

DA Form 1 – Development application details

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

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

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

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

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

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

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

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

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	AP and BR Eldridge
Contact name <i>(only applicable for companies)</i>	c/- Patrick Clifton
Postal address <i>(P.O. Box or street address)</i>	GMA Certification, PO Box 2760
Suburb	Nerang
State	Queensland
Postcode	4211
Country	Australia
Contact number	0438 755 374
Email address <i>(non-mandatory)</i>	Patrick.c@gmacert.com.au
Mobile number <i>(non-mandatory)</i>	0438 755 374
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	20185233

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

PART 2 – LOCATION DETAILS

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

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

3.1) Street address and lot on plan

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		22R	Mountain View Road	Shannonvale
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		4	SP134229	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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

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

☐ Coordinates of premises by longitude and latitude

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

☐ Coordinates of premises by easting and northing

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

3.3) Additional premises

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

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

☐ In or adjacent to a water body or watercourse or in or above an aquifer
 Name of water body, watercourse or aquifer:

☐ On strategic port land under the *Transport Infrastructure Act 1994*
 Lot on plan description of strategic port land:
 Name of port authority for the lot:

☐ In a tidal area
 Name of local government for the tidal area (if applicable):
 Name of port authority for tidal area (if applicable):

☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*
 Name of airport:

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

5) Are there any existing easements over the premises?

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

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

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

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

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

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

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

c) What is the level of assessment?

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

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

Construction of a Farm Dam

e) Relevant plans

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

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

6.2) Provide details about the second development aspect

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

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

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

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

c) What is the level of assessment?

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

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

e) Relevant plans

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

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

6.3) Additional aspects of development

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

Section 2 – Further development details**7) Does the proposed development application involve any of the following?**

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

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use

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

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

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

Division 2 – Reconfiguring a lot

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

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

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

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

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

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

10.2) Will the subdivision be staged?

- ☐ Yes – provide additional details below
- ☐ No

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

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

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

12) Boundary realignment

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

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

12.2) What is the reason for the boundary realignment?

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

Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

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

14.1) What is the nature of the operational work?

<input type="checkbox"/> Road work	<input type="checkbox"/> Stormwater	<input type="checkbox"/> Water infrastructure	
<input type="checkbox"/> Drainage work	<input checked="" type="checkbox"/> Earthworks	<input type="checkbox"/> Sewage infrastructure	
<input type="checkbox"/> Landscaping	<input type="checkbox"/> Signage	<input type="checkbox"/> Clearing vegetation	
<input type="checkbox"/> Other – please specify: <table border="1" style="width: 100%;"><tr><td></td></tr></table>			

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

<input type="checkbox"/> Yes – specify number of new lots:	
<input checked="" type="checkbox"/> No	

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

less than \$150,000

PART 4 – ASSESSMENT MANAGER DETAILS

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

Douglas Shire Council

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

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

PART 5 – REFERRAL DETAILS

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

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

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

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

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

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

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

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

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

PART 6 – INFORMATION REQUEST

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

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)

- ☐ Yes – a copy of the receipted QLeave form is attached to this development application
☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid
☒ Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

Amount paid	Date paid (dd/mm/yy)	QLeave levy number
\$		

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

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

23) Further legislative requirements

Environmentally relevant activities

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

- ☐ Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below
☒ No

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

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

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

Hazardous chemical facilities

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

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

Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.

Clearing native vegetation

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

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

☒ No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.

2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

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

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

☒ No

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

Koala conservation

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

☐ Yes

☒ No

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

Water resources

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

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

☒ No

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

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

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

Waterway barrier works

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

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

☐ No

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

Marine activities

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

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

☒ No

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

Quarry materials from a watercourse or lake

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

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

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

Quarry materials from land under tidal waters

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

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

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

Referable dams

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

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

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

Tidal work or development within a coastal management district

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

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

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

Queensland and local heritage places

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

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

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

Name of the heritage place:		Place ID:	
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Brothels

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

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

Decision under section 62 of the Transport Infrastructure Act 1994

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

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

PART 8 – CHECKLIST AND APPLICANT DECLARATION

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

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

PART 9 – FOR OFFICE USE ONLY

Date received: Reference number(s):

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

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



GMA Certification
Group

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Building Certification Services*



PLANNING STATEMENT

For: AP & BR Eldridge
Development: Operational Works (Dam)
At: 22R Mountain View Road, Shannonvale
Prepared by: GMA Certification Group
File Ref: 20185233
Revision: A

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1.0 Introduction

This report has been prepared on behalf of AP and BR Eldridge in support of a Development Application to Douglas Shire Council for a Development Permit for Operational Works to regularise the construction of a dam on land located at 22R Mountain View Road and described as Lot 4 on SP134229.

The subject site is a single allotment with an area of 16.23 hectares located at Mountain View Road, Shannonvale, and with frontage to Mountain View Road, Ponzo Road and Thomson Low Drive.

The site is currently improved by a single detached dwelling, two large outbuildings and a dam. The Dwelling and outbuildings are located in the eastern portion of the site and adjacent the Mountain View Drive frontage. The dam is located to the south of the dwelling and outbuildings and approximately centrally on the site.

Excavation works have been undertaken to the existing dam and the spoil has been used to construct a dam wall to the north of the site to detain water within a natural overland flow path. The proposed wall would result in an additional dam located in the north west of the property and adjacent the intersection of Ponzo Road and Thomson Low Drive.

The application is identified as being Code Assessable and consideration is required to be given to the relevant codes contained in the Douglas Shire Planning Scheme.

The proposed development is considered to be consistent with the Planning Scheme codes and is considered to be a suitable development in the site. The application is submitted for approval, subject to reasonable and relevant conditions.

2.0 Development Summary

Address:	22R Mountain View Road, Shannonvale
Real Property Description:	Lot 4 SP134229
Easements & Encumbrances:	Nil
Site Area/Frontage:	Area: 16.23 hectares Frontage: Mountain View Road; Gonzo Road; and, Thomson Low Road.
Registered Owner:	Ap & Br Eldridge
Proposal:	Operational Works (Dam)
Approval Sought:	Development Permit
Level of Assessment:	Code Assessment
State Interests – State Planning Policy	<ul style="list-style-type: none"> • Economic Growth – Agricultural Land Classification (Class A and B). • Environment and Heritage – MSES regulated Vegetation (intersecting a watercourse) • Safety and Resilience to Hazards – Flood Hazard Area – Level 1 Qld Floodplain.
State Interests – SARA Mapping:	<ul style="list-style-type: none"> • Fish Habitat Areas – Queensland Waterways for Waterway Barrier Works - Low Impact Waterway • Native Vegetation Clearing – Category X
Referral Agencies:	Nil: - Accepted Development (Waterway Barrier Works) - Does not trigger referral as a Referrable Dam.
State Development Assessment Provisions:	Nil
Regional Plan Designation:	Regional Landscape and Rural Production Area
Zone:	Rural
Local Plan Designation:	N/A

Overlays:

- Flood and Storm Tide Inundation Overlay
 - Landscape Values Overlay
 - Natural Areas Overlay
-

3.0 Site and Locality

The subject site is a single allotment with an area of 16.23 hectares located at Mountain View Road, Shannonvale, and with frontage to Mountain View Road, Ponzo Road and Thomson Low Drive. The site is predominantly cleared of vegetation and is used for the grazing of cattle.

The site is currently improved by a single detached dwelling, two large outbuildings and a dam. The Dwelling and outbuildings are located in the eastern portion of the site and adjacent the Mountain View Drive frontage. The dam is located to the south of the dwelling and outbuildings and approximately centrally on the site.

The locality containing the site is generally characterised by large rural properties and rural lifestyle allotments.



Photo 1 – Site Location (Source Queensland Globe)

4.0 Proposal

Excavation works have been undertaken to the existing dam and the spoil has been used to construct a dam wall to the north of the site to detain water within a natural overland flow path. The proposed wall would result in an additional dam located in the north west of the property and adjacent the intersection of Ponzo Road and Thomson Low Drive.

On 30 November 2018, Douglas Shire Council issued a Show Cause Notice for carrying out assessable development without a permit. A copy of the Show Cause Notice is attached at [Appendix 2](#).

The Dam would have the following characteristics:

Feature	Measurement
Crest Height	2.6 metres
Thickness of Crest	2.4 metres
Height of Spillway	1.5 metres
Width of Spillway	10 metres
Base Width	15 metres
Length of Wall	100 metres
Distance of backup from barrier wall at full supply level	80 metres

Proposal Plans of the dam are attached at [Appendix 3](#).

5.0 Statutory Planning Considerations

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

5.1 Planning Act 2016

5.1.1 Categorisation of Development

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

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

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

5.1.2 Assessment Manager

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

5.1.3 Level of Assessment

The application involves Operational Works that comprises the filling and excavation of more than 50m³ of soil. The table below identifies the level of assessment and the categorising section of the Douglas Shire Planning Scheme.

