

8 August 2024

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

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

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**RE: DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE (SHORT TERM ACCOMMODATION AND FUNCTION FACILITY) OVER LAND AT 292 AND 279 SYNDICATE ROAD, MIALLO, MORE FORMALLY DESCRIBED AS LOT 112 ON N157666 AND LOT 5 ON RP731070**

Aspire Town Planning and Project Services act on behalf of Young Street (No. 137) Pty Ltd A.C.N. 060 017 665 (the 'Applicant' and the 'Land Owner' of 292 Syndicate Road) in relation to the above described Development Application. The Development Application includes the property at 279 Syndicate Road on the basis that access is gained via an easement through this land.

On behalf of the Applicant, please accept this correspondence and the accompanying attachments as a properly made Development Application pursuant to Sections 50 and 51 of the *Planning Act 2016* seeking a Development Permit for a Material Change of Use (Short Term Accommodation and Function Facility).

As such please find enclosed the following documentation associated with this Development Application:

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

The relevant Application Fee under the Douglas Shire Council Fees and Charges Schedule for Years 2024/2025 is calculated to be **\$6,503.00**. The Short Term Accommodation aspect is \$3,844.00, comprising \$1,529.00 (base fee for 2 units) and \$2,315.00 (unit fee for 5 units). The Function Facility aspect is based on use area and it is proposed that this is calculated based on the area of the outdoor dining deck (116m<sup>2</sup>) and the central communal kitchen and living area (92m<sup>2</sup>). The relevant fee for this aspect is \$2,659.00 and includes the base fee up to 100m<sup>2</sup> plus 2 x the additional fee per 100m<sup>2</sup>. It is respectfully requested that Council confirm acceptance of the relevant fee and issue an Invoice, so the fee can be paid directly by the Applicant.

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

Regards,

A handwritten signature in black ink, appearing to read 'Daniel Favier', with a large loop at the start and a long horizontal stroke extending to the right.

Daniel Favier

**Senior Town Planner**

**ASPIRE Town Planning and Project Services**

## **Attachment I**

**Duly completed DA Form I**

# DA Form 1 – Development application details

Approved form (version 1.4 effective 15 December 2023) made under section 282 of the Planning Act 2016.

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

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

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

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

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

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

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

## PART 1 – APPLICANT DETAILS

| 1) Applicant details                                |   |
|---|---|
| Applicant name(s) (individual or company full name) | Young Street (No. 137) Pty Ltd A.C.N. 060 017 665               |
| Contact name (only applicable for companies)        | c/- Daniel Favier T/A Aspire Town Planning and Project Services |
| Postal address (P.O. Box or street address)         | PO Box 1040   |
| Suburb  | Mossman   |
| State   | QLD   |
| Postcode  | 4873  |
| Country   | Australia   |
| Contact number                                      | 0418826560  |
| Email address (non-mandatory)                       | <a href="mailto:admin@aspireqld.com">admin@aspireqld.com</a>    |
| Mobile number (non-mandatory)                       |   |
| Fax number (non-mandatory)                          |   |
| Applicant's reference number(s) (if applicable)     | 2023-03-48 – Young Street - 292 Syndicate Road, Miallo          |

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

## PART 2 – LOCATION DETAILS

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

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

#### 3.1) Street address and lot on plan

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

|    |          |            |                                    |                          |
|----|----------|------------|------------------------------------|--------------------------|
| a) | Unit No. | Street No. | Street Name and Type               | Suburb                   |
|    |          | 292        | Syndicate Road                     | Miallo                   |
|    | Postcode | Lot No.    | Plan Type and Number (e.g. RP, SP) | Local Government Area(s) |
|    | 4873     | 112        | N157666                            | Douglas                  |
| b) | Unit No. | Street No. | Street Name and Type               | Suburb                   |
|    |          | 279        | Syndicate Road                     | Miallo                   |
|    | Postcode | Lot No.    | Plan Type and Number (e.g. RP, SP) | Local Government Area(s) |
|    | 4873     | 5          | RP731070                           | Douglas                  |

#### 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: Saltwater Creek

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

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

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

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

Name of airport:

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

**5) Are there any existing easements over the premises?**

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

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

## PART 3 – DEVELOPMENT DETAILS

### Section 1 – Aspects of development

#### 6.1) Provide details about the first development aspect

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

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

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

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

c) What is the level of assessment?

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

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

Short Term Accommodation and Function Facility

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):*

Extension of an existing Access Easement burdening Lot 5 on RP731070 in favour of Lot 112 on N157666

e) Relevant plans

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

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

#### 6.3) Additional aspects of development

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

## Section 2 – Further development details

| 7) Does the proposed development application involve any of the following? |   |
|--|---|
| Material change of use   | <input checked="" type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument |
| Reconfiguring a lot  | <input 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) |
| Use of existing approved Dwelling House for the purpose of holiday accommodation  | Short Term Accommodation   |   |   |
| Facility for private weddings and events  | Function Facility  |   |   |
|   |  |   |   |
| 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?          |   |
|---|---|
|   |   |
| 9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes) |   |
| <input type="checkbox"/> Subdivision (complete 10))                             | <input type="checkbox"/> Dividing land into parts by agreement (complete 11))   |
| <input type="checkbox"/> Boundary realignment (complete 12))                    | <input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13)) |

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

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

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

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

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

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

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

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

☐ Airport land

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

☐ Heritage places – Local heritage places

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

☐ Infrastructure-related referrals – Electricity infrastructure

Matters requiring referral to:

- The **Chief Executive of the holder of the licence**, if not an individual
- The **holder of the licence**, if the holder of the licence is an individual

☐ Infrastructure-related referrals – Oil and gas infrastructure

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

☐ Ports – Brisbane core port land

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

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

☐ Ports – Strategic port land

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

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

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

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

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

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

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

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

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

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

☒ No

| Referral requirement | Referral agency | Date of referral response |
|----------------------|-----------------|---------------------------|
|                      |                 |                           |
|                      |                 |                           |

Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application *(if applicable)*.

## PART 6 – INFORMATION REQUEST

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

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

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

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

- that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties
- Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.

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

## PART 7 – FURTHER DETAILS

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

- ☒ Yes – provide details below or include details in a schedule to this development application  
☐ No

| List of approval/development application references  | Reference number | Date        | Assessment manager    |
|--|------------------|-------------|-----------------------|
| <input checked="" type="checkbox"/> Approval<br><input type="checkbox"/> Development application | MCU 045/00       | Unknown     | Douglas Shire Council |
| <input checked="" type="checkbox"/> Approval<br><input type="checkbox"/> Development application | CA 2024_5594     | 17 May 2024 | Douglas Shire Council |

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

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

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

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

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

### 23) Further legislative requirements

#### **Environmentally relevant activities**

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

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

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

|                      |  |                         |  |
|----------------------|--|-------------------------|--|
| Proposed ERA number: |  | Proposed ERA threshold: |  |
| Proposed ERA name:   |  |                         |  |

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

#### **Hazardous chemical facilities**

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

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

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

### **Clearing native vegetation**

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

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

☒ No

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

### **Environmental offsets**

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

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

☒ No

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

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

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

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

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

☒ No

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

### **Water resources**

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

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

☒ No

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

DA templates are available from <https://planning.dsdmp.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.dsdmp.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

☒ Yes

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

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

☐ Yes

☒ Not applicable

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

**Note:** This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning Report Template](#).

☒ Yes

Relevant plans of the development are attached to this development application

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

☒ Yes

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

☐ Yes

☒ Not applicable

### 25) Applicant declaration

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

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

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

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

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

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

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

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

Date received:  Reference number(s):

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

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



Town Planning and Project Services

## **Attachment 2**

### **Land Owners Consent**



**Individual owner's consent for making a development application under the *Planning Act 2016***

I,  
John Saunders Pollock  
Barbara Christine Noakes  
Donald Charles Pollock

as owner of the premises identified as follows:

279 Syndicate Road, Miallo and more formally described as Lot 5 on RP731070

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

Young Street (No. 137) Pty Ltd A.C.N. 060 017 665

on the premises described above:

So far as the land is required to provide for Access and Services to support the proposed Material Change of Use (Short Term Accommodation and Function Facility) over land at 292 Syndicate Road, Miallo, and more formally described as Lot 112 on N157666.

Signature:



Date:

1/8/2024

Signature:

Date:

Signature:

Date:

**Individual owner's consent for making a development application under the *Planning Act 2016***

I,

John Saunders Pollock

Barbara Christine Noakes

Donald Charles Pollock

as owner of the premises identified as follows:

279 Syndicate Road, Miallo and more formally described as Lot 5 on RP731070

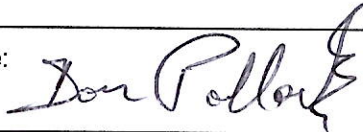
consent to the making of a development application under the *Planning Act 2016* by:

Young Street (No. 137) Pty Ltd A.C.N. 060 017 665

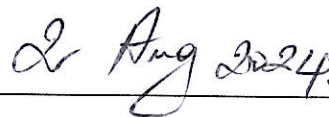
on the premises described above:

So far as the land is required to provide for Access and Services to support the proposed Material Change of Use (Short Term Accommodation and Function Facility) over land at 292 Syndicate Road, Miallo, and more formally described as Lot 112 on N157666.

Signature:



Date:



Signature:

Date:

Signature:

Date:

**Individual owner's consent for making a development application under the *Planning Act 2016***

I,  
John Saunders Pollock  
Barbara Christine Noakes  
Donald Charles Pollock

as owner of the premises identified as follows:

279 Syndicate Road, Miallo and more formally described as Lot 5 on RP731070

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

Young Street (No. 137) Pty Ltd A.C.N. 060 017 665

on the premises described above:

So far as the land is required to provide for Access and Services to support the proposed Material Change of Use (Short Term Accommodation and Function Facility) over land at 292 Syndicate Road, Miallo, and more formally described as Lot 112 on N157666.

Signature:



Date:

18/07/2024

Signature:

Date:

Signature:

Date:

## **Attachment 3**

# **Town Planning Report**



# Town Planning Report

DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE  
SHORT TERM ACCOMMODATION AND FUNCTION FACILITY, OVER  
LAND AT 272 AND 292 SYNDICATE ROAD, MIALLO

**8 August 2024**

**ASPIRE Town Planning and Project Services**

**Authored by: Daniel Favier**

**Ref: 2023-03-48 – Young Street (No. 137) Pty Ltd - 292 Syndicate Road, Miallo**

This Town Planning Report is intended for the exclusive use of our Client “Young Street (No. 137) Pty Ltd” and is provided for informational purposes only. The information contained herein has been prepared based on sources and data believed to be reliable and accurate at the time of preparation. However, Aspire Town Planning and Project Services does not warrant the accuracy, completeness, or currency of the information and disclaims any responsibility for any errors or omissions, or for any loss or damage incurred by any party as a result of reliance on this information.

The conclusions and recommendations contained in this report are based on our professional judgment and interpretation of the current planning policies and regulations. It is important to note that planning regulations and policies are subject to change, and this report should not be construed as a guarantee of any future planning outcomes.

This report is confidential and may not be disclosed, reproduced, or distributed to any third party without the prior written consent of Aspire Town Planning and Project Services. Unauthorised use or distribution of this report is strictly prohibited.



# Executive Summary

Aspire Town Planning and Project Services has been engaged and act on behalf Young Street (No. 137) Pty Ltd A.C.N. 060 017 665 (the 'Applicant' and the 'Land Owner' of 292 Syndicate Road, Miallo).

This Development Application seeks a Development Permit for a Material Change of Use (Short Term Accommodation and Function Facility), over land at 292 Syndicate Road, Miallo, more formally described as Lot 112 on N157666 (the 'subject site'). The adjoining property at 279 Syndicate Road, Miallo, more formally described as Lot 5 on RP731070 is included in the application as an existing easement benefits the subject site for access and services.

The subject site contains an existing Dwelling House consisting of a detached central kitchen, dining and living area, three detached bures, plus four additional detached bures under construction, outdoor dining deck currently under construction and a pool. Recently, Douglas Shire Council issued a Minor Change to an existing Development Permit for a Dwelling House which resulted in an additional four additional bures which are currently under construction (Council ref: CA 2024\_5594/1 (Doc ID 1227716)). Furthermore, Council granted a Development Permit for Reconfiguring a Lot (Access Easement) to rectify a slight misalignment between the exiting easement and driveway over the neighbouring property at 279 Syndicate Road, Miallo. The easement is currently being surveyed and is expected to be submitted to Council with a request for a Form 18B.

The proposal seeks approval to use the existing and approved site structures for the purpose of a Short Term Accommodation and a Function Facility. The site will accommodate up to 14 adults and accompanying kids and would be offered on a short term arrangement (less than 3 consecutive months). The Function Facility offering is for small, intimate events only. On average the site will cater for up to 30 guests during any event. Guest numbers may alternate depending on the event. Given the minor scale of the proposed use and characteristics of the site and surrounds, it is considered that the proposed use will not impact on the character and amenity of the locality.

Under the Douglas Shire Planning Scheme 2018 V1.0 (the 'planning scheme'), the subject site is located within the Rural Zone. The proposed Short Term Accommodation is listed as an Inconsistent Use under the Rural Zone Code and is Impact Assessable, whereas the proposed Function Facility is not listed as Inconsistent Use, however is Impact Assessable. The proposal therefore triggers a Development Application to Douglas Shire Council for a Development Permit.

Although the Short Term Accommodation use is categorised as Impact Assessable (Inconsistent), the proposed development aligns closely with the scale of a Home Based Business, which is ordinarily permitted within the Rural Zone. The planning scheme allows for a Home Based Business to

include, in addition to a Dwelling House, up to four separate buildings accommodating a maximum of eight persons. A typical Dwelling House can accommodate approximately four to five persons. Therefore, in the scenario of a Dwelling House and Home Based Business, the site could reasonably accommodate between 12 and 13 persons.

