



Town Planning and Project Services

8 May 2026

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

Attn: Mr. Neil Beck (Team Leader Planning)

Submitted via: [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au)

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**RE: DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE (DWELLING HOUSE INCLUDING ANCILLARY SHED AND HOME BASED BUSINESS (3 x BUNGALOWS) OVER LAND AT 129 RYKERS ROAD, CAPE TRIBULATION (LOT 2 ON RP732553)**

Aspire Town Planning and Project Services has been engaged by Kais Kasem (the *Applicant* and *Landowner*) in relation to the above Development Application. On behalf of the Applicant, please accept this correspondence and 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 for a Dwelling House and Ancillary Shed and Home Based Business over land located at 129 Rykers Road, Cape Tribulation, formally described as Lot 2 on RP732553. Whilst the Shed is existing, it is understood that this does not have Building Approval. Therefore, the Shed is included in this application seeking retrospective Planning Approval.

The submitted plans illustrate the location of a Caretaker's Residence. However, it is confirmed that the proposed Caretaker's Residence does not form part of this Development Application and is shown for indicative purposes only. Should the Landowner wish to pursue this component in the future, it will be subject to a separate Development Application to Council and assessed on its own merits.

The subject site is included within the Conservation Zone under the *Douglas Shire Planning Scheme 2018 (v1.0)* and is affected by multiple environmental overlays, including the Hillslopes, Potential Landslide Hazard, Bushfire Hazard, Floodplain Assessment, Natural Areas and Landscape Values Overlays. The site is further located within Cape Tribulation and Daintree Coast Local Plan Area (Precinct 1). A Dwelling House including Ancillary Shed and Home Based Business are Code Assessable Uses requiring a Development Application for a Development Permit for a Material Change of Use.

In terms of background, development of the site for a Home Based Business and Caretakers Residence was approved by Council on 29 February 2008 (Council ref: MCUI 038/07). An Amended Decision Notice was subsequently issued on the 17 November 2009 (Council ref: 8/37/53) which removed the requirement for a conservation covenant and

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also the requirement for a construction security. Works commenced on the site, however due to unknown reasons the works were not completed and the use did not commence and the approval subsequently lapsed.

The site was purchased by the current owner in January 2025, who seeks to complete the building generally in accordance with the original approval. The current development utilises the existing partially constructed structures and building footprint. The built form remains sited within, or immediately adjoining, previously disturbed areas of the property to minimise vegetation clearing and avoid impacts to mapped MSES values.

Access will continue to be provided via the existing formation from Rykers Road, with no new clearing required for vehicular entry. No development is proposed outside the existing disturbed development envelope. The design addresses natural hazards through utilisation of existing cleared building platforms, minimal earthworks and appropriate setbacks from waterways and slope features, ensuring the environmental and scenic values of the site are retained.

This Development Application Package has been prepared with reference to the *Planning Act 2016*, *Planning Regulation 2017* and the *Douglas Shire Planning Scheme 2018 (v1.0)*, and includes the following supporting documentation:

- Attachment 1 – Duly completed DA Form 1; and
- Attachment 2 – Town Planning Report, addressing the applicable planning considerations.

Under the Douglas Shire Council Fees and Charges Schedule 2025/26, the applicable Development Application fee is calculated to be \$744. We kindly request that Council confirm the applicable fee amount and issue an invoice for the total amount, to be paid directly by the Applicant.

We appreciate your time in reviewing this application and trust the enclosed documentation provides sufficient information to support Council's assessment of the application. Should any further information or clarification be required, please contact the undersigned.

Regards,

A handwritten signature in black ink, appearing to read 'Daniel Favier', with 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 1.6 effective 2 August 2024) 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)	Kais Kasem
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	0418 826 560
Email address (non-mandatory)	admin@aspireqld.com
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	2025-10-108 – Kasem – 129 Rykers Road, Cape Tribulation

### 1.1) Home-based business

Personal details to remain private in accordance with section 264(6) of *Planning Act 2016*

### 2) Owner's consent

#### 2.1) Is written consent of the owner required for this development application?

- Yes – the written consent of the owner(s) is attached to this development application  
 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
		129	Rykers Road	Cape Tribulation
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	2	RP732553	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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

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

- Coordinates of premises by longitude and latitude

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

- Coordinates of premises by easting and northing

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

#### 3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- In a tidal area

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

Name of port authority for tidal area (if applicable)

<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>
Name of airport: <input type="text"/>
<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):*

Dwelling House including Ancillary Shed, Home Based Business (3 x Bungalows)

e) Relevant plans

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

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

**6.2) Provide details about the second development aspect**

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

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

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

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

c) What is the level of assessment?

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

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

e) Relevant plans

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

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

**6.3) Additional aspects of development**

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

**6.4) Is the application for State facilitated development?**

- Yes - Has a notice of declaration been given by the Minister?
- No

**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 <i>(include each definition in a new row)</i>	Number of dwelling units <i>(if applicable)</i>	Gross floor area (m <sup>2</sup> ) <i>(if applicable)</i>
Residential House and Ancillary Shed	Dwelling House	NA	NA
Bed and Breakfast Bungalows (x3)	Home Based Business	NA	NA

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

- Yes
- No

**8.3) Does the proposed development relate to temporary accepted development under the Planning Regulation?**

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

Provide a general description of the temporary accepted development	Specify the stated period dates under the Planning Regulation

**Division 2 – Reconfiguring a lot**

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

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

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

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



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?

- Yes – a copy of the decision notice is attached to this development application
- The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- 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 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 under Chapter 1 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules or
- Part 2 under Chapter 2 of the DA Rules will still apply if the application is for state facilitated development

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 type="checkbox"/> Approval <input type="checkbox"/> Development application			
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

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

Yes – a copy of the receipted QLeave form is attached to this development application

No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid

Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

Amount paid	Date paid (dd/mm/yy)	QLeave levy number (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 536: 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.desi.qld.gov.au](http://www.desi.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 Resources at [www.resources.qld.gov.au](http://www.resources.qld.gov.au) for further information.

DA templates are available from [planning.statedevelopment.qld.gov.au](http://planning.statedevelopment.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 [planning.statedevelopment.qld.gov.au](http://planning.statedevelopment.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 Resources at [www.resources.qld.gov.au](http://www.resources.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, Science and Innovation at [www.desi.qld.gov.au](http://www.desi.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.resources.qld.gov.au](http://www.resources.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.desi.qld.gov.au](http://www.desi.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.desi.qld.gov.au](http://www.desi.qld.gov.au) for information requirements regarding development of Queensland heritage places. For a heritage place that has cultural heritage significance as a local heritage place and a Queensland heritage place, provisions are in place under the Planning Act 2016 that limit a local categorising instrument from including an assessment benchmark about the effect or impact of, development on the stated cultural heritage significance of that place. See guidance materials at [www.planning.statedevelopment.qld.gov.au](http://www.planning.statedevelopment.qld.gov.au) for information regarding assessment of Queensland heritage places.

Name of the heritage place:

Place ID:

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

23.14) 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**

23.15) 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.statedevelopment.qld.gov.au](http://www.planning.statedevelopment.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	

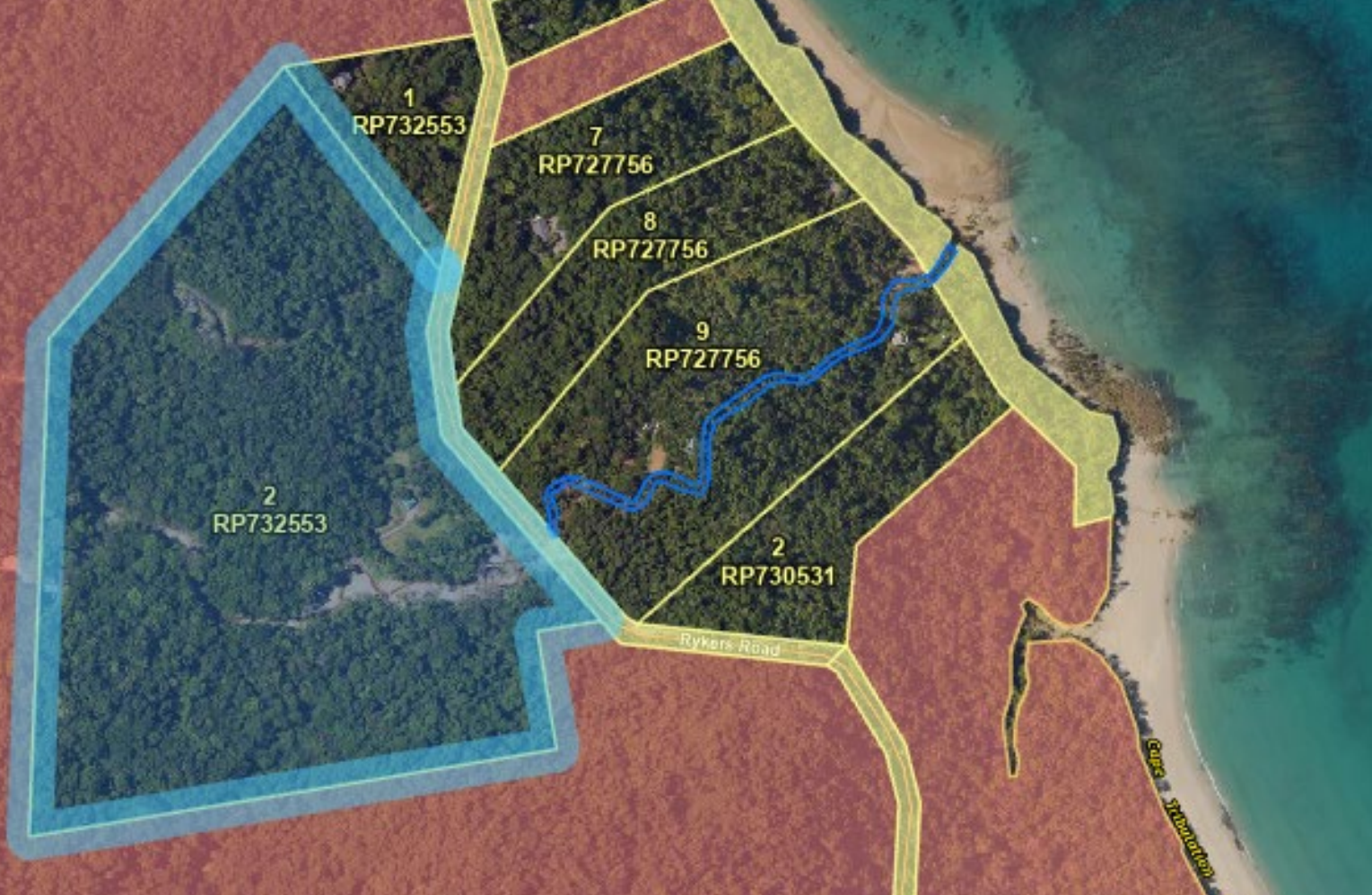
**QLeave notification and payment**

*Note: For completion by assessment manager if applicable*

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

## **Attachment 2**

# **Town Planning Report**



# Town Planning Report

MATERIAL CHANGE OF USE FOR A DWELLING HOUSE  
INCLUDING ANCILLARY SHED AND HOME BASED BUSINESS (3 X  
BUNGALOWS)

129 RYKERS ROAD, CAPE TRIBULATION

**8 May 2026**

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**ASPIRE Town Planning and Project Services**

**Authored by: Daniel Favier**

**Ref: 2025-10-108 – Kasem – 129 Rykers Road, Cape Tribulation**

This Town Planning Report is intended for the exclusive use of our Client “Kais Kasem” 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

This Development Application seeks a Development Permit for a Material Change of Use for a Dwelling House including Ancillary Shed and Home-Based Business over land at 129 Rykers Road, Cape Tribulation (Lot 2 on RP732553). The application has been prepared on behalf of the landowner and responds to both the historical approval of the site and the existing partially constructed development. The Shed is existing, however it is understood that it does not have a Building Approval, therefore retrospective Planning Approval is sought in order to legalise this structure.

The site has a relevant planning history, having previously been approved for a Home Based Business and Caretaker's Residence in 2008 (as subsequently amended in 2009). While works commenced under that approval, they were not completed and the use did not commence, resulting in the approval lapsing. The current proposal seeks to regularise and complete development of the site, generally consistent with the intent of the original approval, utilising the existing partially constructed building footprint and disturbed areas.

The proposal comprises a primary residence supported by ancillary accommodation and infrastructure, including bungalows and associated facilities, arranged centrally in a low-intensity format. The development has been carefully sited within, or immediately adjoining, existing disturbed areas to minimise additional vegetation clearing and avoid impacts to mapped Matters of State Environmental Significance (MSES). The overall site coverage remains extremely low (approximately 0.4% of the total site area), reflecting a design outcome that is sympathetic to the environmental values and constraints of the land.

The built form adopts a low-rise architectural response that is appropriate to the steep and environmentally sensitive terrain. Buildings are elevated where necessary, minimise earthworks, and are designed with muted materials and colours to ensure they visually recede into the surrounding landscape. The development footprint is confined to an established access track and cleared areas, with no expansion into undisturbed vegetation proposed.

Access to the site is achieved via an existing driveway from Rykers Road, with no requirement for additional clearing or new infrastructure corridors. The proposal incorporates environmental safeguards, including appropriate setbacks from waterways and slope features, and responds to natural hazard overlays affecting the site, including bushfire, landslide and flooding considerations.

Importantly, discussions have been undertaken with the State regarding vegetation clearing and referral requirements. The State has advised that a Section 22A Relevant Purpose Determination is not required, as the works fall within the essential management exemption under Schedule 2, Part 2, Section 2(c) of the *Planning Regulation 2017*. This exemption applies to infrastructure established under the previous approval and allows for the provision and maintenance of necessary firebreaks and the existing access road. This position provides clarity that the proposal can proceed without additional State approval in this regard.

Overall, the development represents a logical and appropriate continuation of an existing approved use, achieves a low-impact outcome within a highly constrained environmental setting, and is consistent with the intent of the *Douglas Shire Planning Scheme 2018 (Version 1.0)*. The proposal balances the reasonable use of the land with the protection of environmental values, and is therefore considered to warrant approval, subject to reasonable and relevant conditions.

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# 1.0 Summary

<b>Street Address</b>	129 Rykers Road, Cape Tribulation
<b>Lot and Plan</b>	Lot 2 on RP 732553
<b>Land Owner</b>	Kais Kasem – refer to <b><i>Attachment 1 – Certificate of Title</i></b>
<b>Size</b>	239,910m <sup>2</sup> (or 23.991ha)
<b>Road Frontages</b>	Approximately 385m to Rykers Road
<b>Easements</b>	Nil
<b>Zone</b>	Conservation Zone
<b>Local Plan</b>	Cape Tribulation and Daintree Coast Local Plan (Precinct 6)
<b>Overlays</b>	<ul style="list-style-type: none"> <li>• Acid Sulfate Soils – 5-20m AHD</li> <li>• Bushfire Hazard – Very High Bushfire Intensity; and Potential Impact Buffer</li> <li>• Flood and Storm Tide Hazard – Floodplain Assessment Daintree River</li> <li>• Hillslopes – Area Affected by Hillslopes</li> <li>• Landscape Values – Scenic Route; Scenic Route Buffer; and High Landscape Values</li> <li>• Landslide – Landslide Hazard (High &amp; Medium Hazard Risk)</li> <li>• Natural Areas – MSES – Regulated Vegetation Intersecting a Watercourse; High Ecological Values Waters; Wildlife Habitat; Regulated Vegetation; and Protected Area</li> <li>• Transport Road Hierarchy – Unformed Road</li> </ul>
<b>Other Relevant Encumbrances</b>	Nil Relevant
<b>Current Use</b>	The site contains an existing Shed and partially constructed Dwelling House, Bungalows and ancillary structures
<b>Proposal</b>	Complete construction of the partially constructed structures including Dwelling House and Home Based Business (3 x Bungalows). Retrospective approval is sought also for the existing Ancillary Shed in order to pursue Building Approval
<b>Approvals Sought</b>	Development Permit
<b>Level of Assessment</b>	Code
<b>Planning Scheme</b>	<i>Douglas Shire Planning Scheme 2018 (Version 1.0)</i>
<b>Local Plan</b>	Not applicable
<b>Precinct</b>	Not applicable
<b>Regional Plan Designation</b>	Regional Landscape and Rural Production Area ( <i>Far North Queensland Regional Plan 2009–2031</i> )
<b>State Planning Policy</b>	Appropriately integrated within the Planning Scheme
<b>State Development Assessment Provisions</b>	Not applicable
<b>Referral</b>	Not Applicable. Early engagement with the State confirms that a Section 22A Relevant Purpose Determination is not required, as the works fall within the essential management exemption under Schedule 2, Part 2,

Section 2(c) of the *Planning Regulation 2017*. Refer to email correspondence included under ***Attachment 2 – Advice from the Natural Resource Operations, Lands Division***

***Table 1: Application Summary***

## 2.0 Site Description

The subject site is located at 129 Rykers Road, Cape Tribulation and is formally described as Lot 2 on RP732553. The property is situated within the northern extent of the Douglas Shire, approximately 44km north north east of Mossman and within the broader Daintree Coast locality. Cape Tribulation forms part of a highly sensitive and iconic environmental setting, positioned within the Wet Tropics region where the rainforest meets the reef, and is characterised by a predominance of low-intensity development interspersed within extensive areas of native vegetation (refer to Figure 1: Site Location and Regional Context).

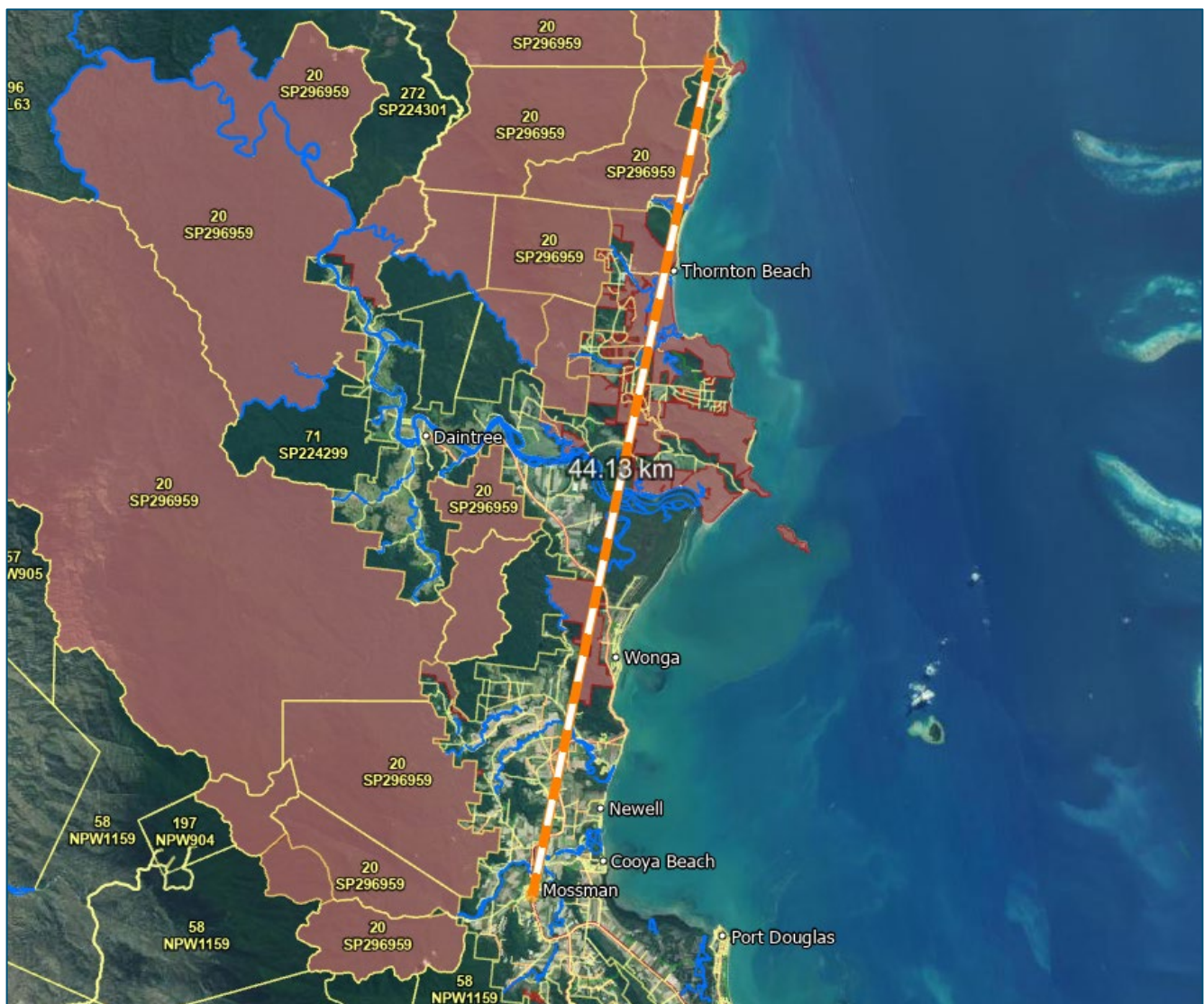


Figure 1: Site Location and Proximity to Town Centre (source: QLD Globe, May 2026)

A higher concentration of tourism-related development is located to the south of the site within the Cape Tribulation township. This area accommodates a cluster of established eco-tourism uses, including Short-term Accommodation, small-scale resorts, tour operators and associated visitor

services. The township represents the primary activity node within the northern Daintree Coast, providing a focal point for tourism activity and supporting infrastructure. In contrast, the subject site is positioned outside this concentrated node within a more dispersed, low-intensity setting, where development is typically limited to individual dwellings and small-scale rural or tourism uses integrated within heavily vegetated lots. This distinction reinforces the site's role as part of the broader hinterland landscape rather than the township core, where development outcomes are expected to be low-scale, environmentally responsive and visually recessive within the surrounding rainforest setting.

The locality is defined by its remoteness, environmental significance and limited infrastructure network, with access constrained by the Daintree River ferry crossing to the south. Mossman provides the nearest major service centre, offering retail, education, medical and administrative services, while Port Douglas functions as the primary tourism hub for the region.



Figure 2: Site Location and Regional Context (source: QLD Globe, May 2026)

The site is accessed via Rykers Road, an unsealed local access road that services a small number of properties within the immediate area. Rykers Road connects to Cape Tribulation Bloomfield Road, which provides the primary coastal linkage to Wujal Wujal, Bloomfield and Cooktown to the north.

Rykers Road also connects to Cape Tribulation Road, which forms the primary transport spine through the locality, linking properties to the Daintree River ferry and the broader Douglas Shire road network.



Figure 3: Road Frontage and Cadastral Boundary (source: QLD Globe, May 2026)

The subject land is a large rural allotment with an area of approximately 239,910m<sup>2</sup> (23.99 hectares). The lot is irregular in shape and features a single frontage to Rykers Road. The site is characterised by undulating to steep terrain, reflective of the surrounding coastal escarpment and foothill landscape. Elevation changes across the site are significant, with development opportunities generally limited to previously established benches or cleared areas that respond to the natural topography.

Existing development on the site includes a Shed and partially constructed dwelling and associated structures, as well as an established access track extending from Rykers Road into the property. The existing structure (completed and incomplete) are located within accessible portions of the site and are generally contained within previously disturbed areas. The balance of the land remains heavily vegetated, comprising a mix of native rainforest and regrowth vegetation. Mapping indicates that portions of the site are affected by regulated vegetation, including areas identified as Category R (regrowth watercourse vegetation) and Category X (exempt vegetation) .

The environmental characteristics of the site are a defining feature, with the property affected by multiple overlays under the Douglas Shire Planning Scheme, including the Hillslopes Overlay, Potential Landslide Hazard Overlay, Bushfire Hazard Overlay, Floodplain Assessment Overlay, Natural Areas Overlay and Landscape Values Overlay . These overlays reflect the site’s steep topography, ecological significance and exposure to natural hazards, and necessitate a development approach that is responsive to these constraints.

Surrounding land uses are predominantly conservation and low-intensity rural or tourism-based uses. Properties in the immediate vicinity are generally large, heavily vegetated lots with limited built form visible from the road network. Development is typically screened by dense vegetation and designed to integrate with the natural landscape, resulting in a visually unobtrusive built environment.

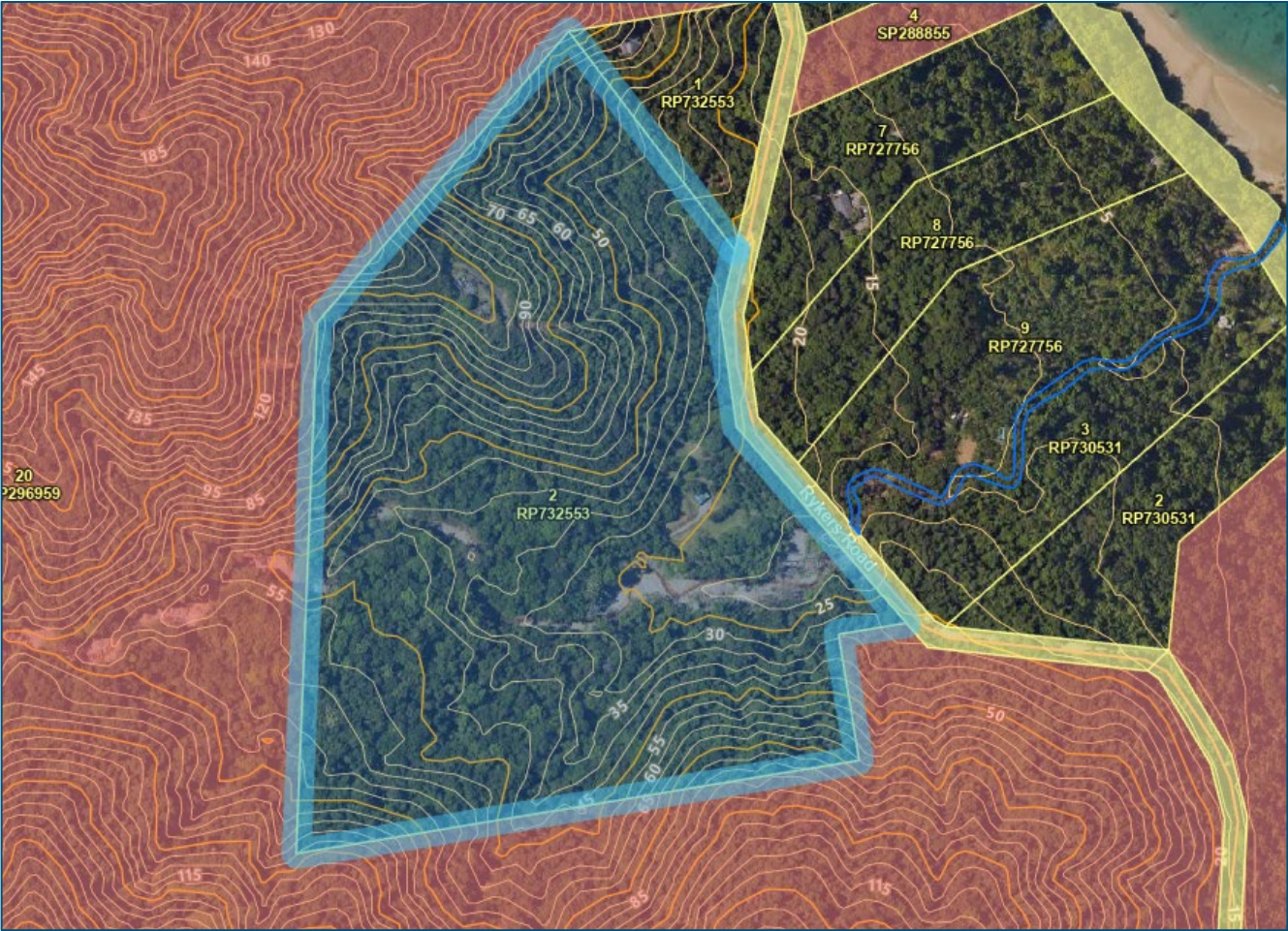


Figure 4: Subject Site Topography (source: QLD Globe, may 2026)

Following is a number of recent photographs highlighting existing site improvements.



*Photograph 1: Aerial View of Dwelling House and Home Based Business (3 x Bungalows) (Source: Shell Engineers)*



*Photograph 2: Carpark Slab with Dwelling House in the background (Source: Shell Engineers)*



*Photograph 3: Carpark Slab and Laundry (Source: Shell Engineers)*



*Photograph 4: Existing Shed (Source: Shell Engineers)*

# 3.0 Proposal

The proposed development seeks a Development Permit for a Material Change of Use for a Dwelling House including Ancillary Shed and Home-Based Business at 129 Rykers Road, Cape Tribulation. The proposal involves the completion of a previously approved development, utilising the existing partially constructed building footprint and established access arrangements, with no expansion of the overall development envelope into undisturbed areas of the site. Retrospective approval is sought for the existing Ancillary Shed to enable Building Approval and Final Certificate.



*Figure 5: Dwelling House Perspective (Source: Shell Engineers)*

The development comprises a primary dwelling supported by a series of ancillary accommodation and operational elements arranged in a centralised but separated, low-intensity layout. The built form includes a main residence, three (3) detached bungalows, and a carport incorporating laundry and plant facilities, together with associated outdoor areas including decks, patios and a future pool area. The arrangement of buildings reflects a campus-style layout, with structures separated and sited to respond to topography, existing clearings and vegetation patterns.

The main residence forms the central component of the development and contains typical residential accommodation including 2 bedrooms, office kitchen, living and dining areas, and associated outdoor spaces such as a pool deck and patio. The design incorporates large openings to facilitate natural ventilation and integration with the surrounding environment.

The bungalows (A, B and C) are detached, studio-style accommodation units, each incorporating sleeping, bathroom and small living areas. The bungalows are not self contained. The design does not incorporate a kitchen or laundry, although a BBQ is incorporated within outside deck area along with a washing sink. The bungalows are modest in scale and whilst clustered around the main dwelling there is appropriate separation between structures to minimise visual impact.

The carport and services building incorporates covered vehicle parking (2 x vehicles side by side) together with ancillary functions such as laundry and plant/storage areas necessary to support the

ongoing use of the site. An open parking area (2 x vehicles side by side) is located between the dwelling and the carport and services building. Additional parking may be incorporated within the existing Shed.

Access to the development is provided via the existing driveway from Rykers Road, with internal access tracks connecting the various building elements. Importantly, the proposal does not require the establishment of new access corridors or clearing of additional vegetation, as all buildings are located within, or immediately adjacent to, previously disturbed areas.

In total, the development has an approximate combined building footprint (under roof) of 999m<sup>2</sup>, representing a very low site coverage of approximately 0.4% of the total site area. This reflects the low-density and environmentally responsive nature of the proposal, which is consistent with the character of the Cape Tribulation locality.

The built form is deliberately low-rise, with structures elevated where necessary to respond to slope and minimise earthworks. Materials and finishes are intended to be muted and recessive, ensuring the development visually integrates with the surrounding rainforest landscape. The siting of buildings, combined with retention of surrounding vegetation, ensures that the development will not present as a dominant or intrusive element within the landscape.

The Home Based Business component is intended to operate at a small scale, utilising the existing and proposed buildings without generating significant traffic, noise or infrastructure demands. The scale and nature of the use is consistent with the low intensity development pattern of the locality and is compatible with the environmental constraints of the site and will compliment tourist accommodation offerings within Cape Tribulation.

Overall, the proposal represents the logical continuation and completion of an existing approved development, maintaining a low-impact footprint while enabling the reasonable and sustainable use of the land.

The architectural plans for the proposed building work are provided in ***Attachment 3 – Proposal Plans***.

# 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 (Dwelling House including Ancillary Shed and Home Based Business).

### 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 that is assessable against the *Douglas Shire Planning Scheme 2018 (Version 1.0)*.

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 2016* and Section 22 and Schedules 9 and 10 of the *Planning Regulation 2017* identify when a development application must be referred to a State agency for assessment.

Discussions have been undertaken with the State regarding vegetation clearing and referral requirements. The State has advised that a Section 22A Relevant Purpose Determination is not required, as the works fall within the essential management exemption under Schedule 2, Part 2, Section 2(c) of the *Planning Regulation 2017*. This exemption applies to infrastructure established under the previous approval and allows for the provision and maintenance of necessary firebreaks and the existing access road. This position provides clarity that the proposal can proceed without additional State referral for vegetation clearing. Refer to email correspondence included under **Attachment 2 –**

**Advice from the Natural Resource Operations, Lands Division.** Accordingly, the proposal does not trigger referral under Schedule 10, Part 9, Division 4 of the *Planning Regulation 2017*.