Development	Categorising Section	Level of Assessment
Operational Works (>50m ³ of excavation or fill)	5.6.j	Code Assessable

5.1.4 Statutory Considerations for Assessable Development

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

This assessment is further discussed in Section 6.0 of this report and a detailed assessment of the proposed development against the assessment benchmarks is provided at [Appendix 4](#).

5.1.5 State Planning Policy

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

- Economic Growth – Agricultural Land Classification (Class A and B).
- Environment and Heritage – MSES regulated Vegetation (intersecting a watercourse)
- Safety and Resilience to Hazards – Flood Hazard Area – Level 1 Qld Floodplain.

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

5.1.6 Regional Plan

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

5.1.7 Referral Agencies

Whilst the works satisfies the definition of Waterway Barrier Works, the watercourse is identified as a low impact watercourse and the works satisfy the Accepted Development requirements. Similarly the dam does not satisfy the requirements for a Referrable Dam in terms of storage volume and characteristics. Consequently, there are no referral agencies identified in respect of this application.

5.1.8 State Development Assessment Provisions

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

6.0 Local Planning Considerations

6.1 Douglas Shire Council Planning Scheme

Within the Douglas Shire Planning Scheme, the site is identified within the Rural Zone and is affected by the following overlays:

- Flood and Storm Tide Hazard Overlay; and,
- Natural Areas Overlay.

The Table below identifies the applicable Assessment Benchmarks contained within the Planning Scheme and provides a summary of compliance. A detailed analysis is attached at [Appendix 4](#).

Assessment Benchmark	Applicability	Compliance
Rural Zone Code	Applies	Complies with all applicable Acceptable Outcomes and Performance Outcomes,
Flood and Storm Tide Hazard Overlay Code	Applies	Complies with all applicable Acceptable Outcomes.
Natural Areas Overlay Code	Applies	Complies with all applicable Acceptable Outcomes.
Environmental Performance Code	Not Applicable	Does not apply to operational works relating to excavation and fill.
Excavation and Filling Code	Applies	Complies with applicable Acceptable Outcomes.

7.0 Summary and Conclusion

This report has been prepared on behalf of AP and BR Eldridge in support of a Development Application to Douglas Shire Council for a Development Permit for Operational Works to regularise the construction of a dam on land located at 22R Mountain View Road and described as Lot 4 on SP134229.

The subject site is a single allotment with an area of 16.23 hectares located at Mountain View Road, Shannonvale, and with frontage to Mountain View Road, Ponzo Road and Thomson Low Drive. It is currently improved by a single detached dwelling, two large outbuildings and a dam. The dwelling and outbuildings are located in the eastern portion of the site and adjacent the Mountain View Drive frontage. The existing dam is located to the south of the dwelling and outbuildings and approximately centrally on the site.

Excavation works have been undertaken to the existing dam and the spoil has been used to construct a dam wall to the north of the site to detain water within a natural overland flow path. The proposed wall would result in an additional dam located in the north west of the property and adjacent the intersection of Ponzo Road and Thomson Low Drive.

The application is identified as being Code Assessable and consideration is required to be given to the relevant codes contained in the Douglas Shire Planning Scheme.

The proposed development is considered to be consistent with the Planning Scheme codes and is considered to be a suitable development in the site. The application is submitted for approval, subject to reasonable and relevant conditions.

Appendix 1.

CERTIFICATE OF TITLE

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 30256242

Search Date: 18/12/2018 11:44

Title Reference: 50383831

Date Created: 20/02/2002

Previous Title: 50292775

REGISTERED OWNER

Dealing No: 706879349 11/08/2003

BRYAN ROBERT ELDRIDGE

ANNE PATRICIA ELDRIDGE

JOINT TENANTS

ESTATE AND LAND

Estate in Fee Simple

LOT 4

SURVEY PLAN 134229

Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20135221 (POR 22V)
Deed of Grant No. 20616100 (POR 49)
2. EASEMENT No 705413138 19/02/2002 at 15:20
burdening the land to
LOT 5 ON SP134229 OVER
EASEMENT A ON SP143043
3. MORTGAGE No 706879350 11/08/2003 at 16:07
AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED A.C.N. 005
357 522

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

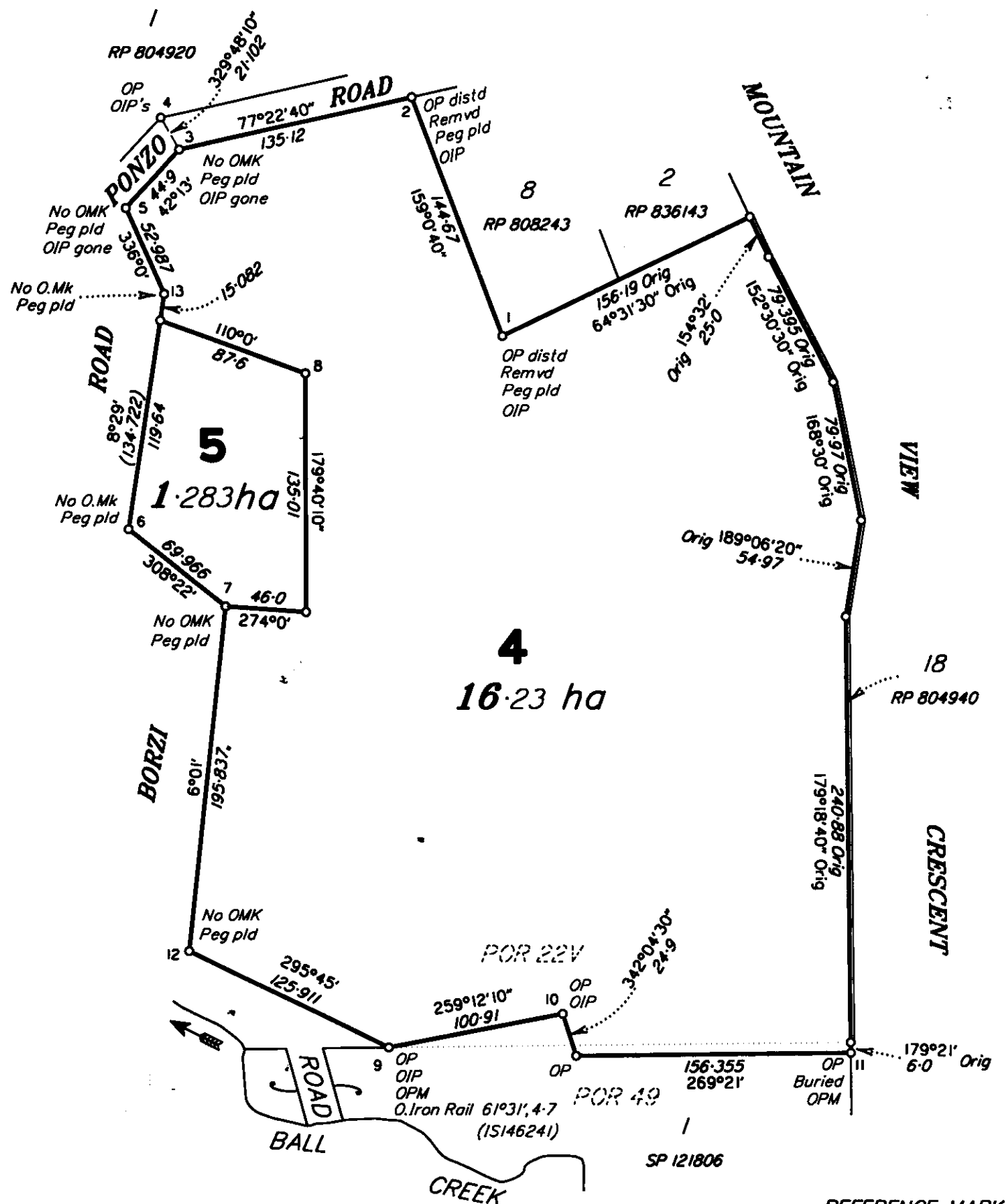
** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (NATURAL RESOURCES, MINES AND ENERGY) [2018]
Requested By: D-ENQ URBIS PRO

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

SURVEY PLAN

Sheet 1 of 1



Original information compiled from SP121806
in the Department of Natural Resources.

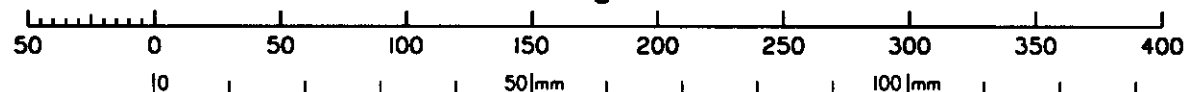
Branded Peg placed at all new corners
and at stn's 1-3, 5-7, 12 and 13.