The proposed development seeks approval to accommodate up to 14 adults, which is only marginally higher than what is permissible under the Home Based Business criteria. This minor increase in capacity is balanced by the thoughtful design and low-impact nature of the proposed accommodation units, ensuring that the development remains in harmony with the surrounding rural environment. The development is isolated and separated from sensitive land uses. The closest Dwelling House is located 550m away.

Important to note is that the site has successfully operated as a Short Term Accommodation and Function Facility for a number of years.

It is submitted that the proposal is consistent with existing planning provisions and maintains the intended character and scale of the area.

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

# 1.0 Summary

Table 1: Application Summary.

|   |   |   |
|---|---|---|
| <b>Street Address</b>   | 292 Syndicate Road, Miallo  | 279 Syndicate Road, Miallo  |
| <b>Lot and Plan</b>   | Lot 112 on N157666  | Lot 5 on RP731070   |
| <b>Land Owner</b><br><i>See Attachment 1 – Certificate of Title</i> | Young Street (No. 137) Pty Ltd A.C.N. 060 017 665   | John Saunders Pollock<br>Barbara Christine Noakes<br>Donald Charles Pollock   |
| <b>Size</b>   | 103,190m <sup>2</sup> (10.3190ha)   | 386,410m <sup>2</sup> (38.641ha)  |
| <b>Road Frontages</b>   | 390m (approx.) gazetted unformed road to the east   | Various frontages to gazetted unformed road to the east and frontage to syndicate road to the south and west  |
| <b>Easements</b><br><i>See Attachment 1 – Certificate of Title</i>  | Easement No 601239353<br>Burdening the land to Lot 112 on N157666 over Easement A on RP862639<br><br>Easement No 601239354<br>Benefiting the land over Easement B on RP862639 | Easement No 601239353<br>Benefiting the land over Easement A on RP862639<br><br>Easement No 601239354<br>Burdening the land to Lot 5 on RP 731070 over Easement B on RP862639<br><br>Easement No 700134528<br>Burdening the land to Lot 75 on NR220 over Easement C on RP865390 |
| <b>Proposal</b>   | Use of existing and approved buildings for Short Term Accommodation and Function Facility   | Use of Existing Access and Services Easement benefiting Lot 112 on NR157666   |
| <b>Approvals Sought</b>   | Development Permit  |   |
| <b>Level of Assessment</b>  | Impact  |   |
| <b>Planning Scheme Zone</b>   | Rural   |   |
| <b>Local Plan</b>   | Nil   |   |
| <b>Regional Plan Designation</b>                                    | Regional Landscape and Rural Production Area  |   |
| <b>State Planning Policy</b>  | Appropriately integrated within the Planning Scheme   |   |
| <b>State Development Assessment Provisions</b>                      | Not applicable  |   |
| <b>Referral</b>   | Not applicable  |   |



## 2.0 Site Description and Background

Image 1 below illustrates the location of the subject site in the context of the wider locality. The subject site and neighbouring site are located approximately 4.5km north west of the Mossman Township and accessed via Syndicate Road.

The subject site contains an existing cleared area of approximately 1.15ha around the Dwelling House. The existing Dwelling House comprises four separate Bures. An Outdoor Dining and Pool Deck and 4 x new Bures are currently under construction and were approved under a recent Change Application to an earlier Development Permit for a Dwelling House (Council ref: CA 2024\_5594/1 (Doc ID 1227716)).

The subject site has existing water supply, onsite wastewater treatment, electricity and telecommunications. Access is gained via an existing single lane driveway through 279 Syndicate Road, Miallo. A Development Permit for Reconfiguration of a Lot (Access Easement) was recently granted by Douglas Shire Council to resolve a slight misalignment of the driveway and easement within 279 Syndicate Road, Miallo. A surveyor has been engaged to prepare the required Plan of Survey and the easement will be registered in the coming months.

The balance of the site is vegetated, see Photograph 1. There are no other known improvements to the land.



Photograph 1: Perspective prior to construction of additional Bures (Source: [Executive Retreats Website](#))





# 3.0 Proposal

## 3.1 Development Details

This Development Application seeks approval for a Development Permit for a Material Change of Use (Short Term Accommodation and Function Facility). The subject site has served this purpose for some time, however Council recently raised the question in relation to the approved use. Consequently, the current owners seek to make lawful the existing Short Term Accommodation and Function Facility use.

The Proposal Plan included under Attachment 2 illustrates the layout of existing built improvements and those approved improvements under construction. A general layout plan is included also, however given the diverse nature of events, flexibility is required in the way the spaces are used across the site. Parking areas may expand or shrink based on the event booking.

The following section provides a detailed description in relation to the operation and function of the site.

### Accommodation

- **Capacity:** Bali Hai will offer accommodation for up to 14 guests, with 7 bures each housing 2 adult guests. This arrangement provides an intimate and exclusive experience for guests staying on-site.

### Weddings per Year:

- **Frequency:** Bali Hai will host approximately 30 weddings annually. Bookings are seasonal and dependent on favourable weather.
- **Insurance:** To ensure coverage and mitigate risks, all wedding parties are required to secure their own one-off insurance policy specifically for their event at Bali Hai. This policy will cover any potential liabilities or incidents that may occur during their stay.

### Other Functions:

- **Types of Events:** Bali Hai is a versatile venue that can accommodate a variety of events beyond weddings. These include:
  - **Cooking Schools:** Culinary enthusiasts and professionals may conduct cooking classes on-site, offering hands-on learning experiences.
  - **Photo Shoots:** The picturesque setting is ideal for model photo shoots, providing a stunning backdrop for fashion and lifestyle photography.
  - **Movie Filming:** Filmmakers have utilised the location for shooting scenes for movies, taking advantage of the scenic and tranquil environment.



- **Estimated Total:** While it's difficult to provide an exact number due to the diverse nature of these events, we estimate that up to 30 additional functions could be held annually at Bali Hai.

#### Short-Term Stays:

- **Wedding/Function Requirement:** For any wedding or function held at Bali Hai, a mandatory minimum stay of 5 nights would apply.
- **Regular Holiday Lets:** Typically, non-event holiday rentals would require a minimum stay of 5 nights. However, during off-peak seasons, shorter stays of 3 nights may be offered to accommodate more guests and increase occupancy rates.

#### Other Information:

- **Functions:** Functions would not be held onsite whilst there is an accommodation only booking.
- **Transportation:** Bali Hai would partner with local transportation providers to run bus transportation for event attendees. Buses would transport guests from Port Douglas and surrounding areas to Bali Hai. If Council so requires a letter of support, this may be supplied, demonstrating the reliable transportation options available for guests.
- **Hours of Operation:** It is anticipated that Council would limit Function Facility hours of operation. Typically, evening functions would occur between 2:30pm and ending by 10:30pm and all persons attending the Function facility (including employees) would depart the premises by 11:00pm that evening. Function employees may attend the day prior to, during the day or the day after an evening function to setup and pack away equipment. At all such time the employees would behave in an orderly and quiet manner. Only one function (either an evening function or a daytime function) would be held per day. No persons would stay on or camp on the premises other than those persons accommodated in the Short Term Accommodation. The hours of operation may be further conditioned by Council and detailed within an Event Management Plan.
- **Facilities:** Bali Hai is equipped with excellent infrastructure to support large events:
  - **Onsite Parking:** Ample onsite parking. The onsite parking arrangement would be further detailed within an Event Management Plan and is expected to be conditioned by Council. Parking would not spill out onto the Driveway / Access Easement or Syndicate Road, this may be conditioned.
  - **Concrete Pad:** There is a dedicated concrete pad area for hosting functions, which is equipped with 3-phase power to handle the electrical needs of various events.
  - **Septic System:** A separate septic system is in place for portable toilets, ensuring that waste management is efficient and does not interfere with the main accommodations

(Bures) at Bali Hai. Otherwise, self contained portable systems may be easily imported to cater for specific events.

- **Guest Limit:** To maintain an exclusive and manageable atmosphere, we limit the number of attendees for any function. Typically bookings of 30 are anticipated, however the site can cater for up to 200 people.
- **Support from Local Operators:** Local businesses and service providers are eager for Bali Hai to resume operations. Letters of support from operators may be gathered demonstrating the collaborative and beneficial relationships Bali Hai have within the local community.
- **Celebrity Endorsements:** Bali Hai has in the past attracted high-profile guests. This highlights the venue's appeal to celebrities and its potential for hosting high-end, private events.
- **Global Marketing:** Once renovations and improvements are completed it is proposed to target destination weddings from around the world. Historically, Bali Hai have received significant interest from international clients, particularly from the United States and Sweden/Europe.

## 3.2 Other Key Planning Matters

### Surrounding Uses

- **Separation:** The site is isolated and separated from surrounding sensitive land uses. The closest residential Dwelling House is approximately 550m away. The access driveway is through rural agricultural land.

### Buildings

- **No new Building and Structures:** The development utilises existing and approved built improvements. No new buildings are proposed.

### Services

- **No new Service Connections or Upgrades:** The site is currently connected to necessary services and no alteration is required.
- **Driveway:** The driveway through the neighbouring site is existing and no vegetation clearing is required. No upgrade to the road alignment or surface is proposed, other than perhaps a resheet of gravel. The driveway has safely functioned since the establishment of the Dwelling House and use of the property for Short Term Accommodation and Function Facility.

### Vegetation

- No vegetation clearing is proposed or required.

## 3.3 Local Benefits

The development of Bali Hai as a venue for Short Term Accommodation and Function Facility offers numerous local economic benefits. These benefits span multiple sectors and contribute to the overall economic vitality of the region. Here are some key points:

### Employment Opportunities:

- **Direct Employment:** The operation of Bali Hai will create jobs for local residents, including roles in management, maintenance, housekeeping, and event coordination.
- **Indirect Employment:** Local vendors and service providers, such as catering companies, florists, photographers, and entertainers, will benefit from the increased demand for their services at events hosted at Bali Hai.

#### **Increased Tourism:**

- **Destination Weddings:** By attracting international weddings, Bali Hai will bring visitors from around the world to the region, boosting tourism.
- **Extended Stays:** The mandatory minimum stay for weddings and functions encourages guests to spend more time in the area, increasing their overall contribution to the local economy.

#### **Support for Local Businesses:**

- **Transport Services:** Companies like Exemplar buses will see increased business from transporting guests to and from Bali Hai.
- **Catering and Hospitality:** Local catering companies, restaurants, and hospitality providers will experience a rise in bookings and orders due to events and guests at Bali Hai.
- **Retail:** Visitors often engage in shopping for souvenirs, local products, and event-related items, benefiting local retailers.

#### **Promotion of the Region:**

- **Marketing and Publicity:** The promotion of Bali Hai on international wedding and tourism websites will raise the profile of the region, potentially attracting more tourists and future investments.
- **Celebrity Visits:** High-profile events, such as celebrity weddings, provide free publicity and enhance the region's reputation as a desirable destination.

#### **Cultural Exchange and Community Engagement:**

- **Cultural Enrichment:** Hosting diverse events brings cultural exchange, enriching the local community's cultural fabric.
- **Community Events:** Bali Hai can serve as a venue for local community events, fostering a sense of community and providing spaces for local celebrations and gatherings.

#### **Economic Multiplier Effect:**

- **Spending by Visitors:** Tourists and guests spend money on accommodation, food, transportation, entertainment, and shopping, leading to a multiplier effect that stimulates further economic activity in the region.
- **Event-Driven Revenue:** Events like weddings and functions often lead to additional expenditures on services such as decor, rentals, and local crafts, further circulating money within the local economy.

#### **Seasonal Stability:**

- **Off-Peak Utilisation:** Offering shorter stays during quieter times helps stabilise income throughout the year, reducing the impact of seasonal fluctuations in tourism and providing more consistent business for local vendors.

**Community Support and Investment:**

- **Philanthropic Engagement:** Successful operations may lead to increased philanthropic efforts and community investments by the owners or guests, supporting local causes and development projects.
- **Training and Development:** Opportunities for local residents to gain skills and training in hospitality, event management, and tourism can enhance the local workforce's capabilities and employability.

# 4.0 Statutory Town Planning Framework

## 4.1 Planning Act 2016

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

### 4.1.1 Approval and Development

Pursuant to Sections 49, 50 and 51 of the Planning Act, the Development Application seeks a Development Permit for a Material Change of use (Short Term Accommodation and Function Facility).

### 4.1.2 Application

The proposed development is:

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

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

### 4.1.3 Referral

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

The site is mapped as containing regulated vegetation, however it is noted that the development does not create additional exempt clearing work.



#### 4.1.4 Public Notification

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

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

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

#### 4.1.5 Assessment Framework

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

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

*(a) must be carried out—*

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

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

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

*Examples of another relevant matter—*

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

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

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

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

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

*(a) the assessment benchmarks stated in—*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*(v) for premises designated by the Minister—the designation for the premises; and*

*(c) if the prescribed assessment manager is a person other than the chief executive or the local government—the planning scheme; and*

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

*(2) However—*

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

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

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

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

## **4.3 State Planning Policy**

The State Planning Policy ('the SPP') was released on 2 December 2013 and replaced all previous State Planning Policies. The SPP has since been revised, with new versions released on 2 July 2014, 29 April 2016 and 3 July 2017. The April 2016 version of the SPP is identified in the Planning Scheme as being appropriately integrated. Whilst the SPP has been amended since April 2016 version, it is

considered that the policy content and outcomes contained within the SPP, to the extent they are relevant and applicable to the proposed development, have not been sufficiently amended to require the reconsideration of the SPP separately.