#### **4.1.4 Public Notification**

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

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

#### **4.1.5 Assessment Framework**

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

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

The *Douglas Shire Planning Scheme 2016 (Version 1.0)*, as the applicable local categorising instrument, is discussed in greater detail in the following sections of this report.

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

“(1) For section 45(3)(a) of the Act, the code assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.

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

- (a) the assessment benchmarks stated in—
  - (i) the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and
  - (ii) the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and
  - (iii) any temporary State planning policy applying to the premises;

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

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

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

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

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

...

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

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

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

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

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

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

(g) *the common material.*

(2) *However—*

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

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

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

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

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

## **4.3 State Planning Policy**

The State Planning Policy ('the SPP') was released on 2 December 2013 and replaced all previous State Planning Policies. The SPP has since been revised, with new versions released on 2 July 2014, 29 April 2016 and 3 July 2017. The Minister has declared that the SPP has been appropriately integrated within the Planning Scheme.

## **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 (Version 1.0)**

The *Douglas Shire Planning Scheme 2018 (v1.0)* (the *Planning Scheme*) is the current planning scheme for the Douglas Shire Council area.

The following sections provide an assessment against the relevant provisions of the Planning Scheme applicable to the proposed Material Change of Use. The assessment focuses more specifically on the Dwelling House and the Home Based Business. Although the Ancillary Shed is included in the application, a detailed and documented assessment is not included as this structure is existing and does not raise any identifiable issues or conflict with the assessment benchmarks.

### **4.5.1 Zone**

The subject site is located within the Conservation Zone under the *Douglas Shire Planning Scheme 2018 (Version 1.0)*. As such, the Environmental Management Zone Code is the relevant assessment benchmark for this application.

*"The purpose of the Conservation Zone Code is to provide for the protection, restoration and management of areas identified as supporting significant biological diversity and ecological integrity."*

The zone does allow for limited, low-intensity uses that are compatible with these environmental attributes. At its core, the Conservation Zone seeks to ensure that:

- Biological diversity, ecological integrity and scenic amenity are protected over time;
- Development on private land does not adversely impact environmental, habitat or landscape values; and
- Any use of land is low intensity, environmentally responsive and compatible with the natural setting, particularly within sensitive areas such as the Daintree Coast and Wet Tropics region.

The proposed Dwelling House including Ancillary Shed and Home-Based Business is consistent with the intent and overall outcomes of the Conservation Zone for the following reasons:

- Low intensity and appropriate land use: The proposal represents a low-scale, low-intensity use that is expressly anticipated within the zone where it can be demonstrated that environmental values are maintained. A Dwelling House including Ancillary Shed and associated Home Based Business are inherently small-scale uses that do not generate significant traffic, infrastructure demand or disturbance, and are consistent with the dispersed development pattern of the locality.
- Protection of biodiversity and ecological integrity: The development has been carefully sited within existing disturbed and partially developed areas of the property, avoiding encroachment into undisturbed vegetation and mapped MSES values. No expansion of the development footprint into environmentally sensitive areas is proposed, ensuring that habitats, vegetation communities and ecological processes are retained.
- Minimal environmental and scenic impact: The built form adopts a low-rise design that responds to the site terrain and is visually recessive within the landscape. The use of muted materials is intended and the retention of surrounding vegetation ensures the development does not detract from the scenic amenity or natural character of the area.
- Consistency with natural landscape and hazard constraints: The proposal responds appropriately to the site's environmental constraints, including slope, vegetation and natural hazards, by utilising existing access, established building platforms and minimal earthworks. This approach aligns with the intent of the zone to ensure that development is subservient to the natural environment rather than dominant over it.
- No adverse impact on surrounding areas: The scale and nature of the proposed use ensures there are no off-site impacts in terms of amenity, ecology or landscape values. The proposal does not introduce urban or intensive land use characteristics and remains compatible with the surrounding conservation and low-intensity land uses.

Accordingly, the proposed development represents an appropriate and compliant form of development within the Conservation Zone.

A full assessment of the proposal against the Conservation Zone is included in ***Attachment 4 – Code Assessment***.

### **4.5.2 Local Plan**

The subject site is located within Precinct 6 of the Cape Tribulation and Daintree Coast Local Plan. This precinct is intended to recognise and support the continued operation of existing small-scale tourist accommodation and associated low-key activities, where these are based on and compatible with an appreciation of the natural environment. The precinct acknowledges the established pattern of discreet, nature-based tourism within the locality and seeks to ensure that any ongoing use or redevelopment remains environmentally sensitive. Inclusion of the site within this precinct reflects the established planning history of the land and acknowledges the appropriateness of accommodating small-scale, low-key uses of this nature at this location.

The key planning principles for Precinct 6 can be summarised as follows:

- Development is to remain small-scale and low intensity, consistent with eco-tourism and nature-based experiences;
- All development is to be confined to existing cleared or previously disturbed areas, avoiding further encroachment into native vegetation;
- Development is to be undertaken in accordance with an Environmental Management Plan (EMP) to manage impacts such as wastewater, vegetation and land stability; and
- Built form must be visually non-obtrusive, ensuring it integrates with and does not detract from the surrounding rainforest and landscape values.


The proposed Dwelling House including Ancillary Shed and Home Based Business, incorporating small-scale ancillary accommodation, is consistent with the purpose and overall outcomes of Precinct 6 for the following reasons:


- Consistency with small-scale, nature-based use: The proposal maintains a low-intensity development profile, comprising a primary dwelling supported by a limited number of detached bungalow-style accommodation units. The scale and nature of the development aligns with the established pattern of small-scale tourist and residential uses within the precinct and does not represent an intensification beyond what is anticipated.
- Development confined to existing cleared areas: All proposed buildings are located within existing disturbed and partially constructed areas of the site. No expansion into undisturbed vegetation or new clearing is required. This directly satisfies the requirement that development be confined to previously cleared areas and ensures the retention of surrounding ecological values.
- Environmental management and site responsiveness: The proposal adopts a site-responsive design approach, utilising existing access tracks and building platforms, minimising earthworks, and responding to slope and natural hazards. Wastewater and servicing will be managed on-site in a

manner ensuring that environmental impacts are appropriately mitigated. If required a site specific Environmental Management Plan may be further conditioned.

- Visually non-obtrusive built form: The development is designed to be visually recessive, incorporating low-rise structures will be finished muted materials and colours. The colour scheme is not yet selected and may be further conditioned. The retention of surrounding vegetation, ensures that the buildings are screened and integrated within the landscape, maintaining the natural and scenic character of the area.

### 4.5.3 Overlays

Overlay	Sub-category	Applicability
<b>Acid Sulfate Soils</b>	5-20m AHD	<p>The proposed development is located outside of the mapped 5-20m AHD area.</p> <p>On this basis, a detailed assessment against the Acid Sulfate Soils Overlay Code is not considered necessary for the purposes of this Development Application, as the proposal does not give rise to any material increase in risk or conflict with the intent of the Planning Scheme.</p>
<b>Bushfire Hazard</b>	Very High Potential Bushfire Intensity; and Potential Impact Buffer	<p>The site comprises a large landholding, with the Bushfire Hazard Potential Impact Buffer only marginally encroaching into the proposed Dwelling House including Ancillary Shed and Home-Based Business footprint. Given the scale of the property and the siting of development within existing disturbed areas, the level of bushfire risk to persons and property is considered to be low in this instance.</p> <p>It is considered that any residual bushfire risk can be appropriately managed through detailed design measures at the Building Approval and Certification stage, including compliance with relevant building standards and construction requirements.</p> <p>On this basis, a detailed assessment against the Bushfire Hazard Overlay Code is not considered necessary for the purposes of this Development Application, as the proposal does not give rise to any material increase in risk or conflict with the intent of the Planning Scheme.</p> 

<b>Flood and Storm Tide Hazard Overlay</b>	Floodplain Assessment Overlay (Daintree River)	<p>Whilst the property is mapped within the Floodplain Assessment Overlay, the development site and buildings are located clear of the mapped area.</p> <p>On this basis, a detailed assessment against the Flood and Storm Tide Hazard Overlay Code is not considered necessary for the purposes of this Development Application, as the proposal does not give rise to any material increase in risk or conflict with the intent of the Planning Scheme.</p>
<b>Hillslopes</b>	Area Affected by Hillslopes	<p>The property is affected by the Hillslopes Overlay. The proposed development is located within an existing cleared and benched portion of the site and the avoids significant excavation, cut, fill, or retaining structures. The siting and low-impact design ensure the development remains compatible with the landscape character. A detailed assessment against the Hillslopes Overlay Code is provided in <b>Attachment 4 – Code Assessment</b>.</p>
<b>Landscape Values Overlay</b>	Scenic Route; Scenic Route Buffer; and High Landscape Values	<p>In accordance with Table 5.6.c – Conservation Zone, this code does not trigger assessment.</p>
<b>Landslide</b>	Landslide Hazard (High & Medium Hazard Risk)	<p>The site is mapped as containing areas of High and Medium Landslide Hazard. The proposed works avoid earthworks, deep excavation, or structural loading outside the existing disturbed and stable building area. The existing building area is generally excluded from the hazard mapping reflecting the low risk, see image below. The location and design reduces geotechnical risk and maintains slope stability. A detailed assessment against the Landslide Hazard Overlay Code is provided in <b>Attachment 3 – Code Assessment</b>.</p> 

<b>Natural Areas</b>	Regulated Vegetation (Intersecting a Watercourse); High Ecological Value Waters (Watercourse); Wildlife Habitat; Regulated Vegetation; and Protected Area	<p>The majority of the site is affected by the Natural Areas Overlay, with the exception of the existing cleared building footprint. The proposed development is confined to these previously disturbed areas and will not result in additional vegetation clearing, aside from minor trimming of regrowth vegetation that has encroached upon the existing partially constructed buildings.</p> <p>The proposal does not involve any works within or adjacent to mapped watercourses and will not adversely impact ecological values, habitat, or environmental processes.</p> <p>On this basis, the development maintains the integrity of the site’s environmental attributes and does not give rise to any material increase in risk or impact. Accordingly, a detailed assessment against the Natural Areas Overlay Code is not considered necessary for the purposes of this Development Application, as the proposal is consistent with the intent of the Planning Scheme.</p>
<b>Transport Network</b>	Iconic Recreation Route; and Unformed Road	<p>The proposal does not alter access arrangements or generate traffic beyond the expected capacity of the network. The scale of development is domestic in nature.</p> <p>Accordingly, a detailed assessment against the Transport Network Overlay Code is not considered necessary for the purposes of this Development Application, as the proposal is consistent with the intent of the Planning Scheme.</p>

*Table 2: Applicable Overlays*

### 4.5.3 Category of Assessment

Pursuant to Part 5 of the *Douglas Shire Planning Scheme 2018 (v1.0)*, a Development Application for a Material Change of Use for a Dwelling House including Ancillary Shed and Home Based Business within the Conservation Zone is subject to Code Assessment.

Douglas Shire Council is the Assessment Manager, and no State referral agencies are triggered under the *Planning Regulation 2017*.

## 4.5.4 Development Codes

In addition to the applicable Zone Code and Overlay Codes, the proposed development triggers consideration of several Development Codes under Part 9 of the *Douglas Shire Planning Scheme 2018 (v1.0)*, which are all applicable and relevant to the assessment of the Development Application:

- Dwelling House Code
- Home Based Business Code
- Access, Parking and Servicing Code
- Filling and Excavation Code
- Landscaping Code
- Vegetation Management Code

## 4.5.6 Assessment Criteria

As determined by Table 5.6.d under the planning scheme, and discussion under section 4.5.2 and 4.5.4 of this report, the proposed development has been assessed in detail against the following codes:

### Zone Code

- Conservation Zone Code

### Local Area Plan Code

- Cape Tribulation and Daintree Coast Local Plan

### Use Code

- Dwelling House
- Home Based Business Code

### Overlay Codes

- Hillslopes Overlay Code
- Potential Landslide Hazard Overlay Code

### Development Codes

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

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

# 5.0 Conclusion

Aspire Town Planning and Project Services has been engaged by Kais Kasem (the Applicant and Landowner) to prepare this Development Application for a Material Change of Use for a Dwelling House including Ancillary Shed and Home-Based Business at 129 Rykers Road, Cape Tribulation (Lot 2 on RP732553).

The proposed development seeks to complete a previously approved development, utilising the existing partially constructed buildings and established disturbed footprint on the site. The proposal maintains consistency with the intent of the original approval and does not involve any expansion of development into undisturbed or environmentally sensitive areas.

The development has been carefully designed to respond to the site's environmental constraints, including steep topography, vegetation and natural hazard overlays. The built form is low-rise and not visually obtrusive, ensuring that it integrates with the surrounding rainforest landscape and does not detract from the scenic or ecological values of the locality. The overall site coverage remains extremely low, reinforcing the low-intensity and environmentally responsive nature of the proposal.

This report demonstrates that the proposed development is consistent with the purpose and overall outcomes of the Conservation Zone, the Cape Tribulation and Daintree Coast Local Plan (Precinct 6), and the relevant Overlay and Development Codes. The proposal is confined to existing cleared areas, avoids impacts to mapped environmental values, and in our professional opinion does not give rise to any material increase in risk in relation to bushfire, flooding, landslide or ecological processes.

Importantly, early engagement with the State has confirmed that a Section 22A Relevant Purpose Determination is not required, with the works falling within the essential management exemption under the *Planning Regulation 2017*. This provides further certainty that the development can proceed without additional State referral requirements.

Overall, the proposal represents an appropriate and compliant form of development that enables the reasonable use of the land while maintaining the environmental, scenic and landscape values identified by the Planning Scheme. The development is low-impact, well-sited and consistent with the established character of the Cape Tribulation locality.

Accordingly, it is respectfully requested that Douglas Shire Council give favourable consideration to the application and issue a Development Permit, subject to reasonable and relevant conditions.

# **Attachment 1**

## **Certificate of Title**



# **Attachment 2**

**Advice from the Natural Resource  
Operations, Lands Division**

RE: [25-038-DE] 129 Rykers Road Cape Tribulation QLD 4873

From Sarah Woodward <Sarah.Woodward@nrmmrd.qld.gov.au>  
Date Tue 14/04/2026 1:50 PM  
To Daniel Favier <admin@aspireqld.com>

1 attachment (292 KB)  
Qld Globe site plan with RVM and caretakers residence.pdf;

OFFICIAL

Hi Daniel,

Thank you for sending the additional details through following our meeting. As shown in the attached Queensland Globe print map we can confirm that the caretakers residence and the full firebreak buffer distance is located within the category X and R area and will therefore not involve assessable clearing of category B area. The essential management exemption under Schedule 2, Part 2, section 2(c) of the Planning Regulation 2017 is applicable to all infrastructure built under the previous application and allows for the provision of a necessary firebreak and maintenance of the existing road.

As the application does not require referral for vegetation clearing a relevant purpose determination will not be required. If you would like to withdraw your RPD application please request the withdrawal by replying to this email. If more information is required for lodgement of the development application please let me know.

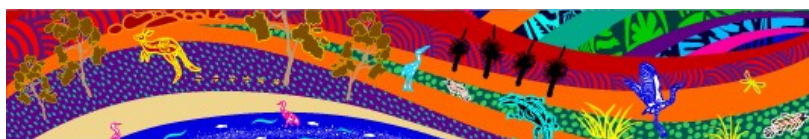
Kind regards,

**Sarah Woodward**  
Natural Resource Management Officer, Natural Resource Assessment

**Natural Resource Operations | Lands Division**  
Department of Natural Resources and Mines, Manufacturing and Regional and Rural Development  
P: 07 3478 8149  
A: 30 Nicholson Street, Dalby, 4405 | PO Box 589, DALBY, QLD, 4405  
E: [sarah.woodward@nrmmrd.qld.gov.au](mailto:sarah.woodward@nrmmrd.qld.gov.au)  
W: [www.nrmmrd.qld.gov.au](http://www.nrmmrd.qld.gov.au)



We acknowledge Aboriginal peoples and Torres Strait Islander peoples as the Traditional Owners and custodians of the land, sea and community. We pay our respects to Elders past, present and emerging, and acknowledge those of the stolen generation who are still finding their way home.



Artwork: Luke Mallie, Aboriginal and Torres Strait Islander from Moa Island in the Torres Straits with ties to the Kuku Yalanji Nation.

From: Daniel Favier <admin@aspireqld.com>  
Sent: Friday, 10 April 2026 8:00 AM  
To: Resources Vegetation Enquiries; Sarah Woodward  
Subject: Fw: [25-038-DE] 129 Rykers Road Cape Tribulation QLD 4873

Hi Sarah.

Please find below response from Shell.

The revised location of the Caretakers avoids triggering exempt vegetation clearing.

# **Attachment 3**

## **Proposal Plans**

# PROPOSED RESIDENCE INCLUDING BUNGALOWS, CARPORT AND CARETAKER'S COTTAGE

CLIENT: K. Kasem ADDRESS: 129 Rykers Road Cape Tribulation QLD 4873

SHEET	SHEET NAME	REVISION	REVISION DESCRIPTION
BD00	TITLE SHEET AND DRAWING SCHEDULE	A	DEVELOPMENT APPROVAL
BD01	SITE PLAN	B	DEVELOPMENT APPROVAL - REVISED
BD02	EXISTING MAIN RESIDENCE FLOOR PLAN	A	DEVELOPMENT APPROVAL
BD03	EXISTING NORTHERN AND EASTERN ELEVATIONS	A	DEVELOPMENT APPROVAL
BD04	EXISTING SOUTHERN AND WESTERN ELEVATIONS	A	DEVELOPMENT APPROVAL
BD05	EXISTING MAIN RESIDENCE ROOF PLAN	A	DEVELOPMENT APPROVAL
BD06	EXISTING BUNGALOW A FLOOR PLAN	A	DEVELOPMENT APPROVAL
BD07	EXISTING BUNGALOW A ELEVATIONS	A	DEVELOPMENT APPROVAL
BD08	EXISTING BUNGALOW A ROOF PLAN	A	DEVELOPMENT APPROVAL
BD09	EXISTING BUNGALOW B AND C FLOOR PLAN	A	DEVELOPMENT APPROVAL
BD10	EXISTING BUNGALOW B AND C ELEVATIONS	A	DEVELOPMENT APPROVAL
BD11	EXISTING BUNGALOW B AND C ROOF PLAN	A	DEVELOPMENT APPROVAL
BD12	EXISTING CARPORT FLOOR AND ROOF PLAN	A	DEVELOPMENT APPROVAL
BD13	EXISTING CARPORT ELEVATIONS	A	DEVELOPMENT APPROVAL
BD14	CARETAKER'S COTTAGE FLOOR PLAN	A	DEVELOPMENT APPROVAL
BD15	CARETAKER'S COTTAGE ELEVATIONS	A	DEVELOPMENT APPROVAL
BD16	CARETAKER'S COTTAGE ROOF PLAN	A	DEVELOPMENT APPROVAL



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A	DEVELOPMENT APPROVAL	25/11/2025

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CLIENT  
**K. KASEM**

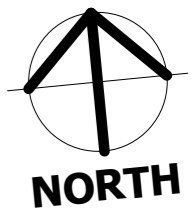
PROJECT  
**PROPOSED RESIDENCE AT 129 RYKERS ROAD CAPE TRIBULATION QLD 4873**

DRAWING TITLE  
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PROJECT NO.	DWG NO.	REV	
25-038-DE	BD00	A	

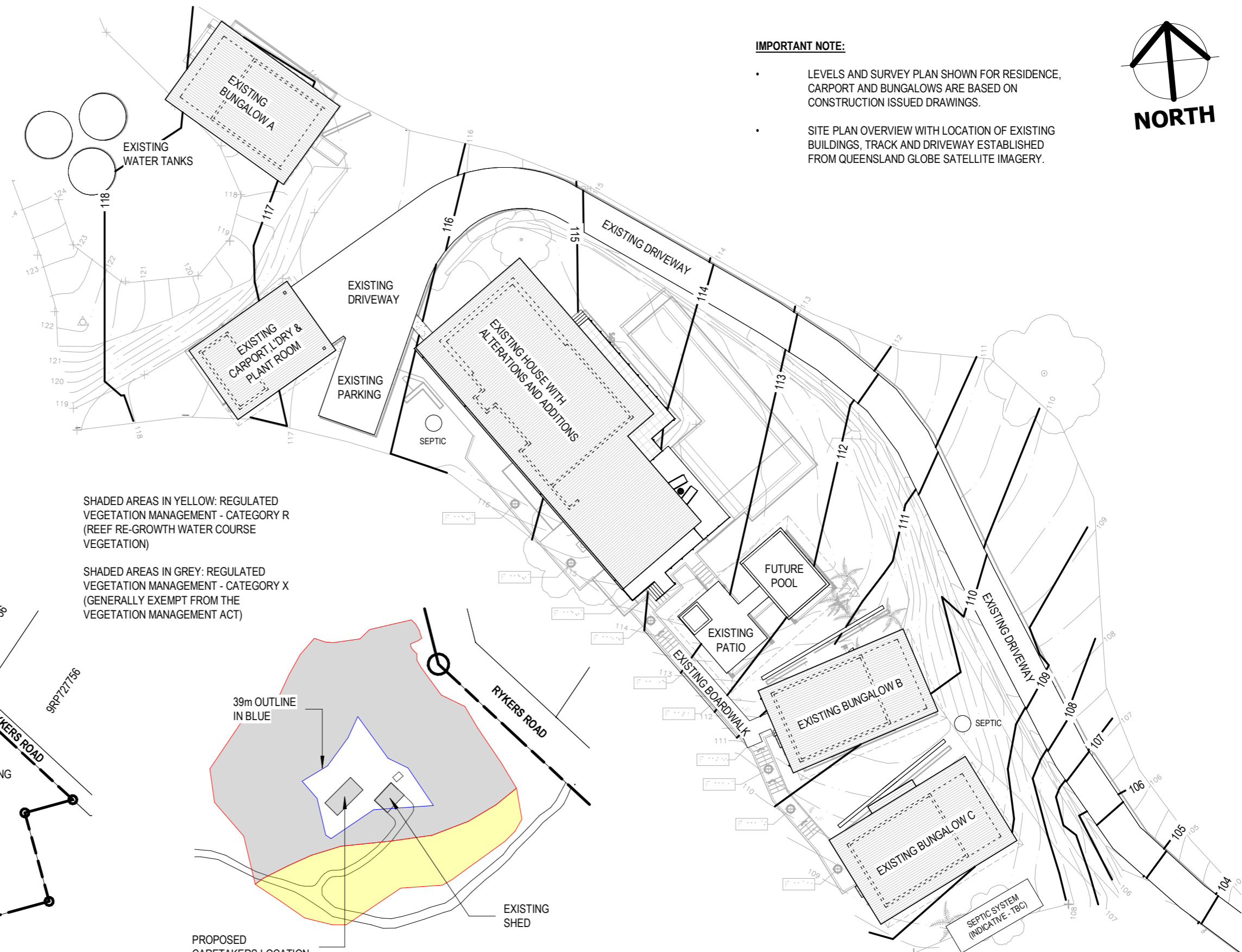
RP DATA: 2RP732553
LOT AREA (APPROX): 239910 m <sup>2</sup>
EXISTING RESIDENCE: 187 m <sup>2</sup>
EXISTING SHED: 103 m <sup>2</sup>
TOTAL ADDITIONS: 709 m <sup>2</sup>
TOTAL UNDER ROOF: 999 m <sup>2</sup>
SITE COVERAGE: 0.4 %

AREA BREAKDOWN UNDER ROOF	
EXISTING HOUSE:	187 m <sup>2</sup>
ADDITION TO EXISTING HOUSE:	103 m <sup>2</sup>
BUNGALOW A:	102 m <sup>2</sup>
BUNGALOW B:	102 m <sup>2</sup>
BUNGALOW C:	114 m <sup>2</sup>
CARPORT, LNDRY, PLANT:	74 m <sup>2</sup>
POOL & PATIO:	62 m <sup>2</sup>
CARETAKER'S COTTAGE:	152 m <sup>2</sup>
EXISTING SHED:	103 m <sup>2</sup>
TOTAL UNDER ROOF:	999 m <sup>2</sup>



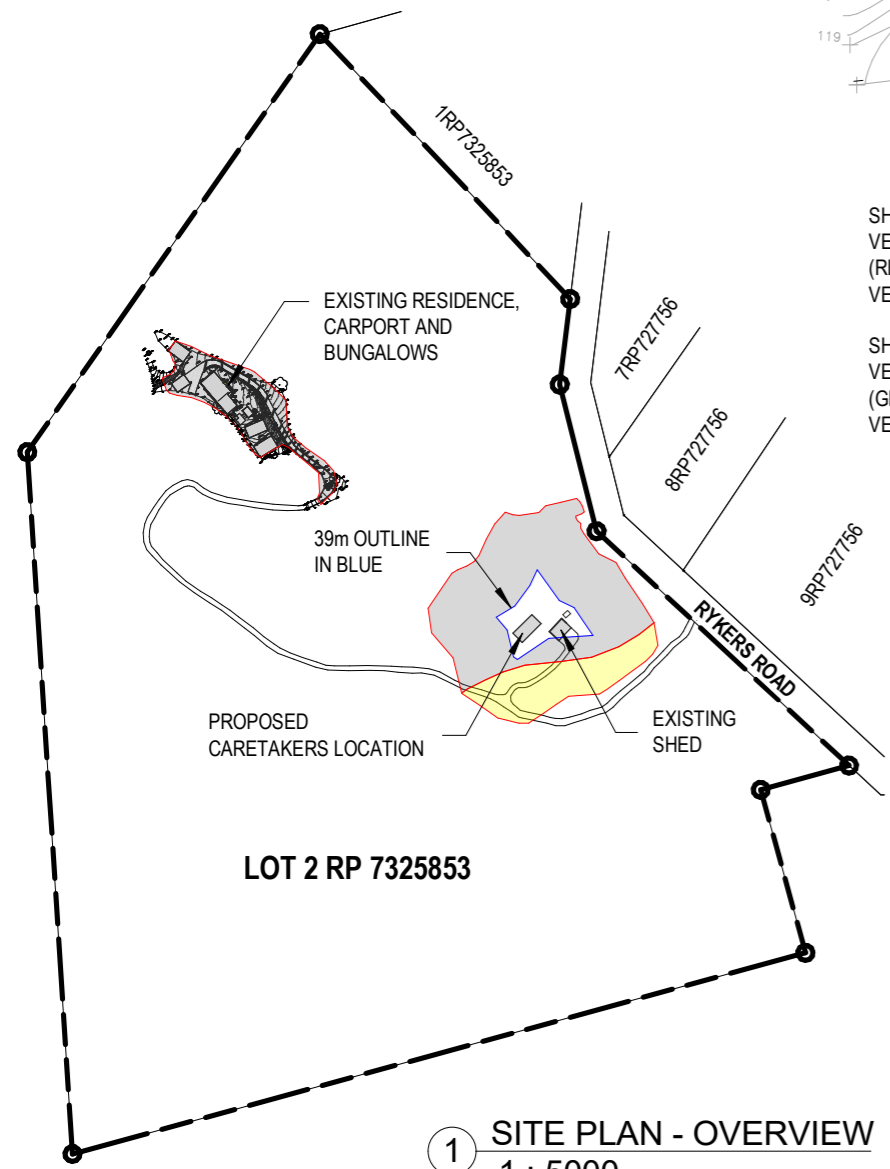
**IMPORTANT NOTE:**

- LEVELS AND SURVEY PLAN SHOWN FOR RESIDENCE, CARPORT AND BUNGALOWS ARE BASED ON CONSTRUCTION ISSUED DRAWINGS.
- SITE PLAN OVERVIEW WITH LOCATION OF EXISTING BUILDINGS, TRACK AND DRIVEWAY ESTABLISHED FROM QUEENSLAND GLOBE SATELLITE IMAGERY.

