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.	AO4 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 700m² and is sited clear of the high bank of any watercourse.  Note – The 700m² area of clearing does not include an access driveway.	R4 Complies The development is proposed within an existing cleared area (refer DA.05 (Landscape Plan) in Schedule 3 – Proposal Plans and vegetation clearing necessary will be less than 700m² in area; and will primarily involve clearing for vehicle access.
PO5 Development is consistent with the overall outcomes sought for the Conservation zone.	AO5 No acceptable outcomes are prescribed.	R5 Performance Solution (no Acceptable Outcome prescribed) The proposed development is considered consistent with the outcomes sought for the Conservation zone. Relevantly, the proposed development will not unduly impact upon biological diversity, ecological integrity and/or scenic amenity values; and, the proposed Nature-based tourism and Environment Facility land uses are low intensity facilities established for the appreciation of the environment and are relevant to the economic, social and environmental interests of EKY people.  Development complies with PO5 on this basis.





Performance outcomes	Acceptable outcomes	Applicant response
PO6 Development complements, and is subservient to the surrounding environment and is in keeping with the ecological, landscape and scenic values of the area.	AO6 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.	R6 Will Comply The Applicant is willing to accept a condition of approval requiring that exterior finishes and colours of all development are non-reflective and consist of colours that blend easily with surrounding native vegetation and view-shed.  Refer Schedule 3 – Proposal Plans.
PO7 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.  Note – Planning scheme policy – Landscaping provides further guidance on meeting the performance outcome.	AO7.1 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.  AO7.2 Endemic palm species, where used, are planted as informal accent features and not as avenues and not in a regular pattern.	R7.1 Complies  Existing vegetation located on the site is proposed to be retained. The Applicant also intends to revegetate all setbacks to achieve an appropriate level of screening. Development therefore can comply with AO7.1.  R7.2 Will Comply  Where endemic palm species are used in the landscape pallete, they will be planted as informal accent features only.
P08 Development is complementary to the surrounding environment.	AO8.1  Development harmonises with the surrounding environment, for example, through suspended, light-weight construction on sloping sites, which requires minimal excavation or fill.	R8.1 Complies  A suspended built form is proposed for all accommodation units. The nature and form of development is considered to be appropriate relevant to the site context and minimal earthworks is proposed.
	AO8.2 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; (d) minimise vegetation clearing.	R8.2 Complies An 'all weather access' driveway will be constructed and maintained to minimise erosion, earthworks and vegetation clearing.
	AO8.3  Buildings and structures are erected on land not exceeding a maximum gradient of 1 in 6 (16.6%).  or	R8.3 Complies  Development is not proposed on land with a gradient of greater than 1:6.



Performance outcomes	Acceptable outcomes	Applicant response
	<ul> <li>On land steeper than 1 in 6 (16.6%) gradient: <ul> <li>(a) A split level building form is utilised;</li> <li>(b) A single plane concrete slab is not utilised;</li> <li>(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.</li> </ul> </li> <li>(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.</li> </ul> <li>AO8.4  Buildings and structures are sited below any ridgelines and are sited to avoid protrusion above the surrounding tree-level canopy.</li>	R8.4 Complies Development on a ridgeline is not proposed.
PO9 Development is located to: (a) protect the ecological values of the site and surrounding land; (b) maintain the scenic values of the area; (c) maintain appropriate setbacks to waterways, watercourses, wetlands, tidal areas and overland flow paths; (d) avoid areas that are vulnerable to natural hazards; (e) minimise to the greatest extent possible on site excavation and filling; (f) provide buffers to cultural, historical or ecological features; (g) minimise visibility from external sites or public viewing points; (h) minimises to the greatest extent possible the loss of native vegetation and fauna habitat.	AO9 No acceptable outcomes are prescribed.	R9 Performance Solution (no Acceptable Outcome prescribed)  The development is proposed within an already cleared area of the site and requires no additional clearing with the exception of the access driveway from Cape Tribulation Road and potentially in respect to Accommodation Unit 8. On this basis, the proposed development will not impact upon native vegetation and fauna habitat and is not expected to detrimentally impact upon the ecological values of the site.  A suspended built form is proposed (pole construction) versus slab on ground for all accommodation units. The nature and form of development is considered to be appropriate relevant to the site context and will not impact upon scenic values.



Performance outcomes	Acceptable outcomes	Applicant response
		Additional revegetation is proposed, screening development to an appropriate degree from external sites. The balance of the site will remain vegetated. In accordance with the above, development complies with PO9.
PO10 Development does not result in adverse impacts on: (a) ecological function or features; (b) on-site or surrounding waterways and wetlands.	AO10 No acceptable outcomes are prescribed.	R10 Performance Solution (no Acceptable Outcome prescribed)  Development is proposed within an already cleared area of the site and requires limited additional clearing. On-site stormwater infrastructure is proposed to manage overland flow. The proposed development therefore will not result in adverse impacts on ecological function or features.
PO11 Rehabilitation of natural processes on disturbed sites is undertaken to improve the environmental integrity of the area.	AO11 No acceptable outcomes are prescribed	R11 Performance Solution (no Acceptable Outcome prescribed) Existing native vegetation is proposed to be retained on-site with the exception of select limited clearing for the access in seeking to maintain and improve the environmental integrity of the area. Supplementary planting of the site utilising endemic species and EKY culturally relevant flora is also proposed.
PO12 Fencing is designed to not impede the free movement of native fauna through the site.	AO12 No acceptable outcomes are prescribed.	R11 Performance Solution (no Acceptable Outcome prescribed) Fencing is proposed on the rear boundary on the basis of pre-lodgement advice from Council; however, the north-south movement of native fauna is maintained through the site.
PO13  New lots contain a minimum lot size of 200 hectares, unless:  (a) the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments);	AO13 No acceptable outcomes are prescribed.	R13 Not Applicable No new lots are proposed.





Performance outcomes	Acceptable outcomes	Applicant response
<ul> <li>(b) the reconfiguration is limited to one additional lot to accommodate an existing or approved:         <ul> <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> <li>Note – Boundary realignments must result in an improved environmental outcome or resolve encroachments.</li> </ul>		





### 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



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### 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 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:



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- (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.

### Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant response
All development in the Cape Tribulation and Dain	tree Coast local plan area	
PO1 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.	AO1 No acceptable outcomes are prescribed.	R1 Performance Solution (no Acceptable Outcome prescribed) The development is for low-key tourism and environmental infrastructure that is not anticipated to increase demand for the use of the:  (a) the Daintree River ferry crossing; or (b) Alexandra Range Road; or (c) the local road network.
PO2 Development provides a suitable standard of self- sufficient service for: (a) potable water; water for fire fighting purposes; electricity supply.	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.	R2.1 Will Comply Water storage will be 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.  Refer Schedule 3 – Proposal Plans.
	AO2.2 Water storage tanks are to be fitted with screening at their inlets to prevent the intrusion of leaves and insects.	R2.2 Will Comply Water storage tanks will be fitted with screening at their inlets to prevent the intrusion of leaves and insects.





Performance outcomes	Acceptable outcomes	Applicant response
All development in the Cape Tribulation	on and Daintree Coast local plan area	
	AO2.3  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.	R2.3 Will Comply The proposed development will be provided with electricity via a solar system, with battery storage located in the BoH building. The solar panels will be fitted to the roofs of buildings on site and will be screened from Cape Tribulation Road and adjoining properties with vegetation buffers within all setback areas.
		Refer Schedule 3 – Proposal Plans.





Performance outcomes	Acceptable outcomes	Applicant response
PO3 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.	AO3 No acceptable outcomes are prescribed	R3 Will Comply The proposed development will be provided with an on-site waste-water treatment system for 40 equivalent persons. The waste-water treatment system will require an Environmentally Relevant Activity (ERA) 63 licence from the Department of Environment, Science and Innovation and will be required to meet the best-practice standards of the Queensland Government under the Environmental Protection Act 1994.  Refer Schedule 3 – Proposal Plans.
PO4  The sustainability of the natural water resources of the area is protected for ecological and domestic consumption purposes.	AO4.1  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.  AO4.2  Surface water is to be used for domestic purposes only.	R4.1 Will Comply One (1) groundwater bore supply is proposed to be established on site and will not be located within 100 metres of a septic disposal trench (on the site or adjoining sites).  Note – at the time of preparation of the development application, the nearest licenced bore proximate to the site was RN92464 which is located in excess of 250 metres from the site.  R4.2 Complies Surface water is not proposed to be used for
PO5 Development does not adversely impact on areas of sensitive natural vegetation, foreshore areas, watercourses and/or areas of tidal inundation	AO5 No acceptable outcomes are prescribed	the development. <b>R5 Complies</b> The proposed development does not adversely impact on areas of sensitive natural vegetation, foreshore areas, watercourses and/or areas of tidal inundation. <i>Note – built infrastructure associated with the development is proposed to be setback 20</i>





Performance outcomes	Acceptable outcomes	Applicant response
		metres from all mapped remnant under the Vegetation Management Act 1999.
PO6 Development is subservient to the surrounding natural environment in scale and intensity and is designed to be functional in a humid tropical rainforest environment.	AO6.1 The exterior finishes and colours of buildings are non-reflective and complement the colours of the surrounding vegetation and view shed.	R6.1 Complies The exterior finishes and colours of buildings are non-reflective and complement the colours of the surrounding vegetation and view shed, utilising primarily a dark grey palette.
		Refer Schedule 3 – Proposal Plans.
	AO6.2 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.	R6.2 Not Applicable The proposed development will be supplied by solar electricity and generators are not proposed.



Performance outcomes	Acceptable outcomes	Applicant response
	AO6.3 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.	R6.3 Not Applicable The proposed development will be supplied by solar electricity and generators are not proposed.
PO7 Landscaping of the development ensures that the endemic character of the local area is dominant.	AO7.1 Landscaping complies with the requirements of Planning Scheme Policy 7 – Landscaping;  AO7.2 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.	R7.1 Will Comply Landscaping will comply with the requirements of Planning Scheme Policy 7 – Landscaping.  R7.2 Will Comply Existing native vegetation is proposed to be retained (with the exception of the vehicle entry) and the proposed landscaping will comprise endemic and culturally significant native species.  Note – a landscape plan is recommended to be required as a condition of approval.
PO8 Site access driveways and roads within the local plan area are retained as safe, slow speed, scenic drives.	AO8.1 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;  AO8.2 Where existing roads/tracks are 4-wheel drive only, upgrading to facilitate conventional vehicles and an increase in through traffic does not occur.	R8.1 Will Comply Site access driveways will comply with the relevant requirements of Planning Scheme Policy 5 – FNQROC Development Manual and will be maintained as low speed gravel areas internal to the site, with the exception of the asphalt site entry and turnaround to facilitate refuse collection.  R8.2 Not Applicable Existing roads/tracks are not currently 4-wheel drive only.





Performance outcomes	Acceptable outcomes	Applicant response
PO9 The on-site impacts on natural flow regimes and erosion and sedimentation are minimised.	AO9.1 Filling and excavation is kept to a minimum and involves not more than 5% of the cleared area of the lot.	R9.1 Will Comply Filling and excavation will be kept to a minimum and will not involve more than 5% of the cleared area of the lot. Note – only minor earthworks is proposed to occur in association with the Environment Facility.
	AO9.2 All exposed surfaces must incorporate erosion and sediment controls during construction and must be maintained until revegetation, or other permanent stabilisation, has occurred.	R9.2 Will Comply All exposed surfaces will incorporate erosion and sediment control during construction and will be maintained until revegetation, or other permanent stabilisation, has occurred.
	AO9.3 This is no disturbance to tree roots and trenching does not involve any damage to tree roots.	R9.3 Will Comply Built infrastructure is proposed to be located outside the canopy extent of existing vegetation and disturbance to tree roots is anticipated to be avoided.  Note – excluding vegetation proposed to be removed for the upgraded site access.
	AO9.4 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.)	R9.4 Will Comply On-site drainage and stormwater management will: (a) maintain natural flow regimes; (b) minimise impervious surfaces; and (c) avoid concentration of flows.  Refer Schedule 3 – Proposal Plans.





Performance outcomes	Acceptable outcomes	Applicant response
General requirements – Dwelling house		
PO10  Development minimises the loss of vegetation and habitat connectivity on site and is sited to protect the environmental values of the site.	AO10.1 The elements of development and access to the site are included in a Designated Development Area (DDA).	R10.1 Not Applicable A Dwelling House is not proposed.
	AO10.2  Development is sited in an existing cleared area or in an area approved for vegetation clearing.	R10.2 Not Applicable A Dwelling House is not proposed.
	AO10.3  Any new clearing is limited to a maximum area of 700m2 and is sited to be clear of the high bank of any watercourse.  Note – The 700m² of clearing does not include an access driveway	R10.3 Not Applicable A Dwelling House is not proposed.
PO11 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.	AO11 No acceptable solutions are prescribed.	R11 Not Applicable A Dwelling House is not proposed.
PO12 Wildlife movement, fauna habitat and habitat corridors are protected and domestic impacts are minimised.	AO12.1 Fences are limited in extent to the confines of the cleared area around the house and any associated gates are self-closing.	R12.1 Not Applicable A Dwelling House is not proposed.
	AO12.2 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.	R12.2 Not Applicable A Dwelling House is not proposed.





Performance outcomes	Acceptable outcomes	Applicant response
PO13  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.	AO13.1 Vehicle access is limited to one access per lot and sited in an approved location, clear of any watercourses.	R13.1 Not Applicable A Dwelling House is not proposed.
		R13.2 Not Applicable
	AO13.2 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.	A Dwelling House is not proposed.
	AO13.3 Vehicular access is constructed prior to house construction.	R13.3 Not Applicable A Dwelling House is not proposed.





Performance outcomes	Acceptable outcomes	Applicant response	
Additional requirements for Nature based tourism, being Forest stay accommodation			
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.	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.	R14 Not Applicable 'Forest Stay' is defined by the Planning Scheme as follows:  The use of land in a forest setting to provide short term accommodation for tourists and visitors to enable the experience of living in a forest setting. It is a sub-ordinate business to the primary nature conservation objectives of the land and the primary residential dwelling on the site. Forest stay does not include short term accommodation or rooming accommodation.  The site and/or proposed development is not characterised as a 'primary residential dwelling' and therefore 'Forest Stay' being a subordinate description for a certain type of Nature-based Tourism is not applicable to the proposed development.	
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 gusts 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.	R15.1 Not Applicable Refer response to AO14.  R15.2 Not Applicable Refer response to AO14.	