## 4.4 Temporary State Planning Policies

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

## 4.5 Douglas Shire Planning Scheme 2018 v1.0

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

### 4.5.1 Strategic Framework

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

**Table 2: Assessment against Overall Outcomes**

| Strategic Framework                    | Assessment Response  |
|--|--|
| <b>3.4 Theme 1: Settlement Pattern</b> |  |
| 3.4.1 Strategic Outcomes               | <b>Complies.</b><br>The proposed development offers a distinctive accommodation and event venue that highlights and celebrates the natural and scenic beauty of the region. The scale of the development is harmonious with the local environment, making it unsuitable for placement within an existing settlement area. This development will not disrupt the established settlement pattern of the Shire. |
| 3.4.2 Element – Urban Settlement       | <b>Complies.</b><br>The proposed development fosters an appreciation for the region's natural and scenic qualities, making it unsuitable for confinement to an Urban Settlement. Given the development's scale and its successful operation over several years, its current positioning is considered appropriate.   |
| 3.4.3 Element – Activity Centres       | <b>Complies.</b>   |

|  |   |
|--|---|
|  | <p>The proposed development fosters an appreciation for the region's natural and scenic qualities, making it unsuitable for confinement to an Activity Centre. Given the development's scale and its successful operation over several years, its current positioning is considered appropriate. The development will generate local economic benefits as discussed in section 3.3 of this report.</p>  |
| 3.4.4 Element – Industrial Areas   | <p><b>Not Applicable.</b></p> <p>The subject site is not located within an Industrial Area nor does it seek approval for an Industrial Use.</p>   |
| 3.4.5 Element – Residential Areas and Activities                                 | <p><b>Not Applicable.</b></p> <p>The subject site is not located within a Residential Area nor does it seek approval for a Residential Use.</p>   |
| 3.4.6 Element – Rural Residential Areas  | <p><b>Not Applicable.</b></p> <p>The subject site is not located within a Rural Residential Area, nor does it seek approval for a Rural Residential Use.</p>  |
| 3.4.7 Element – Mitigation of Hazards  | <p><b>Complies.</b></p> <p>Use and occupancy rates are expected to peak during the busier tourist season, avoiding the wet and cyclone seasons. The existing and approved buildings are situated well above the creek, mitigating any risk. Additionally, large clearings of at least 20 meters surround the existing and approved Bures. The proposed development does not increase natural hazard risks.</p>  |
| 3.4.8 Element – Recognition of Rights and Interests of Native Title Land Holders | <p><b>Not Applicable.</b></p> <p>Not relevant to the proposed development.</p>  |
| <b>3.5 Theme 2 – Environmental and Landscape Values</b>                          |   |
| 3.5.1 Strategic Outcomes   | <p><b>Complies.</b></p> <p>The proposed development is situated within an already cleared and grassed area of the site, ensuring no vegetation clearing or environmental impacts. Environmental risks associated with the development can be effectively managed through an Event Management Plan, which can be a condition for the development's approval.</p> <p>The design of the development is low-scale, maintaining harmony with the area's character.</p> <p>Furthermore, the proposed development embraces and promotes the region's natural and scenic qualities.</p> |

|   |  |
|---|--|
| 3.5.2 Element – Aboriginal Cultural Heritage Values               | <b>Not Applicable.</b><br>Not relevant to the proposed development.  |
| 3.5.3 Element – Biodiversity                                      | <b>Complies.</b><br>The development does not impact upon biodiversity values. The area of the proposed development is cleared and does not display any matters of environmental significance. Environmental risks of the development may be managed through an Event Management Plan which may be conditional of the development proceeding.   |
| 3.5.4 Element – Coastal Zones                                     | <b>Not Applicable.</b><br>The development is not located within a coastal area.  |
| 3.5.5 Element – Scenic Amenity                                    | <b>Complies.</b><br>No new buildings or structures are proposed beyond what has been already approved by Council. Any structures associated with events, such as a marque, would be temporary only and would not be visible from public vantages.<br><br>The proposed development embraces and promotes the region's natural and scenic qualities.   |
| 3.5.6 Element Air and Acoustic Protection and Hazardous Materials | <b>Not Applicable.</b><br>The development is not involve heavy industry.   |
| <b>3.6 Theme 3 – Natural Resource Management</b>                  |  |
| 3.6.1 Strategic Outcomes  | <b>Complies.</b><br>The proposed development does not immediately impact upon natural resources of the Shire. Environmental risks of the development may be managed through a Event Management Plan which may be conditional of the development proceeding.  |
| 3.6.2 Element – Land and Catchment Management                     | <b>Complies.</b><br>The proposed development is located within an existing cleared area of the site. No new clearing is proposed. The development does not include any new structures or hardstand areas which will increase or generate contaminated runoff. Any environmental risks of the development may be managed through an Event Management Plan which may be conditional of the development proceeding. |
| 3.6.3 Element – Primary Production, Forestry and Fisheries        | <b>Complies.</b><br>The proposed development has been operating as a Short Term Accommodation and Function Facility for some time. No impacts on primary production, forestry, or fisheries are anticipated.   |
| 3.6.4 Element – Resource Extraction                               | <b>Not Applicable.</b>   |

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|  | The development is not involve resource extraction.  |
| <b>3.7 Theme 4 – Strong Communities and Identity</b>   |  |
| 3.7.1 Strategic Outcomes                               | <p><b>Complies.</b></p> <p>The design of the development is low scale and will not impact upon the character of the area or sense of place. Any concerns that may arise, it is expected that these could be appropriately addressed through operational conditions and implementation of an Event Management Plan.</p> <p>The subject site represents the most practical and logical location for the proposed development given that the development fosters and promotes the natural and scenic qualities of the region.</p> |
| 3.7.2 Element – Social Planning and Infrastructure     | <b>Not Applicable.</b>   |
| 3.7.3 Element – Active Communities                     | <b>Not Applicable.</b>   |
| 3.7.4 Element – Sense of Place, Community and Identity | <p><b>Complies.</b></p> <p>The design of the development is low scale and will not impact upon the character of the area or sense of place.</p>  |
| 3.7.5 Element – Housing Choice and Affordability       | <b>Not Applicable.</b>   |
| 3.7.6 Element – Arts and Culture                       | <b>Not Applicable.</b>   |
| 3.7.7 Element – Cultural and Landscape Heritage        | <b>Not Applicable.</b>   |
| 3.7.8 Element – Strengthening Indigenous Communities   | <b>Not Applicable.</b>   |
| <b>3.8 Theme 5 – Economy</b>                           |  |
| 3.8.1 Strategic Outcomes                               | <p><b>Complies.</b></p> <p>Refer to discussion under Section 3.3 of this report.</p>   |
| 3.8.2 Element – Economic Growth and Diversification    | <p><b>Complies.</b></p> <p>Refer to discussion under Section 3.3 of this report.</p>   |
| 3.8.3 Element – Tourism                                | <p><b>Complies.</b></p> <p>Refer to discussion under Section 3.3 of this report.</p>   |
| 3.8.4 Element – Primary Production                     | <b>Not Applicable.</b>   |
| 3.8.5 Element – Innovation and Technology              | <b>Not Applicable.</b>   |
| <b>3.9 Theme 6 – Infrastructure and Transport</b>      |  |
| 3.9.1 Strategic Outcomes                               | <p><b>Complies.</b></p> <p>The site is accessed directly via Syndicate Road. The development is low scale and displays appropriate connection to infrastructure. Appropriate internal areas</p>  |

|  |  |
|--|--|
|  | are available for parking, queuing and circulation. It is noted that the site has operated as such for a number of years with no traffic or transport issues. Guests staying will typically arrive by private vehicles or transfer. Event guests are typically transferred to site by bus. |
| 3.9.2 Element – Energy                     | <b>Complies.</b><br>The site is connected to electricity.  |
| 3.9.2 Element – Water and Waste Management | <b>Complies.</b><br>The site is connected to existing water supply and serviced by onsite treatment and disposal.  |
| 3.9.3 Element – Transport                  | <b>Complies.</b><br>Appropriate internal areas are available for parking, queuing and circulation. The development will not impact on the local transport network.   |
| 3.9.5 Element – Information Technology     | <b>Not Applicable.</b>   |

## 4.5.2 Zone

The subject site is located within the Rural Zone.

The purpose of the Rural Zone is to:

*(a) provide for rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities;*

*(c) provide opportunities for non-rural uses, such as ancillary tourism activities that are compatible with agriculture, the environmental features, and landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purposes;*

*(b) protect or manage significant natural resources and processes to maintain the capacity for primary production.*

The proposed development for a Short Term Accommodation and Function Facility aligns with the purpose of the Rural Zone. The subject site is largely vegetated, with a small grassed clearing around the existing approved buildings. The subject site is not suitable for primary production activities and is appropriate for the proposed use. The development promotes the Shire's natural and scenic assets while remaining compatible with agricultural activities and landscape character which surrounds.

By ensuring that the development does not compromise the long-term use of the surrounding rural land, the project aligns with the Rural Zone's objective to provide opportunities for ancillary tourism



activities that integrate seamlessly with the surrounding agricultural environment and natural resources.

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

**Table 3: Assessment against Overall Outcomes**

| <b>Overall Outcome</b>   | <b>Assessment Response</b>  |
|--|---|
| <i>Areas for use for primary production are conserved and fragmentation is avoided.</i>  | <b>Not Applicable.</b><br>The site is not currently used for primary production.  |
| <i>Development embraces sustainable land management practices and contributes to the amenity and landscape of the area.</i>  | <b>Complies.</b><br>The development is confined to the existing and approved built structures. No new structures are proposed. The existing and approved built structures are setback approximately 550m from the nearest residence. The site is tucked away in a pocket and is screened from public vantage by existing mature vegetation which is to be retained. |
| <i>Adverse impacts of land use, both on-site and on adjoining areas, are avoided and any unavoidable impacts are minimised through location, design, operation and management.</i> | <b>Complies.</b><br>No adverse impacts of the proposed development are anticipated. The use has operated from the site for a number of years.<br><br>Any concerns around adverse impacts may be addressed through the requirement for an Event Management Plan.   |
| <i>Areas of remnant and riparian vegetation are retained or rehabilitated.</i>   | <b>Complies.</b><br>The development is confined to the existing cleared and grassed area. No new vegetation clearing is proposed or required to facilitate the development. No rehabilitation works are considered necessary.   |

A full assessment against the Rural Zone Code is included under Attachment 3.

### 4.5.3 Local Plan

The subject site is not located within a Local Plan Area.

### 4.5.4 Overlays

The Table 4 below identifies the applicable Overlays pertaining to the subject site and includes a summary of the assessment against each code.

**Table 4: Applicable Overlays**

| <b>Overlay</b>                     | <b>Sub-category</b>  | <b>Initial Assessment Comment</b>  |
|------------------------------------|--|--|
| <b>Acid Sulphate Soils</b>         | 5-20m AHD  | <p>The proposed development does not include works which are likely to disturb Acid Sulphate Soils.</p> <p>No conflict with the code is identified and therefore a full documented assessment against the code is not included within this report.</p>   |
| <b>Bushfire Hazard</b>             | Potential Impact Buffer<br>Very High Bushfire Intensity<br>High Potential Bushfire Intensity | <p>The driveway to the subject site is existing and not impacted by the mapped hazard. The existing and proposed Bures are also not located within the mapped hazard.</p> <p>No conflict with the code is identified and therefore a full documented assessment against the code is not included within this report.</p>   |
| <b>Flood and Storm Tide Hazard</b> | Flood Plain Assessment Overlay (Mossman River and Daintree River)                            | <p>The driveway within the neighbouring site is partially affected by the mapped hazard, however this is existing and no new works are proposed for the driveway. The existing and approved Bures are located outside of the mapped hazard area.</p> <p>No conflict with the code is identified and therefore a full documented assessment against the code is not included within this report.</p>                          |
| <b>Hillslopes</b>                  | Area Affected by Hillslope   | <p>The driveway within the neighbouring site is partially affected by the mapped hazard, however this is existing and no new works are proposed for the driveway. This aspect of development does not raise conflict with the code.</p> <p>The existing and approved Bures are located within the mapped Hillslope area.</p> <p>No new buildings or structures are proposed. No conflict with the code is identified and</p> |

|                                   |  |   |
|-----------------------------------|--|---|
|                                   |  | therefore a full documented assessment against the code is not included within this report.   |
| <b>Landscape Values</b>           | Landscape Value – High<br>Landscape Values – Medium  | <p>The proposed development is centered on promotion of the shires natural and scenic qualities. No new buildings or structures are proposed. The site is tucked away and screened from public vantages by existing mature vegetation. No vegetation clearing is proposed.</p> <p>No conflict with the code is identified and therefore a full documented assessment against the code is not included within this report.</p> |
| <b>Potential Landslide Hazard</b> | Landslide Hazard – High and Medium Hazard Risk   | <p>No works are proposed to the existing driveway through the neighbouring site, or earthworks generally. Furthermore, the existing and approved Bures are located outside of the mapped hazard area.</p> <p>No conflicts with the code are noted and therefore a full documented assessment against the code is not included within this report.</p>   |
| <b>Natural Areas</b>              | MSES - Regulated Vegetation (Intersecting a Watercourse)<br>MSES - Wildlife Habitat<br>MSES - Regulated Vegetation | <p>The proposed development is centered on promotion of the shires natural and scenic qualities. No new buildings or structures are proposed. No vegetation clearing is proposed.</p> <p>No conflicts with the code are noted and therefore a full documented assessment against the code is not included within this report.</p>   |
| <b>Road Hierarchy</b>             | Major Rural Road<br>Minor Rural Road   | <p>The subject site has successfully operated as a Short Term Accommodation and Function Facility for a number years. By way of proven record, the use of the site for the applied purposes will not compromise the role and function of the serving roadway.</p> <p>No conflicts with the code are noted and therefore a full documented assessment</p>  |

|  |  |  |
|--|--|--|
|  |  | against the code is not included within this report. |
|--|--|--|

### 4.5.5 Development Codes

Of the Development Codes the following are relevant to the assessment of the Development Application:

- Multiple Dwelling, Short Term Accommodation and Retirement Facility Code;
- Access Parking and Servicing Code;
- Environmental Performance Code; and
- Infrastructure Works Code.

