

MAYFIELD FARM

PLANNING APPLICATION

17.10.2025

DA Form 1 – Development application details

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

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

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

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

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

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

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

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

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Gary John Hunt
Contact name (only applicable for companies)	Gary Hunt
Postal address (P.O. Box or street address)	PO Box 170
Suburb	Port Douglas
State	QLD
Postcode	4877
Country	Australia
Contact number	0412 229 233
Email address (non-mandatory)	gary@huntdesign.com.au
Mobile number (non-mandatory)	0412 229 233
Fax number (non-mandatory)	N/A
Applicant's reference number(s) (if applicable)	Mayfield Farm

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
		291	Mowbray River Road	Mowbray
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	34	SP331786	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)
		☐ WGS84 ☐ GDA94 ☐ Other:	

- ☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		☐ 54 ☐ 55 ☐ 56	☐ WGS84 ☐ GDA94 ☐ Other:	

3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

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

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

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

Name of airport:

☐ Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification:
☐ Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification:

5) Are there any existing easements over the premises?

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

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

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

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

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

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

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

c) What is the level of assessment?

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

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

Reconfiguring a Lot (1 Lot into 2 Lots)

e) Relevant plans

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

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

6.2) Provide details about the second development aspect

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

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

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

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

c) What is the level of assessment?

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

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

e) Relevant plans

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

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

6.3) Additional aspects of development

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

Section 2 – Further development details

7) Does the proposed development application involve any of the following?	
Material change of use	☐ Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	☒ Yes – complete division 2
Operational work	☐ Yes – complete division 3
Building work	☐ Yes – complete DA Form 2 – Building work details

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)
8.2) Does the proposed use involve the use of existing buildings on the premises?			
☐ Yes			
☐ No			

Division 2 – Reconfiguring a lot

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

9.1) What is the total number of existing lots making up the premises?	
One	
9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)	
☒ Subdivision (complete 10))	☐ Dividing land into parts by agreement (complete 11))
☐ Boundary realignment (complete 12))	☐ Creating or changing an easement giving access to a lot from a constructed road (complete 13))

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
				2
Number of lots created				One Rural Lot One balance Rural Parcel
10.2) Will the subdivision be staged?				
☐ Yes – provide additional details below				
☒ No				
How many stages will the works include?				
What stage(s) will this development application apply to?				

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

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

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)				
Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

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

14.1) What is the nature of the operational work?	
☐ Road work ☐ Drainage work ☐ Landscaping ☐ Other – please specify:	☐ Stormwater ☐ Earthworks ☐ Signage ☐ Water infrastructure ☐ Sewage infrastructure ☐ Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)	
☐ Yes – specify number of new lots:	
☐ No	
14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)	
\$	

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application
Douglas Shire Council
16) Has the local government agreed to apply a superseded planning scheme for this development application?
☐ 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
- ☐ 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 <i>Transport Infrastructure Act 1994</i>:
☐ Ports – Brisbane core port land <i>(where inconsistent with the Brisbane port LUP for transport reasons)</i>
☐ 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 <i>(below high-water mark)</i>
Matters requiring referral to the Chief Executive of the relevant port authority:
☐ Ports – Land within limits of another port <i>(below high-water mark)</i>
Matters requiring referral to the Gold Coast Waterways Authority:
☐ Tidal works or work in a coastal management district <i>(in Gold Coast waters)</i>
Matters requiring referral to the Queensland Fire and Emergency Service:
☐ Tidal works or work in a coastal management district <i>(involving a marina (more than six vessel berths))</i>

18) Has any referral agency provided a referral response for this development application?		
☐ 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 <i>(if applicable)</i> .		

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules
☒ I agree to receive an information request if determined necessary for this development application
☐ I do not agree to accept an information request for this development application
Note: By not agreeing to accept an information request I, the applicant, acknowledge: • that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties • Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules. Further advice about information requests is contained in the DA Forms Guide.

PART 7 – FURTHER DETAILS

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

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

List of approval/development application references	Reference number	Date	Assessment manager
☐ Approval ☐ Development application			
☐ Approval ☐ 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. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

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

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

Hazardous chemical facilities

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

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

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

Clearing native vegetation

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

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

☒ No

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

Environmental offsets

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

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

☒ No

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

Koala habitat in SEQ Region

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

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

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

☒ No

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

Water resources

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

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

☒ No

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

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

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

Waterway barrier works

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

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

☒ No

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

Marine activities

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

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

☒ No

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

Quarry materials from a watercourse or lake

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

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

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

Quarry materials from land under tidal waters

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

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

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

Referable dams

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

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

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

Tidal work or development within a coastal management district

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

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

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

Queensland and local heritage places

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

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

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

Name of the heritage place:		Place ID:	
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Brothels

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

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

Decision under section 62 of the Transport Infrastructure Act 1994

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

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

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

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

☐ Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered

☒ No

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

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17

☒ 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	

6.2.10 Rural zone code

6.2.10.1 Application

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

6.2.10.2 Purpose

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

6.2.10.3 Criteria for assessment

Table 6.2.10.3.a – Rural zone code assessable development



Performance outcomes	Acceptable outcomes	Applicant Response
For self-assessable and assessable development		
PO1 The height of buildings is compatible with the rural character of the area and must not detrimentally impact on visual landscape amenity.	AO1.1 Dwelling houses are not more than 8.5 metres in height. Note – Height is inclusive of roof height. AO1.2 Rural farm sheds and other rural structures are not more than 10 metres in height.	Not applicable



Performance outcomes	Acceptable outcomes	Applicant Response
Setbacks		
PO2 Buildings and structures are setback to maintain the rural character of the area and achieve separation from buildings on adjoining properties.	AO2 Buildings are setback not less than: (a) 40 metres from the property boundary and a State-controlled road; (b) 25 metres from the property boundary adjoining Cape Tribulation Road; (c) 20 metres from the boundary with any other road; (d) 6 metres from side and rear property boundaries.	Not applicable. The proposed lots are capable of accommodating buildings that comply with AO2.
PO3 Buildings/structures are designed to maintain the rural character of the area.	AO3 White and shining metallic finishes are avoided on external surfaces of buildings.	Not applicable
For assessable development		
PO4 The establishment of uses is consistent with the outcomes sought for the Rural zone and protects the zone from the intrusion of inconsistent uses.	AO4 Uses identified in Table 6.2.10.3.b are not established in the Rural zone.	Complies with PO4. The proposed rural lot is immediately adjacent existing rural lots with existing dwellings, directly opposite rural residential lots with existing residences and fronts Mowbray River Road.
PO5 Uses and other development include those that: (a) promote rural activities such as agriculture, rural enterprises and small scale industries that serve rural activities; or (b) promote low impact tourist activities based on the appreciation of the rural character, landscape and rural activities; or (c) are compatible with rural activities.	AO5 No acceptable outcomes are prescribed.	Complies with PO5
PO6 Existing native vegetation along watercourses and in, or adjacent to areas of environmental value, or areas of	AO6 No acceptable outcomes are prescribed.	Complies with PO6. Approximately 70% of the proposed Lot is MSES Regulated Vegetation and will remain as such. The ephemeral watercourse is not affected by this proposal.



remnant vegetation of value is protected.		
PO7 The minimum lot size is 40 hectares, unless (a) the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments to resolve encroachments); or (b) the reconfiguration is limited to one additional lot to accommodate: (i) Telecommunications facility; (ii) Utility installation.	AO7 No acceptable outcomes are prescribed.	The proposal does not comply with PO7, however it is able to achieve compliance with the codes Overall Outcomes. See attached report for more detail. The proposed development is also consistent with the existing amenity and landscape of the area. The proposal seeks to ensure adverse impacts of land use, both on-site and on adjoining areas, are avoided and continues to protect areas of remnant and riparian vegetation within both parcels of land.

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

Inconsistent uses		
• Adult store • Bar • Brothel • Car wash • Child care centre • Club • Community care centre • Community residence • Detention facility, • Dual occupancy • Dwelling unit • Food and drink outlet • Hardware and trade supplies • Health care services • High impact industry	• Hotel • Indoor sport and recreation • Low impact industry • Medium impact industry • Multiple dwelling • Nightclub entertainment facility • Non-resident workforce accommodation • Office • Outdoor sales • Parking station • Permanent plantation • Port services • Relocatable home park • Renewable energy facility, being a wind farm	• Residential care facility • Resort complex • Retirement facility • Rooming accommodation • Sales office • Service station • Shop • Shopping centre • Short-term accommodation • Showroom • Special industry • Theatre • Warehouse

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

8.2 Overlay codes

8.2.1 Acid sulfate soils overlay code

8.2.1.1 Application

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

8.2.1.2 Purpose

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

8.2.1.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant Response
For assessable development		



PO1 The extent and location of potential or actual acid sulfate soils is accurately identified.	AO1.1 No excavation or filling occurs on the site. or AO1.2 An acid sulfate soils investigation is undertaken. Note - Planning scheme policy SC 6.12– Potential and actual acid sulfate soils provides guidance on preparing an acid sulfate soils investigation.	Complies with AO1.1. No excavation or filling is proposed.
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**PO2**

Development avoids disturbing potential acid sulfate soils or actual acid sulfate soils, or is managed to avoid or minimise the release of acid and metal contaminants.

AO2.1

The disturbance of potential acid sulfate soils or actual acid sulfate soils is avoided by:

- (a) not excavating, or otherwise removing, soil or sediment identified as containing potential or actual acid sulfate soils;
- (b) not permanently or temporarily extracting groundwater that results in the aeration of previously saturated acid sulfate soils;
- (c) not undertaking filling that results in:
- (d) actual acid sulfate soils being moved below the water table;
- (e) previously saturated acid sulfate soils being aerated.

or

AO2.2

The disturbance of potential acid sulfate soils or actual acid sulfate soils is undertaken in accordance with an acid sulfate soils management plan and avoids the release of metal contaminants by:

- (a) neutralising existing acidity and preventing the generation of acid and metal contaminants;
- (b) preventing the release of surface or groundwater flows containing acid and metal contaminants into the environment;
- (c) preventing the in situ oxidation of potential acid sulfate soils and actual acid sulfate soils through ground water level management;
- (d) appropriately treating acid sulfate soils before disposal occurs on or off site;
- (e) documenting strategies and reporting requirements in an acid sulfate soils environmental management plan.

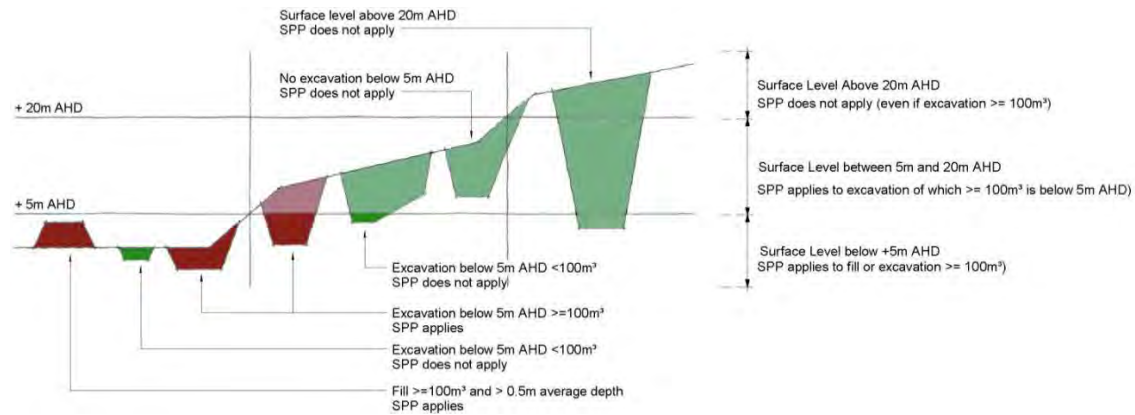
Note - Planning scheme policy SC 6.12 – Acid sulfate soils provides guidance on preparing an acid sulfate soils management plan.

Complies with AO2.1. No excavation of filling is proposed.



PO3 No environmental harm is caused as a result of exposure to potential acid sulfate soils or actual acid sulfate soils.	AO3 No acceptable outcomes are prescribed.	Can be conditioned to comply with PO3.
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Figure 8.2.1.3.a – Acid sulfate soils (SPP triggers)



8.2.2 Bushfire hazard overlay code

Note - Land shown on the bushfire hazard overlay map is designated as the bushfire prone area for the purposes of section 12 of the Building Regulations 2006. The bushfire hazard area (bushfire prone area) includes land covered by the high and medium hazard areas as well as the buffer area category on the overlay map.

8.2.2.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational works or building work in the Bushfire hazard overlay, if:
 - (a) self-assessable or assessable 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 Bushfire hazard overlay is identified on the Bushfire hazard overlay map in Schedule 2 and includes the following sub-categories:
 - (a) Medium bushfire risk sub-category;
 - (b) High bushfire risk sub-category;
 - (c) Very high bushfire risk sub-category;
 - (d) Potential impact buffer sub-category.
- (3) When using this code, reference should be made to Part 5.

8.2.2.2 Purpose

- (1) The purpose of the Bushfire overlay code is to:
 - (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 1 Settlement pattern: Element 3.4.7 Mitigation of hazards;
 - (ii) Theme 6 Infrastructure and transport: Element 3.9.2 Energy.
 - (b) enable an assessment of whether development is suitable on land within the Bushfire risk overlay sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development avoids the establishment or intensification of vulnerable activities within or near areas that are subject to bushfire hazard;
 - (b) development is designed and located to minimise risks to people and property from bushfires;
 - (c) bushfire risk mitigation treatments are accommodated in a manner that avoids or minimises impacts on the natural environment and ecological processes;
 - (d) development involving the manufacture or storage of hazardous materials does not increase the risk to public safety or the environment in a bushfire event;
 - (e) development contributes to effective and efficient disaster management response and recovery capabilities.

Note - A site based assessment may ground-truth the extent of hazardous vegetation and extent and nature of the bushfire hazard area (bushfire prone area). Such assessments should be undertaken

using the methodology set out in Planning scheme policy SC6.9 - Natural Hazards.

8.2.2.3 Criteria for assessment

Table 8.2.2.3.a – Bushfire hazard overlay code –assessable development

Performance outcomes	Acceptable outcomes	Applicant Response
For self-assessable and assessable development		
Compatible development		
PO1 A vulnerable use is not established or materially intensified within a bushfire hazard area (bushfire prone area) unless there is an overriding need or other exceptional circumstances. Note - See the end of this code for examples of vulnerable uses.	AO1 Vulnerable uses are not established or expanded. Note – Where, following site inspection and consultation with Council, it is clear that the mapping is in error in identifying a premises as being subject to a medium, high, very high bushfire hazard or potential impact buffer sub-category, Council may supply a letter exempting the need for a Bushfire Management Plan. Note – Where the assessment manager has not previously approved a Bushfire Management Plan (either by condition of a previous development approval), the development proponent will be expected to prepare such a plan. Note – Planning scheme policy SC6.9 - Natural hazards, provides a guide to the preparation of a Bushfire Management Plan.	Although the Property Report calls up Bushfire mapping on this lot the actual impact of the mapping is not immediately obvious as it appears only to extend to the Mowbray Road frontage. As such, the proposal is considered to comply with all aspects of the Bushfire Hazard Overlay Code and the specific AOs have not been addressed with any additional detail. Complies with AO1
PO2 Emergency services and uses providing community support services are able to function effectively during and immediately after a bushfire hazard event.	AO2 Emergency Services and uses providing community support services are not located in a bushfire hazard sub-category and have direct access to low hazard evacuation routes.	Not applicable.
PO3 Development involving hazardous materials manufactured or stored in bulk is not located in bushfire hazard sub-category.	AO3 The manufacture or storage of hazardous material in bulk does not occur within bushfire hazard sub-category.	Not applicable.
Development design and separation from bushfire hazard – reconfiguration of lots		



Complies with AO4.1

PO4.1

Where reconfiguration is undertaken in an urban area or is for urban purposes or smaller scale rural residential purposes, a separation distance from hazardous vegetation is provided to achieve a radiant heat flux level of 29kW/m^2 at the edge of the proposed lot(s).

Note - "Urban purposes" and "urban area" are defined in the *Sustainable Planning Regulations 2009*. Reconfiguration will be taken to be for rural residential purposes where proposed lots are between 2000m^2 and 2ha in area. "Smaller scale" rural residential purposes will be taken to be where the average proposed lot size is 6000m^2 or less.

Note - The radiant heat levels and separation distances are to be established in accordance with method 2 set out in AS3959-2009.

PO4.2

Where reconfiguration is undertaken for other purposes, a building envelope of reasonable dimensions is provided on each lot which achieves radiant heat flux level of 29kW/m^2 at any point.

AO4.1

No new lots are created within a bushfire hazard sub-category.

or

AO4.2

Lots are separated from hazardous vegetation by a distance that:

- (a) achieves radiant heat flux level of 29kW/m^2 at all boundaries; and
- (b) is contained wholly within the development site.

Note - Where a separation distance is proposed to be achieved by utilising existing cleared developed areas external to the site, certainty must be established (through tenure or other means) that the land will remain cleared of hazardous vegetation.

For staged developments, temporary separation distances, perimeter roads or fire trails may be absorbed as part of subsequent stages.

Note - The achievement of a cleared separation distance may not be achievable where other provisions within the planning scheme require protection of certain ecological, slope, visual or character features or functions.



Performance outcomes	Acceptable outcomes	Applicant Response
PO5 Where reconfiguration is undertaken in an urban area or is for urban purposes, a constructed perimeter road with reticulated water supply is established between the lots and the hazardous vegetation and is readily accessible at all times for urban fire fighting vehicles. The access is available for both fire fighting and maintenance/defensive works.	AO5.1 Lot boundaries are separated from hazardous vegetation by a public road which: (a) has a two lane sealed carriageway; (b) contains a reticulated water supply; (c) is connected to other public roads at both ends and at intervals of no more than 500m; (d) accommodates geometry and turning radii in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; (e) has a minimum of 4.8m vertical clearance above the road; (f) is designed to ensure hydrants and water access points are not located within parking bay allocations; and (g) incorporates roll-over kerbing. AO5.2 Fire hydrants are designed and installed in accordance with AS2419.1 2005, unless otherwise specified by the relevant water entity. Note - Applicants should have regard to the relevant standards set out in the reconfiguration of a lot code and works codes in this planning scheme.	Complies with AO5.1 and can be conditioned to comply with AO5.2 if it is required.

**PO6**

Where reconfiguration is undertaken for smaller scale rural residential purposes, either a constructed perimeter road or a formed, all weather fire trail is established between the lots and the hazardous vegetation and is readily accessible at all times for the type of fire fighting vehicles servicing the area.

The access is available for both fire fighting and maintenance/hazard reduction works.