Performance outcomes	Acceptable outcomes	Applicant response
	AO15.3 Forest stay accommodation is located on a site which has an existing cleared area.	R15.3 Not Applicable Refer response to AO14.
	AO15.4  The natural values of the balance area of the site are protected and enhanced with organised tours being conducted for visiting guests.	R15.4 Not Applicable Refer response to AO14.



Performance outcomes	Acceptable outcomes	Applicant response
	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 50m² (inclusive of verandahs/patios etc.);  or  (b) a maximum of one communal bunkhouse is provided with a maximum area of 150m² to accommodate 10 guests (10 bed spaces) (inclusive of verandahs/patios etc.);  or  (c) a maximum of two communal bunkhouses are provided with a maximum area of 150m² each to accommodate a maximum of 20 guests (20 bed spaces) (inclusive of verandahs/patios etc).  AO15.6  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.	R15.5 Not Applicable Refer response to AO14.  R15.6 Not Applicable Refer response to AO14.
PO16 Development ensures guests are accommodated for short-stay and the dwelling is not the usual residence of the guest.	AO16 Development involves guests staying a maximum of 14 consecutive nights.	R16 Not Applicable Refer response to AO14.
PO17 Development ensures that effluent disposal and treatment minimise odour and impacts on the natural environment.	AO17  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.	R17 Not Applicable Refer response to AO14.





Performance outcomes	Acceptable outcomes	Applicant response
Additional requirements for Precinct 1 – Conserva	ation precinct	
PO18 The biodiversity value of the area and the habitat of endemic species is protected on land included in the Rainforest Conservation precinct.	No new development occurs whether on undeveloped or developed land except for:  Undeveloped land that meets one or more of the following criteria:  Land which has been previously been lawfully cleared and currently remains cleared; (a) Land which is the subject of a current Clearing Permit, but has yet to be cleared; (b) Land which is subject of a current Operational Works Permit, can be developed for a house subject to compliance with all relevant codes.  In addition, minor extensions can be undertaken to an existing development, provided:  (a) The extensions are limited to 30% of the existing gross floor area of the house at the commencement date of the planning scheme.  or  (b) The extent of extensions are determined on a site specific/use specific basis for other land uses, and  (c) No further clearing is required to accommodate the extensions for either a house or any other land use development.	R18 Not Applicable The site is located in Precinct 2 - Low Impact Residential Precinct.





Performance outcomes	Acceptable outcomes	Applicant response	
Additional requirements for Precinct 2– Low impact residential precinct			
PO19 Development is for;  (a) a detached dwelling of limited size and scale and necessary outbuildings and infrastructure;  (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;  (c) Nature based tourism, being Forest stay accommodation where in compliance with other requirements contained within this code.	AO19.1 Development is limited to one dwelling house per lot.  AO19.2 Establishment of bed and breakfast accommodation only occurs on land on which a dwelling house has been approved and constructed.  AO19.3 Bed and breakfast accommodation is limited to cleared areas on the land;  or  AO19.4 Bed and breakfast accommodation is established within an existing house, where there is no additional vegetation clearing required to accommodate the use;  AO19.5 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.  AO19.6 Development is setback a minimum of 100 metres to an Esplanade or a foreshore frontage.	R19 Complies with Strategic Framework, Regional Plan and State Planning Policy Benchmarks Refer Section 6.6 (Key Issues) in the Town Planning Report for further discussion.	
Additional requirements for Precinct 3 – Low impact commercial precinct			
PO20 Commercial development is located in a convenient location and meets the requirements of the local community and visitors to the area.	AO20 Commercial development is located within Precinct 3 and has frontage to Cape Tribulation Road.	R20 Not Applicable The site is located in Precinct 2 - Low Impact Residential Precinct.	





Performance outcomes	Acceptable outcomes	Applicant response
PO21 Development is small scale and provides a necessary service to the surrounding community.	AO21 No acceptable outcomes are prescribed.	R21 Not Applicable The site is located in Precinct 2 - Low Impact Residential Precinct.
PO22 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.	AO22 No acceptable outcomes are prescribed.	R22 Not Applicable The site is located in Precinct 2 - Low Impact Residential Precinct.
Additional requirements for Precinct 4 – Low imp	pact community purpose precinct	
PO23 Development results in a small scale expansion of an existing use which provides a necessary service to the surrounding community; or	AO23 No acceptable outcomes are prescribed.	R23 Not Applicable The site is located in Precinct 2 - Low Impact Residential Precinct.
Development results in a new community use or public purpose use for which there is an identified need within the surrounding community.		
PO24 Development is carried out in accordance with a site specific and development specific Environmental Management Plan.  Note – Planning scheme policy SC6.4 – Environmental	AO24 No acceptable outcomes are prescribed.	R24 Not Applicable The site is located in Precinct 2 - Low Impact Residential Precinct.
management plans provides further guidance on meeting the performance outcome.		





Performance outcomes	Acceptable outcomes	Applicant response
Additional requirements for Precinct 5 – Lov	v impact rural production and tourism enterprise precinct	
PO25 Development complements, protects and enhances the environmental and scenic values of the site.		R25.1 Not Applicable The site is located in Precinct 2 - Low Impact Residential Precinct.
	Any other development is limited to existing cleared areas on the site.	R25.2 Not Applicable The site is located in Precinct 2 - Low Impact Residential Precinct.
	AO25.3  No development is to occur above the 60 metre contour line.	R25.3 Not Applicable The site is located in Precinct 2 - Low Impact Residential Precinct.
	AO25.4  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.	R25.4 Not Applicable The site is located in Precinct 2 - Low Impact Residential Precinct.
PO26 Large cleared or partially cleared sites are revegetated and rehabilitated in association with suitably small scale environmentally sustainable development.		R26 Not Applicable The site is located in Precinct 2 - Low Impact Residential Precinct.
PO27 Development is carried out in accordance with a site specific and development specific Environmental Management Plan.	AO27 No acceptable outcomes are prescribed.	R27 Not Applicable The site is located in Precinct 2 - Low Impact Residential Precinct.
Note – Planning scheme policy SC6.4 – Environmental management plans provides further guidance on meeting the performance outcome.	ne	





Performance outcomes	Acceptable outcomes	Applicant response	
Additional requirements for Precinct 6 – Low impact tourist accommodation precinct			
PO28 Development complements, protects and enhances the environmental and scenic values of the site.	AO28.1 One dwelling house establishes per lot.  AO28.2 Any other development is limited to existing cleared areas on the site.  AO28.3 No development is to occur above the 60 metre contour line.	R28.1 Not Applicable The site is located in Precinct 2 - Low Impact Residential Precinct.  R28.2 Not Applicable The site is located in Precinct 2 - Low Impact Residential Precinct.  R28.3 Not Applicable The site is located in Precinct 2 - Low Impact Residential Precinct 2 - Low Impact Residential Precinct.	
PO29 Development results in a small scale expansion of existing tourist accommodation and any associated activities, based on the appreciation of the natural environment.	AO29 No acceptable outcomes are prescribed.	R29 Not Applicable The site is located in Precinct 2 - Low Impact Residential Precinct.	
PO30  Development is carried out in accordance with a site specific and development specific Environmental Management Plan.  Note – Planning scheme policy – Environmental management plans SC6.4 provides further guidance on meeting the performance outcome.	AO30 No acceptable outcomes are prescribed.	R30 Not Applicable The site is located in Precinct 2 - Low Impact Residential Precinct.	





### 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	Applicant response	
For self-assessable and assessable development			
Compatible development			
PO1 A vulnerable use is not established or materially intensified within a bushfire hazard area (bushfire prone area) unless there is an overriding need or other exceptional circumstances.  Note - See the end of this code for examples of vulnerable uses.	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.	R1 Complies The Potential Impact Buffer Hazard category extends into the rear of the site by approximately 10 metres and all buildings for sensitive land uses are setback a minimum of 20 metres from the rear boundary i.e. no buildings are proposed within the Potential Impact Buffer Hazard area. Therefore, vulnerable uses are not established in a bushfire hazard area.	
PO2 Emergency services and uses providing community support services are able to function effectively during and immediately after a bushfire hazard event.	AO2 Emergency Services and uses providing community support services are not located in a bushfire hazard sub-category and have direct access to low hazard evacuation routes.	R2 Complies Emergency Services and uses providing community support services are not located in a bushfire hazard sub-category.	
PO3 Development involving hazardous materials manufactured or stored in bulk is not located in bushfire hazard sub-category.	AO3 The manufacture or storage of hazardous material in bulk does not occur within bushfire hazard subcategory.	R3 Complies The proposed development does not involve the manufacture or storage of hazardous material in bulk.	





Performance outcomes	Acceptable outcomes	Applicant response	
Development design and separation from bushfire hazard – reconfiguration of lots			
PO4.1 Where reconfiguration is undertaken in an urban area or is for urban purposes or smaller scale rural residential purposes, a separation distance from hazardous vegetation is provided to achieve a radiant heat flux level of 29kW/m² at the edge of the	AO4.1  No new lots are created within a bushfire hazard subcategory.  or	R4.1 Not Applicable The proposed development does not involve Reconfiguring a Lot development.	
proposed lot(s).  Note - "Urban purposes" and "urban area" are defined in the Sustainable Planning Regulations 2009. Reconfiguration will be taken to be for rural residential purposes where proposed lots are between 2000m² and 2ha in area. "Smaller scale" rural residential purposes will be taken to be where the average proposed lot size is 6000m² or less.  Note - The radiant heat levels and separation distances are to be established in accordance with method 2 set out in AS3959-2009.  PO4.2  Where reconfiguration is undertaken for other purposes, a building envelope of reasonable dimensions is provided on each lot which achieves radiant heat flux level of 29kW/m² at any point.	Lots are separated from hazardous vegetation by a distance that:  (a) achieves radiant heat flux level of 29kW/m² at all boundaries; and  (b) is contained wholly within the development site.  Note - Where a separation distance is proposed to be achieved by utilising existing cleared developed areas external to the site, certainty must be established (through tenure or other means) that the land will remain cleared of hazardous vegetation. For staged developments, temporary separation distances, perimeter roads or fire trails may be absorbed as part of subsequent stages.  Note - The achievement of a cleared separation distance may not be achievable where other provisions within the planning scheme require protection of certain ecological, slope, visual or character features or functions.	R4.2 Not Applicable The proposed development does not involve Reconfiguring a Lot development.	
PO5 Where reconfiguration is undertaken in an urban area or is for urban purposes, a constructed perimeter road with reticulated water supply is established between the lots and the hazardous vegetation and is readily accessible at all times for urban fire fighting vehicles.  The access is available for both fire fighting and maintenance/defensive works.	AO5.1  Lot boundaries are separated from hazardous vegetation by a public road which:  (a) has a two lane sealed carriageway; (b) contains a reticulated water supply; (c) is connected to other public roads at both ends and at intervals of no more than 500m; (d) accommodates geometry and turning radii in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines;	R5.1 Not Applicable The proposed development does not involve Reconfiguring a Lot development.	



Performance outcomes	Acceptable outcomes	Applicant response
	<ul> <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>	
	AO5.2 Fire hydrants are designed and installed in accordance with AS2419.1 2005, unless otherwise specified by the relevant water entity.  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.	R5.2 Not Applicable The proposed development does not involve Reconfiguring a Lot development.
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.  The access is available for both fire fighting and maintenance/hazard reduction works.	AO6 Lot boundaries are separated from hazardous vegetation by a public road or fire trail which has:  (a) a reserve or easement width of at least 20m;  (b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation;  (c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path;  (d) a minimum of 4.8m vertical clearance;  (e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines;  (f) a maximum gradient of 12.5%;  (g) a cross fall of no greater than 10 degrees;  (h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy;	R6 Not Applicable The proposed development does not involve Reconfiguring a Lot development.



Performance outcomes	Acceptable outcomes	Applicant response
	<ul> <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>	
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.  However, a fire trail will not be required where it would not serve a practical fire management purpose.	Lot boundaries are separated from hazardous vegetation by a public road or fire trail which has:  (a) a reserve or easement width of at least 20m;  (b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation;  (c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path;  (d) a minimum of 4.8m vertical clearance;  (e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines;  (f) a maximum gradient of 12.5%;  (g) a cross fall of no greater than 10 degrees;  (h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy;  (i) vehicular access at each end which is connected to the public road network;  (j) designated fire trail signage;	R7 Not Applicable The proposed development does not involve Reconfiguring a Lot development.



Performance outcomes	Acceptable outcomes	Applicant response
	<ul> <li>(k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and</li> <li>(I) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services.</li> </ul>	
PO8 The development design responds to the potential threat of bushfire and establishes clear evacuation routes which demonstrate an acceptable or tolerable risk to people.	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 hourglass 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	R8 Not Applicable The proposed development does not involve Reconfiguring a Lot development.
PO9 Critical infrastructure does not increase the potential bushfire hazard.	AO9 Critical or potentially hazardous infrastructure such as water supply, electricity, gas and telecommunications are placed underground.	R9 Not Applicable The proposed development does not involve Reconfiguring a Lot development.