REFERENCE MARKS				
STN	TO	ORIGIN	BEARING	DIST
1	OIP	RP 808243	244°31'40"	1.09
2	OIP	RP 808243	339°27'40"	1.264
3	Pin		71°00'10"	32.7
3	OIP gone	RP808243	329°47'30"	0.89
4	OIP	RP748128	150°45'	3.77
4	OIP	RP808243	79°11'10"	73.305
5	Pin		143°08'45"	5.69
5	OIP gone	RP748128	234°09'	9.495
6	Pin	Pin	17°25'20"	9.82
7	Pin	Pin	148°16'	1.84
8	Pin	Pin	303°09'	3.15
9	OIP	RP749714	232°16'	0.32
10	OIP	SP121806	345°53'	0.99
12	Pin		127°20'	5.475

PERMANENT MARKS				
PM	ORIGIN	BEARING	DIST	NO
9-OPM	SP 121806	280°0'	2.86	123247
11-OPM	SP 121806	8°19'	6.915	99377

TYPE C

Scale 1:3000 - Lengths are in Metres.



C & B CONSULTANTS PTY LTD ACN 055 931 096
hereby certify that the Company has surveyed the land
comprised in this plan by DAVID ALLAN JENICHO,
Licensed Surveyor and Mark Gregory FERRERO, Surveying Associate
for whose work the company accepts responsibility, that
the plan is accurate, that the said survey was performed
in accordance with the Surveyors Act 1971 and the
Surveyors Regulation 1982 and that the said survey was
completed on 30/4/2002.



Plan of

Lots 4 & 5

Cancelling Lot 4 on SP 121806

PARISH: VICTORY

COUNTY: Solander

Meridian: RP 857603

F/N's: No

Scale: 1:3000

Format: STANDARD

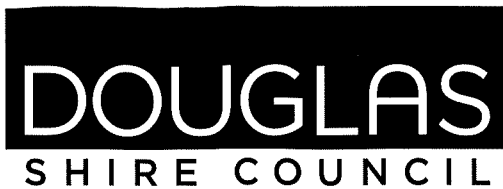


SP134229

Plan Status:

Appendix 2.

SHOW CAUSE NOTICE



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

OUR REF: 882814

30 November 2018

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

A P & B R Eldridge
P.O. Box 23
PORT DOUGLAS
QLD, 4877

Dear Mr & Mrs Eldridge

**RE: SHOW CAUSE FOR CARRYING OUT ASSESSABLE DEVELOPMENT
WITHOUT PERMIT AT 22R MOUNTAIN VIEW ROAD, SHANNONVALE
OTHERWISE KNOWN AS LOT 4 on SP 134229**

As the Owner of 22R Mountain View Road, Shannonvale otherwise known as Lot 4 on SP 134229, please find enclosed a Show Cause Notice for carrying out assessable development without permit.

Council Officers attended outside the Mountain View Road property, on 20 November, 2018, as a result of a customer enquiry. The officers observed and documented the construction of a dam wall near the property boundary closest to the Borzi and Shannonvale Road intersection.


Council has no record of any development approval for operational works for the above mentioned property.

You are invited to show cause as to why an Enforcement Notice should not be issued to you pursuant to section 168 of the Planning Act 2016.

Council advises you to cease any further works on what appears to be the construction of a dam on the above mentioned property until the appropriate development approvals are sought, if they can be obtained.


Any representations about the show cause are to be provided in writing. If you have any questions please don't hesitate to contact Melissa Mitchell on 40999487.

Yours faithfully


Paul Hoyer
Manager Sustainable Communities

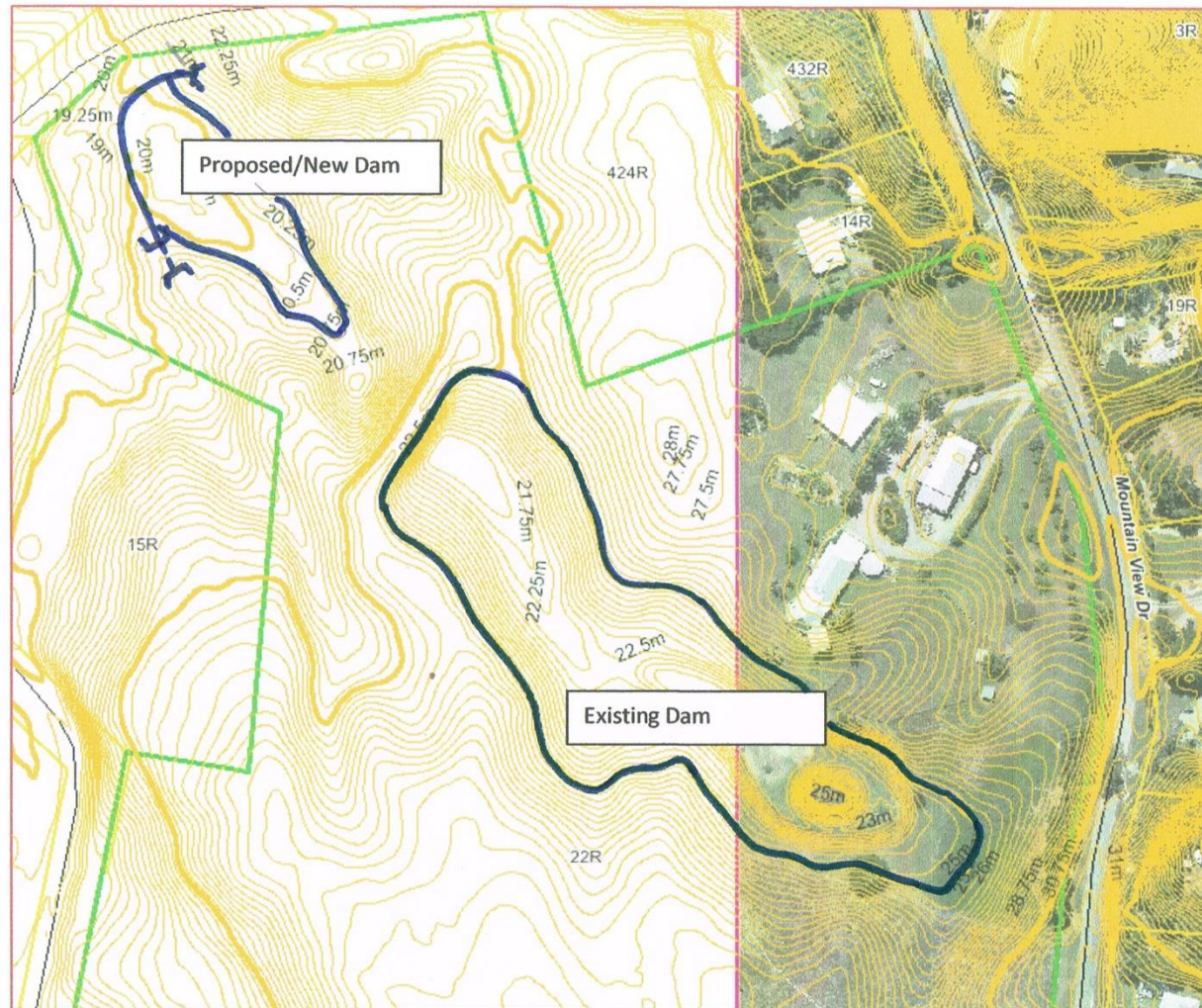
Show Cause Notice

1. Authorising legislation	Planning Act 2016 Section 167
2. Recipient Name and address	Brian Robert Eldridge and Anne Patricia Eldridge P.O Box 23 PORT DOUGLAS QLD, 4877
3. Date	30 November 2018
4. Premises	22R Mountain View Road, Shannonvale described as Lot 4 on SP134229
5. Authorising power/ description of offence	<p>This Show Cause Notice is given to you pursuant to section 167 of the <i>Planning Act 2016</i> (Act). You are invited to show cause why an Enforcement Notice under section 168 of the Act should not be given to you.</p> <p>Douglas Shire Council (Council) reasonably believes that you have committed a development offence by contravening section 163 of the Act.</p> <p>Section 163 of the Act states as follows:</p> <p>"163 Carrying out assessable development without permit</p> <p>(1) A person must not carry out assessable development, unless all necessary development permits are in effect for the development.</p> <p>Maximum penalty-</p> <p>(a) if the assessable development is on a Queensland heritage place or local heritage place – 17,000 penalty units; or</p> <p>(b) otherwise – 4500 penalty units.</p> <p>(2) However, subsection (1) does not apply to a development carried out-</p> <p>(a) under section 29(1)(a); or</p> <p>(b) in accordance with an exemption certificate under section 46."</p>
6. Fact and circumstances	<p>The facts and circumstances that form the basis of the Council's belief that an Enforcement Notice should be given to you are set out below:</p> <ol style="list-style-type: none"> You are the Owner of 22R Mountain View Road; Shannonvale described as Lot 4 on SP 134229 (Premises). On 20 November 2018, Council officers observed a large amount of earthworks on the premises near the property boundary closest to the Borzi and Shannonvale Road intersection. In particular, it was observed that some of the earth had been constructed into what appears to be a large dam wall. The Property is within the Rural Zone of the 2018 Douglas Shire Planning Scheme Version 1.0. Filling and excavation within a Rural Zone constitutes operational work under Part 5 of the Planning Scheme. Filling or excavation of greater than 50m³ within a Rural Zone is "Code Assessable" operational work under the Planning Scheme. As Code Assessable operational work under the Planning Scheme, the operational work is assessable development for which a development permit is required. Council has no record of a development permit for operational work having been given in respect of the Property.

