

6 December 2023



Town Planning and Project Services

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

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

RE: DEVELOPMENT APPLICATION FOR A BUILDING WORKS ASSESSABLE AGAINST THE PLANNING SCHEME (SECONDARY DWELLING) OVER LAND AT 50 PENDA CLOSE, COW BAY, MORE FORMALLY DESCRIBED AS LOT 275 ON RP738996 I

Aspire Town Planning and Project Services act on behalf of on behalf of Frank Charles Ridley-Lee (the 'Applicant' and the 'Land Owner') in relation to the above described Development Application.

On behalf of the Applicant, please accept this correspondence and the accompanying attachments as a properly made Development Application pursuant to Sections 50 and 51 of the *Planning Act 2016* seeking a Development Permit for Building Works Assessable Against the Planning Scheme (Secondary Dwelling).

In the preparation of the Development Application there has been informal Prelodgement discussions with Daniel Lamond (Planning Officer) around the application type and supporting information. As such please find enclosed the following documentation associated with this Development Application:

- Duly completed DA Form 1 (Attachment 1); and
- Town Planning Report (Attachment 2).

The relevant Application Fee is calculated to be \$358.00 under the Douglas Shire Council Fees and Charges Schedule for Years 2023/2024. It is respectfully requested that Council issue an Invoice, so the fee can be paid directly by the Applicant.

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

Regards,

Daniel Favier
Senior Town Planner
ASPIRE Town Planning and Project Services

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ASPIRE

Town Planning and Project Services

Attachment I

Duly completed DA Form I

DA Form 1 – Development application details

Approved form (version 1.3 effective 28 September 2020) made under section 282 of the Planning Act 2016.

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

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

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

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

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

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

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

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Frank Charles Ridley-Lee
Contact name (only applicable for companies)	c/- Daniel Favier (Aspire Town Planning and Project Services)
Postal address (P.O. Box or street address)	PO Box 1040
Suburb	Mossman
State	QLD
Postcode	4873
Country	Australia
Contact number	0418 826 560
Email address (non-mandatory)	admin@aspireqld.com
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	2023-10-82 - Lee - 50 Penda Close, Cow Bay

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
		50	Penda Close	Cow Bay
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	275	RP738996	Douglas Shire
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)
c)	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.

- 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: <input type="text"/>	

- 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: <input type="text"/>	

3.3) Additional premises

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

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

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 <i>(if applicable)</i> :	
Name of port authority for tidal area <i>(if applicable)</i> :	
<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>	
Name of airport:	
<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>	
EMR site identification:	
<input type="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)*:

Building Works Assessable Against the Planning Scheme (Secondary Dwelling)

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 type="checkbox"/> Yes – complete division 3 |
| Building work | <input checked="" 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 <i>(include each definition in a new row)</i>	Number of dwelling units <i>(if applicable)</i>	Gross floor area (m ²) <i>(if applicable)</i>

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

- Yes
- 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?

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

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

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 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:		

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

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

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

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PART 4 – ASSESSMENT MANAGER DETAILS

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

Douglas Shire Council

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

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

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?

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

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

Matters requiring referral to the **Chief Executive of the Planning Act 2016:**

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

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

- Airport land
- Environmentally relevant activities (ERA) (*only if the ERA has been devolved to local government*)

<input type="checkbox"/> Heritage places – Local heritage places
Matters requiring referral to the Chief Executive of the distribution entity or transmission entity: <input type="checkbox"/> Infrastructure-related referrals – 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"/> Infrastructure-related referrals – Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council: <input type="checkbox"/> Ports – Brisbane core port land
Matters requiring referral to the Minister responsible for administering the Transport Infrastructure Act 1994: <input type="checkbox"/> Ports – Brisbane core port land <i>(where inconsistent with the Brisbane port LUP for transport reasons)</i> <input type="checkbox"/> Ports – Strategic port land
Matters requiring referral to the relevant port operator , if applicant is not port operator: <input type="checkbox"/> Ports – Land within Port of Brisbane’s port limits <i>(below high-water mark)</i>
Matters requiring referral to the Chief Executive of the relevant port authority: <input type="checkbox"/> Ports – Land within limits of another port <i>(below high-water mark)</i>
Matters requiring referral to the Gold Coast Waterways Authority: <input type="checkbox"/> Tidal works or work in a coastal management district <i>(in Gold Coast waters)</i>
Matters requiring referral to the Queensland Fire and Emergency Service: <input type="checkbox"/> Tidal works or work in a coastal management district <i>(involving a marina (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 this development application, 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: <i>By not agreeing to accept an information request I, the applicant, acknowledge:</i>
<ul style="list-style-type: none"> • <i>that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties</i> • <i>Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</i>
<i>Further advice about information requests is contained in the DA Forms Guide.</i>

PART 7 – FURTHER DETAILS

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

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

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?
<input type="checkbox"/> Yes – show cause or enforcement notice is attached <input checked="" type="checkbox"/> 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 <i>Environmental Protection Act 1994</i> ?			
<input type="checkbox"/> Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below <input checked="" type="checkbox"/> No <i>Note: Application for an environmental authority can be found by searching "ESR/2015/1791" as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.</i>			
Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			
<input type="checkbox"/> Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.			
Hazardous chemical facilities			
23.2) Is this development application for a hazardous chemical facility ?			
<input type="checkbox"/> Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application <input checked="" type="checkbox"/> No <i>Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.</i>			

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 habitat in SEQ Region

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

- Yes – the development application involves premises in the koala habitat area in the koala priority area
- Yes – the development application involves premises in the koala habitat area outside the koala priority area
- No

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

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

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

- Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered
- No

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

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17	<input checked="" type="checkbox"/> Yes
Note: See the <i>Planning Regulation 2017</i> for referral requirements	
If building work is associated with the proposed development, Parts 4 to 6 of DA Form 2 – Building work details have been completed and attached to this development application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with the development application	<input checked="" type="checkbox"/> Yes
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 .	
Relevant plans of the development are attached to this development application	<input checked="" type="checkbox"/> Yes
Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans .	
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

25) Applicant declaration

- By making this development application, I declare that all information in this development application is true and correct
- Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

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

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the DA Rules except where:

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

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

PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

Notification of engagement of alternative assessment manager	
Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