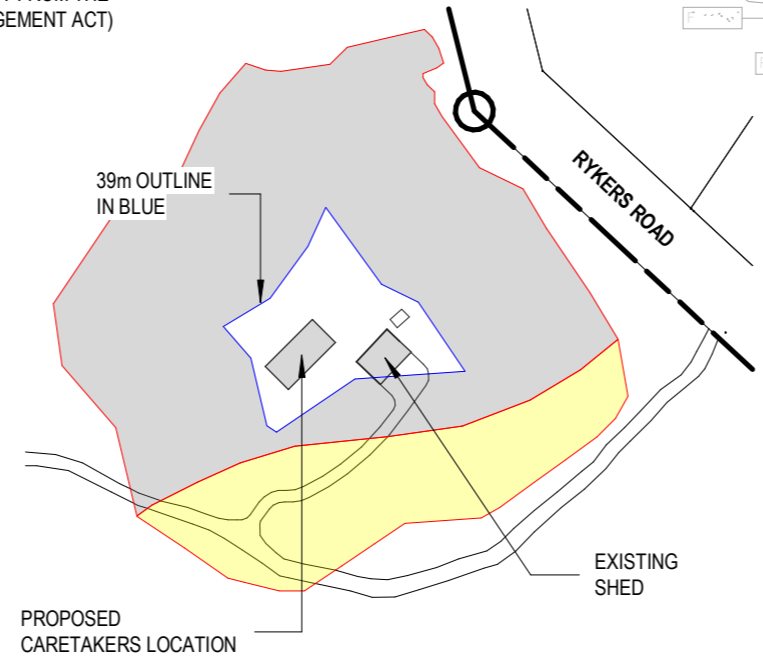


SHADED AREAS IN YELLOW: REGULATED VEGETATION MANAGEMENT - CATEGORY R (REEF RE-GROWTH WATER COURSE VEGETATION)

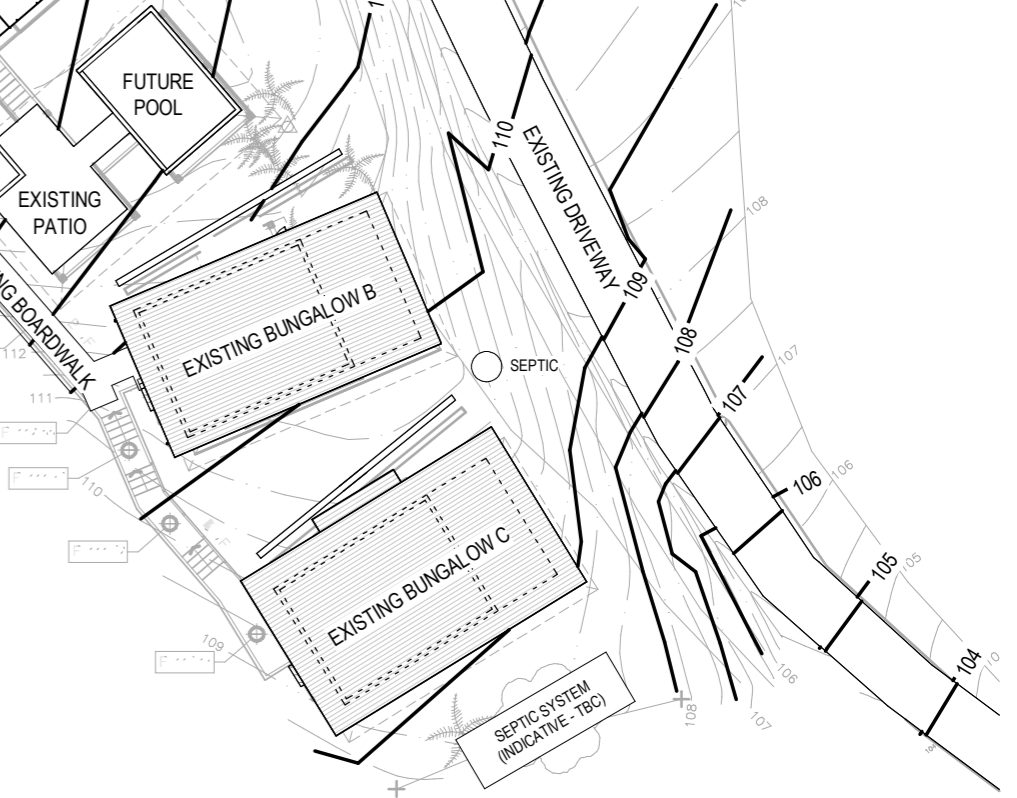
SHADED AREAS IN GREY: REGULATED VEGETATION MANAGEMENT - CATEGORY X (GENERALLY EXEMPT FROM THE VEGETATION MANAGEMENT ACT)



① SITE PLAN - OVERVIEW  
1 : 5000



② SITE PLAN - SHED AND CARETAKERS  
1 : 2000



③ SITE PLAN - RESIDENCE  
1 : 350

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CLIENT  
**K. KASEM**

PROJECT  
**PROPOSED RESIDENCE AT 129 RYKERS ROAD CAPE TRIBULATION QLD 4873**

DRAWING TITLE  
**SITE PLAN**

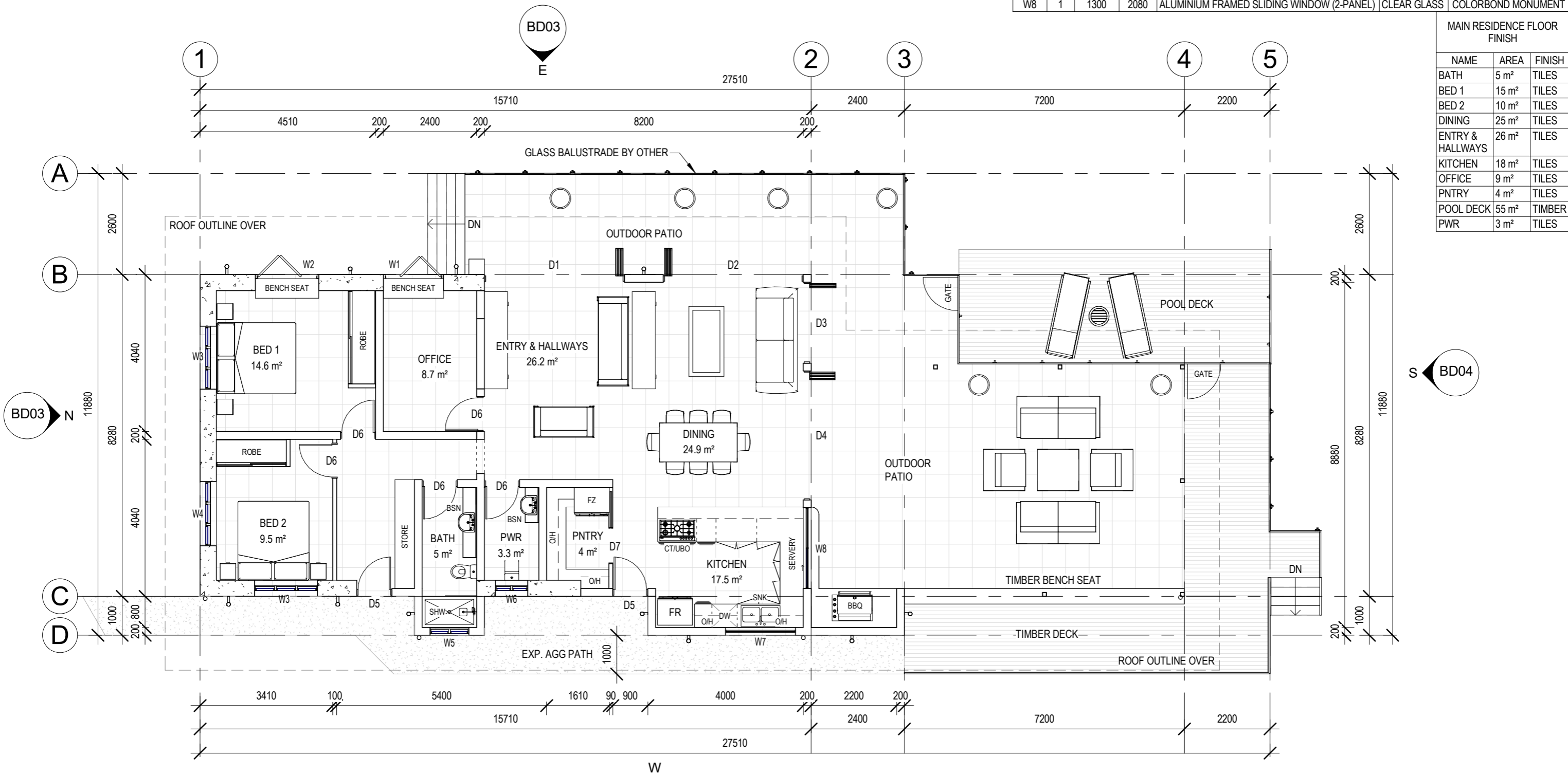
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PROJECT NO. <b>25-038-DE</b>	DWG NO. <b>BD01</b>	REV <b>B</b>	



MAIN RESIDENCE DOOR SCHEDULE					
CODE	QTY	HEIGHT	WIDTH	DESCRIPTION	FRAME FINISH
D1	1	2300	3600	ALUMINIUM FRAMED BI-FOLD DOOR WITH CLEAR GLAZING	COLORBOND MONUMENT
D2	1	2300	3600	ALUMINIUM FRAMED BI-FOLD DOOR WITH CLEAR GLAZING	COLORBOND MONUMENT
D3	1	2300	2080	ALUMINIUM FRAMED BI-FOLD DOOR WITH CLEAR GLAZING	COLORBOND MONUMENT
D4	1	2300	3320	ALUMINIUM FRAMED BI-FOLD DOOR WITH CLEAR GLAZING	COLORBOND MONUMENT
D5	2	2400	900	EXTERNAL SINGLE SOLID CORE HINGED TIMBER DOOR	PAINTED FINISH
D6	5	2300	900	INTERNAL SINGLE SEMI HOLLOW CORE HINGED TIMBER DOOR	PAINTED FINISH
D7	1	2340	920	INTERNAL SEMI HOLLOW CORE DOUBLE CAVITY SLIDER DOOR	PAINTED FINISH

MAIN RESIDENCE WINDOW SCHEDULE										
CODE	QTY	HEIGHT	WIDTH	DESCRIPTION	GLASS	FRAME FINISH				
W1	1	1600	1545	ALUMINIUM FRAMED BI-FOLD WINDOW (2-PANEL)	CLEAR GLASS	COLORBOND MONUMENT				
W2	1	1600	1630	ALUMINIUM FRAMED BI-FOLD WINDOW (2-PANEL)	CLEAR GLASS	COLORBOND MONUMENT				
W3	2	1600	1620	ALUMINIUM FRAMED LOUVRE WINDOW (3-BAY)	CLEAR GLASS	COLORBOND MONUMENT				
W4	1	1600	1650	ALUMINIUM FRAMED LOUVRE WINDOW (3-BAY)	CLEAR GLASS	COLORBOND MONUMENT				
W5	1	1200	1000	ALUMINIUM FRAMED LOUVRE WINDOW (2-BAY)	OBSCURE	COLORBOND MONUMENT				
W6	1	1200	830	ALUMINIUM FRAMED LOUVRE WINDOW (2-BAY)	OBSCURE	COLORBOND MONUMENT				
W7	1	800	1800	ALUMINIUM FRAMED FIXED WINDOW	CLEAR GLASS	COLORBOND MONUMENT				
W8	1	1300	2080	ALUMINIUM FRAMED SLIDING WINDOW (2-PANEL)	CLEAR GLASS	COLORBOND MONUMENT				

MAIN RESIDENCE FLOOR FINISH		
NAME	AREA	FINISH
BATH	5 m <sup>2</sup>	TILES
BED 1	15 m <sup>2</sup>	TILES
BED 2	10 m <sup>2</sup>	TILES
DINING	25 m <sup>2</sup>	TILES
ENTRY & HALLWAYS	26 m <sup>2</sup>	TILES
KITCHEN	18 m <sup>2</sup>	TILES
OFFICE	9 m <sup>2</sup>	TILES
PNTRY	4 m <sup>2</sup>	TILES
POOL DECK	55 m <sup>2</sup>	TIMBER
PWR	3 m <sup>2</sup>	TILES



3 EX. MAIN RESIDENCE FLOOR PLAN  
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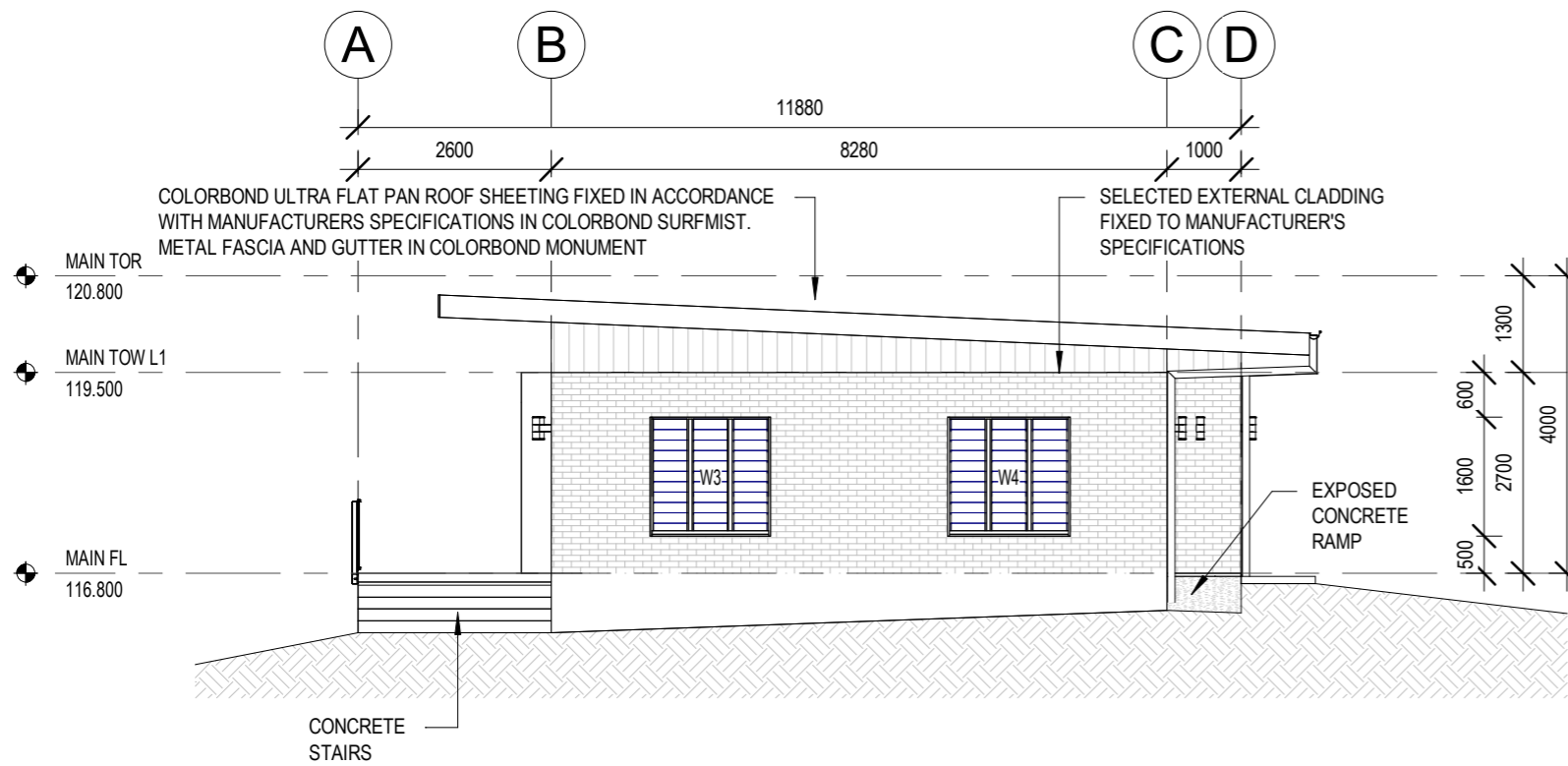
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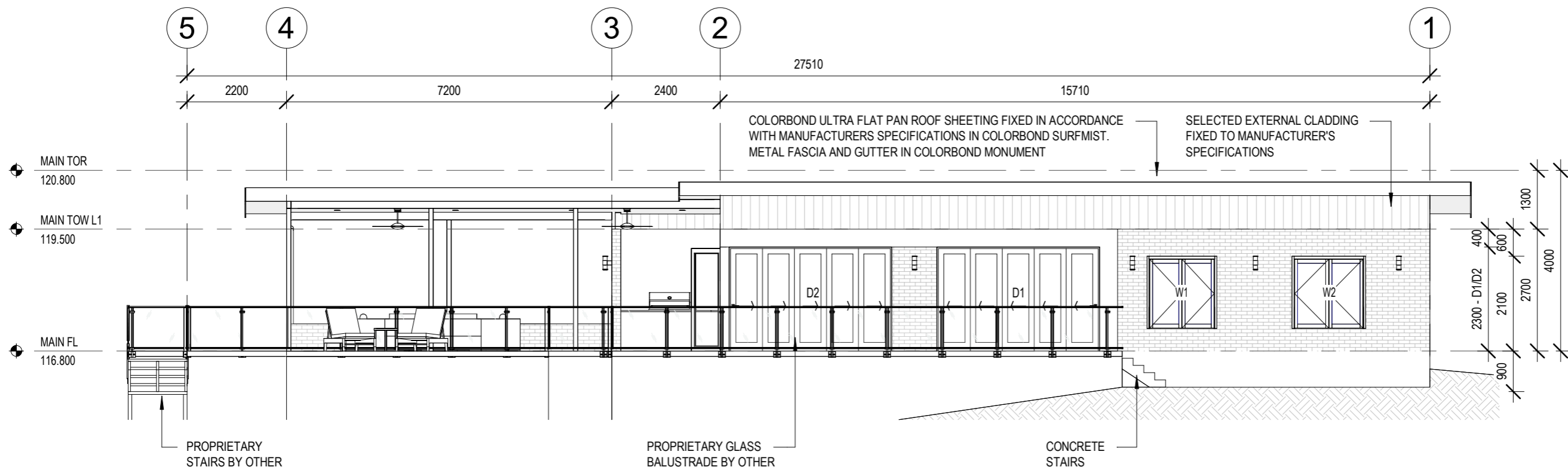
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**EXISTING MAIN RESIDENCE FLOOR PLAN**

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PROJECT NO.	DWG NO.	REV	
25-038-DE	BD02	A	



**N** NORTHERN ELEVATION  
1 : 100



**E** EASTERN ELEVATION  
1 : 100

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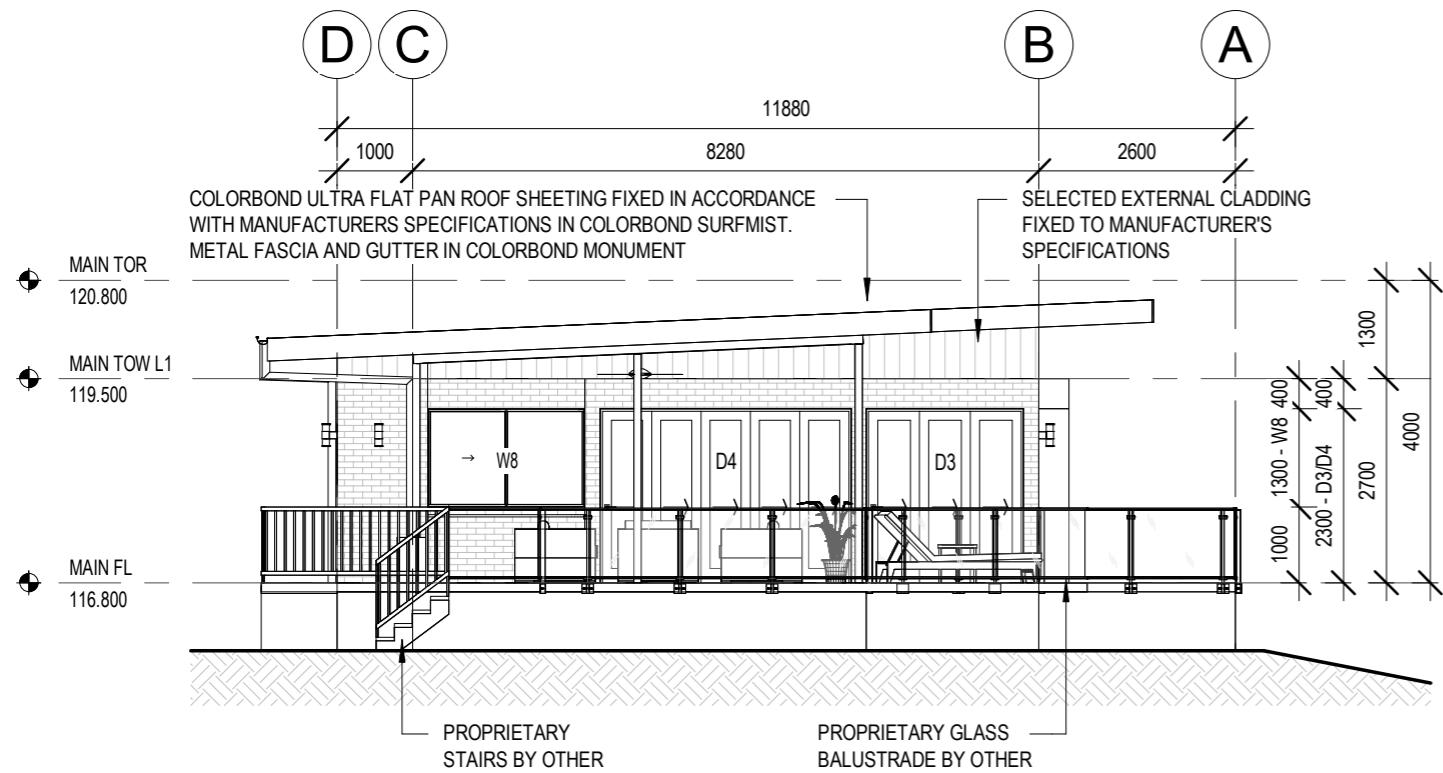
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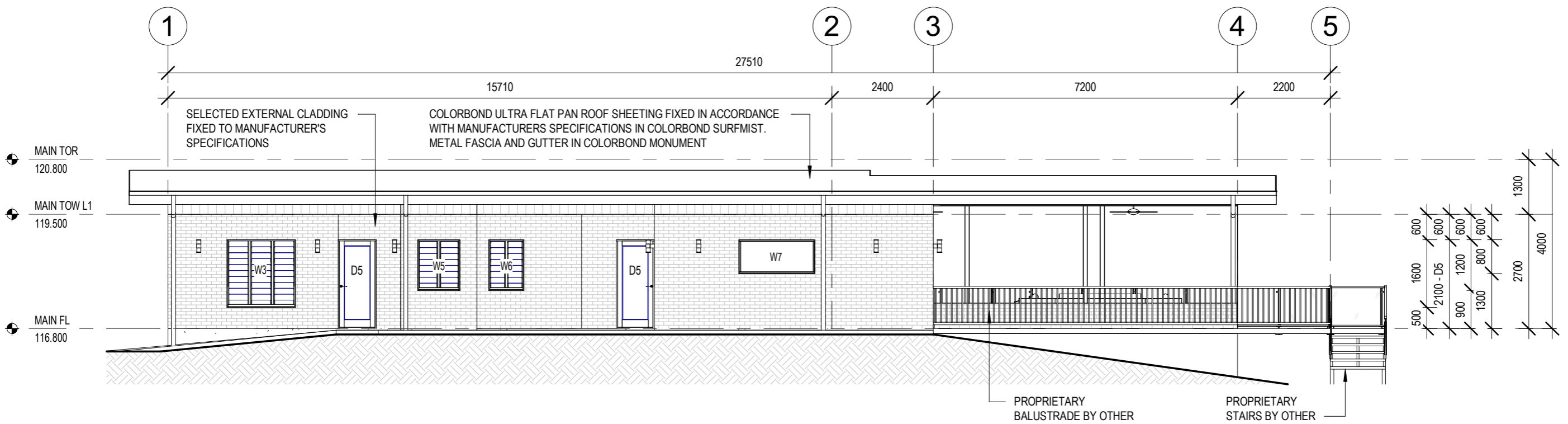
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**EXISTING NORTHERN AND EASTERN ELEVATIONS**

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PROJECT NO.	DWG NO.	REV	
25-038-DE	BD03	A	



**S** SOUTHERN ELEVATION  
1 : 100



**W** WESTERN ELEVATION  
1 : 100

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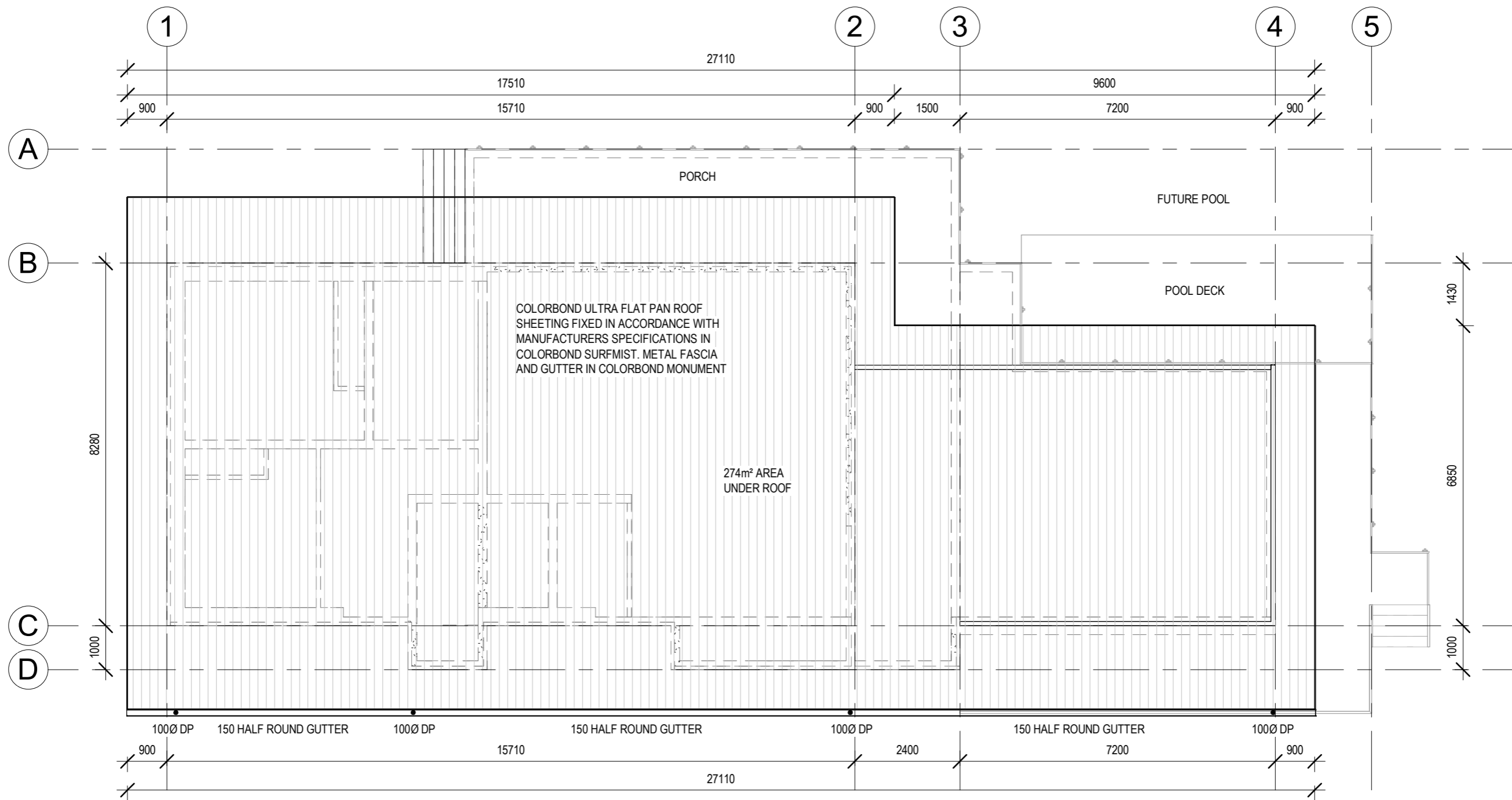
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PROJECT NO.	DWG NO.	REV	
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4 EX. MAIN RESIDENCE ROOF PLAN  
1 : 100

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**EXISTING MAIN RESIDENCE ROOF PLAN**

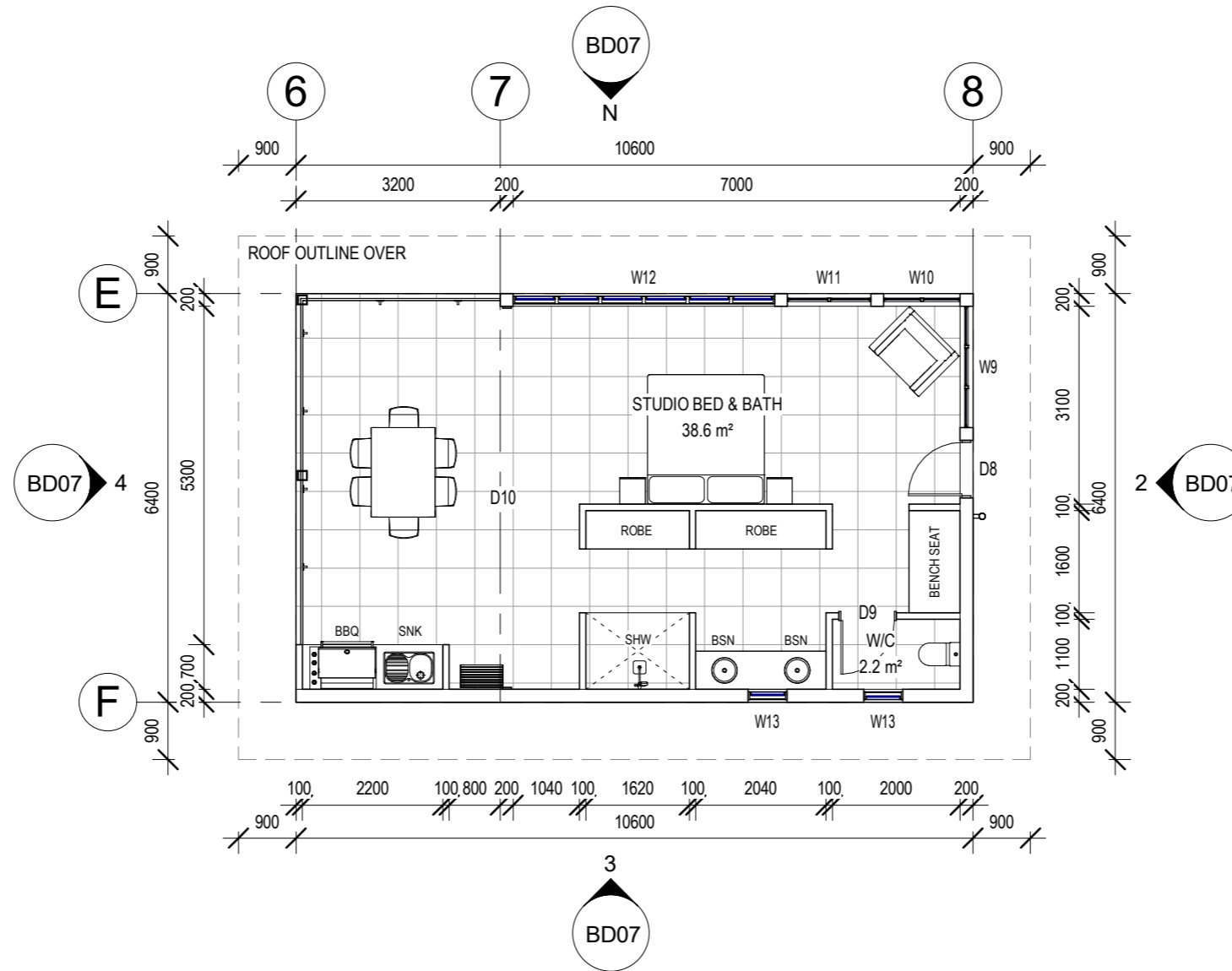
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PROJECT NO.	DWG NO.	REV	
25-038-DE	BD05	A	



BUNGALOW A DOOR SCHEDULE					
CODE	QTY	HEIGHT	WIDTH	DESCRIPTION	FRAME FINISH
D8	1	2400	900	EXTERNAL SINGLE SOLID CORE HINGED TIMBER DOOR	PAINTED FINISH
D9	1	2400	900	INTERNAL SINGLE SEMI HOLLOW CORE HINGED TIMBER DOOR	PAINTED FINISH
D10	1	2300	6000	ALUMINIUM FRAMED BI-FOLD DOOR WITH CLEAR GLAZING	CLEAR ANODISED

BUNGALOW A WINDOW SCHEDULE					
MARK	HEIGHT	WIDTH	DESCRIPTION	GLASS	FRAME FINISH
W9	2400	1900	ALUMINIUM FRAMED FIXED WINDOW (3-PANELS)	CLEAR GLASS	CLEAR ANODISED
W10	2400	1200	ALUMINIUM FRAMED FIXED WINDOW (2-PANELS)	CLEAR GLASS	CLEAR ANODISED
W11	2400	1305	ALUMINIUM FRAMED FIXED WINDOW (2-PANELS)	CLEAR GLASS	CLEAR ANODISED
W12	2400	4095	ALUMINIUM FRAMED LOUVRE WINDOW (6-BAY)	CLEAR GLASS	CLEAR ANODISED
W13	700	610	ALUMINIUM FRAMED LOUVRE WINDOW (1-BAY)	OBSCURE	CLEAR ANODISED

BUNGALOW A FLOOR FINISH		
NAME	AREA	FINISH
STUDIO BED & BATH	39 m <sup>2</sup>	TILES
W/C	2 m <sup>2</sup>	TILES



4 EX. BUNGALOW A FLOOR PLAN  
1 : 100

**NOT FOR CONSTRUCTION**



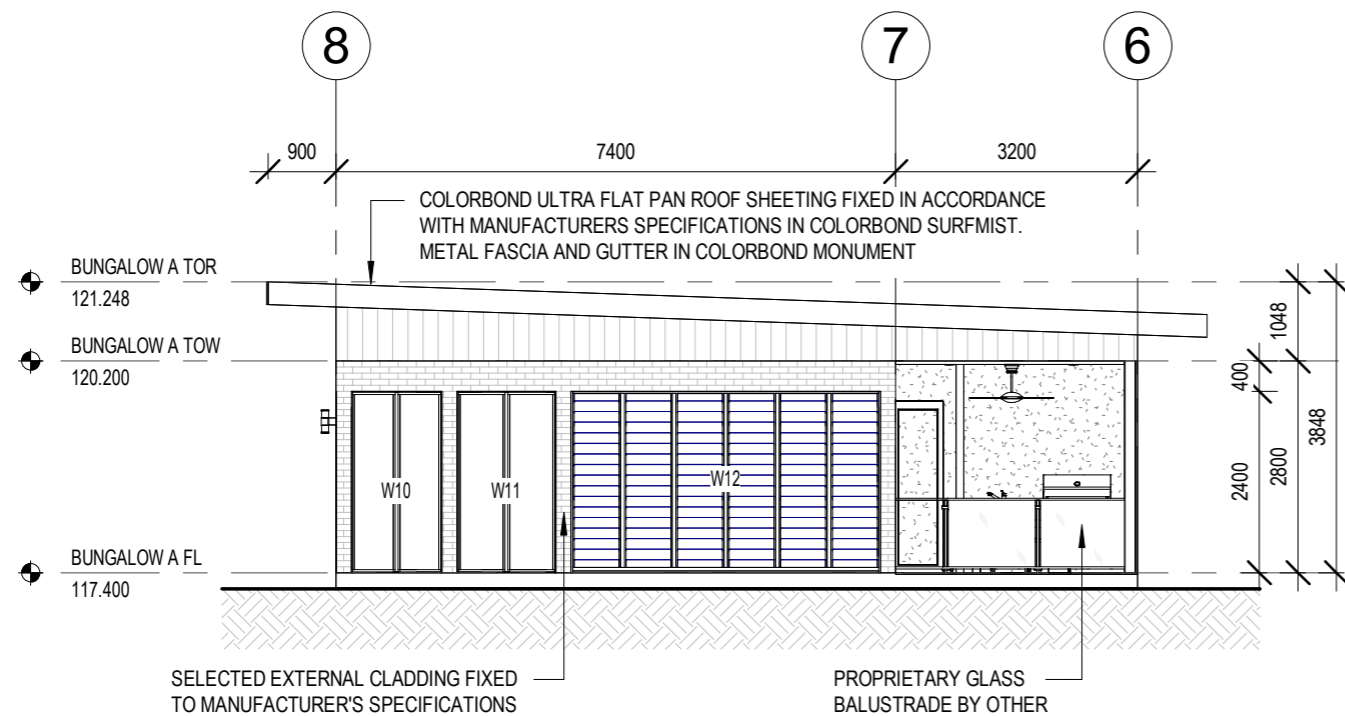
ABN 896791471876  
RPEQ 7279 MIEAust  
MEDIUM RISE  
QBCC 15511205  
PO BOX 952  
EDGE HILL  
QLD 4870  
TEL 4276 1900  
E-MAIL ADMIN@SHELL.NET.AU