	<p>9. It is a development offence under section 163 of the Act for a person to carry out assessable development, unless all necessary development permits are in effect for the development.</p> <p>10. As a consequence of carrying out operational work without a development permit, Council is of the view you have committed a development offence under section 163 of the Act.</p> <p>11. The maximum penalty for contravening section 163 of the Act is 4,500 penalty units (\$587,475).</p> <p>12. For these reasons, Council believes that an Enforcement Notice should be given to you.</p>
<p>6. Representations may be made</p>	<p>You may make representations to the Council about this Show Cause Notice.</p> <p>If you choose to make representations, they must be in writing and posted to the following address:</p> <p>Chief Executive Officer Douglas Shire Council PO Box 723 MOSSMAN QLD 4873</p> <p>Representations must be received by Council by no later than 5pm on 18 January 2019. Council is not obliged to consider any representations received after this time.</p> <p>An Enforcement Notice under section 168 of the Act may be given to you if you do not show cause within the time required under this notice, or if Council believes that an Enforcement Notice is still appropriate after consideration of all representations made by you within the required timeframe.</p> <p>Failure to comply with an Enforcement Notice is an offence under section 168(5) of the Act. The maximum penalty for contravening an Enforcement Notice is 4,500 penalty units (\$587,475).</p>
<p>7. Signatory</p>	<p> _____ <i>Paul Hoyer</i> <i>Manager Sustainable Communities</i></p> <p>Contact Officer: <i>Melissa Mitchell</i> Phone No: 07 4099 9444 Ref: #882852</p>

Appendix 3.

PROPOSAL PLANS



Site Plan

22R Mountain View Road

Date: 18 December 2018

Appendix 4.

BENCHMARK ASSESSMENT



20185233 – 22R Mountain View Road

6.2.10 Rural zone code

6.2.10.1 Application

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

6.2.10.2 Purpose

- (1) The purpose of the Rural zone code is to provide for:
 - (a) provide for rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities;
 - (b) provide opportunities for non-rural uses, such as ancillary tourism activities that are compatible with agriculture, the environmental features, and landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purposes;
 - (c) protect or manage significant natural resources and processes to maintain the capacity for primary production.
- (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: Environment and landscape values, Element 3.5.5 – Scenic amenity.
 - (ii) Theme 3: Natural resource management, Element 3.6.2 – Land and catchment management, Element 3.6.3 Primary production, forestry and fisheries, Element 3.6.4 – Resource extraction.
 - (iii) Theme 5 Economy, Element 3.8.2 – Economic growth and diversification, Element 3.8.4 – Primary production.
 - (iv) Theme 6: Infrastructure and transport, Element 3.9.4 – Transport.
 - (b) recognise the primacy of rural production, in particular sugar cultivation, and other farming practices in rural areas;



20185233 – 22R Mountain View Road

(c) provide protection to areas of ecological significance and scenic amenity significance where present.

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

- (a) Areas for use for primary production are conserved and fragmentation is avoided.
- (b) Development embraces sustainable land management practices and contributes to the amenity and landscape of the area.
- (c) Adverse impacts of land use, both on-site and on adjoining areas, are avoided and any unavoidable impacts are minimised through location, design, operation and management.
- (d) Areas of remnant and riparian vegetation are retained or rehabilitated.

6.2.10.3 Criteria for assessment

Table 6.2.10.3.a —Rural zone code - For accepted development subject to requirements and assessable development

Performance outcomes	Acceptable outcomes	Compliance
For self-assessable and assessable development		
PO1 The height of buildings is compatible with the rural character of the area and must not detrimentally impact on visual landscape amenity.	AO1.1 Dwelling houses are not more than 8.5 metres in height. Note – Height is inclusive of roof height.	Not Applicable The proposed development is not a dwelling house and does not involve any structures.
	AO1.2	Not Applicable



20185233 – 22R Mountain View Road

Performance outcomes		Acceptable outcomes	Compliance
		Rural farm sheds and other rural structures are not more than 10 metres in height.	The proposed development is not a dwelling house and does not involve any structures.
Setbacks			
PO2 Buildings and structures are setback to maintain the rural character of the area and achieve separation from buildings on adjoining properties.	AO2 Buildings are setback not less than: (a) 40 metres from the property boundary and a State-controlled road; (b) 25 metres from the property boundary adjoining Cape Tribulation Road; (c) 20 metres from the boundary with any other road; (d) 6 metres from side and rear property boundaries.	Not Applicable The proposal is for operational works only.	
PO3 Buildings/structures are designed to maintain the rural character of the area.	AO3 White and shining metallic finishes are avoided on external surfaces of buildings.	Not Applicable The proposal is for operational works only.	
For assessable development			



20185233 – 22R Mountain View Road

Performance outcomes	Acceptable outcomes	Compliance
PO4 The establishment of uses is consistent with the outcomes sought for the Rural zone and protects the zone from the intrusion of inconsistent uses.	AO4 Uses identified in Table 0.a are not established in the Rural zone.	Not Applicable The proposal is for operational works only.
PO5 Uses and other development include those that: (a) promote rural activities such as agriculture, rural enterprises and small scale industries that serve rural activities; or (b) promote low impact tourist activities based on the appreciation of the rural character, landscape and rural activities; or (c) are compatible with rural activities.	AO5 No acceptable outcomes are prescribed.	Complies with PO5 The construction of a dam is considered compatible with the rural activities in the site and in the area.
PO6 Existing native vegetation along watercourses and in, or adjacent to areas of environmental value, or areas of remnant vegetation of value is protected.	AO6 No acceptable outcomes are prescribed.	Not Applicable No vegetation is present in the location of the proposed dam.
PO7	AO7	Not Applicable



20185233 – 22R Mountain View Road

Performance outcomes	Acceptable outcomes	Compliance
<p>The minimum lot size is 40 hectares, unless</p> <p>(a) the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments to resolve encroachments); or</p> <p>(b) the reconfiguration is limited to one additional lot to accommodate:</p> <p>(i) Telecommunications facility;</p> <p>(ii) Utility installation.</p>	<p>No acceptable outcomes are prescribed.</p>	<p>The proposal does not involve reconfiguring a lot.</p>

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

Inconsistent uses		
<ul style="list-style-type: none"> • Adult store • Bar • Brothel • Car wash • Child care centre • Club • Community care centre • Community residence • Detention facility, • Dual occupancy 	<ul style="list-style-type: none"> • Hotel • Indoor sport and recreation • Low impact industry • Medium impact industry • Multiple dwelling • Nightclub entertainment facility • Non-resident workforce accommodation • Office • Outdoor sales • Parking station 	<ul style="list-style-type: none"> • Residential care facility • Resort complex • Retirement facility • Rooming accommodation • Sales office • Service station • Shop • Shopping centre • Short-term accommodation • Showroom



20185233 – 22R Mountain View Road

<ul style="list-style-type: none">• Dwelling unit• Food and drink outlet• Hardware and trade supplies• Health care services• High impact industry	<ul style="list-style-type: none">• Permanent plantation• Port services• Relocatable home park• Renewable energy facility, being a wind farm	<ul style="list-style-type: none">• Special industry• Theatre• Warehouse
---	---	--

Note – This table does not imply that all other uses not listed in the table are automatically consistent uses within the zone. Assessable development must still demonstrate consistency through the assessment process.



20185233 – 22R Mountain View Road

8.2.4 Flood and storm tide hazard overlay code

8.2.4.1 Application

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

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

8.2.4.2 Purpose

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



20185233 – 22R Mountain View Road

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

8.2.4.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Compliance
For assessable and self-assessable development		
PO1	AO1.1	Not Applicable



20185233 – 22R Mountain View Road

<p>Development is located and designed to:</p> <ul style="list-style-type: none"> (a) ensure the safety of all persons; minimise damage to the development and contents of buildings; (b) provide suitable amenity; minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events. <p>Note – For assessable development within the flood plain assessment sub-category, a flood study by a suitably qualified professional is required to identify compliance with the intent of the acceptable outcome.</p>	<p>Development is sited on parts of the land that is not within the Flood and Storm tide hazards overlay maps contained in Schedule 2; or For dwelling houses,</p> <p>AO1.2</p> <p>Development within the Flood and Storm Tide hazards overlay maps (excluding the Flood plain assessment sub-category) is designed to provide immunity to the Defined Inundation Event as outlined within Table 8.2.4.3.b plus a freeboard of 300mm.</p>	<p>The proposed development does not involve the construction of any buildings.</p>
	<p>AO1.3</p> <p>New buildings are:</p> <ul style="list-style-type: none"> (a) not located within the overlay area; (b) located on the highest part of the site to minimise entrance of flood waters; (c) provided with clear and direct pedestrian and vehicle evacuation routes off the site. 	<p>Not Applicable</p> <p>The proposed development does not involve the construction of any buildings.</p>
	<p>AO1.4</p>	<p>Not Applicable</p>



20185233 – 22R Mountain View Road

	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.	The proposed development does not involve the construction of any buildings and is not in an urban area.
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.	Complies with AO2 The proposed development does not involve any of the identified uses.
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;	Not Applicable The proposed development does not involve the construction of any buildings and is not in an urban area.