Performance outcomes	Acceptable outcomes	Applicant response
Development design and separation from bushfir	e hazard – material change of use	
PO10 Development is located and designed to ensure proposed buildings or building envelopes achieve a radiant heat flux level at any point on the building or envelope respectively, of:  (a) 10kW/m² where involving a vulnerable use; or (b) 29kW/m² otherwise.  The radiant heat flux level is achieved by separation unless this is not practically achievable.  Note - The radiant heat levels and separation distances are to be established in accordance with method 2 set out in AS3959-2009.	<ul> <li>AO10 Buildings or building envelopes are separated from hazardous vegetation by a distance that: <ul> <li>(a) achieves a radiant heat flux level of at any point on the building or envelope respectively, of 10kW/m² for a vulnerable use or 29kW/m² otherwise; and</li> <li>(b) is contained wholly within the development site.</li> </ul> </li> <li>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. </li> <li>For staged developments, temporary separation distances, perimeter roads or fire trails may be absorbed as part of subsequent stages.</li> <li>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.</li> </ul>	R10 Complies  No buildings are proposed within a bushfire hazard area.
PO11 A formed, all weather fire trail is provided between the hazardous vegetation and the site boundary or building envelope, and is readily accessible at all times for the type of fire fighting vehicles servicing the area.	AO11 Development sites are separated from hazardous vegetation by a public road or fire trail which has: (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	R11 Performance Solution In accordance with PO11 a fire trail is not considered to be required as it serves no practical purpose noting that source of bushfire hazard is located approximately 100 metres to the east of the site's eastern boundary; each lot the subject of the site is
However, a fire trail will not be required where it would not serve a practical fire management	vegetation; (c) no cut or fill embankments or retaining walls	less than 2.5ha; and no buildings or driveways are proposed to be located in a

adjacent to the 4m wide trafficable path;

turning areas for fire-fighting appliances in accordance with Queensland Fire and

a minimum of 4.8m vertical clearance;



Note - Fire trails are unlikely to be required where a development site involves less than 2.5ha

purpose.

bushfire hazard area.

Performance outcomes	Acceptable outcomes	Applicant response
	Emergency Services' Fire Hydrant and Vehicle Access Guidelines; (f) a maximum gradient of 12.5%; (g) a cross fall of no greater than 10 degrees; (h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy; (i) vehicular access at each end which is connected to the public road network which is connected to the public road network at intervals of no more than 500m; (j) designated fire trail signage; (k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and (I) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services.	
All development		
PO12 All premises are provided with vehicular access that enables safe evacuation for occupants and easy access by fire fighting appliances.	Private driveways:  (a) do not exceed a length of 60m from the street to the building;  (b) do not exceed a gradient of 12.5%;  (c) have a minimum width of 3.5m;  (d) have a minimum of 4.8m vertical clearance;  (e) accommodate turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; and  (f) serve no more than 3 dwellings or buildings.	R12 Not Applicable No buildings or driveways are proposed within a bushfire hazard area.





Performance outcomes	Acceptable outcomes	Applicant response
PO13  Development outside reticulated water supply areas includes a dedicated static supply that is available solely for fire fighting purposes and can be accessed by fire fighting appliances.	AO13 A water tank is provided within 10m of each building (other than a class 10 building) which:  (a) is either below ground level or of non-flammable construction;  (b) has a take off connection at a level that allows the following dedicated, static water supply to be left available for access by fire fighters:  (i) 10,000l for residential buildings  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.  (ii) 45,000l for industrial buildings; and (iii) 20,000l for other buildings;  (c) includes shielding of tanks and pumps in accordance with the relevant standards;  (d) includes a hardstand area allowing medium rigid vehicle (15 tonne fire appliance) access within 6m of the tank;  (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 (f) is clearly identified by directional signage provided at the street frontage.	R13 Not Applicable No buildings or driveways are proposed within a bushfire hazard area.
PO14 Landscaping does not increase the potential bushfire risk.	AO14 Landscaping uses species that are less likely to exacerbate a bushfire event, and does not increase fuel loads within separation areas.	R13 Can Comply Landscaping within the Potential Impact Buffer Hazard area will use species less likely to exacerbate a bushfire event where required by Council.





Performance outcomes	Acceptable outcomes	Applicant response
PO15 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).	AO15 Bushfire risk mitigation treatments do not have a significant impact on the natural environment or landscape character of the locality where this has value.	R15 Complies  No bushfire mitigation 'treatments' are proposed; buildings are proposed to be located external to any identified bushfire hazard areas.

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.





#### Flood and storm tide hazard overlay code 8.2.4

### 8.2.4.1 Application

- 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:
  - 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:
  - impact assessable development.
- 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:
  - Storm tide high hazard sub-category; (a)
  - Storm tide medium hazard sub-category;
  - Flood plain assessment sub-category;
  - 100 ARI Mossman, Port Douglas and Daintree Township Flood Studies sub-category.
- 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**

- The purpose of the Flood and storm tide hazard overlay code is to:
  - implement the policy direction in the Strategic Framework, in particular:
    - Theme 1 Settlement pattern: Element 3.4.7 Mitigation of hazards:
    - Theme 6 Infrastructure and transport: Element 3.9.2 Energy. (ii)
  - enable an assessment of whether development is suitable on land within the Flood and storm tide hazard sub-categories.
- The purpose of the code will be achieved through the following overall outcomes:
  - development siting, layout and access responds to the risk of the natural hazard and minimises risk to personal safety; (a)
  - development achieves an acceptable or tolerable risk level, based on a fit for purpose risk assessment;
  - 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
For self-assessable and assessable development		
PO1 Development is located and designed to:  a) ensure the safety of all persons; b) minimise damage to the development and contents of buildings; c) provide suitable amenity; d) minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events.  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.	AO1.1 Development is sited on parts of the land that is not within the Flood and Storm tide hazards overlay maps contained in Schedule 2; or	R1.1 Performance Solution (Complies) Development is proposed within the Floodplain Assessment Overlay sub-category and therefore does not comply with AO1.3(a). However, the natural ground level on the ranges between 8.0mAHD and 5.0m AHD with built infrastructure designed to have a finished floor level (FFL) of not less than 6m AHD.  The site is not located within a Medium Storm Tide Hazard Area or High Storm Tide Hazard Area which impacts lower lying areas adjacent the coast at natural ground levels of 4.0m AHD (approx.) and below.  Craig Cartling (pers comm), Tourism Facilitator at Jabalbina confirmed that the site did not experience any flood impacts during the December 2023 major flood event, following Cyclone Jasper.



Performance outcomes	Acceptable outcomes	Applicant response
		The proposed accommodation buildings will be elevated, with a FFL of not less than 6.0m AHD, and the Environment Facility and Caretaker's Accommodation with a FFL of 7.0m AHD and all buildings (excluding Class 10 structures) approximately 400mm above existing natural ground level.  'All weather access' is proposed to all built infrastructure, including an upgraded asphalt access and turnaround facility.  Development has therefore been designed in consideration of the safety of all persons, and to minimise damage to the development and contents of buildings and minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events.  Development complies with PO1 on this basis.
	AO1.2 Development within the Flood and Storm Tide hazards overlay maps (excluding the Flood plain assessment sub-category) is designed to provide immunity to the Defined Inundation Event as outlined within plus a freeboard of 300mm.	R1.2 Not Applicable Development for a Dwelling House is not proposed.





Performance outcomes	Acceptable outcomes	Applicant response
	AO1.3  New buildings are:  (a) not located within the overlay area;  (b) located on the highest part of the site to minimise entrance of flood waters;  (c) provided with clear and direct pedestrian and vehicle evacuation routes off the site.	R1.3 Not Applicable Development for a Dwelling House is not proposed.
	AO1.4 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.	R1.4 Not Applicable Development for a Dwelling House is not proposed.
For assessable development		
PO2 The development is compatible with the level of risk associated with the natural hazard.	AO2 The following uses are not located in land inundated by the Defined Flood Event (DFE) / Storm tide: (a) Retirement facility; (b) Community care facility; (c) Child care centre.	R2 Complies Development for a use listed in AO2 is not proposed.
PO3 Development siting and layout responds to flooding potential and maintains personal safety	For Material change of use  AO3.1  New buildings are: (a) not located within the overlay area; (b) located on the highest part of the site to minimise entrance of flood waters; (c) provided with clear and direct pedestrian and vehicle evacuation routes off the site.  or	R3.1 Performance Solution Refer response to AO1.1.



Performance outcomes	Acceptable outcomes	Applicant response
	AO3.2 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.	
	or	
	AO3.3 Where involving an extension to an existing dwelling house that is situated below DFE /Storm tide, the maximum size of the extension does not exceed 70m² gross floor area.	
	Note – If part of the site is outside the Hazard Overlay area, this is the preferred location of all buildings.	
	For Reconfiguring a lot  AO3.4  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.	
	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).	
	Note – Buildings subsequently developed on the lots will need to comply with the relevant building assessment provisions under the <i>Building Act 1975</i> .	
	AO3.5	



Performance outcomes	Acceptable outcomes	Applicant response
	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:  (a) by locating entry points into the reconfiguration above the flood level and avoiding culs-de-sac or other non-permeable layouts; and  (b) by direct and simple routes to main carriageways.	
	AO3.6 Signage is provided on site (regardless of whether the land is in public or private ownership) indicating the position and path of all safe evacuation routes off the site and if the site contains, or is within 100m of a floodable waterway, hazard warning signage and depth indicators are also provided at key hazard points, such as at floodway crossings or entrances to low-lying reserves.	
	AO3.7 There is no intensification of residential uses within the flood affected areas on land situated below the DFE/Storm tide.	
	For Material change of use (Residential uses)  AO3.8  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;	R3.8 Complies Caretaker's Accommodation is defined as an 'Accommodation Activity' in Schedule 1 of the Planning Scheme and therefore may be considered a 'Residential Use'. The design of the Caretaker's Accommodation includes a





Performance outcomes	Acceptable outcomes	Applicant response
	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.	FFL of 7.0m AHD located in excess of 400mm above natural ground level.
PO4 Development is resilient to flood events by ensuring design and built form account for the potential risks of flooding.	For Material change of use (Non-residential uses) AO4.2  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 Building Act 1975 apply to all building work within the Hazard Area and need to take into account the flood potential within the area.	R4.2 Performance Solution (Complies)  Non-residential uses include Outstation, Nature-based Tourism and Environment Facility (Note – these land uses are not defined as an 'Accommodation Activity' in Schedule 1 of the Planning Scheme). The proposed accommodation buildings will be elevated, with a FFL of not less than 6.0m AHD, and the Environment Facility and Caretaker's Accommodation with a FFL of 7.0m AHD and all buildings (excluding Class 10 structures) approximately 400mm above existing natural ground level, meaning that any flow (despite this being unlikely) will flow under proposed accommodation buildings. However, the Environment Facility will involve minor fill, raising the building above existing ground levels; the site of the Environment Facility (in particular) is not known to flood (being a relative high point in the context of surrounding lower-level land and the source of flood, being coastal).  Therefore, the proposed built form is considered to be resilient to flood events and otherwise accounts for the potential risks of flooding.  Development complies with PO4 on this
		levels; the site of the Environment F particular) is not known to flood relative high point in the context of sur lower-level land and the source of flo coastal).  Therefore, the proposed built form is considered to be resilient to flood ever and otherwise accounts for the poten risks of flooding.



Performance outcomes	Acceptable outcomes	Applicant response
	AO4.3  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).  (b) Queensland Government Fact Sheet 'Repairing your House after a Flood' provides information about water resilient products and building techniques.	AO4.3 Will Comply Materials stored on-site: (a) will be readily able to be moved in a flood event; and (b) where capable of creating a safety hazard by being shifted by flood waters, will be contained in order to minimise movement in times of flood.
PO5 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.  Note – Berms and mounds are considered to be an undesirable built form outcome and are not supported.	For Operational works  AO5.1  Works in urban areas associated with the proposed development do not involve:  (a) any physical alteration to a watercourse or floodway including vegetation clearing; or  (b) a net increase in filling (including berms and mounds).  AO5.2  Works (including buildings and earthworks) in non urban areas either:  (a) do not involve a net increase in filling greater than 50m³; or  (b) do not result in any reductions of on-site flood storage capacity and contain within the subject site any changes to depth/duration/velocity of flood waters;	R5.1 Not Applicable Operational Work is not proposed.



Performance outcomes	Acceptable outcomes	Applicant response
	or  (c) do not change flood characteristics outside the subject site in ways that result in:  (i) loss of flood storage;  (ii) loss of/changes to flow paths;  (iii) acceleration or retardation of flows or any reduction in flood warning times elsewhere on the flood plain.	
	For Material change of use  AO5.3  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  (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  (b) does not increase ponding on sites upstream, downstream or in the general vicinity of the subject site.  For Material change of use and Reconfiguring a lot  AO5.4  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.	R5.3 Not Applicable The site is not known to have a DFE and the proposed location of built infrastructure (being above 6m AHD) is not subject to storm tide inundation.  R5.4 Complies The proposed development is not located within 50 metres of a natural riparian corridor.



Performance outcomes	Acceptable outcomes	Applicant response
	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.	
PO6 Development avoids the release of hazardous materials into floodwaters.	AO6.1  Materials manufactured or stored on site are not hazardous or noxious, or comprise materials that may cause a detrimental effect on the environment if discharged in a flood event; or  AO6.2  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.  AO6.3  Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by the DFE.  AO6.4  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.  Note – Refer to Work Health and Safety Act 2011 and associated Regulation and Guidelines, the Environmental Protection Act 1994 and the relevant building assessment provisions under the Building Act 1975 for requirements related to the manufacture and storage of hazardous materials.	R6.1 – R6.4 Not Applicable  No hazardous or noxious materials are associated with the proposed development.