AO6

Lot boundaries are separated from hazardous vegetation by a public road or fire trail which has:

- (a) a reserve or easement width of at least 20m;
- (b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation;
- (c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path;
- (d) a minimum of 4.8m vertical clearance;
- (e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines;
- (f) a maximum gradient of 12.5%;
- (g) a cross fall of no greater than 10 degrees;
- (h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy;
- (i) vehicular access at each end which is connected to the public road network at intervals of no more than 500m;
- (j) designated fire trail signage;
- (k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and
- (l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services.

Complies with AO6.



Performance outcomes	Acceptable outcomes	Applicant Response
PO7 Where reconfiguration is undertaken for other purposes, a formed, all weather fire trail is provided between the hazardous vegetation and either the lot boundary or building envelope, and is readily accessible at all times for the type of fire fighting vehicles servicing the area. However, a fire trail will not be required where it would not serve a practical fire management purpose.	A07 Lot boundaries are separated from hazardous vegetation by a public road or fire trail which has: (a) a reserve or easement width of at least 20m; (b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation; (c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path; (d) a minimum of 4.8m vertical clearance; (e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; (f) a maximum gradient of 12.5%; (g) a cross fall of no greater than 10 degrees; (h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy; (i) vehicular access at each end which is connected to the public road network; (j) designated fire trail signage; (k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and (l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services.	Complies with A07



PO8 The development design responds to the potential threat of bushfire and establishes clear evacuation routes which demonstrate an acceptable or tolerable risk to people.	AO8 The lot layout: (a) minimises the length of the development perimeter exposed to, or adjoining hazardous vegetation; (b) avoids the creation of potential bottle-neck points in the movement network; (c) establishes direct access to a safe assembly /evacuation area in the event of an approaching bushfire; and (d) ensures roads likely to be used in the event of a fire are designed to minimise traffic congestion. Note - For example, developments should avoid finger-like or hour-glass subdivision patterns or substantive vegetated corridors between lots. In order to demonstrate compliance with the performance outcome, a bushfire management plan prepared by a suitably qualified person may be required. The bushfire management plan should be developed in accordance with the Public Safety Business Agency (PSBA) guideline entitled "Undertaking a Bushfire Protection Plan. Advice from the Queensland Fire and Emergency Services (QFES) should be sought as appropriate	Complies with AO8
PO9 Critical infrastructure does not increase the potential bushfire hazard.	AO9 Critical or potentially hazardous infrastructure such as water supply, electricity, gas and telecommunications are placed underground.	Complies with PO9



Performance outcomes	Acceptable outcomes	
Development design and separation from bushfire hazard – material change of use		
PO10 Development is located and designed to ensure proposed buildings or building envelopes achieve a radiant heat flux level at any point on the building or envelope respectively, of: (a) 10kW/m² where involving a vulnerable use; or (b) 29kW/m² otherwise. The radiant heat flux level is achieved by separation unless this is not practically achievable. Note - The radiant heat levels and separation distances are to be established in accordance with method 2 set out in AS3959-2009.	AO10 Buildings or building envelopes are separated from hazardous vegetation by a distance that: (a) achieves a radiant heat flux level of at any point on the building or envelope respectively, of 10kW/m² for a vulnerable use or 29kW/m² otherwise; and (b) is contained wholly within the development site. Note - Where a separation distance is proposed to be achieved by utilising existing cleared developed areas external to the site, certainty must be established (through tenure or other means) that the land will remain cleared of hazardous vegetation. For staged developments, temporary separation distances, perimeter roads or fire trails may be absorbed as part of subsequent stages. Note - The achievement of a cleared separation distance may not be achievable where other provisions within the planning scheme require protection of certain ecological, slope, visual or character features or functions.	Not applicable.

**PO11**

A formed, all weather fire trail is provided between the hazardous vegetation and the site boundary or building envelope, and is readily accessible at all times for the type of fire fighting vehicles servicing the area.

However, a fire trail will not be required where it would not serve a practical fire management purpose.

Note - Fire trails are unlikely to be required where a development site involves less than 2.5ha

AO11

Development sites are separated from hazardous vegetation by a public road or fire trail which has:

- (a) a reserve or easement width of at least 20m;
- (b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation;
- (c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path;
- (d) a minimum of 4.8m vertical clearance;
- (e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines;
- (f) a maximum gradient of 12.5%;
- (g) a cross fall of no greater than 10 degrees;
- (h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy;
- (i) vehicular access at each end which is connected to the public road network which is connected to the public road network at intervals of no more than 500m;
- (j) designated fire trail signage;
- (k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and
- (l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services.

Not applicable.



Performance outcomes	Acceptable outcomes	Applicant Response
All development		
PO12 All premises are provided with vehicular access that enables safe evacuation for occupants and easy access by fire fighting appliances.	AO12 Private driveways: (a) do not exceed a length of 60m from the street to the building; (b) do not exceed a gradient of 12.5%; (c) have a minimum width of 3.5m; (d) have a minimum of 4.8m vertical clearance; (e) accommodate turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; and (f) serve no more than 3 dwellings or buildings.	Complies with PO12



PO13 Development outside reticulated water supply areas includes a dedicated static supply that is available solely for fire fighting purposes and can be accessed by fire fighting appliances.	AO13 A water tank is provided within 10m of each building (other than a class 10 building) which: (a) is either below ground level or of non-flammable construction; (b) has a take off connection at a level that allows the following dedicated, static water supply to be left available for access by fire fighters: (i) 10,000l for residential buildings Note – A minimum of 7,500l is required in a tank and the extra 2,500l may be in the form of accessible swimming pools or dams. (ii) 45,000l for industrial buildings; and (iii) 20,000l for other buildings; (c) includes shielding of tanks and pumps in accordance with the relevant standards; (d) includes a hardstand area allowing medium rigid vehicle (15 tonne fire appliance) access within 6m of the tank; (e) is provided with fire brigade tank fittings – 50mm ball valve and male camlock coupling and, if underground, an access hole of 200mm (minimum) to accommodate suction lines; and (f) is clearly identified by directional signage provided at the street frontage.	Not applicable.
PO14 Landscaping does not increase the potential bushfire risk.	AO14 Landscaping uses species that are less likely to exacerbate a bushfire event, and does not increase fuel loads within separation areas.	Not applicable.
PO15 The risk of bushfire and the need to mitigate that risk is balanced against other factors (such as but not limited to, biodiversity or scenic amenity).	AO15 Bushfire risk mitigation treatments do not have a significant impact on the natural environment or landscape character of the locality where this has value.	Not applicable.

Note – 'Vulnerable activities' are those involving:

- (1) the accommodation or congregation of vulnerable sectors of the community such as child care centres, community care centre, educational establishments, detention facilities, hospitals, rooming accommodation, retirement facilities or residential care facilities; or

- (2) the provision of essential services including community uses, emergency services, utility installation, telecommunications facility, substations and major electricity infrastructure.

8.2.3 Coastal environment overlay code

8.2.3.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Coastal environment 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 Coastal hazard overlay is identified on the Coastal environment overlay map in Schedule 2 and includes the following sub-categories:
 - (a) Coastal management district sub-category;
 - (b) Erosion prone area sub-category.
- (3) When using this code, reference should be made to Part 5.

8.2.3.2 Purpose

- (1) The purpose of the Coastal environment 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 3.5.4 Coastal zones;
 - (iii) Theme 3 Natural resource management: Element 3.6.2 Land and catchment management.
 - (b) enable an assessment of whether development is suitable on land within the Coastal processes sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) facilitate the protection of both coastal processes and coastal resources;
 - (b) facilitating coastal dependent development on the foreshore over other development;
 - (c) public access to the foreshore protects public safety;
 - (d) maintain the erosion prone area as a development free buffer zone (other than for coastal dependent, temporary or relocatable development);
 - (e) require redevelopment of existing permanent buildings or structures in an erosion prone area to avoid coastal erosion risks, manage coastal erosion risks through a strategy of planned retreat or mitigate coastal erosion risks;
 - (f) require development to maintain or enhance natural processes and the protective function of landforms and vegetation that can mitigate risks associated with coastal erosion;
 - (g) locate and design community infrastructure to maintain the required level of functionality during and immediately after a coastal hazard event.

8.2.3.3 Criteria for assessment

Table 8.2.3.3.a – Coastal environment overlay code – self-assessable and assessable development

Performance outcomes	Acceptable outcomes	Applicant Response
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For self-assessable and assessable development
PO1

No works other than coastal protection works extend seaward of the coastal building line.

AO1.1

Development (including all buildings and other permanent structures such as swimming pools and retaining walls) does not extend seaward of a coastal building line.

Note – Coastal building lines are declared under the Coastal Protection and Management Act 1995 and are administered by the State Department of Environment and Heritage

The area of the site impacted by the Erosion Prone Area mapping is limited to a small area at the rear of the balance of the Rural lot. There is no impact on the area mapped as erosion prone area as a result of this proposal.

As such, the proposal is either capable of achieving compliance with the Acceptable Outcomes of this overlay or the overlay provisions are not applicable.

Not applicable.



Performance outcomes	Acceptable outcomes	Applicant Response
	Protection. AO1.2 Coastal protection works are only undertaken as a last resort where coastal erosion presents an immediate threat to public safety or existing buildings or structures and the property cannot be relocated or abandoned. AO1.3 Coastal protection works are as far landward as practicable on the lot containing the property to the maximum extent reasonable. AO1.4 Coastal protection work mitigates any increase in the coastal hazard.	
PO2 Where a coastal building line does not exist on a lot fronting the coast or a reserve adjoining the coast, development is setback to maintain the amenity and use of the coastal resource.	AO2 Where a coastal building line does not exist on a lot fronting the coast or a reserve adjoining the coast, development (including all buildings and structures such as swimming pools) and retaining walls are set back not less than 6 metres from the seaward boundary of the lot.	Complies with AO2.
For assessable development		
Erosion prone areas		
PO3 Development identifies erosion prone areas (coastal hazards).	AO3 No acceptable outcomes are prescribed.	Complies with PO3



PO4 Erosion prone areas are free from development to allow for natural coastal processes.	AO4.1 Development is not located within the Erosion prone area, unless it can be demonstrated that the development is for: (a) community infrastructure where no suitable alternative location or site exists for this infrastructure; or (b) development that reflects the preferred development outcomes in accordance with the zoning of the site (i.e. in the Low density residential zone, a dwelling house is a preferred development outcome in accordance with the zoning of the site) AO4.2 Development involving existing permanent buildings and structures within an erosion prone area does not increase in intensity of its use by: (a) adding additional buildings or structures; or (b) incorporating a land use that will result in an increase in the number of people or employees occupying the site.	Complies with AO4.1 and AO 4.2 is not applicable.
Coastal management districts		
PO5 Natural processes and protective functions of landforms and vegetation are maintained.	PO5.1 Development within the coastal management district:	Complies with AO5.1



- (a) maintains vegetation on coastal land forms where its removal or damage may:
 - (i) destabilise the area and increase the potential for coastal erosion, or
 - (ii) interrupt the natural sediment trapping processes or dune or land building processes;
- (b) maintains sediment volumes of dunes and near-shore coastal landforms, or where a reduction in sediment volumes cannot be avoided, increased risks to development from coastal erosion are mitigated by location, design and construction and operating standards;
- (c) minimises the need for erosion control structures or riverine hardening through location, design and construction standards;
- (d) maintains physical coastal processes outside the development footprint for the development, including longshore transport of sediment along the coast;
- (e) reduces the risk of shoreline erosion for areas adjacent to the development footprint to the maximum extent feasible in the case of erosion control structures.

PO5.2

Where development proposes the construction of an erosion control structure:

- (a) it is demonstrated that it is the only feasible option for protecting permanent structures from coastal erosion; and
- (b) those permanent structures cannot be abandoned or relocated in the event of coastal erosion occurring.

PO5.3

Development involving reclamation:

- (a) does not alter, or otherwise minimises impacts on, the physical characteristics of a waterway or the seabed near the reclamation,



including flow regimes, hydrodynamic forces, tidal water and riverbank stability;

(b) is located outside active sediment transport area, or otherwise maintains sediment transport processes as close as possible to their natural state;

(c) ensures activities associated with the operation of the development maintain the structure and condition of vegetation communities and avoid wind and water run-off erosion.



PO6 Development avoids or minimises adverse impacts on coastal resources and their values to the maximum extent reasonable.	AO6.1 Coastal protection work that is in the form of beach nourishment uses methods of placement suitable for the location that do not interfere with the long-term use of the locality, or natural values within or neighbouring the proposed placement	Not applicable.
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Performance outcomes	Acceptable outcomes	Applicant Response
	site. and AO6.2 Marine development is located and designed to expand on or redevelop existing marine infrastructure unless it is demonstrated that it is not practicable to co-locate the development with existing marine infrastructure; and AO6.3 Measures are incorporated as part of siting and design of the development to maintain or enhance water quality to achieve the environmental values and water quality objectives outlined in the Environmental Protection (Water) Policy 2009. and AO6.4 Development avoids the disturbance of acid sulfate soils, or where it is demonstrated that this is not possible, the disturbance of acid sulfate soils is carefully managed to minimise and mitigate the adverse effects of disturbance on coastal resources. and AO6.4 Design and siting of development protects and retains identified ecological values and underlying ecosystem processes within the development site to the greatest extent practicable.	



PO7 Development is to maintain access to and along the foreshore for general public access.	A07.1 Development provides for regular access points for pedestrians including approved walking tracks, boardwalks and viewing platforms. and A07.2 Development provides for regular access points for vehicles including approved roads and tracks. or A07.3 Development demonstrates an alternative solution to achieve an equivalent standard of performance.	Not applicable.
PO8 Public access to the coast is appropriately located, designed and operated.	A08.1 Development maintains or enhances public access to the coast.	Not applicable.



Performance outcomes	Acceptable outcomes	Applicant Response
	or AO8.2 Development is located adjacent to state coastal land or tidal water and minimises and offsets any loss of access to and along the foreshore within 500 metres. or AO8.3 Development adjacent to state coastal land or tidal water demonstrates an alternative solution to achieve an equivalent standard and quality of access.	



Not applicable.

PO9

Development adjacent to state coastal land or tidal water is located, designed and operated to:

- (a) maintain existing access to and along the foreshore;
- (b) minimise any loss of access to and along the foreshore, or
- (c) offset any loss of access to and along the foreshore by providing for enhanced alternative access in the general location.

AO9.1

Development adjacent to state coastal land or tidal water:

- (a) demonstrates that restrictions to public access are necessary for:
 - (i) the safe and secure operation of development;
 - (ii) the maintenance of coastal landforms and coastal habitat; or
- (a) maintains public access (including public access infrastructure that has been approved by the local government or relevant authority) through the site to the foreshore for:
 - (i) pedestrians via access points including approved walking tracks, boardwalks and viewing platforms;
 - (ii) vehicles via access points including approved roads or tracks.

AO9.2

Development adjacent to state coastal land or tidal water:

- (a) is located and designed to:
 - (i) allow safe unimpeded access to, over, under or around built infrastructure located on, over or along the foreshore, for example through the provision of esplanades or easement corridors to preserve future access;
 - (ii) ensure emergency vehicles can access the area near the development.

or

- (a) minimises and offsets any loss of access to and along the foreshore within 500m of existing access points and development is located and designed to:
 - (i) allow safe unimpeded access to, over, under or around built infrastructure located on, over or along the foreshore, and



	(ii) ensure emergency vehicles can access	
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Performance outcomes	Acceptable outcomes	Applicant Response
	the area near the development.	
AO10 Development that involves reconfiguring a lot for urban purposes adjacent to the coast is designed to ensure public access to the coast in consideration of public access demand from a whole-of-community basis and the maintenance of coastal landforms and coastal habitat.	AO10.1 Development complies if consideration of public access demand from a whole-of-community basis and the maintenance of coastal landforms and coastal habitat is undertaken. or AO10.2 Development demonstrates an alternative solution to achieve an equivalent standard and quality of access.	Not applicable.
PO11 Development maintains public access to State coastal land by avoiding private marine development attaching to, or extending across, non-tidal State coastal land.	AO11 Private marine access structures and other structures such as decks or boardwalks for private use do not attach to or extend across State coastal land that is situated above high water mark	Not applicable.
PO12 Development in connection with an artificial waterway enhances public access to coastal waters.	AO12 The artificial waterway avoids intersecting with or connection to inundated land or leased land where the passage, use or movement of vessels in water on the land could be restricted or prohibited by the registered proprietor of the inundated land or leased land.	Not applicable.
Coastal landscapes, views and vistas		
PO13 Development maintains and / or enhances natural coastal landscapes, views and vistas.	AO13 No acceptable outcomes are prescribed.	Not applicable.



PO14 Coastal settlements are consolidated through the concentration of development within the existing urban areas through infill and conserving the natural state of the coastal area outside existing urban areas.	AO14 No acceptable outcomes are prescribed.	
Private marine development		
PO15 Private marine development is to avoid attaching to, or extending across, non-tidal State coastal land.	AO15 Private marine development and other structures such as decks or boardwalks for private use do not attach to, or extend across, State coastal land that is situated above high water mark. Note – For occupation permits or allocations of State land, refer to the <i>Land Act 1994</i> .	Not applicable.
PO16 The location and design of private marine development does not adversely affect the safety of members of the public access to the foreshore.	AO16 Private marine development does not involve the erection or placement of any physical barrier preventing existing access, along a public access way to the foreshores.	Not applicable.
PO17 Private marine development is of a height and scale and size compatible with the character and	AO17 Private marine development has regard to: (a) the height, scale and size of the natural	Not applicable.



Performance outcomes	Acceptable outcomes	Applicant Response
amenity of the location.	features of the immediate surroundings and locality; (b) the height, scale and size of existing buildings or other structures in the immediate surroundings and the locality; (c) if the relevant planning scheme states that desired height, scale or size of buildings or other structures in the immediate surroundings or locality – the stated desired height, scale or size. Note – The prescribed tidal works code in the <i>Coastal Protection and Management Regulation 2003</i> outlines design and construction requirements that must be complied with.	
PO18 Private marine development avoids adverse impacts on coastal landforms and coastal processes.	AO18 Private marine development does not require the construction of coastal protection works, shoreline or riverbank hardening or dredging for marine access.	Not applicable.
For dry land marinas and artificial waterways		



PO19 Dry land marinas and artificial waterways: (a) avoid impacts on coastal resources; (b) do not contribute to the degradation of water quality; (c) do not increase the risk of flooding; (d) do not result in the degradation or loss of MSES; (e) do not result in an adverse change to the tidal prism of the natural waterway to which development is connected. (f) does not involve reclamation of tidal land other than for the purpose of: (i) coastal dependent development, public marine development; or (ii) community infrastructure, where there is no feasible alternative; or (iii) strategic ports, boat harbours or strategic airports and aviation facilities in accordance with a statutory land use plan; or (iv) coastal protection works or works necessary to protect coastal resources and processes.	AO19 No acceptable solutions are prescribed.	Not applicable.
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8.2.4 Flood and storm tide hazard overlay code

8.2.4.1 Application

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

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

8.2.4.2 Purpose

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

- (g) natural processes and the protective function of landforms and/or vegetation are maintained in natural hazard areas;
- (h) community infrastructure is located and designed to maintain the required level of functionality during and immediately after a hazard event.