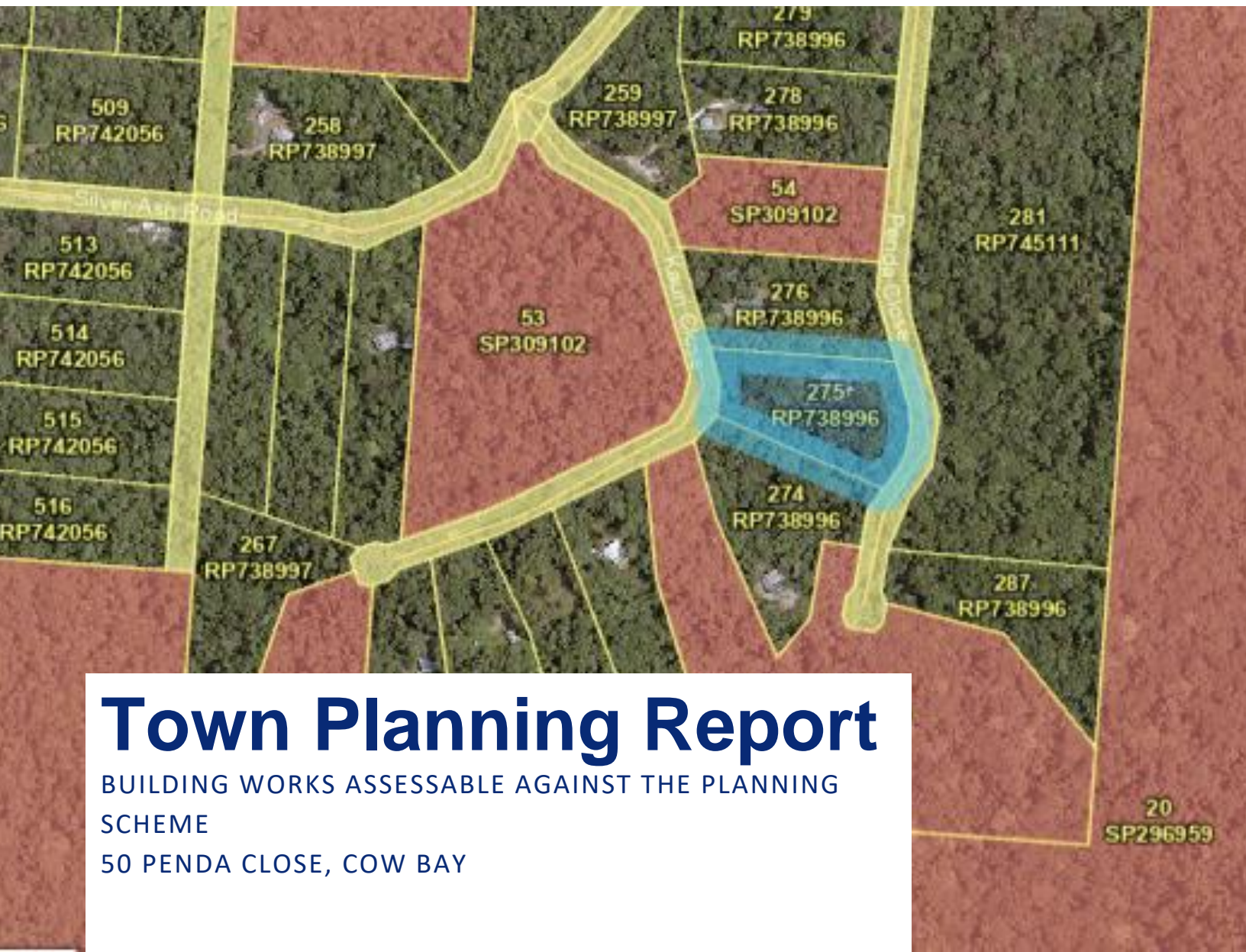
QLeave notification and payment			
<i>Note: For completion by assessment manager if applicable</i>			
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			



Town Planning and Project Services

Attachment 2

Town Planning Report



Town Planning Report

BUILDING WORKS ASSESSABLE AGAINST THE PLANNING SCHEME

50 PENDA CLOSE, COW BAY

4 December 2023

ASPIRE Town Planning and Project Services

Authored by: Daniel Favier

Ref: 2023-10-82 - Levi - 50 Penda Close, Cow Bay

Executive Summary

Aspire Town Planning and Project Services has been engaged and act on behalf Frank Charles Ridley-Lee (the 'Applicant' and the 'Land Owner').

This Development Application is for Building Works Assessable Against the Planning Scheme, specifically for a Secondary Dwelling, over land at 50 Penda Close, Cow Bay, more formally described as Lot 275 on RP738996 (the 'subject site'). The subject site contains an existing driveway access, generator house and Dwelling House. The balance of the subject site is naturally vegetated.

The proposed Secondary Dwelling is a basic single storey structure comprising a single bedroom, bathroom, kitchen, living and veranda areas. The building is proposed to be positioned within an existing clearing 20m from Kauri Close (front boundary) and 15m from the northern side boundary.

Under the Douglas Shire Planning Scheme 2018 V1.0 (the 'planning scheme'), the subject site is included within the Conservation Zone and further the Diwan – Cow Bay Precinct 1 under the Cape Tribulation and Daintree Coast Local Plan, where the development is Code Assessable.

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

1.0 Summary

Table 1: Application Summary.

Street Address	50 Penda Close, Cow Bay
Lot and Plan	Lot 275 on RP738996
Land Owner	Francis Levi * <i>See Attachment 1 – Certificate of Title</i>
Size	10,100m ²
Road Frontages	51.16m to Kauri Close 100.19m to Penda Close
Easements	Nil
Proposal	Building Works (Secondary Dwelling)
Approvals Sought	Development Permit
Level of Assessment	Code
Planning Scheme Zone	Conservation
Local Plan	Cape Tribulation and Daintree Coast Local Plan Diwan – Cow Bay (Precinct 1)
Regional Plan Designation	Regional Landscape and Rural Production Area
State Planning Policy	Appropriately integrated within the Planning Scheme
State Development Assessment Provisions	Not applicable
Referral	Not applicable

** Note: Frank Charles Ridley-Lee is Francis Levi and is in the process of updating the registered name on the land title.*

2.0 Site Description

Image 1 below illustrates the location of the subject site in the context of the wider locality. The subject site is located approximately 7.5km north east of the Daintree Ferry and 7.5km south east of the Diwan Sports Grounds.

The registered site address is 50 Penda Close, Cow Bay, however vehicle access is constructed via Kauri Close due to topographical constraints and ease of access. Kauri Close and Penda Close, like many of the roads within the locality are of gravel construction.

The subject site is an irregular shaped, has a total area of 10,100m², and contains an existing Dwelling House, Pool and Generator House, which were constructed a number of years ago. The site is predominantly, naturally vegetated as illustrated within Image 2 and 3 below. Cleared areas are generally limited to the existing Dwelling House, Generator House and driveway access and parking areas.

The Dwelling House is connected to rainwater storage, backup bore water supply and onsite waste water disposal.

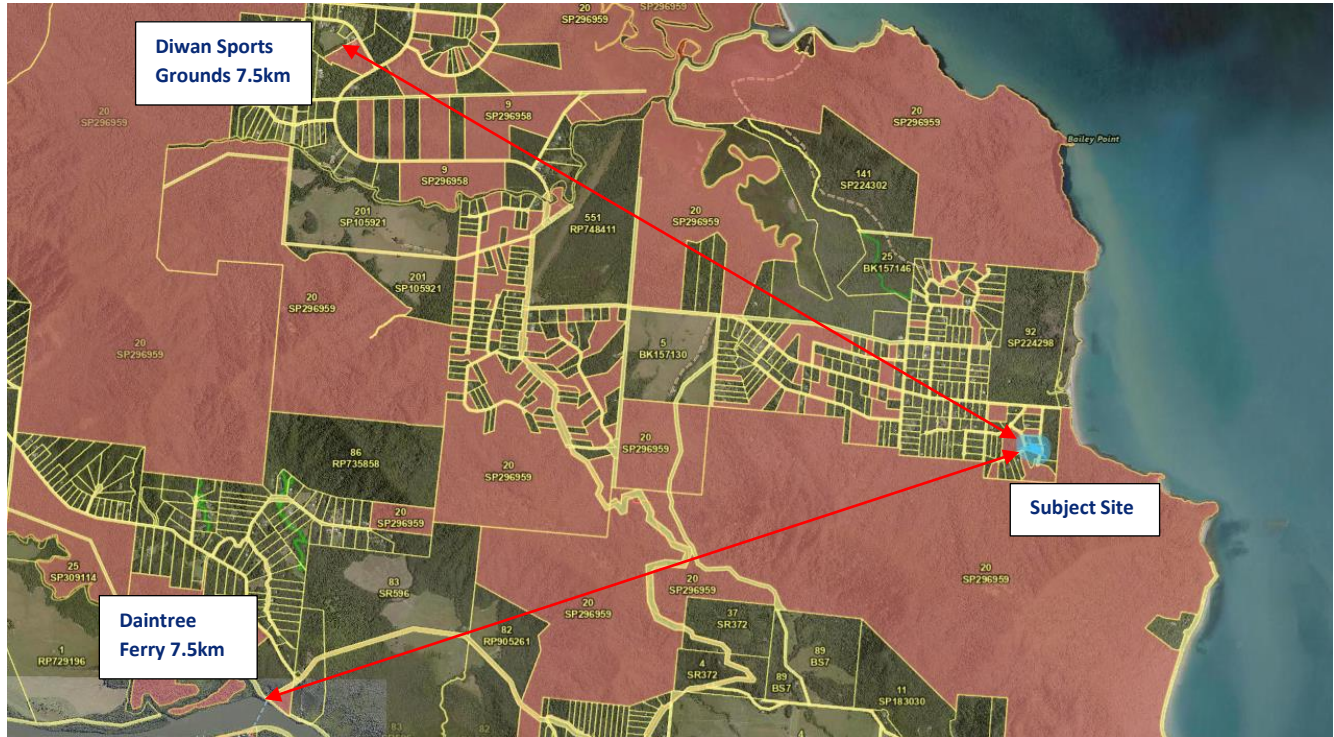


Image 1: Subject Site (source: QLD Globe, 2023)