Performance outcomes	Acceptable outcomes	Applicant response
PO7 The development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.	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  (d) impact on the ability of traffic to use evacuation routes, or unreasonably increase traffic volumes on evacuation routes.	R7 Complies The proposed development, despite being located in the Floodplain Assessment Overlay (Daintree River) sub-category is not anticipated to (a) increase the number of people calculated to be at risk of flooding; or (b) increase the number of people likely to need evacuation; or (c) shorten flood warning times - for the reasons identified in response to AO1.1. Further, the proposed development is not considered to impact on the ability of traffic to use evacuation routes or unreasonably increase traffic volumes on evacuation routes.
PO8 Development involving community infrastructure:  (a) remains functional to serve community need during and immediately after a flood event;  (b) is designed, sited and operated to avoid adverse impacts on the community or environment due to impacts of flooding on infrastructure, facilities or access and egress routes;  (c) retains essential site access during a flood event;  (d) is able to remain functional even when other infrastructure or services may be compromised in a flood event.	AO8.1 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).	R8.1 Not Applicable Refer response to AO8.2
iii a nood event.	AO8.2 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	R8.2 Complies  Development for a land use listed in AO8.2 is not proposed.  Note – the proposed waste-water and water treatment plants are below ERA 63 and ERA 64 thresholds for Concurrence ERA and are therefore treated as integral and subservient





Performance outcomes	Acceptable outcomes	Applicant response
	service under the Child Care Act 2002 is conducted,  (b) community centres; (c) meeting halls; (d) galleries; (e) libraries.  The following uses are not located on land inundated during a 0.5% AEP flood event.  (a) emergency shelters; (b) police facilities; (c) sub stations; (d) water treatment plant  The following uses are not located on land inundated during a 0.2% AEP flood event: (a) correctional facilities; (b) emergency services; (c) power stations; (d) major switch yards.	to the proposed land uses and do not warrant separate classification as a utility installation in the same manner as a waste-water treatment for a Dwelling House.
	AO8.3  The following uses have direct access to low hazard evacuation routes as defined in Error! Reference source not found.:  (a) community residence; and (b) emergency services; and (c) hospitals; and (d) residential care facility; and (e) sub stations; and (f) utility installations involving water and sewerage treatment plants.	AO8.3 Not Applicable Development for a use listed in AO8.3 is not proposed.  Note – the proposed waste-water and water treatment plants are below ERA 63 and ERA 64 thresholds for Concurrence ERA and are therefore treated as integral and subservient to the proposed land uses and do not warrant separate classification as a utility installation





Performance outcomes	Acceptable outcomes	Applicant response
	AO8.4  Any components of infrastructure that are likely to fail to function or may result in contamination when inundated by flood, such as electrical switch gear and motors, telecommunications connections, or water supply pipeline air valves are:  (a) located above DFE/Storm tide or the highest known flood level for the site;  (b) designed and constructed to exclude floodwater intrusion / infiltration.	in the same manner as a waste-water treatment for a Dwelling House.  AO8.4 Complies Infrastructure that may when inundated by flood (e.g. battery storage in the BoH) has a FFL in excess of 400mm above natural ground level and is therefore designed to be above any surface water levels.
	AO8.5 Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by a flood.	AO8.5 Complies Refer response to AO1.3





# 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
For assessable development		
Development in a High landscape value area		
PO1 Development within High landscape value areas identified on the Landscape values overlay maps contained in Schedule 2: (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; (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;	AO1.1 Buildings and structures are not more than 8.5 metres and two storeys in height.  Note - Height is inclusive of roof height.  AO1.2 Buildings and structures are setback not less than 50 metres from ridgelines or peaks.  AO1.3 Development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer.	R1.1 Not Applicable The site is not located within a High landscape value area.  R1.2 Not Applicable The site is not located within a High landscape value area.  R1.3 Not Applicable The site is not located within a High landscape value area.





Performance outcomes	Acceptable outcomes	Applicant response
(c) retains existing vegetation and incorporates new landscaping to enhance existing vegetation and visually soften built form elements;	AO1.4 Where development on land steeper than 1 in 6 (16.6%) cannot be avoided: (a) development follows the natural; contours of the	R1.1 Not Applicable The site is not located within a High landscape value area.
(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;	site; buildings are split level or suspended floor construction, or a combination of the two; lightweight materials are used to areas with suspended floors.	
(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	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.	
walls and other on-ground or in-ground infrastructure;  (f) avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment	AO1.5  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	R1.5 Not Applicable The site is not located within a High landscape value area.
of telecommunications facilities, electricity towers, poles and lines and other tall infrastructure;	green, blue green, green, green blue, indigo, brown, blue grey, and green yellow.	
(g) extractive industry operations are avoided.  Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order	AO1.6  No clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.5%).	R1.1 Not Applicable The site is not located within a High landscape value area.
to satisfy performance outcomes.	AO1.7 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.  Note - A visual impact assessment undertaken in accordance with Planning scheme policy SC6.6 – Landscape values may be required.	R1.7 Not Applicable The site is not located within a High landscape value area.





Performance outcomes	Acceptable outcomes	Applicant response
	AO1.8 Advertising devices do not occur.	R1.8 Not Applicable The site is not located within a High landscape value area.
Development within the Medium landscape va	lue area	
Development within Medium landscape value are identified on the Landscape values overlay maps contained in Schedule 2:  (a) avoids detrimental impacts on the landsca values of forested skylines, visible hillsloper ridgelines, the coastal foreshore or the shoreline of other water bodies through the loss of vegetation;  (b) is effectively screened from view from a real lookout or other public place by an existing natural landform or native vegetation, or whose effectively screened by native vegetation within 5 years of construction;  (c) retains existing vegetation and incorporate new landscaping to enhance existing vegetation and visually soften built form elements;  (d) incorporates development of a scale, desine height, position on site, construction materials and external finishes that are compatible with the landscape values of the locality;	and two storeys in height.  Note - Height is inclusive of the roof height.  AO2.2  Development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer.  AO2.3  Where development on land steeper than 1 in 6 (16.6%) cannot be avoided:  (a) development follows the natural; contours of the site;  (b) buildings are split level or suspended floor construction, or a combination of the two;  (c) lightweight materials are used to areas with suspended floors.	R2.1 Complies The proposed development is single storey and has a maximum building height of approximately 4.657 metres.  R2.2 Complies Development is not proposed within 50 metres of a ridgeline or peak.  R2.3 Complies / Will Comply Vegetation exists to the frontage of the site (refer Figure 2 in the Town Planning Report and Schedule 3 – Proposal Plans) and a landscaped buffer (25 metres wide) is proposed adjacent Cape Tribulation Road which will enhance the existing screening provided by vegetation.
(e) avoids detrimental impacts on landscape values and excessive changes to the natu landform as a result of the location, position on site, scale, design and alignment of earthworks, roads, driveways, retaining way and other on-ground or in-ground infrastructure;	AO2.4  The external features, walls and roofs of buildings and structures have a subdued and non-reflective palette.	R2.4 Will Comply The Applicant is willing to accept a condition of approval requiring that exterior finishes ar colours of all development are non-reflective and subdued, in accordance with AO2.4.

and green yellow.





Performance outcomes	Acceptable outcomes	Applicant response
position on site, scale, design and alignment of telecommunications facilities, electricity towers, poles and lines and other tall infrastructure;	AO2.5  No clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.6%).  AO2.6  Advertising devices do not occur.	R2.5 Complies  No clearing of native vegetation is proposed on land with a slope greater than 1 in 6.  R2.6 Complies  Advertising devices are not proposed.
Development within a Scenic route buffer / view cor	rridor area	
Development within a Scenic route buffer / view corridor area as identified on the Landscape values overlay maps contained in Schedule 2:  (a) retains visual access to views of the surrounding landscape, the sea and other water bodies;  (b) retains existing vegetation and incorporates	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.  AO3.2  No clearing of native vegetation is undertaken within a Scenic route buffer area.	R3.1 Complies The site is within a scenic route buffer and the height of building and structures is not more than the maximum height specified in the Conservation Zone Code.  R3 Performance Solution The site is within a scenic route buffer and vegetation clearing is proposed to provide vehicle access to the premises. Vegetation exists to the frontage of the site (refer Figure 2 in the Town Planning Report and Schedule 3 – Proposal Plans) and a landscaped buffer (25 metres wide) is proposed adjacent Cape Tribulation Road which will enhance the existing screening provided by vegetation. Therefore, limited vegetation is required to access the site; however, the development is otherwise consistent with the requirements of PO3:





Performance outcomes	Acceptable outcomes	Applicant response
and configuration of access roads and driveways; iii. the scale, extent and visual prominence of advertising devices.  Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.	AO3.3  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	(a) retains visual access to views of the surrounding landscape, the sea and other water bodies, to the extent relevant; (b) otherwise retains existing vegetation and incorporates landscaping to visually screen and soften built form elements whilst not impeding distant views or view corridors; (c) incorporates building materials and external finishes that are compatible with the visual amenity and the landscape character; (d) minimises visual impacts on the setting and views in terms of:         i. the scale, height and setback of buildings;         ii. the extent of earthworks (which is minimal) and impacts on the landform including the location and configuration of access roads and driveways;         iii. the scale, extent and visual prominence of advertising devices in so much as no advertising devices are proposed at this time.  RO3.3 Will Comply The site is within a Scenic route buffer and development is set back 25 metres and will be screened from view from a scenic route by existing native vegetation and/or landscaped to a width of in excess of 10 metres in
	code.	



Performance outcomes	Acceptable outcomes	Applicant response
		accordance with the requirements of the landscaping code.
	AO3.4  Development does not result in the replacement of, or creation of new, additional, or enlarged advertising devices.	R3.4 Complies Advertising devices are not proposed.
Development within the Coastal scenery area		
PO4 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.	AO4.1  The dominance of the natural character of the coast is maintained or enhanced when viewed from the foreshore.	AO4.1 Not Applicable The site is not mapped as containing Coastal scenery landscape value area.
Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.	Where located adjacent to the foreshore buildings and structures are setback:  (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  (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.	AO4.2 Not Applicable The site is not mapped as containing Coastal scenery landscape value area.
	AO4.3 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:	AO4.3 Not Applicable The site is not mapped as containing Coastal scenery landscape value area.



Performance outcomes	Acceptable outcomes	Applicant response
	<ul> <li>(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</li> <li>(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.</li> </ul>	
PO5 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.  Note – A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in satisfaction of a performance outcome.	AO5  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	AO5 Not Applicable The site is not mapped as containing Coastal scenery landscape value area.





# 8.2.7 Natural areas overlay code

### 8.2.7.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Natural areas overlay, if:
  - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
  - (b) impact assessable development.
- (2) Land in the Natural areas overlay is identified on the Natural areas overlay map in Schedule 2 and includes the following sub-categories:
  - (a) MSES Protected area;
  - (b) MSES Marine park;
  - (c) MSES Wildlife habitat;
  - (d) MSES Regulated vegetation;
  - (e) MSES Regulated vegetation (intersecting a Watercourse);
  - (f) MSES High ecological significance wetlands;
  - (g) MSES High ecological value waters (wetlands);
  - (h) MSES High ecological value waters (watercourse);
  - (i) MSES Legally secured off set area.

Note – MSES = Matters of State Environmental Significance.

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

# 8.2.7.2 **Purpose**

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





- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) development is avoided within:
    - (i) areas containing matters of state environmental significance (MSES);
    - (ii) other natural areas;
    - (iii) wetlands and wetland buffers;
    - (iv) waterways and waterway corridors.
  - (b) where development cannot be avoided, development:
    - (i) protects and enhances areas containing matters of state environmental significance;
    - (ii) provides appropriate buffers;
    - (iii) protects the known populations and supporting habitat of rare and threatened flora and fauna species, as listed in the relevant State and Commonwealth legislation;
    - (iv) ensures that adverse direct or indirect impacts on areas of environmental significance are minimised through design, siting, operation, management and mitigation measures;
    - (v) does not cause adverse impacts on the integrity and quality of water in upstream or downstream catchments, including the Great Barrier Reef World Heritage Area;
    - (vi) protects and maintains ecological and hydrological functions of wetlands, waterways and waterway corridors;
    - (vii) enhances connectivity across barriers for aquatic species and habitats;
    - (viii) rehabilitates degraded areas to provide improved habitat condition, connectivity, function and extent;
    - (ix) protects areas of environmental significance from weeds, pests and invasive species.
  - (c) strategic rehabilitation is directed to areas on or off site, where it is possible to achieve expanded habitats and increased connectivity.





#### Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable developmen	t	
Protection of matters of environmental significant	nce	
PO1 Development protects matters of environmental significance.	AO1.1 Development avoids significant impact on the relevant environmental values.  or  AO1.2 A report is prepared by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, that the development site does not contain any matters of state and local environmental significance.  or  AO1.3 Development is located, designed and operated to mitigate significant impacts on environmental values. For example, a report certified by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, how the proposed development mitigates impacts, including on water quality, hydrology and biological processes.	R1.1 Complies Proposed built infrastructure is located outside mapped areas on the Natural Areas Overlay.
Management of impacts on matters of environment	ental significance	
PO2 Development is located, designed and constructed to avoid significant impacts on matters of environmental significance.	AO2 The design and layout of development minimises adverse impacts on ecologically important areas by:	R2 Complies The design and layout of the proposed development minimises adverse impacts on ecologically important areas as required by



Performance outcomes	Acceptable outcomes	Applicant response
	<ul> <li>(a) focusing development in cleared areas to protect existing habitat;</li> <li>(b) utilising design to consolidate density and preserve existing habitat and native vegetation;</li> <li>(c) aligning new property boundaries to maintain ecologically important areas;</li> <li>(d) ensuring that alterations to natural landforms, hydrology and drainage patterns on the development site do not negatively affect ecologically important areas;</li> <li>(e) ensuring that significant fauna habitats are protected in their environmental context; and</li> <li>(f) incorporating measures that allow for the safe movement of fauna through the site.</li> </ul>	AO2 by locating proposed built infrastructure external to mapped areas on the Natural Areas Overlay.
PO3 An adequate buffer to areas of state environmental significance is provided and maintained.	AO3.1 A buffer for an area of state environmental significance (Wetland protection area) has a minimum width of: (a) 100 metres where the area is located outside Urban areas; or (b) 50 metres where the area is located within a Urban areas.  Or  AO3.2 A buffer for an area of state environmental significance is applied and maintained, the width of which is supported by an evaluation of environmental values, including the function and threats to matters of environmental significance.	R3.1 Performance Solution  The 100 metre buffer to the Wetland Protection Area partially extends into the site on its eastern boundary, and despite proposed buildings and structures being setback in excess of 20 metres of the rear boundary, the proposed development does intrude on the edge of the 100 metre buffer. The Planning Regulations 2017 identifies the referral trigger for a wetland protection area as being 100m³ of earthworks within 200 metres of a wetland protection area and the proposed development is anticipated to involve less than 100m³ of earthworks. On the basis that the proposed development provides a 20 metre setback to the rear boundary; and that the site is not mapped as a Wetland Protection Area and that the proposed development is below the State Assessment Referral Agency trigger for earthworks it is considered that an adequate





tland Protection Area is
omplies with PO3 on this
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osed 100 metre buffer mately 20 metres into the rear
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Performance outcomes	Acceptable outcomes	Applicant response
Ecological connectivity		
PO6 Development protects and enhances ecological connectivity and/or habitat extent.	AO6.1 Development retains native vegetation in areas large enough to maintain ecological values, functions and processes. and AO6.2 Development within an ecological corridor rehabilitates native vegetation. and AO6.3 Development within a conservation corridor mitigates adverse impacts on native fauna, feeding, nesting, breeding and roosting sites and native fauna movements.	R6.1 Complies Native vegetation is proposed to be retained in large areas on the site. Note – development is not proposed within mapped areas in the Natural Values Overlay.  R6.2 Not Applicable The site is not known to be located within an ecological corridor.  R6.3 Not Applicable The site is not known to be located within a conservation corridor.
PO7 Development minimises disturbance to matters of state environmental significance (including existing ecological corridors).	AO7.1 Development avoids shading of vegetation by setting back buildings by a distance equivalent to the height of the native vegetation.  and  AO7.2 Development does not encroach within 10 metres of existing riparian vegetation and watercourses.	R7.1 Complies The proposed development includes buildings with a maximum height of approximately 4.657 metres and is setback from mapped vegetation (refer Natural Values Overlay) by a minimum of 10 metres.  R7.2 Complies Development is not proposed within 10 metres of existing riparian vegetation and watercourses.
Waterways in an urban area		
PO8 Development is set back from waterways to protect and maintain: (a) water quality;	AO8.1 Where a waterway is contained within an easement or a reserve required for that purpose, development does not occur within the easement or reserve;	R8.1 Not Applicable Development does not involve a waterway in an urban area.