8.2.4.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant Response
For assessable and self assessable development		
PO1 Development is located and designed to: ensure the safety of all persons; minimise damage to the development and contents of buildings; provide suitable amenity; minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events. Note – For assessable development within the flood plain assessment sub-category, a flood study by a suitably qualified professional is required to identify compliance with the intent of the acceptable outcome.	AO1.1 Development is sited on parts of the land that is not within the Flood and Storm tide hazards overlay maps contained in Schedule 2; or For dwelling houses, AO1.2 Development within the Flood and Storm Tide hazards overlay maps (excluding the Flood plain assessment sub-category) is designed to provide immunity to the Defined Inundation Event as outlined within Table 8.2.4.3.b plus a freeboard of 300mm. AO1.3 New buildings are: (a) not located within the overlay area; (b) located on the highest part of the site to minimise entrance of flood waters; (c) provided with clear and direct pedestrian and vehicle evacuation routes off the site. AO1.4 In non urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters.	Complies with AO1.1. The proposed lot is outside the Flood and Storm tide hazards overlay mapping.
For assessable development		



P02 The development is compatible with the level of risk associated with the natural hazard.	AO2 The following uses are not located in land inundated by the Defined Flood Event (DFE) / Storm tide: (a) Retirement facility; (b) Community care facility; (c) Child care centre.	Not applicable.
P03 Development siting and layout responds to flooding potential and maintains personal safety	For Material change of use AO3.1 New buildings are: (d) not located within the overlay area; (e) located on the highest part of the site to minimise entrance of flood waters; (f) provided with clear and direct pedestrian and vehicle evacuation routes off the site. or	Not applicable.



Performance outcomes	Acceptable outcomes
	AO3.2 The development incorporates an area on site that is at least 300mm above the highest known flood inundation level with sufficient space to accommodate the likely population of the development safely for a relatively short time until flash flooding subsides or people can be evacuated. or AO3.3 Where involving an extension to an existing dwelling house that is situated below DFE /Storm tide, the maximum size of the extension does not exceed 70m² gross floor area. Note – If part of the site is outside the Hazard Overlay area, this is the preferred location of all buildings. For Reconfiguring a lot AO3.4 Additional lots: (a) are not located in the hazard overlay area; or (b) are demonstrated to be above the flood level identified for the site. Note - If part of the site is outside the Hazard Overlay area, this is the preferred location for all lots (excluding park or other open space and recreation lots). Note – Buildings subsequently developed on the lots will need to comply with the relevant building assessment provisions under the <i>Building Act 1975</i>. AO3.5 Road and/or pathway layout ensures residents are not physically isolated from adjacent flood free urban areas and provides a safe and clear evacuation route path:



- (a) by locating entry points into the reconfiguration above the flood level and avoiding culs-de-sac or other non-permeable layouts; and
- (b) by direct and simple routes to main carriageways.

AO3.6

Signage is provided on site (regardless of whether the land is in public or private ownership) indicating the position and path of all safe evacuation routes off the site and if the site contains, or is within 100m of a floodable waterway, hazard warning signage and depth indicators are also provided at key hazard points, such as at floodway crossings or entrances to low-lying reserves.

or



Performance outcomes	Acceptable outcomes	Applicant Response
	AO3.7 There is no intensification of residential uses within the flood affected areas on land situated below the DFE/Storm tide.	Complies with AO3.7
	For Material change of use (Residential uses) AO3.1 The design and layout of buildings used for residential purposes minimise risk from flooding by providing: (a) parking and other low intensive, non-habitable uses at ground level; Note - The high-set 'Queenslander' style house is a resilient low-density housing solution in floodplain areas. Higher density residential development should ensure only non-habitable rooms (e.g. garages, laundries) are located on the ground floor.	Not applicable



PO4 Development is resilient to flood events by ensuring design and built form account for the potential risks of flooding.	For Material change of use (Non-residential uses) AO4.2 Non residential buildings and structures allow for the flow through of flood waters on the ground floor. Note - Businesses should ensure that they have the necessary contingency plans in place to account for the potential need to relocate property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a building or off site). Note - The relevant building assessment provisions under the <i>Building Act 1975</i> apply to all building work within the Hazard Area and need to take into account the flood potential within the area. AO4.3 Materials are stored on-site: (a) are those that are readily able to be moved in a flood event; (b) where capable of creating a safety hazard by being shifted by flood waters, are contained in order to minimise movement in times of flood. Notes - (a) Businesses should ensure that they have the necessary contingency plans in place to account for the potential need to relocate property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a building or off site). (b) Queensland Government Fact Sheet 'Repairing your House after a Flood' provides information about water resilient products and building techniques.	Not applicable
PO5 Development directly, indirectly and cumulatively avoids any increase in water flow velocity or flood level and does not increase the potential flood damage either on site or on other properties. Note – Berms and mounds are considered to be an	For Operational works AO5.1 Works in urban areas associated with the proposed development do not involve: (a) any physical alteration to a watercourse or floodway including vegetation clearing; or (b) a net increase in filling (including berms and	Not Applicable.



Performance outcomes	Acceptable outcomes	Applicant Response
undesirable built form outcome and are not supported.	mounds). AO5.2 Works (including buildings and earthworks) in non urban areas either: (a) do not involve a net increase in filling greater than 50m³; or (b) do not result in any reductions of on-site flood storage capacity and contain within the subject site any changes to depth/duration/velocity of flood waters; or (c) do not change flood characteristics outside the subject site in ways that result in: (i) loss of flood storage; (ii) loss of/changes to flow paths; (iii) acceleration or retardation of flows or any reduction in flood warning times elsewhere on the flood plain. For Material change of use AO5.3 Where development is located in an area affected by DFE/Storm tide, a hydraulic and hydrology report, prepared by a suitably qualified professional, demonstrates that the development maintains the flood storage capacity on the subject site; and (a) does not increase the volume, velocity, concentration of flow path alignment of stormwater flow across sites upstream, downstream or in the general vicinity of the subject site; and (b) does not increase ponding on sites upstream, downstream or in the general vicinity of the subject site.	



	For Material change of use and Reconfiguring a lot AO5.4 In non urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters. Note – Fences and irrigation infrastructure (e.g. irrigation tape) in rural areas should be managed to minimise adverse the impacts that they may have on downstream properties in the event of a flood.	
PO6 Development avoids the release of hazardous materials into floodwaters.	For Material change of use AO6.1 Materials manufactured or stored on site are not hazardous or noxious, or comprise materials that may cause a detrimental effect on the environment if discharged in a flood event;	Not applicable



Performance outcomes	Acceptable outcomes	Applicant response
	or AO6.2 If a DFE level is adopted, structures used for the manufacture or storage of hazardous materials are: (a) located above the DFE level; or (b) designed to prevent the intrusion of floodwaters. AO6.3 Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by the DFE. AO6.4 If a flood level is not adopted, hazardous materials and their manufacturing equipment are located on the highest part of the site to enhance flood immunity and designed to prevent the intrusion of floodwaters. Note – Refer to <i>Work Health and Safety Act 2011</i> and associated Regulation and Guidelines, the <i>Environmental Protection Act 1994</i> and the relevant building assessment provisions under the <i>Building Act 1975</i> for requirements related to the manufacture and storage of hazardous materials.	



PO7 The development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.	AO7 Development does not: (a) increase the number of people calculated to be at risk of flooding; (b) increase the number of people likely to need evacuation; (c) shorten flood warning times; and (d) impact on the ability of traffic to use evacuation routes, or unreasonably increase traffic volumes on evacuation routes.	Complies with AO7. All habitable dwellings are able to be located outside the mapped area on the newly created lot.
PO8 Development involving community infrastructure: (a) remains functional to serve community need during and immediately after a flood event; (b) is designed, sited and operated to avoid adverse impacts on the community or environment due to impacts of flooding on infrastructure, facilities or access and egress routes; (c) retains essential site access during a flood event; (d) is able to remain functional even when other infrastructure or services may be compromised in a flood event.	AO8.1 The following uses are not located on land inundated during a DFE/Storm tide: (a) community residence; and (b) emergency services; and (c) residential care facility; and (d) utility installations involving water and sewerage treatment plants; and (e) storage of valuable records or items of historic or cultural significance (e.g. archives, museums, galleries, libraries). or AO8.2	Not applicable.



The following uses are not located on land inundated during a 1% AEP flood event:

- (a) community and cultural facilities, including facilities where an education and care service under the Education and Care Services National law (Queensland) is operated or child care service under the *Child Care Act 2002* is conducted,
- (b) community centres;
- (c) meeting halls;
- (d) galleries;
- (e) libraries.

The following uses are not located on land inundated during a 0.5% AEP flood event.

- (a) emergency shelters;
- (b) police facilities;
- (c) sub stations;
- (d) water treatment plant

The following uses are not located on land inundated during a 0.2% AEP flood event:

- (a) correctional facilities;
- (b) emergency services;
- (c) power stations;
- (d) major switch yards.

and/or

AO8.3

The following uses have direct access to low hazard evacuation routes as defined in Table 8.2.4.3.c:

- (a) community residence; and
- (b) emergency services; and
- (c) hospitals; and
- (d) residential care facility; and
- (e) sub stations; and
- (f) utility installations involving water and sewerage treatment plants.

AO8.4



Any components of infrastructure that are likely to fail to function or may result in contamination when inundated by flood, such as electrical switch gear and motors, telecommunications connections, or water supply pipeline air valves are:

- (a) located above DFE/Storm tide or the highest known flood level for the site;
- (b) designed and constructed to exclude floodwater intrusion / infiltration.

AO8.5

Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by a flood.



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

Minimum immunity to be achieved (floor levels)	Uses and elements of activities acceptable in the event
20% AEP level	Parks and open space.
5% AEP level	Car parking facilities (including car parking associated with use of land).
1% AEP level	All development (where not otherwise requiring an alternative level of minimum immunity).
0.5% AEP level	- Emergency services (if for a police station); - Industry activities (if including components which store, treat or use hazardous materials); - Substation; - Utility installation.
0.2% AEP level	- Emergency services; - Hospital; - Major electricity infrastructure; - Special industry.

Table 8.2.4.3.c - Degree of flood

Criteria	Low	Medium	High	Extreme
Wading ability	If necessary children and the elderly could wade. (Generally, safe wading velocity depth product is less than 0.25)	Fit adults can wade. (Generally, safe wading velocity depth product is less than 0.4)	Fit adults would have difficulty wading. (Generally, safe wading velocity depth product is less than 0.6)	Wading is not an option.
Evacuation distances	< 200 metres	200-400 metres	400-600 metres	600 metres
Maximum flood depths	< 0.3 metre	< 0.6 metre	< 1.2 metres	1.2 metres



Maximum flood velocity	< 0.4 metres per second	< 0.8 metres per second	< 1.5 metres per second	1.5 metres per second
Typical means of egress	Sedan	Sedan early, but 4WD or trucks later	4WD or trucks only in early stages, boats or helicopters	Large trucks, boats or helicopters
Timing Note: This category cannot be implemented until evacuation times have been established in the Counter Disaster Plan (Flooding)	Ample flood forecasting. Warning and evacuation routes remain passable for twice as long as evacuation time.	Evacuation routes remain trafficable for 1.5 times as long as the evacuation.	Evacuation routes remain trafficable for only up to minimum evacuation time.	There is insufficient evacuation time.

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

8.2.6 Landscape values overlay code

8.2.6.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Landscape values 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 Landscape values overlay is identified on the Landscape values overlay map in Schedule 2 and includes in following sub-categories:
 - (a) High landscape value sub-category;
 - (b) Medium landscape value sub-category;
 - (c) Scenic route buffer / view corridor area sub-category;
 - (d) Coastal scenery area sub-category.
- (3) When using this code, reference should be made to Part 5.

8.2.6.2 Purpose

- (1) The purpose of the Landscape values overlay code is to:
 - (a) implement the policy direction of the Strategic Framework, in particular:
 - (i) Theme 2: Environment and landscape values Element 3.5.5 Scenic amenity;
 - (ii) Theme 3: Natural resource management Element 3.6.4 – Resource extraction.
 - (b) enable an assessment of whether development is suitable on land within the Landscape values overlay sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) areas of High landscape value are protected, retained and enhanced;
 - (b) areas of Medium landscape value are managed to integrate and limit the visual impact of development;
 - (c) the landscape values of the Coastal scenery area are managed to integrate and limit the visual impact of development;
 - (d) development maintains and enhances the significant landscape elements and features which contribute to the distinctive character and identity of Douglas Shire;
 - (e) ridges and vegetated hillslopes are not developed in a way that adversely impacts on landscape values;
 - (f) watercourses, forested mountains and coastal landscape character types remain predominantly natural in appearance in order to maintain the region's diverse character and distinctive tropical image, in particular:
 - (i) areas in the coastal landscape character type which are predominantly natural and undeveloped in appearance retain this natural landscape character;
 - (ii) watercourses which are predominantly natural and undeveloped in appearance retain this natural landscape character;
 - (iii) the rural character of cane fields and lowlands landscape character types which are predominantly rural or natural in appearance are

maintained;

- (iv) landscape values are maintained when viewed from lookouts, scenic routes, gateways and public places.
- (g) views towards High landscape value areas and the Coral Sea are not diminished;
- (h) development is consistent with the prevailing landscape character of its setting, and is neither visually dominant nor visually intrusive;
- (i) advertising devices do not detract from the landscape values, character types or amenity of an area.

8.2.6.3 Criteria for assessment

Table 8.2.6.3.a – Landscape values overlay code – assessable development

Performance outcomes	Acceptable outcomes	Applicant Response
For assessable development		
Development in a High landscape value area		



Not applicable.

PO1

Development within High landscape value areas identified on the Landscape values overlay maps contained in Schedule 2:

- (a) avoids detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, the coastal foreshore or the shoreline of other water bodies through the loss of vegetation;
- (b) is effectively screened from view from a road, lookout or other public place by an existing natural landform or native vegetation, or will be effectively screened by native vegetation within 3 years of construction;
- (c) retains existing vegetation and incorporates new landscaping to enhance existing vegetation and visually soften built form elements;
- (d) incorporates development of a scale, design, height, position on site, construction materials and external finishes that are compatible with the landscape values of the locality;
- (e) avoids detrimental impacts on landscape values and excessive changes to the natural landform as a result of the location, position on site, scale, design, extent and alignment of earthworks, roads, driveways, retaining walls and other on-ground or in-ground infrastructure;
- (f) avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of telecommunications facilities, electricity towers, poles and lines and other tall infrastructure;
- (g) extractive industry operations are avoided.

Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.

AO1.1

Buildings and structures are not more than 8.5 metres and two storeys in height.

Note - Height is inclusive of roof height.

AO1.2

Buildings and structures are setback not less than 50 metres from ridgelines or peaks.

AO1.3

Development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer.

AO1.4

Where development on land steeper than 1 in 6 (16.6%) cannot be avoided:

- (a) development follows the natural; contours of the site;
- (b) buildings are split level or suspended floor construction, or a combination of the two;
- (c) lightweight materials are used to areas with suspended floors.

Note - Examples of suitable lightweight materials include timber or fibre cement boards or sheeting for walls and factory treated metal sheeting for walls and roofs.

AO1.5

The external features, walls and roofs of buildings and structures have a subdued and non-reflective palette.

Note - Examples of suitable colours include shades of green, olive green, blue green, grey green, green blue, indigo, brown, blue grey, and green yellow.

AO1.6

No clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.5%).

**AO1.7**

Where for accommodation activities or reconfiguration of a lot in a High landscape value area, development demonstrates that the height, design, scale, positioning on-site, proposed construction materials and external finishes are compatible with the landscape values.

Note - A visual impact assessment undertaken in accordance with Planning scheme policy SC6.6 – Landscape values may be required.



Performance outcomes	Acceptable outcomes	Applicant Response
	AO1.8 Advertising devices do not occur.	
Development within the Medium landscape value area		

**PO2**

Development within Medium landscape value areas identified on the Landscape values overlay maps contained in Schedule 2:

- (a) avoids detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, the coastal foreshore or the shoreline of other water bodies through the loss of vegetation;
- (b) is effectively screened from view from a road, lookout or other public place by an existing natural landform or native vegetation, or will be effectively screened by native vegetation within 5 years of construction;
- (c) retains existing vegetation and incorporates new landscaping to enhance existing vegetation and visually soften built form elements;
- (d) incorporates development of a scale, design, height, position on site, construction materials and external finishes that are compatible with the landscape values of the locality;
- (e) avoids detrimental impacts on landscape values and excessive changes to the natural landform as a result of the location, position on site, scale, design and alignment of earthworks, roads, driveways, retaining walls and other on-ground or in-ground infrastructure;
- (f) avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of telecommunications facilities, electricity towers, poles and lines and other tall infrastructure;
- (g) extractive industry operations are avoided, or where they cannot be avoided, are screened from view.

Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape

AO2.1

Buildings and structures are not more than 8.5 metres and two storeys in height.

Note - Height is inclusive of the roof height.

AO2.2

Development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer.

AO2.3

Where development on land steeper than 1 in 6 (16.6%) cannot be avoided:

- (a) development follows the natural; contours of the site;
- (b) buildings are split level or suspended floor construction, or a combination of the two;
- (c) lightweight materials are used to areas with suspended floors.

Note - Examples of suitable lightweight materials include timber or fibre cement boards or sheeting for walls and factory treated metal sheeting for walls and roofs.

AO2.4

The external features, walls and roofs of buildings and structures have a subdued and non-reflective palette.

Note - Examples of suitable colours include shades of green, olive green, blue green, grey green, green blue, indigo, brown, blue grey, and green yellow.

AO2.5

No clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.6%).

AO2.6

Advertising devices do not occur.

No built form is proposed but future development is capable of complying with the applicable Acceptable Outcomes for Medium Landscape Value overlay areas.

values in order to satisfy performance outcomes.



Development within a Scenic route buffer / view corridor area		
PO3 Development within a Scenic route buffer / view corridor area as identified on the Landscape values overlay maps contained in Schedule 2: (a) retains visual access to views of the surrounding landscape, the sea and other water bodies; (b) retains existing vegetation and incorporates landscaping to visually screen and soften built form elements whilst not impeding distant views or view corridors;	AO3.1 Where within a Scenic route buffer / view corridor area, the height of buildings and structures is not more than identified within the acceptable outcomes of the applicable zone code. AO3.2 No clearing of native vegetation is undertaken within a Scenic route buffer area. AO3.3 Where within a Scenic route buffer / view corridor	Not applicable.



