

**From:** Patrick Clifton <Patrick.Clifton@rpsgroup.com.au>  
**Sent:** Monday, 31 October 2022 9:37 AM  
**To:** Enquiries  
**Cc:** Jenny Elphinstone  
**Subject:** AU006895 - 40 Cooya Beach Road, Bonnie Doon MCU (Dual Occupancy) and RAL (1 into 2)  
**Attachments:** DAForm1-Developmentapplicationdetails (2).pdf; AU006895\_40 Cooya Beach Road, Bonnie Doon - Application for Material Change of Use (Dual Occupancy ) and Reconfiguring a Lot (1 into 2)\_B\_221027\_Report.pdf

Dear Jenny and Council officers,

Please find attached an application for the material change of use of premises located at 40 Cooya Beach Road, Bonnie Doon, for the purpose of a Dual Occupancy and for Reconfiguring a Lot to allow for the subsequent subdivision of the land to two separate freehold lots.

We understand that the application will attract an application fee and it would be appreciated if you could provide an invoice of the application fee by return email for prompt payment.

Should you have any queries in respect of this application, please do not hesitate to contact me.

Kind regards

**Patrick Clifton**

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We acknowledge the Traditional Owners of Country throughout Australia and recognise their continuing connection to land, waters and community. We pay our respect to them and their cultures and to Elders past and present.

[Click here](#) to find out more about our Reconciliation Action Plan.

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# 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) | Catherine Rosenbrauer  |
| Contact name (only applicable for companies)        | C/- RPS AAP Consulting Pty Ltd, Patrick Clifton                                      |
| Postal address (P.O. Box or street address)         | PO Box 1949  |
| Suburb  | Cairns   |
| State   | Queensland   |
| Postcode  | 4870   |
| Country   | Australia  |
| Contact number                                      | (07) 4031 1336   |
| Email address (non-mandatory)                       | <a href="mailto:Patrick.clifton@rpsgroup.com.au">Patrick.clifton@rpsgroup.com.au</a> |
| Mobile number (non-mandatory)                       |  |
| Fax number (non-mandatory)                          |  |
| Applicant's reference number(s) (if applicable)     | AU006895   |

| 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                   |
|    |          | 40         | Cooya Beach Road                   | Bonnie Doon              |
|    | Postcode | Lot No.    | Plan Type and Number (e.g. RP, SP) | Local Government Area(s) |
|    | 4873     | 3          | SP199682                           | Douglas Shire Council    |

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

**Note:** Place each set of coordinates in a separate row.

- ☐ Coordinates of premises by longitude and latitude

| Longitude(s) | Latitude(s) | Datum   | Local Government Area(s) (if applicable) |
|--------------|-------------|---|--|
|              |             | <input type="checkbox"/> WGS84<br><input type="checkbox"/> GDA94<br><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<br><input type="checkbox"/> 55<br><input type="checkbox"/> 56 | <input type="checkbox"/> WGS84<br><input type="checkbox"/> GDA94<br><input type="checkbox"/> Other: |  |

#### 3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

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

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

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

Name of airport:

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

EMR site identification:

- ☐ Listed on the Contaminated Land Register (CLR) under the *Environmental Protection Act 1994*

CLR site identification:

5) Are there any existing easements over the premises?

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

Dual Occupancy

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):*

Subdivision (1 into 2 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    ☒ Yes – complete division 1 if assessable against a local planning instrument

|                     |  |
|---------------------|--|
| Reconfiguring a lot | <input checked="" type="checkbox"/> Yes – complete division 2                    |
| Operational work    | <input type="checkbox"/> Yes – complete division 3                               |
| Building work       | <input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i> |

### Division 1 – Material change of use

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

| 8.1) Describe the proposed material change of use                                 |  |   |   |
|---|--|---|---|
| Provide a general description of the proposed use                                 | Provide the planning scheme definition<br>(include each definition in a new row) | Number of dwelling units<br>(if applicable) | Gross floor area (m <sup>2</sup> )<br>(if applicable) |
| Dual Occupancy (2 Dwellings)  | Dual Occupancy   | 2   | N/A   |
|   |  |   |   |
|   |  |   |   |
| 8.2) Does the proposed use involve the use of existing buildings on the premises? |  |   |   |
| <input checked="" type="checkbox"/> Yes   |  |   |   |
| <input type="checkbox"/> No   |  |   |   |

### Division 2 – Reconfiguring a lot

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

| 9.1) What is the total number of existing lots making up the premises?          |   |
|---|---|
| One   |   |
| 9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes) |   |
| <input checked="" type="checkbox"/> Subdivision (complete 10))                  | <input type="checkbox"/> Dividing land into parts by agreement (complete 11))   |
| <input type="checkbox"/> Boundary realignment (complete 12))                    | <input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13)) |

| 10) Subdivision   |             |            |            |                        |
|---|-------------|------------|------------|------------------------|
| 10.1) For this development, how many lots are being created and what is the intended use of those lots: |             |            |            |                        |
| Intended use of lots created  | Residential | Commercial | Industrial | Other, please specify: |
|   |             |            |            |                        |
| Number of lots created  | 2           |            |            |                        |
| 10.2) Will the subdivision be staged?   |             |            |            |                        |
| <input type="checkbox"/> Yes – provide additional details below   |             |            |            |                        |
| <input checked="" type="checkbox"/> No  |             |            |            |                        |
| How many stages will the works include?   |             |            |            |                        |
| What stage(s) will this development application apply to?   |             |            |            |                        |

| 11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts? |             |            |            |                        |
|---|-------------|------------|------------|------------------------|
| Intended use of parts created   | Residential | Commercial | Industrial | Other, please specify: |
|   |             |            |            |                        |
| Number of parts created   |             |            |            |                        |

| 12) Boundary realignment  |                        |                         |                        |
|---|------------------------|-------------------------|------------------------|
| 12.1) What are the current and proposed areas for each lot comprising the premises? |                        |                         |                        |
| Current lot   |                        | Proposed lot            |                        |
| Lot on plan description   | Area (m <sup>2</sup> ) | Lot on plan description | Area (m <sup>2</sup> ) |
|   |                        |                         |                        |
|   |                        |                         |                        |
| 12.2) What is the reason for the boundary realignment?                              |                        |                         |                        |
|   |                        |                         |                        |

| 13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement?<br>(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<br><input type="checkbox"/> Drainage work<br><input type="checkbox"/> Landscaping<br><input type="checkbox"/> Other – please specify: | <input type="checkbox"/> Stormwater<br><input type="checkbox"/> Earthworks<br><input type="checkbox"/> Signage<br><input type="checkbox"/> Water infrastructure<br><input type="checkbox"/> Sewage infrastructure<br><input type="checkbox"/> Clearing vegetation |
| 14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)   |   |
| <input type="checkbox"/> Yes – specify number of new lots:   |   |
| <input type="checkbox"/> No  |   |
| 14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)   |   |
| \$   |   |

## PART 4 – ASSESSMENT MANAGER DETAILS

| 15) Identify the assessment manager(s) who will be assessing this development application   |
|---|
| Douglas Shire Council   |
| 16) Has the local government agreed to apply a superseded planning scheme for this development application?   |
| <input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application<br><input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached<br><input checked="" type="checkbox"/> No |

## PART 5 – REFERRAL DETAILS

| 17) Does this development application include any aspects that have any referral requirements?  |
|---|
| <b>Note:</b> A development application will require referral if prescribed by the Planning Regulation 2017.   |
| <input checked="" type="checkbox"/> 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 <b>Chief Executive of the Planning Act 2016:</b>  |
| <input type="checkbox"/> 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*)
- ☐ Heritage places – Local heritage places

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

- ☐ Infrastructure-related referrals – Electricity infrastructure

**Matters requiring referral to:**

- The **Chief Executive of the holder of the licence**, if not an individual
- The **holder of the licence**, if the holder of the licence is an individual
- ☐ Infrastructure-related referrals – Oil and gas infrastructure

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

|   |
|---|
| <input type="checkbox"/> Ports – Brisbane core port land  |
| Matters requiring referral to the <b>Minister responsible for administering the <i>Transport Infrastructure Act 1994</i></b> :<br><input type="checkbox"/> Ports – Brisbane core port land <i>(where inconsistent with the Brisbane port LUP for transport reasons)</i><br><input type="checkbox"/> Ports – Strategic port land |
| Matters requiring referral to the <b>relevant port operator</b> , if applicant is not port operator:<br><input type="checkbox"/> Ports – Land within Port of Brisbane's port limits <i>(below high-water mark)</i>  |
| Matters requiring referral to the <b>Chief Executive of the relevant port authority</b> :<br><input type="checkbox"/> Ports – Land within limits of another port <i>(below high-water mark)</i>   |
| Matters requiring referral to the <b>Gold Coast Waterways Authority</b> :<br><input type="checkbox"/> Tidal works or work in a coastal management district <i>(in Gold Coast waters)</i>  |
| Matters requiring referral to the <b>Queensland Fire and Emergency Service</b> :<br><input type="checkbox"/> Tidal works or work in a coastal management district <i>(involving a marina (more than six vessel berths))</i>   |

|  |                 |                           |
|--|-----------------|---------------------------|
| <b>18) Has any referral agency provided a referral response for this development application?</b>  |                 |                           |
| <input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application<br><input 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

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

## PART 7 – FURTHER DETAILS

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

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

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

| Amount paid | Date paid (dd/mm/yy) | QLeave levy number (A, B or E) |
|-------------|----------------------|--------------------------------|
| \$          |                      |                                |

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

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

23) Further legislative requirements

**Environmentally relevant activities**

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

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

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

|   |  |                         |  |
|---|--|-------------------------|--|
| Proposed ERA number:  |  | Proposed ERA threshold: |  |
| Proposed ERA name:  |  |                         |  |
| <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**?

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

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

**Clearing native vegetation**

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

- ☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)
- ☒ No

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

**Environmental offsets**

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

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

☒ No

**Note:** The environmental offset section of the Queensland Government's website can be accessed at [www.qld.gov.au](http://www.qld.gov.au) for further information on environmental offsets.

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

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

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

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

☒ No

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

### **Water resources**

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

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

☒ No

**Note:** Contact the Department of Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) for further information.

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

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

### **Waterway barrier works**

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

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

☒ No

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

### **Marine activities**

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

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

☒ No

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

### **Quarry materials from a watercourse or lake**

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

☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

☒ No

**Note:** Contact the Department of Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) and [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

### **Quarry materials from land under tidal waters**

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

☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

☒ No

**Note:** Contact the Department of Environment and Science at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Referable dams**

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

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

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

### **Tidal work or development within a coastal management district**

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

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

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

### **Queensland and local heritage places**

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

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

**Note:** See guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for information requirements regarding development of Queensland heritage places.

|                             |  |           |  |
|-----------------------------|--|-----------|--|
| Name of the heritage place: |  | Place ID: |  |
|-----------------------------|--|-----------|--|

### **Brothels**

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

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

### **Decision under section 62 of the Transport Infrastructure Act 1994**

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

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

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

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

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

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

## PART 8 – CHECKLIST AND APPLICANT DECLARATION

| 24) Development application checklist  |  |
|--|--|
| I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17<br><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 <a href="#">DA Form 2 – Building work details</a> have been completed and attached to this development application   | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> Not applicable |
| Supporting information addressing any applicable assessment benchmarks is with the development application<br><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 <a href="#">DA Forms Guide: Planning Report Template</a>.</i> | <input checked="" type="checkbox"/> Yes  |
| Relevant plans of the development are attached to this development application<br><i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms Guide: Relevant plans</a>.</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 (see 21)  | <input type="checkbox"/> Yes<br><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<br><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><br><i>Note: It is unlawful to intentionally provide false or misleading information.</i>   |  |
| <p><b>Privacy</b> – 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"> <li>• 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</li> <li>• required by other legislation (including the <i>Right to Information Act 2009</i>); or</li> <li>• otherwise required by law.</li> </ul> <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 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

*Note: For completion by assessment manager if applicable*

|   |                      |
|---|----------------------|
| Description of the work                           |                      |
| QLeave project number                             |                      |
| Amount paid (\$)                                  | Date paid (dd/mm/yy) |
| Date receipted form sighted by assessment manager |                      |
| Name of officer who sighted the form              |                      |

# 40 COOYA BEACH ROAD, BONNIE DOON - APPLICATION FOR MATERIAL CHANGE OF USE (DUAL OCCUPANCY ) AND RECONFIGURING A LOT (1 INTO 2)

## Town Planning Report



AU006895  
B  
31 October 2022

## REPORT

### Document status

| Version | Purpose of document    | Authored by | Reviewed by | Approved by | Review date |
|---------|------------------------|-------------|-------------|-------------|-------------|
| A       | Client Review          | S Leggerini | P Clifton   | P Clifton   | 27/10/2022  |
| B       | Application Submission | P Clifton   | P Clifton   | P Clifton   | 31/10/2022  |

### Approval for issue

P Clifton



31 October 2022

This report was prepared by RPS within the terms of RPS' engagement with its client and in direct response to a scope of services. This report is supplied for the sole and specific purpose for use by RPS' client. The report does not account for any changes relating the subject matter of the report, or any legislative or regulatory changes that have occurred since the report was produced and that may affect the report. RPS does not accept any responsibility or liability for loss whatsoever to any third party caused by, related to or arising out of any use or reliance on the report.

Prepared by:

Prepared for:

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## Contents

|  |           |
|--|-----------|
| <b>SUMMARY .....</b>   | <b>1</b>  |
| <b>1 INTRODUCTION .....</b>  | <b>2</b>  |
| <b>2 SITE DETAILS .....</b>  | <b>3</b>  |
| 2.1 Site Particulars .....   | 3         |
| 2.2 Planning Context .....   | 4         |
| <b>3 PROPOSAL .....</b>  | <b>6</b>  |
| 3.1 Overview .....   | 6         |
| <b>4 LEGISLATIVE REQUIREMENTS .....</b>                            | <b>7</b>  |
| 4.1 Assessment Manager .....                                       | 7         |
| 4.2 Categories of Assessment .....                                 | 7         |
| 4.3 Referrals .....  | 7         |
| 4.4 Public Notification .....                                      | 7         |
| <b>5 STATUTORY PLANNING ASSESSMENT .....</b>                       | <b>8</b>  |
| 5.1 Overview .....   | 8         |
| 5.2 State and Regional Assessment Benchmarks .....                 | 8         |
| 5.2.1 State Planning Policy .....                                  | 8         |
| 5.2.2 Regional Plan .....  | 8         |
| 5.2.3 Development Assessment under Schedules 9 and 10 (SDAP) ..... | 8         |
| 5.3 Local Authority Assessment Benchmarks .....                    | 8         |
| 5.3.1 Strategic Framework .....                                    | 8         |
| 5.3.2 Planning Scheme Codes .....                                  | 9         |
| 5.3.3 Statement of Compliance .....                                | 10        |
| 5.4 Infrastructure Charges .....                                   | 11        |
| <b>6 CONCLUSION .....</b>  | <b>12</b> |

## Tables

|   |   |
|---|---|
| Table 1: Summary .....                        | 1 |
| Table 2: Site Particulars .....               | 3 |
| Table 3: Planning Context .....               | 4 |
| Table 4: Categories of Assessment .....       | 7 |
| Table 5: Planning Scheme Code Responses ..... | 9 |

## Figures

|  |   |
|--|---|
| Figure 1 Site Location .....             | 4 |
| Figure 2 Cooya Beach Road Frontage ..... | 4 |
| Figure 3 Zoning .....                    | 5 |
| Figure 4 Proposed Site Plan .....        | 6 |

## Appendices

|   |
|---|
| Appendix A Certificate(S) of Title and Search Results         |
| Appendix B Douglas Shire Planning Scheme 2018 Property Report |
| Appendix C Proposal Plans                                     |
| Appendix D Planning Scheme Code Responses                     |

## SUMMARY

**Table 1: Summary**

| Details                                |  |  |  |
|--|--|--|--|
| Site Address:                          | 40 Cooya Beach Road, Bonnie Boon   |  |  |
| Real Property Description:             | Lot 3 SP199682   |  |  |
| Site Area:                             | 1,000m <sup>3</sup>  |  |  |
| Regional Plan Land Use Designation:    | Urban Footprint  |  |  |
| Zone:                                  | Low Density Residential Zone   |  |  |
| Local Plan                             | Coastal Communities Local Plan   |  |  |
| Owner(s):                              | Catherine Rosenbrauer  |  |  |
| Proposal                               |  |  |  |
| Brief Description/ Purpose of Proposal | Development Permit for Material Change of Use (Dual Occupancy) and Development Permit for Reconfiguring a Lot (1 into 2)                                     |  |  |
| Application Details                    |  |  |  |
| Aspect of Development                  | Preliminary approval   | Development permit                             |  |
| Material change of use                 | <input type="checkbox"/>   | <input checked="" type="checkbox"/>            |  |
| Building Work                          | <input type="checkbox"/>   | <input type="checkbox"/>                       |  |
| Operational Work                       | <input type="checkbox"/>   | <input type="checkbox"/>                       |  |
| Reconfiguration of a Lot               | <input type="checkbox"/>   | <input checked="" type="checkbox"/>            |  |
| Assessment Category                    | <input type="checkbox"/> Code  | <input checked="" type="checkbox"/> Impact     |  |
| Public Notification                    | <input type="checkbox"/> No  | <input checked="" type="checkbox"/> Yes: 15 BD |  |
| Superseded Planning Scheme Application | <input type="checkbox"/> Yes   | <input checked="" type="checkbox"/> No         |  |
| Referral Agencies                      |  |  |  |
| Agency                                 | Concurrence  | Advice   | Pre-lodgement response                                   |
| Nil                                    | <input type="checkbox"/>   | <input type="checkbox"/>                       | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Pre-lodgement / Consultation           |  |  |  |
| Entity                                 |  | Date   | Contact Name   |
| Council DA Team                        | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  | 14 October 2022                                | Jenny Elphinstone, Senior Planner                        |
| Other                                  |  |  |  |
| Applicant contact person               | Patrick Clifton<br>Senior Principal Planner<br>D: +61 7 40311 336<br>E: <a href="mailto:Patrick.clifton@rpsgroup.com.au">Patrick.clifton@rpsgroup.com.au</a> |  |  |

# 1 INTRODUCTION

RPS has been engaged by Catherine Rosenbrauer to seek development approval for establishment of a Dual Occupancy and subsequent subdivision to create two lots on land at 40 Cooya Beach Road, Bonnie Doon, and described as Lot 3 on SP199682.

The site has an area of 1,000m<sup>2</sup> and has frontage to Cooya Beach Road and to Bayil Drive. The site is currently development with a single storey Dwelling House, which is located towards the site frontage to Cooya Beach Road. Access to the site is provided from Cooya Beach Road to a double garage associated with the existing Dwelling House.

This development application seeks:

- Development Permit for a Material Change of Use for a Dual Occupancy; and,
- Development Permit for Reconfiguring a Lot (1 into 2).

It is proposed to construct a new Dwelling on the site that would front Bayil Drive. The new dwelling would have a floor area of approximately 160.25m<sup>2</sup> and would contain a double garage, two bedrooms, living/dining/kitchen area and utility rooms. External to the dwelling would be a private recreation area containing a swimming pool.

Subsequent to the approval of the second dwelling on the site, it is further understood that it is proposed to subdivide the land into two separate lots with a Dwelling House on each lot. The existing house would be located on one lot (Lot 3A) with an area of in the order of 628.84m<sup>2</sup> and the new dwelling house would be located on a new lot (Lot 3B) with an area of approximately 370.75m<sup>2</sup>. The proposed common boundary would be located 1.5 metres from the existing dwelling house.

Under the Douglas Shire council Planning Scheme 2018, the site has the following designations /classifications:

- Zone – Low Density Residential;
- Local Plan – Coastal Communities Local Plan
- Overlays:
  - Acid Sulfate Soils (<5m AHD)
  - Flood and Storm Tide Hazard Overlay Code (Flood Plan Assessment Overlay)
  - Transport Network (Access Road, Collector Road)

In accordance with the Tables of Assessment, the development of a Dual Occupancy is identified as an Impact Assessable Material Change of Use and Reconfiguring a Lot is identified as Code Assessable.

This report provides greater detail on the nature of the proposal and provides an assessment of the proposal against the intents and code requirements of relevant statutory planning documents. Based on this assessment the proposal is recommended for approval subject to reasonable and relevant conditions.

## 2 SITE DETAILS

### 2.1 Site Particulars

The subject site is a single irregular shaped parcel of land with an area of 1,000m<sup>2</sup> and a frontage to Cooya Beach Road and Bayil Drive of 22.70 metres and 37.45 metres, respectively. The site is currently developed with a Dwelling house, which is located towards to Cooya Beach Road frontage. The balance of the site is currently vacant, with a shed structure in the south east corner.

All urban services are provided to the site and access to the site is currently provided from Cooya Beach Road.

The locality containing the site is generally characterised by single detached dwellings on freehold lots of varying sizes ranging from 400m<sup>2</sup> to 1,000m<sup>2</sup> in area. To the north west of the site within 500 metres of the site is Cooya Kidz Kindergarten and a small strip of local shops. To the north of the site, on the opposite side of Cooya Beach Road is a large parcel of vacant land that contains estuarine vegetation. To the south is land that is intended for residential development.

Key details of the subject site are as follows:

**Table 2: Site Particulars**

| Site Particulars          |                                  |
|---------------------------|----------------------------------|
| Site Address              | 40 Cooya Beach Road, Bonnie Doon |
| Real Property Description | Lot 3 on SP199682                |
| Site Area                 | 1,000m <sup>2</sup>              |
| Landowner(s)              | Catherine Rosenbrauer            |

The site location and its extent are shown in



**Figure 1 and Figure 2** below respectively. Certificate/s of title confirming site ownership details are included at **Appendix A**.



Figure 1 Site Location

Source: Queensland Globe



Figure 2 Cooya Beach Road Frontage

Source: Google Maps

2.2 Planning Context

The planning context of the site includes the following:

Table 3: Planning Context

| Instrument  | Designation  |
|---|--|
| <b>State Planning Policy Mapping</b>                |  |
| Economic Growth                                     | Agriculture - Agricultural land classification - class A and B   |
| Safety and Resilience to Hazards                    | Natural Hazards Risk and Resilience - Flood hazard area - Level 1 - Queensland floodplain assessment overlay   |
| Infrastructure                                      | Transport Infrastructure – Active Transport Route  |
| <b>Development Assessment Mapping System</b>        |  |
| Native Vegetation Clearing                          | Category X on the regulated vegetation management map  |
| <b>Far North Queensland Regional Plan 2009-2031</b> |  |
| Regional Plan Designation                           | Urban Footprint  |
| <b>Douglas Shire Council Planning Scheme 2018</b>   |  |
| Strategic framework designation                     | Urban Area   |
| Zoning  | Low Density Residential Zone   |
| Local Plan  | Coastal Communities Local Plan (No precinct)   |
| Overlays  | <ul style="list-style-type: none"> <li>• Acid Sulfate Soils (&lt; 5m AHD)</li> <li>• Flood and Storm Tide Hazard (Floodplain Assessment Overlay)</li> <li>• Transport Network Overlay (Principal Pedestrian Cycle Route &amp; Access Road/Collector Road)</li> </ul> |

Zoning of the subject site and surrounding lands is shown on **Figure 3**. A Douglas Shire Planning Scheme 2018 Property Report is provided at **Appendix B**



**Figure 3 Zoning**

Source: Douglas Shire Planning Scheme 2018

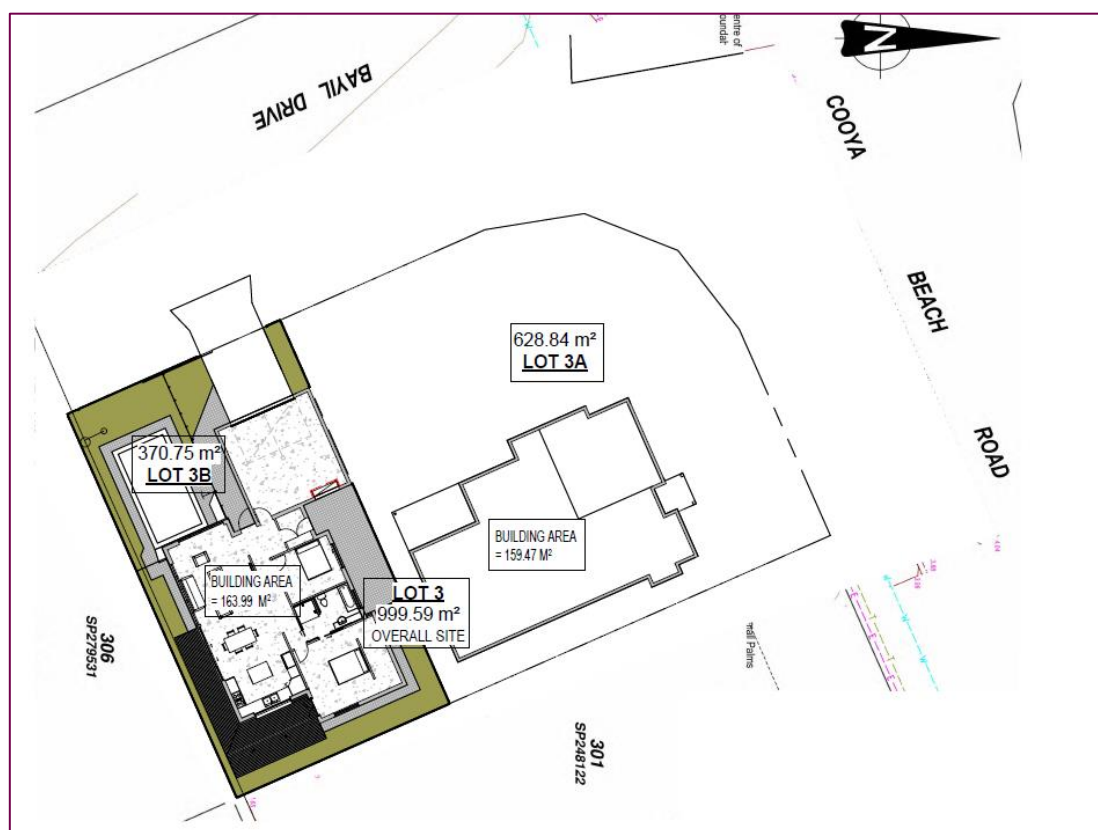
### 3 PROPOSAL

#### 3.1 Overview

In addition to the existing Dwelling House, it is proposed to erect a separate dwelling in the southern, undeveloped section of the site. The proposed new dwelling would be setback 4.50 metres to the Bayil Drive frontage, 2.00 metres to the southern side boundary and 2.12 metres to the rear boundary. It would be separated from the existing dwelling by 1.5 metres to the garage and 3.355 metres to the balance of the dwelling. Access would be provided from Bayil Drive to the south of the existing Dwelling house and would provide a double garage as formal car parking space. The new dwelling would contain two bedrooms, a combined living, dining and kitchen area, a double garage, one bathroom and a utility room.

Subsequent to the development of the additional dwelling, it is proposed to reconfigure the site from one to two lots with each lot containing a separate dwelling. Proposed Lot 3A would contain the existing dwelling and have an area of 628.84m<sup>2</sup> and frontage to Cooya Beach Road and Bayil Drive of 22.70 metres and 23.12 metres, respectively. Proposed Lot 3B would contain the new dwelling with an area of 370.75m<sup>2</sup> and with frontage of 14.34 metres to Bayil Drive.

The proposed site plan and subdivision plan are illustrated in **Figure 4** below and detailed proposal plans are included at **Appendix C**.



**Figure 4 Proposed Site Plan**

Source: Rosenbrauer Cottage IDEAS

## 4 LEGISLATIVE REQUIREMENTS

### 4.1 Assessment Manager

In accordance with Schedule 8 of the *Planning Regulation 2017*, the assessment manager for this application is Douglas Shire Council.

### 4.2 Categories of Assessment

The table below summarises the categorising instruments and categories of assessment applicable to this application.