A full assessment against the relevant Development Codes is included under Attachment 3.

With respect to the other Development Codes it is noted:

- The Advertising Device Code is not applicable as the development does not include Advertising Devices;
- The Filling and Excavation Code is not applicable as the development does not involve any earthworks;
- No new landscaping is proposed and therefore the Landscaping Code is not considered applicable;
- The development does not involve Reconfiguring a Lot and therefore the Reconfiguring a Lot Code does not apply; and
- No Vegetation clearing is proposed, therefore the Vegetation Management Code is not applicable.

## 5.0 Conclusion

Aspire Town Planning and Project Services represents Young Street (No. 137) Pty Ltd, the owner of 292 Syndicate Road, Miallo, formally described as Lot 112 on N157666 in seeking a Development Permit for a Material Change of Use for Short Term Accommodation and a Function Facility. This application pertains to Lot 112 on N157666 and includes the adjoining property at 279 Syndicate Road, Miallo, formally described as Lot 5 on RP731070 due to an existing access easement.

The site features an existing Dwelling House with various structures and is undergoing additional construction. The proposal aims to use these structures for the proposed Short Term Accommodation (up to 14 adults plus children) and Function Facility. The scale and frequency of the Function Facility would be variable, however based on past experience, the typical “Destination Wedding” event attracts on average 30 guests.

Although the Short Term Accommodation use is Impact Assessable and categorised as Inconsistent under the Rural Zone Code, the development closely resembles the scale of a Home Based Business, which is permissible within the Rural Zone. The proposal's capacity slightly exceeds the Home Based Business criteria but remains compatible with the rural character. The site has a history of successful operation as a Short Term Accommodation and Function Facility, and its development aligns with the planning provisions and character of the area.

This Town Planning Report assesses the proposal against relevant Local Government Assessment Benchmarks and seeks Douglas Shire Council's approval. It would be appreciated if the Council could provide ‘without prejudice’ draft conditions for review prior to issuing a Decision Notice.

# **Attachment 1**

## **Certificate of Title**

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

|                            |                 |                     |                  |
|----------------------------|-----------------|---------------------|------------------|
| <b>Title Reference:</b>    | <b>21054248</b> | <b>Search Date:</b> | 20/02/2024 11:27 |
| <b>Date Title Created:</b> | 20/09/1977      | <b>Request No:</b>  | 47142698         |
| <b>Previous Title:</b>     | 20743213        |                     |                  |

**ESTATE AND LAND**

Estate in Fee Simple

LOT 5 REGISTERED PLAN 731070

Local Government: DOUGLAS

For exclusions / reservations for public purposes refer to Plan RP 731070

**REGISTERED OWNER****INTEREST**

Dealing No: 713607483 03/12/2010

JOHN SAUNDERS POLLOCK

1/3

BARBARA CHRISTINE NOAKES

1/3

DONALD CHARLES POLLOCK

1/3

AS TENANTS IN COMMON

**EASEMENTS, ENCUMBRANCES AND INTERESTS**

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20150038 (POR 109V)
2. EASEMENT No 601239353 (T735913D) 21/01/1994  
BURDENING THE LAND  
TO LOT 112 ON PLAN N157666  
OVER EASEMENT A ON RP862639
3. EASEMENT No 601239354 (T735914F) 21/01/1994  
BENEFITING THE LAND  
OVER EASEMENT B ON RP862639

**ADMINISTRATIVE ADVICES**

NIL

**UNREGISTERED DEALINGS**

NIL

Caution - Charges do not necessarily appear in order of priority

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

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

|                            |                    |                     |                  |
|----------------------------|--------------------|---------------------|------------------|
| <b>Title Reference:</b>    | <b>50198435</b>    | <b>Search Date:</b> | 20/02/2024 11:27 |
| <b>Date Title Created:</b> | 04/12/1997         | <b>Request No:</b>  | 47142698         |
| <b>Previous Title:</b>     | 21135044, 21135045 |                     |                  |

#### ESTATE AND LAND

Estate in Fee Simple

LOT 112 CROWN PLAN N157666  
Local Government: DOUGLAS

#### REGISTERED OWNER

Dealing No: 720695422 01/04/2021

YOUNG STREET (NO. 137) PTY LTD A.C.N. 060 017 665 TRUSTEE  
UNDER INSTRUMENT 720695422

#### EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20945095 (POR 112V)  
Deed of Grant No. 20945096 (POR 112V)  
Deed of Grant No. 20945097 (POR 112V)
2. EASEMENT No 601239353 (T735913D) 21/01/1994  
BENEFITING THE LAND  
OVER EASEMENT A ON RP862639
3. EASEMENT No 601239354 (T735914F) 21/01/1994  
BURDENING THE LAND  
TO LOT 5 ON RP 731070  
OVER EASEMENT B ON RP862639
4. EASEMENT No 700134528 28/07/1994 at 15:21  
burdening the land to  
LOT 75 ON PLAN NR220  
OVER EASEMENT C ON RP 865390
5. MORTGAGE No 720787037 12/05/2021 at 15:29  
NATIONAL AUSTRALIA BANK LIMITED A.C.N. 004 044 937

#### ADMINISTRATIVE ADVICES

NIL

#### UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

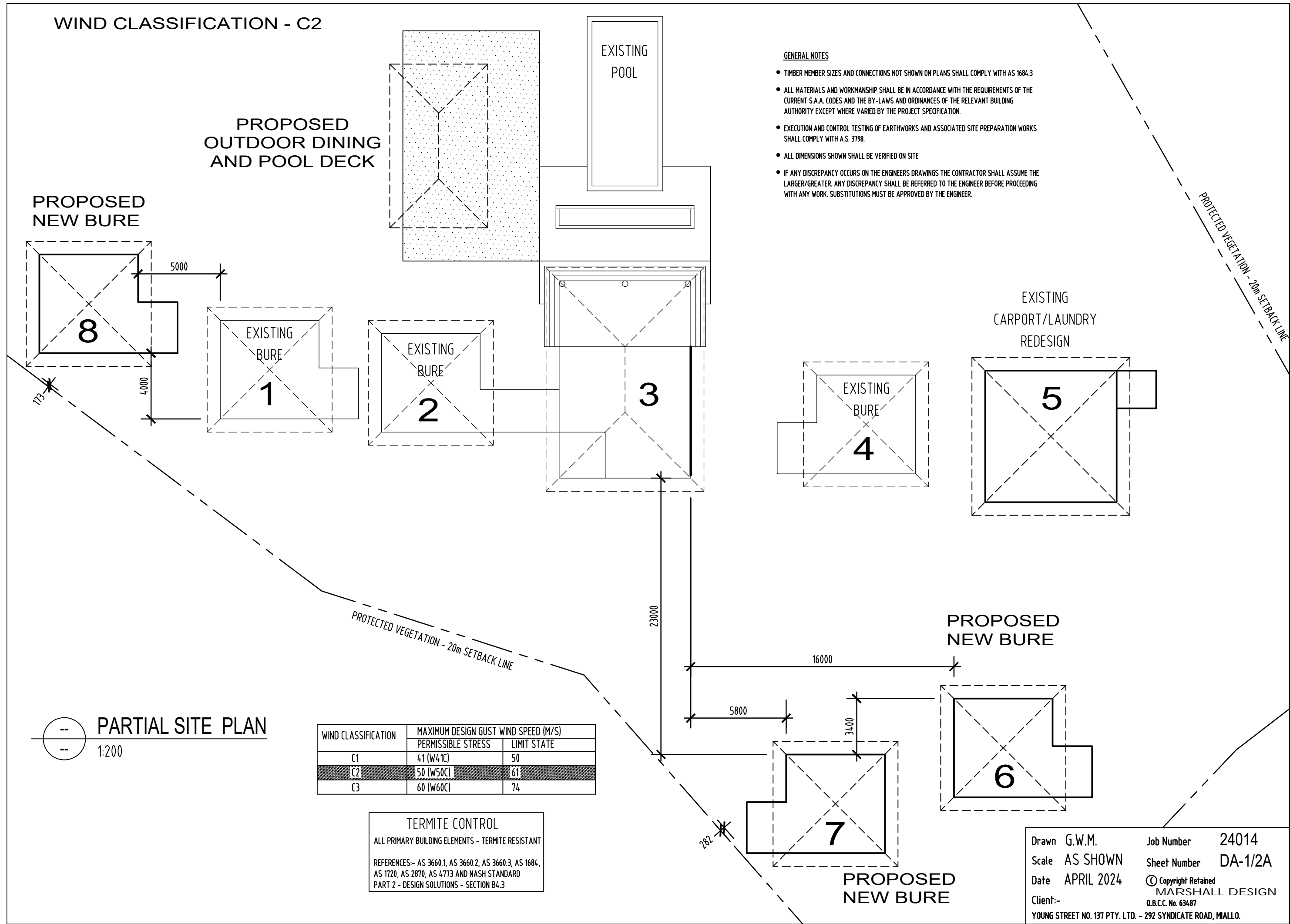
\*\* End of Current Title Search \*\*



# **Attachment 2**

## **Proposal Plans**

WIND CLASSIFICATION - C2



GENERAL NOTES

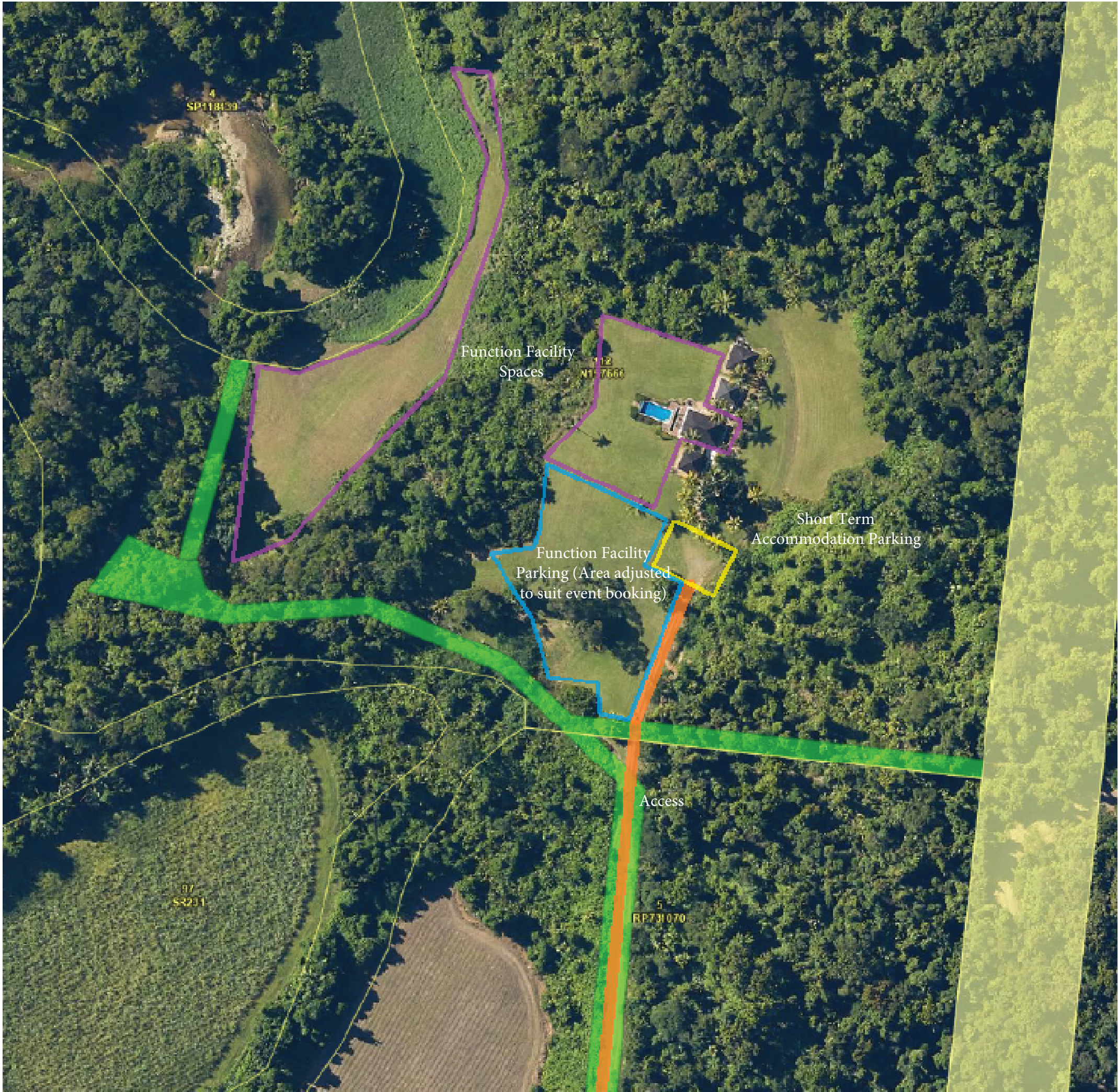
- TIMBER MEMBER SIZES AND CONNECTIONS NOT SHOWN ON PLANS SHALL COMPLY WITH AS 1684.3
- ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CURRENT S.A.A. CODES AND THE BY-LAWS AND ORDINANCES OF THE RELEVANT BUILDING AUTHORITY EXCEPT WHERE VARIED BY THE PROJECT SPECIFICATION.
- EXECUTION AND CONTROL TESTING OF EARTHWORKS AND ASSOCIATED SITE PREPARATION WORKS SHALL COMPLY WITH A.S. 3798.
- ALL DIMENSIONS SHOWN SHALL BE VERIFIED ON SITE
- IF ANY DISCREPANCY OCCURS ON THE ENGINEERS DRAWINGS THE CONTRACTOR SHALL ASSUME THE LARGER/GREATER. ANY DISCREPANCY SHALL BE REFERRED TO THE ENGINEER BEFORE PROCEEDING WITH ANY WORK. SUBSTITUTIONS MUST BE APPROVED BY THE ENGINEER.