Performance outcomes	Acceptable outcomes	Applicant Response
(c) incorporates building materials and external finishes that are compatible with the visual amenity and the landscape character; (d) minimises visual impacts on the setting and views in terms of: (i) the scale, height and setback of buildings; (ii) the extent of earthworks and impacts on the landform including the location and configuration of access roads and driveways; (iii) the scale, extent and visual prominence of advertising devices. Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.	area development is set back and screened from view from a scenic route by existing native vegetation with a width of at least 10 metres and landscaped in accordance with the requirements of the landscaping code. AO3.4 Development does not result in the replacement of, or creation of new, additional, or enlarged advertising devices.	
Development within the Coastal scenery area		

**PO4**

The landscape values of the Coastal scenery zone as identified on the Landscape values overlay maps contained in Schedule 2 are managed to integrated and limit the visual impact of development.

Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.

AO4.1

The dominance of the natural character of the coast is maintained or enhanced when viewed from the foreshore.

AO4.2

Where located adjacent to the foreshore buildings and structures are setback:

- (a) Where no adjoining development, a minimum of 50 metres from the coastal high water mark and the setback area is landscaped with a native vegetation buffer that has a minimum width of 25 metres; or
- (b) Where there is adjoining development, setbacks will be consistent with that of adjoining buildings and structures, but not less than 10 metres from the coastal high water mark. The setback area is landscaped in accordance with the requirements of the Landscaping code.

AO4.3

Where separated from the foreshore by land contained within public ownership (e.g. unallocated State land, esplanade or other public open space), buildings and structures area setback:

- (a) where no adjoining development, a minimum of 6 metres from the coastward property boundary. The setback area is landscaped in accordance with the requirements of the Landscaping code; or
- (b) where there is adjoining development, setbacks will be consistent with that of adjoining buildings and structures. The setback area is landscaped in accordance with the requirements of the Landscaping code.
- (c)

Not applicable.



Performance outcomes	Acceptable outcomes	Applicant Response
PO5 Development is to maximise opportunities to maintain and/or enhance natural landscape values through the maintenance and restoration of vegetated buffers between development and coastal waters, where practical. Note – A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in satisfaction of a performance outcome.	AO5 No clearing of native vegetation is undertaken within a Coastal scenery area zone, except for exempt vegetation damage undertaken in accordance with the Vegetation management code	

8.2.7 Natural areas overlay code

8.2.7.1 Application

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

Note – MSES = Matters of State Environmental Significance.

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

8.2.7.2 Purpose

- (1) The purpose of the Natural areas overlay code is to:
 - (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 2: Environment and landscape values, Element 3.5.3 Biodiversity, Element 3.5.4 Coastal zones;
 - (ii) Theme 3: Natural resource management Element 3.6.2 Land and catchment management, Element 3.6.3 Primary production, forestry and fisheries.
 - (b) enable an assessment of whether development is suitable on land within the Biodiversity area overlay sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development is avoided within:
 - (i) areas containing matters of state environmental significance (MSES);
 - (ii) other natural areas;



- (iii) wetlands and wetland buffers;
- (iv) waterways and waterway corridors.
- (b) where development cannot be avoided, development:
 - (i) protects and enhances areas containing matters of state environmental significance;
 - (ii) provides appropriate buffers;
 - (iii) protects the known populations and supporting habitat of rare and threatened flora and fauna species, as listed in the relevant State and Commonwealth legislation;
 - (iv) ensures that adverse direct or indirect impacts on areas of environmental significance are minimised through design, siting, operation, management and mitigation measures;
 - (v) does not cause adverse impacts on the integrity and quality of water in upstream or downstream catchments, including the Great Barrier Reef World Heritage Area;
 - (vi) protects and maintains ecological and hydrological functions of wetlands, waterways and waterway corridors;
 - (vii) enhances connectivity across barriers for aquatic species and habitats;

- (viii) rehabilitates degraded areas to provide improved habitat condition, connectivity, function and extent;
- (ix) protects areas of environmental significance from weeds, pests and invasive species.
- (c) strategic rehabilitation is directed to areas on or off site, where it is possible to achieve expanded habitats and increased connectivity.

8.2.7.3 Criteria for assessment

Table 8.2.7.3.a – Natural areas overlay code – assessable development

Performance outcomes	Acceptable outcomes	Applicant Response
For self-assessable and assessable development		
Protection of matters of environmental significance		
PO1 Development protects matters of environmental significance.	AO1.1 Development avoids significant impact on the relevant environmental values. or AO1.2 A report is prepared by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, that the development site does not contain any matters of state and local environmental significance. or AO1.3 Development is located, designed and operated to mitigate significant impacts on environmental values. For example, a report certified by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, how the proposed development mitigates impacts, including on water quality, hydrology and biological	Complies with AO1.1. The only portion of the new lots mapped as MSES is the western boundary of proposed lot 4. This lot contains an existing dwelling house and the proposed lot is large enough to ensure all future building are adequately sites outside the mapped area.



	processes.	
Management of impacts on matters of environmental significance		
PO2 Development is located, designed and constructed to avoid significant impacts on matters of environmental significance.	AO2 The design and layout of development minimises adverse impacts on ecologically important areas by: (a) focusing development in cleared areas to protect existing habitat; (b) utilising design to consolidate density and preserve existing habitat and native vegetation; (c) aligning new property boundaries to maintain ecologically important areas; (d) ensuring that alterations to natural landforms, hydrology and drainage patterns on the development site do not negatively affect ecologically important areas; (e) ensuring that significant fauna habitats are protected in their environmental context; and (f) incorporating measures that allow for the safe movement of fauna through the site.	Complies with AO2. The only portion of the new lot mapped as MSES is the western boundary of proposed lot 2. This lot contains an existing dwelling house and shed and the proposed lot is large enough to ensure all future buildings are adequately sited outside the mapped area.



Performance outcomes	Acceptable outcomes	Applicant Response
PO3 An adequate buffer to areas of state environmental significance is provided and maintained.	AO3.1 A buffer for an area of state environmental significance (Wetland protection area) has a minimum width of: (a) 100 metres where the area is located outside Urban areas; or (b) 50 metres where the area is located within a Urban areas. or AO3.2 A buffer for an area of state environmental significance is applied and maintained, the width of which is supported by an evaluation of environmental values, including the function and threats to matters of environmental significance.	Not applicable.
PO4 Wetland and wetland buffer areas are maintained, protected and restored. Note – Wetland buffer areas are identified in AO3.1.	AO4.1 Native vegetation within wetlands and wetland buffer areas is retained. AO4.2 Degraded sections of wetlands and wetland buffer areas are revegetated with endemic native plants in patterns and densities which emulate the relevant regional ecosystem.	Not applicable.
PO5 Development avoids the introduction of non-native pest species (plant or animal), that pose a risk to ecological integrity.	AO5.1 Development avoids the introduction of non-native pest species. AO5.2 The threat of existing pest species is controlled by adopting pest management practices for long-term ecological integrity.	Can be conditioned to comply with AO5.1 and 5.2 if required but it is unlikely to be a reasonable requirement for this proposal.
Ecological connectivity		



PO6 Development protects and enhances ecological connectivity and/or habitat extent.	AO6.1 Development retains native vegetation in areas large enough to maintain ecological values, functions and processes. and AO6.2 Development within an ecological corridor rehabilitates native vegetation. and AO6.3 Development within a conservation corridor mitigates adverse impacts on native fauna, feeding, nesting, breeding and roosting sites and native fauna movements.	Complies with AO6.1
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Performance outcomes	Acceptable outcomes	Applicant Response
PO7 Development minimises disturbance to matters of state environmental significance (including existing ecological corridors).	A07.1 Development avoids shading of vegetation by setting back buildings by a distance equivalent to the height of the native vegetation. and A07.2 Development does not encroach within 10 metres of existing riparian vegetation and watercourses.	Complies with A07.1 and 7.2. Not additional built form is proposed.
Waterways in an urban area		
PO8 Development is set back from waterways to protect and maintain: (a) water quality; (b) hydrological functions; (c) ecological processes; (d) biodiversity values; (e) riparian and in-stream habitat values and connectivity; (f) in-stream migration.	A08.1 Where a waterway is contained within an easement or a reserve required for that purpose, development does not occur within the easement or reserve; or A08.2 Development does not occur on the part of the site affected by the waterway corridor. Note – Waterway corridors are identified within Table 8.2.7.3.b.	Not applicable.
Waterways in a non-urban area		
PO9 Development is set back from waterways to protect and maintain: (a) water quality; (b) hydrological functions; (c) ecological processes; (d) biodiversity values; (e) riparian and in-stream habitat values and connectivity; (f) in-stream migration.	A09 Development does not occur on that part of the site affected by a waterway corridor. Note – Waterway corridors are identified within Table 8.2.7.3.b.	Not applicable.

**Table 8.2.7.3.b — Widths of waterway corridors for waterways**

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

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 landslide 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.

8.2.9.2 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 landslide 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.



8.2.9.3 Criteria for assessment

Table 8.2.9.3.a – Potential landslide hazard overlay code – assessable development

Performance outcomes		Acceptable outcomes	Applicant Response
For self-assessable and assessable development			
PO1 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	AO1.1 Development is located on that part of the site not affected by the Potential landslide hazard overlay. or		The potential landslide area is restricted to the banks of an existing waterway that remains within the balance rural parcel and is not impacted by the proposed development. As such, the assessment benchmarks of the landslide hazard overlay code are either complied with or are not relevant to this application. Complies with AO1.1



Performance outcomes	Acceptable outcomes	Applicant Response
through: (a) building design; (b) increased slope; (c) removal of vegetation; (d) stability of soil; (e) earthworks; (f) alteration of existing ground water or surface water paths; (g) waste disposal areas.	AO1.2 Development is on an existing stable, benched site and requires no further earthworks or AO1.3 A competent person certifies that: (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; (b) development of the site will not increase the risk of landslide hazard activity on other land, including land above the site; (c) the site is not subject to the risk of landslide activity on other land; (d) any measures identified in a site-specific geotechnical report for stabilising the site or development have been fully implemented; (e) development does not concentrate existing ground water and surface water paths; (f) development does not incorporate on-site waste water disposal. 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.	

**PO2**

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.

AO2

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.

Not applicable.



Performance outcomes	Acceptable outcomes	Applicant Response
Additional requirements for Community infrastructure		
PO3 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.	AO3 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. 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.	Not applicable.

8.2.10 Transport network overlay code

8.2.10.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Transport network overlay; if:
 - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.
- (2) Land within the Transport network overlay is identified on the Transport network (Road Hierarchy) overlay map and the Transport network (Pedestrian and Cycle) overlay map in Schedule 2 and includes the following sub-categories:
 - (a) Transport network (Road Hierarchy) overlay sub-categories:
 - (i) State controlled road sub-category;
 - (ii) Sub-arterial road sub-category;
 - (iii) Collector road sub-category;
 - (iv) Access road sub-category;
 - (v) Industrial road sub-category;
 - (vi) Major rural road sub-category;
 - (vii) Minor rural road sub-category;
 - (viii) Unformed road sub-category;
 - (ix) Major transport corridor buffer area sub-category.
 - (b) Transport network (Pedestrian and Cycle) overlay sub-categories:
 - (i) Principal route;
 - (ii) Future principal route;
 - (iii) District route;
 - (iv) Neighbourhood route;
 - (v) Strategic investigation route.
- (3) When using this code, reference should be made to Part 5.

8.2.10.2 Purpose

- (1) The purpose of the Transport network overlay code is to:
 - (a) implement the policy direction of the Strategic Framework, in particular:
 - (i) Theme 1: Settlement pattern Element 3.4.2 Urban settlement, Element 3.4.3 Activity centres;
 - (ii) Theme 6: Infrastructure and transport Element 3.9.4 Transport;

- (b) enable an assessment of whether development is suitable on land within the Transport network overlay.
- (2) The purpose of the code will be achieved through the following overall outcomes:
- (a) development provides for transport infrastructure (including active transport infrastructure);
 - (b) development contributes to a safe and efficient transport network;
 - (c) development supports the existing and future role and function of the transport network;
 - (d) development does not compromise the safety and efficiency of major transport infrastructure and facilities.

8.2.10.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant Response
For assessable development		
PO1 Development supports the road hierarchy for the region. Note -A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.	AO1.1 Development is compatible with the intended role and function of the transport network as identified on the Transport network overlay maps contained in Schedule 2. AO1.2 Development does not compromise the safety and efficiency of the transport network. AO1.3 Development is designed to provide access via the lowest order road, where legal and practicable access can be provided to that road.	Complies with AO1.1 to AO1.3. The proposal is capable of being serviced by the existing transport network.
PO2 Transport infrastructure is provided in an integrated and timely manner. Note - A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.	AO2 Development provides infrastructure (including improvements to existing infrastructure) in accordance with: (e) the Transport network overlay maps contained in Schedule 2; (a) any relevant Local Plan. Note – The Translink Public Transport Infrastructure Manual provides guidance on the design of public transport facilities.	Complies with AO2. No additional infrastructure is nominated.
PO3 Development involving sensitive land uses within a major transport corridor buffer area is located, designed and maintained to avoid or mitigate adverse impacts on amenity for the sensitive land use.	AO3 No acceptable outcomes are prescribed. Note – Part 4.4 of the Queensland Development Code provides requirements for residential building design in a designated transport noise corridor.	Not applicable.

**PO4**

Development does not compromise the intended role and function or safety and efficiency of major transport corridors.

Note - A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.

AO4.1

Development is compatible with the role and function (including the future role and function) of major transport corridors.

AO4.2

Direct access is not provided to a major transport corridor where legal and practical access from another road is available.

AO4.3

Intersection and access points associated with major transport corridors are located in accordance with:

- (a) the Transport network overlay maps contained in Schedule 2; and
- (b) any relevant Local Plan.

AO4.4

The layout of development and the design of the associated access is compatible with existing and future boundaries of the major transport corridor or major transport facility.

Not applicable.



Performance outcomes	Acceptable outcomes	Applicant Response
PO5 Development retains and enhances existing vegetation between a development and a major transport corridor, so as to provide screening to potential noise, dust, odour and visual impacts emanating from the corridor.	AO5 No acceptable outcomes are prescribed.	Not applicable.
Pedestrian and cycle network		
PO6 Lot reconfiguration assists in the implementation of the pedestrian and cycle movement network to achieve safe, attractive and efficient pedestrian and cycle networks.	AO6.1 Where a lot is subject to, or adjacent to an element of the pedestrian and cycle Movement network (identified on the Transport network overlay maps contained in Schedule 2) the specific location of this element of the pedestrian and cycle network is incorporated in the design of the lot layout. AO6.2 The element of the pedestrian and cycle network is constructed in accordance with the Design Guidelines set out in Sections D4 and D5 of the Planning scheme policy SC6.5 – FNQROC Regional Development Manual.	Not applicable.

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
For self-assessable and assessable development		



PO1 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: (a) the desired character of the area; (b) the nature of the particular use and its specific characteristics and scale; (c) the number of employees and the likely number of visitors to the site; (d) the level of local accessibility; (e) the nature and frequency of any public transport serving the area; (f) whether or not the use involves the retention	AO1.1 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. 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. AO1.2 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.	Not applicable.
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Performance outcomes	Acceptable outcomes	Applicant Response
of an existing building and the previous requirements for car parking for the building (g) whether or not the use involves a heritage building or place of local significance; (h) whether or not the proposed use involves the retention of significant vegetation.	AO1.3 Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking. AO1.4 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.	Not applicable.
PO2 Vehicle parking areas are designed and constructed in accordance with relevant standards.	AO2 Vehicle parking areas are designed and constructed in accordance with Australian Standard: (a) AS2890.1; (b) AS2890.3; (c) AS2890.6.	Not applicable.

**PO3**

Access points are designed and constructed:

- (a) to operate safely and efficiently;
- (b) to accommodate the anticipated type and volume of vehicles
- (c) to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate;
- (d) so that they do not impede traffic or pedestrian movement on the adjacent road area;
- (e) so that they do not adversely impact upon existing intersections or future road or intersection improvements;
- (f) so that they do not adversely impact current and future on-street parking arrangements;
- (g) so that they do not adversely impact on existing services within the road reserve adjacent to the site;
- (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).

AO3.1

Access is limited to one access cross over per site and is an access point located, designed and constructed in accordance with:

- (a) Australian Standard AS2890.1;
- (b) Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers.

AO3.2

Access, including driveways or access crossovers:

- (a) are not placed over an existing:
 - (i) telecommunications pit;
 - (ii) stormwater kerb inlet;
 - (iii) sewer utility hole;
 - (iv) water valve or hydrant.
- (b) are designed to accommodate any adjacent footpath;
- (c) adhere to minimum sight distance requirements in accordance with AS2980.1.

AO3.3

Driveways are:

- (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;
- (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;
- (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;

Can be conditioned to comply with AO3.1 -AO3.4



Performance outcomes	Acceptable outcomes	Applicant Response
	(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; (e) designed to include all necessary associated drainage that intercepts and directs storm water runoff to the storm water drainage system. AO3.4 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.	
PO4 Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes.	AO4 The number of on-site wheel chair accessible car parking spaces complies with the rates specified in AS2890 Parking Facilities.	Not applicable.
PO5 Access for people with disabilities is provided to the building from the parking area and from the street.	AO5 Access for people with disabilities is provided in accordance with the relevant Australian Standard.	Not applicable.
PO6 Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development.	AO6 The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b.	Not applicable.



PO7 Development provides secure and convenient bicycle parking which: (a) for visitors is obvious and located close to the building's main entrance; (b) for employees is conveniently located to provide secure and convenient access between the bicycle storage area, end-of-trip facilities and the main area of the building; (c) is easily and safely accessible from outside the site.	A07.1 Development provides bicycle parking spaces for employees which are co-located with end-of-trip facilities (shower cubicles and lockers); A07.2 Development ensures that the location of visitor bicycle parking is discernible either by direct view or using signs from the street. A07.3 Development provides visitor bicycle parking which does not impede pedestrian movement.	Not applicable.
PO8 Development provides walking and cycle routes through the site which: (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; (b) encourage walking and cycling; (c) ensure pedestrian and cyclist safety.	A08 Development provides walking and cycle routes which are constructed on the carriageway or through the site to: (a) create a walking or cycle route along the full frontage of the site; (b) connect to public transport and existing cycle and walking routes at the frontage or boundary of the site.	Not applicable.
PO9 Access, internal circulation and on-site parking for service vehicles are designed and constructed: (a) in accordance with relevant standards;	A09.1 Access driveways, vehicle manoeuvring and on-site parking for service vehicles are designed and constructed in accordance with AS2890.1 and	Not applicable.



Performance outcomes	Acceptable outcomes	Applicant Response
(b) so that they do not interfere with the amenity of the surrounding area; (c) so that they allow for the safe and convenient movement of pedestrians, cyclists and other vehicles.	AS2890.2. AO9.2 Service and loading areas are contained fully within the site. AO9.3 The movement of service vehicles and service operations are designed so they: (a) do not impede access to parking spaces; (b) do not impede vehicle or pedestrian traffic movement.	
PO10 Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.	AO10.1 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: (a) car wash; (b) child care centre; (c) educational establishment where for a school; (d) food and drink outlet, where including a drive-through facility; (e) hardware and trade supplies, where including a drive-through facility; (f) hotel, where including a drive-through facility; (g) service station. AO10.2 Queuing and set-down areas are designed and constructed in accordance with AS2890.1.	Not applicable.