**Table 4: Categories of Assessment**

| Aspect of development                   | Categorising instrument   | Category of assessment |
|---|---|------------------------|
| Material Change of Use (Dual Occupancy) | Table 5.6.f Low Density Residential Zone, Douglas Shire Planning Scheme | Impact Assessment      |
| Reconfiguring a Lot (1 into 2)          | Table 5.6.f Low Density Residential Zone, Douglas Shire Planning Scheme | Code Assessment        |

### 4.3 Referrals

The application is not identified as triggering any referrals in either Schedule 9 or Schedule 10 of the *Planning Regulation 2017*.

### 4.4 Public Notification

This application requires public notification as it is subject to Impact Assessment and the Public Notification Period is 15 business days.

## 5 STATUTORY PLANNING ASSESSMENT

### 5.1 Overview

As the application is subject to impact assessment, the assessment benchmarks, and the matters the assessment manager must have regard to, are those identified in section 45(5) of the Planning Act 2016 and sections 30 and 31 of the *Planning Regulation 2017*

### 5.2 State and Regional Assessment Benchmarks

#### 5.2.1 State Planning Policy

The *Planning Regulation 2017* at Section 30(2)(a)(ii) for impact assessment requires the assessment manager to assess the application against the assessment benchmarks stated in the State Planning Policy, Part E, to the extent Part E of the State Planning Policy is not identified in the planning scheme as being appropriately integrated into the planning scheme.

It is understood that the sections of the State Planning Policy, to the extent they are relevant to this application, have been appropriately integrated into the Douglas Shire Planning Scheme 2018. On that basis, no further assessment of the State Planning Policy is required.

#### 5.2.2 Regional Plan

The *Planning Regulation 2017* at Section 26(2)(a)(i) and 30(2)(a)(i) requires the assessment manager to assess the application against the assessment benchmarks stated in the regional plan, to the extent the Regional Plan is not identified in the planning scheme as being appropriately integrated into the planning scheme

Consistent with the State Planning Policy, it is understood that the Minister has identified that the planning scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies in the planning scheme area. On this basis, no further assessment of the Regional Plan is required in this instance.

#### 5.2.3 Development Assessment under Schedules 9 and 10 (SDAP)

Schedules 9 and 10 of the *Planning Regulation 2017* identify the matters that the assessment manager and/or referral agency assessment must have regard to if the application is identified as triggering referral to the state. In this instance, the application does not trigger referral and, therefore, no state codes apply.

### 5.3 Local Authority Assessment Benchmarks

As the application is subject to impact assessment, it is required to be considered against the relevant sections of the Strategic Framework of the Douglas Shire Planning Scheme and relevant Assessment Benchmarks.

#### 5.3.1 Strategic Framework

Relevant to the consideration of the application is the Settlement Pattern Theme and specifically elements 3.4.2, Urban Settlement and 3.4.5, Residential Areas and Activities.

Element 3.4.2, Urban settlement, states at subsection (3):

*(3) Residential development is primarily detached low-set housing, with medium density development focussed in and around the Port Douglas town centre, and in the nearby tourist areas to the south of the town centre.*

The associated specific outcome 3.4.2.1 (2), states:

*(2) Urban development occurs within the urban area as shown on the Strategic Framework Map contained in Schedule 2. Expansion beyond this boundary is not facilitated as it does not support the efficient and orderly delivery of urban infrastructure.*

The proposed development comprises the consolidation of residential development, in a low set housing form, within the urban area. The proposed development is considered to be consistent with this element of the Strategic Framework.

Element 3.4.5, Residential areas and activities, states as subsection (2)

*(2) The coastal settlements of Wonga Beach, Newell and Cooya Beach and various other small towns, villages and rural residential land, including the land north of the Daintree River, are not intended to grow or increase in density over and above existing zoned land and what current approvals provide. These communities generally have low levels of infrastructure and significant coastal or environmental constraints.*

The associated specific outcomes state:

*(2) Residential development is located and designed to provide a wide range of living options that maintain and enhance the character and identity of individual communities.*

*(5) Areas identified for low density residential development provide predominantly low-rise detached dwelling houses to maintain the low density character of the area.*

*(6) Residential greenfield development incorporates:*

- (a) mixed lot sizes to promote a range of housing choices and densities;*
- (b) high levels of pedestrian, cycle and road permeability and connectivity;*
- (c) the efficient and timely provision of infrastructure and services;*
- (d) open space that provides opportunities for sport and recreation activities;*
- (e) elements that promote a positive identity and character.*

The proposed development would facilitate the increase in the range and mix of lot sizes, housing and living options, whilst still maintaining the accepted density of the residential area and low rise built form of the residential area. The proposed development is considered to be consistent with these specific outcomes and the corresponding element of the Strategic Framework.

### 5.3.2 Planning Scheme Codes

The planning scheme codes applicable to the proposal are identified in **Table 5** below:

**Table 5: Planning Scheme Code Responses**

| Planning Scheme Codes                    | Applicability | Comment  |
|--|---------------|--|
| <b>Zone code</b>                         |               |  |
| Low Density Residential Zone Code        | Applies       | Generally complies with the relevant Assessment Benchmarks, consideration is required in respect of lot size and dimensions. (PO6-PO8). Refer below. |
| <b>Local Plan code</b>                   |               |  |
| Coastal Communities Local Plan Code      | Applies       | Complies, or is able to comply, with relevant Assessment benchmarks.   |
| <b>Overlay Codes</b>                     |               |  |
| Acid Sulfate Soils Overlay Code          | Applies       | Complies with applicable Acceptable Outcomes.  |
| Flood and Storm Tide Hazard Overlay Code | Applies       | Complies with relevant Assessment Benchmarks.  |
| Transport Network Overlay Code           | Applies       | Complies with applicable Acceptable Outcomes.  |
| <b>Use code</b>                          |               |  |

| Planning Scheme Codes            | Applicability  | Comment  |
|----------------------------------|----------------|--|
| Dual Occupancy Code              | Applies        | Generally complies with the relevant Acceptable Outcomes. Consideration is required in respect of PO4, relating to casual surveillance of the streetscape and PO6 relating to driveway access. Refer below |
| <b>Development Codes</b>         |                |  |
| Access, Parking and Service Code | Applies        | Complies with relevant Acceptable Outcomes.  |
| Environmental Performance Code   | Applies        | Complies with relevant Acceptable Outcomes.  |
| Filling & Excavation Code        | Not applicable | No filling or excavation is proposed.  |
| Infrastructure Works Code        | Applies        | Complies or is able to comply with the applicable Acceptable Outcomes.   |
| Landscaping Code                 | Applies        | Complies or is able to comply with all applicable Acceptable Outcomes.   |
| Reconfiguration of a Lot Code    | Applies        | Complies or is able to comply with all applicable Acceptable Outcomes.   |
| Vegetation Management Code       | Not Applicable | No vegetation is required to be removed to facilitate the development.   |

A detailed assessment against each of the Planning Scheme Codes is attached at **Appendix D**.

### 5.3.3 Statement of Compliance

#### 5.3.3.1 Low Density Residential Zone Code

Performance Outcomes PO6, PO7 and PO8 of the Low Density Residential Zone Code state:

**PO6**

*New lots contain a minimum area of :*

- (a) 600m<sup>2</sup> (in sewered areas);
- (b) 1000m<sup>2</sup> (in unsewered areas).

**PO7**

*New lots have a minimum road frontage of 15 metres.*

**PO8**

*New lots contain a 20m x 15m rectangle.*

The purpose of the Low Density Residential Zone is to, *inter alia*, provide for a range of housing, predominantly detached dwelling houses, on a range of lot sizes. The proposed development would provide low rise housing on different lot sizes to improve the range of housing options available in the area without compromising the residential amenity or the overall planned residential density. The ultimate development would provide for two detached dwellings, each with their own dedicated street frontage, reflecting and enhancing the existing low density scale and character of the area.

The proposed new lot would have a frontage of 14.34 metres and contain a rectangle of 25.85 metres x 14.34 metres, which would provide a regular shaped area greater than that required by the Performance Outcome. The difference in dimension is a minor departure for the 15 metres required by the Performance Outcome and would not compromise the purpose of the Low Density Residential Zone Code.

The proposed development is considered to be consistent with the Purpose of the Low Density Residential Zone Code.

### 5.3.3.2 Dual Occupancy Code

Performance Outcome PO4 of the Dual Occupancy Code states:

**PO4**

*The development addresses the road frontage to facilitate casual surveillance and to enhance the amenity of the streetscape.*

The associated Acceptable Outcome states:

**AO4.2**

*Fences and walls to road frontages are not more than:*

*(a) 1.2 metres in height if less than 50% transparent;*

*Or*

*(b) 1.5 metres in height if greater than 50% transparency.*

The existing development provides a non-transparent boundary fence for the full frontage to Bayil Drive. The proposed development would improve casual surveillance and the amenity of the Bayil Drive Streetscape by providing an active façade and building entrance associated with the new dwelling. The proposal would facilitate casual surveillance and to enhance the amenity of the streetscape consistent with the Performance Outcome.

Performance Outcome PO6 of the Dual Occupancy Code states:

**PO6**

*The development provides residents and guests with safe and convenient vehicle access to dwellings and the road network, while maintaining the standard of existing infrastructure in the road reserve.*

The associated Acceptable Outcomes states:

**AO6.1**

*Dwelling units are serviced by:*

*(a) a shared unobstructed driveway with a maximum width of 3.6 metres; or*

*(b) by individual unobstructed driveways, having a maximum width of 3 metres each;*

*(c) the surface treatment of any driveway is imperviously sealed;*

*(d) where development is on a Sub-arterial or Collector road the driveway design is such that vehicles can enter and exit the site in a forward gear.*

Each dwelling would be service by a double driveway, which is consistent with the standard of access to other dwellings in the street and would provide convenient and safe access. The proposed development would provide residents and guests with safe and convenient vehicle access to dwellings and the road network, while maintaining the standard of existing infrastructure in the road reserve.

## 5.4 Infrastructure Charges

Infrastructure charges will apply to the development pursuant to the Planning Regulation and Council's Adopted Infrastructure Charges Resolution.

In accordance with the Councils Adopted Infrastructure Charges Resolution 2021 (2), a charge is applicable for the new dwelling and lot. The applicable charge is \$24,143.38 and would be addressed in an Infrastructure Charges Notice at the time of approval.

## 6 CONCLUSION

RPS has been engaged by Catherine Rosenbrauer to seek development approval for establishment of a Dual Occupancy and subsequent subdivision to create two lots on land at 40 Cooya Beach Road, Bonnie Doon, and described as Lot 3 on SP199682.

The site has an area of 1,000m<sup>2</sup> and has frontage to Cooya Beach Road and to Bayil Drive. The site is currently development with a single storey Dwelling House, which is located towards the site frontage to Cooya Beach Road. Access to the site is provided from Cooya Beach Road to a double garage associated with the existing Dwelling House.

Under the Douglas Shire council Planning Scheme 2018, the site has the following designations /classifications:

- Zone – Low Density Residential;
- Local Plan – Coastal Communities Local Plan
- Overlays:
  - Acid Sulfate Soils (<5m AHD)
  - Flood and Storm Tide Hazard Overlay Code (Flood Plan Assessment Overlay)
  - Transport Network (Access Road, Collector Road)

In accordance with the Tables of Assessment, the development of a Dual Occupancy is identified as an Impact Assessable Material Change of Use and Reconfiguring a Lot is identified as Code Assessable.

This assessment of the proposed development against the relevant town planning considerations contained in this report indicates that the development is a suitable use on the land and that the land can contain the development. The application is therefore submitted for approval subject to reasonable and relevant conditions.

## Appendix A

### Certificate(S) of Title and Search Results

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

|                            |                 |                     |                  |
|----------------------------|-----------------|---------------------|------------------|
| <b>Title Reference:</b>    | <b>50672468</b> | <b>Search Date:</b> | 25/10/2022 11:39 |
| <b>Date Title Created:</b> | 10/07/2007      | <b>Request No:</b>  | 42630559         |
| <b>Previous Title:</b>     | 20992132        |                     |                  |

**ESTATE AND LAND**

Estate in Fee Simple

LOT 3 SURVEY PLAN 199682

Local Government: DOUGLAS

**REGISTERED OWNER**

Dealing No: 721561284 21/03/2022

CATHERINE MARGARET ROSENBRAUER

**EASEMENTS, ENCUMBRANCES AND INTERESTS**

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 10473158 (POR 28)

**ADMINISTRATIVE ADVICES**

NIL

**UNREGISTERED DEALINGS**

NIL

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

## Appendix B

# Douglas Shire Planning Scheme 2018 Property Report

## 2018 Douglas Shire Council Planning Scheme Property Report

The following report has been automatically generated to provide a general indication of development related information applying to the premise.

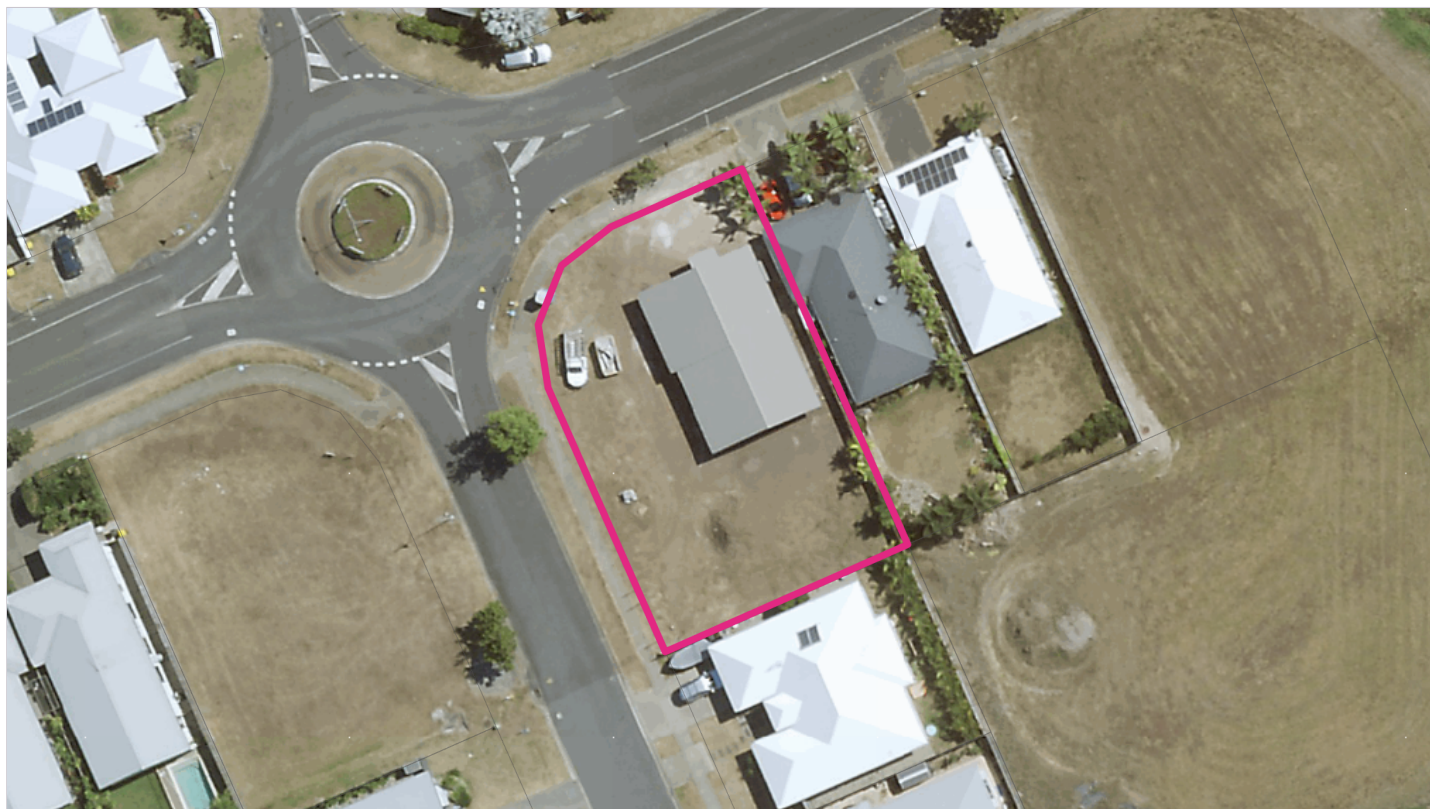
For more information and to determine if the mapping layers are applicable, refer to the [2018 Douglas Shire Council Planning Scheme](#). This report is not intended to replace the need for carrying out a detailed assessment of Council and State controls or the need to seek your own professional advice on any town planning instrument, local law or other controls that may impact on the existing or intended use of the premise mentioned in this report. For further information please contact Council by phone: [07 4099 9444](tel:0740999444) or [1800 026 318](tel:1800026318) or email [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au).

Visit Council's website to apply for an [official property search or certificate](#), or contact the [Department of Natural Resources, Mines and Energy](#) to undertake a title search to ascertain how easements may affect a premise.

### Property Information

Property Address [40 Cooya Beach Road BONNIE DOON](#)

Lot Plan [3SP199682](#) (Freehold - 1000m<sup>2</sup>)



Selected Property



Land Parcels

### Douglas Shire Planning Scheme 2018 version 1.0

The table below provides a summary of the Zones and Overlays that apply to the selected property.

#### Zoning

#### Applicable Zone






Low Density Residential

#### More Information

- [View Section 6.2.6 Low Density Residential Zone Code](#)
- [View Section 6.2.6 Low Density Residential Zone Compliance table](#)
- [View Section 6.2.6 Low Density Residential Zone Assessment table](#)

## Douglas Shire Planning Scheme 2018 version 1.0

The table below provides a summary of the Zones and Overlays that apply to the selected property.

|   |   |  |
|---|---|--|
|  <a href="#">Local Plans</a>                | <b>Applicable Precinct or Area</b><br>Cooya Beach<br>Not Part of a Precinct         | <b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 7.2.2 Coastal Communities Local Plan Code</a></li> <li><a href="#">View Section 7.2.2 Coastal Communities Local Plan Compliance table</a></li> </ul>           |
|  <a href="#">Acid Sulfate Soils</a>         | <b>Applicable Precinct or Area</b><br>Acid Sulfate Soils (< 5m AHD)                 | <b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.1 Acid Sulfate Soils Overlay Code</a></li> <li><a href="#">View Section 8.2.1 Acid Sulfate Soils Overlay Compliance table</a></li> </ul>                   |
|  <a href="#">Flood Storm</a>                | <b>Applicable Precinct or Area</b><br>Floodplain Assessment Overlay (Mossman River) | <b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.4 Flood and Storm Tide Hazard Overlay Code</a></li> <li><a href="#">View Section 8.2.4 Flood and Storm Tide Hazard Overlay Compliance table</a></li> </ul> |
|  <a href="#">Transport Pedestrian Cycle</a> | <b>Applicable Precinct or Area</b><br>Principal Route                               | <b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.10 Transport Network Overlay Code</a></li> <li><a href="#">View Section 8.2.10 Transport Network Overlay Compliance table</a></li> </ul>                   |
|  <a href="#">Transport Road Hierarchy</a>   | <b>Applicable Precinct or Area</b><br>Access Road<br>Collector Road                 | <b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.10 Transport Network Overlay Code</a></li> <li><a href="#">View Section 8.2.10 Transport Network Overlay Compliance table</a></li> </ul>                   |

Zoning

Applicable Zone


Low Density Residential

More Information















- [View Section 6.2.6 Low Density Residential Zone Code](#)
- [View Section 6.2.6 Low Density Residential Zone Compliance table](#)
- [View Section 6.2.6 Low Density Residential Zone Assessment table](#)



 Selected Property

 Land Parcels

Zoning

- |  |   |  |  |
|--|---|--|--|
|  Centre                    |  Community Facilities    |  Conservation                   |  Environmental Management   |
|  Industry                  |  Low Density Residential |  Low-medium Density Residential |  Medium Density Residential |
|  Recreation and Open Space |  Rural                   |  Rural Residential              |  Special Purpose            |
|  Tourism                   |  Tourist Accommodation   |  |  |

## Local Plans

### Applicable Precinct or Area

Cooya Beach


Not Part of a Precinct

### More Information

- [View Section 7.2.2 Coastal Communities Local Plan Code](#)
- [View Section 7.2.2 Coastal Communities Local Plan Compliance table](#)



 Selected Property

 Land Parcels

### Transport Investigation Corridor

 Transport Investigation Corridors

### Major Road Connections

 Major Road Connections


### Major Road Connections (No Arrow)

 Major Road Connections

### Daintree River to Bloomfield

 Daintree River to Bloomfield

### Creb Track and Quaid Road

 Creb Track




### 60 metre contour




 60 metre contour

### Local Plan Boundary

 Local Plan Boundary

### Local Plan Sub Precincts

 1a Town Centre
  1b Waterfront North
  1c Waterfront South

 1d Limited Development
  1e Community and Recreation
  1f Flagstaff Hill

### Local Plan Precincts

Not Part of a Precinct
  Precinct 1
  Precinct 2
  Precinct 3

 Precinct 4
  Precinct 5
  Precinct 6
  Precinct 7

 Precinct 8
  Precinct 9

### Live Entertainment Precinct

 Live Entertainment Precinct

### Indicative Future Open Space

 Indicative Future Open Space

 Road Reserve Esplanade

Acid Sulfate Soils

**Applicable Precinct or Area**  
Acid Sulfate Soils (< 5m AHD)

- More Information**
- [View Section 8.2.1 Acid Sulfate Soils Overlay Code](#)
  - [View Section 8.2.1 Acid Sulfate Soils Overlay Compliance table](#)



☒ Selected Property

☐ Land Parcels

**Acid Sulfate Soils**

☒ Acid Sulfate Soils (< 5m AHD)

☐ Acid Sulfate Soils (5-20m AHD)

☐ all others

Flood Storm

Applicable Precinct or Area


Floodplain Assessment Overlay (Mossman River)

More Information


- [View Section 8.2.4 Flood and Storm Tide Hazard Overlay Code](#)
- [View Section 8.2.4 Flood and Storm Tide Hazard Overlay Compliance table](#)




 Selected Property

 Land Parcels

 Medium Storm Tide Hazard

 High Storm Tide Hazard

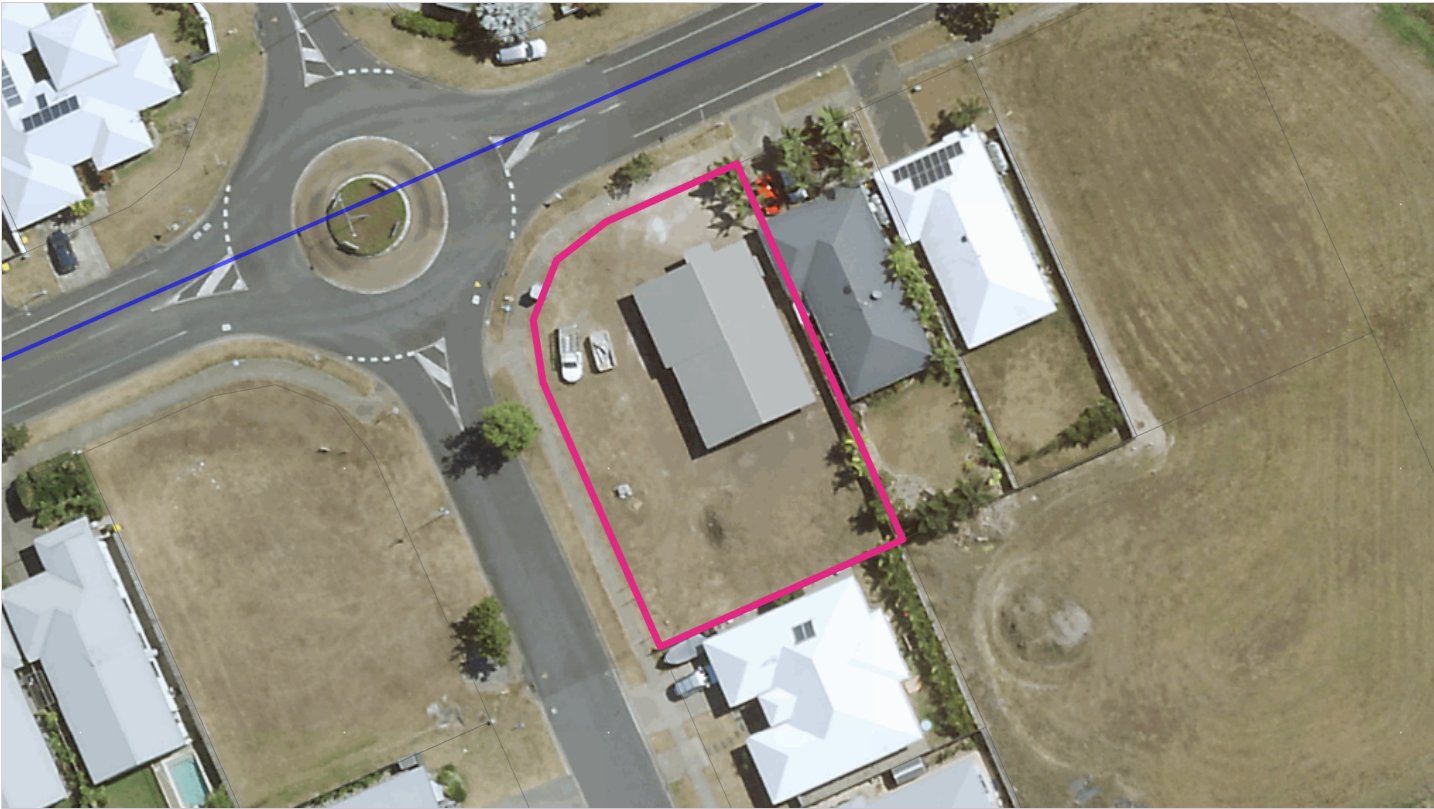
 100 Year ARI - Mossman Port Douglas and Daintree Flood Studies

 Floodplain Assessment Overlay


Transport Pedestrian Cycle

Applicable Precinct or Area  
Principal Route








- More Information
- [View Section 8.2.10 Transport Network Overlay Code](#)
  - [View Section 8.2.10 Transport Network Overlay Compliance table](#)



 Selected Property

 Land Parcels

Pedestrian and Cycle Network

- |  |   |   |   |
|--|---|---|---|
|  District Route  |  Future Principal Route        |  Iconic Recreation Route |  Neighbourhood Route |
|  Principal Route |  Strategic Investigation Route |  all others              |   |

## Transport Road Hierarchy

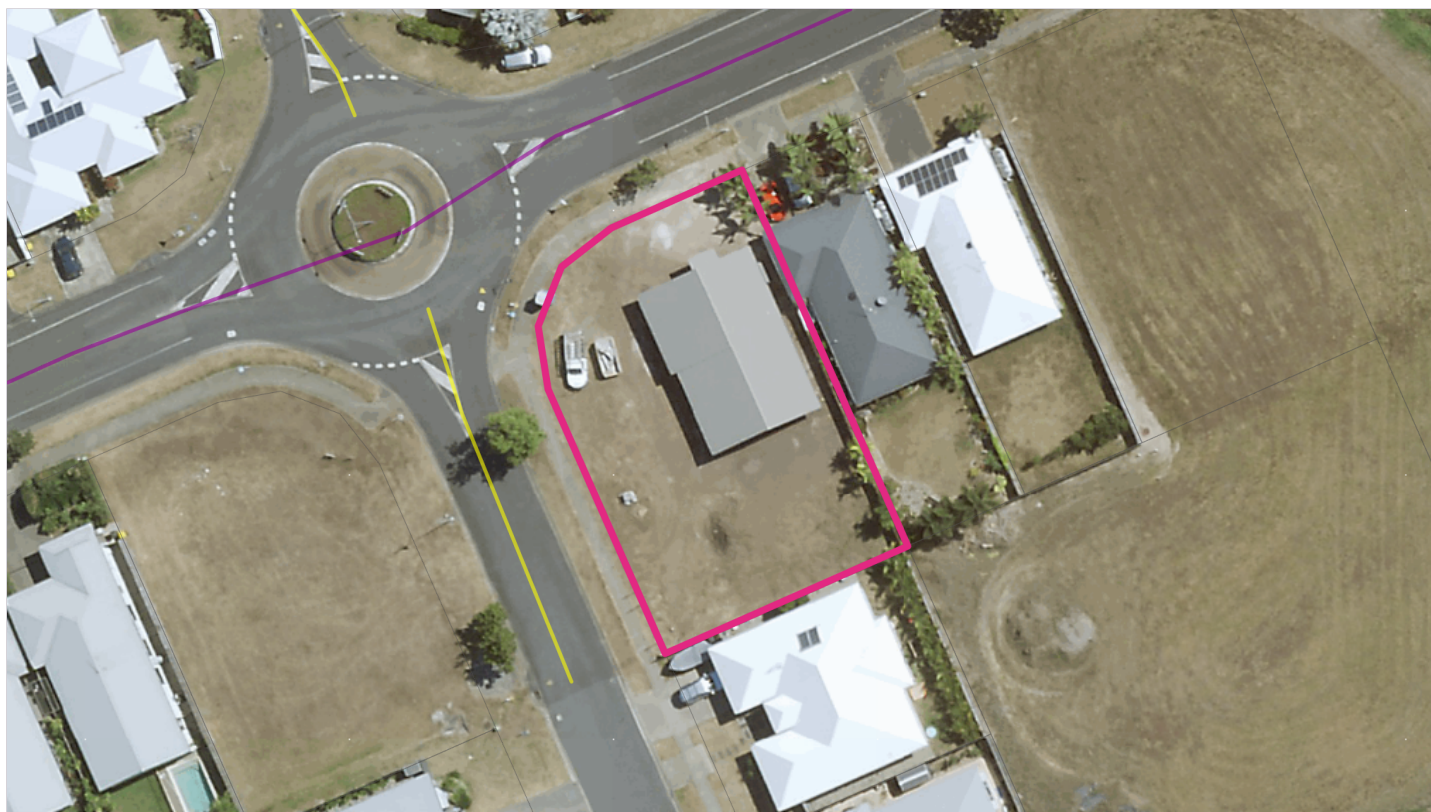
### Applicable Precinct or Area

Access Road

Collector Road

### More Information

- [View Section 8.2.10 Transport Network Overlay Code](#)
- [View Section 8.2.10 Transport Network Overlay Compliance table](#)



☒ Selected Property

☐ Land Parcels

### Road Hierarchy

— Access Road

— Arterial Road

— Collector Road

— Industrial Road

— Major Rural Road

— Minor Rural Road

— Sub Arterial Road

— Unformed Road

— all others

☐ Major Transport Corridor Buffer Area

## Disclaimer

This report is not a substitute for a Planning and Development Certificate and should not be relied upon where the reliance may result in loss, damage or injury. While every effort is taken to ensure the information in this report is accurate and up to date, Douglas Shire Council makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs that may occur as a result of the report being inaccurate or incomplete in any way or for any reason.