REV	DESCRIPTION	DATE
A	DEVELOPMENT APPROVAL	25/11/2025

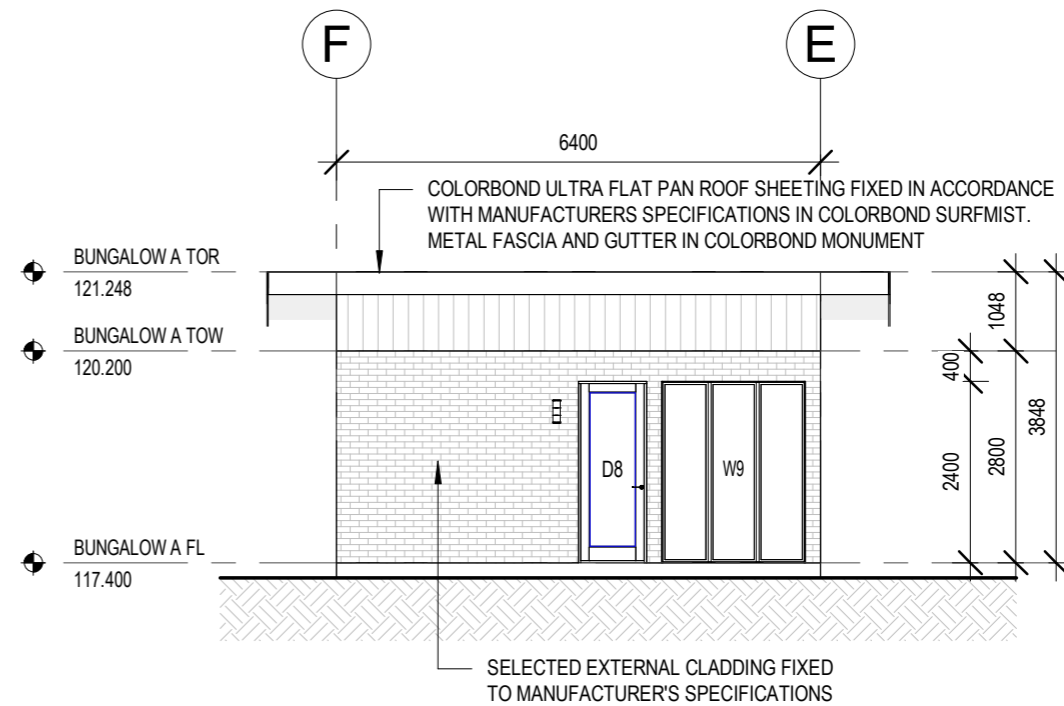
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**K. KASEM**

PROJECT  
**PROPOSED RESIDENCE AT 129 RYKERS ROAD CAPE TRIBULATION QLD 4873**  
DRAWING TITLE  
**EXISTING BUNGALOW A FLOOR PLAN**

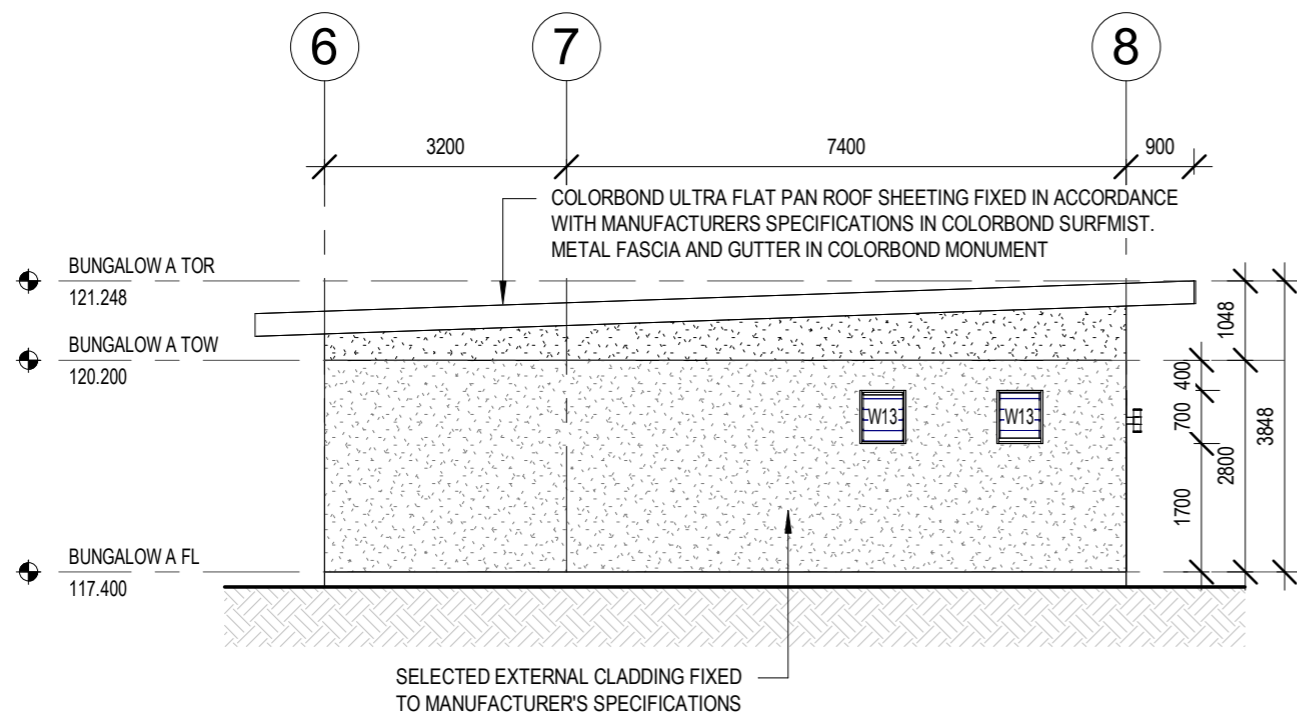
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PROJECT NO.	DWG NO.	REV	
25-038-DE	BD06	A	



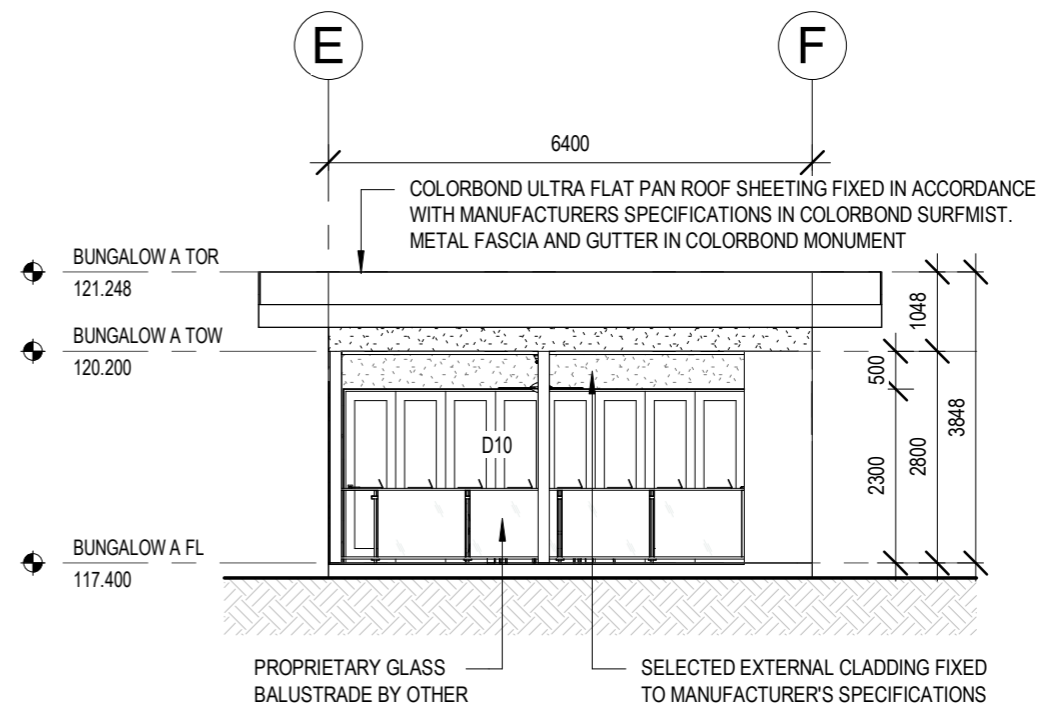
① NORTHERN BUNGALOW A ELEVATION  
1 : 100



② EASTERN BUNGALOW A ELEVATION  
1 : 100



③ SOUTHERN BUNGALOW A ELEVATION  
1 : 100



④ WESTERN BUNGALOW A ELEVATION  
1 : 100

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REV	DESCRIPTION	DATE
A	DEVELOPMENT APPROVAL	25/11/2025

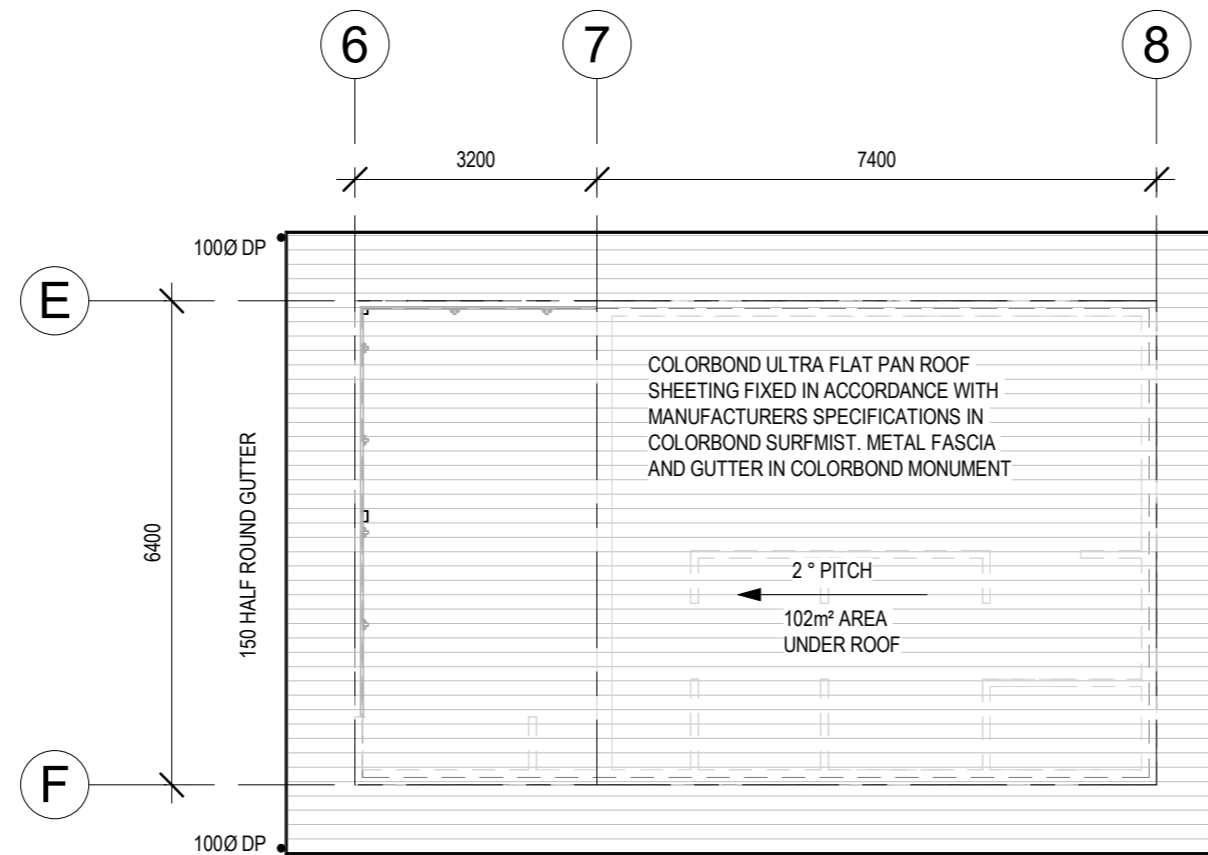
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**PROPOSED RESIDENCE AT 129 RYKERS ROAD CAPE TRIBULATION QLD 4873**

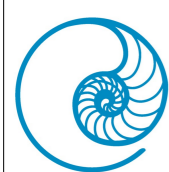
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PROJECT NO.	DWG NO.	REV	
25-038-DE	BD07	A	



5 EX. BUNGALOW A ROOF PLAN  
1 : 100

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REV	DESCRIPTION	DATE
A	DEVELOPMENT APPROVAL	25/11/2025

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CLIENT

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PROJECT

**PROPOSED RESIDENCE AT 129 RYKERS ROAD CAPE TRIBULATION QLD 4873**

DRAWING TITLE

**EXISTING BUNGALOW A ROOF PLAN**

SCALE	DATE	DRAWN	CHECKED
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PROJECT NO.	DWG NO.	REV	
25-038-DE	BD08	A	



**NORTH**

**BUNGALOW B & C DOOR SCHEDULE**

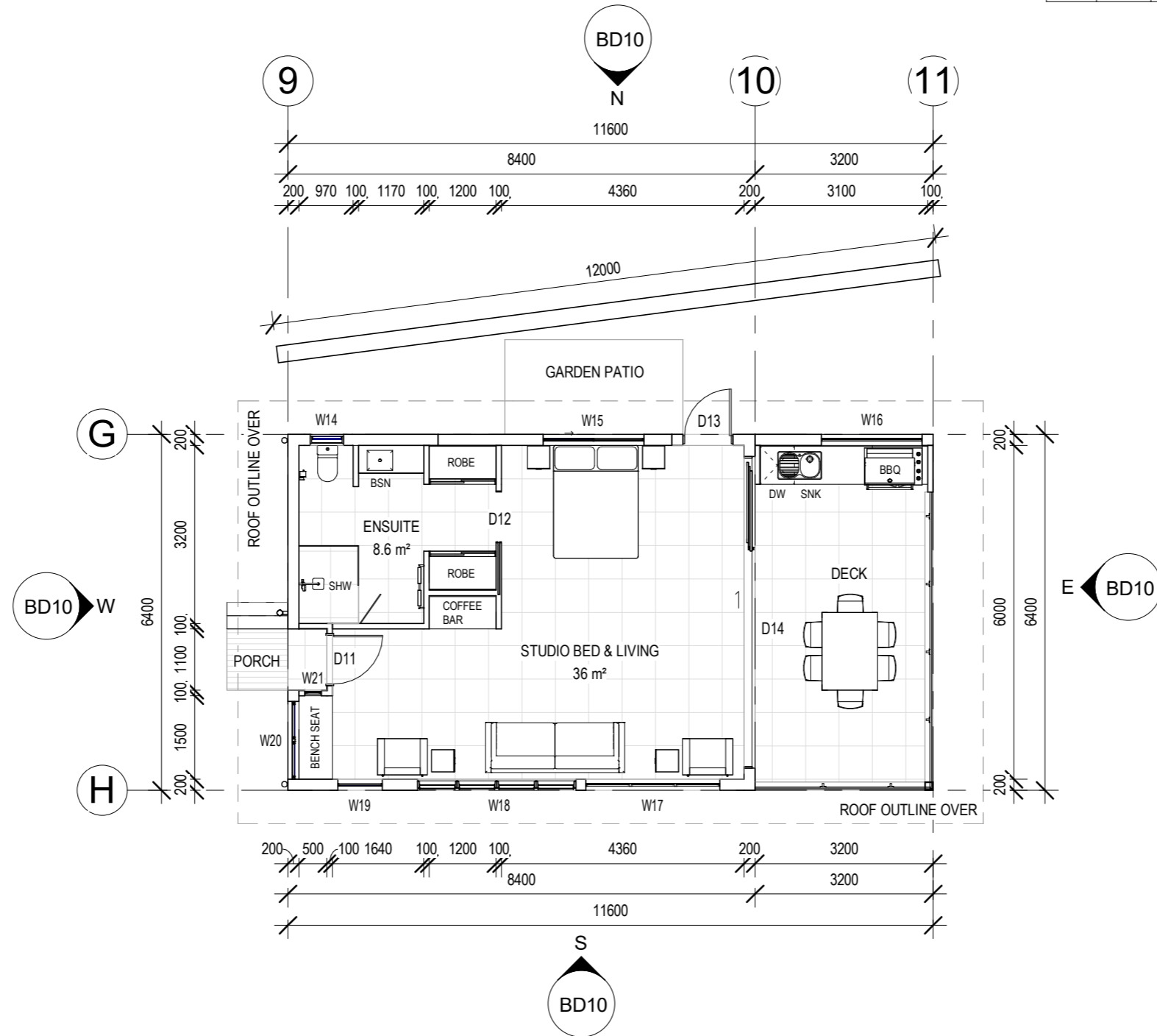
CODE	QTY	HEIGHT	WIDTH	DESCRIPTION	FRAME FINISH
D11	1	2400	900	EXTERNAL SINGLE SOLID CORE HINGED TIMBER DOOR	PAINTED FINISH
D12	1	2400	920	INTERNAL SINGLE SEMI HOLLOW CORE CAVITY SLIDING DOOR	PAINTED FINISH
D13	1	3000	940	EXTERNAL SINGLE SOLID CORE HINGED TIMBER DOOR WITH CLEAR GLAZING	PAINTED FINISH
D14	1	2400	2400	ALUMINIUM FRAMED SLIDING GLASS POCKET DOOR	CLEAR ANODISED

**BUNGALOW B & C WINDOW SCHEDULE**

MARK	HEIGHT	WIDTH	DESCRIPTION	GLASS	FRAME FINISH
W14	600	600	ALUMINIUM FRAMED LOUVRE WINDOW (1-BAY)	OBSCURE	CLEAR ANODISED
W15	1200	1810	ALUMINIUM FRAMED SLIDING WINDOW (2-PANEL)	CLEAR GLASS	CLEAR ANODISED
W16	1100	1810	ALUMINIUM FRAMED FIXED WINDOW	CLEAR GLASS	CLEAR ANODISED
W17	2400	2410	ALUMINIUM FRAMED FIXED WINDOW (3-PANELS)	CLEAR GLASS	CLEAR ANODISED
W18	2400	2845	ALUMINIUM FRAMED LOUVRE WINDOW (4-BAY)	CLEAR GLASS	CLEAR ANODISED
W19	2400	800	ALUMINIUM FRAMED FIXED WINDOW	CLEAR GLASS	CLEAR ANODISED
W20	1200	1400	ALUMINIUM FRAMED AWNING WINDOW (2-PANELS)	CLEAR GLASS	CLEAR ANODISED
W21	2400	300	ALUMINIUM FRAMED FIXED WINDOW	CLEAR GLASS	CLEAR ANODISED

**BUNGALOW B & C FLOOR FINISH**

NAME	AREA	FINISH
DECK	19 m <sup>2</sup>	TILES
ENSUITE	9 m <sup>2</sup>	TILES
STUDIO BED & LIVING	36 m <sup>2</sup>	TILES



**6 EX. BUNGALOW FLOOR PLAN**  
1 : 100

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REV	DESCRIPTION	DATE
P1	PRELIMINARY - CLIENT REVIEW	14/08/2025
P2	PRELIMINARY - CLIENT REVIEW	18/11/2025
A	DEVELOPMENT APPROVAL	25/11/2025

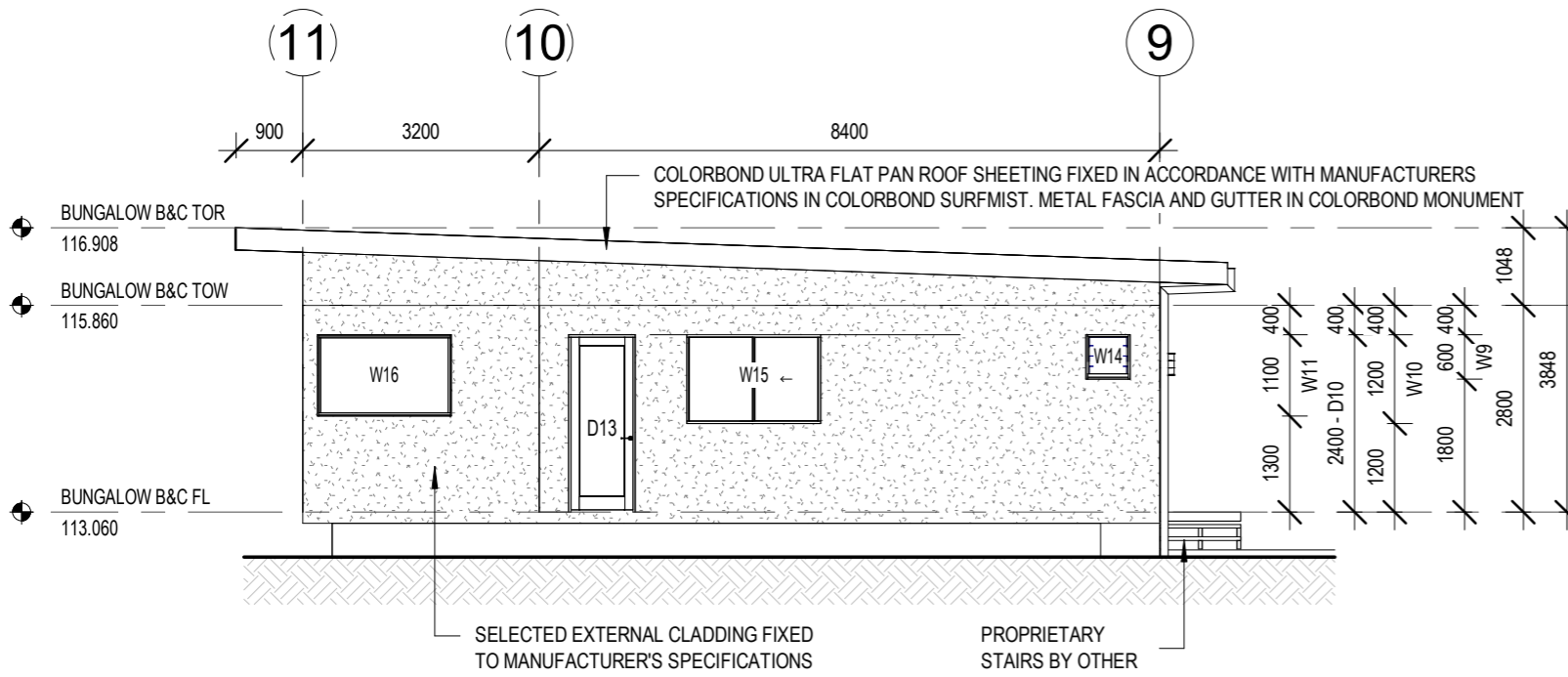
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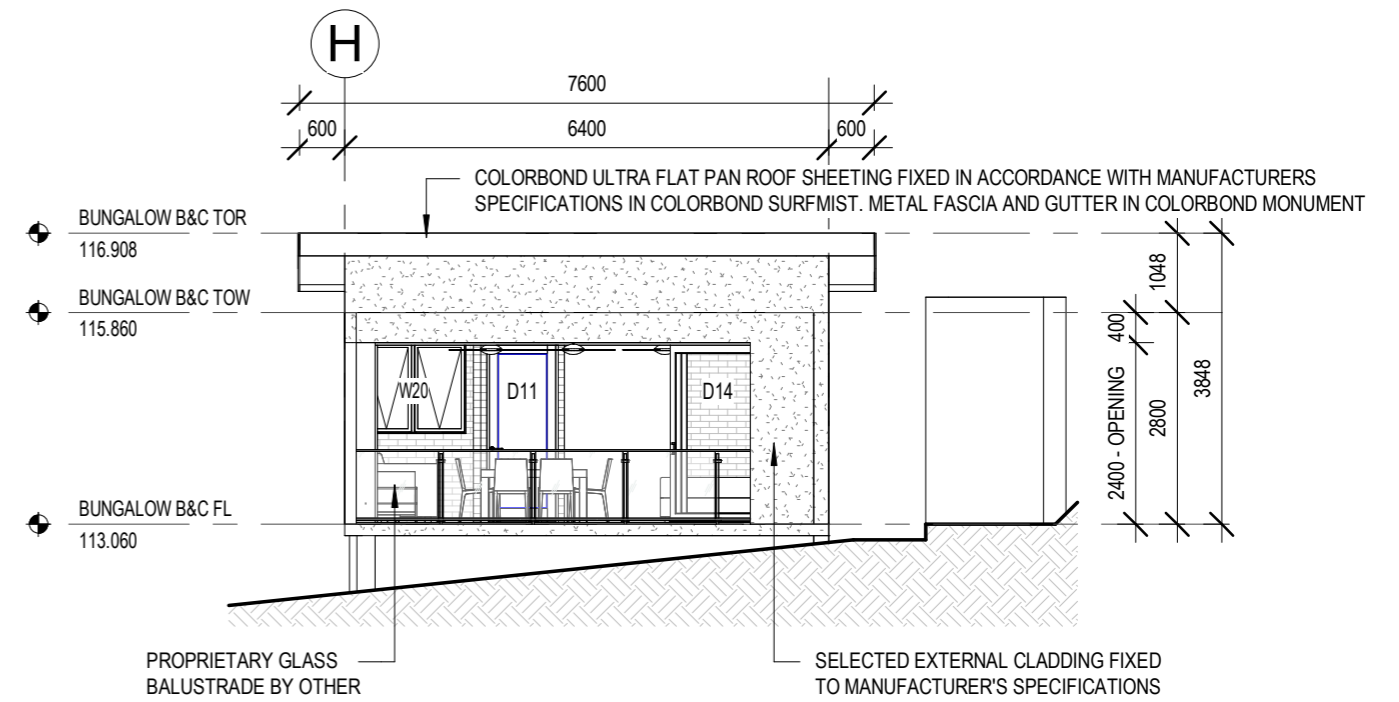
PROJECT  
**PROPOSED RESIDENCE AT 129 RYKERS ROAD CAPE TRIBULATION QLD 4873**

DRAWING TITLE  
**EXISTING BUNGALOW B AND C FLOOR PLAN**

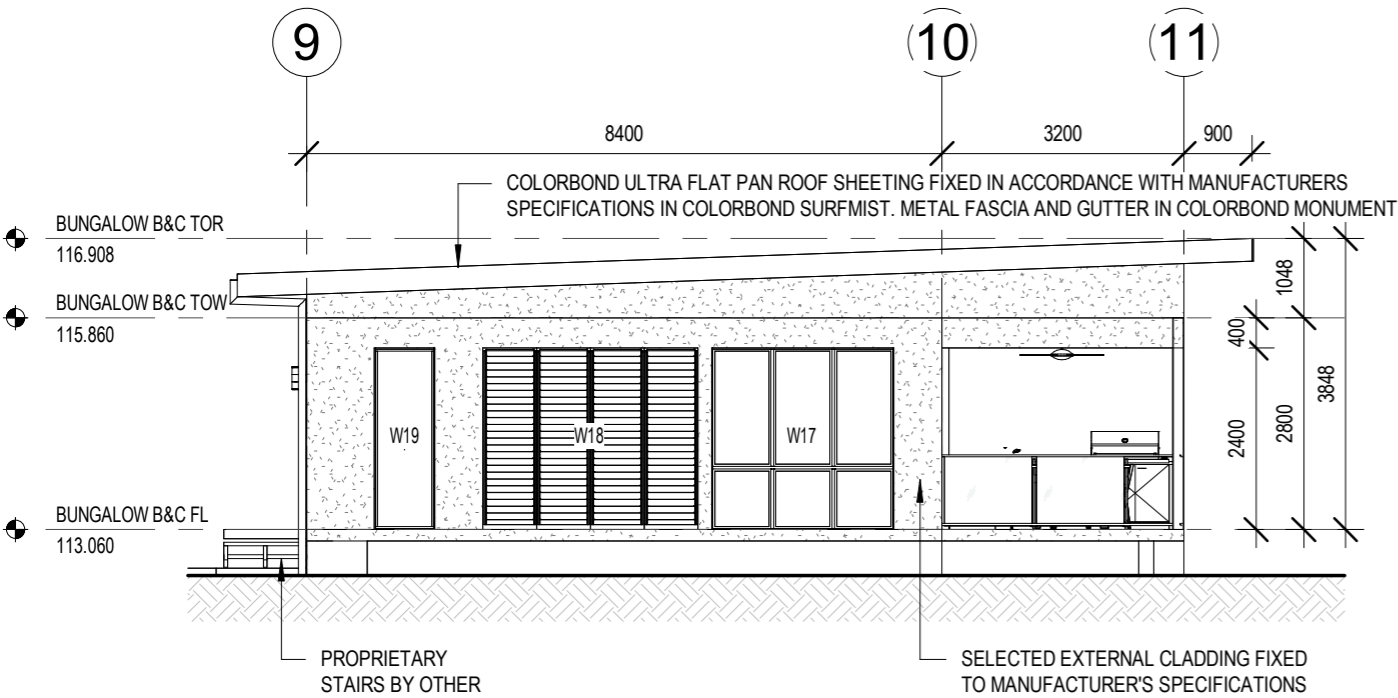
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25-038-DE	BD09	A	



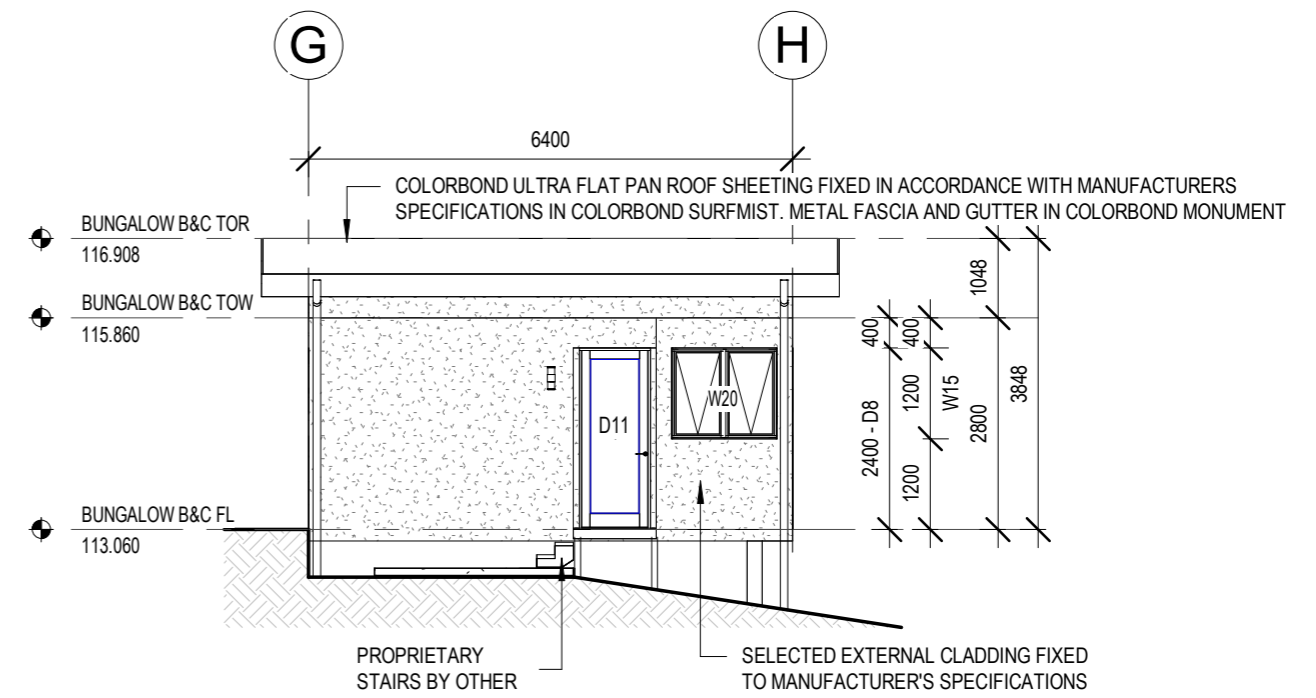
**NORTHERN BUNGALOW B & C ELEVATION**  
1 : 100