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.



Land use	Minimum number of ordinary vehicle parking spaces	Minimum number of bicycle spaces	End of trip facilities	Minimum standard design service vehicle (refer to Table 9.4.1.3c)
Agricultural supplies store	1 space per 50m ² of GFA and outdoor display area.	1 space per 200m ² of GFA.	n/a	LRV
Air services	1 car space per 20m ² of covered reception area, plus 1 car space per 2 staff, plus a covered bus set down area adjacent to the entry of the reception area and 2 bus parking spaces.	n/a	n/a	LRV



Land use	Minimum number of ordinary vehicle parking spaces	Minimum number of bicycle spaces	End of trip facilities	Minimum standard design service vehicle (refer to Table 9.4.1.3c)
Bulk landscape supplies	1 space per 50m ² GFA and outdoor display area.	1 space per 200m ² of GFA.	n/a	MRV
Caretaker's accommodation	A minimum of 1 space	n/a	n/a	n/a
Child care centre	1 space per 10 children to be used for setting down and picking up of children, with a minimum of 3 car spaces to be provided for set down and collection; plus 1 space per employee. Any drive-through facility can provide tandem short term parking for 3 car spaces for setting down/picking up of children, on the basis that a passing lane is provided and line-marked to be kept clear of standing vehicles at all times.	n/a	n/a	VAN
Club	Unlicensed clubrooms: 1 space per 45m ² of GFA. Licensed clubrooms: 1 space per 15m ² of GFA.	1 space per 4 employees.	n/a	Licensed and equal or greater than 1500m ² : RCV Other: VAN
Community care centre	1 space per 20m ² of GFA.	A minimum of 1 space.	n/a	RCV



Community residence	A minimum of 2 spaces.	A minimum of 1 space.	n/a	VAN
Community use	1 space per 15m ² GFA.	1 space per 100m ² of GFA.	n/a	RCV
Dual occupancy	A minimum of 2 spaces per dwelling unit which may be in tandem with a minimum of 1 covered space per dwelling unit.	n/a	n/a	n/a
Dwelling house	A minimum of 2 spaces which may be in tandem plus 1 space for a secondary dwelling	n/a	n/a	n/a
Dwelling unit	1.5 spaces per one or two bedroom unit; or 2 spaces per three bedroom unit.	n/a	n/a	n/a
Educational establishment	Primary school or secondary schools: 1 car space per 2 staff members, plus provision of space to be used	Primary school or secondary schools: 1 space per 5	Required for all educational establishments with a GFA	RCV



Land use	Minimum number of ordinary vehicle parking spaces	Minimum number of bicycle spaces	End of trip facilities	Minimum standard design service vehicle (refer to Table 9.4.1.3c)
	for setting down and picking up of students. Tertiary and further education: 1 car space per 2 staff members, plus 1 car space per 10 students, plus provision of space to be used for setting down and picking up of students.	students over year 4. Tertiary and further education: 2 spaces per 50 full time students.	greater than 2000m ² .	
Food and drink outlet	1 space per 25m ² GFA and outdoor dining area. or If within Precinct 1 : Port Douglas precinct in the Port Douglas / Craiglie local plan or if with Precinct 5: Town centre precinct in the Mossman local plan: 1 space per 50m ² of GFA, and outdoor dining area.	1 space per 100m ² of GFA, and outdoor dining area.	n/a	See Table 9.4.1.3.d
Function facility	1 space per 15m ² GFA.	1 space per 100m ² of GFA.	n/a	RCV
Funeral parlour	1 space per 15m ² GFA.	n/a	n/a	RCV
Garden centre	1 space per 50m ² GFA and outdoor display area	1 space per 200m ² of GFA.	n/a	AV
Hardware and trade supplies	1 space per 50m ² GFA and outdoor display area	1 space per 200m ² of GFA.	n/a	AV



Health care services	1 space per 20m ² of GFA.	1 space per 100m ² of GFA.	Required for all health care services with a GFA greater than 2000m ² .	VAN
High impact industry	1 space per 90m ² of GFA.	n/a	n/a	AV
Home based business	The parking required for the dwelling house, plus 1 space per bedroom where the Home based business involves the provision of accommodation; or 1 space per 25m ² GFA for any other Home Based Business.	n/a	n/a	n/a
Hospital	The greater of 1 space per 2 bedrooms or 1 space per 4 beds; plus 1 car space for ambulance parking, designated accordingly.	1 space per 100m ² of GFA.	Required for all hospitals with a GFA greater than 2000m ² .	RCV
Hotel	1 space per 10m ² GFA and	1 space per	n/a	LRV



Land use	Minimum number of ordinary vehicle parking spaces	Minimum number of bicycle spaces	End of trip facilities	Minimum standard design service vehicle (refer to Table 9.4.1.3c)
	licensed outdoor area; plus For 1 space per 50m ² GFA of floor area of liquor barn or bulk liquor sales area; plus, if a drive in bottle shop is provided, queuing lane/s on site for 12 vehicles. Note - Use standard for any Short Term Accommodation for hotel accommodation use.	100m ² of GFA.		
Indoor sport and recreation	Squash court or another court game: 4 spaces per court. Basketball, netball, soccer, cricket: 25 spaces per court / pitch. Ten pin bowling: 3 spaces per bowling lane. Gymnasium: 1 space per 15m ² of GFA.	1 space per 4 employees.	n/a	RCV
Low impact industry	1 space per 90m ² of GFA.	n/a	n/a	AV
Marine industry	1 space per 90m ² of GFA.	n/a	n/a	AV
Medium impact industry	1 space per 90m ² of GFA.	n/a	n/a	AV



Multiple dwelling	If within Precinct 1 : Port Douglas precinct in the Port Douglas / Craiglie Local plan: 1 car space per dwelling unit. If outside Precinct 1 : Port Douglas precinct in the Port Douglas / Craiglie Local plan: 1.5 car spaces per dwelling unit In all cases 60% of the car parking area is to be covered.	1 bicycle space per 3 units and 1 visitor bicycle space per 12 units.	n/a	RCV (over 10 units)
Office	1 space per 25m ² of GFA or If within Precinct 1 : Port Douglas precinct in the Port Douglas / Craiglie local plan or if with Precinct 5: Town centre precinct in the Mossman local plan: 1 space per 50m ² of GFA	1 space per 200m ² GFA	Required for all office development with a GFA greater than 2000m ² .	See Table 9.4.1.3.e
Outdoor sales	1 space per 50m ² GFA and outdoor display area	1 space per 200m ² of GFA.	n/a	AV
Outdoor sport and recreation	Coursing, horse racing, pacing, trotting: 1 space per 5 seated spectators,	Football: 5 space per field.	n/a	RCV



Land use	Minimum number of ordinary vehicle parking spaces	Minimum number of bicycle spaces	End of trip facilities	Minimum standard design service vehicle (refer to Table 9.4.1.3c)
	plus 1 space per 5m² of other spectator areas. Football: 50 spaces per field. Lawn bowls: 30 spaces per green. Swimming pool: 15 spaces; plus 1 space per 100m² of useable site area. Tennis court or other court game: 4 spaces per court. Golf course: 4 spaces per tee on the course. Note - Use standard for Club for clubhouse component.	Lawn bowls: 5 spaces per green. Swimming pool: 1 space per swimming lane. Tennis court or other court game: 4 space per court. Golf course: 1 space per 15m² of GFA for clubhouse component.		
Place of worship	1 space per 15m ² of GFA.	1 space per 100m ² of GFA.	n/a	LRV
Relocatable home park	1 space per relocatable home site; plus 0.1 space per relocatable home site for visitor parking; plus 1 space for an on-site manager	n/a	n/a	LRV



Research and technology industry	1 space per 90m ² of GFA.	n/a	n/a	MRV
Residential care facility	1 visitor car space per 5 bedroom units; plus 1 car space per 2 staff members	n/a	n/a	LRV
Resort complex	Use standard for relevant standard for each component. For example: Use Short Term Accommodation standard for accommodation component and Food and Drink Outlet for restaurant component.	Use standard for relevant standard for each component. For example: Use Short Term Accommodation standard for accommodation component and Food and	n/a	RCV



Land use	Minimum number of ordinary vehicle parking spaces	Minimum number of bicycle spaces	End of trip facilities	Minimum standard design service vehicle (refer to Table 9.4.1.3c)
		Drink Outlet for restaurant component.		
Retirement facility	1 space per dwelling unit; plus 1 visitor space per 5 dwelling units; plus 1 visitor car space per 10 hostel units, nursing home or similar beds, plus 1 car space per 2 staff members; plus 1 car parking space for ambulance parking.	n/a	n/a	LRV
Sales office	A minimum of 1 space.	n/a	n/a	n/a
Service industry	1 space per 90m ² of GFA.	n/a	n/a	SRV
Service station	1 space per 25m ² of GFA	n/a	n/a	AV
Shop	1 space per 25m ² of GFA. or If within Precinct 1 : Port Douglas precinct in the Port Douglas / Craiglie local plan or if with Precinct 5: Town centre precinct in the Mossman local plan: 1 space per 50m ² of GFA.	1 space per 100m ² of GFA.	Required for all shops with a GFA greater than 2000m ² .	See Table 9.4.1.3.d



Shopping centre	1 space per 25m ² of GFA. or If within Precinct 1 : Port Douglas precinct in the Port Douglas / Craiglie local plan or if with Precinct 5: Town centre precinct in the Mossman local plan: 1 space per 50m ² of GFA.	1 space per 200m ² GFA.	Required for all shopping centres with a GFA greater than 2000m ² .	See Table 9.4.1.3.d
Short term accommodation	If within Precinct 1 : Port Douglas precinct in the Port Douglas / Craiglie local plan: 0.5 car spaces per dwelling unit. If outside Precinct 1 : Port Douglas precinct in the Port Douglas / Craiglie local plan: For up to 5 units: 1 car space per dwelling unit, plus 1 space for visitors and 1 service/staff spaces. For 5 – 10 units: 1 car space per dwelling unit, plus 2 spaces for visitors and 1 service/staff spaces.	1 space per 10 rooms	n/a	SRV



Land use	Minimum number of ordinary vehicle parking spaces	Minimum number of bicycle spaces	End of trip facilities	Minimum standard design service vehicle (refer to Table 9.4.1.3c)
	For over 10 units: 0.75 car spaces per dwelling unit, plus 3 spaces for visitors and 2 service/staff parking for the first 10 units and 0.5 additional service/staff space per 10 units, there-above. In all cases 60% of the car parking area is to be covered. Note: Where Short term accommodation is to be inter-changeable with a Multiple dwelling land use, multiple dwelling parking rates apply.			
Showroom	1 space per 50m ² GFA.	1 space per 200m ² GFA.	n/a	AV
Special industry	1 space per 90m ² of GFA.	n/a	n/a	AV
Tourist park	1 car space per caravan site, tent site or cabin; plus 1 visitor car space per 10 caravan sites, tent sites or cabins; plus 1 car space for an on-site manager.	n/a	n/a	LRV
Theatre	Indoor: 1 space per 15m² of GFA. Outdoor cinema: 1 space per 5m² of designated viewing area, plus 1 car space per 2 employees.	1 space per 200m ² GFA.	n/a	VAN



Veterinary services	1 space per 50m ² of GFA.	n/a	n/a	VAN
Warehouse	1 space per 90m ² of GFA.	n/a	n/a	Where self-storage: RCV Other: AV
Any use not otherwise specified in this table.	Sufficient spaces to accommodate number of vehicles likely to be parked at any one time.	Sufficient spaces to accommodate number of vehicles likely to be parked at any one time.		To be determined



Table 9.4.1.3.c – Design vehicles

VAN	A 99.8th percentile vehicle equivalent to a large car.
SRV	Small rigid vehicle as in AS2890.2-2002 parking facilities – Off-street commercial vehicle facilities, but incorporating a body width of 2.33m
MRV	Medium rigid vehicle equivalent to an 8-tonne truck.
LRV	Large rigid vehicle described by AS2890.2-2002 parking facilities – Off-street commercial vehicle facilities as heavy rigid vehicle.
RCV	Industrial refuse collection vehicle
AV	19 metre articulated vehicle from AUSTROADS

Table 9.4.1.3.d – Standard number of service bays required for Food and drink outlet, Shop or Shopping centre

Gross floor area (m ²)	Service bays required			
	VAN	SRV	MRV	LRV
0-199	-	1	-	-
200 – 599	1	-	1	-
600 – 999	1	1	1	-
1000 – 1499	2	1	1	-
1500 – 1999	2	2	1	-
2000 – 2799	2	2	2	-
2800 – 3599	2	2	2	1
3600 and over	To be determined via a parking study.			

Table 9.4.1.3.e – Standard number of service bays required for Office

Gross floor area (m ²)	Service bays required			
	VAN	SRV	MRV	LRV
0-999	-	1	-	-



1000 – 2499	1	-	1	-
2500 – 3999	2	1	1	-
4000 – 5999	3	1	1	-
6000 – 7999	4	1	1	-
8000 – 9999	4	2	1	-
10000 and over	To be determined via a parking study.			

9.4.3 Environmental performance code

9.4.3.1 Application

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

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

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

9.4.3.2 Purpose

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

9.4.3.3 Criteria for assessment

Table 9.4.3.3.a – Environmental performance code – assessable development

Performance outcomes	Acceptable outcomes	Applicant Response
Lighting		



PO1 Lighting incorporated within development does not cause an adverse impact on the amenity of adjacent uses and nearby sensitive land uses.	AO1.1 Technical parameters, design, installation, operation and maintenance of outdoor lighting comply with the requirements of Australian standard AS4282-1997 Control of the obtrusive effects of outdoor lighting. AO1.2 Development that involves flood lighting is restricted to a type that gives no upward component of light where mounted horizontally. AO1.3 Access, car parking and manoeuvring areas are designed to shield nearby residential premises from impacts of vehicle headlights.	Not applicable.
Noise		
PO2 Potential noise generated from the development is avoided through design, location and operation of the activity. Note – Planning Scheme Policy SC6.4 – Environmental	AO2.1 Development does not involve activities that would cause noise related environmental harm or nuisance; or	Not applicable.



Performance outcomes	Acceptable outcomes	Applicant Response
management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.	AO2.2 Development ensures noise does not emanate from the site through the use of materials, structures and architectural features to not cause an adverse noise impact on adjacent uses. AO2.3 The design and layout of development ensures car parking areas avoid noise impacting directly on adjacent sensitive land uses through one or more of the following: (a) car parking is located away from adjacent sensitive land uses; (b) car parking is enclosed within a building; (c) a noise ameliorating fence or structure is established adjacent to car parking areas where the fence or structure will not have a visual amenity impact on the adjoining premises; (d) buffered with dense landscaping. Editor's note - The <i>Environmental Protection (Noise) Policy 2008</i>, Schedule 1 provides guidance on acoustic quality objectives to ensure environmental harm (including nuisance) is avoided.	
Airborne particles and other emissions		
PO3 Potential airborne particles and emissions generated from the development are avoided through design, location and operation of the activity. Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.	AO3.1 Development does not involve activities that will result in airborne particles or emissions being generated; or AO3.2 The design, layout and operation of the development activity ensures that no airborne particles or emissions cause environmental harm or nuisance.	Not applicable.



Note - examples of activities which generally cause airborne particles include spray painting, abrasive blasting, manufacturing activities and car wash facilities.

Examples of emissions include exhaust ventilation from basement or enclosed parking structures, air conditioning/refrigeration ventilation and exhaustion.

The *Environmental Protection (Air) Policy 2008*, Schedule 1 provides guidance on air quality objectives to ensure environmental harm (including nuisance) is avoided.

Odours

PO4

Potential odour causing activities associated with the development are avoided through design, location and operation of the activity.

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

A04.1

The development does not involve activities that create odorous emissions;

or

A04.2

The use does not result in odour that causes

Not applicable.



Performance outcomes	Acceptable outcomes	Applicant Response
	environmental harm or nuisance with respect to surrounding land uses.	
Waste and recyclable material storage		
PO5 Waste and recyclable material storage facilities are located and maintained to not cause adverse impacts on adjacent uses. Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.	AO5.1 The use ensures that all putrescent waste is stored in a manner that prevents odour nuisance and is disposed of at regular intervals. AO5.2 Waste and recyclable material storage facilities are located, designed and maintained to not cause an adverse impact on users of the premises and adjacent uses through consideration of: (a) the location of the waste and recyclable material storage areas in relation to the noise and odour generated; (b) the number of receptacles provided in relation to the collection, maintenance and use of the receptacles; (c) the durability of the receptacles, sheltering and potential impacts of local climatic conditions; (d) the ability to mitigate spillage, seepage or leakage from receptacles into adjacent areas and sensitive receiving waters and environments. Editor's note - the <i>Environmental Protection (Waste Management) Policy 2008</i> provides guidance on the design of waste containers (receptacles) to ensure environmental harm (including nuisance) is avoided.	Not applicable.
Sensitive land use activities		



PO6 Sensitive land use activities are not established in areas which will receive potentially incompatible impacts on amenity from surrounding, existing development activities and land uses.	AO6.1 Sensitive land use activities are not established in areas that will be adversely impacted upon by existing land uses, activities and potential development possible in an area; or AO6.2 Sensitive land activities are located in areas where potential adverse amenity impacts mitigate all potential impacts through layout, design, operation and maintenance.	Not applicable.
Stormwater quality		
PO7 The quality of stormwater flowing over, through or being discharged from development activities into watercourses and drainage lines is of adequate quality for downstream environments, with respect to: (a) the amount and type of pollutants borne from the activity; (b) maintaining natural stream flows;	AO7.1 Development activities are designed to ensure stormwater over roofed and hard stand areas is directed to a lawful point of discharge. AO7.2 Development ensures movement of stormwater over the site is not impeded or directed through potentially polluting activities.	Can be conditioned to comply with AO7.1-7.3.



Performance outcomes	Acceptable outcomes	Applicant Response
(c) the amount and type of site disturbance; (d) site management and control measures.	A07.3 Soil and water control measures are incorporated into the activity's design and operation to control sediment and erosion potentially entering watercourses, drainage lines and downstream receiving waters. Note - Planning scheme policy - FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the <i>Environmental Protection Act 1994</i>. During construction phases of development, contractors and builders are to have consideration in their work methods and site preparation for their environmental duty to protect stormwater quality.	
Pest plants (for material change of use on vacant land over 1,000m²)		
PO8 Development activities and sites provide for the removal of all pest plants and implement ongoing measures to ensure that pest plants do not reinfest the site or nearby sites. Editor's note - This does not remove or replace all land owner's obligations or responsibilities under the <i>Land Protection (Pest and Stock Route Management) Act 2002</i>.	A08.1 The land is free of declared pest plants before development establishes new buildings, structures and practices; or A08.2 Pest plants detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person prior to construction of buildings and structures or earthworks. Note - A declaration from an appropriately qualified person validates the land being free from pest plants. Declared pest plants include locally declared and State declared pest plants.	Not applicable.