## Appendix C

### Proposal Plans



PERSPECTIVE OF ENTRY



PERSPECTIVE FROM SE

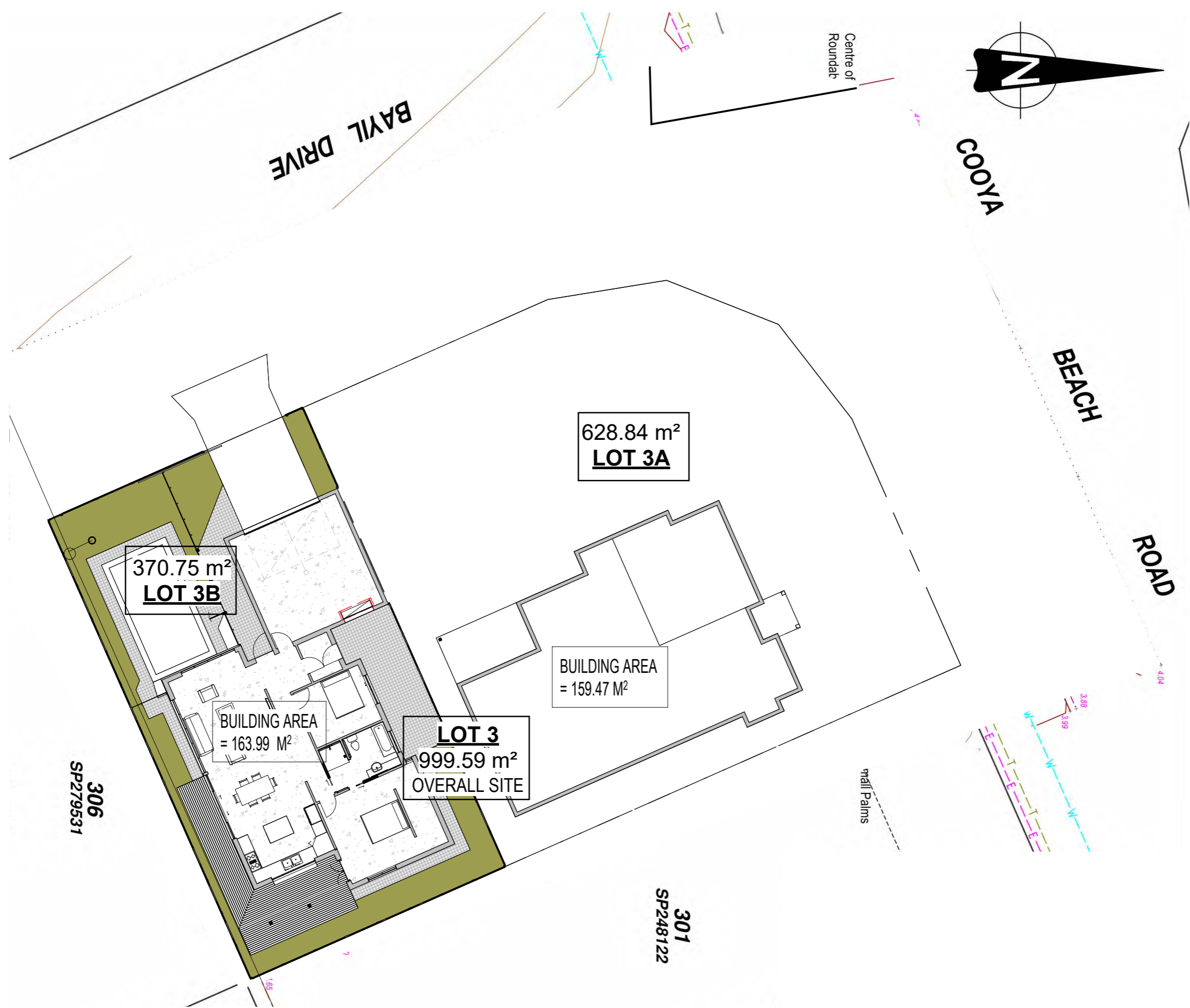


PERSPECTIVE FROM STREET

|      |    |                        |
|------|----|------------------------|
| A100 | 03 | PROPOSED LAYOUT        |
| A201 | 03 | PROPOSED ELEVATIONS    |
| A202 | 03 | TYPICAL SECTIONS       |
| A101 | 03 | PROPOSED LAYOUT - DIMS |
| A001 | 03 | PROPOSED SITE LAYOUT   |
| A000 | 03 | COVER SHEET            |
| A302 | 03 | TYPICAL BATHROOM       |
| A301 | 03 | INTERNAL VIEWS         |

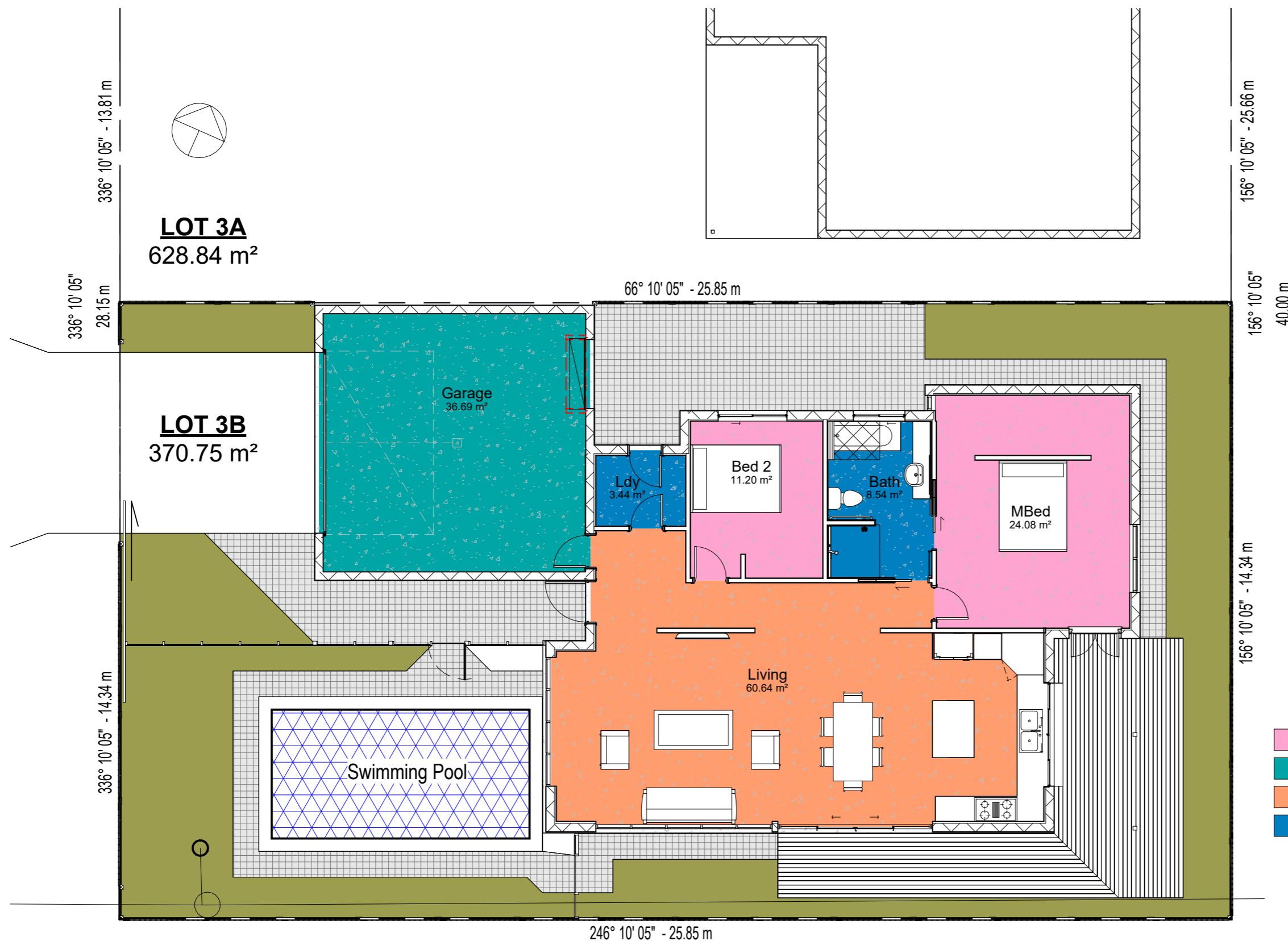
LOT 3A  
LOT AREA 628.84  
DWELLING AREA 159.47  
PLOT RATION 25.36%

LOT 3B  
LOT AREA 370.75  
DWELLING AREA 163.99  
PLOT RATIO 44.23%



BASED ON RPS DRWG 107714-121  
DATED 13/06/22

|                |              |      |        |    |
|----------------|--------------|------|--------|----|
| Project number | 2209C        | A001 | Issue: | 03 |
| Date           | 24Sep23      |      |        |    |
| Scale          | As indicated |      |        |    |

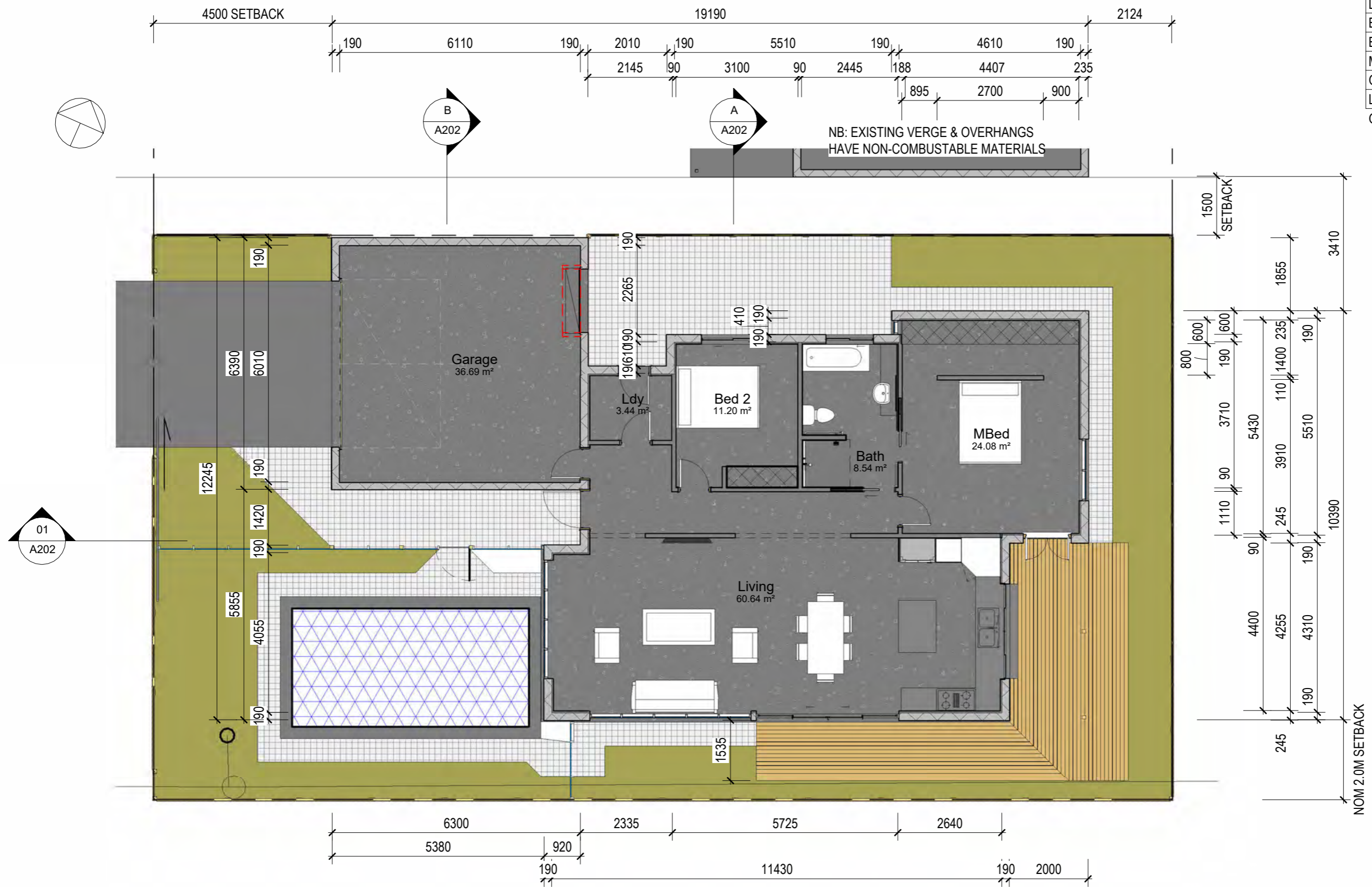


| Room Schedule (Nett) |           |
|----------------------|-----------|
| Name                 | Area      |
| Ldy                  | 3.44 m²   |
| Bath                 | 8.54 m²   |
| Bed 2                | 11.20 m²  |
| MBed                 | 24.08 m²  |
| Garage               | 36.69 m²  |
| Living               | 60.64 m²  |
| Grand total (Nett)   | 144.59 m² |

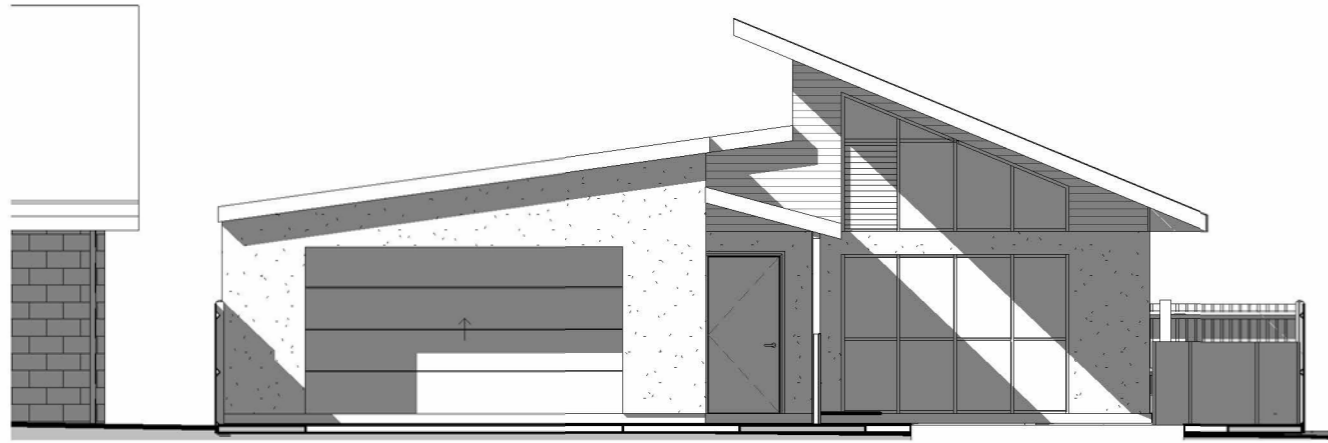
1 PROPOSED LAYOUT  
1 : 100

| Area Schedule (Gross Building) |      |
|--------------------------------|------|
| Name                           | Area |

|                     |                       |
|---------------------|-----------------------|
| LDY                 | 4.40 m <sup>2</sup>   |
| BATH                | 10.03 m <sup>2</sup>  |
| BED2                | 12.79 m <sup>2</sup>  |
| MBED                | 27.99 m <sup>2</sup>  |
| GARAGE              | 41.45 m <sup>2</sup>  |
| LIVING              | 67.34 m <sup>2</sup>  |
| Grand total (Gross) | 163.99 m <sup>2</sup> |



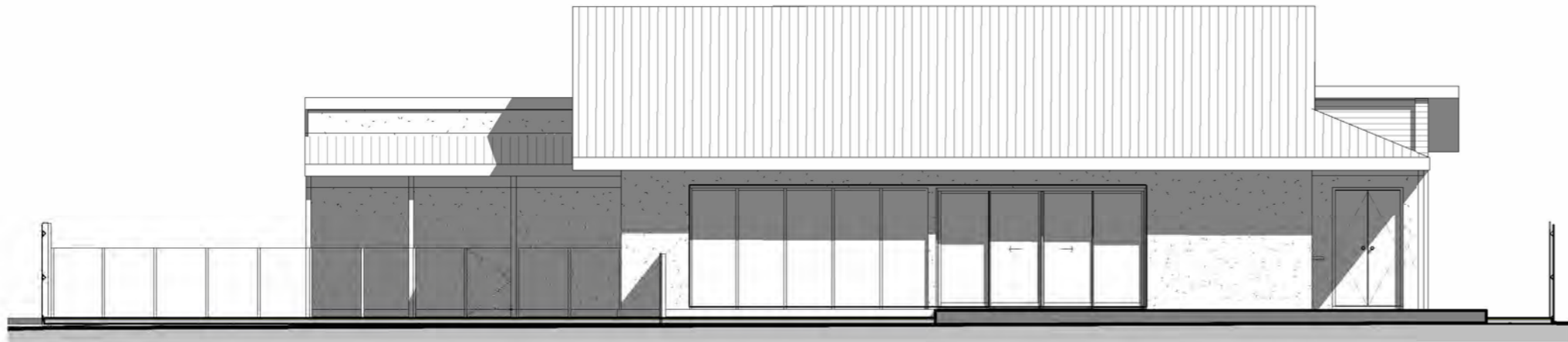
1 PROPOSED LAYOUT WITH DIMS  
1 : 100



1 WEST  
1:100



3 EAST  
1:100

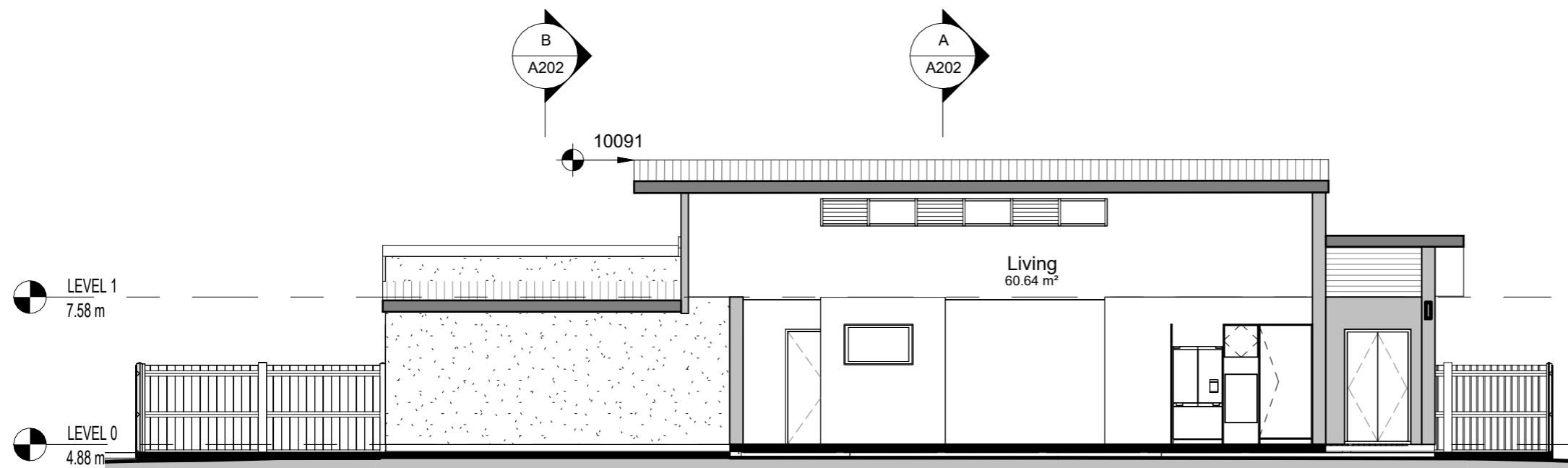


2 SOUTH  
1:100



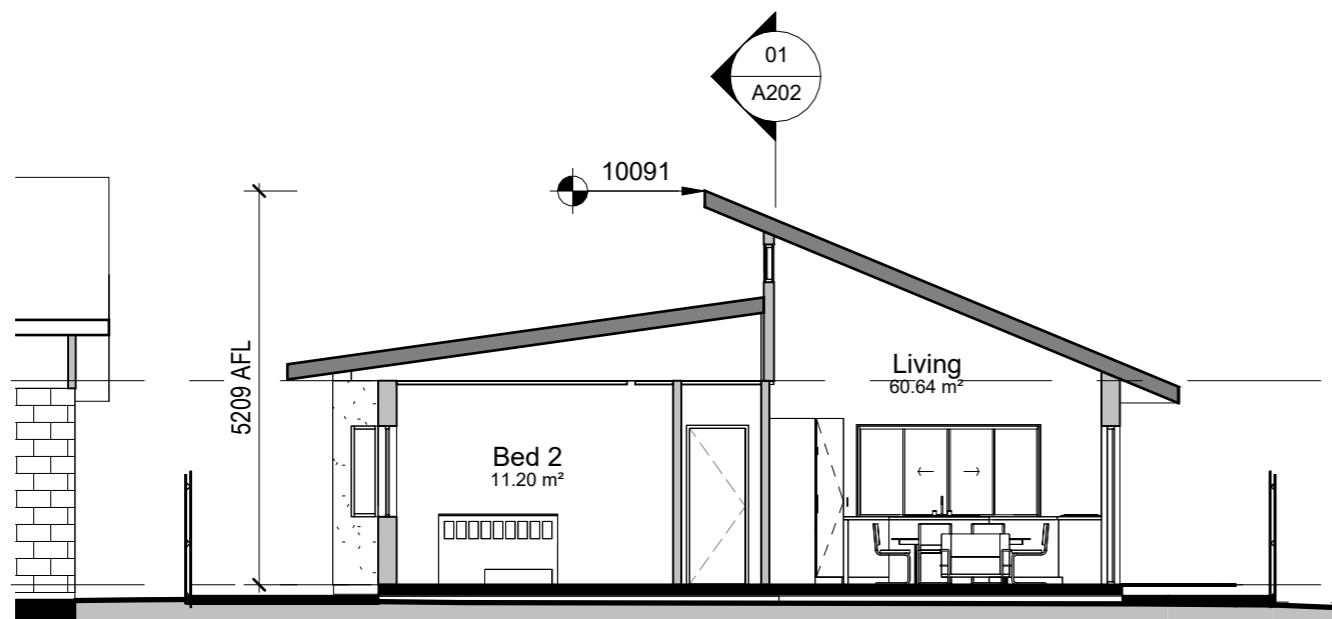
4 NORTH  
1:100

- MATERIALS:**
- EXTERNAL WALLS: BLOCKWORK, RENDERED, HIGH BUILD PAINT
  - INTERANL WALLS: STUDWORK, PLASTERBOARD, PAINT
  - ROOF: LIGHT COLOUR COLORBOND PROFILED ROOFING
  - WINDOWS: COLORBOND FASCIAS, ALUM PPC FINISH
  - GARAGE DOORS: COLORBOND PANEL LIFT & ROLLER DOORS
  - POOL FENCING: COMPLIANT TOUGHENED GLASS, POOL FENCING/GATES