**EASTERN BUNGALOW B & C ELEVATION**  
1 : 100



**SOUTHERN BUNGALOW B & C ELEVATION**  
1 : 100



**WESTERN BUNGALOW B & C ELEVATION**  
1 : 100

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REV	DESCRIPTION	DATE
P1	PRELIMINARY - CLIENT REVIEW	14/08/2025
P2	PRELIMINARY - CLIENT REVIEW	18/11/2025
A	DEVELOPMENT APPROVAL	25/11/2025

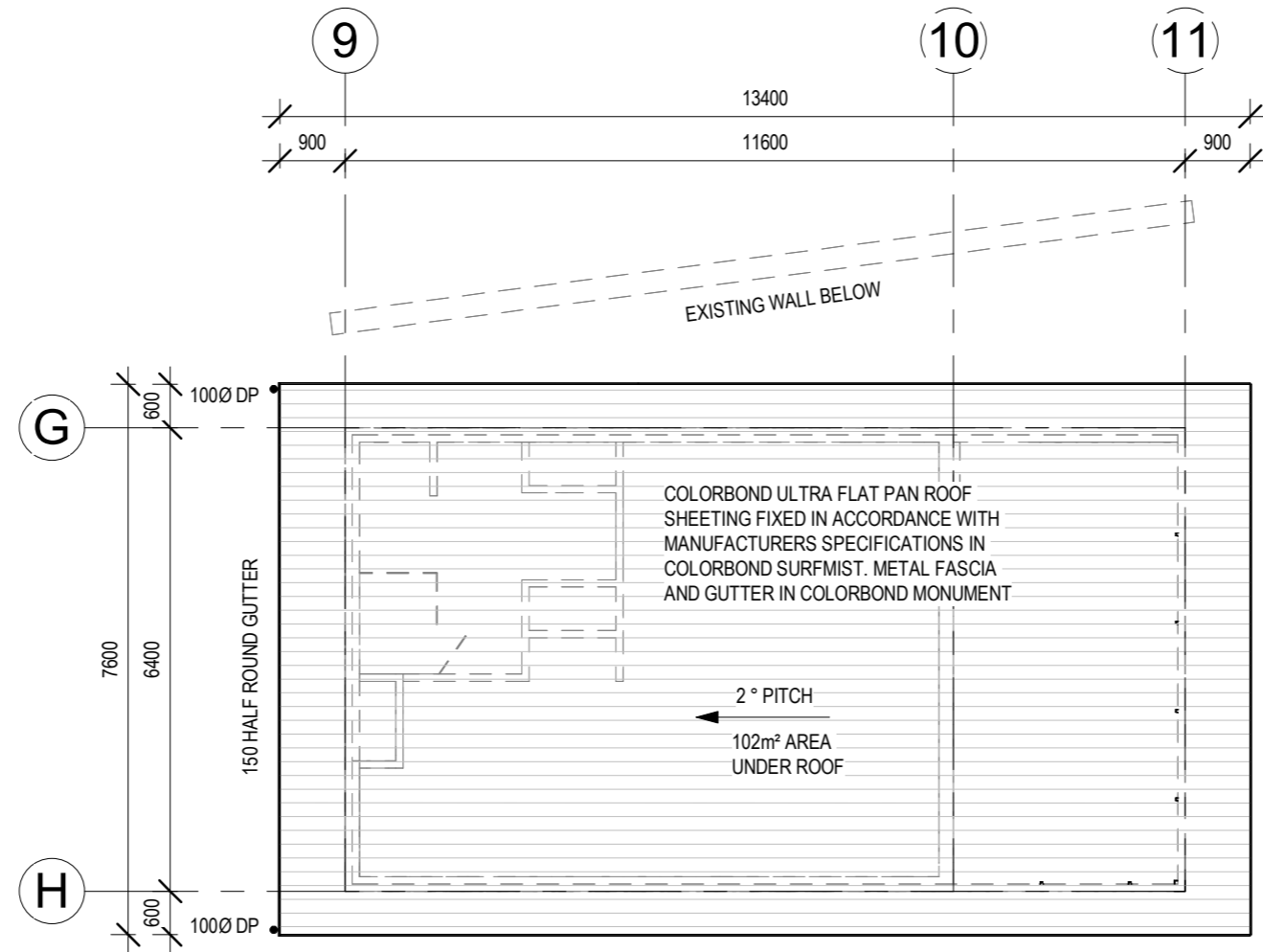
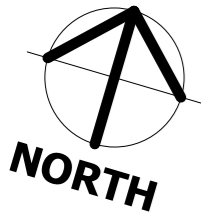
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**EXISTING BUNGALOW B AND C ELEVATIONS**

SCALE	DATE	DRAWN	CHECKED
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PROJECT NO.	DWG NO.	REV	
25-038-DE	BD10	A	



7 EX. BUNGALOW ROOF PLAN  
1 : 100

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REV	DESCRIPTION	DATE
P1	PRELIMINARY - CLIENT REVIEW	14/08/2025
P2	PRELIMINARY - CLIENT REVIEW	18/11/2025
A	DEVELOPMENT APPROVAL	25/11/2025

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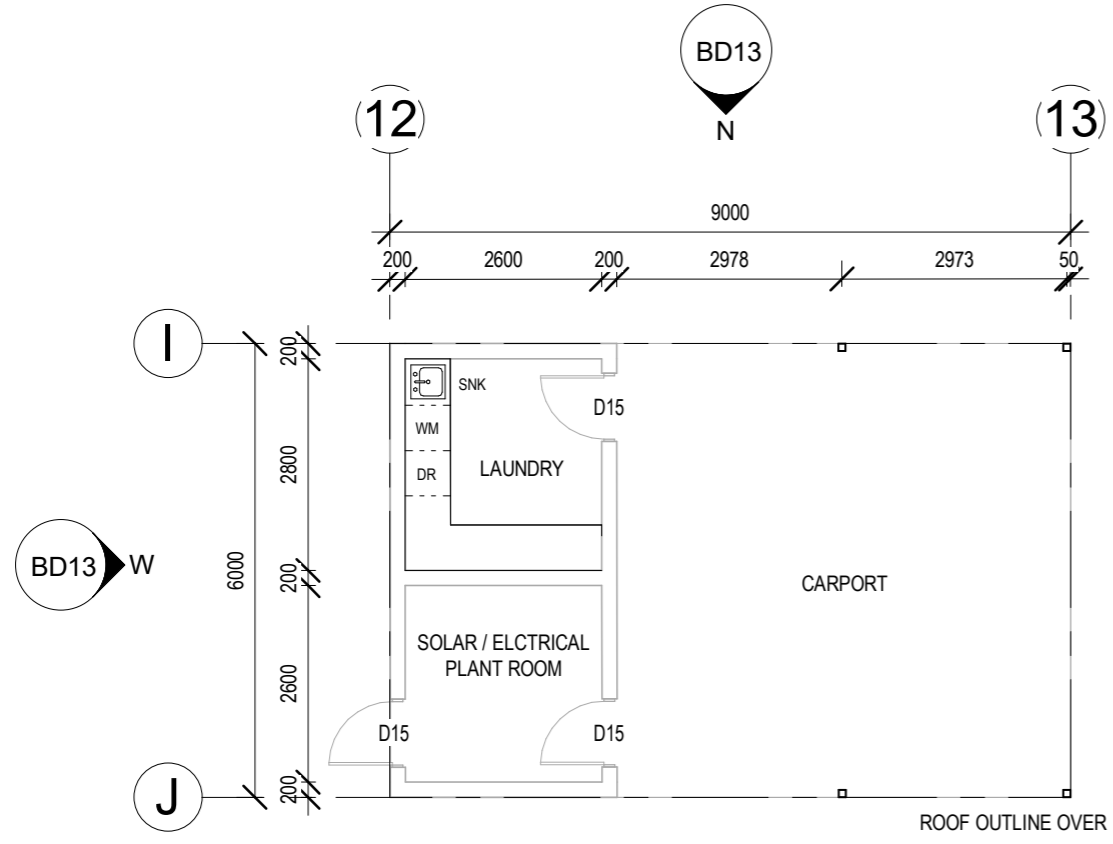
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DRAWING TITLE  
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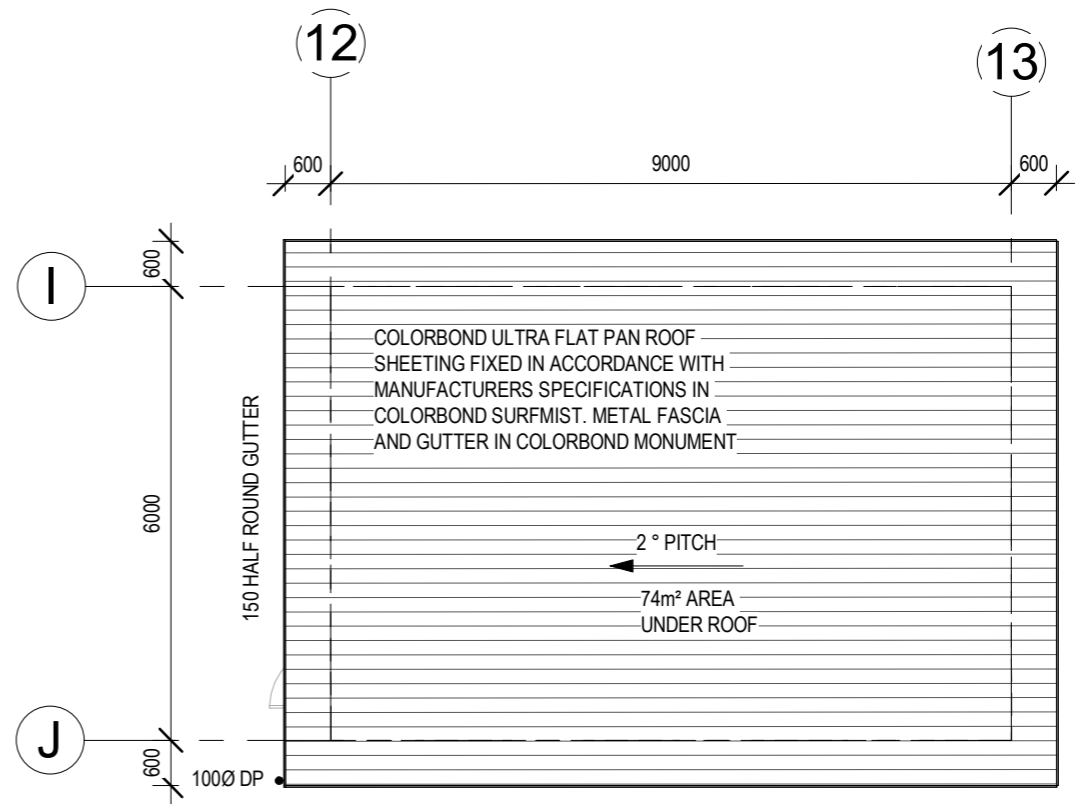
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PROJECT NO.	DWG NO.	REV	
25-038-DE	BD11	A	



CARPORT DOOR SCHEDULE					
CODE	QTY	HEIGHT	WIDTH	DESCRIPTION	FRAME FINISH
D15	3	2400	900	EXTERNAL SINGLE SOLID CORE HINGED TIMBER DOOR	PAINTED FINISH



8 EX. CARPORT FLOOR PLAN  
1 : 100



9 EX. CARPORT ROOF PLAN  
1 : 100

**NOT FOR CONSTRUCTION**



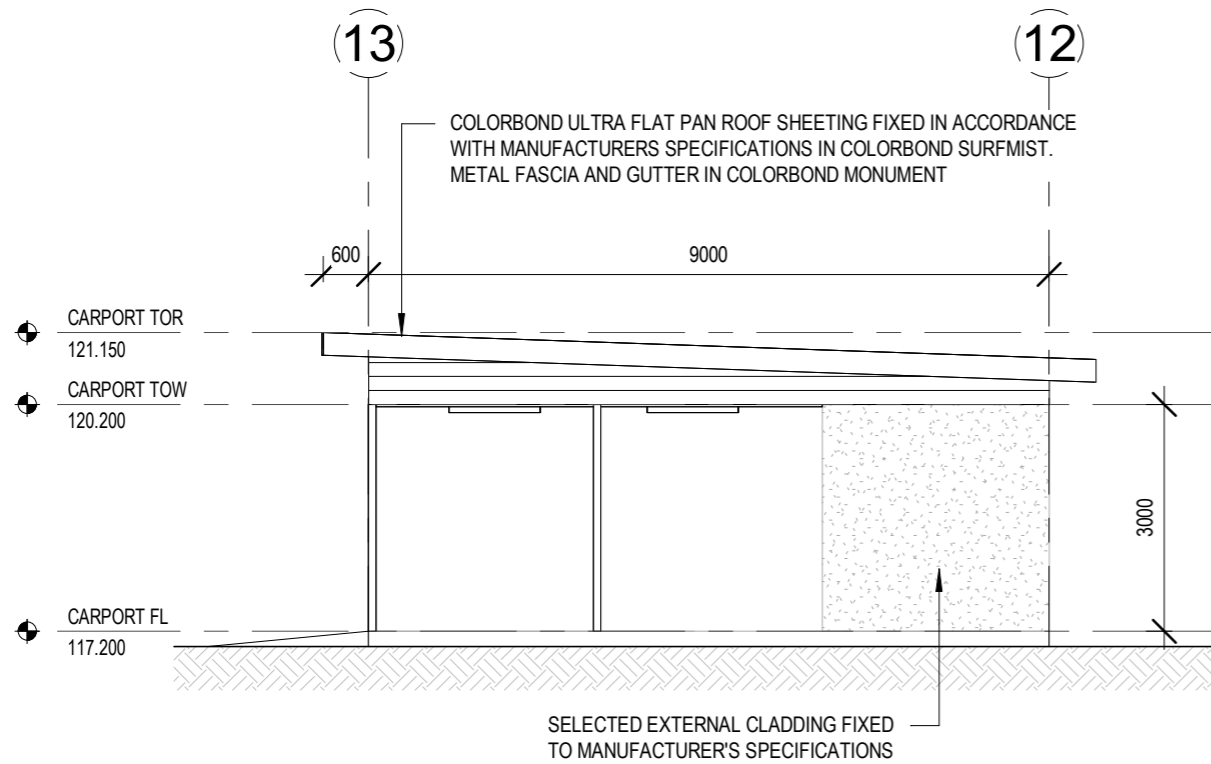
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RPEQ 7279 MIEAust  
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REV	DESCRIPTION	DATE
P1	PRELIMINARY - CLIENT REVIEW	14/08/2025
P2	PRELIMINARY - CLIENT REVIEW	18/11/2025
A	DEVELOPMENT APPROVAL	25/11/2025

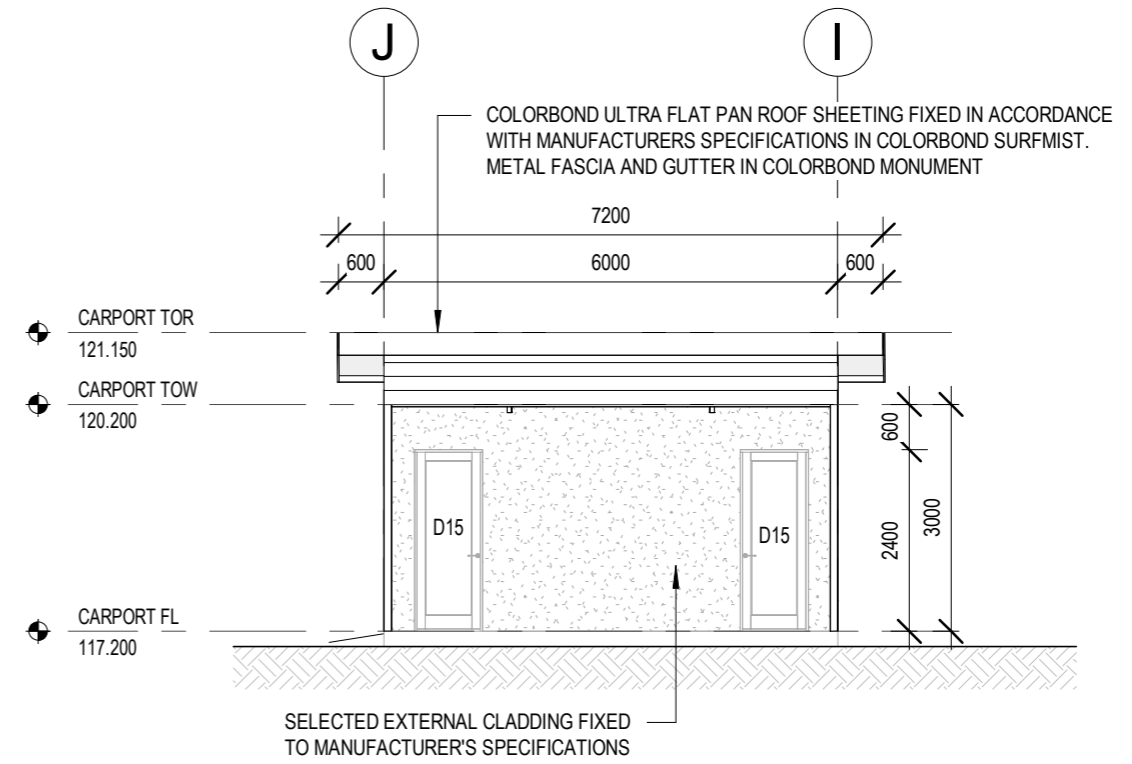
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DRAWING TITLE  
**EXISTING CARPORT FLOOR AND ROOF PLAN**

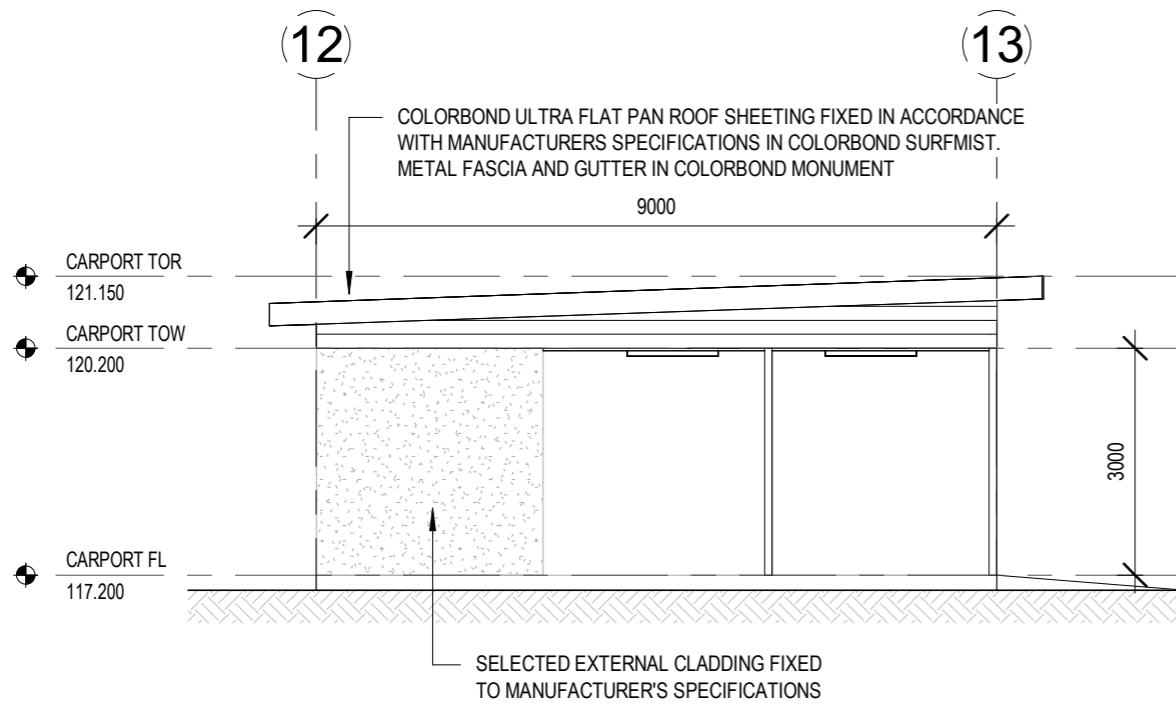
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25-038-DE	BD12	A	



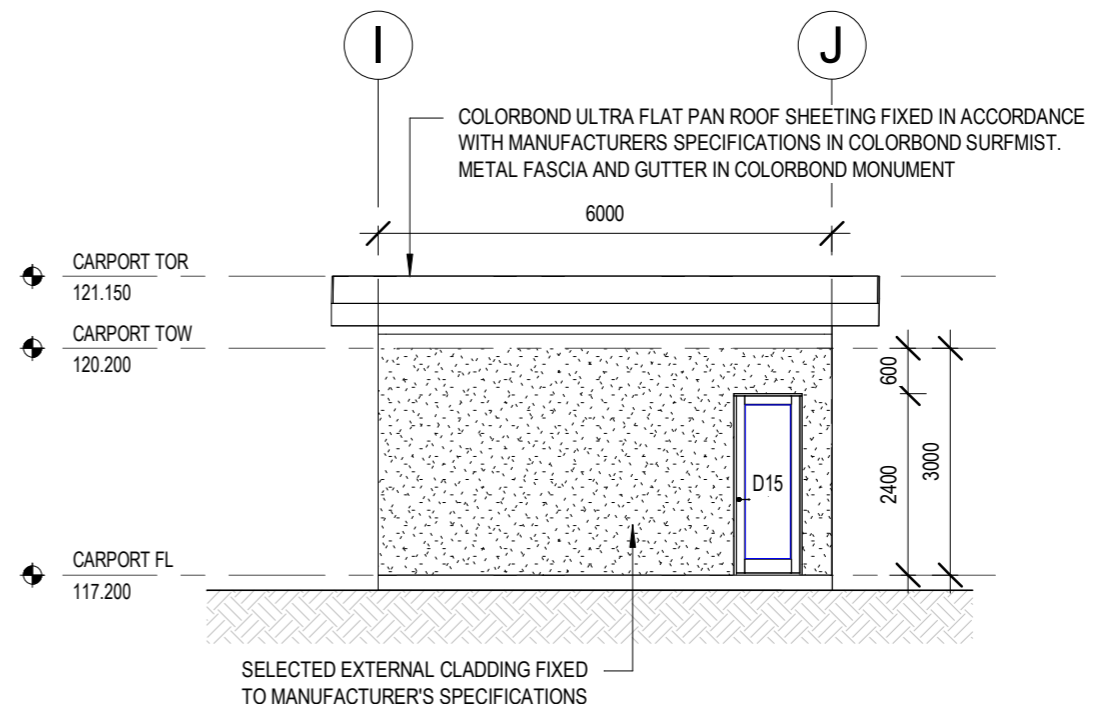
**N** NORTHERN CARPORT ELEVATION  
1 : 100



**E** EASTERN CARPORT ELEVATION  
1 : 100



**S** SOUTHERN CARPORT ELEVATION  
1 : 100



**W** WESTERN CARPORT ELEVATION  
1 : 100

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REV	DESCRIPTION	DATE
P1	PRELIMINARY - CLIENT REVIEW	14/08/2025
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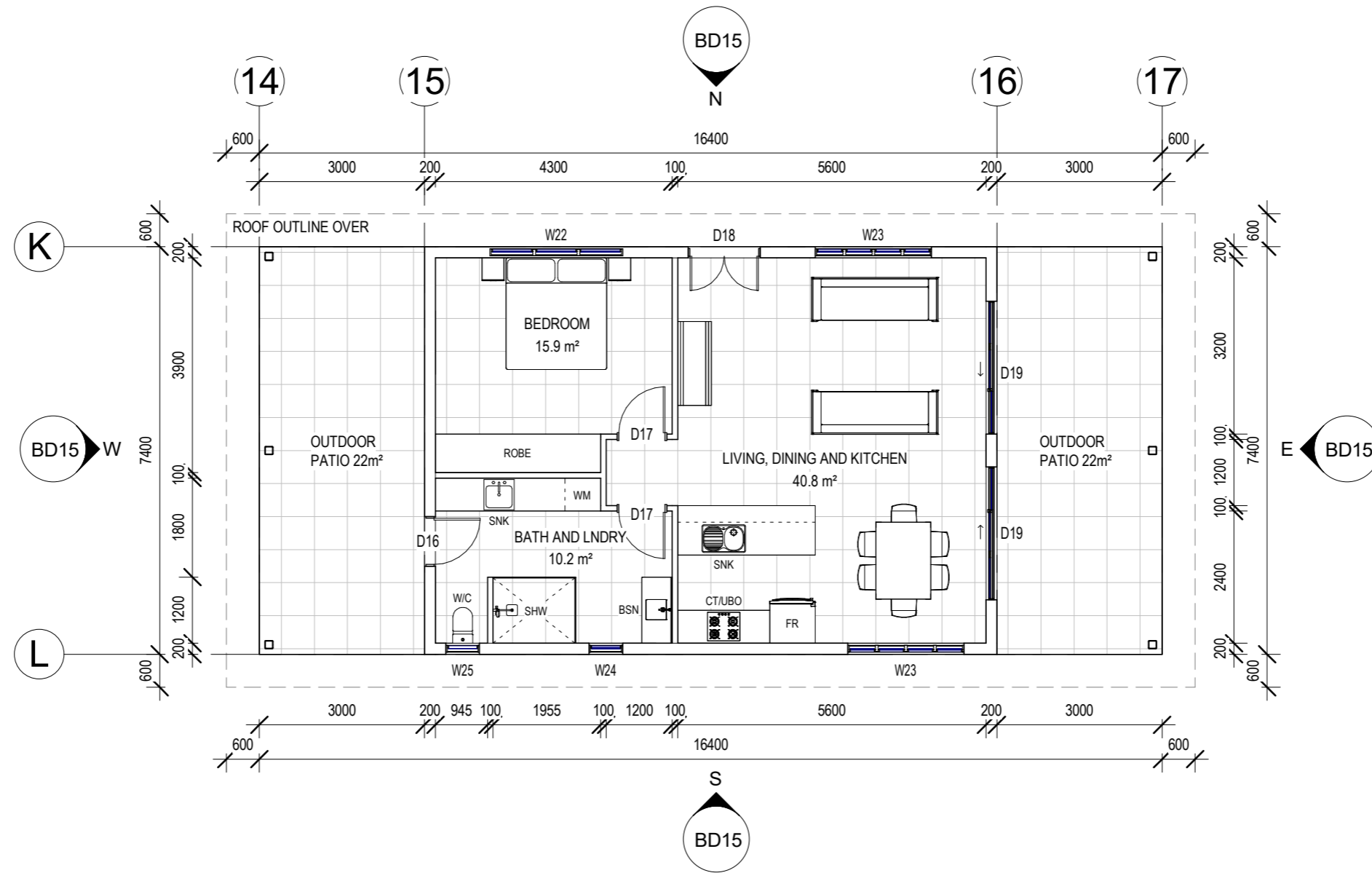
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**EXISTING CARPORT ELEVATIONS**

SCALE	DATE	DRAWN	CHECKED
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PROJECT NO.	DWG NO.	REV	
25-038-DE	BD13	A	



CARETAKERS DOOR SCHEDULE						CARETAKERS WINDOW SCHEDULE					
CODE	QTY	HEIGHT	WIDTH	DESCRIPTION	FRAME FINISH	MARK	HEIGHT	WIDTH	DESCRIPTION	GLASS	FRAME FINISH
D16	1	2400	900	EXTERNAL SINGLE SOLID CORE HINGED TIMBER DOOR	PAINTED FINISH	W22	600	2410	ALUMINIUM FRAMED LOUVRE WINDOW (3-BAY)	CLEAR GLASS	CLEAR ANODISED
D17	2	2400	900	INTERNAL SINGLE SEMI HOLLOW CORE HINGED TIMBER DOOR	PAINTED FINISH	W23	1800	2110	ALUMINIUM FRAMED LOUVRE WINDOW (4-BAY)	CLEAR GLASS	CLEAR ANODISED
D18	1	2400	1310	EXTERNAL DOUBLE SOLID CORE HINGED TIMBER DOORS	PAINTED FINISH	W24	1800	610	ALUMINIUM FRAMED LOUVRE WINDOW (1-BAY)	OBSCURE	CLEAR ANODISED
D19	2	2400	2410	ALUMINIUM FRAMED SLIDING DOOR WITH CLEAR GLAZING (3-PANEL)	CLEAR ANODISED	W25	900	610	ALUMINIUM FRAMED LOUVRE WINDOW (1-BAY)	OBSCURE	CLEAR ANODISED

CARETAKERS FLOOR FINISH		
NAME	AREA	FINISH
BATH AND LNDRY	10 m <sup>2</sup>	TILES
BEDROOM	16 m <sup>2</sup>	TILES
LIVING, DINING AND KITCHEN	41 m <sup>2</sup>	TILES



10 CARETAKERS FLOOR PLAN  
1 : 100

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REV	DESCRIPTION	DATE
A	DEVELOPMENT APPROVAL	25/11/2025

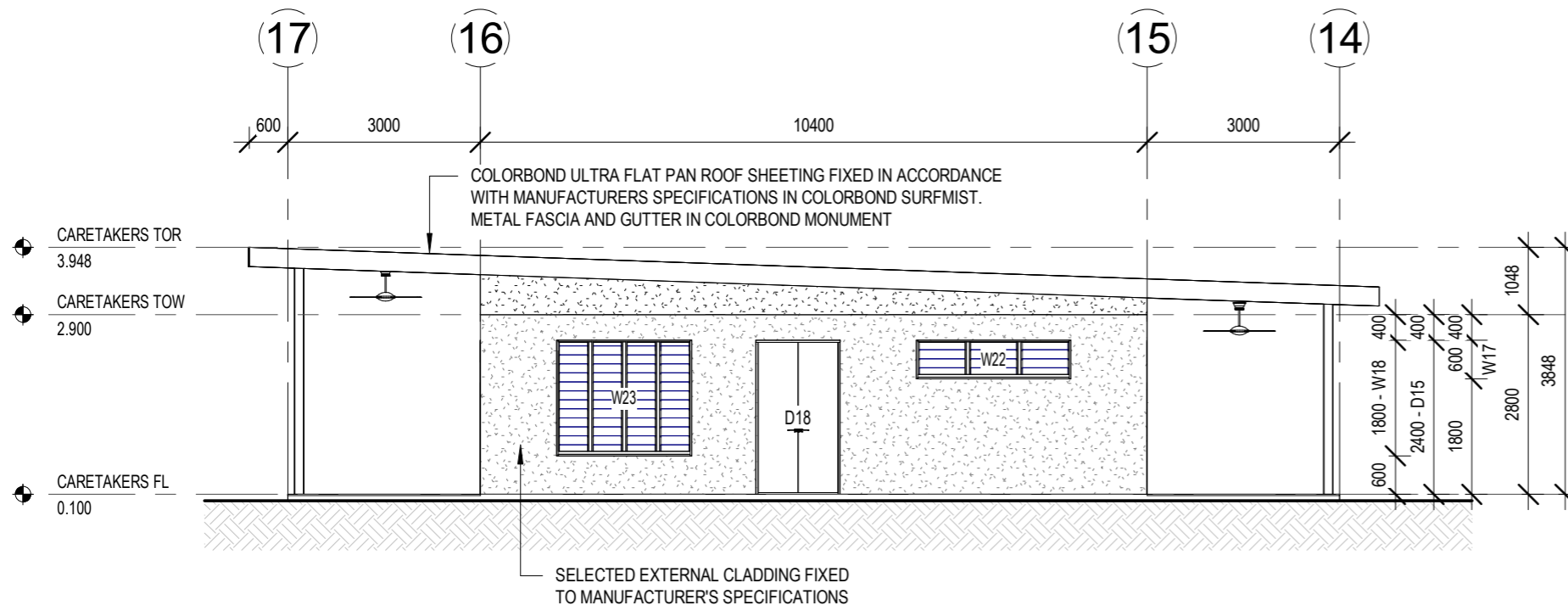
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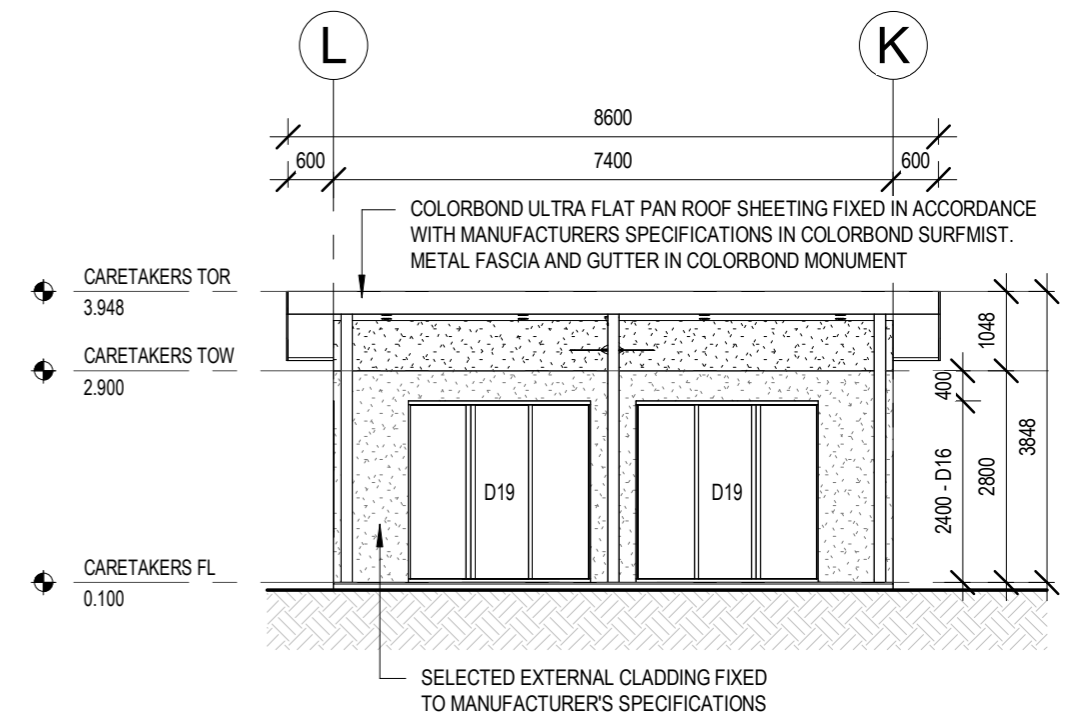
PROJECT  
**PROPOSED RESIDENCE AT 129 RYKERS ROAD CAPE TRIBULATION QLD 4873**