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	<p>(c) provided with clear and direct pedestrian and vehicle evacuation routes off the site.</p> <p>or</p> <p>AO3.2</p> <p>The development incorporates an area on site that is at least 300mm above the highest known flood inundation level with sufficient space to accommodate the likely population of the development safely for a relatively short time until flash flooding subsides, or people can be evacuated.</p> <p>or</p> <p>AO3.3</p> <p>Where involving an extension to an existing dwelling house that is situated below DFE /Storm tide, the maximum size of the extension does not exceed 70m² gross floor area.</p> <p>Note – If part of the site is outside the Hazard Overlay area, this is the preferred location of all buildings.</p>	
	<p>For Reconfiguring a lot</p> <p>AO3.4</p>	<p>Not Applicable</p>



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	<p>Additional lots:</p> <p>(a) are not located in the hazard overlay area; or</p> <p>(b) are demonstrated to be above the flood level identified for the site.</p> <p>Note - If part of the site is outside the Hazard Overlay area, this is the preferred location for all lots (excluding park or other open space and recreation lots).</p> <p>Note – Buildings subsequently developed on the lots will need to comply with the relevant building assessment provisions under the <i>Building Act 1975</i>.</p>	<p>The proposed development does not involve reconfiguring a lot.</p>
	<p>AO3.5</p> <p>Road and/or pathway layout ensures residents are not physically isolated from adjacent flood free urban areas and provides a safe and clear evacuation route path:</p> <p>(a) by locating entry points into the reconfiguration above the flood level and avoiding culs-de-sac or other non-permeable layouts; and</p>	<p>Complies with AO3.5</p> <p>The proposed development would not adversely affect the operation of any evacuation routes.</p>



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	(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. or	Not Applicable The proposed development would not be occupied and would not require evacuation routes.
	AO3.7 There is no intensification of residential uses within the flood affected areas on land situated below the DFE/Storm tide.	Complies with AO3.7 The proposal does not involve any additional residential uses.
	For Material change of use (Residential uses) AO3.1	Not Applicable The proposal does not involve any residential uses.



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	<p>The design and layout of buildings used for residential purposes minimise risk from flooding by providing:</p> <p>(a) parking and other low intensive, non-habitable uses at ground level;</p> <p>Note - The high-set 'Queenslander' style house is a resilient low-density housing solution in floodplain areas. Higher density residential development should ensure only non-habitable rooms (e.g. garages, laundries) are located on the ground floor.</p>	
<p>PO4</p> <p>Development is resilient to flood events by ensuring design and built form account for the potential risks of flooding.</p>	<p>For Material change of use (Non-residential uses)</p> <p>AO4.2</p> <p>Non residential buildings and structures allow for the flow through of flood waters on the ground floor.</p> <p>Note - Businesses should ensure that they have the necessary contingency plans in place to account for the potential need to relocate property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a building or off site).</p> <p>Note - The relevant building assessment provisions under the <i>Building Act 1975</i> apply to all building work within the Hazard Area and need to take into account the flood potential within the area.</p>	<p>Not Applicable</p> <p>The proposal is not for a material change of use.</p>



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	<p>AO4.3</p> <p>Materials are stored on-site:</p> <ul style="list-style-type: none"> (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. <p>Notes -</p> <ul style="list-style-type: none"> (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. 	<p>Not Applicable</p> <p>The proposal does not involve any storage of any materials other than water.</p>
<p>PO5</p> <p>Development directly, indirectly and cumulatively avoids any increase in water flow velocity or flood level and does not increase the potential flood damage either on site or on other properties.</p>	<p>For Operational works</p> <p>AO5.1</p> <p>Works in urban areas associated with the proposed development do not involve:</p> <ul style="list-style-type: none"> (a) any physical alteration to a watercourse or floodway including vegetation clearing; or 	<p>Complies with AO5.2 (b)</p> <p>The proposed development would not result in the reduction of on-site flood storage and would not change flow paths in the event of a flood.</p>



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<p>Note – Berms and mounds are considered to be an undesirable built form outcome and are not supported.</p>	<p>(b) a net increase in filling (including berms and mounds).</p> <p>AO5.2</p> <p>Works (including buildings and earthworks) in non urban areas either:</p> <p>(a) do not involve a net increase in filling greater than 50m³;</p> <p>or</p> <p>(b) do not result in any reductions of on-site flood storage capacity and contain within the subject site any changes to depth/duration/velocity of flood waters;</p> <p>or</p> <p>(c) do not change flood characteristics outside the subject site in ways that result in:</p> <p>(i) loss of flood storage;</p> <p>(ii) loss of/changes to flow paths;</p> <p>(iii) acceleration or retardation of flows or any reduction in flood warning times elsewhere on the flood plain.</p>	
	<p>For Material change of use</p>	<p>Not Applicable</p>



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	<p>AO5.3</p> <p>Where development is located in an area affected by DFE/Storm tide, a hydraulic and hydrology report, prepared by a suitably qualified professional, demonstrates that the development maintains the flood storage capacity on the subject site; and</p> <p>(a) does not increase the volume, velocity, concentration of flow path alignment of stormwater flow across sites upstream, downstream or in the general vicinity of the subject site; and</p> <p>(b) does not increase ponding on sites upstream, downstream or in the general vicinity of the subject site.</p>	<p>The proposal does not involve a material change of use.</p>
	<p>For Material change of use and Reconfiguring a lot</p> <p>AO5.4</p>	<p>Not Applicable</p> <p>The proposal does not involve a material change of use or reconfiguring a lot.</p>



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	<p>In non urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters.</p> <p>Note – Fences and irrigation infrastructure (e.g. irrigation tape) in rural areas should be managed to minimise adverse the impacts that they may have on downstream properties in the event of a flood.</p>	
<p>PO6</p> <p>Development avoids the release of hazardous materials into floodwaters.</p>	<p>For Material change of use</p> <p>AO6.1</p> <p>Materials manufactured or stored on site are not hazardous or noxious, or comprise materials that may cause a detrimental effect on the environment if discharged in a flood event;</p> <p>or</p> <p>AO6.2</p> <p>If a DFE level is adopted, structures used for the manufacture or storage of hazardous materials are:</p> <p>(a) located above the DFE level;</p>	<p>Not Applicable</p> <p>The proposal does not involve a material change of use.</p>



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	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	Not Applicable The proposal does not involve the storage of hazardous materials.
	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 <i>Work Health and Safety Act 2011</i> and associated Regulation and Guidelines, the <i>Environmental Protection Act 1994</i> and the relevant building assessment provisions under the <i>Building Act 1975</i> for requirements related to the manufacture and storage of hazardous materials.	Not Applicable The proposal does not involve the storage of hazardous materials.
PO7	A07 Development does not:	Complies with A07



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<p>The development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.</p>	<ul style="list-style-type: none"> (a) increase the number of people calculated to be at risk of flooding; (b) increase the number of people likely to need evacuation; (c) shorten flood warning times; and (d) impact on the ability of traffic to use evacuation routes, or unreasonably increase traffic volumes on evacuation routes. 	<p>The proposed development would not increase the number of people to be at risk from flooding, increase the number of people likely to require evacuation, shorten flood warning times or impact the ability of traffic to use evacuation routes.</p>
<p>PO8</p> <p>Development involving community infrastructure:</p> <ul style="list-style-type: none"> (a) remains functional to serve community need during and immediately after a flood event; (b) is designed, sited and operated to avoid adverse impacts on the community or environment due to impacts of flooding on infrastructure, facilities or access and egress routes; (c) retains essential site access during a flood event; 	<p>AO8.1</p> <p>The following uses are not located on land inundated during a DFE/Storm tide:</p> <ul style="list-style-type: none"> (a) community residence; and (b) emergency services; and (c) residential care facility; and (d) utility installations involving water and sewerage treatment plants; and (e) storage of valuable records or items of historic or cultural significance (e.g. archives, museums, galleries, libraries). <p>or</p>	<p>Not Applicable</p> <p>No new uses are proposed as part of this development.</p>



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(d) is able to remain functional even when other infrastructure or services may be compromised in a flood 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 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:



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	<ul style="list-style-type: none"> (a) correctional facilities; (b) emergency services; (c) power stations; (d) major switch yards. 	
	<p>AO8.3</p> <p>The following uses have direct access to low hazard evacuation routes as defined in Table 8.2.4.3.c:</p> <ul style="list-style-type: none"> (a) community residence; and (b) emergency services; and (c) hospitals; and (d) residential care facility; and (e) sub stations; and (f) utility installations involving water and sewerage treatment plants. 	<p>Not Applicable</p> <p>No new uses are proposed as part of this development.</p>
	<p>and/or</p> <p>AO8.4</p>	<p>Not Applicable</p> <p>The proposal does not involve community infrastructure.</p>



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	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.	
	AO8.5 Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by a flood.	Not Applicable The proposal does not involve community infrastructure.