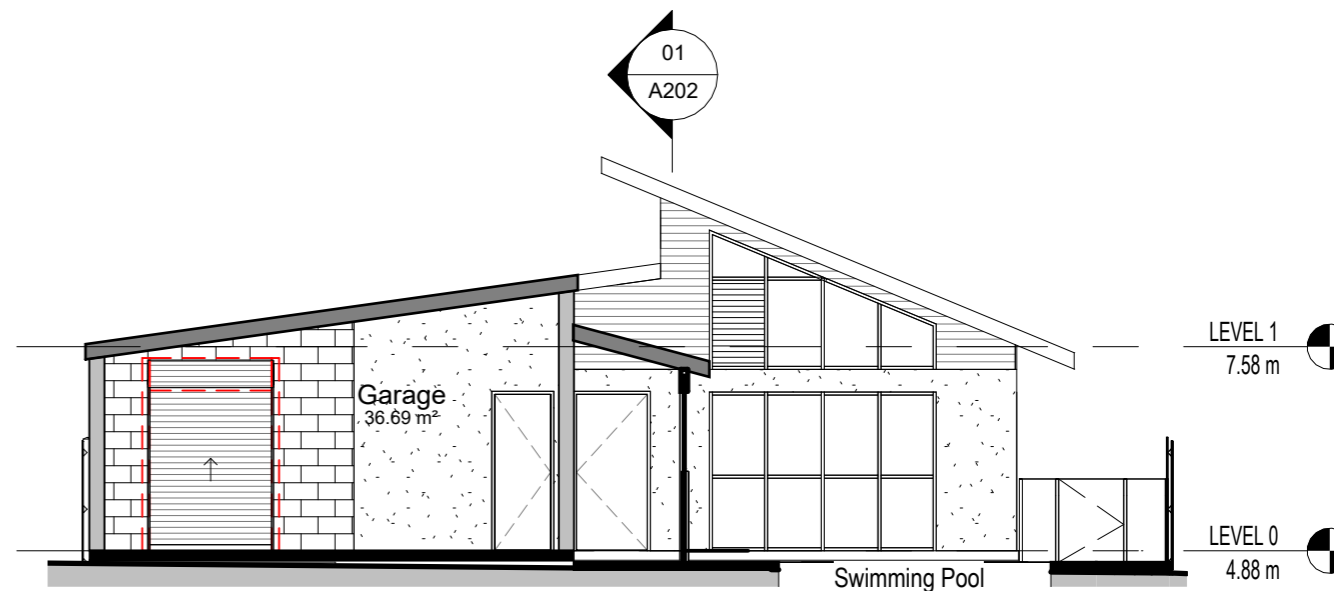


01 TYPICAL LONG SECTION 01  
1:100

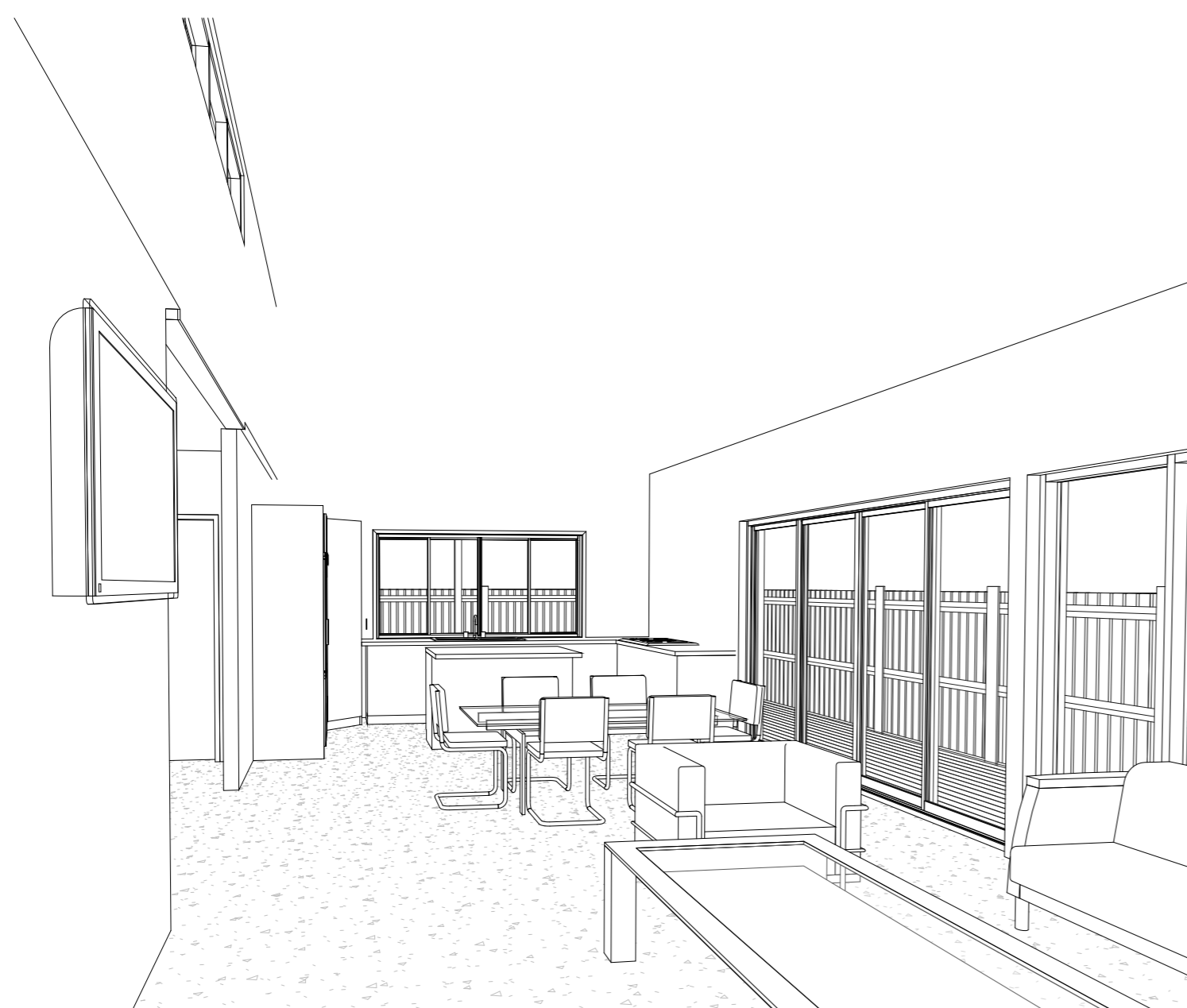
|                   |   |
|-------------------|---|
| <b>MATERIALS:</b> |   |
| EXTERNAL WALLS:   | BLOCKWORK, RENDERED, HIGH BUILD PAINT   |
| INTERANL WALLS:   | STUDWORK, PLASTERBOARD, PAINT           |
| ROOF:             | LIGHT COLOUR COLORBOND PROFILED ROOFING |
| WINDOWS           | COLORBOND FASCIAS                       |
| GARAGE DOORS      | ALUM PPC FINISH                         |
| DOORS             | COLORBOND PANEL LIFT & ROLLER           |
| POOL FENCING      | COMPLIANT TOUGHENED GLASS               |
|                   | POOL FENCING/GATES                      |

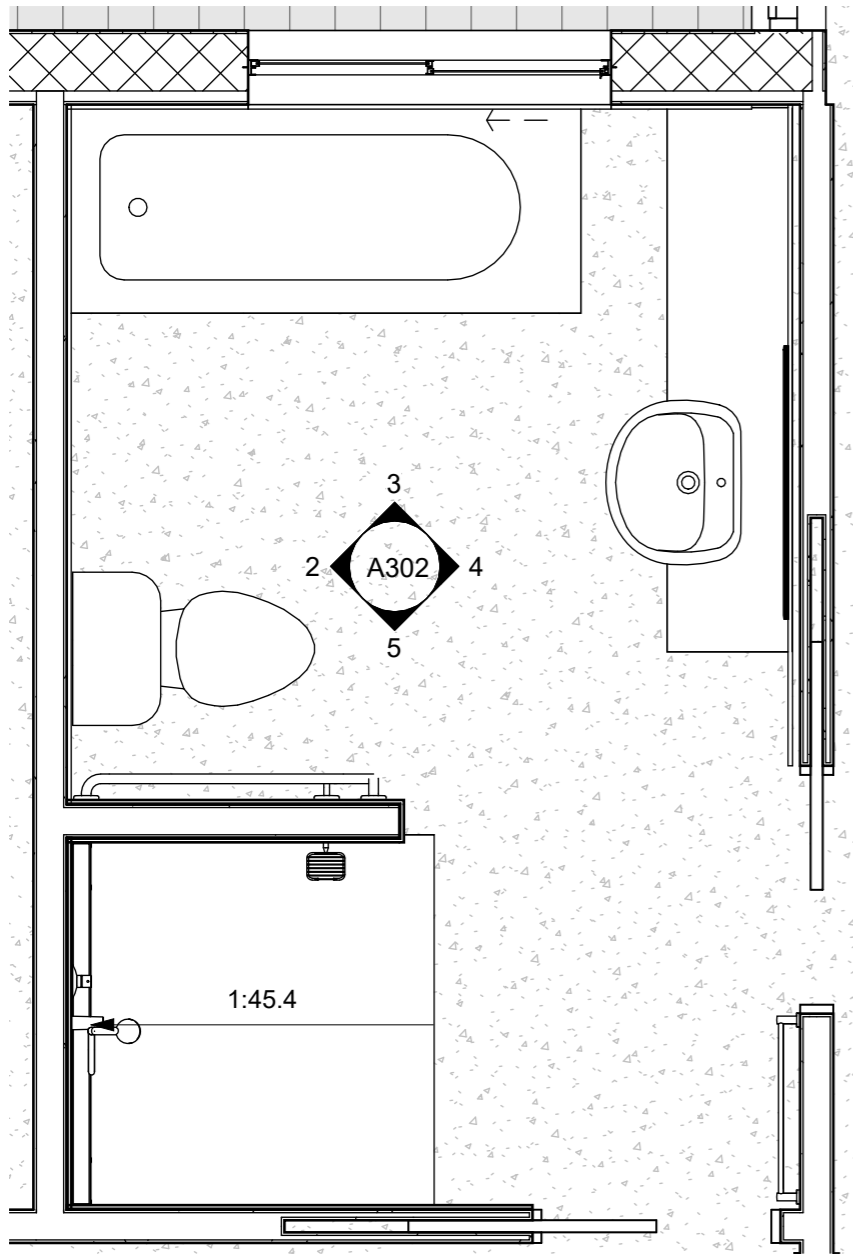


A TYPICAL CROSS SECTION A  
1:100

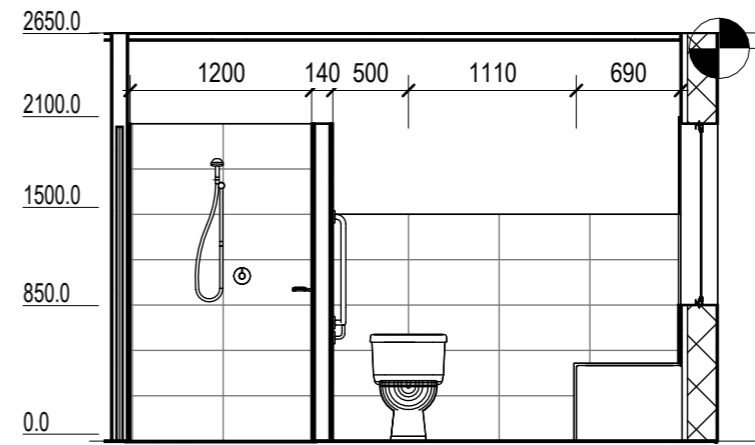


B TYPICAL CROSS SECTION B  
1:100

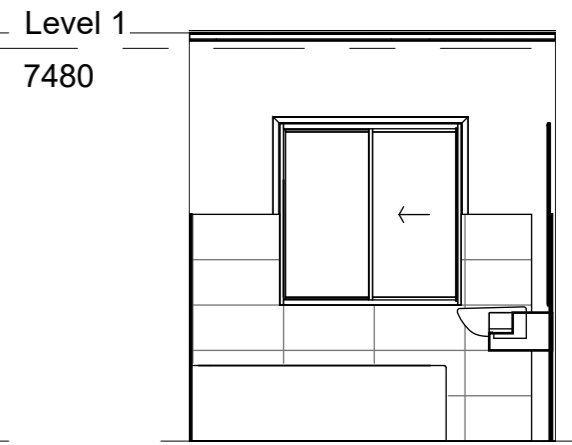




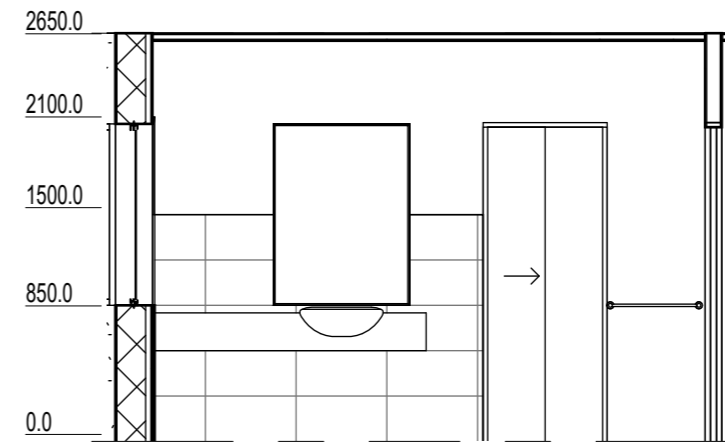
1 BATHROOM LAYOUT  
1:25



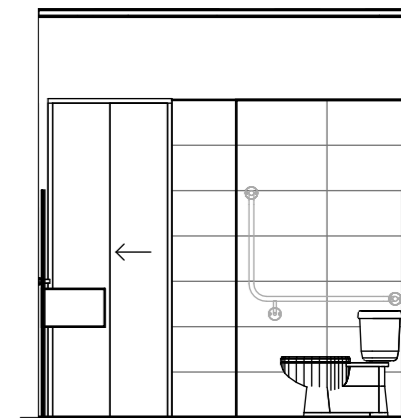
2 IE\_BATH 01  
1:50



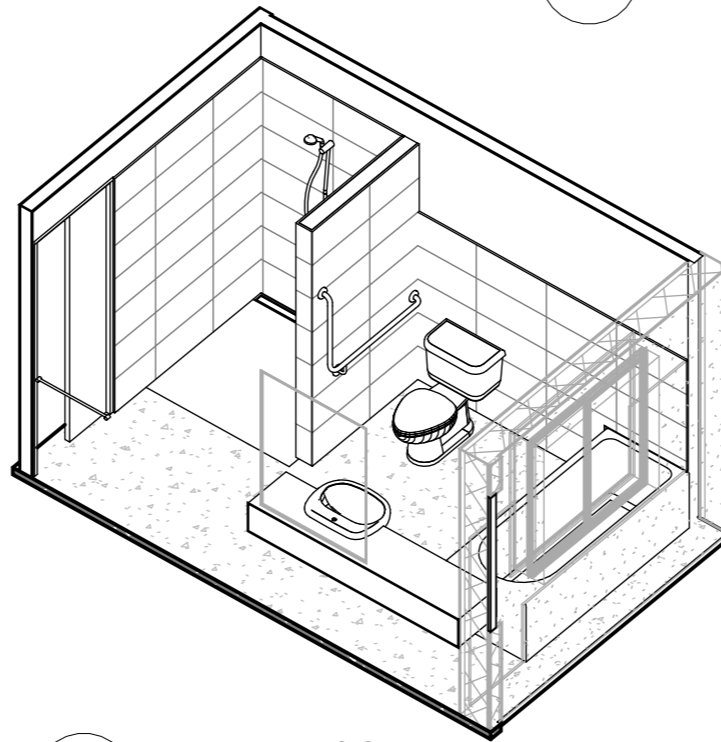
3 IE\_BATH 02  
1:50



4 IE\_BATH 03  
1:50



5 IE\_BATH 04  
1:50



6 3D BATHROOM

## Appendix D

### Planning Scheme Code Responses

## 6.2.6 Low density residential zone code

### 6.2.6.1 Application

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

### 6.2.6.2 Purpose

- (1) The purpose of the Low density residential zone code is to provide for predominantly dwelling houses supported by community uses and small-scale services and facilities that cater for local residents.
- (2) The local government purpose of the code is to:
  - (a) implement the policy direction set in the Strategic Framework, in particular:
    - (i) Theme 1 : Settlement pattern, Element 3.4.2 – Urban settlement, Element 3.4.5 Residential areas and activities, Element 3.4.7 – Mitigation of hazards.
    - (ii) Theme 4 : Strong community and identity, Element 3.7.3 – Active communities, Element 3.7.4 – Sense of place, community and identity, Element 3.7.5 – Housing choice and affordability.
    - (iii) Theme 6 : Infrastructure and transport, Element 3.9.2 - Energy, Element 3.9.3 – Water and waste management, Element 3.9.4 Transport, Element 3.9.5 – Information technology.
  - (b) retain the low density residential character and amenity of the area, consisting predominantly of low-rise 1 and 2 storey detached dwelling houses;
  - (c) provide support for compatible small scale non-residential use activities;
  - (d) ensure development occurs on appropriately sized and shaped lots.
- (3) The purpose of the code will be achieved through the following overall outcomes:
  - (a) A range of housing, predominantly detached dwelling houses, on a range of lot sizes is provided.
  - (b) Development maintains a high level of residential amenity having regard to traffic, noise, dust, odour, lighting and other locally specific impacts.
  - (c) Development reflects and enhances the existing low density scale and character of the area.
  - (d) Development is reflective and responsive to the environmental constraints of the land.
  - (e) Development is supported by necessary community facilities, open space and recreational areas and appropriate infrastructure to support the needs of the local community.

### Criteria for assessment

**Table 6.2.6.3.a – Low density residential zone code – assessable development**

| Performance outcomes   | Acceptable outcomes  | Applicant response   |
|--|--|--|
| <b>For self-assessable and assessable development</b>  |  |  |
| <b>PO1</b><br>The height of all buildings and structures must be in keeping with the residential character of the area.  | <b>AO1</b><br>Buildings and structures are not more than 8.5 metres and two storeys in height.<br>Note – Height is inclusive of the roof height. | <b>Complies with AO1.</b><br>The proposed dwelling is single storey and would not exceed 8.5 metres in height.   |
| <b>For assessable development</b>  |  |  |
| <b>PO2</b><br>The establishment of uses is consistent with the outcomes sought for the Low density residential zone and protects the zone from the intrusion of inconsistent uses.                                     | <b>AO2</b><br>Uses identified in Table 6.2.6.3.b are not established in the Low density residential zone.  | <b>Complies with AO2</b><br>A dual occupancy is not a use identified in Table 6.2.6.3.b  |
| <b>PO3</b><br>The setback of buildings and structures:<br>(a) maintains the amenity of adjoining lots and the residential character of the area;<br>(b) achieves separation from neighbouring buildings and frontages. | <b>AO3</b><br>No acceptable outcomes are prescribed.   | <b>Complies with PO3</b><br>The proposed new dwelling would provide side and rear setbacks consistent with the existing residential development in the area. The front setback of 4.5 metres, whilst being less than that typically identified for a setback form a road frontage, is consistent with existing development in Bayil Drive, which range from in the order of 3.5 metres to 5.5 metres. The proposed setbacks would maintain the amenity of adjoining lots and |

| Performance outcomes   | Acceptable outcomes                                  | Applicant response  |
|--|--|---|
|  |  | would achieve adequate separation between buildings and frontages.  |
| <b>PO4</b><br>Development is located, designed, operated and managed to respond to the natural characteristics, features and constraints of the site and surrounds.<br>Note – Planning scheme policy – Site assessments provides guidance on identifying the characteristics and features and constraints of a site and its surrounds. | <b>AO4</b><br>No acceptable outcomes are prescribed. | <b>Not applicable</b><br>The site is previously developed land and former cane land. There are no natural features or constraints on the site.  |
| <b>PO5</b><br>Development does not adversely affect the residential character and amenity of the area in terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts.  | <b>AO5</b><br>No acceptable outcomes are prescribed. | <b>Complies with PO5</b><br>The proposal would not result in emissions that would adversely affect the residential character and amenity of the area.   |
| <b>PO6</b><br>New lots contain a minimum area of :<br>(a) 600m <sup>2</sup> (in sewerred areas);<br>(b) 1000m <sup>2</sup> (in unsewered areas).   | <b>AO6</b><br>No acceptable outcomes are prescribed. | <b>Complies with the Purpose of the Low Density Residential Zone</b><br>The purpose of the Low Density Residential Zone is to, inter alia, <i>provide for a range of housing, predominantly detached dwelling houses, on a range of lot sizes.</i><br>The proposed development would provide low rise housing on different lot sizes to improve the range of housing options available in the area without compromising the residential amenity or the overall planned residential density. The ultimate development would provide for two detached dwellings, each with their own dedicated street frontage, |

| Performance outcomes  | Acceptable outcomes                                   | Applicant response  |
|---|---|---|
|   |   | reflecting and enhancing the existing low density scale and character of the area.  |
| <b>PO7</b><br>New lots have a minimum road frontage of 15 metres. | <b>AO7</b><br>No acceptable outcomes are prescribed.  | <b>Complies with the Purpose of the Low Density Zone.</b><br>The proposed new lot would have a frontage of 14.34 metres, which is only a minor departure from the Performance Outcome.<br>The proposed development would not compromise the purpose of the Low Density Residential Zone Code.   |
| <b>PO8</b><br>New lots contain a 20m x 15m rectangle.             | <b>AO10</b><br>No acceptable outcomes are prescribed. | <b>Complies with the Purpose of the Low Density Residential Zone</b><br>The proposed development would contain a rectangle of 25.85 metres x 14.34 metres, which would provide a regular shaped area greater than that required by the Performance Outcome and the difference in dimension is a minor departure for the 15 metres required by the Performance Outcome.<br>The proposed development would not compromise the purpose of the Low Density Residential Zone Code. |

**Table 6.2.6.3.b - Inconsistent uses within the Low density residential zone**

| Inconsistent uses   |  |  |
|---|--|--|
| <ul style="list-style-type: none"> <li>• Adult store</li> <li>• Agricultural supplies store</li> <li>• Air services</li> <li>• Animal husbandry</li> <li>• Aquaculture</li> <li>• Bar</li> <li>• Brothel</li> <li>• Bulk landscape supplies</li> <li>• Car wash</li> <li>• Club</li> <li>• Crematorium</li> <li>• Cropping</li> <li>• Detention facility</li> <li>• Emergency services</li> <li>• Extractive industry</li> <li>• Food and drink outlet</li> <li>• Function facility</li> <li>• Funeral parlour</li> <li>• Garden centre</li> <li>• Hardware and trade supplies</li> <li>• High impact industry</li> </ul> | <ul style="list-style-type: none"> <li>• Hospital</li> <li>• Hotel</li> <li>• Indoor sport and recreation</li> <li>• Intensive animal industry</li> <li>• Intensive horticulture</li> <li>• Landing</li> <li>• Low impact industry</li> <li>• Major electricity infrastructure</li> <li>• Major sport, recreation and entertainment facility</li> <li>• Marine industry</li> <li>• Medium impact industry</li> <li>• Motor sport facility</li> <li>• Nature based tourism</li> <li>• Nightclub entertainment facility</li> <li>• Non-resident workforce accommodation</li> <li>• Office</li> <li>• Outdoor sales</li> <li>• Outstation</li> <li>• Parking station</li> </ul> | <ul style="list-style-type: none"> <li>• Permanent plantation</li> <li>• Port services</li> <li>• Renewable energy facility</li> <li>• Research and technology industry</li> <li>• Resort complex</li> <li>• Roadside stall</li> <li>• Rooming accommodation</li> <li>• Rural industry</li> <li>• Rural workers accommodation</li> <li>• Service industry</li> <li>• Shop</li> <li>• Shopping Centre</li> <li>• Showroom</li> <li>• Special industry</li> <li>• Theatre</li> <li>• Transport depot</li> <li>• Veterinary services</li> <li>• Warehouse</li> <li>• Wholesale nursery</li> <li>• Winery</li> </ul> |

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

## 7.2.2 Coastal communities local plan code

### 7.2.2.1 Application

- (1) This code applies to assessing development within the Coastal communities local plan area covering Wonga Beach, Newell and Cooya Beach as identified on the Coastal communities local plan maps contained in Schedule 2.
- (2) When using this code, reference should be made to Part 5.

### 7.2.2.2 Context and setting

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

The Coastal communities consist of the three residential communities of Wonga Beach, Newell and Cooya Beach: each located 13 km to the north-north-east, 5 km to the north-east and 4 km to the east of the Mossman town centre, respectively.

All are located on the flat coastal plain along the Coral Sea. Each community is located on the coastal sandy swales of the foreshore and are therefore low-lying and vulnerable to coastal erosion and storm tide hazards.

Wonga Beach is the largest community and currently consists of two sections, each with separate access to the Mossman-Daintree Road. The northern part of Wonga Beach has access to the Mossman-Daintree Road via Wonga Beach Road and consists predominantly of detached housing, the Wonga Beach primary school in Snapper Island Drive, a small caravan park on the Esplanade and other low key tourist accommodation, mainly in the form of bed and breakfast facilities.

The southern part of Wonga Beach has access to the Mossman-Daintree Road via Oleander Drive and Marlin Drive. Detached housing is the predominant form of development and a small service station and local centre and a community hall are located on Oleander Drive on, and close, to the Mossman-Daintree Road intersection. Wonga Beach Park is located at the southern end of Wonga Beach and contains a skate park and barbecue facilities.

The northern and southern parts of Wonga Beach are not connected by a beach side road however they are linked by a pedestrian and bicycle path known as the 'Wonga Community Link'.

Newell consists predominantly of older-stock detached residential housing. A caravan park and small convenience store is located at Marine Parade – Pacific Street and a boat ramp is provided in the south giving access to the northern bank of the Mossman River.

Cooya Beach consists of residential development and caters for a significant amount of newer residential growth in the coastal communities, particularly along Cooya Beach Road. Cooya Beach also has a neighbourhood centre, a child care centre and has a boat ramp at its northern end providing access to the southern bank of the Mossman River.

A particular characteristic of each of the coastal communities is the distinct demarcation between urban and rural settings, with either sugar cultivation or cattle grazing directly abutting the urban edge.

All communities have a ready supply of vacant lots, with a limited capacity for further residential expansion. Of the three communities, only the new residential estate on the western side of Cooya Beach is connected to reticulated sewerage network.

### 7.2.2.3 Purpose

- (1) The purpose of the Coastal communities local plan code is to provide for attractive residential areas in the Shire as an alternative to Mossman and Port Douglas.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) maintain development in coastal communities as primarily low density residential development;
  - (b) protect residential communities from incursion by tourist accommodation and facilities;
  - (c) facilitate the development of local commercial and community services and facilities, including active and passive open space at a level adequate to service the resident population;
  - (d) ensure new residential development is limited in extent and is designed to integrate with existing communities;
  - (e) ensure Good Quality Agricultural Land is protected from the impacts of residential development or residential expansion;
  - (f) protect environmentally sensitive coastal areas and coastal processes from the detrimental impacts associated with urban development;
  - (g) protect parts of the Local Plan Area used for the cultivation of sugar cane from incompatible development, where such land is zoned for continued Rural use.
- (3) The purpose of the code will be further achieved through the following overall outcomes:
  - (a) Precinct 1 – Wonga Beach rural precinct;
  - (b) Precinct 2 – Wonga Beach low density residential precinct;
  - (c) Precinct 3 – Wonga Beach local centre precinct;
  - (d) Precinct 4 – Wonga Beach rural residential precinct;
  - (e) Precinct 5 – Wonga Beach Lifu Close precinct;
  - (f) Precinct 6 – Newell low density residential precinct;
  - (g) Precinct 7 – Newell local centre precinct.

### **Precinct 1 – Wonga Beach rural precinct**

- (4) In addition to the overall outcomes, the outcomes sought for the precinct are to ensure that:
- (a) the open rural character and amenity of the precinct is maintained;
  - (b) clear visual separation is maintained between the residential areas of Wonga Beach and the Mossman-Daintree Road;
  - (c) development reliant on exposure to the Mossman-Daintree Road, including tourist facilities and attractions, does not occur.

### **Precinct 2 – Wonga Beach low density residential precinct**

- (5) In addition to the overall outcomes, the outcomes sought for the precinct are to ensure that:
- (a) development consists of low density residential housing and open space. Other uses are not facilitated within the precinct;
  - (b) a road connection between Oasis Drive and Marlin Drive is not provided. However a pedestrian and cycling link is maintained along the western boundary of the precinct, and any development provides adequate visibility to this link to ensure the personal safety and security for the users of the link;
  - (c) development is setback from the established foreshore vegetation and good highly visible public access is provided along the edge of the foreshore vegetation that permits safe access to the beach;
  - (d) development incorporates adequate water-sensitive urban design techniques to cater for any storm water flows required to be conveyed across the site.

### **Precinct 3 – Wonga Beach local centre precinct**

- (6) In addition to the overall outcomes, the following outcomes are achieved in the precinct:
- (a) local shopping and community facilities are consolidated within the precinct on the corner of Oleander Drive and Mossman-Daintree Road. No other shopping facilities are considered to be necessary in Wonga Beach;
  - (b) retailing activities, including the service station are not intended to exceed 400m<sup>2</sup> in gross floor area;
  - (c) pedestrian connections between uses within the precinct are maintained and enhanced;
  - (d) access and car parking is coordinated between uses;
  - (e) supplementary landscape planting is provided to enhance the appearance of the precinct and to provide for shade trees.

### **Precinct 4 – Wonga Beach rural residential precinct**

- (7) In addition to the overall outcomes, the following outcomes are achieved in the precinct:
- (a) any further lot reconfiguration within this precinct ensures that large lots are maintained to provide for housing diversity and for the protection of the existing rural residential character.