DRAWING TITLE  
**CARETAKER'S COTTAGE FLOOR PLAN**

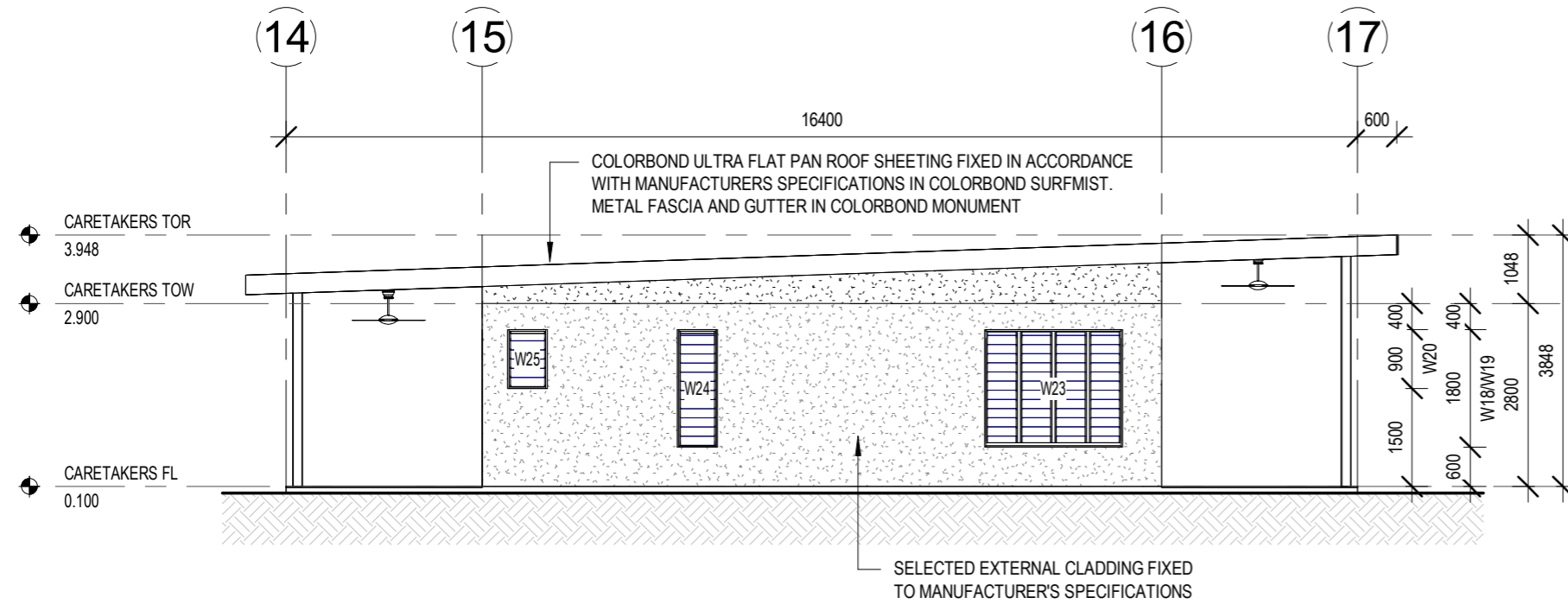
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25-038-DE	BD14	A	



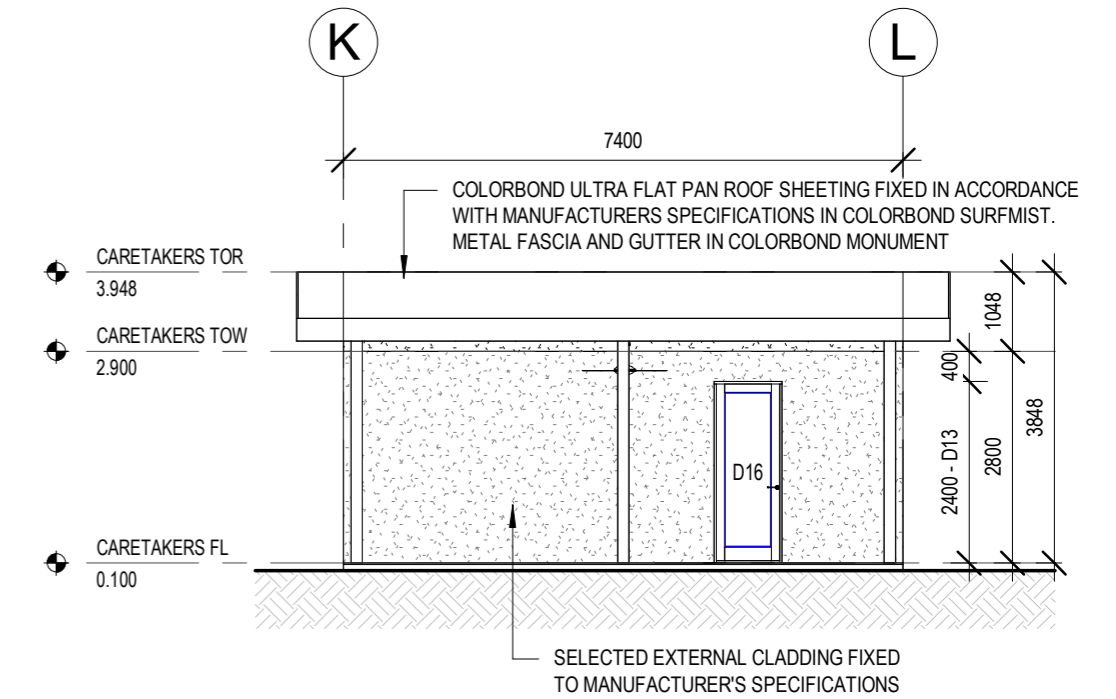
**N** NORTHERN CARETAKERS ELEVATION  
1 : 100



**E** EASTERN CARETAKERS ELEVATION  
1 : 100



**S** SOUTHERN CARETAKERS ELEVATION  
1 : 100



**W** WESTERN CARETAKERS ELEVATION  
1 : 100

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REV	DESCRIPTION	DATE
A	DEVELOPMENT APPROVAL	25/11/2025

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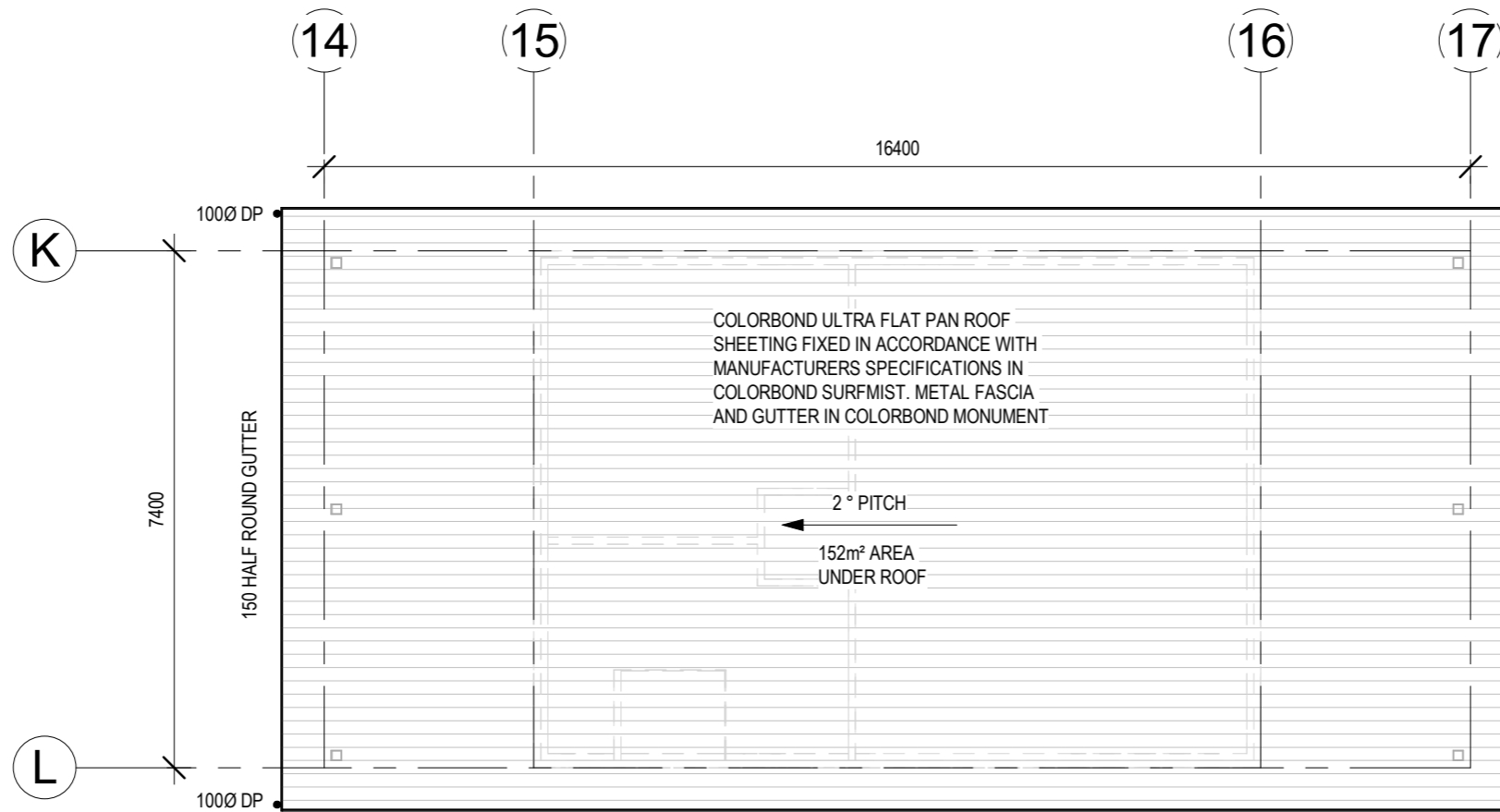
CLIENT  
**K. KASEM**

PROJECT  
**PROPOSED RESIDENCE AT 129 RYKERS ROAD CAPE TRIBULATION QLD 4873**

DRAWING TITLE  
**CARETAKER'S COTTAGE ELEVATIONS**


SCALE	DATE	DRAWN	CHECKED
1 : 100 A3	8/05/2026 10:48:25 AM	ML	-

PROJECT NO.	DWG NO.	REV
25-038-DE	BD15	A



11 CARETAKERS ROOF PLAN  
1 : 100

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 <b>SHELL ENGINEERS</b> STRUCTURAL CIVIL BUILDING DESIGN <i>Innovation &amp; Experience</i>	ABN 896791471876 RPEQ 7279 MIEAust PO BOX 952 EDGE HILL QLD 4870 TEL 4276 1900 E-MAIL ADMIN@SHELL.NET.AU	MEDIUM RISE QBCC 15511205	<table border="1"> <thead> <tr> <th>REV</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>DEVELOPMENT APPROVAL</td> <td>25/11/2025</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	REV	DESCRIPTION	DATE	A	DEVELOPMENT APPROVAL	25/11/2025										THE CONCEPTS AND INFORMATION CONTAINED IN THIS DOCUMENT ARE THE COPYRIGHT OF BLUE SHELL INVESTMENTS PTY LTD. USE OR COPYING OF THIS DOCUMENT IN WHOLE OR IN PART WITHOUT WRITTEN PERMISSION OF SHELL ENGINEERS STRUCTURAL CIVIL BUILDING DESIGN CONSTITUTES AN INFRINGEMENT OF COPYRIGHT.	PROJECT <b>PROPOSED RESIDENCE AT 129 RYKERS ROAD CAPE TRIBULATION QLD 4873</b>	SCALE 1 : 100 A3	DATE 8/05/2026 10:48:26 AM	DRAWN ML	CHECKED -
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CLIENT <b>K. KASEM</b>					DRAWING TITLE <b>CARETAKER'S COTTAGE ROOF PLAN</b>	PROJECT NO. <b>25-038-DE</b>	DWG NO. <b>BD16</b>	REV <b>A</b>																

# **Attachment 4**

## **Code Assessment**

## 6.2.3 Conservation zone code

### 6.2.3.1 Application

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

### 6.2.3.2 Purpose

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

## 7.2.1 Cape Tribulation and Daintree Coast local plan code

### 7.2.1.1 Application

- (1) This code applies to assessing development within the Cape Tribulation and Daintree Coast local plan area as identified on the Cape Tribulation and Daintree Coast local plan maps contained in Schedule 2.
- (2) When using this code, reference should be made to Part 5.

### 7.2.1.2 Context and setting

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

The Cape Tribulation and Daintree Coast local plan area is located in the northern half of the Douglas Shire on land located predominantly to the north and east of the Daintree River. The local plan area contains land of extremely high biodiversity value and is where two World Heritage areas meet – the Wet Tropics World Heritage Area and the Great Barrier Reef World Heritage Area. The precinct is a biodiversity hotspot of international significance and predominantly consists of the Daintree National Park and other reserves. The local plan area provides significant habitat for the critically endangered Southern Cassowary, amongst many other species of fauna and flora and cultural and landscape heritage sites.

The natural environment, containing areas of the highest biodiversity value and flora and fauna unique to the area, are part of the immense drawcard to large numbers of domestic and international visitors. While such an economic resource is invaluable to the Shire, the area needs to be carefully managed to ensure these values are not diminished. However, a significant portion of the local plan area is privately owned freehold land and outside the boundaries of the Wet Tropics World Heritage Area, but is still equally important to the continued conservation of the biodiversity, environmental and scenic values of the area.

Prior to European settlement, the area formed part of the traditional land of the Eastern Kuku Yalanji people. In the late 1800s, limited European settlement commenced associated with timber getting and agriculture. From the 1920s onwards seasonal workers and miners also set up semi-permanent camps in the area. However such activity was restricted due to the relative isolation of the area. The settlement pattern in the area dramatically changed in the late 1970s to 1980s when approximately 950 residential lots were created. The 'rural residential style' allotments north of the Daintree River posed a risk of significant detrimental impacts on the ecology and landscape character of the area, particularly if fully developed. Such development would also result in a greater resident population leading to pressure for an increased level of service and extension of infrastructure, which in turn would lead to more development pressure. Such an outcome is contrary to the objectives of preserving the area's natural environment, landscape character and relative isolation to maintain the area's intrinsic attractiveness to tourists and residents.

Past successive planning regimes have progressively proceeded to rein in development rights within the area. Precincts were created and development was limited. In particular, decisive action was undertaken in 2004 to control and limit permanent residential development north of the Daintree River. This was necessary to ensure a critical population was not reached, and adverse effects from development were not felt on the water quality, biodiversity, scenic amenity and flora and fauna of the region.

Where development rights were extinguished, compensation was paid and / or land was bought as part of a buy-back scheme and retained for conservation purposes. The protection of the regional ecosystem and rare and threatened species is paramount in the limitation of development opportunities within the region.

### 7.2.1.3 Purpose

- (1) The purpose of the Daintree River - Bloomfield River local plan is to retain the attraction of the area as a very low-key, largely undeveloped nature-based recreation environment, based on the exploration and appreciation of the natural environment and to ensure that any development that does occur is appropriate and does not place additional pressures on the values of area.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) areas within the local plan are appropriately managed to protect biological diversity, water catchment quality, ecological functioning, beach protection and coastal management, scenic amenity, and historical and cultural values;
  - (b) the natural character of the locality is protected, and where degraded, restored or enhanced;
  - (c) new development does not occur, with the exception of development located within, and consistent with the respective precinct intents for:
    - (i) Precinct 1 – Conservation precinct
    - (ii) Precinct 2 – Low impact residential precinct;
    - (iii) Precinct 3 – Low impact commercial precinct;
    - (iv) Precinct 4 – Low impact community purpose precinct;
    - (v) Precinct 5 – Low impact rural production and tourism enterprise precinct;
    - (vi) Precinct 6 – Low impact tourism accommodation precinct;
  - (d) where development occurs it is:
    - (i) very low scale and remains within the limits imposed by the vehicular capacity of the Daintree River ferry crossing, the Alexandra Range road crossing and the local road network;
    - (ii) sensitive and sympathetic to its remote location in an area of unique biodiversity, ecological, conservation and scenic amenity value;
    - (iii) self-contained through the use of appropriate on-site or nearby rain water collection and storage, sewerage treatment and electricity generation;
  - (e) adequate services and facilities for settlement areas and an appropriate level of economic opportunity for local residents are provided

#### 7.2.1.4 Precinct 1 – Conservation precinct

- (1) The purpose of Precinct 1 as detailed on the Local Plan maps contained in Schedule 2 is to provide for the protection, restoration and management of areas identified as supporting significant biological diversity and ecological integrity.
- (2) The overall outcomes sought for Precinct 1 are to:
  - (a) ensure the conservation, protection and restoration of biological diversity and ecological integrity values of land , and to maintain scenic amenity values;
  - (b) ensure that further incompatible development, including houses, does not occur;
  - (c) ensure that where development does occur, it does not adversely affect environmental and scenic amenity values and is in keeping with the natural characteristics of the land.

#### 7.2.1.5 Precinct 2- Low impact residential precinct

- (1) The purpose of Precinct 2 as detailed on the Local Plan maps contained in Schedule 2 is to allow for the construction of a single detached dwelling and necessarily associated infrastructure and outbuildings.
- (2) The overall outcomes sought for Precinct 2 are to:
  - (a) ensure development is for a single detached dwelling of limited scale and size and necessary outbuildings and infrastructure only;
  - (b) locate development within existing cleared areas, or where no cleared area exists, development is located such that impacts on conservation, biological, ecological and scenic amenity values are mitigated through the minimisation of excavation, fill and vegetation removal, to the maximum extent possible;
  - (c) ensure development is visually non-obtrusive.

#### 7.2.1.6 Precinct 3 - Low impact commercial precinct

- (1) The purpose of Precinct 3 as detailed on the Local Plan maps contained in Schedule 2 is to recognise the existing commercial uses and permit their continued use.
- (2) The overall outcomes sought for Precinct 3 are to:
  - (a) ensure that is visually non-obtrusive.

#### 7.2.1.7 Precinct 4 - Low impact community purpose precinct

- (1) The purpose of Precinct 4 as detailed on the Local Plan maps contained in Schedule 2 is to recognise the existing public purpose uses and permit their continued use.
- (2) The overall outcomes sought for Precinct 4 are to:



- (a) ensure the establishment and expansion of community and public purpose uses such as child care centre, community use, educational establishment, health care services, outdoor sport and recreation, utility installation on appropriate sites within the precinct;
- (b) locate development within existing cleared areas or where no cleared area exists, development is located such that impacts on conservation, biological, ecological and scenic amenity values are mitigated through the minimisation of excavation, fill and vegetation removal, to the maximum extent possible
- (c) services are provided which are appropriate and adequately cater for the demand;
- (d) carry out development in accordance with an Environmental Management Plan;
- (e) ensure development is visually non-obtrusive.

#### **7.2.1.8 Precinct 5 - Low impact rural production and tourist enterprise precinct**

- (1) The purpose of Precinct 5 as detailed on the Local Plan maps contained in Schedule 2 is to recognise existing rural areas and permit their continued use, while encouraging low-impact tourism enterprise including bed and breakfast, short term accommodation (being farm stay accommodation) and nature based tourism (being forest stay accommodation) as an alternative land use, where significant restoration and/or rehabilitation measures are undertaken as an incentive.
- (2) The overall outcomes sought for Precinct 5 are to:
  - (a) provide for continued rural production activities where lawfully established and to permit low-key ancillary tourism enterprise such as farm attractions, roadside stalls in appropriate locations;
  - (b) provide for other tourism enterprise in the form of bed and breakfast, farm stay accommodation or forest stay accommodation as an alternative land use to primary production, where significant rehabilitation of habitat is achieved.
  - (c) facilitate other existing tourism enterprises based on the appreciation of the natural environment.
  - (d) ensure development, including waste treatment is limited to existing cleared areas;
  - (e) development, including primary production, is carried out in accordance with an Environmental Management Plan.

#### **7.2.1.9 Precinct 6 - Low impact tourism accommodation precinct**

- (1) The purpose of Precinct 6 as detailed on the Local Plan maps contained in Schedule 2 is to recognise existing small-scale tourist accommodation and ancillary low-key activities, based on and compatible with an appreciation of the natural environment and permit their continued use.
- (2) The overall outcomes sought for Precinct 6 are to:
  - (a) provide for continued small-scale tourist accommodation and ancillary low-key activities, based on and compatible with an appreciation of the natural environment in appropriate locations;
  - (b) ensure development, including treatment of waste, is confined to existing cleared areas;

- (c) carry out development in accordance with an Environmental Management Plan;
- (d) ensure development is visually non-obtrusive.

**Criteria for assessment**

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

Performance outcomes	Acceptable outcomes	Applicant response
<b>All development in the Cape Tribulation and Daintree Coast local plan area</b>		
<p><b>PO1</b> Development does not result in a demand which exceeds the capacity of:</p> <ul style="list-style-type: none"> <li>(a) the Daintree River ferry crossing;</li> <li>(b) Alexandra Range Road;</li> <li>(c) the local road network.</li> </ul>	<p><b>AO1</b> No acceptable outcomes are prescribed.</p>	<p><b>Complies with PO1</b> The development is for a residential use and small scale, ancillary holiday accommodation use. The scale of development with the perceived capacity of the Daintree River Ferry and road network.</p>
<p><b>PO2</b> Development provides a suitable standard of self-sufficient service for:</p> <ul style="list-style-type: none"> <li>(a) potable water;</li> <li>water for fire fighting purposes;</li> <li>electricity supply.</li> </ul>	<p><b>AO2.1</b> Water storage is provided in tank/s with a minimum capacity to service the proposed use, including fire fighting capacity, and access to the tank/s for fire trucks. Tank/s are to be:</p> <ul style="list-style-type: none"> <li>(a) fitted with a 50mm ball valve and camlock fitting;</li> <li>(b) installed and connected prior to occupation;</li> <li>(c) sited so as to be visually unobtrusive.</li> </ul>	<p><b>May be conditioned to comply</b></p>
	<p><b>AO2.2</b> Water storage tanks are to be fitted with screening at their inlets to prevent the intrusion of leaves and insects.</p> <p><b>AO2.3</b> An environmentally acceptable and energy efficient power supply is constructed, installed and connected prior to occupation and sited so as to be screened from the road.</p>	<p><b>May be conditioned to comply</b></p>

Performance outcomes	Acceptable outcomes	Applicant response
<p><b>PO3</b> On-site waste water does not adversely impact on the environmental quality of the water and soil resources or amenity of residents, through the implementation of best environmental practice.</p>	<p><b>AO3</b> No acceptable outcomes are prescribed</p>	<p><b>May be conditioned to comply</b></p>
<p><b>PO4</b> The sustainability of the natural water resources of the area is protected for ecological and domestic consumption purposes.</p>	<p><b>AO4.1</b> If groundwater is to be used, development is limited to one bore per site and the bore is: not located within 100 metres of a septic disposal trench (on the site or adjoining sites); not located within 100 metres of another bore.</p> <p><b>AO4.2</b> Surface water is to be used for domestic purposes only.</p>	<p><b>Complies with PO4</b> The site has an existing onsite water supply.</p>
<p><b>PO5</b> Development does not adversely impact on areas of sensitive natural vegetation, foreshore areas, watercourses and/or areas of tidal inundation</p>	<p><b>AO5</b> No acceptable outcomes are prescribed</p>	<p><b>Complies with PO5</b> The development is limited to existing cleared areas of the site. Minor clearing around the existing partially constructed building will be required to remove regrowth vegetation. On balance, the site will remain naturally vegetation.</p>
<p><b>PO6</b> Development is subservient to the surrounding natural environment in scale and intensity and is designed to be functional in a humid tropical rainforest environment.</p>	<p><b>AO6.1</b> The exterior finishes and colours of buildings are non-reflective and complement the colours of the surrounding vegetation and view shed.</p> <p><b>AO6.2</b> The noise of generators is controlled by design, or the generator is enclosed within a sound insulated building with a residential approved muffler. The noise level generated is less than 65 dBA when measured from a distance of 7 metres.</p>	<p><b>May be conditioned to comply</b></p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p><b>AO6.3</b> Any fuel storage associated with an on-site generator, with storage of 20 litres or more of fuel, is enclosed with a building and provided with a bund.</p>	
<p><b>PO7</b> Landscaping of the development ensures that the endemic character of the local area is dominant.</p>	<p><b>AO7.1</b> Landscaping complies with the requirements of Planning Scheme Policy 7 – Landscaping;</p> <p><b>AO7.2</b> All of the existing landscaping to be retained and all of the proposed landscaping is 100% endemic or native species and the details are provided on a landscape plan.</p>	<p><b>May be conditioned to comply</b></p>
<p><b>PO8</b> Site access driveways and roads within the local plan area are retained as safe, slow speed, scenic drives.</p>	<p><b>AO8.1</b> Site access driveways and existing or proposed roads comply with the relevant requirements of Planning Scheme Policy 5 – FNQROC Development Manual and are maintained as low speed gravel roads to maintain the scenic drive experience and to discourage the use of roads by through-traffic;</p> <p><b>AO8.2</b> Where existing roads/tracks are 4-wheel drive only, upgrading to facilitate conventional vehicles and an increase in through traffic does not occur.</p>	<p><b>Complies with PO8</b> The development relies on the existing internal access track connecting Rykers Road and the upper building pad area. This track has acted as a functional and trafficable access.</p>
<p><b>PO9</b> The on-site impacts on natural flow regimes and erosion and sedimentation are minimised.</p>	<p><b>AO9.1</b> Filling and excavation is kept to a minimum and involves not more than 5% of the cleared area of the lot.</p> <p><b>AO9.2</b> All exposed surfaces must incorporate erosion and sediment controls during construction and must be</p>	<p><b>May be conditioned to comply</b></p>



Performance outcomes	Acceptable outcomes	Applicant response
	<p>maintained until revegetation, or other permanent stabilisation, has occurred.</p> <p><b>AO9.3</b> This is no disturbance to tree roots and trenching does not involve any damage to tree roots.</p> <p><b>AO9.4</b> On-site drainage and stormwater management: (a) maintains natural flow regimes; (b) minimises impervious surfaces; (c) avoids concentration of flows, but where there is any form of concentration of flow, energy dissipation measures are installed at the outlet to avoid erosion (e.g. rock rip rap, gravel beds, diffusers etc.)</p>	
<b>General requirements – Dwelling house</b>		
<p><b>PO10</b> Development minimises the loss of vegetation and habitat connectivity on site and is sited to protect the environmental values of the site.</p>	<p><b>AO10.1</b> The elements of development and access to the site are included in a Designated Development Area (DDA).</p> <p><b>AO10.2</b> Development is sited in an existing cleared area or in an area approved for vegetation clearing.</p> <p><b>AO10.3</b> Any new clearing is limited to a maximum area of 700m<sup>2</sup> and is sited to be clear of the high bank of any watercourse. Note – The 700m<sup>2</sup> of clearing does not include an access driveway</p>	<p><b>Complies with AO10.1-AO10.3</b> No new clearing is proposed except for the trimming of regrowth vegetation that has established within the building footprint since the building works ceased. The development is primarily located within existing clearings, clear of watercourses.</p>
<p><b>PO11</b> All existing native vegetation on a house site, other than that required and approved to be cleared for the construction of a house and access thereto, is</p>	<p><b>AO11</b> No acceptable solutions are prescribed.</p>	<p><b>Complies with PO11</b> With the exception of existing clearings and minor trimming round the building footprint, on balance the site will remain vegetated.</p>



Performance outcomes	Acceptable outcomes	Applicant response
protected to ensure the environmental integrity of the local plan area.		
<p><b>PO12</b> Wildlife movement, fauna habitat and habitat corridors are protected and domestic impacts are minimised.</p>	<p><b>AO12.1</b> Fences are limited in extent to the confines of the cleared area around the house and any associated gates are self-closing.</p> <p><b>AO12.2</b> External lighting is to be kept to the minimum necessary for orientation, safety and security. Flood lights must not point up, and areas of retained vegetation should, in general, not be illuminated. Where appropriate, outdoor lights are controlled by movement detectors and/or timers.</p>	<p><b>Complies with PO12</b> No fencing is proposed. All lighting will be domestic in scale and remain to a minimum.</p>
<p><b>PO13</b> House sites have efficient and safe vehicle access and manoeuvring areas on site, and to the site, to an acceptable standard for the local plan area.</p>	<p><b>AO13.1</b> Vehicle access is limited to one access per lot and sited in an approved location, clear of any watercourses.</p> <p><b>AO13.2</b> Vehicular access is a maximum width of 4 metres, avoids large tree specimens and/or significant vegetation and habitat corridors and is constructed and maintained to a minimum gravel standard of 75mm of road base on a compacted soil surface.</p> <p><b>AO13.3</b> Vehicular access is constructed prior to house construction.</p>	<p><b>Complies with PO13</b> The site is service by an existing access track. No change is proposed to the site access arrangement.</p>