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 – for self-assessable and assessable development

Performance outcomes	Acceptable outcomes	Applicant Response
For self-assessable and assessable development		
Filling and excavation - General		



PO1 All filling and excavation work does not create a detrimental impact on the slope stability, erosion potential or visual amenity of the site or the surrounding area.	AO1.1 The height of cut and/or fill, whether retained or not, does not exceed 2 metres in height. and Cuts in excess of those stated in A1.1 above are separated by benches/ terraces with a minimum width of 1.2 metres that incorporate drainage provisions and screen planting. AO1.2 Cuts are supported by batters, retaining or rock walls and associated benches/terraces are capable of supporting mature vegetation. AO1.3 Cuts are screened from view by the siting of the building/structure, wherever possible.	Not applicable. No cut and fill proposed.
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Performance outcomes	Acceptable outcomes	Applicant Response
	AO1.4 Topsoil from the site is retained from cuttings and reused on benches/terraces. AO1.5 No crest of any cut or toe of any fill, or any part of any retaining wall or structure is closer than 600mm to any boundary of the property, unless the prior written approval of the adjoining landowner has been obtained. AO1.6 Non-retained cut and/or fill on slopes are stabilised and protected against scour and erosion by suitable measures, such as grassing, landscaping or other protective/aesthetic measures.	
Visual Impact and Site Stability		
PO2 Filling and excavation are carried out in such a manner that the visual/scenic amenity of the area and the privacy and stability of adjoining properties is not compromised.	AO2.1 The extent of filling and excavation does not exceed 40% of the site area, or 500m² whichever is the lesser, except that AO2.1 does not apply to reconfiguration of 5 lots or more. AO2.2 Filling and excavation does not occur within 2 metres of the site boundary.	Not applicable. No cut and fill proposed.
Flooding and drainage		



PO3 Filling and excavation does not result in a change to the run off characteristics of a site which then have a detrimental impact on the site or nearby land or adjacent road reserves.	AO3.1 Filling and excavation does not result in the ponding of water on a site or adjacent land or road reserves. AO3.2 Filling and excavation does not result in an increase in the flow of water across a site or any other land or road reserves. AO3.3 Filling and excavation does not result in an increase in the volume of water or concentration of water in a watercourse and overland flow paths. AO3.4 Filling and excavation complies with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.	Not applicable. No cut and fill proposed.
Water quality		
PO4 Filling and excavation does not result in a reduction of the water quality of receiving waters.	AO4 Water quality is maintained to comply with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.	Not applicable. No cut and fill proposed.



Performance outcomes	Acceptable outcomes	Applicant response
Infrastructure		
PO5 Excavation and filling does not impact on Public Utilities.	AO5 Excavation and filling is clear of the zone of influence of public utilities.	Not applicable. No cut and fill proposed.

9.4.5 Infrastructure works code

9.4.5.1 Application

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

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

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

9.4.5.2 Purpose

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

9.4.5.3 Criteria for assessment

Table 9.4.5.3.a – Infrastructure works code –assessable development

Performance outcomes	Acceptable outcomes	Applicant Response
For self-assessable and assessable development		
Works on a local government road		



PO1 Works on a local government road do not adversely impact on footpaths or existing infrastructure within the road verge and maintain the flow, safety and efficiency of pedestrians, cyclists and vehicles.	AO1.1 Footpaths/pathways are located in the road verge and are provided for the hierarchy of the road and located and designed and constructed in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual. AO1.2 Kerb ramp crossovers are constructed in accordance with Planning scheme policy SC 5 – FNQROC Regional Development Manual. AO1.3 New pipes, cables, conduits or other similar infrastructure required to cross existing footpaths: (a) are installed via trenchless methods; or (b) where footpath infrastructure is removed to install infrastructure, the new section of footpath is installed to the standard detailed	AO 1.1 Not applicable. AO 1.2 Proposal is able to be conditioned to comply. AO1.3 Not applicable.
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Performance outcomes	Acceptable outcomes	Applicant Response
	in the Planning scheme policy SC5 – FNQROC Regional Development Manual, and is not less than a 1.2 metre section. AO1.4 Where existing footpaths are damaged as a result of development, footpaths are reinstated ensuring: (a) similar surface finishes are used; (b) there is no change in level at joins of new and existing sections; (c) new sections are matched to existing in terms of dimension and reinforcement. Note – Figure 9.4.5.3.a provides guidance on meeting the outcomes. AO1.5 Decks, verandahs, stairs, posts and other structures located in the road reserve do not restrict or impede pedestrian movement on footpaths or change the level of the road verges.	AO1.4 Not applicable. AO1.5 Not applicable.
Accessibility structures		
PO2 Development is designed to ensure it is accessible for people of all abilities and accessibility features do not impact on the efficient and safe use of footpaths. Note – Accessibility features are those features required to ensure access to premises is provided for people of all abilities and include ramps and lifts.	AO2.1 Accessibility structures are not located within the road reserve. AO2.2 Accessibility structures are designed in accordance with AS1428.3. AO2.3 When retrofitting accessibility features in existing buildings, all structures and changes in grade are contained within the boundaries of the lot and not within the road reserve.	Not applicable.
Water supply		

**PO3**

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

AO3.1

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

or

AO3.2

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

The proposal is capable of complying with AO3.1 as reticulated supply is available to site and it is understood there is sufficient capacity in the network to accommodate 1 additional lot which already has a dwelling and shed on the lot.



Performance outcomes	Acceptable outcomes	Applicant Response
	occupation of the house and sited to be visually unobtrusive.	
Treatment and disposal of effluent		
PO4 Provision is made for the treatment and disposal of effluent to ensure that there are no adverse impacts on water quality and no adverse ecological impacts as a result of the system or as a result of increasing the cumulative effect of systems in the locality.	AO4.1 The site is connected to Council's sewerage system and the extension of or connection to the sewerage system is designed and constructed in accordance with the Design Guidelines set out in Section D7 of the Planning scheme policy SC5 – FNQROC Regional Development Manual; or AO4.2 Where not in a sewerage scheme area, the proposed disposal system meets the requirements of Section 33 of the <i>Environmental Protection Policy (Water) 1997</i> and the proposed on site effluent disposal system is designed in accordance with the <i>Plumbing and Drainage Act (2002)</i> .	The proposal is capable of complying with AO4.2 as the additional lot already has a dwelling and shed on the lot. .
Stormwater quality		

**PO5**

Development is planned, designed, constructed and operated to avoid or minimise adverse impacts on stormwater quality in natural and developed catchments by:

- (a) achieving stormwater quality objectives;
- (b) protecting water environmental values;
- (c) maintaining waterway hydrology.

AO5.1

A connection is provided from the premises to Council's drainage system;

or

AO5.2

An underground drainage system is constructed to convey stormwater from the premises to Council's drainage system in accordance with the Design Guidelines set out in Sections D4 and D5 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.

AO5.3

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

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

AO5.4

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

AO5.5

Development incorporates stormwater flow



Performance outcomes	Acceptable outcomes	Applicant Response
	control measures to achieve the design objectives set out in Table 9.4.5.3.b and Table 9.4.5.3.c, including management of frequent flows, peak flows, and construction phase hydrological impacts. Note – Planning scheme policy SC5 – FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the <i>Environmental Protection Act 1994</i>. Note – During construction phases of development, contractors and builders are to have consideration in their work methods and site preparation for their environmental duty to protect stormwater quality.	
Non-tidal artificial waterways		
PO6 Development involving non-tidal artificial waterways is planned, designed, constructed and operated to: (a) protect water environmental values; (b) be compatible with the land use constraints for the site for protecting water environmental values; (c) be compatible with existing tidal and non-tidal waterways; (d) perform a function in addition to stormwater management; (e) achieve water quality objectives.	AO6.1 Development involving non-tidal artificial waterways ensures: (a) environmental values in downstream waterways are protected; (b) any ground water recharge areas are not affected; (c) the location of the waterway incorporates low lying areas of the catchment connected to an existing waterway; (d) existing areas of ponded water are included. AO6.2 Non-tidal artificial waterways are located: (a) outside natural wetlands and any associated buffer areas; (b) to minimise disturbing soils or sediments; (c) to avoid altering the natural hydrologic regime in acid sulfate soil and nutrient hazardous areas. AO6.3 Non-tidal artificial waterways located adjacent to,	Not applicable.



or connected to a tidal waterway by means of a weir, lock, pumping system or similar ensures:

- (a) there is sufficient flushing or a tidal range of >0.3 m; or
- (b) any tidal flow alteration does not adversely impact on the tidal waterway; or
- (c) there is no introduction of salt water into freshwater environments.

AO6.4

Non-tidal artificial waterways are designed and managed for any of the following end-use purposes:

- (a) amenity (including aesthetics), landscaping or recreation; or
- (b) flood management, in accordance with a drainage catchment management plan; or
- (c) stormwater harvesting plan as part of an integrated water cycle management plan; or
- (d) aquatic habitat.



Performance outcomes	Acceptable outcomes	Applicant Response
	AO6.5 The end-use purpose of the non-tidal artificial waterway is designed and operated in a way that protects water environmental values. AO6.6 Monitoring and maintenance programs adaptively manage water quality to achieve relevant water quality objectives downstream of the waterway. AO6.7 Aquatic weeds are managed to achieve a low percentage of coverage of the water surface area, and pests and vectors are managed through design and maintenance.	
Wastewater discharge		
PO7 Discharge of wastewater to waterways, or off site: (a) meets best practice environmental management; (b) is treated to: (i) meet water quality objectives for its receiving waters; (ii) avoid adverse impact on ecosystem health or waterway health; (iii) maintain ecological processes, riparian vegetation and waterway integrity; (iv) offset impacts on high ecological value waters.	AO7.1 A wastewater management plan is prepared and addresses: (a) wastewater type; (b) climatic conditions; (c) water quality objectives; (d) best practice environmental management. AO7.2 The waste water management plan is managed in accordance with a waste management hierarchy that: (a) avoids wastewater discharge to waterways; - or (b) if wastewater discharge cannot practicably be avoided, minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and ground water. AO7.3 Wastewater discharge is managed to avoid or	Not applicable.



minimise the release of nutrients of concern so as to minimise the occurrence, frequency and intensity of algal blooms.

AO7.4

Development in coastal catchments avoids or minimises and appropriately manages soil disturbance or altering natural hydrology and:

- (a) avoids lowering ground water levels where potential or actual acid sulfate soils are present;
- (b) manages wastewater so that:
 - (i) the pH of any wastewater discharges is maintained between 6.5 and 8.5 to avoid mobilisation of acid, iron, aluminium and other metals;
 - (ii) holding times of neutralised wastewater ensures the flocculation and removal of any dissolved iron prior to release;
 - (iii) visible iron floc is not present in any



Performance outcomes	Acceptable outcomes	Applicant Response
	discharge; (iv) precipitated iron floc is contained and disposed of; (v) wastewater and precipitates that cannot be contained and treated for discharge on site are removed and disposed of through trade waste or another lawful method.	
Electricity supply		
PO8 Development is provided with a source of power that will meet its energy needs.	AO8.1 A connection is provided from the premises to the electricity distribution network; or AO8.2 The premises is connected to the electricity distribution network in accordance with the Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional Development Manual. Note - Areas north of the Daintree River have a different standard.	The proposal can be conditioned to comply with AO8.1 as a reticulated power supply is available to the parent lot and already reticulated to the existing dwelling and shed on the proposed lot.



PO9 Development incorporating pad-mount electricity infrastructure does not cause an adverse impact on amenity.	AO9.1 Pad-mount electricity infrastructure is: (a) not located in land for open space or sport and recreation purposes; (b) screened from view by landscaping or fencing; (c) accessible for maintenance. AO9.2 Pad-mount electricity infrastructure within a building, in a Town Centre is designed and located to enable an active street frontage. Note – Pad-mounts in buildings in activity centres should not be located on the street frontage.	Not applicable.
Telecommunications		
PO10 Development is connected to a telecommunications service approved by the relevant telecommunication regulatory authority.	AO10 The development is connected to telecommunications infrastructure in accordance with the standards of the relevant regulatory authority.	The proposal can be conditioned to comply with AO10 as telecommunications is available to the parent lot and is already reticulated to the proposed lot.
PO11 Provision is made for future telecommunications services (e.g. fibre optic cable).	AO11 Conduits are provided in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.	If required, can be conditioned to comply with AO11. Conduits are already in place for the parent and proposed lots
Road construction		
PO12 The road to the frontage of the premises is constructed to provide for the safe and efficient movement of: (a) pedestrians and cyclists to and from the site;	AO12.1 The road to the frontage of the site is constructed in accordance with the Design Guidelines set out in Sections D1 and D3 of the Planning scheme policy SC5 – FNQROC Regional Development	Not applicable.



Performance outcomes	Acceptable outcomes	Applicant Response
(b) pedestrians and cyclists adjacent to the site; (c) vehicles on the road adjacent to the site; (d) vehicles to and from the site; (e) emergency vehicles.	Manual, for the particular class of road, as identified in the road hierarchy. AO12.2 There is existing road, kerb and channel for the full road frontage of the site. AO12.3 Road access minimum clearances of 3.5 metres wide and 4.8 metres high are provided for the safe passage of emergency vehicles.	
Alterations and repairs to public utility services		
PO13 Infrastructure is integrated with, and efficiently extends, existing networks.	AO13 Development is designed to allow for efficient connection to existing infrastructure networks.	Can be conditioned to comply with AO13.
PO14 Development and works do not affect the efficient functioning of public utility mains, services or installations.	AO14.1 Public utility mains, services and installations are not required to be altered or repaired as a result of the development; or AO14.2 Public utility mains, services and installations are altered or repaired in association with the works so that they continue to function and satisfy the relevant Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.	Complies with AO14.1.
Construction management		



PO15 Work is undertaken in a manner which minimises adverse impacts on vegetation that is to be retained.	AO15 Works include, at a minimum: (a) installation of protective fencing around retained vegetation during construction; (b) erection of advisory signage; (c) no disturbance, due to earthworks or storage of plant, materials and equipment, of ground level and soils below the canopy of any retained vegetation; (d) removal from the site of all declared noxious weeds.	Can be conditioned to comply with AO15.
PO16 Existing infrastructure is not damaged by construction activities.	AO16 Construction, alterations and any repairs to infrastructure is undertaken in accordance with the Planning scheme policy SC5 – FNQROC Regional Development Manual. Note - Construction, alterations and any repairs to State-controlled roads and rail corridors are undertaken in accordance with the Transport Infrastructure Act 1994.	Can be conditioned to comply with AO16.



Performance outcomes	Acceptable outcomes	Applicant Response
For assessable development		
High speed telecommunication infrastructure		
PO17 Development provides infrastructure to facilitate the roll out of high speed telecommunications infrastructure.	AO17 No acceptable outcomes are prescribed.	Can be conditioned to comply with PO17.
Trade waste		
PO18 Where relevant, the development is capable of providing for the storage, collection treatment and disposal of trade waste such that: (a) off-site releases of contaminants do not occur; (b) the health and safety of people and the environment are protected; (c) the performance of the wastewater system is not put at risk.	AO18 No acceptable outcomes are prescribed.	Not applicable.
Fire services in developments accessed by common private title		
PO19 Hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.	AO19.1 Residential streets and common access ways within a common private title places hydrants at intervals of no more than 120 metres and at each intersection. Hydrants may have a single outlet and be situated above or below ground. AO19.2 Commercial and industrial streets and access ways within a common private title serving commercial properties such as factories and warehouses and offices are provided with above or below ground fire hydrants located at not more than 90 metre intervals and at each intersection. Above ground fire hydrants have dual-valved outlets.	Not applicable.

**PO20**

Hydrants are suitable identified so that fire services can locate them at all hours.

Note – Hydrants are identified as specified in the Department of Transport and Main Roads Technical Note: 'Identification of street hydrants for fire fighting purposes' available under 'Publications'.

AO20

No acceptable outcomes are prescribed.



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

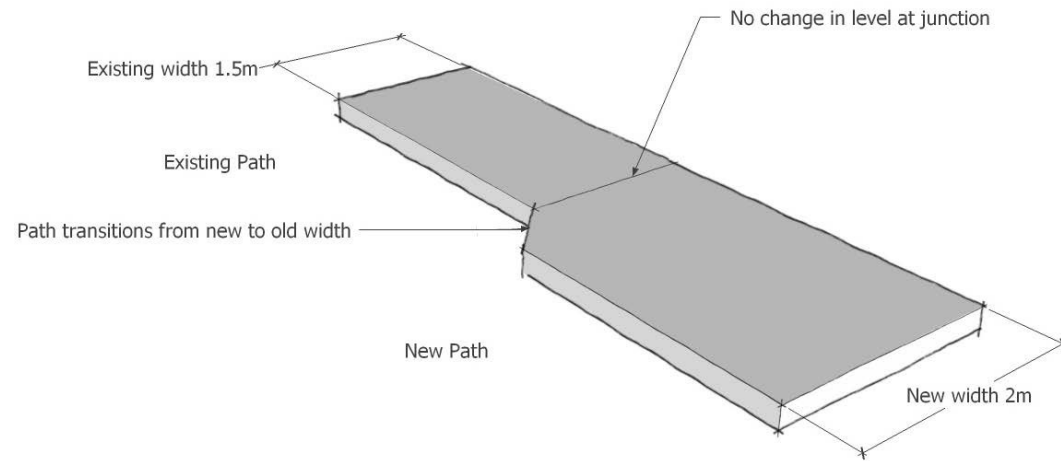
Issue	Design objectives
Drainage control (Temporary drainage works)	(a) Design life and design storm for temporary drainage works: (i) Disturbed open area for <12 months – 1 in 2 year ARI event; (ii) Disturbed open area for 12-24 months – 1 in 5 year ARI event; (iii) Disturbed open area for >24 months – 1 in 10 year ARI event. (b) Design capacity excludes minimum 150mm freeboard. (c) Temporary culvert crossing – minimum of 1 in 1-year ARI hydraulic capacity.
Erosion control (Erosion control measures)	(a) Minimise exposure of disturbed soils at any time. (b) Divert water run-off from undisturbed areas around disturbed areas. (c) Determine erosion risk rating using local rainfall erosivity, rainfall depth, soil loss rate or other acceptable methods. (d) Implement erosion control methods corresponding to identified erosion risk rating.
Sediment control measures (sediment control measures, design storm for sediment control basins, Sediment basin dewatering)	(a) Determine appropriate sediment control measures using: (i) potential soil loss rate; or (ii) monthly erosivity; or (iii) average monthly rainfall. (b) Collect and drain stormwater from disturbed soils to sediment basin for design storm event: (i) design storm for sediment basin sizing is 80th% five-day event or similar. (c) Site discharge during sediment basin dewatering: (i) TSS < 50mg/L TSS; (ii) Turbidity not > 10% receiving water's turbidity; (iii) pH 6.5-8.5.
Water quality (Litter and other waste, hydrocarbons and other contaminants)	(a) Avoid wind-blown litter; remove grass pollutants. (b) Ensure there is no visible oil or grease sheen on released waters. (c) Dispose of waste containing contaminants at authorised facilities.
Waterway stability and flood flow management (Changes to the natural hydraulics and hydrology)	(a) For peak flow for the 100% AEP event and 1% AEP event, use constructed sediment basins to attenuate the discharge rate of stormwater from the site.