Perf	ormance outcomes	Acceptable outcomes	Applicant response	
(b) (c) (d) (e) (f)	hydrological functions; ecological processes; biodiversity values; riparian and in-stream habitat values and connectivity; in-stream migration	or AO8.2  Development does not occur on the part of the site affected by the waterway corridor.  Note – Waterway corridors are identified within Error! Reference source not found		
Wate	Waterways in a non-urban area			
1	elopment is set back from waterways to protect maintain: water quality; hydrological functions; ecological processes; biodiversity values; riparian and in-stream habitat values and connectivity; in-stream migration.	AO9 Development does not occur on that part of the site affected by a waterway corridor.  Note – Waterway corridors are identified within Error! Reference source not found	R9 Not Applicable Development does not involve a waterway in a non-urban area.	





# 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
For assessable development		
PO1 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.	AO1.1  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.  AO1.2  Development does not compromise the safety and efficiency of the transport network.	R1.1 Complies Cape Tribulation Road is identified as a subarterial road on the Transport network overlay maps and the anticipated traffic generation of the proposed development is compatible with a sub-arterial road.  R1.2 Complies The proposed development is not anticipated to compromise the safety and efficiency of the transport network in so much as a new
	emolency of the transport network.	access and on-site queuing will be provided in accordance with the FNQROC Development Manual.



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Performance outcomes	Acceptable outcomes	Applicant response
	AO1.3  Development is designed to provide access via the lowest order road, where legal and practicable access can be provided to that road.	R1.3 Complies The proposed development provides access to the lowest order road adjoining the site, being Cape Tribulation Road.
PO2 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.	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.	R2 Not Applicable  No road network improvements are identified to be required by the:  (a) the Transport network overlay maps contained in Schedule 2; or  (b) any relevant Local Plan.
PO3  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.	AO3 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.	R3 Not Applicable The site is not within a major transport corridor buffer area.
PO4 Development does not compromise the intended role and function or safety and efficiency of major transport corridors.	AO4.1  Development is compatible with the role and function (including the future role and function) of major transport corridors.	R4.1 Not Applicable The site does not adjoin or major transport corridor.
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.	AO4.2 Direct access is not provided to a major transport corridor where legal and practical access from another road is available.	R4.2 Complies Direct access is not provided to a major transport corridor.





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Performance outcomes	Acceptable outcomes	Applicant response
	AO4.3 Intersection and access points associated with major transport corridors are located in accordance with:  (a) the Transport network overlay maps contained in Schedule 2; and  (b) any relevant Local Plan.	R4.3 Not Applicable Direct access is not provided to a major transport corridor.
	AO4.4  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.	R4.4 Not Applicable Direct access is not provided to a major transport corridor.
PO5 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.	AO5 No acceptable outcomes are prescribed.	R5 Not Applicable The site does not adjoin or major transport corridor.
Pedestrian and cycle network		
PO6 Lot reconfiguration assists in the implementation of the pedestrian and cycle movement network to achieve safe, attractive and efficient pedestrian and cycle networks	AO6.1 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.	R6 Not Applicable Reconfiguring a Lot development is not proposed.
	AO6.2 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.	





### 9.3.2 Caretaker's accommodation code

### 9.3.2.1 Application

- (1) This code applies to assessing development for Caretaker's accommodation if:
  - (a) assessable development where the code is an applicable code identified in the assessment criteria column of a table of assessment; or
  - (b) impact assessable development for animal keeping or an unidentified use of a similar nature.
- (2) When using this code, reference should be made to Part 5.

## 9.3.2.2 **Purpose**

- (1) The purpose of the Caretaker's accommodation code is to assess the suitability of development to which this code applies.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) caretaker's accommodation is used for genuine caretaking or property management purposes;
  - (b) an acceptable level of amenity is provided to the caretaker.

#### 9.3.2.3 Criteria for assessment

Table 9.3.2.3.a - Caretaker's accommodation code - assessable development

Performance outcomes	Acceptable outcomes	Applicant response	
For self-assessable and assessable development			
PO1 The caretaker's accommodation is of a small scale.	AO1 The gross floor area of the caretaker's accommodation is not greater than: (a) 120m² in a Rural zone; (b) 80m² in any other zone.	R1 Complies The gross floor area of the caretaker's accommodation is $45\text{m}^2$ and is therefore less than the $80\text{m}^2$ requirement in the Conservation Zone.  Note – the Caretaker's Accommodation also includes the shared use of the BoH building (refer Schedule 3 – Proposal Plans); however, even if incorporating the total GFA of the BoH building ( $24\text{m}^2$ ) the total GFA would be $69\text{m}^2$ and still less than $80\text{m}^2$ .	
PO2	AO2.1 Development:	R2.1 Complies The proposed Caretaker's Accommodation provides a private open space area in the	





Performance outcomes	Acceptable outcomes	Applicant response
The caretaker's accommodation provides sufficient outdoor private open space for the reasonable recreation and domestic needs of the resident(s).	<ul> <li>(a) at ground-level provides private open space of at least 30m² with a minimum dimension of 3 metres that is screened from other activities on site;</li> <li>or</li> <li>(a) located entirely above ground floor level provides a private open space comprising a balcony or deck or open roof space, with a minimum horizontal dimension of at least 8m² and minimum dimension of 2 metres, which is directly accessible to a living area.</li> </ul>	form of 31.4m² of deck with a minimum dimension of 3 metres and screened from other activities on site through proposed landscaping.  Note – the 31.4m² excludes the area of the shower recess which has a dimension of less than 3 metres.
	The caretaker's accommodation is provided with:  (a) an outdoor service court with a minimum area of 5m² to facilitate clothes drying;  (b) an area for general storage;  (c) an area for the storage of a garbage receptacle;  (d) a designated covered car parking space;  (e) separate occupant access, independent from access to any non-residential building on the site.	<ul> <li>R2.2 Performance Solution The caretaker's accommodation is provided with: <ul> <li>(a) an outdoor service court with a minimum area of 5m² to facilitate clothes drying in the form of the BoH facility deck area adjoining the Caretaker's Accommodation;</li> <li>(b) an area for general storage is provided within the BoH facility adjoining the Caretaker's Accommodation;</li> <li>(c) an area for the storage of a garbage receptacle on the deck of the Caretaker's Accommodation;</li> <li>(d) a designated covered car parking space is not allocated to the Caretaker's Accommodation; however, the Caretaker's Accommodation is otherwise consistent with Performance Outcome 2 which only requires the provision of sufficient outdoor private open space to meet the needs of the resident;</li> <li>(e) separate occupant access independent from access to any non-residential building on the site.</li> </ul></li></ul>





Performance outcomes	Acceptable outcomes	Applicant response
PO3 The caretaker's accommodation is necessary for the operation of the primary use of the site.	AO3.1 Only one caretaker's accommodation is established per site. AO3.2 The caretaker's accommodation is occupied only by the proprietor, manager or caretaker of the use where located in an Industry or Centre zone or AO3.3 The caretaker's accommodation is occupied only by the proprietor, manager or caretaker of the use where located in any other zone together with any immediate family of that person.  AO3.4 The caretaker's accommodation is located on the same lot as the primary use.	R3.1 Complies Only one caretaker's accommodation is established on the site.  R3.3 Will Comply The caretaker's accommodation will be occupied only by the proprietor, manager or caretaker of the use together with any immediate family of that person.  R3.4 Complies The caretaker's accommodation is located on the same lot as the Nature-based Tourism accommodation.





Performance outcomes	Acceptable outcomes	Applicant response
Additional requirements in a Rural zone		
PO4 The site for a caretaker's accommodation is of a sufficient area to be consistent with the nature of its intended function.	AO4 The site has a minimum area of 4.0ha and the caretaker's accommodation is located within 500 metres of the primary dwelling.	R4 Not Applicable The site is not located in the Rural Zone.





# 9.4 Other development codes

# 9.4.1 Access, parking and servicing code

### 9.4.1.1 Application

- (1) This code applies to:
  - (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	
For self-assessable and assessable development			
PO1 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: (a) the desired character of the area; (b) the nature of the particular use and its specific characteristics and scale; (c) the number of employees and the likely	AO1.1 The minimum number of on-site vehicle parking spaces is not less than the number prescribed in Error! Reference source not found. for that particular use or uses.  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.	R1.1 Complies Error! Reference source not found. identifies that one (1) car park is required for the Caretaker's Accommodation.  Note – a minimum number of car parking spaces is not identified for Environment Facility, Nature-based Tourism or Outstation land uses.	
number of visitors to the site;  (d) the level of local accessibility;  (e) the nature and frequency of any public transport serving the area;  (f) whether or not the use involves the retention of an existing building and the previous requirements for car parking for the building whether or not the use involves a heritage building or place of local significance;  (h) whether or not the proposed use involves the retention of significant vegetation.	AO1.2 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.  AO1.3 Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking.	R1.2 Will Comply Car parking spaces will be freely available for the parking of vehicles at all times and will not be used for external storage purposes, the display of products or rented/sub-leased.  R1.3 Complies Parking for motorcycles is not substituted for ordinary vehicle parking and is therefore less than the 2% of total ordinary vehicle parking required by AO1.3.  R1.4 Not Applicable	
	AO1.4 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.	Less than 50 car parks are proposed.	





Performance outcomes	Acceptable outcomes	Applicant response
PO3 Access points are designed and constructed: (a) to operate safely and efficiently; (b) to accommodate the anticipated type and volume of vehicles (c) to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate; (d) so that they do not impede traffic or pedestrian movement on the adjacent road area;	AO3.1 Access is limited to one access cross over per site and is an access point located, designed and constructed in accordance with:  (a) Australian Standard AS2890.1;  (b) Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers.	R3.1 Will Comply Access is limited to one access cross over and will be an access point located, designed and constructed in accordance with:  (a) Australian Standard AS2890.1;  (b) Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers.  The Applicant recommends a condition of approval in this regard.
<ul> <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>	AO3.2  Access, including driveways or access crossovers:  (a) are not placed over an existing:  (i) telecommunications pit;  (ii) stormwater kerb inlet;  (iii) sewer utility hole;  (iv) water valve or hydrant.  (b) are designed to accommodate any adjacent footpath;  (c) adhere to minimum sight distance requirements in accordance with AS2980.1.	R3.2 Will Comply The site access (including driveway and/or access crossover):  (a) is not known to be and will not be placed over an existing:  (i) telecommunications pit;  (ii) stormwater kerb inlet;  (iii) sewer utility hole;  (iv) water valve or hydrant.  (c) will adhere to minimum sight distance requirements in accordance with AS2980.1.  Note – AO3.2 (b) is not applicable as there are no footpaths adjacent the site.
	AO3.3 Driveways are: (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; (b) constructed such that where there is a grade shift to 1 in 4 (25%), there is an area with a	R3.3 Not Applicable The site does not feature grades greater than 16.6%.



Performance outcomes	Acceptable outcomes	Applicant response
	grade of no more than 1 in in 6 (16.6%) prior to this area, for a distance of at least 5 metres;  (c) on gradients greater than 1 in 6 (16.6%) driveways are constructed to ensure the crossfall of the driveway is one way and directed into the hill, for vehicle safety and drainage purposes;  (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;  (e) designed to include all necessary associated drainage that intercepts and directs storm water runoff to the storm water drainage system.  AO3.4  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.	R3.4 Complies The primary access off Cape Tribulation Road and internal turnaround facility will be an asphalt surface. Internal driveways other than the asphalt area are proposed to be gravel, including the Main Carpark and car parks adjacent accommodation units, with the exception of the Overflow Car Park which is proposed to be grassed. Surface construction materials are consistent with surface construction materials utilised throughout Cape Tribulation. Refer DA.12 (Carpark Plan) in Schedule 3 – Proposal Plans.
PO4 Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes.	AO4 The number of on-site wheel chair accessible car parking spaces complies with the rates specified in AS2890 Parking Facilities.	R4 Complies It is understood that the PWD ratio is 1 space for every 50 car parking spaces in AS2890 Parking Facilities and therefore the proposed two (2) PWD spaces exceeds the requirement of AS2890 Parking Facilities.





Performance outcomes	Acceptable outcomes	Applicant response
PO5 Access for people with disabilities is provided to the building from the parking area and from the street.	AO5 Access for people with disabilities is provided in accordance with the relevant Australian Standard.	R5 Can Comply The proposed PWD spaces are identified as a gravel finish on DA.12 (Carpark Plan) in Schedule 3 – Proposal Plans; however, where required by Council, can be provided in accordance with AS2890.6-2009.
PO6 Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development.	A06 The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b.	R6 Not Applicable Table 9.4.1.3.b. does not identify a bicycle parking space requirement for any of the subject land uses.