Performance outcomes	Acceptable outcomes	Applicant response
<b>Additional requirements for Nature based tourism, being Forest stay accommodation</b>		
<p><b>PO14</b> Forest stay accommodation provides a local economic opportunity for permanent residents of those parts of the Shire which are isolated and constrained by a lack of urban services and facilities.</p>	<p><b>AO14</b> Forest stay accommodation: (a) is confined to:     (i) Precinct 2 – Low impact residential precinct;     (ii) Precinct 5 – Low impact rural and tourism enterprise precinct;     (iii) Precinct 6 – Low impact tourism accommodation precinct. (b) does not occur above the 60 metre contour; (c) is located on lots of 10 hectares or greater.</p>	<p><b>Not Applicable</b></p>
<p><b>PO15</b> Forest stay accommodation remains ancillary to the primary residential use and the natural values of the land and the use is compatible with the character and amenity of the locality.</p>	<p><b>AO15.1</b> The maximum number of guests is 10 (10 bed spaces) with up to a maximum of 4 staff (4 bed spaces);  Note – Staff includes permanent residents of the dwelling house involved in catering for the use.</p> <p><b>AO15.2</b> None of the accommodation, whether for guests or staff, is self-contained as the use operates only in association with an existing dwelling on the site.</p> <p><b>AO15.3</b> Forest stay accommodation is located on a site which has an existing cleared area.</p> <p><b>AO15.4</b> The natural values of the balance area of the site are protected and enhanced with organised tours being conducted for visiting guests.</p>	<p><b>Not Applicable</b></p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p><b>AO15.5</b>            If forest stay accommodation is provided in buildings which are separate from the dwelling:            (a) the maximum number of separate building/s is determined based on each building containing a minimum of 2 bed spaces each, provided that each building has a maximum area of 50m<sup>2</sup> (inclusive of verandahs/patios etc.);            or            (b) a maximum of one communal bunkhouse is provided with a maximum area of 150m<sup>2</sup> to accommodate 10 guests (10 bed spaces) (inclusive of verandahs/patios etc.);            or            (c) a maximum of two communal bunkhouses are provided with a maximum area of 150m<sup>2</sup> each to accommodate a maximum of 20 guests (20 bed spaces) (inclusive of verandahs/patios etc).</p> <p><b>AO15.6</b>            No kitchen or cooking facilities, with the exception of those located within the existing dwelling on the site are provided in association with the forest stay accommodation.</p>	
<p><b>PO16</b>            Development ensures guests are accommodated for short-stay and the dwelling is not the usual residence of the guest.</p>	<p><b>AO16</b>            Development involves guests staying a maximum of 14 consecutive nights.</p>	<p><b>Not Applicable</b></p>
<p><b>PO17</b>            Development ensures that effluent disposal and treatment minimise odour and impacts on the natural environment.</p>	<p><b>AO17</b>            Development provides an on-site effluent treatment system that is adequately sized to effectively treat effluent from the dwelling house and any additional persons occupying the premises as guests.</p>	<p><b>Not Applicable</b></p>

Performance outcomes	Acceptable outcomes	Applicant response
<b>Additional requirements for Precinct 1 – Conservation precinct</b>		
<p><b>PO18</b> The biodiversity value of the area and the habitat of endemic species is protected on land included in the Rainforest Conservation precinct.</p>	<p><b>AO18</b> No new development occurs whether on undeveloped or developed land except for:</p> <p>Undeveloped land that meets one or more of the following criteria:</p> <p>Land which has been previously been lawfully cleared and currently remains cleared;</p> <p>(a) Land which is the subject of a current Clearing Permit, but has yet to be cleared;</p> <p>(b) Land which is subject of a current Operational Works Permit,</p> <p>can be developed for a house subject to compliance with all relevant codes.</p> <p>In addition, minor extensions can be undertaken to an existing development, provided:</p> <p>(a) The extensions are limited to 30% of the existing gross floor area of the house at the commencement date of the planning scheme.</p> <p>or</p> <p>(b) The extent of extensions are determined on a site specific/use specific basis for other land uses,</p> <p>and</p> <p>(c) No further clearing is required to accommodate the extensions for either a house or any other land use development.</p>	<p><b>Not Applicable</b></p>

Performance outcomes	Acceptable outcomes	Applicant response
<b>Additional requirements for Precinct 2– Low impact residential precinct</b>		
<p><b>PO19</b> Development is for;</p> <ul style="list-style-type: none"> <li>(a) a detached dwelling of limited size and scale and necessary outbuildings and infrastructure;</li> <li>(b) home occupations, including bed and breakfast accommodation, where it can be demonstrated that the bed and breakfast accommodation can establish on the site and not detrimentally impact on the scenic values of the site and surrounding areas;</li> <li>(c) Nature based tourism, being Forest stay accommodation where in compliance with other requirements contained within this code.</li> </ul>	<p><b>AO19.1</b> Development is limited to one dwelling house per lot.</p> <p><b>AO19.2</b> Establishment of bed and breakfast accommodation only occurs on land on which a dwelling house has been approved and constructed.</p> <p><b>AO19.3</b> Bed and breakfast accommodation is limited to cleared areas on the land;</p> <p>or</p> <p><b>AO19.4</b> Bed and breakfast accommodation is established within an existing house, where there is no additional vegetation clearing required to accommodate the use;</p> <p><b>AO19.5</b> Bed and breakfast accommodation occurs on a site with a minimum area of 1 hectare, and thereafter occurs at a rate of 1 bedroom (2 beds) per hectare, up to a maximum of 4 bedrooms (8) beds per site.</p> <p><b>AO19.6</b> Development is setback a minimum of 100 metres to an Esplanade or a foreshore frontage.</p>	<p><b>Not Applicable</b></p>
<b>Additional requirements for Precinct 3 – Low impact commercial precinct</b>		
<p><b>PO20</b> Commercial development is located in a convenient location and meets the requirements of the local community and visitors to the area.</p>	<p><b>AO20</b> Commercial development is located within Precinct 3 and has frontage to Cape Tribulation Road.</p>	<p><b>Not Applicable</b></p>

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

Performance outcomes	Acceptable outcomes	Applicant response
<b>Additional requirements for Precinct 5 – Low impact rural production and tourism enterprise precinct</b>		
<p><b>PO25</b> Development complements, protects and enhances the environmental and scenic values of the site.</p>	<p><b>AO25.1</b> One dwelling house establishes per lot.</p> <p><b>AO25.2</b> Any other development is limited to existing cleared areas on the site.</p> <p><b>AO25.3</b> No development is to occur above the 60 metre contour line.</p> <p><b>AO25.4</b> Any new primary production activity or a change to a primary production activity has minimal impact on the existing natural values of the site and surrounding area.</p>	<p><b>Not Applicable</b></p>
<p><b>PO26</b> Large cleared or partially cleared sites are revegetated and rehabilitated in association with suitably small scale environmentally sustainable development.</p>	<p><b>AO26</b> The balance area of the development, including any existing area/s not identified for development is/are revegetated / rehabilitated in accordance with a landscape plan.</p>	<p><b>Not Applicable</b></p>
<p><b>PO27</b> Development is carried out in accordance with a site specific and development specific Environmental Management Plan.</p> <p>Note – Planning scheme policy SC6.4 – Environmental management plans provides further guidance on meeting the performance outcome.</p>	<p><b>AO27</b> No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable</b></p>

Performance outcomes	Acceptable outcomes	Applicant response
<b>Additional requirements for Precinct 6 – Low impact tourist accommodation precinct</b>		
<p><b>PO28</b> Development complements, protects and enhances the environmental and scenic values of the site.</p>	<p><b>AO28.1</b> One dwelling house establishes per lot.</p> <p><b>AO28.2</b> Any other development is limited to existing cleared areas on the site.</p> <p><b>AO28.3</b> No development is to occur above the 60 metre contour line.</p>	<p><b>Complies with AO28.1</b> The development includes a single Dwelling House on the lot.</p> <p><b>Complies with AO28.2</b> The development is limited existing clearings, although minor trimming is required to remove encroaching regrowth vegetation which has established since the building works ceased onsite.</p> <p><b>Alternative Solution to AO28.3</b> The proposed development is located above the 60m contour line. However, it is important to note that the proposal relates to the completion of a previously approved development, where building works were lawfully commenced and partially constructed on the site. As such, the circumstances of this application are not typical of a new greenfield development above the 60m contour.</p> <p>The current proposal does not seek to establish development in a new or undisturbed location, but rather to utilise and complete an existing, established development footprint within previously cleared and disturbed areas. This significantly reduces potential environmental and visual impacts and distinguishes the proposal from development that would otherwise be inconsistent with the intent of the Planning Scheme in relation to the 60m contour.</p>

Performance outcomes	Acceptable outcomes	Applicant response
		In this context, the proposal represents a logical and appropriate continuation of a historical approval, rather than a new incursion into sensitive elevated areas, and is therefore considered to be consistent with the underlying intent of the relevant planning provisions.
<p><b>PO29</b> Development results in a small scale expansion of existing tourist accommodation and any associated activities, based on the appreciation of the natural environment.</p>	<p><b>AO29</b> No acceptable outcomes are prescribed.</p>	<p><b>Complies with PO29</b> The proposed tourist accommodation aspect is modest in scale and limited to 3 bungalows.</p>
<p><b>PO30</b> Development is carried out in accordance with a site specific and development specific Environmental Management Plan.</p> <p>Note – Planning scheme policy – Environmental management plans SC6.4 provides further guidance on meeting the performance outcome.</p>	<p><b>AO30</b> No acceptable outcomes are prescribed.</p>	<p><b>May be conditioned to comply</b></p>

### 6.2.3.3 Assessment criteria

Table 6.2.3.3.a - Conservation zone – assessable development

Performance outcomes	Acceptable outcomes	Applicant Response
<b>For assessable development</b>		
<p><b>PO1</b> The establishment of uses is consistent with the outcomes sought for the Conservation zone and protects the zone from the intrusion of inconsistent uses.</p>	<p><b>AO1</b> Uses identified in Table 6.2.3.3.b are not established in the Conservation zone.</p>	<p><b>Complies with AO1</b> The proposed use is supported within the Conservation Zone.</p>
<p><b>PO2</b> The height of buildings is compatible with the character of the area and does not adversely affect the amenity of the area.</p>	<p><b>AO2</b> Buildings and structures are not more than 8.5 metres in height and two storeys. Note - Height is inclusive of roof height.</p>	<p><b>Complies with AO2</b> The height of the proposed Dwelling House and Home Based Business is single storey and less than 8.5m.</p>
<p><b>PO3</b> Development is setback from site boundaries so they are screened from view from the boundaries of adjoining properties and adjoining roads to maintain the scenic values of the area.</p>	<p><b>AO3</b> Buildings and structures are setback not less than: (a) 40 metres from the frontage of a State-controlled road, existing or proposed arterial road, existing or proposed sub-arterial road, as identified on the Transport network overlay maps contained in Schedule 2; (b) 25 metres from Cape Tribulation Road frontage; (c) 20 metres from any other road frontage (d) 10 metres from side and rear boundaries.</p>	<p><b>Complies with AO3</b> Although not explicitly detailed on the plans, the Dwelling House and Home Based Business comply with the minimum setbacks.</p>
<p><b>PO4</b> The site coverage of all buildings and structures does not have an adverse effect on the conservation or scenic amenity values of the site and surrounding area and buildings are subservient to the natural environment.</p>	<p><b>AO4</b> Development is sited in an existing cleared area or an area approved for clearing, but which is not yet cleared until a development permit to carry out Building Works is issued. Any clearing is limited to a maximum area of 700m<sup>2</sup> and is sited clear of the high bank of any watercourse.  Note – The 700m<sup>2</sup> area of clearing does not include an access driveway.</p>	<p><b>Complies with AO4</b> The proposed Dwelling House is located wholly within an existing clearing. Given the time lapse since when building works commenced and ceased, a number of regrowth trees have established within the building footprint. It is proposed to trim such vegetation. The total area will be less than 700sqm and not near a watercourse.</p>



<p><b>PO5</b> Development is consistent with the overall outcomes sought for the Conservation zone.</p>	<p><b>A05</b> No acceptable outcomes are prescribed.</p>	<p><b>Complies with PO5</b> Refer to discussion within the Planning Report.</p>
<p><b>PO6</b> Development complements, and is subservient to the surrounding environment and is in keeping with the ecological, landscape and scenic values of the area.</p>	<p><b>A06</b> The exterior finishes and colours of all development are non-reflective and consist of colours that blend easily with surrounding native vegetation and view-shed.</p>	<p><b>May be conditioned to comply</b> The external colour scheme is not known at this stage and may be conditioned by Council to be supplied prior to the issue of a Development Permit for Building Works.</p>
<p><b>PO7</b> Development is screened from view from adjoining roads and properties with a dense screen of endemic/native landscape which:</p> <ul style="list-style-type: none"> <li>(a) is informal in character and complementary to the existing natural environment;</li> <li>(b) provides screening;</li> <li>(c) enhances the visual appearance of the development.</li> </ul> <p>Note – Planning scheme policy – Landscaping provides further guidance on meeting the performance outcome.</p>	<p><b>A07.1</b> For any development, the balance area of the site not built upon, including all setback areas must be landscaped/revegetated with dense three tier, endemic planting which is maintained to ensure successful screening is achieved.</p> <p><b>A07.2</b> Endemic palm species, where used, are planted as informal accent features and not as avenues and not in a regular pattern.</p>	<p><b>Complies with PO7</b> Apart from trimming vegetation encroaching within the building footprint , the balance of the site will remain vegetated. The property is not easily visible from external vantage points given the topography and dense vegetation cover.</p>

<p><b>P08</b> Development is complementary to the surrounding environment.</p>	<p><b>AO8.1</b> Development harmonises with the surrounding environment, for example, through suspended, light-weight construction on sloping sites, which requires minimal excavation or fill.</p> <p><b>AO8.2</b> A driveway or parking areas are constructed and maintained to:</p> <ul style="list-style-type: none"> <li>(a) minimise erosion, particularly in the wet season;</li> <li>(b) minimise cut and fill;</li> <li>(c) follow the natural contours of the site;</li> <li>(d) minimise vegetation clearing.</li> </ul> <p><b>AO8.3</b> Buildings and structures are erected on land not exceeding a maximum gradient of 1 in 6 (16.6%)  or  On land steeper than 1 in 6 (16.6%) gradient:</p> <ul style="list-style-type: none"> <li>(a) A split level building form is utilised;</li> <li>(b) A single plane concrete slab is not utilised;</li> <li>(c) Any voids between building and ground level, or between outdoor decks and ground level are screened from view using lattice/battens and/or landscaping.</li> </ul> <p>and</p> <ul style="list-style-type: none"> <li>(d) is accompanied by a Geotechnical Report prepared by a qualified engineer at development application stage which includes certification that the site can be stabilised, followed by a certificate upon completion of works.</li> </ul> <p><b>AO8.4</b> Buildings and structures are sited below any ridgelines and are sited to avoid protrusion above the surrounding tree-level canopy.</p>	<p><b>Complies with PO8</b> The proposed development is complementary to the surrounding environment through its scale, siting, design and overall level of intensity, all of which are consistent with the established character of the Cape Tribulation locality.</p> <p>The development is confined to existing disturbed and partially constructed areas of the site, avoiding encroachment into undisturbed vegetation and maintaining the integrity of the surrounding rainforest. This ensures that the broader ecological and landscape values of the site and locality are retained.</p> <p>In terms of built form, the proposal adopts a low-rise design, with buildings elevated slightly where necessary to respond to the terrain and minimise earthworks. Council conditioning of muted, non-reflective materials and colours will enable the structures to visually recede into the landscape, ensuring they are not prominent when viewed from surrounding areas.</p> <p>The dispersed, campus-style layout of the development further reduces visual bulk and maintains a sense of openness, consistent with the low-density, nature-based development pattern of the area. Retention of surrounding vegetation provides natural screening, reinforcing the visually unobtrusive outcome.</p> <p>The proposed use is also low intensity, comprising a Dwelling House and small-scale Home Based Business with limited ancillary accommodation. This scale of activity is consistent with the surrounding pattern of development and does not generate significant traffic, noise or infrastructure demand.</p>
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<p><b>PO9</b> Development is located to:</p> <ul style="list-style-type: none"> <li>(a) protect the ecological values of the site and surrounding land;</li> <li>(b) maintain the scenic values of the area;</li> <li>(c) maintain appropriate setbacks to waterways, watercourses, wetlands, tidal areas and overland flow paths;</li> <li>(d) avoid areas that are vulnerable to natural hazards;</li> <li>(e) minimise to the greatest extent possible on site excavation and filling;</li> <li>(f) provide buffers to cultural, historical or ecological features;</li> <li>(g) minimise visibility from external sites or public viewing points;</li> <li>(h) minimises to the greatest extent possible the loss of native vegetation and fauna habitat.</li> </ul>	<p><b>AO9</b> No acceptable outcomes are prescribed.</p>	<p><b>Complies with PO9</b></p> <p>The proposed development is sited appropriately within an existing cleared building envelope and is setback from natural waterways. Given the lapse in time since building works originally commenced and ceased, regrowth vegetation has established and is encroaching into the existing building footprint. Minor trimming of this vegetation will be required to re-establish the approved development area. No additional clearing outside of this previously disturbed footprint is proposed.</p> <p>The siting and design of the development ensures that ecological values of the site and surrounding land are protected, with all buildings confined to areas that have already been disturbed. This approach avoids fragmentation of vegetation and maintains the integrity of surrounding habitat and ecological processes.</p> <p>The proposal maintains the scenic values of the area through the use of a low-rise built form that is visually recessive within the landscape. The retention of surrounding vegetation and the use of muted, non-reflective materials will ensure the development integrates with the rainforest setting and does not detract from the natural character of the locality.</p> <p>Appropriate setbacks are maintained to waterways, watercourses and overland flow paths, with no works proposed within or adjacent to these features. The development footprint is located clear of mapped drainage features, ensuring that hydrological processes and water quality are not adversely impacted.</p> <p>The development avoids areas that are vulnerable to natural hazards by utilising existing established building platforms that are generally excluded from</p>
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		<p>the most constrained areas of the site. The design minimises exposure to landslide and flooding risk and ensures that any residual risks can be appropriately managed through building design and certification.</p> <p>Excavation and filling are minimised to the greatest extent possible with the use of existing access tracks and building pads.</p> <p>Buffers to ecological features are inherently maintained through the retention of surrounding vegetation and the confinement of development to a centralised disturbed area. This ensures that sensitive areas of the site, including vegetated slopes and habitat areas, remain undisturbed.</p> <p>The visibility of the development from external sites and public viewing points is minimised through both siting and design. Buildings are set within the landscape and screened by vegetation, ensuring that the development remains visually unobtrusive and consistent with the low-density character of the area.</p> <p>Finally, the proposal minimises the loss of native vegetation and fauna habitat by avoiding new clearing and limiting works to minor trimming within the existing disturbed footprint. This ensures that habitat values are retained and that the development does not result in any meaningful reduction in ecological function.</p>
<p><b>PO10</b> Development does not result in adverse impacts on:</p> <ul style="list-style-type: none"> <li>(a) ecological function or features;</li> <li>(b) on-site or surrounding waterways and wetlands.</li> </ul>	<p><b>AO10</b> No acceptable outcomes are prescribed.</p>	<p><b>Complies with PO10</b></p> <p>The development is for a low impact residential and ancillary low key holiday accommodation use and is not expected to impact on ecological functions or features or waterways and wetlands. If so required Council may condition the requirement for a Site Specific Environmental Management Plan.</p>



<p><b>PO11</b> Rehabilitation of natural processes on disturbed sites is undertaken to improve the environmental integrity of the area.</p>	<p><b>AO11</b> No acceptable outcomes are prescribed</p>	<p><b>Alternative Solution</b> Given the nature and scale of the development no specific rehabilitation activities are proposed.</p>
<p><b>PO12</b> Fencing is designed to not impede the free movement of native fauna through the site.</p>	<p><b>AO12</b> No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable</b></p>
<p><b>PO13</b> New lots contain a minimum lot size of 200 hectares, unless:</p> <ul style="list-style-type: none"> <li>(a) the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments);</li> <li>(b) the reconfiguration is limited to one additional lot to accommodate an existing or approved: <ul style="list-style-type: none"> <li>(i) Telecommunications facility;</li> <li>(ii) Utility installation;</li> </ul> </li> <li>(c) the lot reconfiguration facilitates and outcome consistent with the Return to Country local plan.</li> </ul> <p>Note – Boundary realignments must result in an improved environmental outcome or resolve encroachments.</p>	<p><b>AO13</b> No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable</b></p>

**Table 6.2.3.3.b — Inconsistent uses within the Conservation zone**

**Inconsistent uses**

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

## 9.3.8 Dwelling house code

### 9.3.8.1 Application

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

Note—Where the land is identified in an overlay map, additional provisions relating to that overlay also apply. For example, minimum floor levels for a dwelling house on a site subject to certain types of flooding are identified in the Flood and storm tide inundation overlay code.

Note – For a proposal to be self-assessable, it must meet all of the self-assessable outcomes of this code and any other applicable code. Where it does not meet all the self-assessable outcomes, the proposal becomes assessable development and a development application is required. Where a development application is triggered, only the specific acceptable outcomes that the proposal fails to meet need to be assessed against the corresponding performance outcomes. Other self-assessable outcomes that are met are not assessed as part of the development application.

### 9.3.8.2 Purpose

- (1) The purpose of the Dwelling house code is to assess the suitability of development to which this code applies.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) The dwelling house, including all habitable buildings on site, is occupied by a single household;
  - (b) A dwelling house, including a secondary dwelling or domestic out-buildings; ensures that the secondary dwelling is sub-ordinate to the primary dwelling house;
  - (c) Development of a dwelling house provides sufficient and safe vehicle access and parking for residents;
  - (d) The built form, siting, design and use of each dwelling is consistent with the desired neighbourhood character and streetscape elements of the area.

### 9.3.8.3 Criteria for assessment

Table 9.3.8.3.a – Dwelling house code –assessable development

Performance outcomes	Acceptable outcomes	Applicant Response
<b>For self-assessable and assessable development</b>		
<p><b>PO1</b> Secondary dwellings: (a) are subordinate, small-scaled dwellings; (b) contribute to a safe and pleasant living environment; (c) are established on appropriate sized lots; (d) do not cause adverse impacts on adjoining properties.</p>	<p><b>AO1</b> The secondary dwelling: (a) has a total gross floor area of not more than 80m<sup>2</sup>, excluding a single carport or garage; (b) is occupied by 1 or more members of the same household as the dwelling house.</p>	<p><b>Not Applicable</b></p>
<p><b>PO2</b> Resident's vehicles are accommodated on- site.</p>	<p><b>AO2</b> Development provides a minimum number of on-site car parking spaces comprising: (a) 2 car parking spaces which may be in tandem for the dwelling house; (b) 1 car parking space for any secondary dwelling on the same site.</p>	<p><b>Complies with AO2</b> The development provides two under cover parking spaces and two uncovered parking spaces. Additional parking is available in the existing Shed within the lower area of the site.</p>
<p><b>PO3</b> Development is of a bulk and scale that: (a) is consistent with and complements the built form and front boundary setbacks prevailing in the street and local area; (b) does not create an overbearing development for adjoining dwelling houses and their private open space; (c) does not impact on the amenity and privacy of residents in adjoining dwelling houses; ensures that garages do not dominate the appearance of the street.</p>	<p><b>AO3</b> Development meets the acceptable outcome for building height in the applicable Zone code associated with the site.</p>	<p><b>Complies with AO3</b> Refer to the Planning Report for discussion compliance with the purpose and overall outcomes of the zone. Furthermore refer to the Conservation Zone code assessment.</p>

## 9.3.11 Home based business code

### 9.3.11.1 Application

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

Note – Home based business excludes:

- Legitimate homestay arrangements organised by the Department of Education of up to 2 students, where accommodation is provided by a host family in their own dwelling to local or overseas students studying or training at an Australian educational establishment.
- Legitimate telecommuting (where an employee of an off-site business or organisation works from their dwelling and conducts work-related activities and communications electronically).

Note – Home based business includes:

- Bed and breakfast is the sub-ordinate use of a dwelling providing tourist and visitor short-stay accommodation. Bed and breakfast facilities are operated and maintained by the resident host of the dwelling and guests are generally provided with breakfast. A bed and breakfast does not include short term accommodation or rooming accommodation.
- Dog-day care facility for the residential care of, feeding and exercising of pets, excluding overnight boarding and does not include animal keeping.
- Home based child care is a home-based service providing care for a small group of children within a private dwelling. Home based child care does not include the care of children in the child's own home or care by relatives.
- Home based swimming tuition where involving a domestic sized swimming pool (i.e. – not purpose built for commercial use) and not involving the training of more than 3 non-resident children at any one time.

Note – For a proposal to be self –assessable, it must meet all the self- assessable outcomes of this code and any other applicable code. Where it does not meet all self-assessable outcomes, the proposal becomes assessable development and a development application is required. Where a development application is triggered, only the specific acceptable outcomes that the proposal fails to meet need to be assessed against the corresponding performance outcomes. Other self-assessable outcomes that are met are not assessed as part of the development application.

### 9.3.11.2 Purpose

- (1) The purpose of the Home based business 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) home based business activities are a small-scale business operating in association with the primary use of the dwelling without compromising the safety of, and amenity enjoyed by adjoining and nearby residents;
  - (b) home based businesses are:
    - (i) a small component of a dwelling;
    - (ii) operated by occupiers of the dwelling;
    - (iii) unobtrusive in nature and operation.
  - (c) The operation of a home based business:

- (i) is conducted at times suited to a residential environment;
- (ii) minimises adverse impacts on privacy and amenity of adjoining residential premises;
- (iii) does not involve the repairing or maintaining of motor vehicles or boats;
- (iv) does not involve the storage of dangerous goods;
- (v) does not produce trade waste
- (vi) does not involve the display of goods;
- (vii) generates minimal visitor volumes, and generally on an appointment basis only;
- (ix) generates vehicle types and volumes no greater than reasonably expected in a residential setting.

**9.3.11.3 Criteria for assessment**

Table 9.3.11.3.a – Home based business code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
<b>For self-assessable and assessable development</b>		



<p><b>PO1</b> The use:</p> <ul style="list-style-type: none"> <li>(a) is associated with a dwelling that is being used as a private residence;</li> <li>(b) is low-key in terms of scale, operating characteristics and the number of non-resident employees;</li> <li>(c) does not adversely impact on nearby residential amenity;</li> <li>(d) is compatible with domestic scale infrastructure.</li> </ul>	<p><b>AO1.1</b> The use is located within a dwelling unit or a domestic outbuilding and uses no more than 75m<sup>2</sup> of gross floor area or 30% of the total floor area of the dwelling, whichever is the lesser.</p> <p>Note – Bed and breakfast, home based child care, a dog day care facility or home based swimming tuition may include use of the rest of the site (i.e. these uses are not restricted to operating within an enclosed structure).</p> <p><b>AO1.2</b> The use is conducted by a resident or residents of the premises and:</p> <ul style="list-style-type: none"> <li>(a) in a dwelling house has a maximum of 1 non-resident employee on site at any one time;</li> <li>(b) in a dual occupancy or multiple dwelling, has no other non-resident employees.</li> </ul> <p><b>AO1.3</b> The use does not:</p> <ul style="list-style-type: none"> <li>(a) involve the public display of goods or materials;</li> <li>(b) include hiring goods or equipment from the site;</li> <li>(c) impose an adverse load on utility infrastructure in comparison to normal domestic use of the premises;</li> <li>(d) involve more than 8 separate client visits per day.</li> </ul> <p><b>AO1.4</b> The home based business is conducted between the hours of 8.00am to 8.00pm Monday to Saturday (excluding public holidays), except where the home based business comprises office activities such as book-keeping or computer work. These hours include delivery vehicles.</p>	<p><b>AO1.1 Not Applicable</b></p> <p><b>Complies with AO1.2</b> The 3 bungalows will be managed by the residents of the main Dwelling House.</p> <p><b>Complies with AO1.3</b> The development does not involve public displays, does not include hiring, relies upon onsite utilities and will not generate more than 8 separate client visits per day.</p> <p><b>AO1.4 Not Applicable</b></p>
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	<p><b>AO1.5</b> Not more than one vehicle associated with the use is parked, on or adjacent, to the premises and such vehicle does not exceed a capacity of 2.5 t (including delivery vehicles).</p> <p><b>AO1.6</b> Signage is limited to one non-illuminated sign: (a) no greater than 1.0 metre in length and 0.3 metres in width; (b) no higher than 1.5 metres in height; (c) displaying the occupier's name, business and contact details only.</p> <p><b>AO1.7</b> The home based business does not generate noise that is clearly audible and creates a disturbance with nearby sensitive land uses.</p> <p><b>AO1.8</b> The home based business: (a) has a source of power not exceeding a total connect load of 2.0kW; (b) places a demand on reticulated water supply of not more than 3L per day per m<sup>2</sup> of the floor area related to the business; (c) does not involve the discharge of trade waste.</p> <p><b>AO1.9</b> The home based business does not store or use flammable and combustible liquids on site in amounts that exceed what is permitted for a residential dwelling under AS 1940-2004 The storage and handling of flammable and combustible liquids.</p>	<p><b>Complies with AO1.5</b> All vehicle parking will be accommodated onsite.</p> <p><b>No signage is proposed at this stage, though may be conditioned to comply</b></p> <p><b>Complies with AO1.7</b> The development is located on a large parcel. Noise is expected to be contained within the site and not impact nearby residences.</p> <p><b>AO1.8 Alternative Solution</b> Given the location of the site, onsite electrical generation is required which will exceed 2kw. The site is serviced via onsite water supply and will not result in discharge of trade waste.</p> <p><b>AO1.9 Alternative Solution</b> Given the location of the site, onsite electrical generation is required which may result in storage exceedance.</p>
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<p><b>PO2</b> The home based business is conducted such that buildings on the site retain a residential appearance and character.</p>	<p><b>AO2</b> The external appearance and character of the dwelling is not modified to accommodate the home based business.</p>	<p><b>Complies with PO2</b></p> <p>The proposed Home Based Business is conducted in a manner that ensures the buildings on the site retain a predominantly residential appearance and character.</p> <p>The development is centred around a Dwelling House, which remains the primary use of the land, with the Home Based Business operating as a subordinate and ancillary activity. The built form does not introduce commercial or intense building typologies, signage, or external features that would distinguish the development from a typical residential setting.</p> <p>The ancillary bungalow structures are modest in scale and domestic in design, adopting architectural elements, materials and finishes consistent with the main dwelling. These buildings are not self-contained and do not present as independent commercial accommodation units, but rather as extensions of the residential use of the site.</p> <p>The overall layout, including the dispersed arrangement of buildings, shared facilities, and integration within a vegetated setting, reinforces a low-key, residential-style environment, rather than a commercial or tourist facility. There is no prominent signage, hardstand areas or infrastructure that would detract from this character.</p> <p>Furthermore, the scale of the Home Based Business is limited, with minimal traffic generation, no requirement for large vehicle movements, and no external storage or operational activities that would alter the residential nature of the site.</p>
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If for bed and breakfast – additional requirements		
<p><b>PO3</b> In the case of bed and breakfast accommodation, the accommodation remains ancillary to the primary residential use.</p>	<p><b>AO3.1</b> In 'Urban areas', no more than 2 bedrooms ( a maximum of 4 bed spaces) and optional ensuites within a dwelling are used for bed and breakfast accommodation.</p> <p><b>AO3.2</b> In 'Urban areas', no kitchen or cooking facilities, with the exception of those located within the existing dwelling on site are provided in association with the bed and breakfast.</p> <p><b>AO3.3</b> In 'Other areas', no more than 4 bedrooms (a maximum of 8 bed spaces) and optional ensuites are used for bed and breakfast accommodation.</p> <p><b>AO3.4</b> In 'Other areas', bed and breakfast accommodation can be located in a maximum of 4 separate buildings to the existing house, provided that each building is a maximum of 50m<sup>2</sup> (inclusive of verandahs / patios etc.) and located within 50 metres of the existing house and on the same lot.</p> <p><b>AO3.5</b> In 'Other areas', no kitchen or cooking facilities, with the exception of those located within the existing dwelling on site are provided in association with the bed and breakfast</p> <p><b>AO3.6</b> In areas north of the Daintree River, the maximum number of bed spaces is set out in the Cape Tribulation and Daintree Coast local plan, with all other provisions for 'Other areas' set out above in AO3.4 and AO3.5 herein, being</p>	<p><b>AO3.1-AO3.2 Not Applicable</b></p> <p><b>Complies with AO3.3</b> The development provides for 3 bedrooms (6 bed spaces).</p> <p><b>AO3.4 Alternative Solution</b> The development provides for 3 separate bungalows within 50m of the primary Dwelling House. However the size of the bungalows slightly exceeds the prescribed 50sqm i.e. Bungalow A is approximately 54.6sqm and Bungalows B and C are approximately 67.8sqm. The building footprint is predetermined by the previous approved design and partial works. Despite the slight exceedance, the buildings remain ancillary to the Dwelling House.</p> <p><b>AO3.5 Alternative Solution</b> Basic cooking facilities, including a BBQ, are provided within the external deck areas associated with the bungalows. These facilities are intentionally limited in nature and do not include full kitchen fit-outs, ensuring the accommodation remains ancillary to the primary Dwelling House and does not function as fully self-contained units.</p> <p>Given the remote location of the site and the limited</p>



	applicable..	<p>availability of nearby cafes, restaurants and services, it is considered reasonable and practical to provide these basic cooking amenities for occupants. The provision of such facilities supports the functional use of the accommodation without altering its low-intensity, residential character.</p> <p>Importantly, the inclusion of BBQ facilities are incorporated within the outdoor living area and does not introduce any commercial or intensified use characteristics.</p>
<p><b>PO4</b> Guests are accommodated for short-stay and the dwelling is not the usual residence of the guest.</p>	<p><b>AO4</b> Development involves guests staying a maximum of 14 consecutive nights.</p>	<b>May be conditioned to comply</b>
<p><b>PO5</b> If outside a sewerage area, development ensures that effluent disposal and treatment minimise odour and impacts on the natural environment.</p>	<p><b>AO5</b> Development provides an on-site effluent treatment system that is adequately sized to effectively treat effluent from the dwelling house and any additional persons occupying the premises as guests.</p>	<b>May be conditioned to comply</b>

## 8.2.5 Hillslopes overlay code

### 8.2.5.1 Application

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

### 8.2.5.2 Purpose

- (1) The purpose of the Hillslopes overlay code is to:
  - (a) implement the policy direction in the Strategic Framework, in particular:
    - (i) Theme 1 - Settlement pattern: Element 3.4.7 Mitigation of hazards;
    - (ii) Theme 2 – Environment and landscape values: Element 3.5.5 Scenic amenity.
  - (b) enable an assessment of whether development is suitable on land within the Hillslopes sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) development on hillslopes is safe, serviceable and accessible;
  - (b) the ecological values, landscape character and visual quality of the hillslopes are protected from development so as to retain the scenic backdrop to the region;
  - (c) Development on hillslopes is appropriate, having regard to the topographic constraints and environmental characteristics of the land;
  - (d) Development responds to the constraints of the site including gradient and slope stability;
  - (e) Works do not involve complex engineering solutions.