Image 2: Subject Site (source: QLD Globe, 2023)



Image 3: Existing Dwelling House (source: Supplied by the Landowner, 2023)

3.0 Proposal

This Development Application Seeks approval for a Development Permit for Building Works Assessable against the Planning Scheme for a Secondary Dwelling.

The proposed Secondary Dwelling is a single storey structure and very modest in size, approximately 48m² gross floor area plus approximately 24m² veranda. The internal space comprises a single bedroom, amenities, kitchenette and living area.

The proposed Secondary Dwelling is located approximately 20m from the Kauri Close boundary and 15m from the northern side boundary. The development area is generally level. The Secondary Dwelling is sited adjacent the existing driveway and partially within an existing clearing adjacent the Generator House. An area of 49m² is proposed to be cleared to facilitate the location of the Secondary Dwelling, refer to the Proposed Vegetation Clearing Plan included under Attachment 2.

Further refer to the Proposal Plans included under Attachment 3.

It is proposed that the Secondary Dwelling would be connected to the existing water storage. A Soil Test and Waste Water Disposal Report has been commissioned to assess the feasibility of plumbing into the existing onsite waste water treatment system or establishing a new standalone system to service just the Secondary Dwelling.

3.1 Summary of Key Issues

- The proposed Secondary Dwelling is largely located within an existing cleared footprint, however will require a further clearing of approximately 49m². This area is not densely vegetated and contains three mature trees with circumference of 1m at chest height.
- The existing cleared areas on the site are limited to the existing Dwelling House, Generator House and driveway access and parking areas. The Landowners intention is to maintain the property in as much of a naturally vegetated state as possible. This intention is exemplified by the high natural standard to which the property is currently maintained.
- The proposed Secondary Dwelling complies with the minimum road and side boundary setback requirements under the Conservation Code.
- The existing Dwelling House has ground level undercover parking. Parking for the Secondary Dwelling would be midway along the Driveway to the Dwelling House within an exiting clearing.
- Depending on the onsite waste water design, there would be sufficient area for parking immediately adjacent the Secondary Dwelling within an existing clearing.
- The proposed Secondary Dwelling will be connected to existing onsite water storage.
- The Landowner is currently investigating the feasibility of plumbing into the existing onsite waste water treatment system or establishing a new standalone system to service just the Secondary

Dwelling. If a new system is required it proposed to investigate the possibility of surface irrigation to minimise any further vegetation clearing.

4.0 Statutory Town Planning Framework

4.1 Planning Act 2016

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

4.1.1 Approval and Development

Pursuant to Sections 49, 50 and 51 of the Planning Act, the Development Application seeks a Development Permit for Building Works Assessable against the Planning Scheme (Secondary Dwelling).

4.1.2 Application

The proposed development is:

- development that is located completely in a single local government area;
- development made assessable under a local categorising instrument; and
- for Building Works,

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

4.1.3 Referral

Section 54(2) of the Planning Act and Section 22 and Schedules 9 and 10 of the Planning Regulation provide for the identification of the jurisdiction of referral agencies, to which a copy of the development application must be provided. A review of the Planning Regulation confirms that there are no relevant referral agencies to the Development Application.

4.1.4 Public Notification

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

The Development Application is subject to Code Assessment and therefore Public Notification of the Development Application is not required.

4.1.5 Assessment Framework

As noted within this report, the proposed development triggers a Code Assessable Development Application. Section 45(3) of the *Planning Act* provides that:

- “(3) A code assessment is an assessment that must be carried out only—*
- (a) against the assessment benchmarks in a categorising instrument for the development; and*
 - (b) having regard to any matters prescribed by regulation for this paragraph.”*

The Douglas Shire Planning Scheme 2018 v1.0, as the applicable local categorising instrument, is discussed in greater detail in the following sections of this report.

Section 26 of the *Planning Regulation* provides the following assessment benchmarks for the purposes of Section 45(3)(a) of the *Planning Act*:

- “(1) For section 45(3)(a) of the Act, the code assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.*
- (2) Also, if the prescribed assessment manager is the local government, the code assessment must be carried out against the following assessment benchmarks—*
- (a) the assessment benchmarks stated in—*
 - (i) the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
 - (ii) the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*

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

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

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

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

“(1) For section 45(3)(b) of the Act, the code assessment must be carried out having regard to—

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

...

(d) if the prescribed assessment manager is a person other than the chief executive—

(i) the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and

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

(iii) for designated premises—the designation for the premises; and

(e) any temporary State planning policy applying to the premises; and

(f) any development approval for, and any lawful use of, the premises or adjacent premises; and

(g) the common material.

(2) However—

(a) an assessment manager may, in assessing development requiring code assessment, consider a matter mentioned in subsection (1) only to the extent the assessment manager considers the matter is relevant to the development; and

- (b) *if an assessment manager is required to carry out code assessment against assessment benchmarks in an instrument stated in subsection (1), this section does not require the assessment manager to also have regard to the assessment benchmarks.”*

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

4.2 Far North Queensland Regional Plan 2009-2031

The Far North Queensland Regional Plan 2009 - 2031 (‘the Regional Plan’) is intended to guide and manage the region’s development and to address key regional environmental, social, economic and urban objectives. The site falls within the area to which the Regional Plan applies. The Regional Plan is identified in the Planning Scheme as being appropriately integrated in the scheme and therefore not assessed in any further detail in this Development Application.

4.3 State Planning Policy

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

4.4 Temporary State Planning Policies

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

4.5 Douglas Shire Planning Scheme 2018 v1.0

The Douglas Shire Planning Scheme 2018 v1.0 (the ‘Planning Scheme’) came into effect on 2 January 2018 and is the applicable planning scheme to the Douglas Local Government Area. It is noted that the Planning Scheme was drafted under the *Sustainable Planning Act 2009* (‘the SPA’).

The interpretation of the Planning Scheme with respect to the proposed development is therefore based on the transitional provisions of the Planning Act.

The following sections include an assessment against the relevant sections of the Planning Scheme.

4.5.1 Zone

The subject site is located within the Conservation Zone. The purpose of land within this zone is to *“provide for the protection, restoration and management of areas identified as supporting significant biological diversity and ecological integrity.”*

The proposed development is for a single storey, modestly sized Secondary Dwelling. As demonstrated within Development Application material, the subject site is currently largely vegetated. The development is partially located within an existing clearing adjacent the existing driveway and proposes only a small additional area of 49m² to be cleared.

The proposed development is ancillary to the existing Dwelling House and it is submitted that given the proposed scale and location it would not impact upon areas supporting significant biological diversity and ecological integrity.