-- PARTIAL SITE PLAN  
-- 1:200

| WIND CLASSIFICATION | MAXIMUM DESIGN GUST WIND SPEED (M/S) |             |
|---------------------|--------------------------------------|-------------|
|                     | PERMISSIBLE STRESS                   | LIMIT STATE |
| C1                  | 41 (W41C)                            | 50          |
| C2                  | 50 (W50C)                            | 61          |
| C3                  | 60 (W60C)                            | 74          |

TERMITE CONTROL  
ALL PRIMARY BUILDING ELEMENTS - TERMITE RESISTANT  
REFERENCES:- AS 3660.1, AS 3660.2, AS 3660.3, AS 1684,  
AS 1720, AS 2870, AS 4773 AND NASH STANDARD  
PART 2 - DESIGN SOLUTIONS - SECTION B4.3

Drawn G.W.M. Job Number 24014  
Scale AS SHOWN Sheet Number DA-1/2A  
Date APRIL 2024 © Copyright Retained  
Client:- MARSHALL DESIGN  
Q.B.C.C. No. 63487  
YOUNG STREET NO. 137 PTY. LTD. - 292 SYNDICATE ROAD, MIALLO.



# **Attachment 3**

## **Code Assessment**

## 6.2.10 Rural zone code

### 6.2.10.1 Application

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

### 6.2.10.2 Purpose

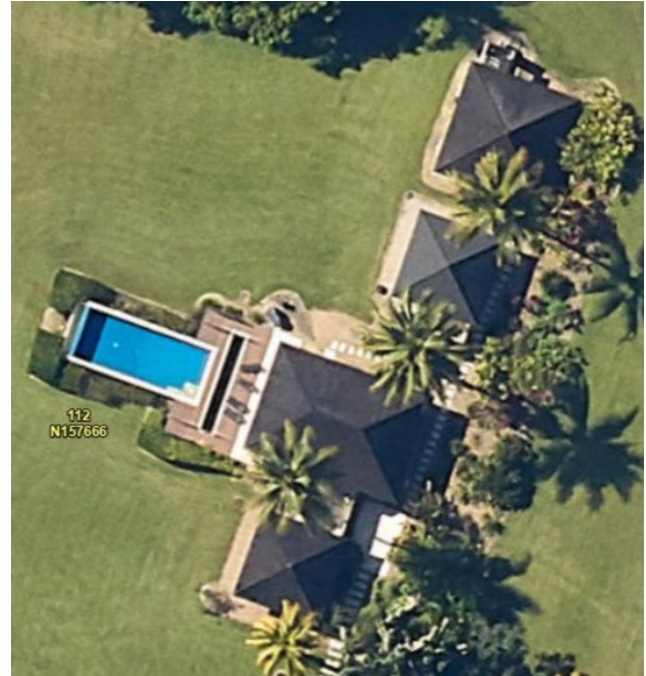
- (1) The purpose of the Rural zone code is to provide for:
  - (a) provide for rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities;
  - (b) provide opportunities for non-rural uses, such as ancillary tourism activities that are compatible with agriculture, the environmental features, and landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purposes;
  - (c) protect or manage significant natural resources and processes to maintain the capacity for primary production.
- (2) The local government purpose of the code is to:
  - (a) implement the policy direction set in the Strategic Framework, in particular:
    - (i) Theme 2 : Environment and landscape values, Element 3.5.5 – Scenic amenity.
    - (ii) Theme 3 : Natural resource management, Element 3.6.2 – Land and catchment management, Element 3.6.3 Primary production, forestry and fisheries, Element 3.6.4 – Resource extraction.
    - (iii) Theme 5 Economy, Element 3.8.2 – Economic growth and diversification, Element 3.8.4 – Primary production.
    - (iv) Theme 6 : Infrastructure and transport, Element 3.9.4 – Transport.
  - (b) recognise the primacy of rural production, in particular sugar cultivation, and other farming practices in rural areas;
  - (c) provide protection to areas of ecological significance and scenic amenity significance where present.
- (3) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Areas for use for primary production are conserved and fragmentation is avoided.
  - (b) Development embraces sustainable land management practices and contributes to the amenity and landscape of the area.
  - (c) Adverse impacts of land use, both on-site and on adjoining areas, are avoided and any unavoidable impacts are minimised through location, design, operation and management.
  - (d) Areas of remnant and riparian vegetation are retained or rehabilitated.



## Criteria for assessment

Table 6.2.10.3.a – Rural 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 buildings is compatible with the rural character of the area and must not detrimentally impact on visual landscape amenity.       | <b>AO1.1</b><br>Dwelling houses are not more than 8.5 metres in height.<br><br>Note – Height is inclusive of roof height.<br><br><b>AO1.2</b><br>Rural farm sheds and other rural structures are not more than 10 metres in height.  | <b>Complies with AO1.1.</b><br>The existing and approved built structures are single storey and less than 8.5m in height. No further buildings or structures are proposed.<br><br><b>AO1.2 Not Applicable.</b>  |
| <b>Setbacks</b>   |  |   |
| <b>PO2</b><br>Buildings and structures are setback to maintain the rural character of the area and achieve separation from buildings on adjoining properties. | <b>AO2</b><br>Buildings are setback not less than:<br>(a) 40 metres from the property boundary and a State-controlled road;<br>(b) 25 metres from the property boundary adjoining Cape Tribulation Road;<br>(c) 20 metres from the boundary with any other road;<br>(d) 6 metres from side and rear property boundaries. | <b>Complies with AO2.</b><br>The existing and approved built structures are setback sufficiently within the property boundary. No further buildings or structures are proposed.   |
| <b>PO3</b><br>Buildings/structures are designed to maintain the rural character of the area.  | <b>AO3</b><br>White and shining metallic finishes are avoided on external surfaces of buildings.   | <b>Complies with PO3.</b><br>The existing and approved built structures have been previously assessed and approved by Council. The walls are finished in a light coloured cement render, however the roof is finished in a dark grey tile. The roof is non-reflective. See image below sourced from QldGlobe. The buildings are not visible from external public vantage points and do not impact on the rural character of the area. |

| Performance outcomes   | Acceptable outcomes  | Applicant Response  |
|--|--|---|
|  |  |    |
| <b>For assessable development</b>  |  |   |
| <b>P04</b><br>The establishment of uses is consistent with the outcomes sought for the Rural zone and protects the zone from the intrusion of inconsistent uses. | <b>A04</b><br>Uses identified in Table 6.2.10.3.b are not established in the Rural zone. | <b>Complies with P04.</b><br>Although the Short Term Accommodation use is Impact Assessable and categorised as Inconsistent under the Rural Zone Code, the development closely resembles the scale of a Dwelling House and Home Based Business, which is permissible within the Rural Zone.<br><br>The planning scheme allows for a Home Based Business to include, in addition to a Dwelling House, up |





| Performance outcomes   | Acceptable outcomes                                  | Applicant Response  |
|--|--|---|
|  |  | <p>to four separate buildings accommodating a maximum of eight persons. A typical Dwelling House can accommodate approximately four to five persons. Therefore, in the scenario of a Dwelling House and Home Based Business, the site could reasonably accommodate between 12 and 13 persons.</p> <p>The site has previously operated as a Short Term Accommodation and Function Facility in harmony with the surrounding rural uses.</p> |
| <b>PO5</b><br>Uses and other development include those that: <ul style="list-style-type: none"> <li>(a) promote rural activities such as agriculture, rural enterprises and small scale industries that serve rural activities; or</li> <li>(b) promote low impact tourist activities based on the appreciation of the rural character, landscape and rural activities; or</li> <li>(c) are compatible with rural activities.</li> </ul> | <b>AO5</b><br>No acceptable outcomes are prescribed. | <b>Complies with PO5.</b><br>The proposed development offers a distinctive accommodation and event venue that highlights and promotes the natural and scenic beauty of the region. The scale of the development is harmonious with the local environment and is compatible with the rural activities which surround.  |
| <b>PO6</b><br>Existing native vegetation along watercourses and in, or adjacent to areas of environmental value, or areas of remnant vegetation of value is protected.   | <b>AO6</b><br>No acceptable outcomes are prescribed. | <b>Complies with PO6.</b><br>No vegetation damage or removal is proposed. The proposed development highlights and promotes the natural and scenic beauty of the region  |
| <b>PO7</b><br>The minimum lot size is 40 hectares, unless <ul style="list-style-type: none"> <li>(a) the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments to resolve encroachments); or</li> </ul>  | <b>AO7</b><br>No acceptable outcomes are prescribed. | <b>Not Applicable.</b>  |



| Performance outcomes   | Acceptable outcomes | Applicant Response |
|--|---------------------|--------------------|
| (b) the reconfiguration is limited to one additional lot to accommodate:<br>(i) Telecommunications facility;<br>(ii) Utility installation. |                     |                    |

Table 6.2.10.3.b - Inconsistent uses within the Rural zone.

| Inconsistent uses  |  |   |
|--|--|---|
| <ul style="list-style-type: none"> <li>• Adult store</li> <li>• Bar</li> <li>• Brothel</li> <li>• Car wash</li> <li>• Child care centre</li> <li>• Club</li> <li>• Community care centre</li> <li>• Community residence</li> <li>• Detention facility,</li> <li>• Dual occupancy</li> <li>• Dwelling unit</li> <li>• Food and drink outlet</li> <li>• Hardware and trade supplies</li> <li>• Health care services</li> <li>• High impact industry</li> </ul> | <ul style="list-style-type: none"> <li>• Hotel</li> <li>• Indoor sport and recreation</li> <li>• Low impact industry</li> <li>• Medium impact industry</li> <li>• Multiple dwelling</li> <li>• Nightclub entertainment facility</li> <li>• Non-resident workforce accommodation</li> <li>• Office</li> <li>• Outdoor sales</li> <li>• Parking station</li> <li>• Permanent plantation</li> <li>• Port services</li> <li>• Relocatable home park</li> <li>• Renewable energy facility, being a wind farm</li> </ul> | <ul style="list-style-type: none"> <li>• Residential care facility</li> <li>• Resort complex</li> <li>• Retirement facility</li> <li>• Rooming accommodation</li> <li>• Sales office</li> <li>• Service station</li> <li>• Shop</li> <li>• Shopping centre</li> <li>• Short-term accommodation</li> <li>• Showroom</li> <li>• Special industry</li> <li>• Theatre</li> <li>• Warehouse</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.

### **9.3.13 Multiple dwelling, short term accommodation and retirement facility code**

#### **9.3.13.1 Application**

- (1) This code applies to assessing development for a Multiple dwelling, short term accommodation, residential care facility or retirement facility if:
  - (a) assessable development where the code is an applicable code identified in the assessment criteria column of a table of assessment for a material change of use; or
  - (b) impact assessable development.
- (2) When using this code, reference should be made to Part 5.

#### **9.3.13.2 Purpose**

- (1) The purpose of the Multiple dwelling, short term accommodation and retirement facility 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) development is compatible with and complementary to surrounding development, with regard to scale, bulk, and streetscape patterns;
  - (b) master planning is undertaken for larger developments to ensure connectivity and integration with adjoining uses and the wider neighbourhood;
  - (c) development does not adversely impact on the natural features on the site;
  - (d) the design of development creates a pleasant living environment and is appropriate for the tropical climate of the region;
  - (e) the impacts of development on adjoining premises are managed.

#### **9.3.13.3 Criteria for assessment**



Table 9.3.13.3.a – Multiple dwelling, short term accommodation and retirement facility code – assessable development

| Performance outcomes   | Acceptable outcomes  | Applicant Response  |
|--|--|---|
| For assessable development   |  |   |
| <b>PO1</b><br>The site has sufficient area and frontage to:<br>(a) accommodate the scale and form of buildings considering site features;<br>(b) achieve communal open space areas and private outdoor spaces;<br>(c) deliver viable areas of deep planting and landscaping to retain vegetation and protect or establish tropical planting;<br>(d) achieve safe and convenient vehicle and pedestrian access;<br>(e) accommodate on-site car parking and manoeuvring for residents, visitors and service providers.   | <b>AO1.1</b><br>The site has a minimum area of 1000m <sup>2</sup> .<br><br><b>AO1.2</b><br>The site has a minimum frontage of 25 metres.   | <b>Complies with AO1.1</b><br><br><b>Alternative Solution to AO1.2</b><br>The site is accessed off sealed road via easement. The site is located within a Rural Zone. This criteria is relevant to an urban site. |
| <b>PO2</b><br>Development for large-scale multiple dwellings, short term accommodation and retirement villages contributes to the neighbourhood structure and integrates with the existing neighbourhood through:<br>(a) the establishment and extension of public streets and pathways;<br>the provision of parks and other public spaces as appropriate to the scale of the development;<br>(c) inclusion of a mix of dwelling types and tenures and forms;<br>(d) buildings that address the street;<br>(b) building height and setback transitions to adjoining development of a lower density or scale. | <b>AO2</b><br>Development on a site 5,000m <sup>2</sup> or greater is in accordance with a structure plan.<br><br>Note – Guidance on preparing a structure plan is provided within Planning scheme policy SC6.14 – Structure planning. | <b>Not Applicable.</b><br>Whilst the site is larger than that prescribed under AO2, this is a rural site and the proposal is not large-scale.   |

**PO3**

Development ensures that the proportion of buildings to open space is:

- (a) in keeping with the intended form and character of the local area and immediate streetscape;
- (b) contributes to the modulation of built form;
- (c) supports residential amenity including access to breezes, natural light and sunlight;
- (d) supports outdoor tropical living;
- (e) provides areas for deep tropical planting and / or for the retention of mature vegetation.