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

Minimum immunity to be achieved (floor levels)	Uses and elements of activities acceptable in the event
20% AEP level	<ul style="list-style-type: none"> Parks and open space.



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5% AEP level	<ul style="list-style-type: none">• Car parking facilities (including car parking associated with use of land).
1% AEP level	<ul style="list-style-type: none">• All development (where not otherwise requiring an alternative level of minimum immunity).
0.5% AEP level	<ul style="list-style-type: none">• Emergency services (if for a police station);• Industry activities (if including components which store, treat or use hazardous materials);• Substation;• Utility installation.
0.2% AEP level	<ul style="list-style-type: none">• Emergency services;• Hospital;• Major electricity infrastructure;• Special industry.



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Table 8.2.4.3.c - Degree of flood

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



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8.2.7 Natural areas overlay code

8.2.7.1 Application

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

Note – MSES = Matters of State Environmental Significance.

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



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8.2.7.2 Purpose

- (1) The purpose of the Natural areas overlay code is to:
 - (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 2: Environment and landscape values, Element 3.5.3 Biodiversity, Element 3.5.4 Coastal zones;
 - (ii) Theme 3: Natural resource management Element 3.6.2 Land and catchment management, Element 3.6.3 Primary production, forestry and fisheries.
 - (b) enable an assessment of whether development is suitable on land within the Biodiversity area overlay sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development is avoided within:
 - (i) areas containing matters of state environmental significance (MSES);
 - (ii) other natural areas;
 - (iii) wetlands and wetland buffers;
 - (iv) waterways and waterway corridors.
 - (b) where development cannot be avoided, development:
 - (i) protects and enhances areas containing matters of state environmental significance;
 - (ii) provides appropriate buffers;
 - (iii) protects the known populations and supporting habitat of rare and threatened flora and fauna species, as listed in the relevant State and Commonwealth legislation;
 - (iv) ensures that adverse direct or indirect impacts on areas of environmental significance are minimised through design, siting, operation, management and mitigation measures;



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

8.2.7.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Compliance
For self-assessable and assessable development		
Protection of matters of environmental significance		
PO1 Development protects matters of environmental significance.	AO1.1 Development avoids significant impact on the relevant environmental values.	Complies with AO1.1 The proposed development would not impact in any areas or features of environmental value.



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



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Performance outcomes	Acceptable outcomes	Compliance
Management of impacts on matters of environmental 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: (a) focusing development in cleared areas to protect existing habitat; (b) utilising design to consolidate density and preserve existing habitat and native vegetation; (c) aligning new property boundaries to maintain ecologically important areas; (d) ensuring that alterations to natural landforms, hydrology and drainage patterns on the development site do not negatively affect ecologically important areas; (e) ensuring that significant fauna habitats are protected in their environmental context; and	Complies with AO2 Development would occur within a cleared area and would not impact on any areas of existing habitat or native vegetation. The proposed dam would not alter the drainage path over the long term and, given its minor size, would not adversely affect the ecology or any downstream areas.



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Performance outcomes	Acceptable outcomes	Compliance
	(f) incorporating measures that allow for the safe movement of fauna through the site.	
<p>PO3</p> <p>An adequate buffer to areas of state environmental significance is provided and maintained.</p>	<p>AO3.1</p> <p>A buffer for an area of state environmental significance (Wetland protection area) has a minimum width of:</p> <p>(a) 100 metres where the area is located outside Urban areas; or</p> <p>(b) 50 metres where the area is located within Urban areas.</p> <p>or</p> <p>AO3.2</p> <p>A buffer for an area of state environmental significance is applied and maintained, the width of which is supported by an evaluation of environmental values, including the function and</p>	<p>Not Applicable</p> <p>The site is not located within the vicinity of any wetland protection area.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	threats to matters of environmental significance.	
PO4 Wetland and wetland buffer areas are maintained, protected and restored. Note – Wetland buffer areas are identified in AO3.1.	AO4.1 Native vegetation within wetlands and wetland buffer areas is retained.	Not Applicable The site is not located within the vicinity of any wetland protection area.
	AO4.2 Degraded sections of wetlands and wetland buffer areas are revegetated with endemic native plants in patterns and densities, which emulate the relevant regional ecosystem.	Not Applicable The site is not located within the vicinity of any wetland protection area.
PO5 Development avoids the introduction of non-native pest species (plant or animal) that pose a risk to ecological integrity.	AO5.1 Development avoids the introduction of non-native pest species.	Complies The proposal does not involve the importation of any materials to the land and would not introduce any non-native pest species.



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Performance outcomes	Acceptable outcomes	Compliance
	AO5.2 The threat of existing pest species is controlled by adopting pest management practices for long-term ecological integrity.	Complies with AO5.2 There are no known pest species on the site.
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	Not Applicable There is no native vegetation on the site.



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Performance outcomes	Acceptable outcomes	Compliance
	<p>AO6.3</p> <p>Development within a conservation corridor mitigates adverse impacts on native fauna, feeding, nesting, breeding and roosting sites and native fauna movements.</p>	
<p>PO7</p> <p>Development minimises disturbance to matters of state environmental significance (including existing ecological corridors).</p>	<p>AO7.1</p> <p>Development avoids shading of vegetation by setting back buildings by a distance equivalent to the height of the native vegetation.</p> <p>and</p> <p>AO7.2</p> <p>Development does not encroach within 10 metres of existing riparian vegetation and watercourses.</p>	<p>Not Applicable</p> <p>There is no native vegetation on the subject site.</p>
Waterways in an urban area		



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Performance outcomes	Acceptable outcomes	Compliance
PO8 Development is set back from waterways to protect and maintain: <ul style="list-style-type: none"> (a) water quality; (b) hydrological functions; (c) ecological processes; (d) biodiversity values; (e) riparian and in-stream habitat values and connectivity; (f) in-stream migration. 	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; or AO8.2 Development does not occur on the part of the site affected by the waterway corridor. Note – Waterway corridors are identified within 8.	Not Applicable The site is not in an urban area.
Waterways in a non-urban area		
PO9 Development is set back from waterways to protect and maintain:	AO9 Development does not occur on that part of the site affected by a waterway corridor.	Not applicable The site of the dam is an overland flow path rather than a watercourse, it does not contain water or a



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Performance outcomes	Acceptable outcomes	Compliance
(a) water quality; (b) hydrological functions; (c) ecological processes; (d) biodiversity values; (e) riparian and in-stream habitat values and connectivity; (f) in-stream migration.	Note – Waterway corridors are identified within table 8.2.7.3.b.	regular flow with the exception of during rainfall events.

8.2.7.3.b — Widths of waterway corridors for waterways

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



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9.4.4 Filling and excavation code

9.4.4.1 Application

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

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

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

9.4.4.2 Purpose

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



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

9.4.4.3 Criteria for assessment

Table Error! No text of specified style in document..a – Filling and excavation code – for self-assessable and assessable development

Performance outcomes	Acceptable outcomes	Compliance
For self-assessable and assessable development		
Filling and excavation - General		
PO1 All filling and excavation work does not create a detrimental impact on the slope stability, erosion potential or visual amenity of the site or the surrounding area.	AO1.1 The height of cut and/or fill, whether retained or not, does not exceed 2 metres in height. and Cuts in excess of those stated in A1.1 above are separated by benches/ terraces with a minimum width of 1.2 metres that incorporate drainage provisions and screen planting.	Complies with PO1 The dam wall is not located on sloping ground and, once established, would not increase erosion potential in the area. The wall is also sited and constructed such that it is not significantly higher than the adjacent road, which has been raised. A dam is an accepted feature in the rural landscape and the proposal would not adversely affect the amenity of the locality.



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Performance outcomes	Acceptable outcomes	Compliance
	AO1.2 Cuts are supported by batters, retaining or rock walls and associated benches/terraces are capable of supporting mature vegetation.	Not Applicable No cuts are involved in the construction of the dam.
	AO1.3 Cuts are screened from view by the siting of the building/structure, wherever possible.	Not Applicable No cuts are involved in the construction of the dam.
	AO1.4 Topsoil from the site is retained from cuttings and reused on benches/terraces.	Complies with AO1.4 The top soil is to be reused to surface the dam and encourage grass growth.
	AO1.5 No crest of any cut or toe of any fill, or any part of any retaining wall or structure is closer than 600mm to any boundary of the property, unless the prior written approval of the adjoining landowner has been obtained.	Complies with AO1.5 The dam is setback 600mm form any boundary.



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Performance outcomes	Acceptable outcomes	Compliance
	AO1.6 Non-retained cut and/or fill on slopes are stabilised and protected against scour and erosion by suitable measures, such as grassing, landscaping or other protective/aesthetic measures.	Complies with AO1.6 The dam wall would be grassed to prevent scouring.
Visual Impact and Site Stability		
PO2 Filling and excavation are carried out in such a manner that the visual/scenic amenity of the area and the privacy and stability of adjoining properties is not compromised.	AO2.1 The extent of filling and excavation does not exceed 40% of the site area, or 500m ² whichever is the lesser, except that AO2.1 does not apply to reconfiguration of 5 lots or more.	Complies with AO2.1 The extent of the dam would not exceed 40% of the site area.
	AO2.2 Filling and excavation does not occur within 2 metres of the site boundary.	Complies with AO2.2 The dam wall is not within 2 metres of the site boundary.