### Precinct 5 – Wonga Beach Lifu Close precinct

- (8) In addition to the overall outcomes, the following outcomes are achieved in the precinct:
- (a) further lot reconfiguration is discouraged within this precinct, unless adequate road access and frontages can be provided to each new lot. This may require consolidation of existing lots to achieve appropriate design solutions;
  - (b) multiple rear lots are not established.

### Precinct 6 – Newell low density residential precinct

- (9) In addition to the overall outcomes, the following outcomes are achieved in the precinct:
- (a) a limited size low density residential extension of the existing street pattern is facilitated, subject to an engineering analysis demonstrating that there are no significant constraints preventing such an extension.

### Precinct 7 – Newell local centre precinct

- 10) In addition to the overall outcomes, the following outcomes are achieved in the precinct:
- (a) Any redevelopment of the local shopping facility is contained within the local centre precinct and is limited to 150m<sup>2</sup> for all centre uses.

### Criteria for assessment

**Table 7.2.2.4 a – Coastal communities local plan – assessable development**

| Performance outcomes  | Acceptable outcomes  | Applicant response  |
|---|--|---|
| <b>For self-assessable and assessable development</b>   |  |   |
| <b>Development in the Coastal communities local plan area generally</b>   |  |   |
| <b>PO1</b><br>Buildings and structures complement the height of surrounding development and buildings are limited to two storeys. | <b>AO1</b><br>Buildings and structures are not more than 8.5 metres in height.<br><br>Note – Height is inclusive of roof height. | <b>Complies with AO1.</b><br>The proposed dwelling is single storey with a maximum height of 5.50 metres. |
| <b>For assessable development</b>   |  |   |

| Performance outcomes   | Acceptable outcomes  | Applicant response  |
|--|--|---|
| <b>Development in the Coastal communities local plan area generally</b>  |  |   |
| <b>PO2</b><br>Development retains and enhances key landscape elements including character trees and areas of significant vegetation contributing to the character and quality of the local plan area and significant views and vistas and other landmarks important to the Coastal communities' context (as identified on the Coastal Communities Townscape Plan map contained in Schedule 2). | <b>AO2.1</b><br>Development provides for the retention and enhancement of existing mature trees and character vegetation that contribute to the character of the coastal communities, including: <ul style="list-style-type: none"> <li>(a) the coconut fringed vegetation along the foreshore and esplanade areas;</li> <li>(b) low-lying melaleuca swamp lands and the mangrove communities along river banks and creeks.</li> </ul> | <b>Not Applicable</b><br>There is no existing mature trees or character vegetation present on the site.   |
|  | <b>AO2.2</b><br>Development protects and does not intrude into important views and vistas as identified on the Coastal Communities Townscape Plan map contained in Schedule 2).  | <b>Not Applicable.</b><br>The development would not intrude into any important views or vistas identified on the Coastal Communities Townscape Plan map.    |
| <b>PO3</b><br>Development contributes to the protection, reinforcement and where necessary enhancement of gateways and key intersections identified on the Coastal Communities Townscape Plan map contained in Schedule 2  | <b>PO3</b><br>Development adjacent to the gateways and key intersections as identified on the Coastal Townscape Plan maps contained in Schedule 2 and where permitted under the planning scheme, incorporates architectural features and landscaping treatments and design elements that enhances the sense of arrival and way finding within each coastal suburb.   | <b>Not Applicable</b><br>The subject site is not located adjacent to any of the gateways or key intersections identified on the Coastal Townscape Plan map. |

| Performance outcomes  | Acceptable outcomes   | Applicant response  |
|---|---|---|
| <b>PO4</b><br>Landscaping of development sites complements the desirable qualities of the existing character of the coastal communities.  | <b>AO4</b><br>Landscaping incorporates the requirements of Planning scheme policy SC6.7 - Landscaping.  | <b>Able to comply with AO4</b><br>The development is able to implement landscaping as per the Planning Scheme policy. |
| <b>Additional requirements for Precinct 2 – Wonga Beach low density residential precinct</b>  |   |   |
| <b>PO5</b><br>Development takes into account, the opportunities and constraints with particular attention paid to storm-tide hazards, water-sensitive urban design management of storm water flow paths, and retention of foreshore vegetation.   | <b>AO5</b><br>No acceptable outcomes are prescribed.  | <b>Not Applicable</b><br>The subject site is not located in Precinct 2.   |
| <b>PO6</b><br>Development avoids a road connection between Oasis Drive and Marlin Drive that would exacerbate traffic volumes or unduly increase traffic hazards, particularly along Marlin Drive and Oleander Drive. Proposals for a road extension into Precinct 2 should be from the north and not from Marlin Drive. A turning circle immediately at the end of Marlin Drive may be acceptable. | <b>AO6</b><br>A road connection between Oasis Drive and Marlin Drive is not provided. Proposals for a road extension into Precinct 2 should be from the north and not from Marlin Drive. A turning circle immediately at the end of Marlin Drive may be acceptable. | <b>Not Applicable</b><br>The subject site is not located in Precinct 2.   |
| <b>PO7</b><br>Development maintains a pedestrian and bicycle link along the western boundary of the precinct and establishes adequate opportunities for surveillance along and across to the link.  | <b>AO7</b><br>A pedestrian and bicycle link is retained along the western boundary of the precinct which is clearly visible from adjoining streets and / or public open space areas (i.e. – is not obscured at the rear of  | <b>Not Applicable</b><br>The subject site is not located in Precinct 2.   |

| Performance outcomes   | Acceptable outcomes  | Applicant response  |
|--|--|---|
|  | residential lots).   |   |
| <b>PO8</b><br>The line of foreshore vegetation along the eastern side of the precinct, including the foreshore coconut palms, is retained and development is setback to avoid damage to the vegetation.  | <b>AO8</b><br>No acceptable outcomes are prescribed.   | <b>Not Applicable</b><br>The subject site is not located in Precinct 2. |
| <b>PO9</b><br>Highly visible public access is provided along the eastern side of the precinct to the foreshore.  | <b>AO9</b><br>A constructed public esplanade road (taking into account the requirements of AO6) is provided along the eastern side of the precinct clear of the foreshore vegetation, including the foreshore coconut palms. | <b>Not Applicable</b><br>The subject site is not located in Precinct 2. |
| <b>PO10</b><br>Storm-water flows are conveyed across the site incorporating water-sensitive urban design principles.   | <b>AO10</b><br>No acceptable outcomes are prescribed.  | <b>Not Applicable</b><br>The subject site is not located in Precinct 2. |
| <b>Additional requirements for Precinct 3 – Wonga Beach local centre precinct</b>  |  |   |
| <b>PO11</b><br>Retailing activities, including the service station do not exceed 400m2 across each of the three allotments contained within the Centre zone. No retailing activities occur within the Community Facilities zone within the precinct. | <b>AO11</b><br>No acceptable outcomes are prescribed.  | <b>Not Applicable</b><br>The subject site is not located in Precinct 3. |

| Performance outcomes   | Acceptable outcomes   | Applicant response  |
|--|---|---|
| <b>PO12</b><br>Pedestrian connections, vehicular access, car parking areas and landscaping are integrated across each of the three sites so as to function as an integrated local centre.  | <b>AO12</b><br>No acceptable outcomes are prescribed.                                     | <b>Not Applicable</b><br>The subject site is not located in Precinct 3. |
| <b>PO13</b><br>Supplementary landscaping is provided to enhance the appearance of the precinct, including the provision of shade trees.  | <b>AO13</b><br>No acceptable outcomes are prescribed.                                     | <b>Not Applicable</b><br>The subject site is not located in Precinct 3. |
| <b>Additional requirements for Precinct 4 – Wonga Beach rural residential precinct</b>   |   |   |
| <b>PO14</b><br>New lots contain a minimum area of 2000m2.  | <b>AO14</b><br>No acceptable outcomes are prescribed.                                     | <b>Not Applicable</b><br>The subject site is not located in Precinct 4. |
| <b>PO15</b><br>New lots contain a 40 metre x 25 metre rectangle.   | <b>AO15</b><br>No acceptable outcomes are prescribed.                                     | <b>Not Applicable</b><br>The subject site is not located in Precinct 4. |
| <b>Additional requirements for Precinct 5 – Wonga Beach Lifu Close precinct</b>  |   |   |
| <b>PO16</b><br>Lot reconfiguration is permitted only where adequate dedicated road access can be provided to each lot.<br><br>Note - The provision of multiple rear lots off the top of the Lifu Close cul-de-sac does not represent an acceptable performance outcome due to the inadequate shape and servicing needs (in | <b>AO16</b><br>Further lot reconfiguration in the form of additional lots does not occur. | <b>Not Applicable</b><br>The subject site is not located in Precinct 5. |

| Performance outcomes   | Acceptable outcomes                                   | Applicant response  |
|--|---|---|
| particular refuse collection) associated with the existing configuration of the lots.  |   |   |
| <b>Additional requirements for Precinct 6 – Newell low density residential precinct</b>  |   |   |
| <b>PO17</b><br>Development consists of low density residential lots off a new road extension that connects Pacific Street to Coulthard Close.  | <b>AO17</b><br>No acceptable outcomes are prescribed. | <b>Not Applicable</b><br>The subject site is not located in Precinct 6. |
| <b>PO18</b><br>Any further lot reconfiguration within the precinct is contingent upon an engineering analysis that demonstrates that there are no constraints that would prevent the development of land for low density residential lots. | <b>AO18</b><br>No acceptable outcomes are prescribed. | <b>Not Applicable</b><br>The subject site is not located in Precinct 6. |
| <b>Additional requirements for Precinct 6 – Newell low density residential precinct</b>  |   |   |
| <b>PO19</b><br>Any redevelopment of the local shopping facility is confined to a maximum of 150m <sup>2</sup> for all centre uses.   | <b>AO19</b><br>No acceptable outcomes are prescribed. | <b>Not Applicable</b><br>The subject site is not located in Precinct 6. |

## 8.2.1 Acid sulfate soils overlay code

### 8.2.1.1 Application

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

### 8.2.1.2 Purpose

- (1) The purpose of the acid sulfate soils overlay code is to:
  - (a) implement the policy direction in the Strategic Framework, in particular:
    - (i) Theme 2: Environment and landscape values, Element 3.5.4 Coastal zones.
    - (ii) Theme 3: Natural resource management, Element 3.6.2 land and catchment management, Element 3.6.3 Primary production, forestry and fisheries.
- (2) enable an assessment of whether development is suitable on land within the Acid sulfate soils overlay sub-categories.
- (3) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Development ensures that the release of any acid and associated metal contaminant is avoided by not disturbing acid sulfate soils when excavating, removing soil or extracting ground water or filling land;
  - (b) Development ensures that disturbed acid sulfate soils, or drainage waters, are treated and, if required, on-going management practices are adopted that minimise the potential for environmental harm from acid sulfate soil and protect corrodible assets from acid sulfate soil.

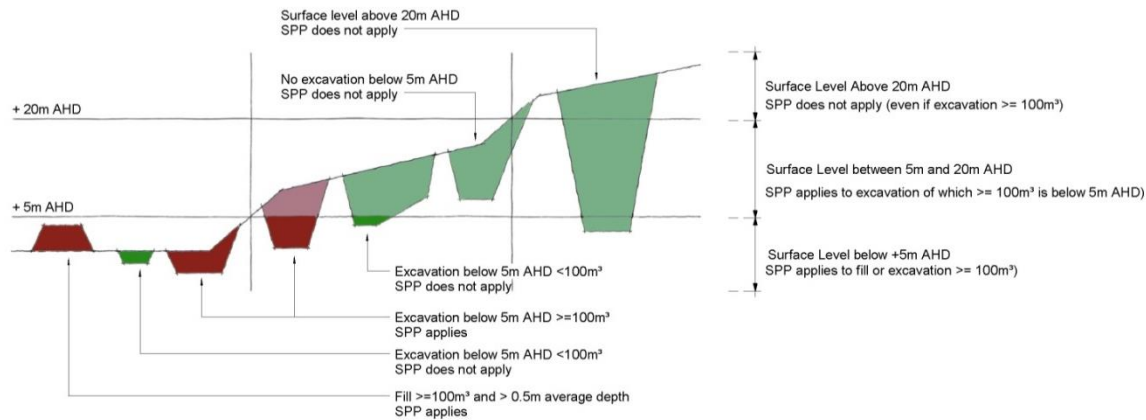
### Criteria for assessment

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

| Performance outcomes  | Acceptable outcomes   | Applicant response  |
|---|---|---|
| <b>For assessable development</b>   |   |   |
| <b>PO1</b><br>The extent and location of potential or actual acid sulfate soils is accurately identified.   | <b>AO1.1</b><br>No excavation or filling occurs on the site.<br>or<br><b>AO1.2</b><br>An acid sulfate soils investigation is undertaken.<br>Note - Planning scheme policy SC 6.12– Potential and actual acid sulfate soils provides guidance on preparing an acid sulfate soils investigation.  | <b>Complies with AO1.1</b><br>No excavation or filling is to occur on the site with the exception of swimming pool construction. Swimming pools as standalone developments do not trigger an assessment against the acid soils overlay. |
| <b>PO2</b><br>Development avoids disturbing potential acid sulfate soils or actual acid sulfate soils, or is managed to avoid or minimise the release of acid and metal contaminants. | <b>AO2.1</b><br>The disturbance of potential acid sulfate soils or actual acid sulfate soils is avoided by:<br>(a) not excavating, or otherwise removing, soil or sediment identified as containing potential or actual acid sulfate soils;<br>(b) not permanently or temporarily extracting groundwater that results in the aeration of previously saturated acid sulfate soils;<br>(c) not undertaking filling that results in:<br>(i) actual acid sulfate soils being moved below the water table;<br>(ii) previously saturated acid sulfate soils | <b>Complies with AO2.1</b><br>No excavation or disturbance of acid sulfate soils would occur as a result of this development.   |

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

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



## 8.2.4 Flood and storm tide hazard overlay code

### 8.2.4.1 Application

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

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

### 8.2.4.2 Purpose

- (1) The purpose of the Flood and storm tide hazard overlay code is to:
  - (a) implement the policy direction in the Strategic Framework, in particular:
    - i. Theme 1 Settlement pattern: Element 3.4.7 Mitigation of hazards;
    - ii. Theme 6 Infrastructure and transport: Element 3.9.2 Energy.
  - (b) enable an assessment of whether development is suitable on land within the Flood and storm tide hazard sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) development siting, layout and access responds to the risk of the natural hazard and minimises risk to personal safety;
  - (b) development achieves an acceptable or tolerable risk level, based on a fit for purpose risk assessment;
  - (c) the development is resilient to natural hazard events by ensuring siting and design accounts for the potential risks of natural hazards to property;

- (d) the development supports, and does not unduly burden disaster management response or recovery capacity and capabilities;
- (e) the development directly, indirectly and cumulatively avoids an unacceptable increase in severity of the natural hazards and does not significantly increase the potential for damage on site or to other properties;
- (f) the development avoids the release of hazardous materials as a result of a natural hazard event;
- (g) natural processes and the protective function of landforms and/or vegetation are maintained in natural hazard areas;
- (h) community infrastructure is located and designed to maintain the required level of functionality during and immediately after a hazard event.

### Criteria for assessment

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

| Performance outcomes  | Acceptable outcomes  | Applicant response  |
|---|--|---|
| <b>For self-assessable and assessable development</b>   |  |   |
| <b>PO1</b><br>Development is located and designed to: <ul style="list-style-type: none"> <li>(a) ensure the safety of all persons;</li> <li>(b) minimise damage to the development and contents of buildings;</li> <li>(c) provide suitable amenity;</li> <li>(d) minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events.</li> </ul> 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. | <b>AO1.1</b><br>Development is sited on parts of the land that is not within the Flood and Storm tide hazards overlay maps contained in Schedule 2;<br>Or  | <b>Complies with AO1.2</b><br>Refer below.  |
|   | <b>AO1.2</b><br>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. | <b>Complies with AO1.2</b><br>The proposed new dwelling would be constructed at the same finished floor level as the existing house, which has been determined as being immune to the defined inundation event. |
|   | <b>AO1.3</b><br>New buildings are:   | <b>Complies with PO1.</b><br>The subject site forms part of the Ocean Breeze Residential Estate, which is a recent  |

| Performance outcomes  | Acceptable outcomes   | Applicant response  |
|---|---|---|
|   | <p>(a) not located within the overlay area;</p> <p>(b) located on the highest part of the site to minimise entrance of flood waters;</p> <p>(c) provided with clear and direct pedestrian and vehicle evacuation routes off the site.</p>   | residential subdivision development. As part of this earlier approval, the flood immunity for the allotments has been addressed.  |
|   | <p><b>AO1.4</b></p> <p>In non urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters.</p>  | <p><b>Not Applicable</b></p> <p>The site is within an urban area.</p>   |
| <p><b>PO2</b></p> <p>The development is compatible with the level of risk associated with the natural hazard.</p>   | <p><b>AO2</b></p> <p>The following uses are not located in land inundated by the Defined Flood Event (DFE) / Storm tide:</p> <p>(a) Retirement facility;</p> <p>(b) Community care facility;</p> <p>(c) Child care centre.</p>  | <p><b>Complies with AO2</b></p> <p>The proposed development is for a Dual Occupancy and Reconfiguring a Lot only./</p>  |
| <p><b>PO3</b></p> <p>Development siting and layout responds to flooding potential and maintains personal safety</p> | <p>For Material change of use</p> <p><b>AO3.1</b></p> <p>New buildings are:</p> <p>(a) not located within the overlay area;</p> <p>(b) located on the highest part of the site to minimise entrance of flood waters;</p> <p>(c) provided with clear and direct pedestrian and</p> | <p><b>Complies with PO3</b></p> <p>The subject site forms part of the Ocean Breeze Residential Estate, which is a recent residential subdivision development. As part of this earlier approval, the flood immunity for the allotments has been addressed.</p> |

| Performance outcomes | Acceptable outcomes  | Applicant response  |
|----------------------|--|---|
|                      | vehicle evacuation routes off the site.<br><br>Or  |   |
|                      | <b>AO3.2</b><br>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.<br><br>Or        | <b>Complies with AO3.2</b><br>The subject site forms part of the Ocean Breeze Residential Estate, which is a recent residential subdivision development. As part of this earlier approval, the flood immunity for the allotments has been addressed.                  |
|                      | <b>AO3.3</b><br>Where involving an extension to an existing dwelling house that is situated below DFE /Storm tide, the maximum size of the extension does not exceed 70m <sup>2</sup> gross floor area.<br><br>Note – If part of the site is outside the Hazard Overlay area, this is the preferred location of all buildings. | <b>Not Applicable</b><br>The proposal is for a new dwelling.  |
|                      | <b>AO3.4</b><br>Additional lots:<br>(a) are not located in the hazard overlay area;<br>or<br>(b) are demonstrated to be above the flood level identified for the site.<br><br>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)  | <b>Complies with AO3.4</b><br>The subject site forms part of the Ocean Breeze Residential Estate, which is a recent residential subdivision development. As part of this earlier approval, the flood immunity for the allotments has been addressed and demonstrated. |

| Performance outcomes | Acceptable outcomes   | Applicant response   |
|----------------------|---|--|
|                      | and recreation lots).<br><br>Note – Buildings subsequently developed on the lots will need to comply with the relevant building assessment provisions under the Building Act 1975.  |  |
|                      | <b>AO3.5</b><br>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:<br><br>(a) by locating entry points into the reconfiguration above the flood level and avoiding culs-de-sac or other non-permeable layouts; and<br><br>(b) by direct and simple routes to main carriageways.                                 | <b>Not Applicable</b><br><br>The proposed development does not involve the construction or reconfiguring of roads and/or pathways.                                   |
|                      | <b>AO3.6</b><br>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.<br><br>or | <b>Not Applicable</b><br><br>The subject site is not located within 100 metres of a floodable waterway.  |
|                      | <b>AO3.7</b><br>There is no intensification of residential uses within the flood affected areas on land situated below the  | <b>Complies with AO3.7</b><br><br>The subject site forms part of the Ocean Breeze Residential Estate, which is a recent residential subdivision development. As part |

| Performance outcomes  | Acceptable outcomes   | Applicant response  |
|---|---|---|
|   | DFE/Storm tide.   | of this earlier approval, the flood immunity for the allotments has been addressed and the development of the site would not result in an intensification of residential uses below the DFE/Storm Tide.   |
|   | <b>AO3.8</b><br>The design and layout of buildings used for residential purposes minimise risk from flooding by providing:<br>(a) parking and other low intensive, non-habitable uses at ground level;<br>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.  | <b>Not applicable</b><br>The subject site forms part of the Ocean Breeze Residential Estate, which is a recent residential subdivision development. As part of this earlier approval, the flood immunity for the allotments has been addressed. |
| <b>PO4</b><br>Development is resilient to flood events by ensuring design and built form account for the potential risks of flooding. | For Material change of use (Non-residential uses)<br><b>AO4.2</b><br>Non residential buildings and structures allow for the flow through of flood waters on the ground floor.<br>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).<br>Note - The relevant building assessment provisions under the Building Act 1975 apply to all building work within the Hazard Area and need to take into account the flood potential within the area. | <b>Not Applicable</b><br>The proposal is for a residential use.   |
|   | <b>AO4.3</b><br>Materials are stored on-site:   | <b>Not Applicable</b><br>The proposal is for a residential use.   |

| Performance outcomes  | Acceptable outcomes   | Applicant response  |
|---|---|---|
|   | <p>(a) are those that are readily able to be moved in a flood event;</p> <p>(b) where capable of creating a safety hazard by being shifted by flood waters, are contained in order to minimise movement in times of flood.</p> <p>Notes -</p> <p>(a) Businesses should ensure that they have the necessary contingency plans in place to account for the potential need to relocate property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a building or off site).</p> <p>(b) Queensland Government Fact Sheet 'Repairing your House after a Flood' provides information about water resilient products and building techniques.</p> |   |
| <p><b>PO5</b></p> <p>Development directly, indirectly and cumulatively avoids any increase in water flow velocity or flood level and does not increase the potential flood damage either on site or on other properties.</p> <p>Note – Berms and mounds are considered to be an undesirable built form outcome and are not supported.</p> | <p>For Operational works</p> <p><b>AO5.1</b></p> <p>Works in urban areas associated with the proposed development do not involve:</p> <p>(a) any physical alteration to a watercourse or floodway including vegetation clearing; or</p> <p>(b) a net increase in filling (including berms and mounds).</p>  | <p><b>Not Applicable.</b></p> <p>No operational works are proposed as a part of this application.</p> |
|   | <p><b>AO5.2</b></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 50m<sup>3</sup>; or</p>   | <p><b>Not Applicable</b></p> <p>The subject site is located within an urban area.</p>                 |

| Performance outcomes | Acceptable outcomes  | Applicant response   |
|----------------------|--|--|
|                      | <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> <ul style="list-style-type: none"> <li>i. loss of flood storage;</li> <li>ii. loss of/changes to flow paths;</li> <li>iii. acceleration or retardation of flows or any reduction in flood warning times elsewhere on the flood plain.</li> </ul>  |  |
|                      | <p>For Material change of use</p> <p><b>AO5.3</b></p> <p>Where development is located in an area affected by DFE/Storm tide, a hydraulic and hydrology report, prepared by a suitably qualified professional, demonstrates that the development maintains the flood storage capacity on the subject site; and</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) does not increase ponding on sites upstream, downstream or in the general vicinity of the subject site.</li> </ul> | <p><b>Not applicable</b></p> <p>The subject site forms part of the Ocean Breeze Residential Estate, which is a recent residential subdivision development. As part of this earlier approval, the flood immunity for the allotments has been addressed.</p> |

| Performance outcomes   | Acceptable outcomes  | Applicant response   |
|--|--|--|
|  | <p>For Material change of use and Reconfiguring a lot</p> <p><b>AO5.4</b></p> <p>In non urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters.</p> <p>Note – Fences and irrigation infrastructure (e.g. irrigation tape) in rural areas should be managed to minimise adverse the impacts that they may have on downstream properties in the event of a flood.</p> | <p><b>Not Applicable</b></p> <p>The subject site is located within an urban area.</p>  |
| <p><b>PO6</b></p> <p>Development avoids the release of hazardous materials into floodwaters.</p> | <p>For Material change of use</p> <p><b>AO6.1</b></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><b>Not applicable</b></p> <p>The proposal would not involve the manufacture or storage of hazardous or noxious materials.</p> |
|  | <p><b>AO6.2</b></p> <p>If a DFE level is adopted, structures used for the manufacture or storage of hazardous materials are:</p> <p>(a) located above the DFE level;</p> <p>or</p> <p>(b) designed to prevent the intrusion of floodwaters.</p>  | <p><b>Not applicable</b></p> <p>The proposal would not involve the manufacture or storage of hazardous or noxious materials.</p> |
|  | <p><b>AO6.3</b></p> <p>Infrastructure is designed and constructed to resist</p>  | <p><b>Not applicable</b></p> <p>The proposal would not involve the</p>   |

| Performance outcomes   | Acceptable outcomes   | Applicant response   |
|--|---|--|
|  | hydrostatic and hydrodynamic forces as a result of inundation by the DFE.   | manufacture or storage of hazardous or noxious materials.  |
|  | <b>AO6.4</b><br>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.<br><br>Note – Refer to Work Health and Safety Act 2011 and associated Regulation and Guidelines, the Environmental Protection Act 1994 and the relevant building assessment provisions under the Building Act 1975 for requirements related to the manufacture and storage of hazardous materials. | <b>Not applicable</b><br><br>The proposal would not involve the manufacture or storage of hazardous or noxious materials.  |
| <b>PO7</b><br><br>The development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.                        | <b>A07</b><br><br>Development does not: <ul style="list-style-type: none"> <li>(a) increase the number of people calculated to be at risk of flooding;</li> <li>(b) increase the number of people likely to need evacuation;</li> <li>(c) shorten flood warning times; and</li> <li>(d) impact on the ability of traffic to use evacuation routes, or unreasonably increase traffic volumes on evacuation routes.</li> </ul>  | <b>Complies with A07</b><br><br>The subject site forms part of the Ocean Breeze Residential Estate, which is a recent residential subdivision development. As part of this earlier approval, the flood immunity for the allotments has been addressed. |
| <b>PO8</b><br><br>Development involving community infrastructure: <ul style="list-style-type: none"> <li>(a) remains functional to serve community need</li> </ul> | <b>AO8.1</b><br><br>The following uses are not located on land inundated during a DFE/Storm tide:   | <b>Not Applicable</b><br><br>The proposed development does not involve community infrastructure.   |

| Performance outcomes   | Acceptable outcomes  | Applicant response   |
|--|--|--|
| during and immediately after a flood event;<br>(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;<br>(c) retains essential site access during a flood event;<br>(d) is able to remain functional even when other infrastructure or services may be compromised in a flood event. | (a) community residence; and<br>(b) emergency services; and<br>(c) residential care facility; and<br>(d) utility installations involving water and sewerage treatment plants; and<br>(e) storage of valuable records or items of historic or cultural significance (e.g. archives, museums, galleries, libraries).<br>Or   |  |
|  | <b>AO8.2</b><br>The following uses are not located on land inundated during a 1% AEP flood event:<br>(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,<br>(b) community centres;<br>(c) meeting halls;<br>(d) galleries;<br>(e) libraries. | <b>Not Applicable</b><br>The proposal does not involve any of the identified uses. |
|  | <b>AO8.3</b><br>The following uses have direct access to low hazard evacuation routes as defined in Table 8.2.4.3.c:   | <b>Not Applicable</b><br>The proposal does not involve any of the identified uses. |

| Performance outcomes | Acceptable outcomes   | Applicant response   |
|----------------------|---|--|
|                      | (a) community residence; and<br>(b) emergency services; and<br>(c) hospitals; and<br>(d) residential care facility; and<br>(e) sub stations; and<br>utility installations involving water and sewerage treatment plants.  |  |
|                      | <b>A08.4</b><br>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:<br>(a) located above DFE/Storm tide or the highest known flood level for the site;<br>(b) designed and constructed to exclude floodwater intrusion / infiltration. | <b>Not Applicable</b><br>The proposed development does not involve community infrastructure. |
|                      | <b>A08.5</b><br>Infrastructure is design and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by a flood.  | <b>Not Applicable</b><br>The proposed development does not involve community infrastructure. |

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

| Minimum immunity to be achieved (floor levels) | Minimum immunity to be achieved (floor levels)  |
|--|---|
| 20% AEP level                                  | <ul style="list-style-type: none"> <li>Parks and open space.</li> </ul>   |
| 5% AEP level                                   | <ul style="list-style-type: none"> <li>Car parking facilities (including car parking associated with use of land).</li> </ul>   |
| 1% AEP level                                   | <ul style="list-style-type: none"> <li>All development (where not otherwise requiring an alternative level of minimum immunity).</li> </ul>   |
| 0.5% AEP level                                 | <ul style="list-style-type: none"> <li>Emergency services (if for a police station);</li> <li>Industry activities (if including components which store, treat or use hazardous materials);</li> <li>Substation;</li> <li>Utility installation.</li> </ul> |
| 0.2% AEP level                                 | <ul style="list-style-type: none"> <li>Emergency services;</li> <li>Hospital;</li> <li>Major electricity infrastructure;</li> <li>Special industry.</li> </ul>  |

**Table 8.2.4.3.c – Degree of flood**

| Criteria                | Low   | Medium  | High  | Extreme                            |
|-------------------------|---|---|---|------------------------------------|
| Wading Ability          | If necessary children and the elderly could wade. (Generally, safe wading velocity depth product is less than 0.25) | Fit adults can wade. (Generally, safe wading velocity depth product is less than 0.4) | Fit adults would have difficulty wading. (Generally, safe wading velocity depth product is less than 0.6) | Wading is not an option.           |
| Evacuation distances    | < 200 metres  | 200-400 metres  | 400-600 metres  | 600 metres                         |
| Maximum flood depths    | < 0.3 metre   | < 0.6 metre   | < 1.2 metres  | 1.2 metres                         |
| Maximum flood velocity  | < 0.4 metres per second   | < 0.8 metres per second   | < 1.5 metres per second   | 1.5 metres per second              |
| Typical means of egress | Sedan   | Sedan early, but 4WD or trucks later  | 4WD or trucks only in early stages, boats or helicopters later  | Large trucks, boats or helicopters |

|   |  |   |  |  |
|---|--|---|--|--|
| Timing Note: This category cannot be implemented until evacuation times have been established in the Counter Disaster Plan (Flooding) | Ample flood forecasting. Warning and evacuation routes remain passable for twice as long as evacuation time. | Evacuation routes remain trafficable for 1.5 times as long as the evacuation. | Evacuation routes remain trafficable for only up to minimum evacuation time. | There is insufficient evacuation time. |
|---|--|---|--|--|

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

## 8.2.10 Transport network overlay code

### 8.2.10.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Transport network overlay; if:
  - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
  - (b) impact assessable development.
- (2) Land within the Transport network overlay is identified on the Transport network (Road Hierarchy) overlay map and the Transport network (Pedestrian and Cycle) overlay map in Schedule 2 and includes the following sub-categories:
  - (a) Transport network (Road Hierarchy) overlay sub-categories:
    - (i) State controlled road sub-category;
    - (ii) Sub-arterial road sub-category;
    - (iii) Collector road sub-category;
    - (iv) Access road sub-category;
    - (v) Industrial road sub-category;
    - (vi) Major rural road sub-category;
    - (vii) Minor rural road sub-category;
    - (viii) Unformed road sub-category;
    - (ix) Major transport corridor buffer area sub-category.
  - (b) Transport network (Pedestrian and Cycle) overlay sub-categories:
    - (i) Principal route;

- (ii) Future principal route;
- (iii) District route;
- (iv) Neighbourhood route;
- (v) Strategic investigation route.