Performance outcomes	Acceptable outcomes	Applicant response
PO7  Development provides secure and convenient bicycle parking which:  (a) for visitors is obvious and located close to the building's main entrance;  (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;  (c) is easily and safely accessible from outside the site.	AO7.1  Development provides bicycle parking spaces for employees which are co-located with end-of-trip facilities (shower cubicles and lockers);  AO7.2  Development ensures that the location of visitor bicycle parking is discernible either by direct view or using signs from the street.  AO7.3  Development provides visitor bicycle parking which does not impede pedestrian movement.	R7.1 Not Applicable Table 9.4.1.3.b. does not identify a bicycle parking space requirement for any of the subject land uses.  R7.2 Not Applicable Table 9.4.1.3.b. does not identify a bicycle parking space requirement for any of the subject land uses.  R7.3 Not Applicable Table 9.4.1.3.b. does not identify a bicycle parking space requirement for any of the subject land uses.  R8 Not Applicable
Development provides walking and cycle routes through the site which:  (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;  (b) encourage walking and cycling;  (c) ensure pedestrian and cyclist safety.	Development provides walking and cycle routes which are constructed on the carriageway or through the site to:  (a) create a walking or cycle route along the full frontage of the site;  (b) connect to public transport and existing cycle and walking routes at the frontage or boundary of the site.	The site does not adjoin any public transport routes or existing cycle and/or walking routes
PO9 Access, internal circulation and on-site parking for service vehicles are designed and constructed: (a) in accordance with relevant standards; (b) so that they do not interfere with the amenity of the surrounding area; (c) so that they allow for the safe and convenient movement of pedestrians, cyclists and other vehicles.	AO9.1 Access driveways, vehicle manoeuvring and on-site parking for service vehicles are designed and constructed in accordance with AS2890.1 and AS2890.2.  AO9.2 Service and loading areas are contained fully within the site.	R9.1 Will Comply The access driveway and vehicle manoeuvring areas for service vehicles (namely for refuse collection) will comply with AS2890.1 and AS2890.2 and is identified as having an asphalt finish in DA.12 (Carpark Plan) in Schedule 3 – Proposal Plans.  R9.2 Complies The service and loading area for refuse collection is fully contained within the site and





Performance outcomes	Acceptable outcomes	Applicant response
		does not extend into the Cape Tribulation Road reserve.
	AO9.3  The movement of service vehicles and service operations are designed so they:  (a) do not impede access to parking spaces;  (b) do not impede vehicle or pedestrian traffic movement.	R9.3 Complies The service and loading area for refuse collection will not impede access to parking spaces or pedestrian traffic movement.
PO10 Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.	AO10.1  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:  (a) car wash;  (b) child care centre;  (c) educational establishment where for a school;  (d) food and drink outlet, where including a drive-through facility;  (e) hardware and trade supplies, where including a drive-through facility;  (f) hotel, where including a drive-through facility;  (g) service station.	R10.1 Not Applicable The proposed development does not include any of the land uses listed in AO10.1; however, is considered to provide sufficient queuing for the demands of the development.
	AO10.2  Queuing and set-down areas are designed and constructed in accordance with AS2890.1.	R10.2 Complies Queuing areas are identified as asphalt finish in DA.12 (Carpark Plan) in Schedule 3 – Proposal Plans. Note – setdown areas are not proposed and therefore this aspect of AO10.2 is not applicable.





### 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.a - Environmental performance code - assessable development

Performance outcomes	Acceptable outcomes	Applicant response
Lighting		
PO1 Lighting incorporated within development does not cause an adverse impact on the amenity of adjacent uses and nearby sensitive land uses.	AO1.1 Technical parameters, design, installation, operation and maintenance of outdoor lighting comply with the requirements of Australian standard AS4282-1997 Control of the obtrusive effects of outdoor lighting.	R1.1 Will Comply Technical parameters, design, installation, operation and maintenance of outdoor lighting will comply with the requirements of Australian standard AS4282-1997 Control of the obtrusive effects of outdoor lighting.
	AO1.2  Development that involves flood lighting is restricted to a type that gives no upward component of light where mounted horizontally.	R1.2 Not Applicable No flood lighting is proposed.
	AO1.3 Access, car parking and manoeuvring areas are designed to shield nearby residential premises from impacts of vehicle headlights.	R1.3 Not Applicable  No residential premises are identified as being nearby the proposed development.  Note – notwithstanding the lack of nearby sensitive development; the proposed development is surrounded by a vegetated buffer which will mitigate vehicle headlight impacts on surrounding properties.
Noise		
PO2 Potential noise generated from the development is avoided through design, location and operation of the activity.  Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.	AO2.1 Development does not involve activities that would cause noise related environmental harm or nuisance; or AO2.2 Development ensures noise does not emanate from the site through the use of materials, structures and	R2.1 Complies The proposed development does not involve activities that would cause noise related environmental harm or nuisance.





Performance outcomes	Acceptable outcomes	Applicant response
	architectural features to not cause an adverse noise impact on adjacent uses.	





Performance outcomes	Acceptable outcomes	Applicant response
	AO2.3  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:  (a) car parking is located away from adjacent sensitive land uses;  (b) car parking is enclosed within a building;  (c) a noise ameliorating fence or structure is established adjacent to car parking areas where the fence or structure will not have a visual amenity impact on the adjoining premises;  (d) buffered with dense landscaping.  Editor's note - The Environmental Protection (Noise) Policy 2008, Schedule 1 provides guidance on acoustic quality objectives to ensure environmental harm (including nuisance) is avoided.	R2.3 Complies The design and layout of development ensures car parking areas avoid noise impacting directly on adjacent sensitive land uses through a buffer of dense landscaping.
Airborne particles and other emissions		
PO3 Potential airborne particles and emissions generated from the development are avoided through design, location and operation of the activity.	AO3.1 Development does not involve activities that will result in airborne particles or emissions being generated; or	R3.1 Complies  Development does not involve activities that will result in airborne particles or emissions being generated.
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.	AO3.2  The design, layout and operation of the development activity ensures that no airborne particles or emissions cause environmental harm or nuisance.	
	Note - examples of activities which generally cause airborne particles include spray painting, abrasive blasting, manufacturing activities and car wash facilities.	
	Examples of emissions include exhaust ventilation from basement or enclosed parking structures, air conditioning/refrigeration ventilation and exhaustion.	





Performance outcomes	Acceptable outcomes	Applicant response
	The Environmental Protection (Air) Policy 2008, Schedule 1 provides guidance on air quality objectives to ensure environmental harm (including nuisance) is avoided.	
Odours		
PO4 Potential odour causing activities associated with the development are avoided through design, location and operation of the activity.  Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.	AO4.1 The development does not involve activities that create odorous emissions; or AO4.2 The use does not result in odour that causes environmental harm or nuisance with respect to surrounding land uses.	R4.1 Complies The development does not involve activities that create odorous emissions.
Waste and recyclable material storage		
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	R5.1 Complies A dedicated, fenced, refuse storage area for the storage of bulk bins will ensure that all putrescent waste is stored in a manner that prevents odour nuisance and will be disposed of at regular intervals.  R5.2 Complies The refuse storage area is 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, being located approximately 23 metres setback from the nearest accommodation unit and separated by dense vegetation;

potential impacts of local climatic conditions;





Performance outcomes	Acceptable outcomes	Applicant response
		<ul> <li>(b) the number of receptacles provided in relation to the collection, maintenance and use of the receptacles in so much as bulk bins will be provided with sufficient capacity to accommodate the waste of the intended land uses;</li> <li>(c) the durability of the receptacles, sheltering and potential impacts of local climatic conditions, noting that the refuse storage is fenced and bulk bins will have lids;</li> <li>(d) the ability to mitigate spillage, seepage or leakage from receptacles into adjacent areas and sensitive receiving waters and environments in so much as the refuse storage area is not proximate to a waterway and any spillage etc will be contained within the fenced compound.</li> </ul>





Performance outcomes	Acceptable outcomes	Applicant response
	(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.	
Sensitive land use activities		
PO6 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.	AO6.1 Sensitive land use activities are not established in areas that will be adversely impacted upon by existing land uses, activities and potential development possible in an area;  or  AO6.2 Sensitive land activities are located in areas where potential adverse amenity impacts mitigate all potential impacts through layout, design, operation and maintenance.	R6.1 Complies Council provided pre-lodgement engagement advice that potential odour impacts may arise from waste-water treatment activities associated with development to the east of the site. Despite that any such odour impact is likely to constitute a nuisance relevant to compliance under the Environmental Protection Act 1994; the Applicant has taken the following steps to mitigate potential odour impacts in the context that the Nature-based Tourism aspect of development is a sensitive land use activity as defined by the Planning Scheme (refer Schedule 1):  A solid fence is proposed on the rear boundary; A 10 metre wide dense landscaped buffer is proposed to the full length of the rear boundary; The nearest accommodation unit to the rear boundary has a setback of 21 metres to the rear boundary.
Stormwater quality		





### **Performance outcomes**

### **Acceptable outcomes**

# Applicant response

### **PO7**

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:

- (a) the amount and type of pollutants borne from the activity;
- (b) maintaining natural stream flows:
- (c) the amount and type of site disturbance;
- (d) site management and control measures.

### A07.1

Development activities are designed to ensure stormwater over roofed and hard stand areas is directed to a lawful point of discharge.

### A07.2

Development ensures movement of stormwater over the site is not impeded or directed through potentially polluting activities.

### A07.3

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.

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

During construction phases of development, contractors and builders are to have consideration in their work methods and site preparation for their environmental duty to protect stormwater quality.

### **R7.1 Will Comply**

Stormwater over roofed and hard stand areas will be directed to a lawful point of discharge as required by Council.

### **R7.2 Complies**

Development ensures movement of stormwater over the site is not impeded or directed through potentially polluting activities in so much as all accommodation units will have an approximate 400mm clearance above ground level.

### R7.3 Will Comply

Erosion and sediment control measures will be employed during the construction phase as relevant; however, it is noted that minimal ground disturbance is proposed.

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

### **PO8**

Development activities and sites provide for the removal of all pest plants and implement ongoing measures to ensure that pest plants do not reinfest the site or nearby sites.

Editor's note - This does not remove or replace all land owner's obligations or responsibilities under the *Land Protection (Pest and Stock Route Management) Act 2002.* 

### AO8.1

The land is free of declared pest plants before development establishes new buildings, structures and practices;

or

### AO8.2

Pest plants detected on a development site are removed in accordance with a management plan

### **R8.2 Will Comply**

Pest plants detected on the development site will be removed in accordance with a management plan prepared by an appropriately qualified person prior to construction of buildings and structures or earthworks, where required by Council as a condition of approval.





Performance outcomes	Acceptable outcomes	Applicant response
	prepared by an appropriately qualified person prior to construction of buildings and structures or earthworks.	
	Note - A declaration from an appropriately qualified person validates the land being free from pest plants.	
	Declared pest plants include locally declared and State declared pest plants.	





### 9.4.9 Vegetation management code

### 9.4.9.1 Application

- (1) This code applies to assessing operational works for vegetation damage if:
  - (a) assessable development where the code is an applicable code identified in the assessment criteria column of a table of assessment;
  - (b) impact assessable development, to the extent relevant.
- (2) When using this code, reference should be made to Part 5.

### 9.4.9.2 **Purpose**

- (1) The purpose of the Vegetation management code is achieved through the overall outcomes.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) vegetation is protected from inappropriate damage;
  - (b) where vegetation damage does occur it is undertaken in a sustainable manner;
  - (c) significant trees are maintained and protected;
  - (d) biodiversity and ecological values are protected and maintained;
  - (e) habitats for rare, threatened and endemic species of flora and fauna are protected and maintained;
  - (f) landscape character and scenic amenity is protected and maintained;
  - (g) heritage values are protected and maintained.:

### 9.4.9.3 Criteria for assessment

Table 9.4.9.3.a – Vegetation management – assessable development

Note – All vegetation damage is to have regard to the provisions of AS4373-2009 Pruning of Amenity Trees

Performance outcomes	Acceptable outcomes	Applicant response					
For self-assessable and assessable development							
Change of use within existing building or facilities							
PO1 Vegetation is protected to ensure that: (a) the character and amenity of the local area is maintained; (b) vegetation damage does not result in fragmentation of habitats;	AO1.1 Vegetation damage is undertaken by a statutory authority on land other than freehold land that the statutory authority has control over; or	R1 Performance Solution  Vegetation is protected to ensure that: (a) the character and amenity of the local area is maintained through limiting vegetation clearing to establishment of vehicle access to the site consistent with FNQROC standards;					





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Performance outcomes	Acceptable outcomes	Applicant response
<ul> <li>(c) vegetation damage is undertaken in a sustainable manner;</li> <li>(d) the Shire's biodiversity and ecological values are maintained and protected;</li> <li>(e) vegetation of historical, cultural and / or visual significance is retained;</li> <li>(f) vegetation is retained for erosion prevention and slope stabilisation.</li> </ul>	Vegetation damage is undertaken by or on behalf of the local government on land controlled, owned or operated by the local government;  or  AO1.3  Vegetation damage, other than referenced in AO1.1 or AO1.2 is the damage of:  (a) vegetation declared as a pest pursuant to the Land Protection (Pest and Stock Route Management) Act 2002; or  (b) vegetation identified within the local government's register of declared plants pursuant to the local government's local laws; or  (c) vegetation is located within a Rural zone and the trunk is located within ten metres of an existing building; or  (d) vegetation is located within the Conservation zone or Environmental management zone and the trunk is located within three metres of an existing or approved structure, not including a boundary fence; or  AO1.4  Vegetation damage that is reasonably necessary for carrying out work that is:  (a) authorised or required under legislation or a local law;  (b) specified in a notice served by the local government or another regulatory authority;	<ul> <li>(b) vegetation damage does not result in fragmentation of habitats in so much as no vegetation clearing is proposed within any mapped wildlife habitat areas;</li> <li>(c) vegetation damage is undertaken in a sustainable manner in so much as the majority of vegetation on site is proposed to be protected and enhanced by landscaping using endemic flora and culturally significant flora;</li> <li>(d) the Shire's biodiversity and ecological values are maintained and protected in so much as no clearing within any areas of local or state environmental significance is proposed;</li> <li>(e) vegetation of historical, cultural and / or visual significance is retained to the extent relevant;</li> <li>(f) vegetation will be retained for erosion prevention and slope stabilisation as relevant.</li> <li>Development complies with PO1 on this basis.</li> </ul>