A full assessment of the proposed development against the Conservation Code is included within ***Attachment 4 – Code Assessment.***

4.5.2 Local Plan

The subject site is further located within the Cape Tribulation and Daintree Coast Local Plan, more specifically Precinct 1 – Conservation Precinct. The purpose of the Precinct 1 – Conservation Precinct is to *“provide for the protection, restoration and management of areas identified as supporting significant biological diversity and ecological integrity.”*

As stated above, the proposed development is for a single storey and modestly sized Secondary Dwelling. As demonstrated within the Development Application material, the subject site is currently largely vegetated. The development is mostly located within an existing clearing adjacent the existing driveway and proposes only a small additional area of 49m² to be cleared.

The proposed development is ancillary to the existing Dwelling House and it is submitted that given the proposed scale and location it would not impact upon areas supporting significant biological diversity and ecological integrity.

A full assessment of the proposed development against the Conservation Code is included within ***Attachment 4 – Code Assessment.***

4.5.3 Overlays

Table 2: identifies the applicable Overlays to the site generally.

Overlay	Sub-category	Applicability
Hillslopes	Area Affected by Hillslope	Not applicable to Building Works. Furthermore, the proposed development is not located within the mapped area.
Landscape Values	Landscape Value – High Landscape Values	Not applicable to Building Works. Furthermore, the proposed development is not located within the mapped area.
Potential Landslide Hazard	Landslide Hazard – High and Medium Hazard Risk	Not applicable to Building Works. Furthermore, the proposed development is not located within the mapped area.
Natural Areas	MSES – Regulated Vegetation Intersecting with a Watercourse; Wildlife Habitat; Regulated Vegetation	Not applicable to Building Works. Furthermore, the proposed development is not located within the mapped area.
Road Hierarchy	Access Road	Not applicable to Building Works. Furthermore, the proposed development is not located within the mapped area.

4.5.4 Category of Assessment

Pursuant to Part 5 of the Planning Scheme, a Development Application for Building Works Assessable against the Planning Scheme in the Conservation Zone is identified as Code Assessable Development.

However, due to the effect of a number of Overlays identified under s4.5.3, the category of assessment is elevated to Code Assessment.

4.5.5 Assessment Criteria

As determined by the Conservation Zone Table of Assessment, the following Planning Scheme Codes are identified as applicable in the assessment of the Development Application:

Zone Code

- Conservation Zone

Local Area Plan Code

- Cape Tribulation and Daintree Coast Local Plan Code

Overlay Codes

- Nil

Development Codes

- Nil

A detailed assessment against the other relevant assessment criteria is provided in ***Attachment 4 – Code Assessment***.

5.0 Conclusion

This report accompanies a Development Application for Building Works Assessable Against the Planning Scheme, specifically for a Secondary Dwelling, over land at 50 Penda Close, Cow Bay, more formally described as Lot 275 on RP738996.

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

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

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

Attachment 1

Certificate of Title

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference: 21309111	Search Date: 17/11/2023 08:13
Date Title Created: 23/01/1986	Request No: 46320459
Previous Title: 20198109	

ESTATE AND LAND

Estate in Fee Simple

LOT 275 REGISTERED PLAN 738996
Local Government: DOUGLAS

REGISTERED OWNER

Dealing No: 715046452 22/04/2013

FRANCIS LEVI

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by Deed of Grant No. 20198109 (POR 28V)
2. MORTGAGE No 715320891 19/09/2013 at 09:44
WESTPAC BANKING CORPORATION A.B.N. 33 007 457 141

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

Attachment 2

Proposed Clearing Plan

50 Penda Close, Cow Bay

Proposed Vegetation Clearing

16°14'12"S 145°27'51"E

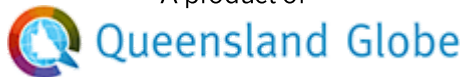
16°14'12"S 145°27'58"E



16°14'19"S 145°27'51"E

16°14'19"S 145°27'58"E

A product of



Legend located on next page



Scale: 1:1000

Printed at: A4

Print date: 24/11/2023

Not suitable for accurate measurement.
Projection: Web Mercator EPSG 102100 (3857)

For more information, visit
<https://qldglobe.information.qld.gov.au/help-info/Contact-us.html>