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

Design objectives				Application
Minimum reductions in mean annual load from unmitigated development (%)				
Total suspended solids (TSS)	Total phosphorus (TP)	Total nitrogen (TN)	Gross pollutants >5mm	
80	60	40	90	Development for urban purposes Excludes development that is less than 25% pervious. In lieu of modelling, the default bio-retention treatment area to comply with load reduction targets of 1.5% of contributing catchment area.
Water stability management (a) Limit peak 100% AEP event discharge within the receiving waterway to the pre-development peak 100% AEP event discharge.				Catchments contributing to un-lined receiving waterway. Degraded waterways may seek alternative discharge management objectives to achieve waterway stability. For peak flow for the 100% AEP event, use co-located storages to attenuate site discharge rate of stormwater.

Figure 9.4.5.3.a – New footpath sections



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
For self-assessable and assessable development		
Landscape design		

**PO1**

Development provides landscaping that contributes to and creates a high quality landscape character for the site, street and local areas of the Shire by:

- (a) promoting the Shire's character as a tropical environment;
- (b) softening the built form of development;
- (c) enhancing the appearance of the development from within and outside the development and makes a positive contribution to the streetscape;
- (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;
- (e) where necessary, ensuring the privacy of

AO1

Development provides landscaping:

- (a) in accordance with the minimum area, dimensions and other requirements of applicable development codes;
- (b) that is designed and planned in a way that meets the guidelines for landscaping outlined in Planning Scheme Policy SC6.7 – Landscaping;
- (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.

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.

Complies with PO1. No specific landscaping is proposed by this proposal. The proposal intends to retain the existing streetscape which is a high value rural landscape. No removal of vegetation is proposed which contributes to the character of Mowbray and adequately screens future dwellings.



Performance outcomes	Acceptable outcomes	Applicant Response
habitable rooms and private outdoor recreation areas; (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; (g) ensuring private outdoor recreation space is useable; (h) providing long term soil erosion protection; (i) providing a safe environment; (j) integrating existing vegetation and other natural features of the premises into the development; (k) not adversely affecting vehicular and pedestrian sightlines and road safety.		
For assessable development		
PO2 Landscaping contributes to a sense of place, is functional to the surroundings and enhances the streetscape and visual appearance of the development.	AO2.1 No acceptable outcomes are specified. Note - Landscaping is in accordance with the requirements specified in Planning scheme policy SC6.7 – Landscaping. AO2.2 Tropical urbanism is incorporated into building design. Note – ‘Tropical urbanism’ includes many things such as green walls, green roofs, podium planting and vegetation incorporated into the design of a building.	Complies with PO2. The existing streetscape and landscaping will be retained which contributes to a sense of place and will complement future rural development.



PO3 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.	AO3.1 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. AO3.2 Mature vegetation on the site that is removed or damaged during development is replaced with advanced species. AO3.3 Where there is an existing landscape character in a street or locality which results from existing vegetation, similar species are incorporated into new development. AO3.4 Street trees are species which enhance the landscape character of the streetscape, with species chosen from the Planning scheme policy SC6.7 – Landscaping.	Complies with AO3.1. All vegetation on site is proposed to be retained as part of the development.
PO4 Plant species are selected with consideration to the scale and form of development, screening, buffering, streetscape, shading and the locality of	AO4 Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	Not applicable.



Performance outcomes	Acceptable outcomes	Applicant Response
the area.		
PO5 Shade planting is provided in car parking areas where uncovered or open, and adjacent to driveways and internal roadways.	AO5 Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	Not applicable.
PO6 Landscaped areas are designed in order to allow for efficient maintenance.	AO6.1 A maintenance program is undertaken in accordance with Planning scheme policy SC6.7 – Landscaping. AO6.2 Tree maintenance is to have regard to the 'Safe Useful Life Expectancy of Trees (SULE). 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.	Not applicable.
PO7 Podium planting is provided with appropriate species for long term survival and ease of maintenance, with beds capable of proper drainage.	AO7.1 Podium planting beds are provided with irrigation and are connected to stormwater infrastructure to permit flush out. AO7.2 Species of plants are selected for long term performance designed to suit the degree of access to podiums and roof tops for maintenance.	Not applicable.
PO8 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.	AO8 Weed and invasive species detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person.	Not applicable.



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

9.4.7 Reconfiguring a lot code

9.4.7.1 Application

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

9.4.7.2 Purpose

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

9.4.7.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant Response
General lot design standards		
PO1 Lots comply with the lot reconfiguration outcomes of the applicable Zone code in Part 5.	AO1 No acceptable outcomes are prescribed.	Complies with PO1. The lots are demonstrated to comply with the Overall Outcomes of the Rural Zone Code.



PO2 New lots are generally rectangular in shape with functional areas for land uses intended by the zone.	AO2 Boundary angles are not less than 45 degrees.	Complies with AO2. The lots are generally rectangular in shape and do not contain boundary angles of less than 45 degrees.
PO3 Lots have legal and practical access to a public road.	AO3 Each lot is provided with: (a) direct access to a gazetted road reserve; or (b) access to a gazetted road via a formal access arrangement registered on the title.	Complies with AO3. All lots will have direct access from Mowbray River Road.
PO4 Development responds appropriately to its local context, natural systems and site features.	AO4 Existing site features such as: (a) significant vegetation and trees; (b) waterways and drainage paths; (c) vistas and vantage points are retained and/or	Complies with AO4. No changes are proposed to existing site features.



Performance outcomes	Acceptable outcomes	Applicant Response
	are incorporated into open space, road reserves, near to lot boundaries or as common property.	
PO5 New lots which have the capability of being further reconfigured into smaller lots at a later date are designed to not compromise ultimate development outcomes permitted in the relevant zone.	AO5 The ability to further reconfigure land at a later date is demonstrated by submitting a concept plan that meets the planning scheme requirements for the applicable Zone.	Not applicable.
PO6 Where existing buildings or structures are to be retained, development results in: (a) boundaries that offer regular lot shapes and usable spaces; (b) existing improvements complying with current building and amenity standards in relation to boundary setbacks. Note - This may require buildings or structures to be modified, relocated or demolished to meet setback standards, resolve encroachments and the like.	AO6 Development ensures setbacks between existing buildings or structures and proposed boundaries satisfy relevant building standards or zone code requirements, whichever is the greater.	Complies with AO6. The existing structures on the proposed lot are setback sufficiently to comply with relevant building standards.

**PO7**

Where rear lots are proposed, development:

- (a) provides a high standard of amenity for residents and other users of the site and adjoining properties;
- (b) positively contributes to the character of adjoining properties and the area;
- (c) does not adversely affect the safety and efficiency of the road from which access is gained.

AO7.1

Where rear lots are to be established:

- (a) the rear lot is generally rectangular in shape, avoiding contrived sharp boundary angles;
- (b) no more than 6 lots directly adjoin the rear lot;
- (c) no more than one rear lot occurs behind the road frontage lot;
- (d) no more than two access strips to rear lots directly adjoin each other;
- (e) access strips are located only on one side of the road frontage lot.

AO7.2

Access strips to the rear lot have a minimum width dimension of:

- (a) 4.0 metres in Residential Zones.
- (b) 8.0 metres in Industrial Zones category.
- (c) 5.0 metres in all other Zones.

Note - Rear lots are generally not appropriate in non-Residential or non-Rural zones.

AO7.3

Access strips are provided with a sealed pavement of sufficient width to cater for the intended traffic, but no less than:

- (a) 3.0 metres in Residential Zone.
- (b) 6.0 metres in an Industrial Zone.
- (c) 3.5 metres in any other Zone.

Complies with PO7. The only rear lot is the balance Rural Lot and this retains a high standard of amenity and has no impact on the safety of the existing lot access or proposed lot accesses.



Performance outcomes	Acceptable outcomes	Applicant Response
Structure plans Additional requirements for: (a) a site which is more than 5,000m ² in any of the Residential zones; or within these zones, and (b) creates 10 or more lots; or (c) involves the creation of new roads and/or public use land. or (d) For a material change of use involving: (i) preliminary approval to vary the effect of the planning scheme; (ii) establishing alternative Zones to the planning scheme. Note - This part is to be read in conjunction with the other parts of the code		
PO8 A structure plan is prepared to ensure that neighbourhood design, block and lot layout, street network and the location and provision on any open space recognises previous planning for the area and its surroundings, and integrates appropriately into its surroundings.	AO8.1 Neighbourhood design, lot and street layout, and open space provides for, and integrates with, any: (a) approved structure plan; (b) the surrounding pattern of existing or approved subdivision. Note - Planning scheme policy SC14– Structure planning provides guidance on meeting the performance outcomes. AO8.2 Neighbourhood design, lot and street layouts enable future connection and integration with adjoining undeveloped land.	Not applicable.



PO9 Neighbourhood design results in a connected network of walkable streets providing an easy choice of routes within and surrounding the neighbourhood.	AO9.1 Development does not establish cul-de-sac streets unless: (a) cul-de-sacs are a feature of the existing pattern of development in the area; (b) there is a physical feature or incompatible zone change that dictates the need to use a cul-de-sac streets. AO9.2 Where a cul-de-sac street is used, it: (a) is designed to be no longer than 150 metres in length; (b) is designed so that the end of the cul-de-sac is visible from its entrance; (c) provides connections from the top of the cul-de-sac to other streets for pedestrians and cyclists, where appropriate. AO9.3 No more than 6 lots have access to the turning circle or turning-tee at the end of a cul-de-sac street.	Not applicable.
PO10 Neighbourhood design supports diverse housing choices through block sizes and lot design. In developing areas, significant changes in lot size and frontage occur at the rear of lots rather than on opposite sides of a street.	PO10 No acceptable outcomes are prescribed.	Not applicable.



Performance outcomes	Acceptable outcomes	Applicant Response
PO11 Provision of physical and social infrastructure in developing residential neighbourhoods is facilitated through the orderly and sequential development of land. Note - Part 4 – Local government infrastructure plan may identify specific levels of infrastructure to be provided within development sites.	AO11.1 New development adjoins adjacent existing or approved urban development. AO11.2 New development is not established beyond the identified Local government infrastructure plan area.	Not applicable.
Urban parkland and environmental open space		
PO12 Where appropriate development maintains and enhances public access and use of natural areas, rivers, dams, creeks and the foreshore.	AO12 No acceptable outcomes are prescribed.	Not applicable.
PO13 Development provides land to: (a) meet the recreation needs of the community; (b) provide an amenity commensurate with the structure of neighbourhoods and land uses in the vicinity; and adjacent to open space areas; (c) provide for green corridors and linkages.	AO13 No acceptable outcomes are prescribed. Note - Part 4 – Priority infrastructure plan and Planning scheme policy SC14 – Structure Plans provides guidance in providing open space and recreation land.	Not applicable.

AO14

Lot size, dimensions, frontage and orientation permits buildings to be established that will facilitate casual surveillance to urban parkland and environmental open space.

AO14.1

Urban parkland is regular in shape.

AO14.2

At least 75% of the urban parkland's frontage is provided as road.

AO14.3

Urban parkland and environmental open space areas are positioned to be capable of being overlooked by surrounding development.

AO14.4

Surrounding lots are orientated so that facades will front and overlook the urban parkland and environmental open space.

AO14.5

The number of lots that back onto, or are side-orientated to the urban parkland and environmental open space is minimised.



Inconsistent design solution - low total number of lots complying with the acceptable outcomes.

Not applicable.



Performance outcomes	Acceptable outcomes	Applicant Response
	  Lots orientated to front and overlook park to provide casual surveillance. Consistent design solution - high total number of lots complying with the acceptable outcomes.	Not applicable.
Private subdivisions (gated communities)		
PO15 Private subdivisions (gated communities) do not compromise the establishment of connected and integrated infrastructure and open space networks.	PO15 No acceptable outcomes are prescribed.	Not applicable.
Additional requirements for reconfiguration involving the creation of public streets or roads		
PO16 The function of new roads is clearly identified and legible and provides integration, safety and convenience for all users.	AO16 No acceptable outcomes are prescribed. Note - The design and construction standards are set out in Planning scheme policy SC5 – FNQROC Regional Development Manual, with reference to the specifications set out in Sections D1 and D3.	Not applicable.
PO17 Street design supports an urban form that creates walkable neighbourhoods. Street design: (a) is appropriate to the function(s) of the street; (b) meets the needs of users and gives priority to the needs of vulnerable users.	AO17 No acceptable outcomes are prescribed.	Not applicable.



Public transport network		
PO18 Development provides a street pattern that caters for the extension of public transport routes and infrastructure including safe pedestrian pick-up and set-down up facilities.	AO18 No acceptable outcomes are prescribed.	Not applicable.
Pest plants		
PO19 Development activities and sites provide for the removal of all pest plants and implement ongoing measures to ensure that pest plants do not reinfest the site or nearby sites. Editor's note - This does not remove or replace all land owner's obligations or responsibilities under the Land Protection (Pest and Stock Route Management) Act 2002.	AO19 Pest plants detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person prior to earthworks commencing. Note - A declaration from an appropriately qualified person validates the land being free from pest plants. Declared pest plants include locally declared and State declared pest plants.	Not applicable.

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
For self-assessable and assessable development		



PO1 Vegetation is protected to ensure that: (a) the character and amenity of the local area is maintained; (b) vegetation damage does not result in fragmentation of habitats; (c) vegetation damage is undertaken in a sustainable manner; (d) the Shire's biodiversity and ecological values are maintained and protected; (e) vegetation of historical, cultural and / or visual significance is retained; (f) vegetation is retained for erosion prevention and slope stabilisation.	AO1.1 Vegetation damage is undertaken by a statutory authority on land other than freehold land that the statutory authority has control over; or AO1.2 Vegetation damage is undertaken by or on behalf of the local government on land controlled, owned or operated by the local government; or AO1.3 Vegetation damage, other than referenced in AO1.1 or AO1.2 is the damage of: (a) vegetation declared as a pest pursuant to the <i>Land Protection (Pest and Stock Route Management) Act 2002</i>; or (b) vegetation identified within the local government's register of declared plants pursuant to the local government's local laws; or (c) vegetation is located within a Rural zone and the trunk is located within ten metres of an existing building; or (d) vegetation is located within the Conservation zone or Environmental management zone	Approximately 70% of the proposed lot is MSES Regulated Vegetation and will remain untouched and protected as a result of the creation of the proposed lot. The proposal is either capable of achieving compliance with the Acceptable Outcomes of the Vegetation Management Code or they are not applicable. Not applicable.
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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;



or

AO1.9

Vegetation damage is for an approved Forest practice, where the lot is subject to a scheme approved under the *Vegetation Management Act 1999*;

or

AO1.10

Vegetation damage is undertaken in accordance with section 584 of the *Sustainable Planning Act 2009*.

AO1.11

Vegetation damage where it is necessary to



Performance outcomes	Acceptable outcomes	Applicant Response
	remove one tree in order to protect an adjacent more significant tree (where they are growing close to one another). AO1.12 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.	
PO2 Vegetation damaged on a lot does not result in a nuisance	AO2.1 Damaged vegetation is removed and disposed of at an approved site; or AO2.2 Damaged vegetation is mulched or chipped if used onsite.	Not applicable.
For assessable development		
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.



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EXECUTIVE SUMMARY

The creation of one new Lot on Mayfield Farm is consistent and supportive of the Strategic Framework of the Douglas Shire Planning Scheme and the intent of the Rural zone.

The proposal:

- Offers a wider range of living options for the community and maintains the character and identity of the Mowbray Valley.
- Does not fragment the rural land or impact upon the existing commercial cane cropping activities, grazing pastures or intense horticultural activities as existing on the property.
- Creates one new lot already fully serviced at an urban level with town water, reticulated power, NBN and rubbish collection services, on the street frontage to the new lot.
- Provides for lots that are totally synchronised with the size, shape and configuration of neighbouring Rural zone properties facing Mowbray River Road, thereby being consistent with the prevailing land uses in the area.
- Creates a lot that maintain the existing use as high quality grazing pasture.
- Provides for uses focussed on a rural lifestyle adjacent the Rural Residential zone, effectively as a transitional land use, culminating in the more intense use as a cane farm on the remnant parent property.
- The existing house is not subject to flooding.
- The newly created Lot will help satisfy the overwhelming demand for such properties that are capable of being used for animal husbandry and animal keeping, whilst being close to the village of Port Douglas and simultaneously provide for housing diversity.
- The availability and viability of the rural activities on the remnant property are not compromised by this proposal.

It is submitted that this proposal is cognisant of the intent of the Rural zone and the drivers espoused under the Strategic Framework and should be supported by The Douglas Shire Council as meeting a need for more rural options for the community.

HISTORY

Mayfield Farm was one of the original farms in the Port Douglas Region.

Immediately adjacent to the iconic Bump Track, on the banks of the Mowbray River, the farm was an important source of fresh produce for travellers heading up the Track to the Hodgkinson goldfields.

The original property, of some 160 acres on lot 23, was the first homestead selection on the Mowbray River in August 1877.

“John James Montgomery, with his partner John (Jack) Robbins, a butcher, built Mayfield between the Mowbray River and Spring Creek, the pick of the land at the time. They grew fodder, rice, citrus and fruits supplied to the teamsters. They had Chinese tenants. In later years Robbins acquired a mowing machine drawn by two horses to keep weeds under control.”

(reference: Douglas Shire Historical Society)

The earliest reference to cane in the Mowbray was in the early 1890's.

Mayfield Farm was also a grazing property with a strain of tick resistant cattle locally known as Zebus. Oranges and mandarins were grown in the orchards in the Mowbray in the early 1900's.

The farm passed through various owners, the last operating the property as a cane farm being the Equinox family for some twenty years or thereabouts. The subsequent owner was a private company, Spirit Union Pty Ltd, with the intent to utilise the property solely for personal residential purposes prior to the sale to Gary Hunt in 2009.

The property was in a very poor state of repair on settlement by Hunt with most of the property totally overgrown with scrub and regrowth trees. The cane farm had not been active for many years. The houses on the property were also rundown and only one was barely habitable.

The unmade tracks around the property were in poor condition and only drivable with a 4WD.

Hunt sought advice on the optimum rehabilitation of the property for agricultural purposes from a highly respected sugar cane farmer, Chris McClelland.

An audit was made of the agricultural potential of the property, and it was determined that a significant proportion of the property could be restored as a sugar cane planting, albeit at significant cost.

McClelland advised Hunt that the Mossman Mill was struggling and needed more cane to survive.

Hunt decided to engage McClelland to clear the parts of the property best suited to cane and plant a new crop.