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

#### **8.2.10.2 Purpose**

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

### 8.2.10.3 Criteria for assessment

**Table 8.2.10.3.a – Transport network overlay code – assessable development**

| Performance outcomes  | Acceptable outcomes  | Compliance   |
|---|--|--|
| <b>For assessable development</b>   |  |  |
| <b>PO1</b><br><br>Development supports the road hierarchy for the region.<br><br>Note -A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.                   | <b>AO1.1</b><br><br>Development is compatible with the intended role and function of the transport network as identified on the Transport network overlay maps contained in Schedule 2.  | <b>Complies with AO1.1</b><br><br>The proposed development of a dual occupancy on a collector road is considered to be compatible with the role of the road.             |
|   | <b>AO1.2</b><br><br>Development does not compromise the safety and efficiency of the transport network.  | <b>Complies with AO1.2</b><br><br>The proposed development would not result in traffic movements that would adversely affect the free flow of traffic movement.          |
|   | <b>AO1.3</b><br><br>Development is designed to provide access via the lowest order road, where legal and practicable access can be provided to that road   | <b>Complies with AO1.3</b><br><br>Access to the proposed dwelling is located on the lowest order road available. Access to the existing dwelling would remain unchanged. |
| <b>PO2</b><br><br>Transport infrastructure is provided in an integrated and timely manner.<br><br>Note - A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes. | <b>AO2</b><br><br>Development provides infrastructure (including improvements to existing infrastructure) in accordance with:<br><br>(a) the Transport network overlay maps contained in Schedule 2;<br><br>(b) any relevant Local Plan. | <b>Not Applicable</b><br><br>No improvements or infrastructure provision is identified as being required.  |

| Performance outcomes   | Acceptable outcomes   | Compliance   |
|--|---|--|
|  | Note – The Translink Public Transport Infrastructure Manual provides guidance on the design of public transport facilities.   |  |
| <b>PO3</b><br><br>Development involving sensitive land uses within a major transport corridor buffer area is located, designed and maintained to avoid or mitigate adverse impacts on amenity for the sensitive land use.  | <b>AO3</b><br><br>No acceptable outcomes are prescribed.<br><br>Note – Part 4.4 of the Queensland Development Code provides requirements for residential building design in a designated transport noise corridor.                          | <b>Not Applicable</b><br><br>Development is not in a major transport corridor buffer area. |
| <b>PO4</b><br><br>Development does not compromise the intended role and function or safety and efficiency of major transport corridors.<br><br>Note - A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes. | <b>AO4.1</b><br><br>Development is compatible with the role and function (including the future role and function) of major transport corridors.   | <b>Not Applicable</b><br><br>Development is not in a major transport corridor buffer area. |
|  | <b>AO4.2</b><br><br>Direct access is not provided to a major transport corridor where legal and practical access from another road is available.  | <b>Not Applicable</b><br><br>No direct access is provided from a major transport corridor. |
|  | <b>AO4.3</b><br><br>Intersection and access points associated with major transport corridors are located in accordance with:<br><br>(a) the Transport network overlay maps contained in Schedule 2; and<br><br>(b) any relevant Local Plan. | <b>Not Applicable</b><br><br>The intersection with a major transport corridor is proposed. |
|  | <b>AO4.4</b>  | <b>Not Applicable</b>  |

| Performance outcomes  | Acceptable outcomes   | Compliance  |
|---|---|---|
|   | The layout of development and the design of the associated access is compatible with existing and future boundaries of the major transport corridor or major transport facility.  | The development site is not located within proximity of a major transport corridor.   |
| <b>PO5</b><br><br>Development retains and enhances existing vegetation between a development and a major transport corridor, so as to provide screening to potential noise, dust, odour and visual impacts emanating from the corridor. | <b>AO5</b><br><br>No acceptable outcomes are prescribed.  | <b>Not Applicable</b><br><br>The development site is not located within proximity of a major transport corridor.  |
| <b>Pedestrian and cycle network</b>   |   |   |
| <b>PO6</b><br><br>Lot reconfiguration assists in the implementation of the pedestrian and cycle movement network to achieve safe, attractive and efficient pedestrian and cycle networks.   | <b>AO6.1</b><br><br>Where a lot is subject to, or adjacent to an element of the pedestrian and cycle Movement network (identified on the Transport network overlay maps contained in Schedule 2) the specific location of this element of the pedestrian and cycle network is incorporated in the design of the lot layout. | <b>Complies with AO6.1</b><br><br>The proposed development would not adversely affect the function of any existing pedestrian or cycle network adjacent the site. |
|   | <b>AO6.2</b><br><br>The element of the pedestrian and cycle network is constructed in accordance with the Design Guidelines set out in Sections D4 and D5 of the Planning scheme policy SC6.5 – FNQROC Regional Development Manual.   | <b>Not Applicable</b><br><br>No pedestrian or cycle network is required to be constructed as a part of this development.  |

### 9.3.7 Dual Occupancy Code

#### 9.3.7.1 Application

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

#### 9.3.7.2 Purpose

- (1) The purpose of the Dual occupancy code is to assess the suitability of development to which this code applies.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) the scale and character of development is consistent with the existing desired residential character and streetscape pattern;
  - (b) design gives a sense of individual ownership to residents;
  - (c) dual occupancies do not detrimentally affect the function of the road network and its infrastructure design requirements.

#### Criteria for assessment

**Table 9.3.7.3.a – Dual occupancy code – assessable development**

| Performance outcomes   | Acceptable outcomes   | Applicant response  |
|--|---|---|
| <b>For self-assessable and assessable development</b>  |   |   |
| <b>PO1</b><br>The dual occupancy contributes to housing choice while maintaining the residential character and amenity of the neighbourhood. | <b>AO1</b><br>The dual occupancy is established on land with a minimum size of 1000m <sup>2</sup> . | <b>Complies with AO1</b><br>The development site has an area of 1,000m <sup>2</sup> . |
| <b>PO2</b>   | <b>AO2</b>  | <b>Complies with AO2</b>  |

| Performance outcomes  | Acceptable outcomes   | Applicant response   |
|---|---|--|
| <p>Buildings and structures are setback from property boundaries such that:</p> <ul style="list-style-type: none"> <li>(a) the setback from the street frontages reflects the positive attributes of the streetscape;</li> <li>(b) the setback from side and rear boundaries retains daylight access and privacy for adjoining properties;</li> <li>(c) the setback from all boundaries is sufficient to allow areas of deep planting;</li> <li>(d) the setback from street frontages provides for the desired streetscape pattern</li> </ul> | <p>Buildings and structures are set back from property boundaries as follows:</p> <ul style="list-style-type: none"> <li>(a) primary road frontage - 6 metres;</li> <li>(b) secondary road frontage - 3 metres;</li> <li>(c) side and rear boundaries - 2 metres, or</li> <li>(d) where private open space occurs in the side or rear setback – 4 metres for the extent of the open space.</li> </ul> | <p>The proposed Dual Occupancy development would be setback 6.0 metres from the front boundary to Cooya Beach Road, 4.5 metres to the Secondary Street frontage to Bayil Drive and 2.00 metres to the side and rear boundaries.</p>  |
| <p><b>PO3</b></p> <p>Buildings and structures have sufficient area for residential living consistent with the amenity of a residential area and are sympathetic to the streetscape pattern.</p>   | <p><b>AO3.1</b></p> <p>Car parking areas, including garages and other parking structures, are designed and located so that they do not occupy more than 30% of the lot frontage.</p>  | <p><b>Complies with AO3.1</b></p> <p>The proposed development would result in car parking areas occupying approximately 10 metres or 16% of the site frontage.</p>   |
|   | <p><b>AO3.2</b></p> <p>Where a dual occupancy is to be established on a corner allotment each dwelling is accessed from a different road frontage with a minimum 6 metre separation between driveway and intersection.</p>  | <p><b>Complies with AO3.2</b></p> <p>The existing dwelling is currently accessed off Cooya Beach Road, with an approximate 7 metre separation between it and the nearest intersection. The proposed dwelling is to be accessed from Bayil Drive with an approximate 18 metre separation between it and the nearest intersection.</p> |
| <p><b>PO4</b></p>   | <p><b>AO4.1</b></p>   | <p><b>Complies with AO4.1</b></p> <p>The proposed dwelling would provide windows on the west elevation facing the</p>  |

| Performance outcomes  | Acceptable outcomes  | Applicant response  |
|---|--|---|
| The development addresses the road frontage to facilitate casual surveillance and to enhance the amenity of the streetscape.  | The building has balconies or windows or verandahs that face the street.   | street. The existing dwelling already features windows facing the street.   |
|   | <b>AO4.2</b><br>Fences and walls to road frontages are not more than:<br>(a) 1.2 metres in height if less than 50% transparent;<br>Or<br>(b) 1.5 metres in height if greater than 50% transparency.  | <b>Complies with PO4</b><br>The existing development provides a non-transparent boundary fence for the full frontage to Bayil Drive.. The proposed development would improve casual surveillance and the amenity of the Bayil Drive Streetscape by providing an active façade and building entrance associated with the new dwelling. |
| <b>PO5</b><br>Residents are provided with a functional private open space and recreation area.  | <b>AO5</b><br>A minimum area of 25m <sup>2</sup> private open space is provided to each dwelling unit which is directly accessible from the living area of each dwelling unit.   | <b>Complies with AO5</b><br>Each dwelling would have access to a functional private open space and recreation area that exceeds 25m <sup>2</sup> .  |
| <b>PO6</b><br>The development provides residents and guests with safe and convenient vehicle access to dwellings and the road network, while maintaining the standard of existing infrastructure in the road reserve. | <b>AO6.1</b><br>Dwelling units are serviced by:<br>(a) a shared unobstructed driveway with a maximum width of 3.6 metres; or<br>(b) by individual unobstructed driveways, having a maximum width of 3 metres each;<br>(c) the surface treatment of any driveway is imperviously sealed;<br>(d) where development is on a Sub-arterial or Collector road the driveway design is such that | <b>Complies with PO6</b><br>Each dwelling would be service by a double driveway, which is consistent with the standard of access to other dwellings in the street and would provide convenient and safe access.   |

| Performance outcomes   | Acceptable outcomes  | Applicant response  |
|--|--|---|
|  | vehicles can enter and exit the site in a forward gear.  |   |
|  | <b>AO6.2</b><br>Driveways and crossovers require no alteration to existing on-street infrastructure, including street trees, footpaths, drainage pits, street signs, service pillars and electricity infrastructure. | <b>Complies with AO6.2</b><br>The proposed driveways would not impact on any infrastructure within the street.  |
| <b>PO7</b><br>Fencing is designed to ensure a high degree of privacy and amenity for residents.  | <b>AO7.1</b><br>A screen fence (minimum height of 1.8 metres and maximum gap of 10mm) is provided to the side and rear boundaries.   | <b>Complies with AO7.1</b><br>The site boundaries would be provided with a 1.80 metre high timber paling fence.   |
|  | <b>AO7.2</b><br>Where the front fence is lower than the side boundary fence it is tapered to the maximum height of the side boundary fence at or behind the front setback.   | <b>Not Applicable</b><br>The front fence is not proposed to be lower than the side boundary fence.  |
| <b>PO8</b><br>Landscaping contributes to establishing an attractive and safe streetscape and a high standard of amenity and privacy for residents. | <b>AO8</b><br>With the exception of driveway crossovers, a landscaped area not less than 2 metres wide is provided and maintained within the site along all street boundaries.                                       | <b>Complies with PO8</b><br>Landscaping areas of 2 metres in width would be provided to the site frontage with the balance of the site landscaped to be consistent with the prevailing form of development in the area. |
| <b>PO9</b><br>The dual occupancy is connected to essential   | <b>AO9</b><br>Each dwelling is connected separately to:  | <b>Complies with AO9</b><br>The dwellings would be provided with separate connections to the infrastructure as  |

| Performance outcomes  | Acceptable outcomes  | Applicant response   |
|---|--|--|
| infrastructure services and is sufficient to support individual ownership of each dwelling.   | (a) water (separate water meters for each unit);<br>(b) sewerage;<br>(c) drainage;<br>(d) electricity.   | part of the reconfiguring a lot component of the proposed development.   |
| <b>PO10</b><br>Service facilities are provided to meet the needs of residents and are sited and designed in an unobtrusive and convenient manner.           | <b>AO10</b><br>Service facilities and structures:<br>(a) locate air conditioning equipment behind the front façade of the dwelling;<br>(b) provide storage space to achieve the following minimum requirements: <ul style="list-style-type: none"> <li>i. are located to enable access by a motor vehicle;</li> <li>ii. have a minimum space of 3.5m<sup>2</sup> per dwelling unit;</li> <li>iii. have a minimum height of 2.1 metres;</li> <li>iv. are weather proof;</li> <li>v. are lockable.</li> </ul> Note - Cupboards and wardrobes inside the dwelling are not storage areas as intended by this acceptable outcome. | <b>Complies with AO10</b><br>Airconditioning units would not be located in the front façade and storage is provided within the enclosed garages/rear yards of each dwelling. |
| <b>PO11</b><br>Waste and recyclable storage facilities:<br>(a) incorporates two wheelie bins per unit stored external to the garage and screened from view; | <b>AO11</b><br>Waste and recyclable storage areas capable of accommodating two bins per dwelling are provided behind the front setback and have direct access to the roadside.   | <b>Complies with AO11</b><br>Each Dwelling would provide waste and recyclable storage areas capable of accommodating two bins, located to the side of the dwellings.         |

| Performance outcomes  | Acceptable outcomes  | Applicant response  |
|---|--|---|
| (b) ensures wheelie bins are able to be wheeled to kerbside for collection.   |  |   |
| <b>Dual Occupancy incorporating an existing dwelling house.</b>   |  |   |
| <b>PO12</b><br>For dual occupancies where a separate dwelling is to be established in addition to an existing dwelling:<br>(a) existing dwelling(s) are enhanced to: <ul style="list-style-type: none"> <li>(i) contribute to a sense of individual ownership;</li> <li>(ii) enhance the appearance of the original dwelling house;</li> <li>(iii) enhance the appearance of the streetscape.</li> </ul> (b) driveways are designed to maintain the privacy and amenity of the existing dwelling. | <b>AO12.1</b><br>The external appearance of the existing dwelling is enhanced through the use of architectural features, and materials.<br><br>Note – It is not intended that a new dual occupancy tenancy be established adjacent to or behind old and dilapidated housing stock to produce the dual occupancy. If the existing dwelling house is old and dilapidated, it is intended that the site be either completely redeveloped or substantial upgrading occur to the exterior appearance and functionality of the older dwelling house. | <b>Complies with AO12.1</b><br><br>The existing dwelling is a modern dwelling with architectural features consistent with modern tropical architecture. |
|   | <b>AO12.2</b><br>A landscaped area not less than 1.5 metres is provided and maintained within the site between the existing dwelling and driveway to the new dwelling.   | <b>Complies with AO12.2</b><br><br>A landscape strip of in excess of 1.5 metres is provided between the existing dwelling and the new dwelling.         |
|   | <b>AO12.3</b><br>Privacy screens are fixed to the external façade of the dwelling house in front of windows adjacent to the driveway.  | <b>Not Applicable</b><br><br>No windows on the existing dwelling are located adjacent to the driveway.  |
|   | <b>AO12.4</b><br>Internal living spaces are carefully designed to avoid conflicts between individual dual occupancy tenancies.   | <b>Complies with AO12.4</b><br><br>Internal living areas of the new dwelling would be orientated away from the existing dwelling.                       |

| Performance outcomes  | Acceptable outcomes  | Applicant response  |
|---|--|---|
|   | Note – For example, the quieter rooms of one tenancy (such as bedrooms) should not be placed directly adjacent to living spaces, kitchens or bathrooms of the adjoining tenancy.   |   |
| <b>PO13</b><br>Dual occupancies where attaching to an existing dwelling provides a layout and form that maintains the bulk and appearance of the existing dwelling. | <b>AO13</b><br>The design of the dual occupancy:<br>(a) maintains the appearance of a single dwelling house to the street;<br>(b) provides a communal driveway;<br>(c) provides additional enclosed car parking behind the front façade. | <b>Not Applicable</b><br>The proposed second dwelling is not attached to the existing dwelling. |

## **9.4.1 Access, parking and servicing code**

### **9.4.1.1 Application**

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

### **9.4.1.2 Purpose**

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

### 9.4.1.3 Criteria for assessment

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

| Performance outcomes   | Acceptable outcomes   | Applicant response  |
|--|---|---|
| <b>For self-assessable and assessable development</b>  |   |   |
| <b>PO1</b><br>Sufficient on-site car parking is provided to cater for the amount and type of vehicle traffic expected to be generated by the use or uses of the site, having particular regard to: <ul style="list-style-type: none"> <li>(a) the desired character of the area;</li> <li>(b) the nature of the particular use and its specific characteristics and scale;</li> <li>(c) the number of employees and the likely number of visitors to the site;</li> <li>(d) the level of local accessibility;</li> <li>(e) the nature and frequency of any public transport serving the area;</li> <li>(f) whether or not the use involves the retention of an existing building and the previous requirements for car parking for the building</li> <li>(g) whether or not the use involves a heritage building or place of local significance;</li> <li>(h) whether or not the proposed use involves the retention of significant vegetation.</li> </ul> | <b>AO1.1</b><br>The minimum number of on-site vehicle parking spaces is not less than the number prescribed in Table 9.4.1.3.b for that particular use or uses.<br><br>Note - Where the number of spaces calculated from the table is not a whole number, the number of spaces provided is the next highest whole number. | <b>Complies with AO1.1</b><br>The proposal would provide the required two (2) car spaces per dwelling. In accordance with the requirements of Table 9.4.1.3.b |
|  | <b>AO1.2</b><br>Car parking spaces are freely available for the parking of vehicles at all times and are not used for external storage purposes, the display of products or rented/sub-leased.  | <b>Complies with AO1.2</b><br>The car parking spaces would be retained for the parking of motor vehicles.   |
|  | <b>AO1.3</b><br>Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking.   | <b>Not Applicable</b><br>The proposal does not include motorcycle parking.  |
|  | <b>AO1.4</b><br>For parking areas exceeding 50 spaces parking, is provided for recreational vehicles as a substitute for ordinary vehicle parking to a maximum of 5% of total ordinary vehicle parking rate.  | <b>Not Applicable</b><br>The proposal does not provide more than 50 car parking spaces.   |

| Performance outcomes  | Acceptable outcomes  | Applicant response  |
|---|--|---|
| <b>PO2</b><br>Vehicle parking areas are designed and constructed in accordance with relevant standards.   | <b>AO2</b><br>Vehicle parking areas are designed and constructed in accordance with Australian Standard:<br>(a) AS2890.1;<br>(b) AS2890.3;<br>(c) AS2890.6.  | <b>Complies with AO2</b><br>The spaces provided as a part of the proposal are considered to comply with the Australian Standards. |
| <b>PO3</b><br>Access points are designed and constructed:<br>(a) to operate safely and efficiently;<br>(b) to accommodate the anticipated type and volume of vehicles<br>(c) to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate;<br>(d) so that they do not impede traffic or pedestrian movement on the adjacent road area;<br>(e) so that they do not adversely impact upon existing intersections or future road or intersection improvements;<br>(f) so that they do not adversely impact current and future on-street parking arrangements;<br>(g) so that they do not adversely impact on existing services within the road reserve adjacent to the site; | <b>AO3.1</b><br>Access is limited to one access cross over per site and is an access point located, designed and constructed in accordance with:<br>(a) Australian Standard AS2890.1;<br>(b) Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers.            | <b>Complies with AO3.1</b><br>Each of the proposed lots would be provided with one crossover per lot.                             |
|   | <b>AO3.2</b><br>Access, including driveways or access crossovers:<br>(a) are not placed over an existing:<br>(i) telecommunications pit;<br>(ii) stormwater kerb inlet;<br>(iii) sewer utility hole;<br>(iv) water valve or hydrant.<br>(b) are designed to accommodate any adjacent footpath; | <b>Complies with AO3.2</b><br>The proposed driveways would not be placed over infrastructure pits, kerb inlets or similar.        |

| Performance outcomes  | Acceptable outcomes  | Applicant response   |
|---|--|--|
| (h) so that they do not involve ramping, cutting of the adjoining road reserve or any built structures (other than what may be necessary to cross over a stormwater channel). | (c) adhere to minimum sight distance requirements in accordance with AS2980.1.   |  |
|   | <b>AO3.3</b><br>Driveways are: <ul style="list-style-type: none"> <li>(a) designed to follow as closely as possible to the existing contours, but are no steeper than the gradients outlined in Planning scheme policy SC6.5 – FNQROC Regional Development Manual;</li> <li>(b) constructed such that where there is a grade shift to 1 in 4 (25%), there is an area with a grade of no more than 1 in 6 (16.6%) prior to this area, for a distance of at least 5 metres;</li> <li>(c) on gradients greater than 1 in 6 (16.6%) driveways are constructed to ensure the cross-fall of the driveway is one way and directed into the hill, for vehicle safety and drainage purposes;</li> <li>(d) constructed such that the transitional change in grade from the road to the lot is fully contained within the lot and not within the road reserve;</li> <li>(e) designed to include all necessary associated drainage that intercepts and directs storm water runoff to the storm water drainage system.</li> </ul> | <b>Complies with AO3.3</b><br>The subject site is considered to be relatively flat, and the driveways would satisfy the gradient requirements. |
|   | <b>AO3.4</b><br>Surface construction materials are consistent with the   | <b>Complies with AO3.4</b><br>Driveways would be constructed of concrete   |

| Performance outcomes  | Acceptable outcomes   | Applicant response  |
|---|---|---|
|   | current or intended future streetscape or character of the area and contrast with the surface construction materials of any adjacent footpath.            | or exposed aggregate, consistent with driveways in the locality.                                    |
| <b>PO4</b><br>Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes.  | <b>A04</b><br>The number of on-site wheel chair accessible car parking spaces complies with the rates specified in AS2890 Parking Facilities.             | <b>Not Applicable</b><br>No wheelchair accessible spaces are required for the proposed development. |
| <b>PO5</b><br>Access for people with disabilities is provided to the building from the parking area and from the street.  | <b>A05</b><br>Access for people with disabilities is provided in accordance with the relevant Australian Standard.  | <b>Not Applicable</b><br>Access for people with disabilities is not applicable to this development. |
| <b>PO6</b><br>Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development   | <b>A06</b><br>The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b   | <b>Not Applicable</b><br>The proposed development is not subject to Bicycle parking requirements    |
| <b>PO7</b><br>Development provides secure and convenient bicycle parking which: (a) for visitors is obvious and located close to the building's main entrance; (b) for employees is conveniently located to provide secure and convenient access between the bicycle storage area, end-of-trip facilities and the main area of the building; (c) is easily and safely accessible from outside the site. | <b>A07.1</b><br>Development provides bicycle parking spaces for employees which are co-located with end-of-trip facilities (shower cubicles and lockers); | <b>Not Applicable</b><br>The proposed development is not subject to Bicycle parking requirements    |
|   | <b>A07.2</b><br>Development ensures that the location of visitor bicycle parking is discernible either by direct view or using signs from the street.     | <b>Not Applicable</b><br>The proposed development is not subject to Bicycle parking requirements    |

| Performance outcomes  | Acceptable outcomes   | Applicant response   |
|---|---|--|
|   | <b>A07.3</b><br>Development provides visitor bicycle parking which does not impede pedestrian movement.   | <b>Not Applicable</b><br>The proposed development is not subject to Bicycle parking requirements                                       |
| <b>PO8</b><br>Development provides walking and cycle routes through the site which: <ul style="list-style-type: none"> <li>(a) link to the external network and pedestrian and cyclist destinations such as schools, shopping centres, open space, public transport stations, shops and local activity centres along the safest, most direct and convenient routes;</li> <li>(b) encourage walking and cycling;</li> <li>(c) ensure pedestrian and cyclist safety.</li> </ul> | <b>A08</b><br>Development provides walking and cycle routes which are constructed on the carriageway or through the site to: <ul style="list-style-type: none"> <li>(a) create a walking or cycle route along the full frontage of the site;</li> <li>(b) connect to public transport and existing cycle and walking routes at the frontage or boundary of the site.</li> </ul> | <b>Complies with A08</b><br>An existing pedestrian and cycle path runs adjacent to the northern and western boundary.                  |
| <b>PO9</b><br>Access, internal circulation and on-site parking for service vehicles are designed and constructed: <ul style="list-style-type: none"> <li>(a) in accordance with relevant standards;</li> <li>(b) so that they do not interfere with the amenity of the surrounding area;</li> <li>(c) so that they allow for the safe and convenient movement of pedestrians, cyclists and other vehicles.</li> </ul>   | <b>A09.1</b><br>Access driveways, vehicle manoeuvring and onsite parking for service vehicles are designed and constructed in accordance with AS2890.1 and AS2890.2.  | <b>Complies with A09.1</b><br>The proposed access driveways and manoeuvring areas would comply with the relevant Australian Standards. |
|   | <b>A09.2</b><br>Service and loading areas are contained fully within the site.  | <b>Not Applicable</b><br>No service or loading areas are proposed as a part of this application.                                       |
|   | <b>A09.3</b>  | <b>Not Applicable</b>  |

| Performance outcomes   | Acceptable outcomes   | Applicant response  |
|--|---|---|
|  | <p>The movement of service vehicles and service operations are designed so they:</p> <ul style="list-style-type: none"> <li>(a) do not impede access to parking spaces;</li> <li>(b) do not impede vehicle or pedestrian traffic movement.</li> </ul>   | No service or loading areas are proposed as a part of this application.                               |
| <p><b>PO10</b></p> <p>Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.</p> | <p><b>AO10.1</b></p> <p>Development provides adequate area on-site for vehicle queuing to accommodate the demand generated by the development where drive through facilities or drop-off/pick-up services are proposed as part of the use, including, but not limited to, the following land uses:</p> <ul style="list-style-type: none"> <li>(a) car wash;</li> <li>(b) child care centre;</li> <li>(c) educational establishment where for a school;</li> <li>(d) food and drink outlet, where including a drive through facility;</li> <li>(e) hardware and trade supplies, where including a drive-through facility;</li> <li>(f) hotel, where including a drive-through facility;</li> <li>(g) service station.</li> </ul> | <p><b>Not Applicable</b></p> <p>Proposed development does not require on site vehicle queuing.</p>    |
|  | <p><b>AO10.2</b> Queuing and set-down areas are designed and constructed in accordance with AS2890.1.</p>   | <p><b>Not Applicable</b></p> <p>Proposed development does not require queuing and set-down areas.</p> |

### 9.4.3 Environmental performance code

#### 9.4.3.1 Application

- (1) This code applies to assessing:
  - (a) building work for outdoor lighting;
  - (b) a material change of use or reconfiguring a lot if:
    - (i) assessable development where the code is identified in the assessment criteria column of a table of assessment; or
    - (ii) impact assessable development, to the extent relevant.