**Criteria for assessment**

Table 8.2.5.3.a – Hillslopes overlay code –assessable development

Performance outcomes	Acceptable outcomes	Applicant response
<b>For self-assessable development</b>		
<p><b>PO1</b> The landscape character and visual amenity quality of hillslopes areas is retained to protect the scenic backdrop to the region.</p>	<p><b>AO1.1</b> Development is located on parts of the site that are not within the Hillslopes constraint sub-category as shown on the Hillslopes overlay Maps contained in schedule 2.</p>	<p><b>Not Applicable</b></p>
<b>For assessable development</b>		
<p><b>PO2</b> The landscape character and visual amenity quality of hillslopes areas is retained to protect the scenic backdrop to the region.</p>	<p><b>AO2.1</b> Development does not occur on land with a gradient in excess of 1 in 6 (16.6%)  or  <b>AO2.2</b> Where development on land steeper than 1 in 6 (16.6%) cannot be avoided, development follows the natural contours of the site.  <b>AO2.3</b> Access ways and driveways are: (a) constructed with surface materials that blend with the surrounding environment; (b) landscaped with dense planting to minimise the visual impact of the construction; (c) provided with erosion control measures immediately after construction.  <b>AO2.4</b> The clearing or disturbance of vegetation is limited to clearing and disturbance that: (a) is necessary for the construction of driveways; (b) is necessary to contain the proposed development; (c) minimises canopy clearing or disturbance;</p>	<p><b>Complies with PO2</b> The proposed development retains the landscape character and visual amenity of the hillslopes area by ensuring that the built form remains subservient to the natural landform and heavily vegetated setting.  The development is confined to an existing cleared and partially developed footprint, avoiding the need for new clearing (except for minor trimming around the footprint to remove regrowth) across the broader hillslope. This ensures that the dominant visual character of the site continues to be defined by dense rainforest vegetation and natural topography, rather than built form.  The buildings adopt a low-rise design, with elements elevated where required to follow the natural contours of the land. This approach minimises excavation and allows the structures to sit lightly within the landscape, maintaining the existing hillslope profile and</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>(d) minimises riparian clearing or disturbance.</p> <p><b>AO2.5</b> On land with slopes greater than 1 in 6 (16.6%) or greater, alternative construction methods to concrete slab on ground are utilised (i.e. split level or post and beam constructed buildings that minimise modification to the natural terrain of the land).</p> <p><b>AO2.6</b> Development does not alter the sky line.</p> <p><b>AO2.7</b> Buildings and structures: (a) are finished predominantly in the following exterior colours or surfaces: (b) moderately dark to darker shades of olive green, brown, green, blue, or charcoal; or (c) moderately dark to darker wood stains that blend with the colour and hues of the surrounding vegetation and landscape; (d) are not finished in the following exterior colours or surfaces: (e) pastel or terracotta colours, reds, yellows, shades of white or beige, or other bright colours that do not blend with the surrounding vegetation and landscape; (f) reflective surfaces.</p> <p><b>AO2.8</b> Exterior colour schemes limit the use of white or other light colours to exterior trim and highlighting of architectural features</p> <p><b>AO2.9</b> Areas between the first floor (including outdoor deck areas) and ground level are screened from view.</p> <p><b>AO2.10</b></p>	<p>avoiding visual scarring typically associated with cut and fill.</p> <p>In terms of visual presentation, the use of muted, non-reflective materials and colours, combined with the retention and natural regeneration of surrounding vegetation, will ensure that the development is visually recessive. The dispersed, campus-style arrangement of buildings further reduces perceived bulk and prevents the creation of a dominant built form when viewed from surrounding areas or vantage points.</p> <p>Importantly, the site is located outside the main tourism node of Cape Tribulation and is not prominently visible from key public viewing points or scenic routes. The development will therefore not interrupt or diminish the scenic backdrop of the region, which remains characterised by continuous forested hillslopes.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	Recreational or ornamental features (including tennis courts, ponds or swimming pools) do not occur on land: <ul style="list-style-type: none"> <li>(a) with a gradient of 1 in 6 (16.6%) or more;</li> <li>(b) are designed to be sited and respond to the natural constraints of the land and require minimal earthworks</li> </ul>	
<p><b>PO3</b> Excavation or filling does not have an adverse impact on the amenity, safety, stability or function of the site or adjoining premises through:</p> <ul style="list-style-type: none"> <li>(a) loss of privacy;</li> <li>(b) loss of access to sunlight;</li> <li>(c) intrusion of visual or overbearing impacts;</li> <li>(d) complex engineering solutions.</li> </ul>	<p><b>AO3</b> Excavation or fill:</p> <ul style="list-style-type: none"> <li>(a) is not more than 1.2 metres in height for each batter or retaining wall;</li> <li>(b) is setback a minimum of 2 metres from property boundaries;</li> <li>(c) is stepped with a minimum 2 metre wide berm to incorporate landscaping in accordance with Planning scheme policy SC6.7 – Landscaping;</li> <li>(d) does not exceed a maximum of 3 batters and 3 berms (i.e. not greater than 3.6 metres in height) on any one lot.</li> </ul>	<p><b>Complies with AO3</b> No excavation, filling, terracing, batters or retaining structures are proposed as part of the development.</p>

Performance outcomes	Acceptable outcomes	Applicant response
<b>Lot reconfiguration</b>		
<p><b>PO4</b> For development that involves reconfiguring a lot, lot layout and design is responsive to the natural constraints of the land and each lot is capable of being used for its intended purpose.</p>	<p><b>AO4.1</b> The frontage and depth of all lots is of sufficient width to:</p> <ul style="list-style-type: none"> <li>(a) allow driveways to follow the natural contours of the site and not exceed a gradient of 1 in 6 (16.6%);</li> <li>(b) accommodate any changes in gradient between the road and lot within the lot boundary and not within the road reserve.</li> </ul> <p><b>AO4.2</b> Development does not create new lots containing land of greater than 1 in 6 (16.6%), except where a rectangular area of land of lesser grade is contained within the new lots to accommodate the intended land use, with the balance left in its natural state to the greatest extent possible.</p> <p>Note – The size of rectangular areas is outlined within each zone code.</p> <p><b>AO4.3</b> Development does not alter ridgelines.</p> <p><b>AO4.4</b> Lots are designed to ensure rooflines of future buildings and structures do not protrude above a ridgeline.</p>	<p><b>Not Applicable</b></p>

## 8.2.9 Potential landslide hazard overlay code

### 8.2.9.1 Application

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

Note – The Potential landslide hazard overlay shows modelled areas where the factors contributing to landslip potential accumulate to provide a moderate or higher risk if certain factors are exacerbated (e.g. factors include significant vegetation clearing, filling and excavation, changes to soil characteristics, changes to overland water flow, or changes to sub-surface water flow). It shows areas that the Council has identified where landslides may occur and where land may be impacted by a landslide, but does not mean that landslides will occur or that the land will be impacted by a landslide. Other areas not contained within the potential landslide hazard overlay may sustain landslides or be impacted by landslides and consideration should be given to this issue, where appropriate.

### 8.2.5.2 Purpose

- (1) The purpose of the Potential landslide hazard overlay code is:
  - (a) implement the policy direction of the Strategic Framework, in particular:
    - (i) Theme 1: Settlement pattern Element 3.4.7 Mitigation of hazards.
  - (b) enable an assessment of whether development is suitable on land within the Potential landslip hazard overlay.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) development is located, designed and constructed to not put at risk the safety of people, property and the environment;
  - (b) development is not at risk from and does not pose a risk to adjacent and nearby sites from landslides;
  - (c) ensures that community infrastructure is protected from the effects of potential landslides;
  - (d) ensures that vegetation clearing, stormwater management and filling and/or excavation does not create a landslide hazard and/or rectifies potential pre-existing landslide risks;

- (e) development does not occur where works to provide a solution for safety of people, property or the environment involves complex engineering solutions to overcome the risk, or would result in a built form or outcome that causes an adverse visual impact on the Hillslopes or Landscape values of Douglas Shire.

**Criteria for assessment**

Table 8.2.9.20a – Potential landslide hazard overlay code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
<b>For self-assessable and assessable development</b>		
<p><b>PO1</b> The siting and design of development does not involve complex engineering solutions and does not create or increase the potential landslide hazard risk to the site or adjoining premises through:</p> <ul style="list-style-type: none"> <li>(a) building design;</li> <li>(b) increased slope;</li> <li>(c) removal of vegetation;</li> <li>(d) stability of soil;</li> <li>(e) earthworks;</li> <li>(f) alteration of existing ground water or surface water paths;</li> <li>(g) waste disposal areas.</li> </ul>	<p><b>AO1.1</b> Development is located on that part of the site not affected by the Potential landslide hazard overlay. or <b>AO1.2</b> Development is on an existing stable, benched site and requires no further earthworks or <b>AO1.3</b> A competent person certifies that:</p> <ul style="list-style-type: none"> <li>(a) the stability of the site, including associated buildings and infrastructure, will be maintained during the course of the development and will remain stable for the life of the development;</li> <li>(b) development of the site will not increase the risk of landslide hazard activity on other land, including land above the site;</li> <li>(c) the site is not subject to the risk of landslide activity on other land;</li> <li>(d) any measures identified in a site-specific geotechnical report for stabilising the site or development have been fully implemented;</li> <li>(e) development does not concentrate existing ground water and surface water paths;</li> <li>(f) development does not incorporate on-site waste water disposal.</li> </ul>	<p><b>Complies with AO1.1, AO1.2 and PO1.</b> The building footprint is partially included within the hazard mapped area. The encroachment is anticipated due to mapping sale.</p> <p>The proposed development utilises the existing partially built form. The development does not alter slope profiles, drainage patterns, stormwater behaviour, groundwater flow, vegetation cover or site hydrology. Because no earthworks or vegetation removal are proposed (other than minor trimming to remove regrowth around the building footprint), the building work does not increase landslide hazard risk to the site or adjoining properties. It is submitted that the proposal therefore complies with AO1.2 and achieves the intent of PO1 by avoiding complex engineering, maintaining slope stability, and ensuring that the development does not exacerbate landslide potential.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>Note – Planning scheme policy SC6.9 – Natural hazards provides guidance on preparing a site specific geo-technical assessment.            Note – Development may alter the conditions of ground water and surface water paths in accordance with a site-specific geotechnical report, but should ensure that its final disbursement is as-per pre-developed conditions. Consideration for location, velocity, volume and quality should be given</p>	
<p><b>PO2</b>            The siting and design of necessary retaining structures does not cause an adverse visual impact on landscape character or scenic amenity quality of the area.</p>	<p><b>AO2</b>            Excavation or fill:            (a) is not more than 1.2 metres in height for each batter or retaining wall;            (b) is setback a minimum of 2 metres from property boundaries;            (c) is stepped with a minimum 2 metre wide berm to incorporate landscaping in accordance with Planning scheme policy SC6.7 – Landscaping;            (d) does not exceed a maximum of 3 batters and 3 berms (i.e. Not greater than 3.6 metres in height) on any one lot.</p>	<p><b>Not Applicable.</b>            The proposal does not involve any excavation, filling, terracing, retaining walls or modification of the natural ground level.</p>
<b>Additional requirements for Community infrastructure</b>		
<p><b>PO3</b>            Development for community infrastructure:            (a) is not at risk from the potential landslide hazard areas;            (b) will function without impediment from a landslide;            (c) provides access to the infrastructure without impediment from the effects of a landslide;            (d) does not contribute to an elevated risk of a landslide to adjoining properties.</p>	<p><b>AO3</b>            Development is designed in accordance with the recommendations of a site-specific geotechnical assessment which makes reference to the community infrastructure and its needs and function.</p> <p>Note - A site specific geotechnical assessment will detail requirements that will address the Acceptable Outcomes of this Performance Outcome. Planning scheme policy SC6.9 – Natural hazards provides guidance on preparing a site specific geotechnical assessment.</p>	<p><b>Not Applicable.</b></p>

## 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>		
<p><b>PO1</b> 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:</p> <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>	<p><b>AO1.1</b> 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.</p> <p>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.</p> <p><b>AO1.2</b> 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.</p> <p><b>AO1.3</b> Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking.</p> <p><b>AO1.4</b> 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.</p>	<p><b>Complies with AO1.1</b> The development provides 2 covered space and 2 uncovered spaces between the Dwelling House and Bungalow A. Additional covered parking is available with the existing Shed. Additional grassed areas are available around the existing Shed to accommodate informal parking if required.</p> <p><b>Complies with AO1.2</b> On-site car spaces will be available for residential and guest use only and are not used for storage or other purposes.</p> <p><b>Not Applicable</b></p> <p><b>Not Applicable</b></p>
<p><b>PO2</b> Vehicle parking areas are designed and constructed in accordance with relevant standards.</p>	<p><b>AO2</b> Vehicle parking areas are designed and constructed in accordance with Australian Standard:</p> <ul style="list-style-type: none"> <li>(a) AS2890.1;</li> <li>(b) AS2890.3;</li> <li>(c) AS2890.6.</li> </ul>	<p><b>Complies with AO2</b> Parking will be constructed within relevant Australian standards and may be appropriately conditioned.</p>



<p><b>PO3</b> 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> 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> 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> 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> The site is served by an existing single crossover from Rykers Road and internal driveway which serves as a functional access. No changes 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> 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>PO4</b> Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes.</p>	<p><b>AO4</b> The number of on-site wheel chair accessible car parking spaces complies with the rates specified in AS2890 Parking Facilities.</p>	<b>Not Applicable</b>
<p><b>PO5</b> Access for people with disabilities is provided to the building from the parking area and from the street.</p>	<p><b>AO5</b> Access for people with disabilities is provided in accordance with the relevant Australian Standard.</p>	<b>Not Applicable</b>
<p><b>PO6</b> Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development.</p>	<p><b>AO6</b> The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b.</p>	<b>Not Applicable</b>

<p><b>PO7</b> 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> 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> 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> 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> 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> 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> 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> Access driveways, vehicle manoeuvring and on-site parking for service vehicles are designed and constructed in accordance with AS2890.1 and</p>	<p><b>Not Applicable</b> No service vehicles are required to access the site.</p>

<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> Service and loading areas are contained fully within the site.</p> <p><b>AO9.3</b> 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> Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.</p>	<p><b>AO10.1</b> 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> Queuing and set-down areas are designed and constructed in accordance with AS2890.1.</p>	<p><b>Not Applicable</b> Queuing is not required.</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.

## 9.4.4 Filling and excavation code

### 9.4.4.1 Application

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

Note—This code does not apply to building work that is regulated under the Building Code of Australia. (2) When using this code, reference should be made to Part 5.

### 9.4.4.2 Purpose

- (1) The purpose of the Filling and excavation code is to assess the suitability of development for filling or excavation.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) filling or excavation does not impact on the character or amenity of the site and surrounding areas;
  - (b) filling and excavation does not adversely impact on the environment;
  - (c) filling and excavation does not impact on water quality or drainage of upstream, downstream or adjoining properties;
  - (d) filling and excavation is designed to be fit for purpose and does not create land stability issues;
  - (e) filling and excavation works do not involve complex engineering solutions.

### 9.4.4.3 Criteria for assessment

Table 9.4.4.3.a –Filling and excavation code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
<b>For self-assessable and assessable development</b>		
<b>Filling and excavation - General</b>		
<p><b>PO1</b> All filling and excavation work does not create a detrimental impact on the slope stability, erosion potential or visual amenity of the site or the surrounding area.</p>	<p><b>AO1.1</b> The height of cut and/or fill, whether retained or not, does not exceed 2 metres in height.</p> <p>and</p> <p>Cuts in excess of those stated in A1.1 above are separated by benches/ terraces with a minimum width of 1.2 metres that incorporate drainage provisions and screen planting.</p> <p><b>AO1.2</b> Cuts are supported by batters, retaining or rock walls and associated benches/terraces are capable of supporting mature vegetation.</p> <p><b>AO1.3</b> Cuts are screened from view by the siting of the building/structure, wherever possible.</p> <p><b>AO1.4</b> Topsoil from the site is retained from cuttings and reused on benches/terraces.</p> <p><b>AO1.5</b> No crest of any cut or toe of any fill, or any part of any retaining wall or structure is closer than 600mm to any boundary of the property, unless the prior written approval of the adjoining landowner has been obtained.</p>	<p><b>Not Applicable</b> No filling or excavation is required as part of the proposed development. The proposal is limited to the completion of existing structures that were lawfully commenced on the site and are already established within a previously disturbed building footprint.</p> <p>By relying on the existing building platforms and avoiding further ground disturbance, the development maintains the natural landform and avoids impacts associated with cut and fill. This approach minimises potential risks relating to slope stability, erosion and visual scarring, and ensures the development remains consistent with the environmental and landscape constraints of the site.</p>



Performance outcomes	Acceptable outcomes	Applicant response
	<p><b>AO1.6</b> Non-retained cut and/or fill on slopes are stabilised and protected against scour and erosion by suitable measures, such as grassing, landscaping or other protective/aesthetic measures.</p>	
<b>Visual Impact and Site Stability</b>		
<p><b>PO2</b> Filling and excavation are carried out in such a manner that the visual/scenic amenity of the area and the privacy and stability of adjoining properties is not compromised.</p>	<p><b>AO2.1</b> The extent of filling and excavation does not exceed 40% of the site area, or 500m<sup>2</sup> whichever is the lesser, except that AO2.1 does not apply to reconfiguration of 5 lots or more.</p> <p><b>AO2.2</b> Filling and excavation does not occur within 2 metres of the site boundary.</p>	<p><b>Not Applicable</b> Refer to the response under PO1.</p>
<b>Flooding and drainage</b>		
<p><b>PO3</b> Filling and excavation does not result in a change to the run off characteristics of a site which then have a detrimental impact on the site or nearby land or adjacent road reserves.</p>	<p><b>AO3.1</b> Filling and excavation does not result in the ponding of water on a site or adjacent land or road reserves.</p> <p><b>AO3.2</b> Filling and excavation does not result in an increase in the flow of water across a site or any other land or road reserves.</p> <p><b>AO3.3</b> Filling and excavation does not result in an increase in the volume of water or concentration of water in a watercourse and overland flow paths.</p>	<p><b>Not Applicable</b> Refer to the response under PO1.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p><b>AO3.4</b> Filling and excavation complies with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.</p>	
<b>Water quality</b>		
<p><b>PO4</b> Filling and excavation does not result in a reduction of the water quality of receiving waters.</p>	<p><b>AO4</b> Water quality is maintained to comply with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.</p>	<p><b>Not Applicable</b> Refer to the response under PO1.</p>
<b>Infrastructure</b>		
<p><b>PO5</b> Excavation and filling does not impact on Public Utilities.</p>	<p><b>AO5</b> Excavation and filling is clear of the zone of influence of public utilities.</p>	<p><b>Not Applicable</b> Refer to the response under PO1.</p>

## 9.4.6 Landscaping code

### 9.4.6.1 Application

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

### 9.4.6.2 Purpose

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

### 9.4.6.3 Criteria for assessment

Table 9.4.6.3.a – Landscaping code –assessable development

Performance outcomes	Acceptable outcomes	Applicant response
<b>For self-assessable and assessable development</b>		
<b>Landscape design</b>		
<p><b>PO1</b> Development provides landscaping that contributes to and creates a high quality landscape character for the site, street and local areas of the Shire by:</p> <ul style="list-style-type: none"> <li>(a) promoting the Shire’s character as a tropical environment;</li> <li>(b) softening the built form of development;</li> <li>(c) enhancing the appearance of the development from within and outside the development and makes a positive contribution to the streetscape;</li> <li>(d) screening the view of buildings, structures, open storage areas, service equipment, machinery plant and the like from public places, residences and other sensitive development;</li> <li>(e) where necessary, ensuring the privacy of habitable rooms and private outdoor recreation areas;</li> <li>(f) contributing to a comfortable living environment and improved energy efficiency, by providing shade to reduce glare and heat absorption and re-radiation from buildings, parking areas and other hard surfaces;</li> <li>(g) ensuring private outdoor recreation space is useable;</li> <li>(h) providing long term soil erosion protection;</li> <li>(i) providing a safe environment;</li> <li>(j) integrating existing vegetation and other natural features of the premises into the development;</li> </ul>	<p><b>AO1</b> Development provides landscaping:</p> <ul style="list-style-type: none"> <li>(a) in accordance with the minimum area, dimensions and other requirements of applicable development codes;</li> <li>(b) that is designed and planned in a way that meets the guidelines for landscaping outlined in Planning Scheme Policy SC6.7 – Landscaping;</li> <li>(c) that is carried out and maintained in accordance with a landscaping plan that meets the guidelines for landscaping outlined in Planning Scheme Policy SC6.7 – Landscaping.</li> </ul> <p>Note - Planning scheme policy SC6.7 – Landscaping provides guidance on meeting the outcomes of this code. A landscape plan submitted for approval in accordance with the Planning policy is one way to achieve this outcome.</p>	<p><b>Alternative Solution</b> A detailed Landscape Plan has not been prepared for the proposed development. The development is domestic in scale and nature, and it is submitted that a formalised landscaping response is not warranted in this instance.</p> <p>The balance of the site will remain substantially vegetated, with existing native vegetation providing a dominant landscape setting and natural screening to the built form. As such, any additional landscaping will be limited to minor, domestic-scale planting within the immediate curtilage of the buildings.</p> <p>Given the extent of retained vegetation and the low-intensity nature of the proposal, it is considered that detailed landscaping design does not require formal Council endorsement, and can be appropriately managed by the landowner in a manner consistent with the established character of the site and locality.</p>

(k) not adversely affecting vehicular and pedestrian sightlines and road safety.		
<b>For assessable development</b>		
<p><b>PO2</b> Landscaping contributes to a sense of place, is functional to the surroundings and enhances the streetscape and visual appearance of the development.</p>	<p><b>AO2.1</b> No acceptable outcomes are specified.</p> <p>Note - Landscaping is in accordance with the requirements specified in Planning scheme policy SC6.7 – Landscaping.</p> <p><b>AO2.2</b> Tropical urbanism is incorporated into building design.</p> <p>Note – ‘Tropical urbanism’ includes many things such as green walls, green roofs, podium planting and vegetation incorporated into the design of a building.</p>	<p><b>Alternative Solution</b> Refer to discussion under PO1.</p>
<p><b>PO3</b> Development provides landscaping that is , as far as practical, consistent with the existing desirable landscape character of the area and protects trees, vegetation and other features of ecological, recreational, aesthetic and cultural value.</p>	<p><b>AO3.1</b> Existing vegetation on site is retained and incorporated into the site design, wherever possible, utilising the methodologies and principles outline in AS4970-2009 Protection of Trees on Development Sites.</p> <p><b>AO3.2</b> Mature vegetation on the site that is removed or damaged during development is replaced with advanced species.</p> <p><b>AO3.3</b> Where there is an existing landscape character in a street or locality which results from existing vegetation, similar species are incorporated into new development.</p> <p><b>AO3.4</b> Street trees are species which enhance the landscape character of the streetscape, with species chosen from the Planning scheme policy SC6.7 – Landscaping.</p>	<p><b>Alternative Solution</b> Refer to discussion under PO1.</p>



<p><b>PO4</b> Plant species are selected with consideration to the scale and form of development, screening, buffering, streetscape, shading and the locality of the area.</p>	<p><b>AO4</b> Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.</p>	<p><b>Alternative Solution</b> Refer to discussion under PO1.</p>
<p><b>PO5</b> Shade planting is provided in car parking areas where uncovered or open, and adjacent to driveways and internal roadways.</p>	<p><b>AO5</b> Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.</p>	<p><b>Alternative Solution</b> Refer to discussion under PO1.</p>
<p><b>PO6</b> Landscaped areas are designed in order to allow for efficient maintenance.</p>	<p><b>AO6.1</b> A maintenance program is undertaken in accordance with Planning scheme policy SC6.7 – Landscaping.</p> <p><b>AO6.2</b> Tree maintenance is to have regard to the ‘Safe Useful Life Expectancy of Trees (SULE).</p> <p>Note – It may be more appropriate to replace trees with a SULE of less than 20 years (as an example), and replant with younger healthy species.</p>	<p><b>Alternative Solution</b> Refer to discussion under PO1.</p>
<p><b>PO7</b> Podium planting is provided with appropriate species for long term survival and ease of maintenance, with beds capable of proper drainage.</p>	<p><b>AO7.1</b> Podium planting beds are provided with irrigation and are connected to stormwater infrastructure to permit flush out.</p> <p><b>AO7.2</b> Species of plants are selected for long term performance designed to suit the degree of access to podiums and roof tops for maintenance.</p>	<p><b>Not Applicable</b></p>
<p><b>PO8</b> Development provides for the removal of all weed and invasive species and implement on-going measures to ensure that weeds and invasive species do not reinfest the site and nearby premises.</p>	<p><b>AO8</b> Weed and invasive species detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person.</p>	<p><b>May be conditioned to comply</b></p>



<p><b>PO9</b> The landscape design enhances personal safety and reduces the potential for crime and vandalism.</p>	<p><b>AO9</b> No acceptable outcomes are specified.</p> <p>Note - Planning scheme policy SC6.3 – Crime prevention through environmental design (CPTED) provides guidance on meeting this outcome.</p>	<p><b>Alternative Solution</b> Refer to discussion under PO1.</p>
<p><b>PO10</b> The location and type of plant species does not adversely affect the function and accessibility of services and facilities and service areas.</p>	<p><b>AO10</b> Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.</p>	<p><b>Alternative Solution</b> Refer to discussion under PO1.</p>

## 9.4.9 Vegetation management code

### 9.4.9.1 Application

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

### 9.4.9.2 Purpose

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

### 9.4.9.3 Criteria for assessment

Table 9.4.9.3.a – Vegetation management – assessable development

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

Performance outcomes	Acceptable outcomes	Applicant Response
<b>For self-assessable and assessable development</b>		
<p><b>PO1</b> Vegetation is protected to ensure that:</p> <ul style="list-style-type: none"> <li>(a) the character and amenity of the local area is maintained;</li> <li>(b) vegetation damage does not result in fragmentation of habitats;</li> <li>(c) vegetation damage is undertaken in a sustainable manner;</li> <li>(d) the Shire’s biodiversity and ecological values are maintained and protected;</li> <li>(e) vegetation of historical, cultural and / or visual significance is retained;</li> <li>(f) vegetation is retained for erosion prevention and slope stabilisation.</li> </ul>	<p><b>AO1.1</b> Vegetation damage is undertaken by a statutory authority on land other than freehold land that the statutory authority has control over;</p> <p>or</p> <p><b>AO1.2</b> Vegetation damage is undertaken by or on behalf of the local government on land controlled, owned or operated by the local government;</p> <p>or</p> <p><b>AO1.3</b> Vegetation damage, other than referenced in AO1.1 or AO1.2 is the damage of:</p> <ul style="list-style-type: none"> <li>(a) vegetation declared as a pest pursuant to the <i>Land Protection (Pest and Stock Route Management) Act 2002</i>; or</li> <li>(b) vegetation identified within the local government’s register of declared plants pursuant to the local government’s local laws; or</li> <li>(c) vegetation is located within a Rural zone and the trunk is located within ten metres of an existing building; or</li> <li>(d) vegetation is located within the Conservation zone or Environmental management zone</li> </ul>	<p><b>Complies with PO1</b></p> <p>The proposed development has been designed to retain and protect existing vegetation wherever possible, ensuring the site’s natural character and amenity are preserved.</p> <p>The development relates to existing lawfully established, but partially built structures. In the time since the works ceased, regrowth vegetation has encroached within the building footprint and it is necessary to undertake limited trimming to establish separation.</p> <p>No habitat fragmentation will occur, and the development maintains the biodiversity and ecological integrity of the site and surrounding area.</p> <p>Any minor vegetation removal will be undertaken in a sustainable and controlled manner, retaining vegetation important for erosion prevention, slope stability, and visual amenity, consistent with the intent of PO1.</p>



and the trunk is located within three metres of an existing or approved structure, not including a boundary fence;

or

**AO1.4**

Vegetation damage that is reasonably necessary for carrying out work that is:

- (a) authorised or required under legislation or a local law;
- (b) specified in a notice served by the local government or another regulatory authority;

or

**AO1.5**

Vegetation damage for development where the damage is on land the subject of a valid development approval and is necessary to give effect to the development approval;

or

**AO1.6**

Vegetation damage is in accordance with an approved Property Map of Assessable Vegetation issued under the *Vegetation Management Act 1999*;

or

**AO1.7**

Vegetation damage is essential to the maintenance of an existing fire break;

or

**AO1.8**

Vegetation damage is essential to prevent interference to overhead service cabling;



	<p>or</p> <p><b>AO1.9</b> Vegetation damage is for an approved Forest practice, where the lot is subject to a scheme approved under the <i>Vegetation Management Act 1999</i>;</p> <p>or</p> <p><b>AO1.10</b> Vegetation damage is undertaken in accordance with section 584 of the <i>Sustainable Planning Act 2009</i>.</p> <p><b>AO1.11</b> Vegetation damage where it is necessary to remove one tree in order to protect an adjacent more significant tree (where they are growing close to one another).</p> <p><b>AO1.12</b> Private property owners may only remove dead, dying, structurally unsound vegetation following receipt of written advice from, at minimum, a fully qualified Certificate V Arborist. A copy of the written advice is to be submitted to Council for its records, a minimum of seven business days prior to the vegetation damage work commencing.</p>	
<p><b>PO2</b> Vegetation damaged on a lot does not result in a nuisance</p>	<p><b>AO2.1</b> Damaged vegetation is removed and disposed of at an approved site;</p> <p>or</p> <p><b>AO2.2</b> Damaged vegetation is mulched or chipped if used onsite.</p>	<p><b>Complies with PO2</b> Any vegetation that is damaged or removed during construction will be appropriately managed to prevent environmental or amenity impacts.</p>
<p><b>For assessable development</b></p>		

**PO3**

Vegetation damage identified on the Places of significance overlay lot does not result in a negative impact on the site's heritage values.

**AO3**

No acceptable outcomes are prescribed.

**Not applicable.**