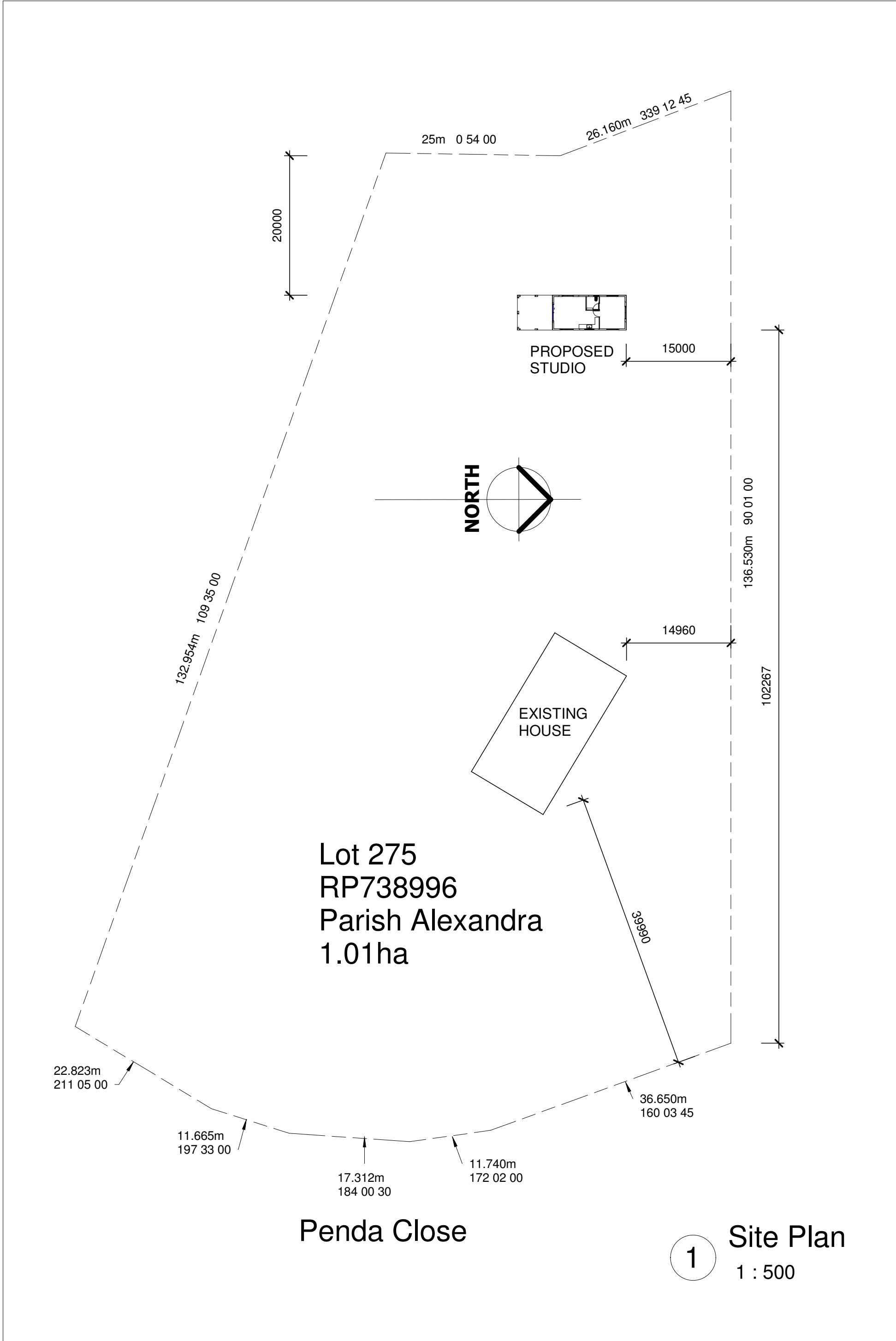
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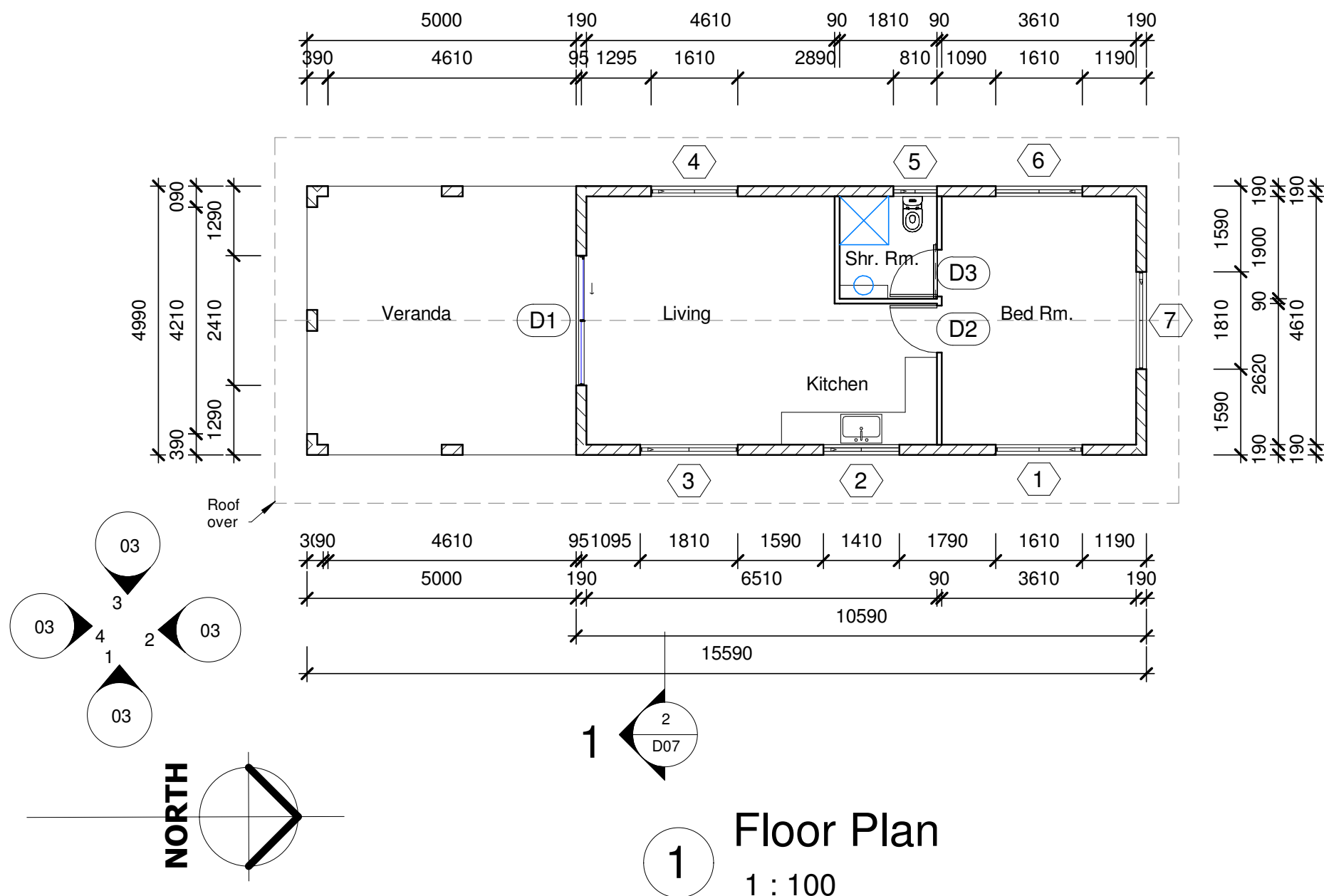


Attachment 3

Site, Floor and Elevation Plans



RODGERS Consulting Engineers Ph. 40 519 466	These drawings are copyright and must not be copied or retained. Do not scale from drawings. The contractor & sub-contractors are to verify all dimensions before commencing work and bring to the attention of the designer any discrepancies they may find.	F. Lee Lot 275 Penda Cl. Cow Bay Proposed Studio		LAWSON DESIGN PH. 40 532 058 M. 0412 592 900 P.O. Box 349 EDGEM HILL 4870 Building Designers Assoc. Qld. QBSA no. 24590		Date 9/11/23	Job No. 2313
		Site Classification TBC	Design Wind Speed C2	Amendments	DWG. No. 01 P		



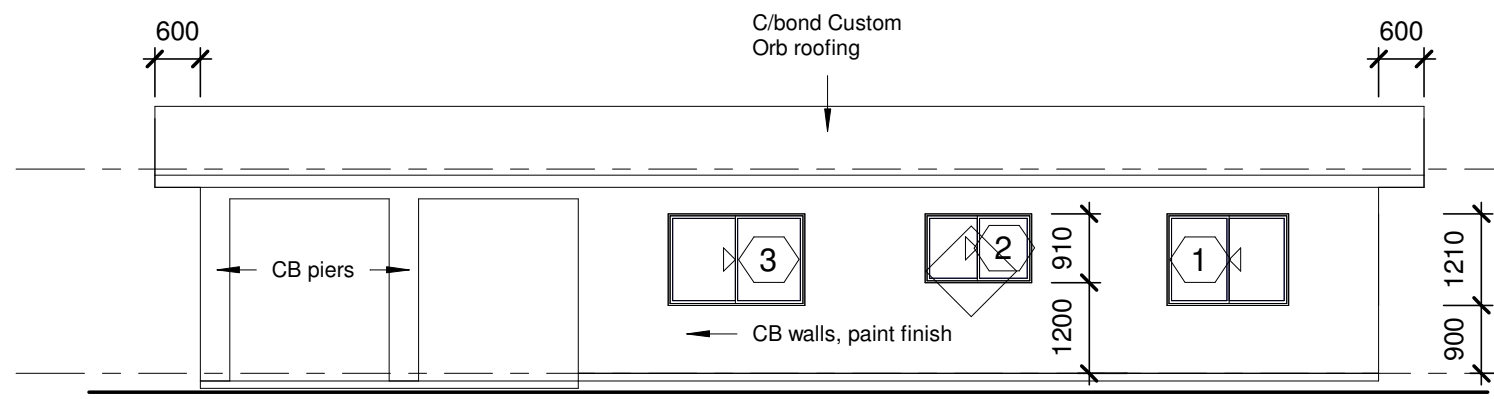
RODGERS
Consulting Engineers
Ph. 40 519 466

These drawings are copyright and must not be copied or retained.
Do not scale from drawings. The contractor & sub-contractors are to verify all dimensions before commencing work and bring to the attention of the designer any discrepancies they may find.