Performance outcomes	Acceptable outcomes	Applicant response
	Vegetation damage for development where the damage is on land the subject of a valid development approval and is necessary to give effect to the development approval;	
	or	
	AO1.6 Vegetation damage is in accordance with an approved Property Map of Assessable Vegetation issued under the Vegetation Management Act 1999;	
	or	
	AO1.7 Vegetation damage is essential to the maintenance of an existing fire break;	
	or	
	AO1.8 Vegetation damage is essential to prevent interference to overhead service cabling;	
	or	
	AO1.9 Vegetation damage is for an approved Forest practice, where the lot is subject to a scheme approved under the Vegetation Management Act 1999; or	
	AO1.10 Vegetation damage is undertaken in accordance with section 584 of the Sustainable Planning Act 2009.	
	AO1.11	



Performance outcomes	Acceptable outcomes	Applicant response
	Vegetation damage where it is necessary to remove one tree in order to protect an adjacent more significant tree (where they are growing close to one another).  AO1.12  Private property owners may only remove dead, dying, structurally unsound vegetation following receipt of written advice from, at minimum, a fully qualified Certificate V Arborist. A copy of the written advice is to be submitted to Council for its records, a minimum of seven business days prior to the vegetation damage work commencing.	
PO2 Vegetation damaged on a lot does not result in a nuisance	AO2.1  Damaged vegetation is removed and disposed of at an approved site;  or	AO2.1 Not Applicable
	AO2.2 Damaged vegetation is mulched or chipped if used onsite.	AO2.2 Will Comply Damaged vegetation will be mulched or chipped and used onsite.
For assessable development		
PO3 Vegetation damage identified on the Places of significance overlay lot does not result in a negative impact on the site's heritage values.	AO3 No acceptable outcomes are prescribed.	AO3 Not Applicable Vegetation damage is not proposed within a site on the Places of significance overlay.



# **SCHEDULE 5**

LETTER OF SUPPORT

# N. SCHEDULE



PO Box 723 Mossman Qld 4873 www.douglas.qld.gov.au enquiries@douglas.qld.gov.au ABN 71 241 237 800

> Administration Office 64 - 66 Front St Mossman P 07 4099 9444 F 07 4098 2902

# Office of the Mayor

YOUR REF: Letter of Support E-mail: Michael.Kerr@douglas.qld.gov.au

**OUR REF: 1173358 Mobile:** 0447 019 647

28/07/2023

Jabalbina Aboriginal Corporation 15 Sawmill Road Mossman, Qld 4873

Dear Assessor,

# RE: Letter of Support – Jabalbina Aboriginal Corporation's Tourism Project

As Mayor of Douglas Shire, I am pleased to offer my letter of support to Jabalbina Aboriginal Corporation's application for the Growing Regions Program funding. The proposed **community-based tourism project** will engage and support the Eastern Kuku Yalanji community to share culture through key tourism experiences.

The project will drive key social and economic outcomes for our First Nations Community and aligns with strategic priorities in Douglas Shire Council's Corporate Plan and Economic Development Strategy. The project also aligns with Tourism Port Douglas Daintree's Destination Tourism Plan 2025 which is supported by Douglas Shire Council.

The Daintree is widely known as the oldest living rainforest in the world, having the oldest living culture in the world. The Tourism Hub and proposed culture experience will collectively enable important cultural and educational experiences for visitors to the Daintree Rainforest, whilst the proposed staff accommodation facilities address the critical shortage of suitable workers accommodation.

Subject to securing all relevant approvals, and planning considerations being acceptably addressed, I fully support this application on behalf of Council and kindly ask that it be given favourable consideration.

SHRECO

Please do not hesitate to contact me directly on mobile 0447 019 647 or via e-mail michael.kerr@douglas.qld.gov.au if you require any further information.

Yours sincerely

Cr Michael Kerr

**MAYOR** 

**DOUGLAS SHIRE COUNCIL** 



Michael Kerr | Mayor - Douglas Shire Council | Chair - FNQROC M: 0447.019.647 | F: 07.4098.2902 (Shared)

E: Michael.Kerr@douglas.qld.gov.au | W: www.douglas.qld.gov.au | W: www.fnqroc.qld.gov.au | Mail: PO Box 723, Mossman Q 4873 | Office: 64-66 Front St, Mossman Q 4873

I acknowledge the traditional custodians of the land on which I work, and I pay my respects to the Elders, present and future generations.













# **SCHEDULE 6**

DA FORM 1

# 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)	Jabalbina Yalanji Aboriginal Corporation
Contact name (only applicable for companies)	C/O wildPLAN Pty Ltd
Postal address (P.O. Box or street address)	PO Box 8028
Suburb	CAIRNS
State	QLD
Postcode	4870
Country	Australia
Contact number	0487 967 533
Email address (non-mandatory)	dominic@wildplan.com.au
Mobile number (non-mandatory)	0487 967 533
Fax number (non-mandatory)	N/A
Applicant's reference number(s) (if applicable)	WP23 040 JAB

2) Owner's consent
2.1) Is written consent of the owner required for this development application?
<ul><li>☐ Yes – the written consent of the owner(s) is attached to this development application</li><li>☑ No – proceed to 3)</li></ul>



# 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 <u>DA</u> Forms Guide: Relevant plans.									
3.1) Street address and lot on plan									
⊠ Str	<ul> <li>Street address AND lot on plan (all lots must be listed), or</li> <li>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).</li> </ul>								
	Unit No.	Stree		Street Name and Type					Suburb
,				Cape Tribulation Road					Cape Tribulation
a)	Postcode	Lot N	lo.	Plan	Type and N	umber	(e.g. Ri	P, SP)	Local Government Area(s)
	4873	172		SP2	19620				Douglas Shire
	Unit No.	Stree	t No.	Stree	et Name and	Туре			Suburb
				Саре	e Tribulation	Road			Cape Tribulation
b)	Postcode	Lot N	lo.	Plan	Type and N	umber	(e.g. Ri	P, SP)	Local Government Area(s)
	4873	12		SP2	19620		-		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						a lot or in water not adjoining or adjacent to land			
Longit		promo	Latitud		aria latitae	Datur	m		Local Government Area(s) (if applicable)
Longit	ado(o)		Latitud			□ W	WGS84 GDA94 Other:		Loodi Covernment / trod(e) (ii applicasie)
ПСо	ordinates of	premis	es by ea	asting	and northing	_			
Eastin		. , , ,		Datur	n		Local Government Area(s) (if applicable)		
	□ 54 □ 55 □ 56		GI	GS84 DA94 ther:					
3.3) A	dditional prei	mises							
<ul> <li>☐ Additional premises are relevant to this development application and the details of these premises have been attached in a schedule to this development application</li> <li>☑ Not required</li> </ul>									
								vide any rele	vant details
☐ In o	or adjacent to	o a wat	ter body	or wa	itercourse or	in or a	bove a	n aquifer	
Name of water body, watercourse or aquifer:									
On strategic port land under the Transport Infrastructure Act 1994									
Lot on plan description of strategic port land:					land:				
Name of port authority for the lot:									
☐ In a	a tidal area								
Name	of local gove	ernmer	nt for the	tidal	area (if applica	able):			
Name	of port author	ority fo	r tidal are	ea (if a	applicable):				
On airport land under the Airport Assets (Restructuring and Disposal) Act 2008									
Name of airport:									

Listed on the Environmental Management Register (EM	IR) under the Environmental Protection Act 1994			
EMR site identification:				
Listed on the Contaminated Land Register (CLR) under	the Environmental Protection Act 1994			
CLR site identification:				
5) Are there any existing easements over the premises?  Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see <u>DA Forms Guide</u> .				
☐ Yes – All easement locations, types and dimensions are application	e included in plans submitted with this development			
⊠ 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)
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):
Eastern Kuku Yalanji Warra Community Tourism Park, comprising 11 accommodation units (Nature-based Tourism and Outstation) an Environment Facility and Caretaker's Accommodation
e) Relevant plans  Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="DA Forms guide: Relevant plans">DA Forms guide: Relevant plans</a> .
Relevant plans of the proposed development are attached to the development application
6.2) Provide details about the second development aspect
a) What is the type of development? (tick only one box)
☐ Material change of use ☐ Reconfiguring a lot ☐ Operational work ☐ Building work
b) What is the approval type? (tick only one box)
☐ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval
c) What is the level of assessment?
☐ Code assessment ☐ Impact assessment (requires public notification)
d) Provide a brief description of the proposal (e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):
e) Relevant plans  Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="DA Forms Guide: Relevant plans">DA Forms Guide: Relevant plans</a> .
Relevant plans of the proposed development are attached to the development application
6.3) Additional aspects of development
<ul> <li>☐ 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</li> <li>☐ Not required</li> </ul>

Section 2 – Further develo	pment de	etails					
7) Does the proposed develop	ment appl	ication invol	ve any of the follow	ving?			
Material change of use	$oxed{\boxtimes}$ Yes – complete division 1 if assessable against a local planning instrument						
Reconfiguring a lot	☐ Yes – complete division 2						
Operational work	☐ Yes -	Yes – complete division 3					
Building work	☐ Yes -	- complete	DA Form 2 – Buildi	ng work dei	tails		
Division 1 – Material change  Note: This division is only required to be local planning instrument.	e completed i		e development applicati	ion involves a	material chan	ge of use asse	ssable against a
8.1) Describe the proposed m				definition.	Nivershour	مر المرابع المرابع	Cross flass
Provide a general description proposed use	of the		ne planning scheme Th definition in a new rov		units (if ap	of dwelling oplicable)	Gross floor area (m²) (if applicable)
Accommodation units x 11		Nature-ba	sed Tourism / Outs	station			354
Environmental and cultural ce	ntre	Environme	ent Facility				202.6
Caretaker's Accommodation		Caretaker	's Accommodation				45
8.2) Does the proposed use in	volve the	use of existi	ng buildings on the	premises?			
Yes							
⊠ No							
Division 2 – Reconfiguring a Note: This division is only required to be 9.1) What is the total number	e completed i			on involves re	configuring a	lot.	
O O) Mhat is the mature of the	lat va a sufic	www.matia.m2 //:					
9.2) What is the nature of the	iot reconné	guration? (tid		nto porto bi	, o are o m o r	A (	41)
Subdivision (complete 10))		☐ Dividing land into parts by agreement (complete 11)) ☐ Creating or changing an easement giving access to a lot					
Boundary realignment (complete 12))		from a constructed road (complete 13))					
10) Subdivision							
10.1) For this development, he	ow many lo	ots are being	g created and what	is the inten	ded use of	those lots:	
Intended use of lots created	Reside	ential	Commercial	Industrial	С	ther, please	specify:
Number of lots created							
10.2) Will the subdivision be s	taged?						
☐ Yes – provide additional de	etails belov	V					
How many stages will the wor	ks include	?					
What stage(s) will this develop apply to?	oment appl	lication					

11) Dividing land int parts?	o parts b	y ag	reement – how	/ mar	y parts	s are being o	reated and wha	t is the intended use of the
Intended use of par	ts create	d	d Residential		Commercial		Industrial	Other, please specify:
Number of parts cre	atod							
Number of parts cre	aleu							
12) Boundary realig	nment							
12.1) What are the current and proposed areas for each lot comprising the premises?								
	Current lot Proposed lot							
Lot on plan descript	tion	Are	rea (m²)			Lot on plan description		Area (m²)
12.2) What is the re	ason for	the	boundary reali	gnme	nt?			
,			· ·	-				
(0) 11/1 (1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1								
13) What are the di				exist	ing ea	sements bei	ng changed and	/or any proposed easement?
Existing or	Width (	m)	Length (m)			f the easeme	ent? (e.g.	Identify the land/lot(s)
proposed?				peae	strian ad	ccess)		benefitted by the easement
Division 3 – Operati <u>Note: This division is only</u>			amploted if any nov	et of the	a davala	nmant annliaati	an invalvas anaratio	nalwork
14.1) What is the na					e develo	ртен аррисан	on involves operatio	nai work.
☐ Road work					mwate	er	☐ Water in	frastructure
Drainage work					hwork	S		infrastructure
Landscaping	nooifu:			Sigr	nage		☐ Clearing	vegetation
Other – please specify:  14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)								
Yes – specify number of new lots:								
□ No								
14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)								
\$								
PART 4 – ASSESSMENT MANAGER DETAILS								
ANT T ACCESSIVE IN MAINACEN 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?								
<ul><li>☐ Yes – a copy of the decision notice is attached to this development application</li><li>☐ The local government is taken to have agreed to the superseded planning scheme request – relevant documents</li></ul>								
attached	iment is t	.ake	n to have agree	ะน เช	me su	perseaea pia	anning scheme f	equest – relevant documents
⊠ 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 – 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 infrastructu	ure					
Matters requiring referral to the <b>Brisbane City Council:</b> Ports – Brisbane core port land						
Matters requiring referral to the Minister responsible for	administering the <i>Transport Ii</i>	nfrastructure 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 re	levant port authority:					
☐ Ports – Land within limits of another port (below high-wate	r mark)					
Matters requiring referral to the Gold Coast Waterways A	uthority:					
☐ Tidal works or work in a coastal management district (in	n Gold Coast waters)					
Matters requiring referral to the Queensland Fire and Em	ergency 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 f	or this development application?					
Yes – referral response(s) received and listed below are attached to this development application						
∐ No	I					
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).						
(п арриолого).						
PART 6 – INFORMATION REQUEST						
19) Information request under Part 3 of the DA Rules						

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:					
<ul> <li>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</li> </ul>					
<ul> <li>Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</li> </ul>					
Further advice about information requests is contained in the <u>DA Forms Guide</u> .					