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Performance outcomes	Acceptable outcomes	Compliance
Flooding and drainage		
PO3 Filling and excavation does not result in a change to the run off characteristics of a site which then have a detrimental impact on the site or nearby land or adjacent road reserves.	AO3.1 Filling and excavation does not result in the ponding of water on a site or adjacent land or road reserves.	Complies with AO3.1 The dam would detain/retain water and overflow would follow the existing drainage path. There would be no unintended ponding on the site or adjacent land as a result of the proposal.
	AO3.2 Filling and excavation does not result in an increase in the flow of water across a site or any other land or road reserves.	Complies with AO3.2 The dam would retain/detain water and would not result in an increase in flow across the site or adjacent land.
	AO3.3 Filling and excavation does not result in an increase in the volume of water or concentration of water in a watercourse and overland flow paths.	Complies with PO3 The proposed dam would detain/retain water with overflow being directed back to the natural drainage path. The proposed dam would not alter run-off characteristics to the extent that it would have a detrimental impact on the site or nearby



20185233 – 22R Mountain View Road

Performance outcomes	Acceptable outcomes	Compliance
		land.
	AO3.4 Filling and excavation complies with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.	Able to comply with AO3.4 The dam construction is consistent with the requirements of the FNQROC manual.
Water quality		
PO4 Filling and excavation does not result in a reduction of the water quality of receiving waters.	AO4 Water quality is maintained to comply with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.	Complies with AO4 Any water discharged from the site is discharged over an existing grass swale that would trap any sediment prior to reaching a receiving waterway.
Infrastructure		
PO5 Excavation and filling does not impact on Public Utilities.	AO5 Excavation and filling is clear of the zone of influence of public utilities.	Complies There are no public utilities in the vicinity of the dam.



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Template 4 – Waterway barrier works

(version 1.1)

This template must be completed and submitted with *DA Form 1 – Development application details* for all development applications operational works involving waterway barrier works.

It is mandatory to complete the details in all applicable parts in this form and provide any supporting information that is required to accompany your development application, unless stated otherwise.

Additional pages may be attached if there is insufficient space on this template for any questions.

Note: All terms used within this template have the meaning given under the Planning Act 2016, the Planning Regulation 2017, or the Development Assessment Rules (DA Rules), Fisheries Act 1994 and Fisheries Regulation 2008.

Part 1 – DEVELOPMENT DETAILS

1) Has a Fish Movement Exemption Notice been issued for the proposed works?	<input type="checkbox"/> Yes – a copy of the Fish Movement Exemption Notice for the proposed work is attached <input checked="" type="checkbox"/> No – details of how the proposed work provides for adequate fish movement is attached
---	--

2) What is the nature of the proposed waterway barrier(s)? (tick all applicable boxes)	<input checked="" type="checkbox"/> New construction <input type="checkbox"/> Temporary <input type="checkbox"/> Partial	<input type="checkbox"/> Raise existing <input checked="" type="checkbox"/> Permanent <input type="checkbox"/> Bank to bank
---	--	---

3) What type is the proposed work? (tick all applicable boxes) <i>Note: An individual section must be completed for each barrier relevant to this development application. Also ensure that the relevant plans that accompany the development application identify the location of existing works and proposed works.</i>	Type	Number of barriers	Parts to complete
	<input checked="" type="checkbox"/> Dam, weir or a barrage	1	2 only
	<input type="checkbox"/> Culvert		3 only
	<input type="checkbox"/> Causeway		4 only
	<input type="checkbox"/> Bridge pylon (abutments or pile foundations)		4 only
	<input type="checkbox"/> Flow-control structure such as a floodgate		4 only
	<input type="checkbox"/> Pollution-control device (e.g. trash rack or boom gate)		4 only
	<input type="checkbox"/> Levee bank across a waterway		4 only
<input type="checkbox"/> Other – specify below (e.g. groyne, construction platform, sediment curtain, causeway)		4 only	

Part 2 – CONSTRUCTING A NEW OR RAISING/MODIFYING AN EXISTING DAM, WEIR, BARRAGE, BUND WALL, COFFER DAM OR OTHER SIMILAR STRUCTURES

Note: If the development application involves more than one barrier relating to this part, generate another part 2 and attach to the application.

4) What is the proposed development application seeking approval for?	<input checked="" type="checkbox"/> New barrier <input type="checkbox"/> Raising/modifying an existing barrier
---	---

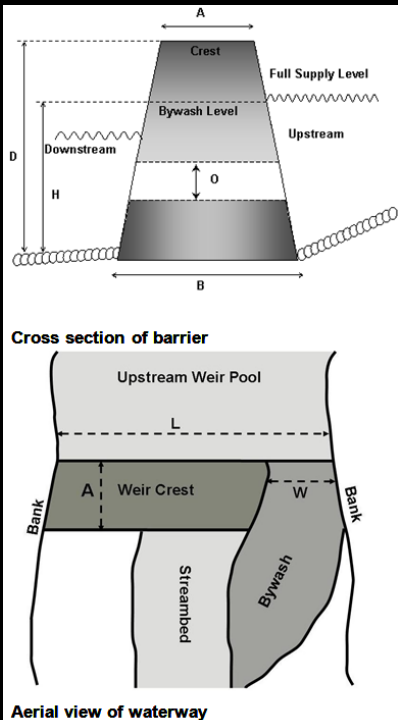
5) Briefly describe the type of barrier proposed (i.e. dam, weir, tidal barrage)	Farm Dam
---	----------

6) If the barrier is temporary (<i>in place less than 12 months</i>) how many days will the barrier be in place?	
--	--

7) Will the barrier extend across the waterway from bank to bank?	<input checked="" type="checkbox"/> Yes, go to question 8 <input type="checkbox"/> No	
7.1) What is the length of the proposed barrier? (<i>across the waterway</i>)		metres
7.2) What is the width of the waterway? (<i>bank to bank</i>)		metres

8) What is the purpose of the proposed barrier? (<i>e.g. creating a new or increasing the capacity of the existing water storage, maintenance work</i>)	Retaining water within a shallow overland flow path.
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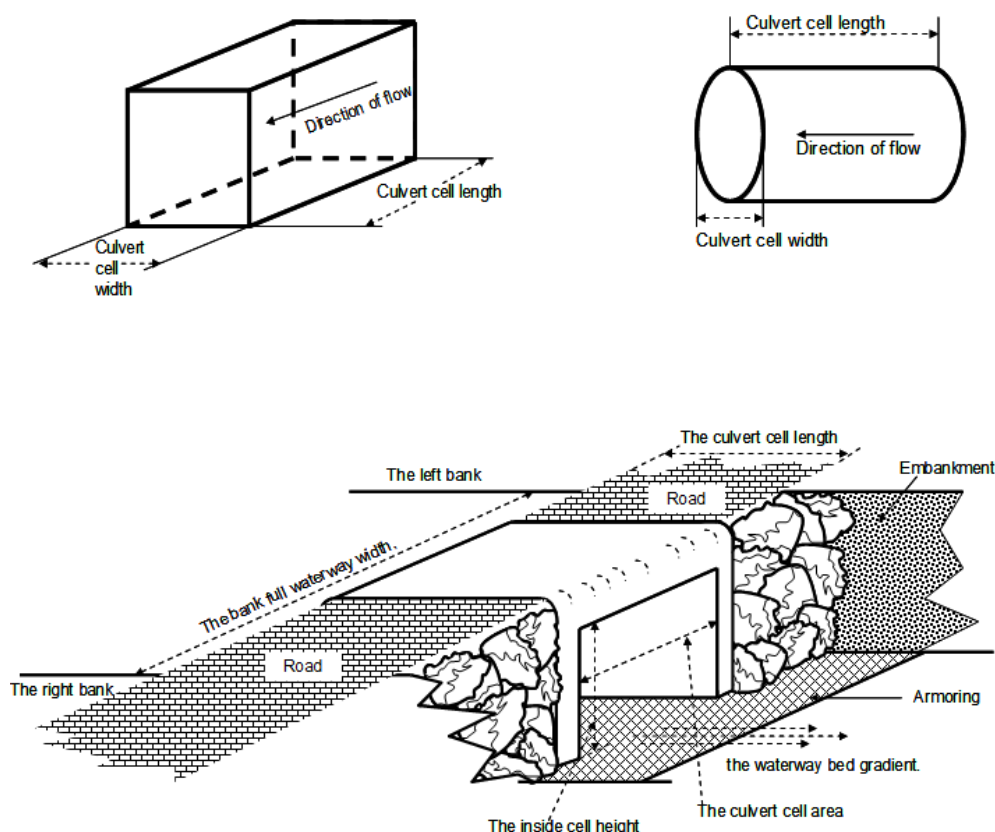
9) What are the details of the proposed construction materials? (<i>e.g. earth, concrete, rock fill, steel, timber, sand</i>)	Earth
---	-------

10) Provide the following details of the proposed barrier in reference to the diagrams below. 	Total crest height (D)	2.6	metres
	Thickness (A) of crest	2.4	metres
	Height of spillway/bywash (H)	1.5	metres
	Width of spillway/bywash inlet (W)	10	metres
	Base width (B)	15	metres
	Internal diameter (O) of outlet pipe/works and discharge capacity	N/A	millimetres
	Length of wall (L)	100	metres
	Distance of backup from barrier wall at full supply level	80	metres
	Volume of storage		megalitres
	If raising an existing waterway barrier, additional height above existing crest	N/A	metres
	If raising an existing waterway barrier, method of raising (e.g. capping crest, inflatable bag, gates etc.).	N/A	

Part 3 – CONSTRUCTING A NEW OR MODIFYING (INCLUDING MAINTENANCE AND REPLACEMENT OF) AN EXISTING CULVERT

Note: If the development application involves more than one culvert relating to this part, please generate another part 3 and attach to the application.