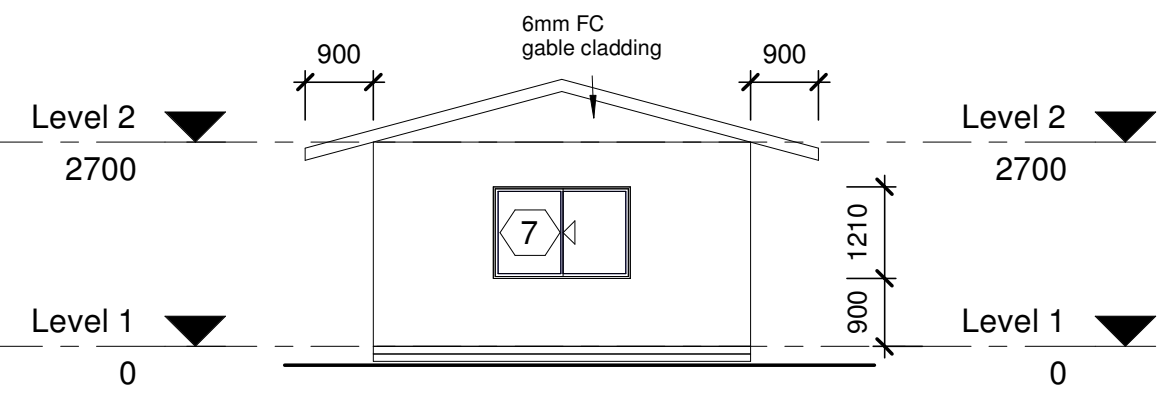
F. Lee
Lot 275 Penda Cl. Cow Bay
Proposed Studio

LAWSON DESIGN
PH. 40 532 058 M. 0412 592 900
P.O. Box 349 EDGE HILL 4870
Building Designers Assoc. Qld. QBSA no. 24590

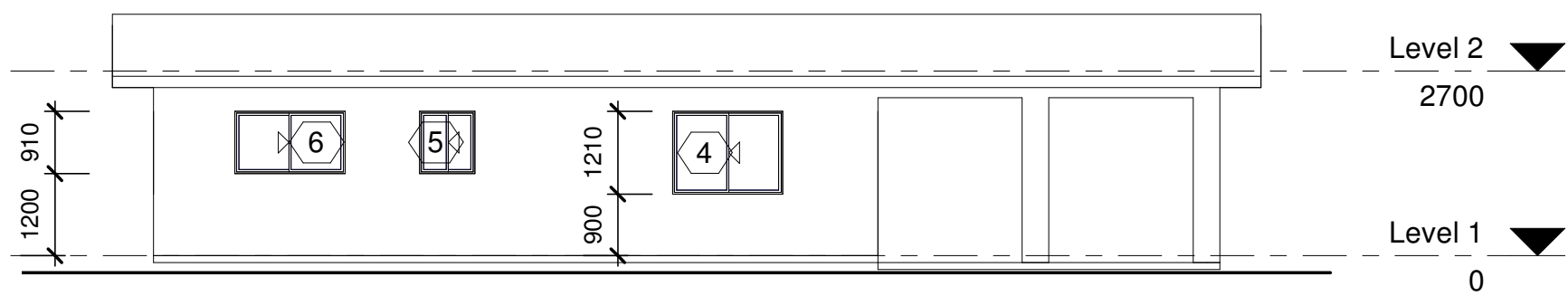
Site Classification TBC	Date 9/11/23	JOB No. 2313
Design Wind Speed C2	Amendments	DWG. No. 02



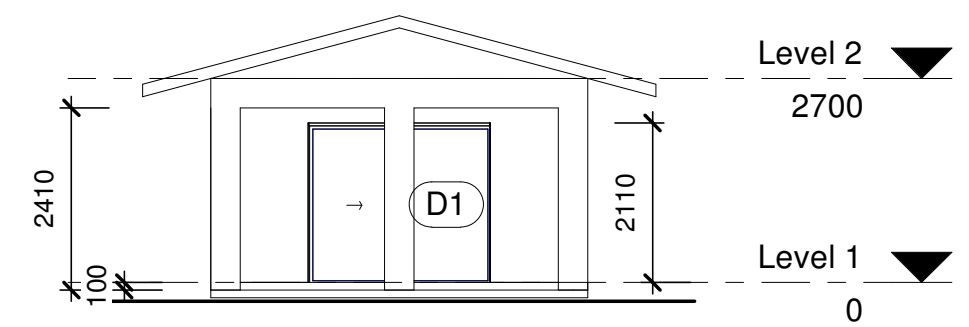
1 Front Elevation - East
1 : 100



2 Right Elevation - North
1 : 100



3 Rear Elevation - West
1 : 100



4 Left Elevation - South
1 : 100

RODGERS
Consulting Engineers
Ph. 40 519 466

These drawings are copyright and must not be copied or retained. Do not scale from drawings. The contractor & sub-contractors are to verify all dimensions before commencing work and bring to the attention of the designer any discrepancies they may find.

F. Lee
Lot 275 Penda Cl. Cow Bay
Proposed Studio

LAWSON DESIGN
PH. 40 532 058 M. 0412 592 900
P.O. Box 349 EDGE HILL 4870
Building Designers Assoc. Qld. QBSA no. 24590

Site Classification TBC	Date 9/11/23	JOB No. 2313
Design Wind Speed C2	Amendments	DWG. No. 03

Attachment 4

Code Assessment

6.2.3 Conservation zone code

6.2.3.1 Application

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

6.2.3.2 Purpose

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

6.2.3.3 Criteria for assessment

Table 6.2.3.3.a – Conservation zone – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For assessable development		
<p>PO1 The establishment of uses is consistent with the outcomes sought for the Conservation zone and protects the zone from the intrusion of inconsistent uses.</p>	<p>AO1 Uses identified in Table 6.2.3.3.b are not established in the Conservation zone.</p>	<p>Complies with AO1</p> <p>The proposed Building Works are associated with a Dwelling House (Secondary Dwelling) which is not identified as an inconsistent land use within Table 6.2.3.3b</p>
<p>PO2 The height of buildings is compatible with the character of the area and does not adversely affect the amenity of the area.</p>	<p>AO2 Buildings and structures are not more than 8.5 metres in height and two storeys. Note - Height is inclusive of roof height.</p>	<p>Complies with AO2</p> <p>The proposed Secondary Dwelling is single storey only and less than 8.5m high.</p>
<p>PO3 Development is setback from site boundaries so they are screened from view from the boundaries of adjoining properties and adjoining roads to maintain the scenic values of the area.</p>	<p>AO3 Buildings and structures are setback not less than: (a) 40 metres from the frontage of a State-controlled road, existing or proposed arterial road, existing or proposed sub-arterial road, as identified on the Transport network overlay maps contained in Schedule 2; (b) 25 metres from Cape Tribulation Road frontage; (c) 20 metres from any other road frontage (d) 10 metres from side and rear boundaries.</p>	<p>Complies with AO3</p> <p>The proposed Secondary Dwelling is setback a minimum of 20m from Kauri Close and 15m from the northern side boundary as illustrated within the Proposal Plans.</p>
<p>PO4 The site coverage of all buildings and structures does not have an adverse effect on the conservation or scenic amenity values of the site and surrounding area and buildings are subservient to the natural environment.</p>	<p>AO4 Development is sited in an existing cleared area or an area approved for clearing, but which is not yet cleared until a development permit to carry out Building Works is issued. Any clearing is limited to a maximum area of 700m² and is sited clear of the high bank of any watercourse. Note – The 700m² area of clearing does not include an access driveway.</p>	<p>Complies with PO4</p> <p>The existing cleared areas are limited to:</p> <ul style="list-style-type: none"> - Dwelling House (including pool and deck areas) is approximately 600m²; and - Generator House approximately 12m². <p>The proposed Secondary Dwelling has a footprint of approximately 77.8m² and is proposed to be located partly within an</p>