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

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

#### 9.4.3.2 Purpose

- (1) The purpose of the Environmental performance code is to ensure development is designed and operated to avoid or mitigate impacts on sensitive receiving environments.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) activities that have potential to cause an adverse impact on amenity of adjacent and surrounding land, or environmental harm is avoided through location, design and operation of the development;
  - (b) sensitive land uses are protected from amenity related impacts of lighting, odour, airborne particles and noise, through design and operation of the development;
  - (c) stormwater flowing over, captured or discharged from development sites is of a quality adequate to enter receiving waters and downstream environments;
  - (d) development contributes to the removal and ongoing management of weed species.

### 9.4.3.3 Criteria for assessment

**Table 9.4.3.3.a – Environmental performance code – assessable development**

| Performance outcomes   | Acceptable outcomes   | Applicant response   |
|--|---|--|
| <b>Lighting</b>  |   |  |
| <b>PO1</b><br>Lighting incorporated within development does not cause an adverse impact on the amenity of adjacent uses and nearby sensitive land uses.  | <b>AO1.1</b><br>Technical parameters, design, installation, operation and maintenance of outdoor lighting comply with the requirements of Australian standard AS4282-1997 Control of the obtrusive effects of outdoor lighting. | <b>Not Applicable</b><br>No external lighting is proposed to be incorporated into the development.   |
|  | <b>AO1.2</b><br>Development that involves flood lighting is restricted to a type that gives no upward component of light where mounted horizontally.  | <b>Not Applicable</b><br>No external lighting is proposed to be incorporated into the development.   |
|  | <b>AO1.3</b><br>Access, car parking and manoeuvring areas are designed to shield nearby residential premises from impacts of vehicle headlights.  | <b>Complies with AO1.3</b><br>The location of parking spaces and vehicle access would not result in light spill from vehicles to adjoining properties. |
| <b>Noise</b>   |   |  |
| <b>PO2</b><br>Potential noise generated from the development is avoided through design, location and operation of the activity.<br><br>Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code. | <b>AO2.1</b><br>Development does not involve activities that would cause noise related environmental harm or nuisance;<br><br>or<br><b>AO2.2</b><br>Development ensures noise does not emanate                                  | <b>Complies with AO2.1</b><br>The proposed residential use would not result in environmental harm or nuisance through normal occupation.               |

| Performance outcomes  | Acceptable outcomes   | Applicant response   |
|---|---|--|
|   | <p>from the site through the use of materials, structures and architectural features to not cause an adverse noise impact on adjacent uses.</p> <p><b>AO2.3</b></p> <p>The design and layout of development ensures car parking areas avoid noise impacting directly on adjacent sensitive land uses through one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) car parking is located away from adjacent sensitive land uses;</li> <li>(b) car parking is enclosed within a building;</li> <li>(c) a noise ameliorating fence or structure is established adjacent to car parking areas where the fence or structure will not have a visual amenity impact on the adjoining premises;</li> <li>(d) buffered with dense landscaping.</li> </ul> <p>Editor's note - The <i>Environmental Protection (Noise) Policy 2008</i>, Schedule 1 provides guidance on acoustic quality objectives to ensure environmental harm (including nuisance) is avoided.</p> | <p><b>Complies with AO2.3</b></p> <p>The proposed car parking and access are located away from the living areas and private open space of each of the dwellings on the subject site.</p> |
| <b>Airborne particles and other emissions</b>   |   |  |
| <p><b>PO3</b></p> <p>Potential airborne particles and emissions generated from the development are avoided through design, location and operation of the activity.</p> <p>Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of</p> | <p><b>AO3.1</b></p> <p>Development does not involve activities that will result in airborne particles or emissions being generated;</p> <p>or</p> <p><b>AO3.2</b></p> <p>The design, layout and operation of the</p>  | <p><b>Complies with AO3.1</b></p> <p>The proposed development would not involve activities that result in airborne particles.</p>  |

| Performance outcomes   | Acceptable outcomes   | Applicant response   |
|--|---|--|
| the code.  | <p>development activity ensures that no airborne particles or emissions cause environmental harm or nuisance.</p> <p>Note - examples of activities which generally cause airborne particles include spray painting, abrasive blasting, manufacturing activities and car wash facilities.</p> <p>Examples of emissions include exhaust ventilation from basement or enclosed parking structures, air conditioning/refrigeration ventilation and exhaustion.</p> <p>The <i>Environmental Protection (Air) Policy 2008</i>, Schedule 1 provides guidance on air quality objectives to ensure environmental harm (including nuisance) is avoided.</p> |  |
| <b>Odours</b>  |   |  |
| <p><b>PO4</b></p> <p>Potential odour causing activities associated with the development are avoided through design, location and operation of the activity.</p> <p>Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.</p> | <p><b>AO4.1</b></p> <p>The development does not involve activities that create odorous emissions;</p> <p>or</p> <p><b>AO4.2</b></p> <p>The use does not result in odour that causes environmental harm or nuisance with respect to surrounding land uses.</p>   | <p><b>AO4.1</b></p> <p>The proposed development would not create odorous emissions.</p>  |
| <b>Waste and recyclable material storage</b>   |   |  |
| <p><b>PO5</b></p> <p>Waste and recyclable material storage facilities are located and maintained to not cause adverse impacts on adjacent uses.</p> <p>Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of</p>                       | <p><b>AO5.1</b></p> <p>The use ensures that all putrescent waste is stored in a manner that prevents odour nuisance and is disposed of at regular intervals.</p>  | <p><b>Complies with AO5.1</b></p> <p>All dwellings associated with the proposal would be provided with adequate storage space for waste and recyclables bins, which would be collected on a regular basis.</p> |
|  | <p><b>AO5.2</b></p>   | <p><b>Complies with AO5.2</b></p>  |

| Performance outcomes   | Acceptable outcomes  | Applicant response  |
|--|--|---|
| the code.  | <p>Waste and recyclable material storage facilities are located, designed and maintained to not cause an adverse impact on users of the premises and adjacent uses through consideration of:</p> <ul style="list-style-type: none"> <li>(a) the location of the waste and recyclable material storage areas in relation to the noise and odour generated;</li> <li>(b) the number of receptacles provided in relation to the collection, maintenance and use of the receptacles;</li> <li>(c) the durability of the receptacles, sheltering and potential impacts of local climatic conditions;</li> <li>(d) the ability to mitigate spillage, seepage or leakage from receptacles into adjacent areas and sensitive receiving waters and environments.</li> </ul> <p>Editor's note - the <i>Environmental Protection (Waste Management) Policy 2008</i> provides guidance on the design of waste containers (receptacles) to ensure environmental harm (including nuisance) is avoided.</p> | The storage and emptying of domestic wheelie bins would not cause an adverse impact on users of the premises or adjacent users. |
| <b>Sensitive land use activities</b>   |  |   |
| <b>PO6</b><br><br>Sensitive land use activities are not established in areas which will receive potentially incompatible impacts on amenity from surrounding, existing development activities and land uses. | <b>AO6.1</b><br><br>Sensitive land use activities are not established in areas that will be adversely impacted upon by existing land uses, activities and potential development possible in an area;<br><br>or   | <b>Complies with AO6.1</b><br><br>The site is not located near any potentially incompatible land uses.                          |

| Performance outcomes  | Acceptable outcomes  | Applicant response   |
|---|--|--|
|   | <b>AO6.2</b><br>Sensitive land activities are located in areas where potential adverse amenity impacts mitigate all potential impacts through layout, design, operation and maintenance.   |  |
| <b>Stormwater quality</b>   |  |  |
| <b>PO7</b><br>The quality of stormwater flowing over, through or being discharged from development activities into watercourses and drainage lines is of adequate quality for downstream environments, with respect to:<br>(a) the amount and type of pollutants borne from the activity;<br>(b) maintaining natural stream flows;<br>(c) the amount and type of site disturbance;<br>(d) site management and control measures. | <b>AO7.1</b><br>Development activities are designed to ensure stormwater over roofed and hard stand areas is directed to a lawful point of discharge.  | <b>Complies with AO7.1</b><br>Storm water would be directed to the street front, as the lawful point of discharge. |
|   | <b>AO7.2</b><br>Development ensures movement of stormwater over the site is not impeded or directed through potentially polluting activities.  | <b>Not Applicable</b><br>No polluting activities are proposed to be undertaken on the site.                        |
|   | <b>AO7.3</b><br>Soil and water control measures are incorporated into the activity's design and operation to control sediment and erosion potentially entering watercourses, drainage lines and downstream receiving waters.<br><br>Note - Planning scheme policy - FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the <i>Environmental Protection Act 1994</i> .<br><br>During construction phases of development, contractors and builders are to have consideration in their work methods and site preparation for their environmental duty to protect stormwater quality. | <b>Complies with AO7.3</b><br>All stormwater drainage would be directed to a lawful point of discharge.            |
| <b>Pest plants (for material change of use on vacant land over 1,000m<sup>2</sup>)</b>  |  |  |

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

## 9.4.5 Infrastructure works code

### 9.4.5.1 Application

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

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

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

### 9.4.5.2 Purpose

- (1) The purpose of the Infrastructure works code is to ensure that development is safely and efficiently serviced by, and connected to, infrastructure.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) the standards of water supply, waste water treatment and disposal, stormwater drainage, local electricity supply, telecommunications, footpaths and road construction meet the needs of development and are safe and efficient;
  - (b) development maintains high environmental standards;
  - (c) development is located, designed, constructed and managed to avoid or minimise impacts arising from altered stormwater quality or flow, wastewater discharge, and the creation of non-tidal artificial waterways;
  - (d) the integrity of existing infrastructure is maintained;
  - (e) development does not detract from environmental values or the desired character and amenity of an area.

### 9.4.5.3 Criteria for assessment

**Table 9.4.5.3.a – Infrastructure works code –assessable development**

| Performance outcomes   | Acceptable outcomes  | Applicant Response   |
|--|--|--|
| <b>For self-assessable and assessable development</b>  |  |  |
| <b>Works on a local government road</b>  |  |  |
| <b>PO1</b><br>Works on a local government road do not adversely impact on footpaths or existing infrastructure within the road verge and maintain the flow, safety and efficiency of pedestrians, cyclists and vehicles. | <b>AO1.1</b><br>Footpaths/pathways are located in the road verge and are provided for the hierarchy of the road and located and designed and constructed in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.   | <b>Not Applicable</b><br>It is not proposed to construct any footpaths as a part of this proposal.   |
|  | <b>AO1.2</b><br>Kerb ramp crossovers are constructed in accordance with Planning scheme policy SC 5 – FNQROC Regional Development Manual.  | <b>Not Applicable</b><br>It is not proposed to construct any kerb ramp crossovers as part of this development.   |
|  | <b>AO1.3</b><br>New pipes, cables, conduits or other similar infrastructure required to cross existing footpaths:<br>(a) are installed via trenchless methods; or<br>(b) where footpath infrastructure is removed to install infrastructure, the new section of footpath is installed to the standard detailed in the Planning scheme policy SC5 – FNQROC Regional Development Manual, and is not less than a 1.2 metre section. | <b>Able to comply with AO1.3</b><br>New infrastructure across the footpath to Bayil Street, would provide for the replacement of damaged footpath to the FNQROC standard or would be undertaken by trenchless methods. |

| Performance outcomes   | Acceptable outcomes  | Applicant Response  |
|--|--|---|
|  | <b>AO1.4</b><br>Where existing footpaths are damaged as a result of development, footpaths are reinstated ensuring:<br>(a) similar surface finishes are used;<br>(b) there is no change in level at joins of new and existing sections;<br>(c) new sections are matched to existing in terms of dimension and reinforcement.<br>Note – Figure 9.4.5.3.a provides guidance on meeting the outcomes. | <b>Able to comply with AO1.4</b><br>New infrastructure across the footpath to Bayil Street, would provide for the replacement of damaged footpath to the FNQROC standard. |
|  | <b>AO1.5</b><br>Decks, verandahs, stairs, posts and other structures located in the road reserve do not restrict or impede pedestrian movement on footpaths or change the level of the road verges.  | <b>Not Applicable</b><br>It is not proposed to install any structures in the road reserve.  |
| <b>Accessibility structures</b>  |  |   |
| <b>PO2</b><br>Development is designed to ensure it is accessible for people of all abilities and accessibility features do not impact on the efficient and safe use of footpaths.<br>Note – Accessibility features are those features required to ensure access to premises is provided for people of all abilities and include ramps and lifts. | <b>AO2.1</b><br>Accessibility structures are not located within the road reserve.  | <b>Not Applicable</b><br>It is not proposed to install any accessibility structures for the development.  |
|  | <b>AO2.2</b><br>Accessibility structures are designed in accordance with AS1428.3.   | <b>Not Applicable</b><br>It is not proposed to install any accessibility structures for the development.  |
|  | <b>AO2.3</b>   | <b>Not Applicable</b>   |

| Performance outcomes   | Acceptable outcomes   | Applicant Response   |
|--|---|--|
|  | When retrofitting accessibility features in existing buildings, all structures and changes in grade are contained within the boundaries of the lot and not within the road reserve.   | It is not proposed to install any accessibility structures for the development.  |
| <b>Water supply</b>  |   |  |
| <b>PO3</b><br>An adequate, safe and reliable supply of potable, fire fighting and general use water is provided. | <b>AO3.1</b><br>The premises is connected to Council's reticulated water supply system in accordance with the Design Guidelines set out in Section D6 of the Planning scheme policy SC5 – FNQROC Regional Development Manual;<br><br>or<br><br><b>AO3.2</b><br>Where a reticulated water supply system is not available to the premises, on site water storage tank/s with a minimum capacity of 10,000 litres of stored water, with a minimum 7,500 litre tank, with the balance from other sources (e.g. accessible swimming pool, dam etc.) and access to the tank/s for fire trucks is provided for each new house or other development. Tank/s are to be fitted with a 50mm ball valve with a camlock fitting and installed and connected prior to occupation of the house and sited to be visually unobtrusive. | <b>Complies with AO3.1</b><br><br>The subject site is connected to the Council's reticulated water supply and each new lot would be provided with a separate connection. |
| <b>Treatment and disposal of effluent</b>  |   |  |
| <b>PO4</b><br>Provision is made for the treatment and disposal of  | <b>AO4.1</b><br>The site is connected to Council's sewerage system  | <b>Complies with AO4.1</b>   |

| Performance outcomes   | Acceptable outcomes  | Applicant Response  |
|--|--|---|
| effluent to ensure that there are no adverse impacts on water quality and no adverse ecological impacts as a result of the system or as a result of increasing the cumulative effect of systems in the locality.   | and the extension of or connection to the sewerage system is designed and constructed in accordance with the Design Guidelines set out in Section D7 of the Planning scheme policy SC5 – FNQROC Regional Development Manual;<br><br>or<br><b>AO4.2</b><br><br>Where not in a sewerage scheme area, the proposed disposal system meets the requirements of Section 33 of the <i>Environmental Protection Policy (Water) 1997</i> and the proposed on site effluent disposal system is designed in accordance with the <i>Plumbing and Drainage Act (2002)</i> . | The site is connected to Council's sewerage system.   |
| <b>Stormwater quality</b>  |  |   |
| <b>PO5</b><br><br>Development is planned, designed, constructed and operated to avoid or minimise adverse impacts on stormwater quality in natural and developed catchments by:<br><br>(a) achieving stormwater quality objectives;<br>(b) protecting water environmental values;<br>(c) maintaining waterway hydrology. | <b>AO5.1</b><br><br>A connection is provided from the premises to Council's drainage system;<br><br>or<br><br><b>AO5.2</b><br><br>An underground drainage system is constructed to convey stormwater from the premises to Council's drainage system in accordance with the Design Guidelines set out in Sections D4 and D5 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.   | <b>Complies with AO5.1</b><br><br>The new development would be connected to the councils stormwater drainage system win the Bayil Drive road reserve. |
|  | <b>AO5.3</b><br><br>A stormwater quality management plan is prepared,  | <b>Not applicable</b><br><br>A Stormwater Management Plan is not considered   |

| Performance outcomes | Acceptable outcomes  | Applicant Response   |
|----------------------|--|--|
|                      | <p>and provides for achievable stormwater quality treatment measures meeting design objectives listed in Table 9.4.5.3.b and Table 9.4.5.3.c , reflecting land use constraints, such as:</p> <ul style="list-style-type: none"> <li>(a) erosive, dispersive and/or saline soil types;</li> <li>(b) landscape features (including landform);</li> <li>(c) acid sulfate soil and management of nutrients of concern;</li> <li>(d) rainfall erosivity.</li> </ul>   | <p>relevant to a development of this minor scale.</p>  |
|                      | <p><b>AO5.4</b></p> <p>Erosion and sediment control practices are designed, installed, constructed, monitored, maintained, and carried out in accordance with an erosion and sediment control plan.</p>  | <p><b>Able to comply with AO5.4</b></p> <p>Erosion and sediment control practices are able to be design and installed during the construction phase.</p> |
|                      | <p><b>AO5.5</b></p> <p>Development incorporates stormwater flow control measures to achieve the design objectives set out in <b>Error! Reference source not found.</b> and <b>Error! Reference source not found.</b>, including management of frequent flows, peak flows, and construction phase hydrological impacts.</p> <p>Note – Planning scheme policy SC5 – FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the <i>Environmental Protection Act 1994</i>.</p> <p>Note – During construction phases of development, contractors and builders are to have consideration in their work methods and site preparation for their environmental duty to protect stormwater quality.</p> | <p><b>Not applicable</b></p> <p>Stormwater flow control measures are not considered relevant to a development of this minor scale.</p>                   |

| Performance outcomes  | Acceptable outcomes   | Applicant Response   |
|---|---|--|
| <b>Non-tidal artificial waterways</b>   |   |  |
| <b>PO6</b><br>Development involving non-tidal artificial waterways is planned, designed, constructed and operated to: <ul style="list-style-type: none"> <li>(a) protect water environmental values;</li> <li>(b) be compatible with the land use constraints for the site for protecting water environmental values;</li> <li>(c) be compatible with existing tidal and non-tidal waterways;</li> <li>(d) perform a function in addition to stormwater management;</li> <li>(e) achieve water quality objectives.</li> </ul> | <b>AO6.1</b><br>Development involving non-tidal artificial waterways ensures: <ul style="list-style-type: none"> <li>(a) environmental values in downstream waterways are protected;</li> <li>(b) any ground water recharge areas are not affected;</li> <li>(c) the location of the waterway incorporates low lying areas of the catchment connected to an existing waterway;</li> <li>(d) existing areas of ponded water are included.</li> </ul> | <b>Not Applicable</b><br>No artificial waterways are proposed. |
|   | <b>AO6.2</b><br>Non-tidal artificial waterways are located: <ul style="list-style-type: none"> <li>(a) outside natural wetlands and any associated buffer areas;</li> <li>(b) to minimise disturbing soils or sediments;</li> <li>(c) to avoid altering the natural hydrologic regime in acid sulfate soil and nutrient hazardous areas.</li> </ul>   | <b>Not Applicable</b><br>No artificial waterways are proposed. |
|   | <b>AO6.3</b><br>Non-tidal artificial waterways located adjacent to, or connected to a tidal waterway by means of a weir, lock, pumping system or similar ensures: <ul style="list-style-type: none"> <li>(a) there is sufficient flushing or a tidal range of &gt;0.3</li> </ul>  | <b>Not Applicable</b><br>No artificial waterways are proposed. |

| Performance outcomes | Acceptable outcomes   | Applicant Response   |
|----------------------|---|--|
|                      | m; or<br>(b) any tidal flow alteration does not adversely impact on the tidal waterway; or<br>(c) there is no introduction of salt water into freshwater environments.  |  |
|                      | <b>AO6.4</b><br>Non-tidal artificial waterways are designed and managed for any of the following end-use purposes:<br>(a) amenity (including aesthetics), landscaping or recreation; or<br>(b) flood management, in accordance with a drainage catchment management plan; or<br>(c) stormwater harvesting plan as part of an integrated water cycle management plan; or<br>(d) aquatic habitat. | <b>Not Applicable</b><br>No artificial waterways are proposed. |
|                      | <b>AO6.5</b><br>The end-use purpose of the non-tidal artificial waterway is designed and operated in a way that protects water environmental values.  | <b>Not Applicable</b><br>No artificial waterways are proposed. |
|                      | <b>AO6.6</b><br>Monitoring and maintenance programs adaptively manage water quality to achieve relevant water quality objectives downstream of the waterway.  | <b>Not Applicable</b><br>No artificial waterways are proposed. |
|                      | <b>AO6.7</b>  | <b>Not Applicable</b>  |

| Performance outcomes  | Acceptable outcomes  | Applicant Response   |
|---|--|--|
|   | Aquatic weeds are managed to achieve a low percentage of coverage of the water surface area, and pests and vectors are managed through design and maintenance.   | No artificial waterways are proposed.  |
| <b>Wastewater discharge</b>   |  |  |
| <b>PO7</b><br>Discharge of wastewater to waterways, or off site:<br>(a) meets best practice environmental management;<br>(b) is treated to:<br>(i) meet water quality objectives for its receiving waters;<br>(ii) avoid adverse impact on ecosystem health or waterway health;<br>(iii) maintain ecological processes, riparian vegetation and waterway integrity;<br>(iv) offset impacts on high ecological value waters. | <b>A07.1</b><br>A wastewater management plan is prepared and addresses:<br>(a) wastewater type;<br>(b) climatic conditions;<br>(c) water quality objectives;<br>(d) best practice environmental management.  | <b>Not Applicable</b><br>No waste water is proposed to be discharged from the site except through the sewerage system. |
|   | <b>A07.2</b><br>The waste water management plan is managed in accordance with a waste management hierarchy that:<br>(a) avoids wastewater discharge to waterways; or<br>(b) if wastewater discharge cannot practicably be avoided, minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and ground water. | <b>Not Applicable</b><br>No waste water is proposed to be discharged from the site except through the sewerage system. |
|   | <b>A07.3</b><br>Wastewater discharge is managed to avoid or minimise the release of nutrients of concern so as to minimise the occurrence, frequency and intensity of  | <b>Not Applicable</b><br>No waste water is proposed to be discharged from the site except through the sewerage system. |

| Performance outcomes   | Acceptable outcomes   | Applicant Response   |
|--|---|--|
|  | algal blooms.   |  |
|  | <b>AO7.4</b><br>Development in coastal catchments avoids or minimises and appropriately manages soil disturbance or altering natural hydrology and:<br>(a) avoids lowering ground water levels where potential or actual acid sulfate soils are present;<br>(b) manages wastewater so that:<br>(i) the pH of any wastewater discharges is maintained between 6.5 and 8.5 to avoid mobilisation of acid, iron, aluminium and other metals;<br>(ii) holding times of neutralised wastewater ensures the flocculation and removal of any dissolved iron prior to release;<br>(iii) visible iron floc is not present in any discharge;<br>(iv) precipitated iron floc is contained and disposed of;<br>(v) wastewater and precipitates that cannot be contained and treated for discharge on site are removed and disposed of through trade waste or another lawful method. | <b>Not Applicable</b><br>No waste water is proposed to be discharged from the site except through the sewerage system. |
| <b>Electricity supply</b>                                    |   |  |
| <b>PO8</b><br>Development is provided with a source of power | <b>AO8.1</b><br>A connection is provided from the premises to the   | <b>Able to comply with AO8.1</b><br>A connection would be provided to the electricity                                  |

| Performance outcomes  | Acceptable outcomes  | Applicant Response  |
|---|--|---|
| that will meet its energy needs.  | electricity distribution network;<br>or<br><b>AO8.2</b><br>The premises is connected to the electricity distribution network in accordance with the Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.<br>Note - Areas north of the Daintree River have a different standard. | distribution network for each new lot.  |
|   | <b>AO9.1</b><br>Pad-mount electricity infrastructure is:<br>(a) not located in land for open space or sport and recreation purposes;<br>(b) screened from view by landscaping or fencing;<br>(c) accessible for maintenance.   | <b>Not Applicable</b><br>No pad-mount electricity infrastructure is proposed as a part of this development. |
| <b>PO9</b><br>Development incorporating pad-mount electricity infrastructure does not cause an adverse impact on amenity. | <b>AO9.2</b><br>Pad-mount electricity infrastructure within a building, in a Town Centre is designed and located to enable an active street frontage.<br>Note – Pad-mounts in buildings in activity centres should not be located on the street frontage.  | <b>Not Applicable</b><br>No pad-mount electricity infrastructure is proposed as a part of this development. |
| <b>Telecommunications</b>   |  |   |
| <b>PO10</b><br>Development is connected to a telecommunications   | <b>AO10</b><br>The development is connected to   | <b>Able to comply with AO10</b><br>Telecommunications connections are available to                          |