# 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	Reference number	Date		Assessment		
application references				manager		
☐ Approval☐ Development application						
<ul><li>☐ Approval</li><li>☐ Development application</li></ul>						
21) Has the portable long ser	vice leave levy been paid? (on	nly applicable to	o development applicat	ions involving building work or		
operational work)	( )	, .,,,		3 3		
	ted QLeave form is attached t		• • • • • • • • • • • • • • • • • • • •			
	rovide evidence that the porta					
	ides the development applicat val only if I provide evidence t					
	ng and construction work is les	•		•		
Amount paid	Date paid (dd/mm/yy)		QLeave levy nun	nber (A, B or E)		
\$			•	,		
			<u> </u>			
22) Is this development applic	cation in response to a show c	ause notice	or required as a re	esult 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 <b>Environmentally Relevant Activity (ERA)</b> under section 115 of the <i>Environmental Protection Act 1994</i> ?						
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						
	tal authority can be found by searchin			at www.gld.gov.au. An ERA		
	to operate. See <u>www.business.qld.go</u>					
Proposed ERA number:		Proposed E	RA 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						
Note: See www.husiness.ald.gov.au	for further information about hazardo	ous chemical no	otifications			

Clearing native vegetation
23.3) Does this development application involve <b>clearing native vegetation</b> that requires written confirmation that the chief executive of the <i>Vegetation Management Act 1999</i> is satisfied the clearing is for a relevant purpose under section 22A of the <i>Vegetation Management Act 1999</i> ?
☐ Yes – this development application includes written confirmation from the chief executive of the <i>Vegetation Management Act 1999</i> (s22A determination)
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 <a href="https://www.qld.gov.au/environment/land/vegetation/applying">https://www.qld.gov.au/environment/land/vegetation/applying</a> 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 <b>prescribed environmental matter</b> under the <i>Environmental Offsets Act 2014</i> ?
<ul> <li>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</li> <li>No</li> </ul>
Note: The environmental offset section of the Queensland Government's website can be accessed at <a href="https://www.qld.gov.au">www.qld.gov.au</a> 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 <a href="www.des.qld.gov.au">www.des.qld.gov.au</a> for further information.
Water resources
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 <i>Water Act 2000</i> ?
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 <i>Water Act 2000</i> ?   Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the <i>Water Act 2000</i> may be required prior to commencing development
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 <i>Water Act 2000</i> ?  ☐ Yes − the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the <i>Water Act 2000</i> may be required prior to commencing development   ☐ No
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 <i>Water Act 2000</i> ?  Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the <i>Water Act 2000</i> may be required prior to commencing development Note: Contact the Department of Natural Resources, Mines and Energy at <a href="https://www.dnrme.qld.gov.au">www.dnrme.qld.gov.au</a> for further information.
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 <i>Water Act 2000</i> ?  ☐ Yes − the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the <i>Water Act 2000</i> may be required prior to commencing development   ☐ No
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 <i>Water Act 2000</i> ?  □ Yes − the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the <i>Water Act 2000</i> may be required prior to commencing development □ No  Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au for further information.  DA templates are available from https://planning.dsdmip.qld.gov.au/. If the development application involves:  • Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1  • Taking or interfering with water in a watercourse, lake or spring: complete DA Form1 Template 2
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 <i>Water Act 2000</i> ?  ☐ Yes − the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the <i>Water Act 2000</i> may be required prior to commencing development  ☐ No  Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au for further information.  DA templates are available from <a href="https://planning.dsdmip.qld.gov.au/">https://planning.dsdmip.qld.gov.au/</a> . If the development application involves:  Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1  Taking overland flow water: complete DA Form 1 Template 3.
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 <a href="www.dnrme.qid.gov.au">www.dnrme.qid.gov.au</a> for further information.  DA templates are available from <a href="https://planning.dsdmip.qid.gov.au">https://planning.dsdmip.qid.gov.au</a> . 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 Form1 Template 2  Taking overland flow water: complete DA Form 1 Template 3.  Waterway barrier works
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 Note: Contact the Department of Natural Resources, Mines and Energy at <a href="www.dnrme.qld.gov.au">www.dnrme.qld.gov.au</a> for further information.  DA templates are available from <a href="https://planning.dsdmip.qld.gov.au">https://planning.dsdmip.qld.gov.au</a> . 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 Form1 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
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 <a href="www.dnrme.qld.gov.au">www.dnrme.qld.gov.au</a> for further information.  DA templates are available from <a href="https://planning.dsdmip.qld.gov.au">https://planning.dsdmip.qld.gov.au</a> . 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 Form1 Template 2  Taking overland flow water: complete DA Form 1 Template 3.  Waterway barrier works  23.7) Does this application involve waterway barrier works?
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 <a href="www.dnrme.gld.gov.au">www.dnrme.gld.gov.au</a> for further information.  DA templates are available from <a href="https://planning.dsdmip.gld.gov.au">https://planning.dsdmip.gld.gov.au</a> . 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 Form1 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 involving waterway barrier works, complete DA templates are available from <a href="https://planning.dsdmip.gld.gov.au/">https://planning.dsdmip.gld.gov.au/</a> . For a development application involving waterway barrier works, complete
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 <a href="https://planning.dsdmip.qld.gov.au/">www.dnrme.qld.gov.au</a> for further information.  DA templates are available from <a href="https://planning.dsdmip.qld.gov.au/">https://planning.dsdmip.qld.gov.au/</a> . 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 Form1 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 <a href="https://planning.dsdmip.qld.gov.au/">https://planning.dsdmip.qld.gov.au/</a> . For a development application involving waterway barrier works, complete DA Form 1 Template 4.
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 <a href="www.dnrme.qld.gov.au">www.dnrme.qld.gov.au</a> for further information.  DA templates are available from <a href="https://planning.dsdmip.qld.gov.au">https://planning.dsdmip.qld.gov.au</a> . 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 Form1 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 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

Quarry materials from a watercourse or lake					
23.9) Does this development application involve the <b>removal of quarry materials from a watercourse or lake</b> under the <i>Water Act 2000?</i>					
☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development ☐ No					
<b>Note</b> : Contact the Department of Natural Resources, Mines and Energy at <a href="www.dnrme.qld.gov.au">www.business.qld.gov.au</a> for further information.					
Quarry materials from land under tidal waters					
23.10) Does this development application involve the <b>removal of quarry materials from land under tidal water</b> under the <i>Coastal Protection and Management Act 1995?</i>					
☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development ☐ No					
<b>Note</b> : Contact the Department of Environment and Science at <a href="www.des.qld.gov.au">www.des.qld.gov.au</a> for further information.					
Referable dams					
23.11) Does this development application involve a <b>referable dam</b> required to be failure impact assessed under section 343 of the <i>Water Supply (Safety and Reliability) Act 2008</i> (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 <a href="https://www.dnrme.qld.gov.au">www.dnrme.qld.gov.au</a> 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:					
<ul> <li>Evidence the proposal meets the code for assessable development that is prescribed tidal work (only required if application involves prescribed tidal work)</li> <li>A certificate of title</li> </ul>					
No No					
Note: See guidance materials at www.des.qld.gov.au for further information.					
Queensland and local heritage places					
23.13) Does this development application propose development on or adjoining a place entered in the <b>Queensland heritage register</b> or on a place entered in a local government's <b>Local Heritage Register</b> ?					
<ul><li>☐ Yes – details of the heritage place are provided in the table below</li><li>☑ No</li></ul>					
Note: See guidance materials at <a href="www.des.qld.gov.au">www.des.qld.gov.au</a> for information requirements regarding development of Queensland heritage places.					
Name of the heritage place: Place ID:					
<u>Brothels</u>					
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 <i>Prostitution Regulation 2014</i>					
No     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 <i>Transport Infrastructure Act 1994</i> (subject to the conditions in section 75 of the <i>Transport Infrastructure Act 1994</i> being satisfied)					
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 **Note**: See guidance materials at <a href="www.planning.dsdmip.qld.gov.au">www.planning.dsdmip.qld.gov.au</a> 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  Note: See the Planning Regulation 2017 for referral requirements	⊠ Yes
If building work is associated with the proposed development, Parts 4 to 6 of <u>DA Form 2 – Building work details</u> have been completed and attached to this development application	☐ Yes ☑ Not applicable
Supporting information addressing any applicable assessment benchmarks is with the development application	
<b>Note</b> : 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 <a href="DA">DA</a> 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	⊠ Yes
information, see <u>DA Forms Guide: Relevant plans.</u>	
The portable long service leave levy for QLeave has been paid, or will be paid before a	Yes
development permit is issued (see 21)	Not applicable
25) Applicant declaration	
20) Applicant declaration	
By making this development application, I declare that all information in this developmen correct	t application is true and
<ul> <li>☑ By making this development application, I declare that all information in this development correct</li> <li>☑ Where an email address is provided in Part 1 of this form, I consent to receive future electrical contents.</li> </ul>	ctronic communications
<ul> <li>☑ By making this development application, I declare that all information in this development correct</li> <li>☑ Where an email address is provided in Part 1 of this form, I consent to receive future electrom the assessment manager and any referral agency for the development application of the development application application application of the development application applicati</li></ul>	ctronic communications where written information
<ul> <li>By making this development application, I declare that all information in this development correct</li> <li>Where an email address is provided in Part 1 of this form, I consent to receive future elegation that the assessment manager and any referral agency for the development application is required or permitted pursuant to sections 11 and 12 of the <i>Electronic Transactions Actions</i></li> </ul>	ctronic communications where written information
<ul> <li>By making this development application, I declare that all information in this development correct</li> <li>Where an email address is provided in Part 1 of this form, I consent to receive future electrom the assessment manager and any referral agency for the development application is required or permitted pursuant to sections 11 and 12 of the <i>Electronic Transactions Activities unlawful to intentionally provide false or misleading information.</i></li> </ul>	ctronic communications where written information at 2001
<ul> <li>By making this development application, I declare that all information in this development correct</li> <li>Where an email address is provided in Part 1 of this form, I consent to receive future electrom the assessment manager and any referral agency for the development application is required or permitted pursuant to sections 11 and 12 of the <i>Electronic Transactions Actions It is unlawful to intentionally provide false or misleading information.</i></li> <li>Privacy – Personal information collected in this form will be used by the assessment management of the provided in the provided in this form will be used by the assessment management.</li> </ul>	ctronic communications where written information at 2001 ger and/or chosen
<ul> <li>By making this development application, I declare that all information in this development correct</li> <li>Where an email address is provided in Part 1 of this form, I consent to receive future electrom the assessment manager and any referral agency for the development application is required or permitted pursuant to sections 11 and 12 of the <i>Electronic Transactions Actions It is unlawful to intentionally provide false or misleading information.</i></li> <li>Privacy – Personal information collected in this form will be used by the assessment manager assessment manager, any relevant referral agency and/or building certifier (including any principle).</li> </ul>	ctronic communications where written information at 2001 ger and/or chosen ofessional advisers
<ul> <li>By making this development application, I declare that all information in this development correct</li> <li>Where an email address is provided in Part 1 of this form, I consent to receive future electrom the assessment manager and any referral agency for the development application is required or permitted pursuant to sections 11 and 12 of the <i>Electronic Transactions Actions It is unlawful to intentionally provide false or misleading information.</i></li> <li>Privacy – Personal information collected in this form will be used by the assessment management of the provided in the provided in this form will be used by the assessment management.</li> </ul>	ctronic communications where written information at 2001 ger and/or chosen ofessional advisers elopment application.
<ul> <li>☑ By making this development application, I declare that all information in this development correct</li> <li>☑ Where an email address is provided in Part 1 of this form, I consent to receive future electron the assessment manager and any referral agency for the development application is required or permitted pursuant to sections 11 and 12 of the <i>Electronic Transactions Actions It is unlawful to intentionally provide false or misleading information.</i></li> <li>Privacy – Personal information collected in this form will be used by the assessment manager assessment manager, any relevant referral agency and/or building certifier (including any provide may be engaged by those entities) while processing, assessing and deciding the development application.</li> </ul>	ctronic communications where written information at 2001 ger and/or chosen ofessional advisers elopment application.
<ul> <li>☑ By making this development application, I declare that all information in this development correct</li> <li>☑ Where an email address is provided in Part 1 of this form, I consent to receive future electrom the assessment manager and any referral agency for the development application of its required or permitted pursuant to sections 11 and 12 of the <i>Electronic Transactions Active: It is unlawful to intentionally provide false or misleading information.</i></li> <li>Privacy – Personal information collected in this form will be used by the assessment manager assessment manager, any relevant referral agency and/or building certifier (including any provide may be engaged by those entities) while processing, assessing and deciding the deventional properties on the assessment manager's and/or referral agency's website.</li> <li>Personal information will not be disclosed for a purpose unrelated to the <i>Planning Act 2016</i>,</li> </ul>	ctronic communications where written information of 2001  ger and/or chosen of essional advisers elopment application. our chase, and/or
<ul> <li>☑ By making this development application, I declare that all information in this development correct</li> <li>☑ Where an email address is provided in Part 1 of this form, I consent to receive future electron the assessment manager and any referral agency for the development application is required or permitted pursuant to sections 11 and 12 of the <i>Electronic Transactions Active It is unlawful to intentionally provide false or misleading information.</i></li> <li>Privacy – Personal information collected in this form will be used by the assessment manager assessment manager, any relevant referral agency and/or building certifier (including any province may be engaged by those entities) while processing, assessing and deciding the development application may be available for inspection and published on the assessment manager's and/or referral agency's website.</li> <li>Personal information will not be disclosed for a purpose unrelated to the <i>Planning Act 2016</i>, Regulation 2017 and the DA Rules except where:</li> </ul>	ctronic communications where written information at 2001 ger and/or chosen ofessional advisers elopment application. ourchase, and/or  Planning
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# PART 9 - FOR COMPLETION OF THE ASSESSMENT MANAGER - FOR OFFICE **USE ONLY**

Date received: Reference number(s):							
Treference flamber(s).							
Notification of engagement of alternative assessment manager							
Prescribed assessment man	nager						
Name of chosen assessmen	nt manager						
Date chosen assessment ma	anager engaged						
Contact number of chosen a	ssessment manager						
Relevant licence number(s)	of chosen assessment						
manager							
QLeave notification and payment							
Note: For completion by assessmen	nt manager if applicable						
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