**AO3.1**

The site cover is not more than 40%.

**AO3.2**

The development has a gross floor area of not more than:

| Zone                           | Maximum GFA                     |
|--------------------------------|---------------------------------|
| Low-medium density residential | 0.8 x site area                 |
| Medium density residential     | 1.2 x site area                 |
| Tourist accommodation          | 1.2 x site area                 |
| All other zones                | No acceptable outcome specified |

**Complies with AO3.1-AO3.2**

The site is located within a Rural Zone. This criteria is relevant to an urban site.

**PO4**

Development is sited so that the setback from boundaries:

- (a) provides for natural light, sunlight and breezes;
- (b) minimises the impact of the development on the amenity and privacy of neighbouring residents;
- (c) provides for adequate landscaping.

**AO4.1**

Buildings and structures are set back not less than 6 metres from a road frontage.

**AO4.2**

Buildings and structures are setback not less than 4 metres to the rear boundary.

**AO4.3**

The side boundary setback for buildings and structures is:

- (a) for buildings up to 2 storeys not less than 2.5 metres for the entire building;
- (b) for buildings up to 3 storeys not less than 3.5 metres for the entire building.

**Complies with AO4.1-AO4.3.**

The site is a large rural property. Existing approved building comply with the setback requirements which are considered more relevant to an urban site. No new buildings are proposed.



|  |  |   |
|--|--|---|
| <p><b>PO5</b><br/>Building depth and form must be articulated to</p> <ul style="list-style-type: none"> <li>(a) ensure that the bulk of the development is in keeping with the form and character intent of the area;</li> <li>(b) provide adequate amenity for residents in terms of natural light and ventilation.</li> </ul> <p>Note – Planning scheme policy SC6.1 – Building design and architectural elements provides guidance on reducing building bulk.</p> | <p><b>AO5.1</b><br/>(a) The maximum length of a wall in any direction is 30 metres with substantial articulation provided every 15 metres.<br/>(b) The minimum distance between buildings on a site is not less than 6 metres;</p> <p><b>AO5.2</b><br/>The length of any continuous eave line does not exceed 18 metres.</p>   | <p><b>Complies with AO5.1-AO5.2</b><br/>Buildings are existing and approved. No new buildings are proposed.</p>   |
| <p><b>PO6</b><br/>Development reduces the appearance of building bulk, ensures a human-scale, demonstrates variations in horizontal and vertical profile and supports streetscape character.</p>   | <p><b>AO6.1</b><br/>Development incorporates a number of the following design elements:</p> <ul style="list-style-type: none"> <li>(b) balconies;</li> <li>(c) verandahs;</li> <li>(d) terraces;</li> <li>(e) recesses.</li> </ul> <p><b>AO6.2</b><br/>Development reduces building bulk by:</p> <ul style="list-style-type: none"> <li>(a) variation in building colours, materials and textures;</li> <li>(b) the use of curves, recesses, projections or variations in plan and elevation;</li> <li>(c) recession and projection of rooflines and the inclusion of interesting roof forms, such as cascading roof levels, gables, skillions or variations in pitch;</li> <li>(d) use of sun-shading devices and other façade features;</li> <li>(a) use of elements at a finer scale than the main structural framing of the building.</li> </ul> | <p><b>Complies with AO6.1-AO6.2</b><br/>Buildings are existing and approved. No new buildings are proposed. The architecture of the buildings is Balinese and tropical.</p> |



|  |  |  |
|--|--|--|
| <p><b>PO7</b><br/>Development provides a building that must define the street to facilitate casual surveillance and enhance the amenity of the street through:</p> <ul style="list-style-type: none"> <li>(a) orientation to the street;</li> <li>(b) front boundary setback;</li> <li>(c) balconies and windows to provide overlooking and casual surveillance;</li> <li>(d) building entrances.</li> </ul> | <p><b>AO7.1</b><br/>Development provides a building that is not set back further than 2m beyond the minimum required street front setback.</p> <p><b>AO7.2</b><br/>Development provides balconies and windows from the primary living area that face and overlook the street or public space.</p>  | <p><b>Not Applicable.</b><br/>The site is a large rural property. The prescribed design criteria is considered more relevant to an urban site.</p>   |
| <p><b>PO8</b><br/>Buildings exhibit tropical design elements to support Douglas Shire's tropical climate, character and lifestyle.</p>   | <p><b>AO8.1</b><br/>Development has floor to ceiling heights of 2.7 metres;</p> <p><b>AO8.2</b><br/>Buildings include weather protection and sun shading to all windows to all external doors and windows of habitable rooms.</p> <p><b>AO8.3</b><br/>Development incorporates deep recesses, eaves and sun-shading devices</p> <p><b>AO8.4</b><br/>Western orientated facades are shaded using building and landscape elements, such as adjustable screens, awnings or pergolas or dense tropical planting.</p> <p><b>AO8.5</b><br/>Individual dwelling units are not located on both sides of an enclosed central corridor (i.e. not double banked).</p> | <p><b>Complies with PO8.</b><br/>Buildings are existing and approved. No new buildings are proposed. The architecture of the buildings is Balinese and tropical. The buildings are well ventilated and suited to the tropical climate.</p> |
| <p><b>PO9</b><br/>Development minimises direct overlooking between buildings through appropriate building layout, location and the design of windows and balconies or screening devices.</p> <p>Note—Siting and building separation is used to minimise</p>  | <p><b>AO9.1</b><br/>Development where the dwelling is located within 2 metres at ground level or 9 metres above ground level of a habitable room window or private open space of an existing dwelling house, ensures habitable rooms and any private outdoor spaces have:</p>  | <p><b>Not Applicable.</b><br/>The prescribed design criteria is considered more relevant to an urban site.</p>   |



privacy screening requirements.

- (a) an offset from the habitable room or private open space of the existing dwelling to limit direct outlook; or
- (b) sill heights a minimum of 1.5m above floor level; or
- (c) fixed obscure glazing in any part of the window below 1.5m above floor level; or
- (d) fixed external screens; or
- (e) in the case of screening for a ground floor level unit, fencing to a minimum 1.8m above the ground storey floor level.

#### **AO9.2**

Development where a direct view is available from balconies, terraces, decks or roof decks into windows of habitable rooms, balconies, terraces or decks in an adjacent existing dwelling house, is screened from floor level to a height above 1.5m above floor level.

#### **AO9.3**

Development provides screening devices that are solid translucent screens, perforated or slatted panels or fixed louvres that have a maximum of 25% openings, with a maximum opening dimension of 50mm, and that are permanent and durable.

Note—The screening device is offset a minimum of 0.3m from the wall around any window.

Note—Screening devices are hinged or otherwise attached to facilitate emergency egress

#### **PO10**

Development provides accessible and functional landscaping and recreation area for the benefit of residents/guests.

#### **AO10**

A minimum of 35% of the site is allocated as landscaping and recreation area.

#### **Complies with AO10.**

The site is a large rural property. Landscaping and recreational areas presently exists. No new landscaping is proposed. The prescribed design criteria is considered more relevant to an urban site.





|   |  |  |
|---|--|--|
| <p><b>PO11</b><br/>Landscaping must contribute positively to the amenity of the area, streetscape and public spaces.</p>  | <p><b>AO11</b><br/>Development provides landscaping as follows:<br/>(a) A dense landscape planting strip of at least 2 metres width suitable for deep planting is provided and maintained along all street frontages;<br/>(b) A dense landscape planting strip of at least 1.5 metres width suitable for deep planting is provided along all side and rear boundaries.</p>   | <p><b>Complies with PO11.</b><br/>The site is a large rural property. Landscaping areas presently exists. No new landscaping is proposed. The prescribed design criteria is considered more relevant to an urban site.</p> |
| <p><b>PO12</b><br/>The landscaping and recreation area provides for functional communal open space for all developments exceeding five dwellings on one site.</p> | <p><b>AO12.1</b><br/>Communal open space is provided at:<br/>(a) a minimum of 5% of site area of 50m<sup>2</sup> whichever is the greater; and<br/>(b) a minimum dimension of 5 metres.</p> <p><b>AO12.2</b><br/>Development provides communal open space that:<br/>(a) is consolidated into one useable space; where communal open space exceeds 100m<sup>2</sup>, the communal open space may be split into two, and so forth incrementally.</p> <p><b>AO12.3</b><br/>Communal open space:<br/>(a) is a minimum of 50% open to the sky;<br/>(b) achieves 25% shading by trees in 5 years;<br/>(c) does not include vehicle driveways and manoeuvring;<br/>(d) does not contain surface structures such as rainwater tanks, fire hydrants, transformers or water boosters.</p> <p><b>AO12.4</b><br/>Communal open space is designed to provide for a range of facilities, typically including some, or all, of the following elements:<br/>(a) seating;<br/>(b) barbecue;<br/>(c) play equipment;</p> | <p><b>Not Applicable.</b><br/>The proposed development is for a single Short Term Accommodation.</p>   |



- (d) swimming pool;
- (e) communal clothes drying;
- (f) vegetable garden.

**AO12.5**

- (b) Development involving 5 or fewer dwellings on one lot can allocate additional private open space to a ground storey dwelling instead of providing communal open space.

**PO13**

Development must provide attractive and functional private open space for residents and guests.

**AO13.1**

Development provides private open space which:

- (a) for ground storey dwellings, comprises of a minimum area of 35m<sup>2</sup> with a minimum dimension of 3 metres;
- (b) for dwellings above ground storey, comprises of a balcony with minimum area of 12m<sup>2</sup> and a minimum dimension of 3 metres.

**AO13.2**

Development provides private open space areas that are:

- (a) directly accessible from internal primary living area of the dwelling (not bedrooms);
- (b) provided with a screened area of 2m<sup>2</sup> minimum dimension capable of screening air conditioning plant, private clothes drying etc...
- (c) provided with adjustable, moveable or operable privacy screening where appropriate.

**AO13.3**

Development provides balconies that are located to the front or rear of the building except where adequate building separation can be achieved to maintain privacy.

**AO13.4**

Where secondary balconies are provided to a

**Complies with PO13.**

The proposed development is for a single Short Term Accommodation. Large open space areas are available within the property.



| Performance outcomes | Acceptable outcomes  |
|----------------------|--|
|                      | <p>side of a building for additional amenity or services, such as clothes drying or to articulate facades, the setback may be reduced to the minimum setback, but these areas are not included in the calculation of private open space requirements.</p> <p><b>AO13.5</b><br/>Private open space:</p> <ul style="list-style-type: none"><li>(a) does not include vehicle driveways and manoeuvring;</li><li>(b) does not contain surface structures such as rainwater tanks, fire hydrants, transformers or water boosters.</li></ul> |



|   |   |   |
|---|---|---|
| <p><b>PO14</b><br/>Development provides front fencing and retaining walls that must:</p> <ul style="list-style-type: none"> <li>(a) facilitate casual surveillance of the street and public space;</li> <li>(b) enable use of private open space;</li> <li>(c) assist in highlighting entrances to the property;</li> <li>(d) provide a positive interface to the streetscape.</li> </ul> | <p><b>AO14.1</b><br/>Development ensures that, where fencing is provided, the height of any new fence located on any common boundary to a street or public space is a maximum of:</p> <ul style="list-style-type: none"> <li>(a) 1.2m, where fence construction is solid or less than 50% transparent;</li> <li>(b) 1.5m, where fence construction is at least 50% transparent;</li> <li>(c) 1.8m and solid only where the site is on an arterial road or higher order road.</li> </ul> <p><b>AO14.2</b><br/>Development incorporating solid front fences or walls that front the street or other public spaces and are longer than 10m, indentations, material variation or landscaping is provided to add visual interest and soften the visual impact</p> <p><b>AO14.3</b><br/>Development for a retaining wall is:</p> <ul style="list-style-type: none"> <li>(a) stepped to minimise impact on the streetscape and pedestrian environment;</li> <li>(b) a maximum of 0.6m in height if directly abutting the edge of the adjoining road reserve verge</li> </ul> | <p><b>Not Applicable.</b><br/>Given the location of the site, no fencing is proposed.</p>   |
| <p><b>PO15</b><br/>Development minimises light nuisances.</p>   | <p><b>AO15</b><br/>Outdoor lighting is in accordance with AS 4282-1997 Control of the obtrusive effects of outdoor lighting.</p>  | <p><b>May be Conditioned to Comply.</b><br/>Given the scale and separation of the development from the nearest residence (550m) lighting is not expected to cause a nuisance.</p> |