| Performance outcomes   | Acceptable outcomes  | Applicant Response   |
|--|--|--|
| service approved by the relevant telecommunication regulatory authority.   | telecommunications infrastructure in accordance with the standards of the relevant regulatory authority.   | the site and each dwelling is capable of separate connection.  |
| <b>PO11</b><br>Provision is made for future telecommunications services (e.g. fibre optic cable).  | <b>AO11</b><br>Conduits are provided in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.   | <b>Not applicable</b><br>Conduits have been provided in association with the previous development of the land.                           |
| <b>Road construction</b>   |  |  |
| <b>PO12</b><br>The road to the frontage of the premises is constructed to provide for the safe and efficient movement of:<br>(a) pedestrians and cyclists to and from the site;<br>(b) pedestrians and cyclists adjacent to the site;<br>(c) vehicles on the road adjacent to the site;<br>(d) vehicles to and from the site;<br>(e) emergency vehicles. | <b>AO12.1</b><br>The road to the frontage of the site is constructed in accordance with the Design Guidelines set out in Sections D1 and D3 of the Planning scheme policy SC5 – FNQROC Regional Development Manual, for the particular class of road, as identified in the road hierarchy. | <b>Complies with AO12.1</b><br>Cooya Beach Road and Bayil Drive to the site frontage are fully constructed and Council maintained roads. |
|  | <b>AO12.2</b><br>There is existing road, kerb and channel for the full road frontage of the site.  | <b>Complies with AO12.2</b><br>Cooya Beach Road and Bayil Drive to the site frontage are fully constructed and Council maintained roads. |
|  | <b>AO12.3</b><br>Road access minimum clearances of 3.5 metres wide and 4.8 metres high are provided for the safe passage of emergency vehicles.  | <b>Complies with AO12.3</b><br>Cooya Beach Road and Bayil Drive to the site frontage are fully constructed and Council maintained roads. |
| <b>Alterations and repairs to public utility services</b>  |  |  |

| Performance outcomes   | Acceptable outcomes  | Applicant Response   |
|--|--|--|
| <b>PO13</b><br>Infrastructure is integrated with, and efficiently extends, existing networks.                                    | <b>AO13</b><br>Development is designed to allow for efficient connection to existing infrastructure networks.  | <b>Complies with AO13</b><br>The site is provided with existing infrastructure services that are able to be readily altered to accommodate the proposed development. |
| <b>PO14</b><br>Development and works do not affect the efficient functioning of public utility mains, services or installations. | <b>AO14.1</b><br>Public utility mains, services and installations are not required to be altered or repaired as a result of the development;<br>or<br><b>AO14.2</b><br>Public utility mains, services and installations are altered or repaired in association with the works so that they continue to function and satisfy the relevant Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional Development Manual. | <b>Able to comply with AO14.2</b><br>The alteration of the infrastructure network to accommodate the development would comply the requirements of the FNQROC Manual. |
| <b>Construction management</b>   |  |  |
| <b>PO15</b><br>Work is undertaken in a manner which minimises adverse impacts on vegetation that is to be retained.              | <b>AO15</b><br>Works include, at a minimum:<br>(a) installation of protective fencing around retained vegetation during construction;<br>(b) erection of advisory signage;<br>(c) no disturbance, due to earthworks or storage of plant, materials and equipment, of ground level and soils below the canopy of any retained   | <b>Able to comply with AO15</b><br>Construction management measures are able to be implemented at the building works stage.  |

| Performance outcomes   | Acceptable outcomes  | Applicant Response  |
|--|--|---|
|  | vegetation;<br>(d) removal from the site of all declared noxious weeds.  |   |
| <b>PO16</b><br>Existing infrastructure is not damaged by construction activities.  | <b>AO16</b><br>Construction, alterations and any repairs to infrastructure is undertaken in accordance with the Planning scheme policy SC5 – FNQROC Regional Development Manual.<br><br>Note - Construction, alterations and any repairs to State-controlled roads and rail corridors are undertaken in accordance with the Transport Infrastructure Act 1994. | <b>Able to comply with AO16</b><br>Any infrastructure damaged as a result of the proposed development would be repaired in accordance with FNQROC requirements. |
| <b>For assessable development</b>  |  |   |
| <b>High speed telecommunication infrastructure</b>   |  |   |
| <b>PO17</b><br>Development provides infrastructure to facilitate the roll out of high speed telecommunications infrastructure.   | <b>AO17</b><br>No acceptable outcomes are prescribed.  | <b>Able to comply with AO17</b><br>High speed telecommunications connections are able to be provided as a part of the development                               |
| <b>Trade waste</b>   |  |   |
| <b>PO18</b><br>Where relevant, the development is capable of providing for the storage, collection treatment and disposal of trade waste such that:<br>(a) off-site releases of contaminants do not occur; | <b>AO18</b><br>No acceptable outcomes are prescribed.  | <b>Not Applicable</b><br>No trade waste would be created as a result of the development.  |

| Performance outcomes  | Acceptable outcomes  | Applicant Response  |
|---|--|---|
| (b) the health and safety of people and the environment are protected;<br><br>(c) the performance of the wastewater system is not put at risk.  |  |   |
| <b>Fire services in developments accessed by common private title</b>   |  |   |
| <b>PO19</b><br><br>Hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.  | <b>AO19.1</b><br><br>Residential streets and common access ways within a common private title places hydrants at intervals of no more than 120 metres and at each intersection. Hydrants may have a single outlet and be situated above or below ground.   | <b>Not applicable</b><br><br>No development would be accessed via common private title. |
|   | <b>AO19.2</b><br><br>Commercial and industrial streets and access ways within a common private title serving commercial properties such as factories and warehouses and offices are provided with above or below ground fire hydrants located at not more than 90 metre intervals and at each intersection. Above ground fire hydrants have dual-valved outlets. | <b>Not applicable</b><br><br>No development would be accessed via common private title. |
| <b>PO20</b><br><br>Hydrants are suitable identified so that fire services can locate them at all hours.<br><br>Note – Hydrants are identified as specified in the Department of Transport and Main Roads Technical Note: 'Identification of street hydrants for fire fighting purposes' available under 'Publications'. | <b>AO20</b><br><br>No acceptable outcomes are prescribed.  | <b>Not applicable</b><br><br>No development would be accessed via common private title. |

## 9.4.6 Landscaping code

### 9.4.6.1 Application

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

### 9.4.4.2 Purpose

- (1) The purpose of the Landscaping code is to assess the landscaping aspects of a development.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) The tropical, lush landscape character of the region is retained, promoted and enhanced through high quality landscape works;
  - (b) The natural environment of the region is enhanced;
  - (c) The visual quality, amenity and identity of the region is enhanced;
  - (d) Attractive streetscapes and public places are created through landscape design;
  - (e) As far as practical, existing vegetation on site is retained, and protected during works and integrated with the built environment;
  - (f) Landscaping is provided to enhance the tropical landscape character of development and the region;
  - (g) Landscaping is functional, durable, contributes to passive energy conservation and provides for the efficient use of water and ease of ongoing maintenance;
  - (h) Landscaping takes into account utility service protection;
  - (i) Weed species and invasive species are eliminated from development sites;
  - (j) Landscape design enhances personal safety and incorporates CPTED principles.

## Criteria for assessment

**Table 9.4.4.3.a – Landscaping code –assessable development**

| Performance outcomes  | Acceptable outcomes  | Applicant response   |
|---|--|--|
| <b>For self-assessable and assessable development</b>   |  |  |
| <b>Landscape design</b>   |  |  |
| <b>PO1</b><br>Development provides landscaping that contributes to and creates a high quality landscape character for the site, street and local areas of the Shire by: <ul style="list-style-type: none"> <li>(a) promoting the Shire's character as a tropical environment;</li> <li>(b) softening the built form of development;</li> <li>(c) enhancing the appearance of the development from within and outside the development and makes a positive contribution to the streetscape;</li> <li>(d) screening the view of buildings, structures, open storage areas, service equipment, machinery plant and the like from public places, residences and other sensitive development;</li> <li>(e) where necessary, ensuring the privacy of habitable rooms and private outdoor recreation areas;</li> <li>(f) contributing to a comfortable living environment and improved energy efficiency, by providing shade to reduce glare and heat</li> </ul> | <b>AO1</b><br>Development provides landscaping: <ul style="list-style-type: none"> <li>(a) in accordance with the minimum area, dimensions and other requirements of applicable development codes;</li> <li>(b) that is designed and planned in a way that meets the guidelines for landscaping outlined in Planning Scheme Policy SC6.7 – Landscaping;</li> <li>(c) that is carried out and maintained in accordance with a landscaping plan that meets the guidelines for landscaping outlined in Planning Scheme Policy SC6.7 – Landscaping.</li> </ul> <p>Note - Planning scheme policy SC6.7 – Landscaping provides guidance on meeting the outcomes of this code. A landscape plan submitted for approval in accordance with the Planning policy is one way to achieve this outcome.</p> | <b>Complies with AO1</b><br>Please refer to assessment against the relevant benchmarks of other codes. |

| Performance outcomes  | Acceptable outcomes   | Applicant response   |
|---|---|--|
| <p>absorption and re-radiation from buildings, parking areas and other hard surfaces;</p> <p>(g) ensuring private outdoor recreation space is useable;</p> <p>(h) providing long term soil erosion protection;</p> <p>(i) providing a safe environment;</p> <p>(j) integrating existing vegetation and other natural features of the premises into the development;</p> <p>(k) not adversely affecting vehicular and pedestrian sightlines and road safety.</p> |   |  |
| <b>For assessable development</b>   |   |  |
| <b>PO2</b><br><br>Landscaping contributes to a sense of place, is functional to the surroundings and enhances the streetscape and visual appearance of the development.   | <b>AO2.1</b><br><br>No acceptable outcomes are specified.<br><br>Note - Landscaping is in accordance with the requirements specified in Planning scheme policy SC6.7 – Landscaping.   | <b>Able to Comply with AO2.1</b><br><br>The site would be landscaped to be consistent with the existing landscaping in the locality. |
|   | <b>AO2.2</b><br><br>Tropical urbanism is incorporated into building design.<br><br>Note – ‘Tropical urbanism’ includes many things such as green walls, green roofs, podium planting and vegetation incorporated into the design of a building. | <b>Complies with AO2.2</b><br><br>Sign of the development incorporates external living areas, eaves and shade features.              |

| Performance outcomes  | Acceptable outcomes   | Applicant response  |
|---|---|---|
| <b>PO3</b><br>Development provides landscaping that is , as far as practical, consistent with the existing desirable landscape character of the area and protects trees, vegetation and other features of ecological, recreational, aesthetic and cultural value. | <b>AO3.1</b><br>Existing vegetation on site is retained and incorporated into the site design, wherever possible, utilising the methodologies and principles outline in AS4970-2009 Protection of Trees on Development Sites. | <b>Not Applicable</b><br>The site does not contain any significant vegetation.  |
|   | <b>AO3.2</b><br>Mature vegetation on the site that is removed or damaged during development is replaced with advanced species.  | <b>Not Applicable</b><br>The site does not contain any significant vegetation.  |
|   | <b>AO3.3</b><br>Where there is an existing landscape character in a street or locality which results from existing vegetation, similar species are incorporated into new development.   | <b>Not Applicable</b><br>The immediate surrounds features no predominant existing landscape character.                      |
|   | <b>AO3.4</b><br>Street trees are species which enhance the landscape character of the streetscape, with species chosen from the Planning scheme policy SC6.7 – Landscaping.   | <b>Not Applicable</b><br>No street trees are proposed as a part of this application.  |
| <b>PO4</b><br>Plant species are selected with consideration to the scale and form of development, screening, buffering, streetscape, shading and the locality of the area.  | <b>AO4</b><br>Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.   | <b>Able to comply with AO4</b><br>Landscaping and species selection is able to be selected from the Planning Scheme Policy. |
| <b>PO5</b>  | <b>AO5</b>  | <b>Not Applicable</b>   |

| Performance outcomes  | Acceptable outcomes  | Applicant response   |
|---|--|--|
| Shade planting is provided in car parking areas where uncovered or open, and adjacent to driveways and internal roadways.   | Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.  | No uncovered or open parking areas are proposed as a part of this application.                   |
| <b>PO6</b><br>Landscaped areas are designed in order to allow for efficient maintenance.  | <b>AO6.1</b><br>A maintenance program is undertaken in accordance with Planning scheme policy SC6.7 – Landscaping.   | <b>Able to comply with AO6.1</b><br>Landowners would be responsible for landscaping maintenance. |
|   | <b>AO6.2</b><br>Tree maintenance is to have regard to the 'Safe Useful Life Expectancy of Trees (SULE).<br>Note – It may be more appropriate to replace trees with a SULE of less than 20 years (as an example), and replant with younger healthy species. | <b>Able to comply with AO6.2</b><br>Landowners would be responsible for landscaping maintenance. |
| <b>PO7</b><br>Podium planting is provided with appropriate species for long term survival and ease of maintenance, with beds capable of proper drainage.  | <b>AO7.1</b><br>Podium planting beds are provided with irrigation and are connected to stormwater infrastructure to permit flush out.  | <b>Not Applicable</b><br>No podiums are proposed as a part of this application.                  |
|   | <b>AO7.2</b><br>Species of plants are selected for long term performance designed to suit the degree of access to podiums and roof tops for maintenance.   | <b>Not Applicable</b><br>No podiums are proposed as a part of this application.                  |
| <b>PO8</b><br>Development provides for the removal of all weed and invasive species and implement on-going measures to ensure that weeds and invasive species do not reinfest the site and nearby | <b>AO8</b><br>Weed and invasive species detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person.   | <b>Not Applicable</b><br>No weed species have been detected on the subject site                  |

| Performance outcomes   | Acceptable outcomes   | Applicant response  |
|--|---|---|
| premises.  |   |   |
| <b>PO9</b><br>The landscape design enhances personal safety and reduces the potential for crime and vandalism.   | <b>AO9</b><br>No acceptable outcomes are specified.<br>Note - Planning scheme policy SC6.3 – Crime prevention through environmental design (CPTED) provides guidance on meeting this outcome. | <b>Able to comply with PO9</b><br>The development in its ultimate form would facilitate landscape design that would enhance and maintain personal safety. |
| <b>PO10</b><br>The location and type of plant species does not adversely affect the function and accessibility of services and facilities and service areas. | <b>AO10</b><br>Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.  | <b>Able to comply with AO10</b><br>Landscaping and species selection is able to be selected from the Planning Scheme policy.                              |

## 9.4.7 Reconfiguring a lot code

### 9.4.7.1 Application

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

### 9.4.7.2 Purpose

- (1) The purpose of the Reconfiguring a lot code is to regulate development for reconfiguring a lot.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) development results in a well-designed pattern of streets supporting walkable communities;
  - (b) lots have sufficient areas, dimensions and shapes to be suitable for their intended use taking into account environmental features and site constraints;
  - (c) road networks provide connectivity that is integrated with adjoining existing or planned development while also catering for the safe and efficient access for pedestrians, cyclists and for public transport;
  - (d) lots are arranged to front all streets and parkland such that development enhances personal safety, traffic safety, property safety and security; and contributes to streetscape and open space quality;
  - (e) development does not diminish environmental and scenic values, and where relevant, maintains and enhances public access and use of natural areas, rivers, dams, creeks and the foreshore, in a way that protects natural resources;
  - (f) people and property are not placed at risk from natural hazards;
  - (g) a range of functional parkland, including local and district parks, major areas of parkland with a region-wide focus and open space links are available for the use and enjoyment of residents and visitors to the region;
  - (h) the appropriate standard of infrastructure is provided.

### 9.4.7.3 Criteria for assessment

**Table 9.4.7.3.a – Reconfiguring a lot code – assessable development**

| Performance outcomes  | Acceptable outcomes   | Applicant response  |
|---|---|---|
| <b>General lot design standards</b>   |   |   |
| <b>PO1</b><br>Lots comply with the lot reconfiguration outcomes of the applicable Zone code in Part 5.              | <b>AO1</b><br>No acceptable outcomes are prescribed.  | <b>Complies with the purpose of the Low Density Residential Code.</b><br>Please refer to eh assessment against the Low Density Residential Zone Code. |
| <b>PO2</b><br>New lots are generally rectangular in shape with functional areas for land uses intended by the zone. | <b>AO2</b><br>Boundary angles are not less than 45 degrees.   | <b>Complies with AO2</b><br>No boundary angles are less than 45 degrees.  |
| <b>PO3</b><br>Lots have legal and practical access to a public road.  | <b>AO3</b><br>Each lot is provided with:<br>(a) direct access to a gazetted road reserve; or<br>(b) access to a gazetted road via a formal access arrangement registered on the title.  | <b>Complies with AO3</b><br>Each proposed lot would provide direct access to a gazetted road reserve.   |
| <b>PO4</b><br>Development responds appropriately to its local context, natural systems and site features.           | <b>AO4</b><br>Existing site features such as:<br>(a) significant vegetation and trees;<br>(b) waterways and drainage paths;<br>(c) vistas and vantage points are retained and/or are incorporated into open space, road reserves, near to lot boundaries or as common property. | <b>Not applicable</b><br>The site does not contain any natural systems or site features.  |

| Performance outcomes   | Acceptable outcomes  | Applicant response  |
|--|--|---|
| <b>PO5</b><br>New lots which have the capability of being further reconfigured into smaller lots at a later date are designed to not compromise ultimate development outcomes permitted in the relevant zone.  | <b>AO5</b><br>The ability to further reconfigure land at a later date is demonstrated by submitting a concept plan that meets the planning scheme requirements for the applicable Zone.  | <b>Not applicable</b><br>The site would not be capable of further reconfiguration.                                      |
| <b>PO6</b><br>Where existing buildings or structures are to be retained, development results in: <ul style="list-style-type: none"> <li>(a) boundaries that offer regular lot shapes and usable spaces;</li> <li>(b) existing improvements complying with current building and amenity standards in relation to boundary setbacks.</li> </ul> Note - This may require buildings or structures to be modified, relocated or demolished to meet setback standards, resolve encroachments and the like. | <b>AO6</b><br>Development ensures setbacks between existing buildings or structures and proposed boundaries satisfy relevant building standards or zone code requirements, whichever is the greater.   | <b>Complies with PAO6</b><br>The development would result in setbacks that comply with the Queensland Development Code. |
| <b>PO7</b><br>Where rear lots are proposed, development: <ul style="list-style-type: none"> <li>(a) provides a high standard of amenity for residents and other users of the site and adjoining properties;</li> <li>(b) positively contributes to the character of adjoining properties and the area;</li> <li>(c) does not adversely affect the safety and efficiency of the road from which access is gained.</li> </ul>  | <b>AO7.1</b><br>Where rear lots are to be established: <ul style="list-style-type: none"> <li>(a) the rear lot is generally rectangular in shape, avoiding contrived sharp boundary angles;</li> <li>(b) no more than 6 lots directly adjoin the rear lot;</li> <li>(c) no more than one rear lot occurs behind the road frontage lot;</li> <li>(d) no more than two access strips to rear lots directly adjoin each other;</li> <li>(e) access strips are located only on one side</li> </ul> | <b>Not Applicable</b><br>No rear lots are to be established by this proposal.   |



AU006895 - 40 Cooya Beach Road, Bonnie Doon

| Performance outcomes   | Acceptable outcomes   | Applicant response  |
|--|---|---|
|  | of the road frontage lot.   |   |
|  | <b>A07.2</b><br>Access strips to the rear lot have a minimum width/dimension of:<br>(a) 4.0 metres in Residential Zones.<br>(b) 8.0 metres in Industrial Zones category.<br>(c) 5.0 metres in all other Zones.<br>Note - Rear lots are generally not appropriate in non-Residential or non-Rural zones. | <b>Not Applicable</b><br>No rear lots are to be established by this proposal. |
|  | <b>A07.3</b><br>Access strips are provided with a sealed pavement of sufficient width to cater for the intended traffic, but no less than:<br>(a) 3.0 metres in Residential Zone.<br>(b) 6.0 metres in an Industrial Zone.<br>(c) 3.5 metres in any other Zone.   | <b>Not Applicable</b><br>No rear lots are to be established by this proposal. |
| <b>Structure plans</b><br>Additional requirements for:<br>(a) a site which is more than 5,000m <sup>2</sup> in any of the Residential zones; or within these zones, and<br>(b) creates 10 or more lots; or<br>(c) involves the creation of new roads and/or public use land.<br>or<br>(d) For a material change of use involving:<br>(i) preliminary approval to vary the effect of the planning scheme; |   |   |

| Performance outcomes  | Acceptable outcomes  | Applicant response  |
|---|--|---|
| (ii) establishing alternative Zones to the planning scheme.<br>Note - This part is to be read in conjunction with the other parts of the code   |  |   |
| <b>PO8</b><br>A structure plan is prepared to ensure that neighbourhood design, block and lot layout, street network and the location and provision on any open space recognises previous planning for the area and its surroundings, and integrates appropriately into its surroundings. | <b>AO8.1</b><br>Neighbourhood design, lot and street layout, and open space provides for, and integrates with, any:<br>(a) approved structure plan;<br>(b) the surrounding pattern of existing or approved subdivision.<br>Note - Planning scheme policy SC14– Structure planning provides guidance on meeting the performance outcomes. | <b>Not Applicable</b><br>The site area is less than 5,000m <sup>2</sup> . |
|   | <b>AO8.2</b><br>Neighbourhood design, lot and street layout enable future connection and integration with adjoining undeveloped land.  | <b>Not Applicable</b><br>The site area is less than 5,000m <sup>2</sup> . |
| <b>PO9</b><br>Neighbourhood design results in a connected network of walkable streets providing an easy choice of routes within and surrounding the neighbourhood.  | <b>AO9.1</b><br>Development does not establish cul-de-sac streets unless:<br>(a) cul-de-sacs are a feature of the existing pattern of development in the area;<br>(b) there is a physical feature or incompatible zone change that dictates the need to use a cul-de-sac streets.  | <b>Not Applicable</b><br>The site area is less than 5,000m <sup>2</sup> . |
|   | <b>AO9.2</b><br>Where a cul-de-sac street is used, it:<br>(a) is designed to be no longer than 150 metres  | <b>Not Applicable</b><br>The site area is less than 5,000m <sup>2</sup> . |

| Performance outcomes   | Acceptable outcomes   | Applicant response  |
|--|---|---|
|  | inlength;<br>(b) is designed so that the end of the cul-de-sac is visible from its entrance;<br>(c) provides connections from the top of the cul-de-sac to other streets for pedestrians and cyclists, where appropriate. |   |
|  | <b>AO9.3</b><br>No more than 6 lots have access to the turning circle or turning-tee at the end of a cul-de-sac street.   | <b>Not Applicable</b><br>The site area is less than 5,000m <sup>2</sup> . |
| <b>PO10</b><br>Neighbourhood design supports diverse housing choices through block sizes and lot design. In developing areas, significant changes in lot size and frontage occur at the rear of lots rather than on opposite sides of a street.  | <b>PO10</b><br>No acceptable outcomes are prescribed.   | <b>Not Applicable</b><br>The site area is less than 5,000m <sup>2</sup> . |
| <b>PO11</b><br>Provision of physical and social infrastructure in developing residential neighbourhoods is facilitated through the orderly and sequential development of land.<br>Note - Part 4 – Local government infrastructure plan may identify specific levels of infrastructure to be provided within development sites. | <b>AO11.1</b><br>New development adjoins adjacent existing or approved urban development.   | <b>Not Applicable</b><br>The site area is less than 5,000m <sup>2</sup> . |
|  | <b>AO11.2</b><br>New development is not established beyond the identified Local government infrastructure plan area.  | <b>Not Applicable</b><br>The site area is less than 5,000m <sup>2</sup> . |
| <b>Urban parkland and environmental open space</b>   |   |   |
| <b>PO12</b><br>Where appropriate development maintains and enhances public access and use of natural   | <b>AO12</b><br>No acceptable outcomes are prescribed.   | <b>Not Applicable</b><br>The site area is less than 5,000m <sup>2</sup> . |

| Performance outcomes   | Acceptable outcomes  | Applicant response  |
|--|--|---|
| areas, rivers, dams, creeks and the foreshore.   |  |   |
| <b>PO13</b><br>Development provides land to: <ul style="list-style-type: none"> <li>(a) meet the recreation needs of the community;</li> <li>(b) provide an amenity commensurate with the structure of neighbourhoods and land uses in the vicinity; and adjacent to open space areas;</li> <li>(c) provide for green corridors and linkages.</li> </ul> | <b>AO13</b><br>No acceptable outcomes are prescribed.<br>Note - Part 4 – Priority infrastructure plan and Planning scheme policy SC14 – Structure Plans provides guidance in providing open space and recreation land. | <b>Not Applicable</b><br>The site area is less than 5,000m <sup>2</sup> . |
| <b>AO14</b><br>Lot size, dimensions, frontage and orientation permits buildings to be established that will facilitate casual surveillance to urban parkland and environmental open space.   | <b>AO14.1</b><br>Urban parkland is regular in shape.   | <b>Not Applicable</b><br>The site area is less than 5,000m <sup>2</sup> . |
|  | <b>AO14.2</b><br>At least 75% of the urban parkland's frontage is provided as road.  | <b>Not Applicable</b><br>The site area is less than 5,000m <sup>2</sup> . |
|  | <b>AO14.3</b><br>Urban parkland and environmental open space areas are positioned to be capable of being overlooked by surrounding development.  | <b>Not Applicable</b><br>The site area is less than 5,000m <sup>2</sup> . |
|  | <b>AO14.4</b><br>Surrounding lots are orientated so that facades willfront and overlook the urban parkland and environmental open space.   | <b>Not Applicable</b><br>The site area is less than 5,000m <sup>2</sup> . |
|  | <b>AO14.5</b>  | <b>Not Applicable</b>   |

| Performance outcomes  | Acceptable outcomes   | Applicant response                                    |
|---|---|---|
|   | <p>The number of lots that back onto, or are side-orientated to the urban parkland and environmental open space is minimised.</p>  <p>Inconsistent design solution - low total number of lots complying with the acceptable outcomes.</p>  <p>Consistent design solution - high total number of lots complying with the acceptable outcomes.</p> | <p>The site area is less than 5,000m<sup>2</sup>.</p> |
| <b>Private subdivisions (gated communities)</b>                           |   |   |
| <p><b>PO15</b></p> <p>Private subdivisions (gated communities) do not</p> | <p><b>PO15</b></p>  | <p><b>Not Applicable</b></p>                          |

| Performance outcomes  | Acceptable outcomes   | Applicant response  |
|---|---|---|
| compromise the establishment of connected and integrated infrastructure and open space networks.  | No acceptable outcomes are prescribed.  | The site area is less than 5,000m <sup>2</sup> .                          |
| <b>Additional requirements for reconfiguration involving the creation of public streets or roads</b>  |   |   |
| <b>PO16</b><br>The function of new roads is clearly identified and legible and provides integration, safety and convenience for all users.  | <b>AO16</b><br>No acceptable outcomes are prescribed.<br><br>Note - The design and construction standards are set out in Planning scheme policy SC5 – FNQROC Regional Development Manual, with reference to the specifications set out in Sections D1 and D3. | <b>Not Applicable</b><br>The site area is less than 5,000m <sup>2</sup> . |
| <b>PO17</b><br>Street design supports an urban form that creates walkable neighbourhoods. Street design:<br>(a) is appropriate to the function(s) of the street;<br>(b) meets the needs of users and gives priority to the needs of vulnerable users. | <b>AO17</b><br>No acceptable outcomes are prescribed.   | <b>Not Applicable</b><br>The site area is less than 5,000m <sup>2</sup> . |
| <b>Public transport network</b>   |   |   |
| <b>PO18</b><br>Development provides a street pattern that caters for the extension of public transport routes and infrastructure including safe pedestrian pick-up and set down up facilities.  | <b>AO18</b><br>No acceptable outcomes are prescribed.   | <b>Not Applicable</b><br>The site area is less than 5,000m <sup>2</sup> . |
| <b>Pest plants</b>  |   |   |
| <b>PO19</b>   | <b>AO19</b>   | <b>Not Applicable</b>   |

AU006895 - 40 Cooya Beach Road, Bonnie Doon

| Performance outcomes   | Acceptable outcomes  | Applicant response                                    |
|--|--|---|
| <p>Development activities and sites provide for the removal of all pest plants and implement ongoing measures to ensure that pest plants do not reinfest the site or nearby sites.</p> <p>Editor's note - This does not remove or replace all land owner's obligations or responsibilities under the Land Protection (Pest and Stock Route Management) Act 2002.</p> | <p>Pest plants detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person prior to earthworks commencing.</p> <p>Note - A declaration from an appropriately qualified person validates the land being free from pest plants.</p> <p>Declared pest plants include locally declared and State declared pest plants.</p> | <p>The site area is less than 5,000m<sup>2</sup>.</p> |