Performance outcomes	Acceptable outcomes	Applicant response
		<p>existing cleared parking area adjacent the Generator House, however an area of approximately 49m² would be required to be cleared to support the proposed works.</p> <p>It is submitted that the proposed development is very much in keeping and sympathetic to the natural state of the site and the proposed works would not impact the conservation or scenic amenity values.</p>
<p>PO5 Development is consistent with the overall outcomes sought for the Conservation zone.</p>	<p>AO5 No acceptable outcomes are prescribed.</p>	<p>Complies with PO5</p> <p>The proposed development involves the clearing of a small and not very densely vegetated area of the site. The balance of the site is retained under natural vegetation maintaining the underlying biological and ecological values. The area within which the development is proposed is not visible from public spaces and therefore would not impact on scenic amenity values.</p>
<p>PO6 Development complements, and is subservient to the surrounding environment and is in keeping with the ecological, landscape and scenic values of the area.</p>	<p>AO6 The exterior finishes and colours of all development are non-reflective and consist of colours that blend easily with surrounding native vegetation and view-shed.</p>	<p>May be conditioned to Comply</p>
<p>PO7 Development is screened from view from adjoining roads and properties with a dense screen of endemic/native landscape which:</p> <ul style="list-style-type: none"> (a) is informal in character and complementary to the existing natural environment; (b) provides screening; (c) enhances the visual appearance of the development. 	<p>AO7.1 For any development, the balance area of the site not built upon, including all setback areas must be landscaped/revegetated with dense three tier, endemic planting which is maintained to ensure successful screening is achieved.</p> <p>AO7.2 Endemic palm species, where used, are planted as informal accent features and not as avenues and not in a regular pattern.</p>	<p>Complies with AO7.1-7.2</p> <p>The site is already largely vegetated. There are no balance areas available onsite for revegetation.</p>

Performance outcomes	Acceptable outcomes	Applicant response
<p>Note – Planning scheme policy – Landscaping provides further guidance on meeting the performance outcome.</p>		
<p>P08 Development is complementary to the surrounding environment.</p>	<p>AO8.1 Development harmonises with the surrounding environment, for example, through suspended, light-weight construction on sloping sites, which requires minimal excavation or fill.</p> <p>AO8.2 A driveway or parking areas are constructed and maintained to:</p> <ul style="list-style-type: none"> (a) minimise erosion, particularly in the wet season; (b) minimise cut and fill; (c) follow the natural contours of the site; (d) minimise vegetation clearing. <p>AO8.3 Buildings and structures are erected on land not exceeding a maximum gradient of 1 in 6 (16.6%).</p> <p>or</p>	<p>Complies with AO8.1-AO8.3</p> <p>The design of the building is slab on ground, however it is a very small structure and not imposing on the surrounding environment.</p> <p>Driveway and parking areas are existing. No changes proposed.</p> <p>The area of the proposed Secondary Dwelling is generally level.</p>
	<p>On land steeper than 1 in 6 (16.6%) gradient:</p> <ul style="list-style-type: none"> (a) A split level building form is utilised; (b) A single plane concrete slab is not utilised; (c) Any voids between building and ground level, or between outdoor decks and ground level are screened from view using lattice/battens and/or landscaping. <p>and</p> <ul style="list-style-type: none"> (d) is accompanied by a Geotechnical Report prepared by a qualified engineer at development application stage which includes certification that the site can be stabilised, followed by a certificate upon completion of works. <p>AO8.4 Buildings and structures are sited below any ridgelines and are sited to avoid protrusion above the surrounding tree-level canopy.</p>	<p>Not Applicable</p>

Performance outcomes	Acceptable outcomes	Applicant response
<p>PO9 Development is located to:</p> <ul style="list-style-type: none"> (a) protect the ecological values of the site and surrounding land; (b) maintain the scenic values of the area; (c) maintain appropriate setbacks to waterways, watercourses, wetlands, tidal areas and overland flow paths; (d) avoid areas that are vulnerable to natural hazards; (e) minimise to the greatest extent possible on site excavation and filling; (f) provide buffers to cultural, historical or ecological features; (g) minimise visibility from external sites or public viewing points; (h) minimises to the greatest extent possible the loss of native vegetation and fauna habitat. 	<p>AO9 No acceptable outcomes are prescribed.</p>	<p>Complies with PO9 The proposed development:</p> <ul style="list-style-type: none"> a. Is located within an existing disturbed pocket of the site. Although a small area of additional clearing is required this is not likely to impact the ecological value of the site. b. Would not be noticeably visible from external vantage points and therefore does not impact scenic values. c. Is not located in proximity to a waterway d. Is sited outside of mapped hazard areas include Bushfire and Potential Landslip. e. Is located within a level area of the site and minimal site preparation works will be required. f. Does impact upon known cultural, historical or ecological features. g. Complies with minimum setback requirements and is not easily visible from external viewing vantages. h. Seeks to utilise an existing clearing for the location of the Secondary Dwelling and onsite waste water system. Minimal additional clearing is required.
<p>PO10 Development does not result in adverse impacts on:</p> <ul style="list-style-type: none"> (a) ecological function or features; (b) on-site or surrounding waterways and wetlands. 	<p>AO10 No acceptable outcomes are prescribed.</p>	<p>Complies with PO10 The proposed development requires only a small clearing of vegetation which is not expected to have a significant adverse impact on ecological functions. The proposed development is not located in close proximity to waterways or wetlands.</p>
<p>PO11 Rehabilitation of natural processes on disturbed sites is undertaken to improve the environmental integrity of the area.</p>	<p>AO11 No acceptable outcomes are prescribed</p>	<p>Complies with PO11. The site is largely vegetated already as can be seen via aerial imagery. No further revegetation is proposed.</p>

Performance outcomes	Acceptable outcomes	Applicant response
<p>PO12 Fencing is designed to not impede the free movement of native fauna through the site.</p>	<p>AO12 No acceptable outcomes are prescribed.</p>	<p>Complies with PO12 No fencing is proposed. Council may regulate this requirement through conditions of approval.</p>
<p>PO13 New lots contain a minimum lot size of 200 hectares, unless:</p> <ul style="list-style-type: none"> (a) the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments); (b) the reconfiguration is limited to one additional lot to accommodate an existing or approved: <ul style="list-style-type: none"> (i) Telecommunications facility; (ii) Utility installation; (c) the lot reconfiguration facilitates and outcome consistent with the Return to Country local plan. <p>Note – Boundary realignments must result in an improved environmental outcome or resolve encroachments.</p>	<p>AO13 No acceptable outcomes are prescribed.</p>	<p>Not applicable No new lots proposed.</p>

Table 6.2.3.3.b – Inconsistent uses within the Conservation zone

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

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.

6.2.3 Conservation zone code

6.2.3.1 Application

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

6.2.3.2 Purpose

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

6.2.3.3 Criteria for assessment

Table 6.2.3.3.a – Conservation zone – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For assessable development		
<p>PO1 The establishment of uses is consistent with the outcomes sought for the Conservation zone and protects the zone from the intrusion of inconsistent uses.</p>	<p>AO1 Uses identified in Table 6.2.3.3.b are not established in the Conservation zone.</p>	<p>Complies with AO1</p> <p>The proposed Building Works are associated with a Dwelling House (Secondary Dwelling) which is not identified as an inconsistent land use within Table 6.2.3.3b</p>
<p>PO2 The height of buildings is compatible with the character of the area and does not adversely affect the amenity of the area.</p>	<p>AO2 Buildings and structures are not more than 8.5 metres in height and two storeys. Note - Height is inclusive of roof height.</p>	<p>Complies with AO2</p> <p>The proposed Secondary Dwelling is single storey only and less than 8.5m high.</p>
<p>PO3 Development is setback from site boundaries so they are screened from view from the boundaries of adjoining properties and adjoining roads to maintain the scenic values of the area.</p>	<p>AO3 Buildings and structures are setback not less than: (a) 40 metres from the frontage of a State-controlled road, existing or proposed arterial road, existing or proposed sub-arterial road, as identified on the Transport network overlay maps contained in Schedule 2; (b) 25 metres from Cape Tribulation Road frontage; (c) 20 metres from any other road frontage (d) 10 metres from side and rear boundaries.</p>	<p>Complies with AO3</p> <p>The proposed Secondary Dwelling is setback a minimum of 20m from Kauri Close and 15m from the northern side boundary as illustrated within the Proposal Plans.</p>
<p>PO4 The site coverage of all buildings and structures does not have an adverse effect on the conservation or scenic amenity values of the site and surrounding area and buildings are subservient to the natural environment.</p>	<p>AO4 Development is sited in an existing cleared area or an area approved for clearing, but which is not yet cleared until a development permit to carry out Building Works is issued. Any clearing is limited to a maximum area of 700m² and is sited clear of the high bank of any watercourse. Note – The 700m² area of clearing does not include an access driveway.</p>	<p>Complies with PO4</p> <p>The existing cleared areas are limited to:</p> <ul style="list-style-type: none"> - Dwelling House (including pool and deck areas) is approximately 600m²; and - Generator House approximately 12m². <p>The proposed Secondary Dwelling has a footprint of approximately 77.8m² and is proposed to be located partly within an</p>