|   |  |  |
|---|--|--|
| <p><b>PO16</b><br/>Waste and recyclable material storage areas are:</p> <ul style="list-style-type: none"> <li>(a) convenient and accessible to residents and waste and recyclable material collection services;</li> <li>(b) located and designed to mitigate adverse impacts: <ul style="list-style-type: none"> <li>(i) within the site;</li> <li>(ii) on adjoining properties;</li> <li>(iii) to the street.</li> </ul> </li> </ul> | <p><b>AO16</b><br/>Waste and recyclable material storage areas:</p> <ul style="list-style-type: none"> <li>(a) are located on site;</li> <li>(b) are sited and designed to be unobtrusive and screened from view from the street frontage;</li> <li>(c) are imperviously sealed roofed and bunded, and contain a hose down area draining to Council's sewer network;</li> <li>(d) are of a sufficient size to accommodate bulk (skip) bins;</li> <li>(e) have appropriate access and sufficient on site manoeuvrability area for waste and recyclable material collection services.</li> </ul> <p>Note - The Environmental performance code contains requirements for waste and recyclable material storage.</p> | <p><b>May be Conditioned to Comply.</b><br/>Waste will be stored onsite and managed by the operator.</p> |
| <p><b>PO17</b><br/>Development provides a secure storage area for each dwelling.</p>  | <p><b>AO17</b><br/>A secure storage area for each dwelling:</p> <ul style="list-style-type: none"> <li>(a) is located to enable access by a motor vehicle or be near to vehicle parking;</li> <li>(b) has a minimum space of 3.5m<sup>2</sup> per dwelling;</li> <li>(c) has a minimum height of 2 metres;</li> <li>(d) is weather proof;</li> <li>(e) is lockable;</li> <li>(f) has immunity to the 1% AEP inundation event.</li> </ul> <p>Note – A cupboard within a unit will not satisfy this requirement.</p>   | <p><b>Not Applicable.</b><br/>The development is for a single Short Term Accommodation use only.</p>     |
| <p><b>Additional requirements for a Retirement facility</b></p>   |  |  |
| <p><b>PO18</b><br/>Retirement facilities are located in areas which offer convenience to residents, and are designed to be compatible with the locality and surrounding area in which they are located.</p>   | <p><b>AO18</b><br/>Retirement facilities are conveniently located in established areas close to public transport, shopping facilities and health care services.</p>  | <p><b>Not Applicable.</b></p>  |



|   |   |                               |
|---|---|-------------------------------|
| <p><b>PO19</b><br/>Retirement facilities are designed to provide for the amenity and security of residents.</p>   | <p><b>AO19.1</b><br/>The Retirement facility incorporates covered walkways wide enough to accommodate wheel chairs and ramps, and where necessary, provide on-site weather protection between all parts of the complex.</p> <p><b>AO19.2</b><br/>Internal pathways have firm, well drained and non-slip surfaces.</p> <p><b>AO19.2</b><br/>Security screens are provided to all dwelling units or residential rooms to ensure the safety and security of residents.</p> <p><b>AO19.3</b><br/>An illuminated sign and site map of the layout of the development is located near the main entrance to the facility.</p> | <p><b>Not Applicable.</b></p> |
| <p><b>PO20</b><br/>The internal layout of a Retirement facility and the location of the retirement facility allows for safe evacuation of residents in an emergency and provides emergency services to efficiently access the site.</p> | <p><b>AO20.1</b><br/>The design of the Retirement facility ensures that external circulation and access and egress points on the site facilitate the evacuation of the site in an efficient manner.</p> <p><b>AO20.2</b><br/>The site of a Retirement facility is not prone to inundation.</p> <p><b>AO20.3</b><br/>The location of the Retirement facility is readily accessible to emergency vehicles.</p>  | <p><b>Not Applicable.</b></p> |





| Performance outcomes   | Acceptable outcomes  |                        |
|--|--|------------------------|
| <b>PO21</b><br>The development is designed for the needs of the age group, and to allow 'aging in place' to occur. | <b>AO21.1</b><br>Development applies adaptable housing principles.<br><br><b>AO21.2</b><br>A range of housing designs and sizes are provided in the development to cater for different individual and household needs. | <b>Not Applicable.</b> |

## 9.4 Other development codes

### 9.4.1 Access, parking and servicing code

#### 9.4.1.1 Application

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

#### 9.4.1.2 Purpose

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



### 9.4.1.3 Criteria for assessment

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

| Performance outcomes   | Acceptable outcomes  | Applicant Response   |
|--|--|--|
| <b>For self-assessable and assessable development</b>  |  |  |
| <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.<br><br><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.<br><br><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.<br><br><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>Alternative Solution.</b><br>Sufficient area at the end of the driveway and adjacent the Bures is available for onsite parking associated with the Short Term Accommodation.<br><br>Parking demand for the Function Facility will vary depending on the event. However, given the ease of access to the site and extensive grassed areas, ample room is available to meet the parking demands. The informal parking area can be easily expanded to accommodate any overflow of vehicles if necessary.<br><br>The majority of functions are expected to involve destination weddings with an average guest size of 30 people. Past experience with Bali Hai is that during such events, guests are transported to site from their respective accommodation elsewhere within the Shire via bus. A letter of support may be provided to Council from a local operator whom has previously serviced events at Bali Hai. |
| <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: <ul style="list-style-type: none"> <li>(a) AS2890.1;</li> <li>(b) AS2890.3;</li> <li>(c) AS2890.6.</li> </ul>   | <b>Alternative Solution.</b><br>No hardstand or formal parking areas are proposed for the Function Facility, ensuring that the site grounds remain in their current state and minimising any visual impact of the development. Ample room is available to meet the parking demands.  |



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| <p><b>PO3</b><br/>Access points are designed and constructed:</p> <ul style="list-style-type: none"> <li>(a) to operate safely and efficiently;</li> <li>(b) to accommodate the anticipated type and volume of vehicles</li> <li>(c) to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate;</li> <li>(d) so that they do not impede traffic or pedestrian movement on the adjacent road area;</li> <li>(e) so that they do not adversely impact upon existing intersections or future road or intersection improvements;</li> <li>(f) so that they do not adversely impact current and future on-street parking arrangements;</li> <li>(g) so that they do not adversely impact on existing services within the road reserve adjacent to the site;</li> <li>(h) so that they do not involve ramping, cutting of the adjoining road reserve or any built structures (other than what may be necessary to cross over a stormwater channel).</li> </ul> | <p><b>AO3.1</b><br/>Access is limited to one access cross over per site and is an access point located, designed and constructed in accordance with:</p> <ul style="list-style-type: none"> <li>(a) Australian Standard AS2890.1;</li> <li>(b) Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers.</li> </ul> <p><b>AO3.2</b><br/>Access, including driveways or access crossovers:</p> <ul style="list-style-type: none"> <li>(a) are not placed over an existing: <ul style="list-style-type: none"> <li>(i) telecommunications pit;</li> <li>(ii) stormwater kerb inlet;</li> <li>(iii) sewer utility hole;</li> <li>(iv) water valve or hydrant.</li> </ul> </li> <li>(b) are designed to accommodate any adjacent footpath;</li> <li>(c) adhere to minimum sight distance requirements in accordance with AS2980.1.</li> </ul> <p><b>AO3.3</b><br/>Driveways are:</p> <ul style="list-style-type: none"> <li>(a) designed to follow as closely as possible to the existing contours, but are no steeper than the gradients outlined in Planning scheme policy SC6.5 – FNQROC Regional Development Manual;</li> <li>(b) constructed such that where there is a grade shift to 1 in 4 (25%), there is an area with a grade of no more than 1 in 6 (16.6%) prior to this area, for a distance of at least 5 metres;</li> <li>(c) on gradients greater than 1 in 6 (16.6%) driveways are constructed to ensure the cross-fall of the driveway is one way and directed into the hill, for vehicle safety and drainage purposes;</li> </ul> | <p><b>Complies with PO3.</b><br/>The site has a history of successful operation as a Short Term Accommodation and Function Facility. We are not aware of any safety or operational issues with the access. Based on past performance it is considered that the access is suitable to accommodate the anticipated type and volume of vehicles. No access upgrades are proposed.</p> |
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|  | <p>(d) constructed such that the transitional change in grade from the road to the lot is fully contained within the lot and not within the road reserve;</p> <p>(e) designed to include all necessary associated drainage that intercepts and directs storm water runoff to the storm water drainage system.</p> <p><b>AO3.4</b><br/>Surface construction materials are consistent with the current or intended future streetscape or character of the area and contrast with the surface construction materials of any adjacent footpath.</p> |                |
| <p><b>P04</b><br/>Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes.</p> | <p><b>AO4</b><br/>The number of on-site wheel chair accessible car parking spaces complies with the rates specified in AS2890 Parking Facilities.</p>   | Can comply     |
| <p><b>P05</b><br/>Access for people with disabilities is provided to the building from the parking area and from the street.</p>                   | <p><b>AO5</b><br/>Access for people with disabilities is provided in accordance with the relevant Australian Standard.</p>  | Can comply     |
| <p><b>P06</b><br/>Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development.</p>             | <p><b>AO6</b><br/>The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b.</p>  | Not applicable |

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| <p><b>PO7</b><br/>Development provides secure and convenient bicycle parking which:</p> <ul style="list-style-type: none"> <li>(a) for visitors is obvious and located close to the building's main entrance;</li> <li>(b) for employees is conveniently located to provide secure and convenient access between the bicycle storage area, end-of-trip facilities and the main area of the building;</li> <li>(c) is easily and safely accessible from outside the site.</li> </ul>   | <p><b>AO7.1</b><br/>Development provides bicycle parking spaces for employees which are co-located with end-of-trip facilities (shower cubicles and lockers);</p> <p><b>AO7.2</b><br/>Development ensures that the location of visitor bicycle parking is discernible either by direct view or using signs from the street.</p> <p><b>AO7.3</b><br/>Development provides visitor bicycle parking which does not impede pedestrian movement.</p> | <p><b>Not applicable</b></p> <p><b>Not applicable</b></p> <p><b>Not applicable</b></p>   |
| <p><b>PO8</b><br/>Development provides walking and cycle routes through the site which:</p> <ul style="list-style-type: none"> <li>(a) link to the external network and pedestrian and cyclist destinations such as schools, shopping centres, open space, public transport stations, shops and local activity centres along the safest, most direct and convenient routes;</li> <li>(b) encourage walking and cycling;</li> <li>(c) ensure pedestrian and cyclist safety.</li> </ul> | <p><b>AO8</b><br/>Development provides walking and cycle routes which are constructed on the carriageway or through the site to:</p> <ul style="list-style-type: none"> <li>(a) create a walking or cycle route along the full frontage of the site;</li> <li>(b) connect to public transport and existing cycle and walking routes at the frontage or boundary of the site.</li> </ul>   | <p><b>Not applicable</b></p>   |
| <p><b>PO9</b><br/>Access, internal circulation and on-site parking for service vehicles are designed and constructed:</p> <ul style="list-style-type: none"> <li>(a) in accordance with relevant standards;</li> </ul>  | <p><b>AO9.1</b><br/>Access driveways, vehicle manoeuvring and on-site parking for service vehicles are designed and constructed in accordance with AS2890.1 and</p>   | <p><b>Alternative Solution.</b><br/>No hardstand or formal parking areas are proposed for the Function Facility, ensuring that the site grounds remain in their current state and minimising any visual impact of the development. Ample room is available to meet the parking demands for parking and service vehicles.</p> |

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| <p>(b) so that they do not interfere with the amenity of the surrounding area;</p> <p>(c) so that they allow for the safe and convenient movement of pedestrians, cyclists and other vehicles.</p> | <p>AS2890.2.</p> <p><b>AO9.2</b><br/>Service and loading areas are contained fully within the site.</p> <p><b>AO9.3</b><br/>The movement of service vehicles and service operations are designed so they:</p> <ul style="list-style-type: none"> <li>(a) do not impede access to parking spaces;</li> <li>(b) do not impede vehicle or pedestrian traffic movement.</li> </ul>   |   |
| <p><b>PO10</b><br/>Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.</p>  | <p><b>AO10.1</b><br/>Development provides adequate area on-site for vehicle queuing to accommodate the demand generated by the development where drive through facilities or drop-off/pick-up services are proposed as part of the use, including, but not limited to, the following land uses:</p> <ul style="list-style-type: none"> <li>(a) car wash;</li> <li>(b) child care centre;</li> <li>(c) educational establishment where for a school;</li> <li>(d) food and drink outlet, where including a drive-through facility;</li> <li>(e) hardware and trade supplies, where including a drive-through facility;</li> <li>(f) hotel, where including a drive-through facility;</li> <li>(g) service station.</li> </ul> <p><b>AO10.2</b><br/>Queuing and set-down areas are designed and constructed in accordance with AS2890.1.</p> | <p><b>Alternative Solution.</b><br/>No hardstand or formal parking areas are proposed for the Function Facility, ensuring that the site grounds remain in their current state and minimising any visual impact of the development. Ample room is available to meet the parking demands.</p> |

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

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

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



## **9.4.3 Environmental performance code**

### **9.4.3.1 Application**

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

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

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

### **9.4.3.2 Purpose**

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



### 9.4.3.3 Criteria for assessment

Table 9.4.3.3.a – Environmental performance code – assessable development

| Performance outcomes  | Acceptable outcomes   | Applicant Response  |
|---|---|---|
| <b>Lighting</b>   |   |   |
| <b>PO1</b><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.<br><br><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.<br><br><b>AO1.3</b><br>Access, car parking and manoeuvring areas are designed to shield nearby residential premises from impacts of vehicle headlights. | <b>May be Conditioned to Comply.</b><br>No external lighting is proposed other than domestic external lighting.<br><br>Event lighting is not expected to cause a nuisance considering separation of the site from sensitive receptors. Furthermore, mature vegetation and topography means the site is not easily visible from surrounding vantage points.  |
| <b>Noise</b>  |   |   |
| <b>PO2</b><br>Potential noise generated from the development is avoided through design, location and operation<br><br><br><br><br><br><br><br><br><br>of the activity.<br>Note – Planning Scheme Policy SC6.4 – Environmental | <b>AO2.1</b><br>Development does not involve activities that would cause noise related environmental harm or<br><br><br><br><br><br><br><br><br><br>nuisance;<br>or   | <b>Complies with AO2.1-AO2.3</b><br>The proposed development is for an accommodation facility. The proposed scale of the accommodation is minor in nature and will not cause noise related environmental harm.<br><br>With respect to the Function Facility, the development has successfully operated for a number of years. The hours of operation will be limited. It is anticipated that Council will include conditions pertaining to the use and include the requirement for an Event Management Plan.<br><br>Vehicle access and parking would not impact on surrounding land uses. |



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| <p>management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.</p>   | <p><b>AO2.2</b><br/>Development ensures noise does not emanate from the site through the use of materials, structures and architectural features to not cause an adverse noise impact on adjacent uses.</p> <p><b>AO2.3</b><br/>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> |  |
| <b>Airborne particles and other emissions</b>  |  |  |
| <p><b>PO3</b><br/>Potential airborne particles and emissions generated from the development are avoided through design, location and operation of the activity.</p> <p>Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.</p> | <p><b>AO3.1</b><br/>Development does not involve activities that will result in airborne particles or emissions being generated;</p> <p>or</p> <p><b>AO3.2</b><br/>The design, layout and operation of the development activity ensures that no airborne particles or emissions cause environmental harm or nuisance.</p>  | <p><b>Not applicable</b><br/>The proposed use does not involve activities that result in airborne emissions.</p> |



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|   | <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><br/>Potential odour causing activities associated with the development are avoided through design, location and operation of the activity.</p> <p>Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.</p> | <p><b>A04.1</b><br/>The development does not involve activities that create odorous emissions;</p> <p>or</p> <p><b>A04.2</b><br/>The use does not result in odour that causes environmental harm or nuisance with respect to surrounding land uses.</p>   | <p><b>Not applicable</b><br/>The proposed use does not involve activities that result in odour emissions.</p> |
| <b>Waste and recyclable material storage</b>  |   |   |

**PO5**

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

Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.