11) What is the nature of the proposed work?	<input type="checkbox"/> Construction of a new culvert <input type="checkbox"/> Maintenance of an existing culvert <input type="checkbox"/> Replacement of an existing culvert		
12) What is the purpose of the proposed culvert?			
13) If the culvert is temporary (<i>in place less than 12 months</i>) how many days will the culvert be in place?			
14) Will the culvert extend across the waterway from bank to bank?	<input type="checkbox"/> Yes, go to question 15 <input type="checkbox"/> No		
14.1) What is the length of the proposed culvert? (<i>across the waterway</i>)			metres
14.2) What is the width of the waterway? (<i>bank to bank</i>)			metres
15) What type of culvert is proposed? (<i>Tick all applicable boxes</i>)	<div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Box culvert <input type="checkbox"/> Combination culvert </div> <div> <input type="checkbox"/> Arch culvert <input type="checkbox"/> Other – please specify </div> <div> <input type="checkbox"/> Pipe culvert </div> </div>		
16) In reference to the diagrams below, provide the following details of the proposed culvert.	How many culvert cells are there?		
	What is the upstream downstream culvert cell length?		metres
	What is the inside cell width of each culvert (or diameter of pipe culvert)?		metres
	What is the internal height within the culvert cell?		metres



Part 4 – CONSTRUCTING NEW OR MODIFYING (INCLUDING MAINTENANCE AND REPLACEMENT) AN EXISTING WATERWAY BARRIER EXCEPT THOSE LISTED IN PARTS 2 AND 3

Note: If the development application involves more than one barrier relating to this part, please generate another part 4 and attach to the application.

17) What is the nature of the proposed work?	<input type="checkbox"/> Construction of a new barrier <input type="checkbox"/> Maintenance of an existing barrier <input type="checkbox"/> Replacement of an existing barrier
18) Briefly describe the proposed barrier.	
19) If the barrier is temporary (<i>in place less than 12 months</i>) how many days will the barrier be in place?	
20) Will the barrier extend across the waterway from bank to bank?	<input type="checkbox"/> Yes, complete question 20.1 and 20.2 <input type="checkbox"/> No
20.1) What is the length of proposed barrier? (<i>across the waterway</i>)	<div style="border: 1px solid black; height: 20px; width: 80%;"></div> <div style="text-align: right; padding-right: 10px;">metres</div>
20.2) What is the width of the waterway? (<i>bank to bank</i>)	<div style="border: 1px solid black; height: 20px; width: 80%;"></div> <div style="text-align: right; padding-right: 10px;">metres</div>

21) What is the purpose of the proposed barrier?

22) What is the maximum height of the proposed barrier above the existing bed level?

metres

23) What are the proposed construction materials? (e.g. earth, concrete, rock fill, timber, sand)

24) Does the barrier follow the natural gradient of the bed level?

☐ Yes

☐ No

From:PARRISH Eleanor
Sent:Fri, 4 Jan 2019 01:44:27 +0000
To:Patrick Clifton
Cc:'Portobella';FOWDEN Robert;LI David
Subject:RE: Water Enquiry

Dear Patrick,

Thank you for your email regarding the application for construction of a dam at 22R Mountain View Road, Shannonvale, Port Douglas.

As per Section 341(1) of the Water Supply (Safety and Reliability) Act 2008 (the Act), a proposed dam after its construction will be a referable dam if:

- (a) a failure impact assessment (FIA) of the dam is required to be carried out under this part; and
- (b) the assessment states the proposed dam after its construction will have a category 1 or 2 failure impact rating; and
- (c) the chief executive has, under section 349, accepted the assessment.

As per Section 343(1) of the Act, a person who proposes to construct a dam must have the dam failure impact assessed if the dam, after its construction, will be:

- (a) more than 10m in height and have a storage capacity of more than 1,500ML; or
- (b) more than 10m in height and have a storage capacity of more than 750ML and a catchment area that is more than 3 times its maximum surface area at full supply level.

Based on the dam and spillway dimensions provided and our initial assessment, a FIA is not required for the abovementioned dam and it is not referable under Sections 343 and 341 of the Water Supply (Safety and Reliability) Act 2008.

If there is any change to the design specifications that meet the above size criteria in future or there is reasonable belief of possible PAR downstream, you will then need to carry out a FIA and submit it to us for assessment to determine if the dam will be referable.

Should you have any further enquiries, please do not hesitate to contact us.

Kind Regards,



Eleanor Parrish
Engineer
Dam Safety | Operations Support
Department of Natural Resources, Mines and Energy

P: 3199 4844 M: 0466 719 808
E: Eleanor.Parrish@dnrme.qld.gov.au
A: Level 3, 1 William Street, Brisbane QLD 4000 | PO Box 15216, City East Q
W: www.dnrme.qld.gov.au



DNRME

From: Patrick Clifton <Patrick.C@gmacert.com.au>

Sent: Tuesday, 18 December 2018 10:39 AM

To: Damsafety

Cc: Portobella

Subject: FW: Water Enquiry

Dear Sir/Madam,

We Act for Bryan Eldridge and are providing assistance in the preparation of an application for the construction of a dam at his property at 22R Mountain View Road, Shannonvale.

The Dam Wall would be constructed of compacted earth and would be 2.6m high, 2.4 m wide at the crest with a 15 metre wide base.

The length of the wall would be 100 metres long and it would have a 10 metre wide spillway with a height of 1.5 metres.

The distance of backup from the wall at full supply would be approximately 80 metres.

Attached is a site plan showing the location of the proposed Dam. It would be appreciated if you could confirm that the dam is not a referable dam for the purpose of the Panning Act 2016.

Kind regards

Patrick Clifton

Town Planning Manager

Tel: **07 4098 5150** | Mob: **0438 755 374** | Fax: 07 4098 5180

Email: Patrick.C@gmacert.com.au | Web: www.gmacert.com.au

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GMA Certification Group would like to wish you a Merry Christmas and Happy New Year. Thankyou for your support in 2018 and we look forward to assisting you in 2019.

All Offices will be closed from 12pm Friday 21st December 2018 and will re-open on Monday 7th January 2019.

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From: Portobella <portobella@bigpond.com>
Sent: Monday, 17 December 2018 4:37 PM
To: Patrick Clifton <Patrick.C@gmacer.com.au>
Subject: FW: Water Enquiry

From: BRAGG Mace [<mailto:Mace.Bragg@dnrme.qld.gov.au>]
Sent: Thursday, 13 December 2018 10:08 AM
To: portobella@bigpond.com
Subject: Water Enquiry

Hello Brian,

As discussed on the 19/11/2018, the water feature (which your dam intercepts) on your property 4/SP134229 is identified as a 'Drainage feature' as defined in the *Water Act 2000*. Water in drainage features is considered to be overland flow and is currently not managed by the water plan for your area. So, intercepting water in the drainage feature with your dams is permitted and no size limitations apply, according to the *Water Act 2000*. As for the dam being a 'referable' dam, the following links will be able to assist to determine if yours is referable. From our discussion it sounds like your dam wouldn't meet the wall height and capacity requirements to be a referable dam, however you should contact the department's dam safety unit which deals with matters such as these either by emailing damsafety@dnrme.qld.gov.au or by calling 13 74 68 and asking to speak to the dam safety unit.

https://www.dnrme.qld.gov.au/data/assets/pdf_file/0005/78836/guidelines-failure-impact-assessment.pdf

<https://www.business.qld.gov.au/industries/mining-energy-water/water/industry-infrastructure/dams/safety-guidelines-requirements/referable>

The following is link to a Qld Globe map which shows your property and the mapped drainage feature.

<https://uat-qldglobe.information.qld.gov.au/qldglobe/public/brian-eldridge-enquiry-0>

Please feel free to call me via the details below if you wish to discuss further.

Regards,



Mace Bragg
Natural Resources Officer
Water Services | North Region
Department of Natural Resources, Mines and Energy

P: (07) 4017 0179
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