Performance outcomes	Acceptable outcomes	Applicant response
		<p>existing cleared parking area adjacent the Generator House, however an area of approximately 49m² would be required to be cleared to support the proposed works.</p> <p>It is submitted that the proposed development is very much in keeping and sympathetic to the natural state of the site and the proposed works would not impact the conservation or scenic amenity values.</p>
<p>PO5 Development is consistent with the overall outcomes sought for the Conservation zone.</p>	<p>AO5 No acceptable outcomes are prescribed.</p>	<p>Complies with PO5</p> <p>The proposed development involves the clearing of a small and not very densely vegetated area of the site. The balance of the site is retained under natural vegetation maintaining the underlying biological and ecological values. The area within which the development is proposed is not visible from public spaces and therefore would not impact on scenic amenity values.</p>
<p>PO6 Development complements, and is subservient to the surrounding environment and is in keeping with the ecological, landscape and scenic values of the area.</p>	<p>AO6 The exterior finishes and colours of all development are non-reflective and consist of colours that blend easily with surrounding native vegetation and view-shed.</p>	<p>May be conditioned to Comply</p>
<p>PO7 Development is screened from view from adjoining roads and properties with a dense screen of endemic/native landscape which:</p> <ul style="list-style-type: none"> (a) is informal in character and complementary to the existing natural environment; (b) provides screening; (c) enhances the visual appearance of the development. 	<p>AO7.1 For any development, the balance area of the site not built upon, including all setback areas must be landscaped/revegetated with dense three tier, endemic planting which is maintained to ensure successful screening is achieved.</p> <p>AO7.2 Endemic palm species, where used, are planted as informal accent features and not as avenues and not in a regular pattern.</p>	<p>Complies with AO7.1-7.2</p> <p>The site is already largely vegetated. There are no balance areas available onsite for revegetation.</p>

Performance outcomes	Acceptable outcomes	Applicant response
<p>Note – Planning scheme policy – Landscaping provides further guidance on meeting the performance outcome.</p>		
<p>P08 Development is complementary to the surrounding environment.</p>	<p>AO8.1 Development harmonises with the surrounding environment, for example, through suspended, light-weight construction on sloping sites, which requires minimal excavation or fill.</p> <p>AO8.2 A driveway or parking areas are constructed and maintained to:</p> <ul style="list-style-type: none"> (a) minimise erosion, particularly in the wet season; (b) minimise cut and fill; (c) follow the natural contours of the site; (d) minimise vegetation clearing. <p>AO8.3 Buildings and structures are erected on land not exceeding a maximum gradient of 1 in 6 (16.6%).</p> <p>or</p>	<p>Complies with AO8.1-AO8.3</p> <p>The design of the building is slab on ground, however it is a very small structure and not imposing on the surrounding environment.</p> <p>Driveway and parking areas are existing. No changes proposed.</p> <p>The area of the proposed Secondary Dwelling is generally level.</p>
	<p>On land steeper than 1 in 6 (16.6%) gradient:</p> <ul style="list-style-type: none"> (a) A split level building form is utilised; (b) A single plane concrete slab is not utilised; (c) Any voids between building and ground level, or between outdoor decks and ground level are screened from view using lattice/battens and/or landscaping. <p>and</p> <ul style="list-style-type: none"> (d) is accompanied by a Geotechnical Report prepared by a qualified engineer at development application stage which includes certification that the site can be stabilised, followed by a certificate upon completion of works. <p>AO8.4 Buildings and structures are sited below any ridgelines and are sited to avoid protrusion above the surrounding tree-level canopy.</p>	<p>Not Applicable</p>

Performance outcomes	Acceptable outcomes	Applicant response
<p>PO9 Development is located to:</p> <ul style="list-style-type: none"> (a) protect the ecological values of the site and surrounding land; (b) maintain the scenic values of the area; (c) maintain appropriate setbacks to waterways, watercourses, wetlands, tidal areas and overland flow paths; (d) avoid areas that are vulnerable to natural hazards; (e) minimise to the greatest extent possible on site excavation and filling; (f) provide buffers to cultural, historical or ecological features; (g) minimise visibility from external sites or public viewing points; (h) minimises to the greatest extent possible the loss of native vegetation and fauna habitat. 	<p>AO9 No acceptable outcomes are prescribed.</p>	<p>Complies with PO9 The proposed development:</p> <ul style="list-style-type: none"> a. Is located within an existing disturbed pocket of the site. Although a small area of additional clearing is required this is not likely to impact the ecological value of the site. b. Would not be noticeably visible from external vantage points and therefore does not impact scenic values. c. Is not located in proximity to a waterway d. Is sited outside of mapped hazard areas include Bushfire and Potential Landslip. e. Is located within a level area of the site and minimal site preparation works will be required. f. Does impact upon known cultural, historical or ecological features. g. Complies with minimum setback requirements and is not easily visible from external viewing vantages. h. Seeks to utilise an existing clearing for the location of the Secondary Dwelling and onsite waste water system. Minimal additional clearing is required.
<p>PO10 Development does not result in adverse impacts on:</p> <ul style="list-style-type: none"> (a) ecological function or features; (b) on-site or surrounding waterways and wetlands. 	<p>AO10 No acceptable outcomes are prescribed.</p>	<p>Complies with PO10 The proposed development requires only a small clearing of vegetation which is not expected to have a significant adverse impact on ecological functions. The proposed development is not located in close proximity to waterways or wetlands.</p>
<p>PO11 Rehabilitation of natural processes on disturbed sites is undertaken to improve the environmental integrity of the area.</p>	<p>AO11 No acceptable outcomes are prescribed</p>	<p>Complies with PO11. The site is largely vegetated already as can be seen via aerial imagery. No further revegetation is proposed.</p>

Performance outcomes	Acceptable outcomes	Applicant response
<p>PO12 Fencing is designed to not impede the free movement of native fauna through the site.</p>	<p>AO12 No acceptable outcomes are prescribed.</p>	<p>Complies with PO12 No fencing is proposed. Council may regulate this requirement through conditions of approval.</p>
<p>PO13 New lots contain a minimum lot size of 200 hectares, unless:</p> <ul style="list-style-type: none"> (a) the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments); (b) the reconfiguration is limited to one additional lot to accommodate an existing or approved: <ul style="list-style-type: none"> (i) Telecommunications facility; (ii) Utility installation; (c) the lot reconfiguration facilitates and outcome consistent with the Return to Country local plan. <p>Note – Boundary realignments must result in an improved environmental outcome or resolve encroachments.</p>	<p>AO13 No acceptable outcomes are prescribed.</p>	<p>Not applicable No new lots proposed.</p>

Table 6.2.3.3.b – Inconsistent uses within the Conservation zone

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

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.