**AO5.1**

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

**AO5.2**

Waste and recyclable material storage facilities are located, designed and maintained to not cause an adverse impact on users of the premises and adjacent uses through consideration of:

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

Editor's note - the *Environmental Protection (Waste Management) Policy 2008* provides guidance on the design of waste containers (receptacles) to ensure environmental harm (including nuisance) is avoided.

**Complies**

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

**Sensitive land use activities**



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|--|---|--|
| <p><b>PO6</b><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.</p>   | <p><b>AO6.1</b><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;</p> <p>or</p> <p><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.</p>   | <p><b>Not applicable.</b><br/>The development would not result in any reverse amenity issues. Guest welcome material will include advice that there are active farms in the locality and that from time to time there may be noise experienced with these activities, including hunting.</p> |
| <p><b>Stormwater quality</b></p>   |   |  |
| <p><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:</p> <ul style="list-style-type: none"> <li>(a) the amount and type of pollutants borne from the activity;</li> <li>(c) maintaining natural stream flows;</li> <li>(d) the amount and type of site disturbance;</li> <li>(e) site management and control measures.</li> </ul> | <p><b>AO7.1</b><br/>Development activities are designed to ensure stormwater over roofed and hard stand areas is directed to a lawful point of discharge.</p> <p><b>AO7.2</b><br/>Development ensures movement of stormwater over the site is not impeded or directed through potentially polluting activities.</p> <p><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.</p> <p>Note - Planning scheme policy - FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the <i>Environmental Protection Act 1994</i>.</p> <p>During construction phases of development, contractors and builders are to have consideration in their work methods and site preparation for their environmental duty to protect stormwater quality.</p> | <p><b>Not Applicable.</b><br/>Drainage systems are existing. No additional buildings or hardstand areas are proposed.</p>  |



| Pest plants (for material change of use on vacant land over 1,000m <sup>2</sup> )  |   |                               |
|--|---|-------------------------------|
| <p><b>PO8</b><br/>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><br/>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><br/>Pest plants detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person prior to construction of buildings and structures or earthworks.</p> <p>Note - A declaration from an appropriately qualified person validates the land being free from pest plants.</p> <p>Declared pest plants include locally declared and State declared pest plants.</p> | <p><b>Not applicable.</b></p> |

## **9.4.5 Infrastructure works code**

### **9.4.5.1 Application**

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

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

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

### **9.4.5.2 Purpose**

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



### 9.4.5.3 Criteria for assessment

Table 9.4.5.3.a – Infrastructure works code –assessable development

| Performance outcomes  |  | Acceptable outcomes          | Applicant response |
|---|--|------------------------------|--------------------|
| For self-assessable and assessable development  |  |                              |                    |
| Works on a local government road  |  |                              |                    |
| <p><b>PO1</b></p> <p>Works on a local government road do not adversely impact on footpaths or existing infrastructure within the road verge and maintain the flow, safety and efficiency of pedestrians, cyclists and vehicles.</p> | <p><b>AO1.1</b></p> <p>Footpaths/pathways are located in the road verge and are provided for the hierarchy of the road and located and designed and constructed in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.</p> <p><b>AO1.2</b></p> <p>Kerb ramp crossovers are constructed in accordance with Planning scheme policy SC 5 – FNQROC Regional Development Manual.</p> <p><b>AO1.3</b></p> <p>New pipes, cables, conduits or other similar infrastructure required to cross existing footpaths:</p> <p>(a) are installed via trenchless methods; or</p> <p>(b) where footpath infrastructure is removed to install infrastructure, the new section of footpath is installed to the standard detailed</p> | <p><b>Not applicable</b></p> |                    |



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

**PO3**

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

**AO3.1**

The premises is connected to Council's reticulated water supply system in accordance with the Design Guidelines set out in Section D6 of the Planning scheme policy SC5 – FNQROC Regional Development Manual;

or

**AO3.2**

Where a reticulated water supply system is not available to the premises, on site water storage tank/s with a minimum capacity of 10,000 litres of stored water, with a minimum 7,500 litre tank, with the balance from other sources (e.g. accessible swimming pool, dam etc.) and access to the tank/s for fire trucks is provided for each new house or other development. Tank/s are to be fitted with a 50mm ball valve with a camlock fitting and installed and connected prior to occupation of the house and sited to be visually unobtrusive.

**Complies**

The subject site is connected to water supply.



| Treatment and disposal of effluent  |   |  |
|---|---|--|
| <p><b>PO4</b><br/>Provision is made for the treatment and disposal of effluent to ensure that there are no adverse impacts on water quality and no adverse ecological impacts as a result of the system or as a result of increasing the cumulative effect of systems in the locality.</p>  | <p><b>AO4.1</b><br/>The site is connected to Council's sewerage system and the extension of or connection to the sewerage system is designed and constructed in accordance with the Design Guidelines set out in Section D7 of the Planning scheme policy SC5 – FNQROC Regional Development Manual;</p> <p>or</p> <p><b>AO4.2</b><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>.</p> | <p><b>Complies</b><br/>The site is not connected to Council's sewer network. Wastewater is currently treated and disposed onsite.</p> <p>For large events portable systems will be brought onsite.</p> |
| Stormwater quality  |   |  |
| <p><b>PO5</b><br/>Development is planned, designed, constructed and operated to avoid or minimise adverse impacts on stormwater quality in natural and developed catchments by:</p> <ul style="list-style-type: none"> <li>(a) achieving stormwater quality objectives;</li> <li>(b) protecting water environmental values;</li> <li>(c) maintaining waterway hydrology.</li> </ul> | <p><b>AO5.1</b><br/>A connection is provided from the premises to Council's drainage system;</p> <p>or</p> <p><b>AO5.2</b><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.</p>   | <p><b>Alternative solution</b><br/>The site drains naturally. No change to the site drainage is proposed.</p>  |

**AO5.3**

A stormwater quality management plan is prepared, and provides for achievable stormwater quality treatment measures meeting design objectives listed in Table 9.4.5.3.b and Table 9.4.5.3.c, reflecting land use constraints, such as:

- (a) erosive, dispersive and/or saline soil types;
- (b) landscape features (including landform);
- (c) acid sulfate soil and management of nutrients of concern;
- (d) rainfall erosivity.

**AO5.4**

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

**AO5.5**

Development incorporates stormwater flow control measures to achieve the design objectives set out in Table 9.4.5.3.b and Table 9.4.5.3.c, including management of frequent flows, peak flows, and construction phase hydrological impacts.

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

Note – During construction phases of development, contractors and builders are to have



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|   | consideration in their work methods and site preparation for their environmental duty to protect stormwater quality.  |                        |
| <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><br><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><br><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 m; or</li> <li>(b) any tidal flow alteration does not adversely impact on the tidal waterway; or</li> </ul> | <b>Not applicable.</b> |



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



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| <p><b>P07</b><br/>Discharge of wastewater to waterways, or off site:</p> <ul style="list-style-type: none"> <li>(a) meets best practice environmental management;</li> <li>(b) is treated to: <ul style="list-style-type: none"> <li>(i) meet water quality objectives for its receiving waters;</li> <li>(ii) avoid adverse impact on ecosystem health or waterway health;</li> <li>(iii) maintain ecological processes, riparian vegetation and waterway integrity;</li> <li>(iv) offset impacts on high ecological value waters.</li> </ul> </li> </ul> | <p><b>AO7.1</b><br/>A wastewater management plan is prepared and addresses:</p> <ul style="list-style-type: none"> <li>(a) wastewater type;</li> <li>(b) climatic conditions;</li> <li>(c) water quality objectives;</li> <li>(d) best practice environmental management.</li> </ul> <p><b>AO7.2</b><br/>The waste water management plan is managed in accordance with a waste management hierarchy that:</p> <ul style="list-style-type: none"> <li>(a) avoids wastewater discharge to waterways; or</li> <li>(b) if wastewater discharge cannot practicably be avoided, minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and ground water.</li> </ul> <p><b>AO7.3</b><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 algal blooms.</p> <p><b>AO7.4</b><br/>Development in coastal catchments avoids or minimises and appropriately manages soil disturbance or altering natural hydrology and:</p> <ul style="list-style-type: none"> <li>(a) avoids lowering ground water levels where potential or actual acid sulfate soils are present;</li> <li>(b) manages wastewater so that: <ul style="list-style-type: none"> <li>(i) the pH of any wastewater</li> </ul> </li> </ul> | <p><b>Not applicable</b><br/>The site currently drains naturally. No change is proposed to the drainage system.</p> |
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|  | <p>discharges is maintained between 6.5 and 8.5 to avoid mobilisation of acid, iron, aluminium and other metals;</p> <p>(ii) holding times of neutralised wastewater ensures the flocculation and removal of any dissolved iron prior to release;</p> <p>visible iron floc is not present in any discharge;</p> <p>(iv) precipitated iron floc is contained and disposed of;</p> <p>(iii) wastewater and precipitates that cannot be contained and treated for discharge on site are removed and disposed of through trade waste or another lawful method.</p> |  |
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| Electricity supply   |   |  |
|--|---|--|
| <b>PO8</b><br>Development is provided with a source of power that will meet its energy needs.  | <b>AO8.1</b><br>A connection is provided from the premises to the electricity distribution network;<br><br>or<br><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><br>Note - Areas north of the Daintree River have a different standard.  | <b>Complies.</b><br>The site is connected to mains electricity supply. |
| <b>PO9</b><br>Development incorporating pad-mount electricity infrastructure does not cause an adverse impact on amenity.                | <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.<br><br><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><br>Note – Pad-mounts in buildings in activity centres should not be located on the street frontage. | <b>Not applicable</b>  |
| Telecommunications   |   |  |
| <b>PO10</b><br>Development is connected to a telecommunications service approved by the relevant telecommunication regulatory authority. | <b>AO10</b><br>The development is connected to telecommunications infrastructure in accordance with the standards of the relevant regulatory authority.   | <b>Complies</b><br>The site is connected to telecommunication.         |



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| <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>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.<br><br><b>AO12.2</b><br>There is existing road, kerb and channel for the full road frontage of the site.<br><br><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</b><br>The road frontages are constructed. |
| <b>Alterations and repairs to public utility services</b>  |  |  |
| <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>Not applicable</b>                                  |



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| <p><b>PO14</b><br/>Development and works do not affect the efficient functioning of public utility mains, services or installations.</p> | <p><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;</p> <p>or</p> <p><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.</p>     | <p><b>Not applicable</b></p>   |
| <p><b>Construction management</b></p>  |   |  |
| <p><b>PO15</b><br/>Work is undertaken in a manner which minimises adverse impacts on vegetation that is to be retained.</p>              | <p><b>AO15</b><br/>Works include, at a minimum:</p> <ul style="list-style-type: none"> <li>(a) installation of protective fencing around retained vegetation during construction;</li> <li>(b) erection of advisory signage;</li> <li>(c) no disturbance, due to earthworks or storage of plant, materials and equipment, of ground level and soils below the canopy of any retained vegetation;</li> <li>(d) removal from the site of all declared noxious weeds.</li> </ul> | <p><b>Not applicable</b><br/>The development does not involve any construction activities.</p> |
| <p><b>PO16</b><br/>Existing infrastructure is not damaged by construction activities.</p>  | <p><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.</p> <p>Note - Construction, alterations and any repairs to State-controlled roads and rail corridors are undertaken in accordance with the Transport Infrastructure Act 1994.</p>  | <p><b>Will comply</b></p>  |



| Performance outcomes   | Acceptable outcomes  | Applicant response    |
|--|--|-----------------------|
| <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>Not applicable</b> |
| <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;<br>(b) the health and safety of people and the environment are protected;<br>(c) the performance of the wastewater system is not put at risk. | <b>AO18</b><br>No acceptable outcomes are prescribed.  | <b>Not applicable</b> |
| <b>Fire services in developments accessed by common private title</b>  |  |                       |
| <b>PO19</b><br>Hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.   | <b>AO19.1</b><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.<br><br><b>AO19.2</b><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> |



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| <b>PO20</b><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>No acceptable outcomes are prescribed. | <b>Not applicable</b> |
|---|---|-----------------------|

**Table 9.4.5.3.b – Stormwater management design objectives (Construction phase).**

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



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

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

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

**Water stability management**

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

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

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

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