Hunt personally cleared the rest of the property to suit its best identified agricultural purpose as grazing pasture.

The Hunt family had horses of their own on the property, and in response to overwhelming requests from horse owners in the region, made the western part of the farm available to agistees.

Significant improvements were made to the property:

- Establishment of a viable cane farm.
- Rehabilitation of all pasture.
- Repair the main house for the Hunt family as a primary (and sole) residence.
- Repair the second residence and repurpose it as an architectural studio.
- Construct a bitumen driveway to both houses and install underground power and cable.
- Build a new multi-purpose shed for farm equipment.
- Construct a championship standard dressage arena.
- Install a round yard and various other equine installations for horses and their owners.
- Activate horse watering infrastructure.

Hunt has decided to cease using the second dwelling as an architectural studio and intends to revert the building back to a 3-bedroom house.

EXISTING LAND USE

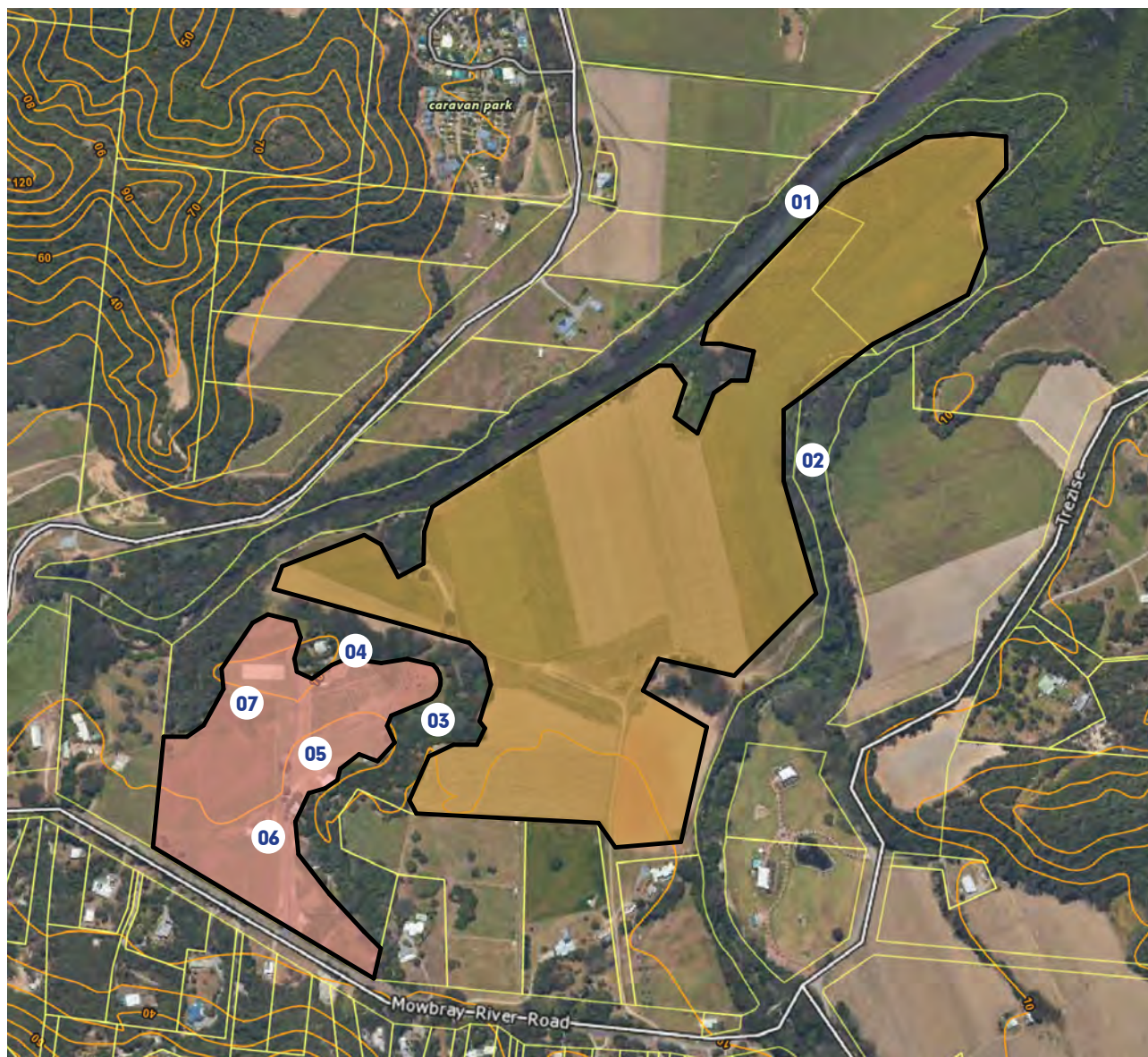


Figure I: Existing Land Use

LEGEND

	CANE LAND
	GRAZING LAND
01	MOWBRAY RIVER
02	SPRING CREEK
03	SEASONAL CREEK
04	RESIDENCE
05	FARM LAND
06	STUDIO
07	DRESSAGE ARENA

EXISTING CONDITIONS

As can be seen from the aerial imagery, apart from riverine trees along the Mowbray River, Spring Creek, and an un-named ephemeral creek, the rest of the property has been cleared and has three current agricultural activities.

The majority of the property is contiguous caneland, following a rationalisation of the property boundaries after the sale to Hunt.

The remainder of the site is gently sloping pasture used for grazing horses and horse-based activities.

A small portion of the property has an intensive horticultural activity producing micro-greens. Angela Constable is the principal of the business "Eats, Shoots and Leaves" and was responsible for instigating an organic food system as a boutique food artisan.

Constable intends to expand the business, with the agreement of Hunt, to increase the capacity of the venture.

One house is occupied by Hunt and the other is used as an architectural studio for Hunt Design.

LOCAL CONTEXT

The Mowbray Valley is well defined by the surrounding ranges and the dominant water courses.

On the southern side of the property, fronting Mowbray River Road, are 25 Rural Residential properties that have been developed with individual homes. Many of which have minimal setbacks from the road.

A number of these properties have substantial homes and significant investments in terms of expansive high quality residences, long driveways, reticulation of services, landscaping and perimeter fencing.

The topography of these house lots are on the hillslopes, grading to very steep in some locations, with heights approaching 200 meters above sea level. A few have small flatter areas closer to the road but not of sufficient size for grazing horses and the like. Agricultural uses are limited due to size of the properties, shape and intensity of residential development.

Conversely, on the northern side of Mowbray River Road, all properties are defined as being relatively flat with gentle slopes in the main falling to the northeast and the Mowbray River.

Of the 9 properties with frontages to Mowbray River Road, including the subject property, there are 8 residences fronting the road.

Apart from the Hunt holding, the other properties are not used for extensive agricultural usage, with two being used for horse grazing.

The streetscape on the western side of the street has several dwellings seen from the road due to limited setbacks, whereas the dwellings on the eastern side are generally well set back with filtered views through landscaped frontages.

All properties, including the subject property, are fully serviced with power, town water, Council garbage collection, phone lines and wireless NBN capabilities.

CONTEXT PLAN

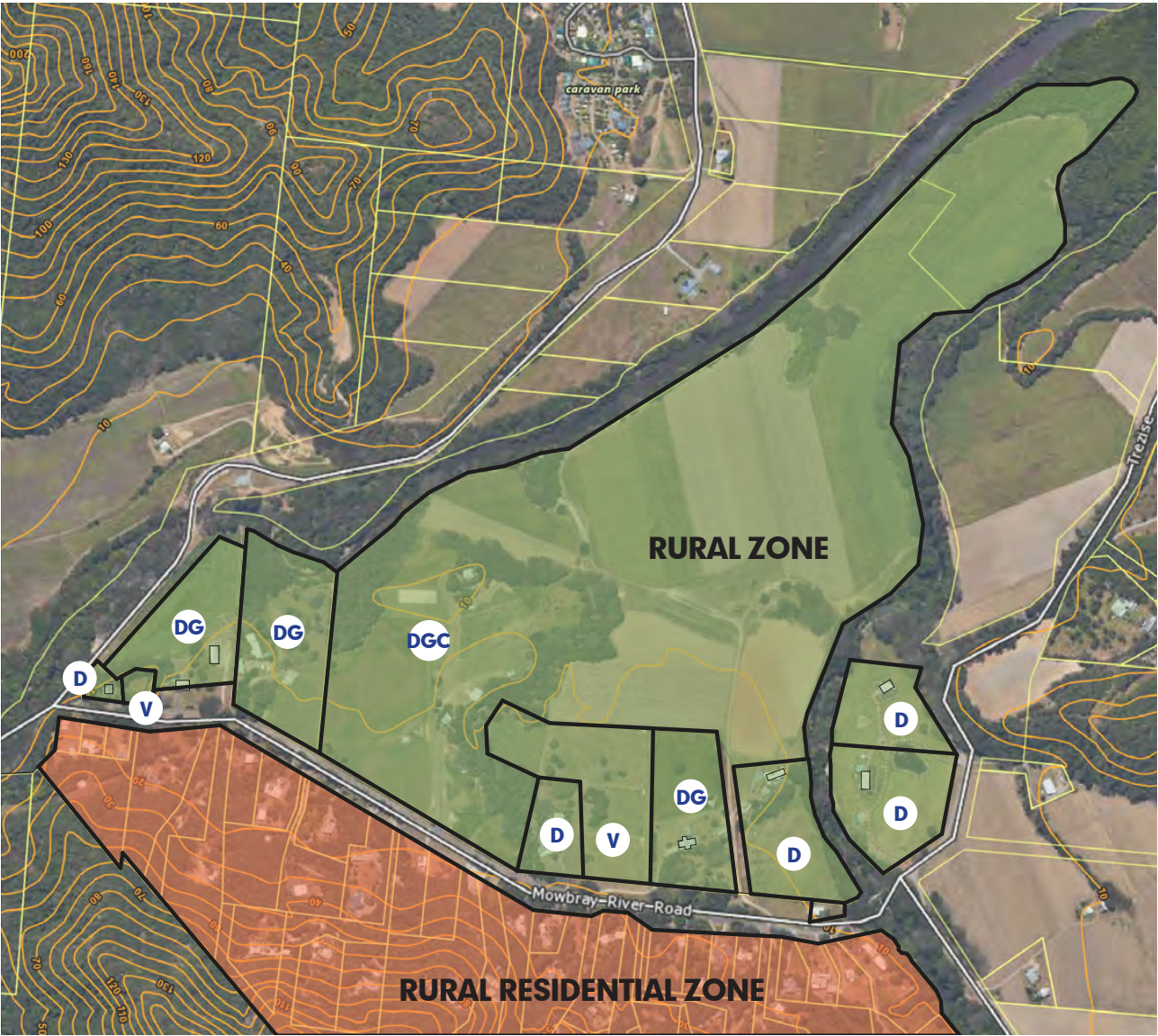


Figure II: Context Plan

LEGEND

- RURAL RESIDENTIAL ZONE
- RURAL ZONE
- D DWELLING HOUSE
- G GRAZING
- V VACANT
- R RURAL ZONE
- C CANE LAND

PROPOSAL

Following discussions with all Real Estate Agents in town, it has been established that there is a serious shortfall of land for homeowners wishing to live on rural properties capable of grazing horses, and undertaking other agricultural activities requiring relatively flat, well drained land.

In particularly, the Mowbray Valley, with its proximity to the village of Port Douglas some 10 minutes' drive away, has become a highly sought after location.

Coupled with the fact that the second residence on the property is adjacent to a 3-bedroom house, an opportunity was identified to have a comprehensive rethink of the configuration of the property.

The residence is seen as a highly desirable for a second family to live on the property. The building is immediately adjacent to an ephemeral creek observed to flow a few times a year during periods of heavy rain. The creek is also defined by a tree line on either bank which creates a natural boundary for pasture up to Mowbray River Road and the entry roadway to the main residence. This tree line is classified as MSES Regulated Vegetation.

The lot of land as defined by these naturally occurring boundaries encompasses an area circa 3.1 hectares.

The tenement is bounded by Mowbray River Road, the entry driveway and the adjacent property Lot 42 C 15732, which has been improved with a large residence and several sheds. This property also grazes horses.

The proposed 2 lots are facing directly on to the street boundary of Mowbray River Road.

These lots slope gently from the road frontage to the rear boundaries with the front half of each lot above the 10-metre contour falling to approximately 7 metres on the rear boundary.

The existing usage of all three lots is open pasture for animal husbandry and animal keeping.

Each lot has direct access to the roadway on a straight section of the road with excellent sight lines. All lots have direct connections available to power, water, phone connection and wireless NBN. The Douglas Shire Council also provides a weekly rubbish collection service and a fortnightly recycle collection capability to the front boundaries of all proposed lots.



centreline
ephemeral
creek

PROPOSED NEW LOTS

Lot 1

MSES
Regulated
Vegetation

existing dwelling

dressage
arena

10

line of driveway
underground power
& town water

01

existing
shed

existing
dwelling

MSES
Regulated
Vegetation

Lot 2

pasture

bitumen driveway
& reticulated services

pasture

bitumen road, power, & town water, along full boundary

Mowbray River Road

centreline
ephemeral
creek

Mowbray-River-R

PLANNING COMMENTARY

PERFORMANCE OUTCOME RURAL ZONE CODE PO7

A performance outcome in a Queensland planning scheme can be overridden through a variation approval or if an alternative, higher-quality qualitative assessment is provided that demonstrates the proposed development still achieves the overall planning intent. The Douglas Shire Planning scheme is based upon the Queensland planning system which is performance-based, allowing for flexibility where proposals are assessed on their merits and can be approved despite not meeting acceptable outcomes, provided that there are sufficient planning grounds.

In such a performance-based system, an alternative approach can be proposed that does not meet the "acceptable outcomes" but rather demonstrates that the development is consistent with the higher-order strategic outcomes sought by the planning scheme.

The Queensland planning system is designed to achieve better outcomes rather than rigidly adhering to prescriptive rules. This development application must be considered on its own merits, allowing for the unique circumstances of this property and its consistency with the overall intent of the Rural Zone Code 6.2.10.

In consideration of non-compliance with the Rural Zone Code Performance Outcome P07 which is the sole element of non-compliance, it is necessary to consider the drivers behind the Code.

The proposed new lots are totally consistent with the **purpose** of the Rural Zone Code by providing for nominated rural uses. (6.2.10.2(1))

The proposed new lots are totally consistent with the **local government purpose** of the code. (6.2.10.2(2))

The overarching purpose of the Code notes that the **purpose of the code** will be achieved through the following outcomes as set out in the Code:

6.2.10.2 (3)

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

(d) *Areas of remnant and riparian vegetation are retained or rehabilitated.*

The proposed excision of Lot 2 from the parent Lot 1 (existing Lot 34 SP 331786) complies with all these outcomes and in fact strengthens these outcomes.

Critically sub para (a) notes that the areas used for primary production are conserved and in the same sentence it states that fragmentation of the areas used for primary production are avoided. This does not say that the Lot upon which primary production occurs cannot be fragmented. The test is - have the areas for primary production been fragmented Not the Lot.

In this case the areas of the property used for primary production for large scale cropping and other primary production on the parent Lot remain intact. The proposed excised Lot is not capable of large-scale cropping or similar, due to its size being too small, a shape not practical for machinery to operate on a commercial scale and topographically challenged with an open drain conveying stormwater from the Council Road (Mowbray River Road) effectively bisecting the existing rural use limited to horse grazing. Such a use is still capable of being undertaken after subdivision.

Accordingly, the area for use for primary production is conserved and fragmentation of that area is avoided.

Existing Conditions:

The existing property was used in part for sugarcane over some 40 hectares of the total property and the area that was previously cultivated is now being looked at in terms of potential future use following the demise of the Mossman Sugar Mill. The current state of play between canefarmers and the mill at Gordonvale is in a state of flux as commercial terms between the growers and operators are still unresolved. The future of the sugar industry is under a huge cloud and there is no identified successor primary industry, thereby putting the future agricultural use of the canelands under extreme uncertainty.

Due to the relatively small size of the cane cropping land on the subject property, many uses such as grazing cattle simply are not viable on this land.

However, it is recognised that under the current Town Plan the portion of the parent Lot previously used for cane cropping is still considered to be good quality agricultural land. The proposed subdivision has no impact whatsoever on the ability of the parent block to be used for rural activities as recognised in the Town Plan.

Notwithstanding the existing Town Plan has aged and needs a Scheme reflecting the emerging needs of the community and adopting contemporary planning metrics.

The primacy of the sugar cane industry as noted in the current Town Plan is now flawed, and the Town Plan desperately needs to be updated to reflect the changing rural uses or other alternative rural uses.

Furthermore, the proposed Lot 2 has several existing characteristics which ensure that now and, in the future, the new lot has no impact on Lot 1, if it continues to be used for alternative rural purposes.

After the proposed subdivision nothing will change. The previous cane land and intensive horticulture is retained within the remnant part of the parent Lot along with the sheds, dressage arena, round yard and main residence.

It must be noted that the new Lot is totally constrained and already separated from the parent Lot.

The proposed Lot is constrained on the southern boundary by Mowbray River Road which is a fully formed bitumen roadway with reticulated power, town water, telecommunications infrastructure and is serviced weekly by Council for refuse removal and fortnightly for recycled pickup.

The eastern boundary is shared with Lot 20 RP808242, a 1.3 ha lot at the southern end which is developed with a dwelling, sheds and gardens, and Lot 31 SP331786, a 4.2 ha lot on the northern end of the boundary currently being used for grazing horses.

The proposed western boundary of Lot 2 is highly constrained by an existing bitumen driveway with formed swale drains on either side of the road. The road alignment also incorporates reticulated DSC town water mains servicing the two residences, sheds and horse agistment pastures. It is impractical to consider realigning the driveway and service infrastructure and is deemed a “hard” constraint and denotes the western boundary.

The northern boundary has been established as a continuation of the existing northern boundary of the adjacent Lot 31.

The proposed lot has an area of approximately 3.1 hectares, subject to survey by a registered surveyor.

The proposed Lot 2 has a dwelling currently being used as an architectural studio and a large farm shed. The architectural studio is planned to be relocated elsewhere, and subsequently the building will revert to a dwelling.

The Douglas Shire Council Natural Areas Overlay Map notes that most of the proposed Lot 2 is mapped as MSES – Regulated Vegetation (Of Concern Regional Ecosystem).

However, once ground truthed, portions of the mapped areas were cleared prior to the current owner purchasing the property. Consequently approximately 70% of the proposed lot is recognised as MSES vegetation and historically has been protected from deleterious impacts.

Apart from the immediate curtilage area around the dwelling and shed, there is one part of 2000 sqm and a second part of 3000 sqm of cleared pastureland used for horse

agistment. Fences have been installed at the interface with the MSES vegetation to protect the ecosystem from impact from grazing horses.

An open storm water swale carries water flow from the hillside opposite, passing under Mowbray River Road. This open swale effectively bisects the remnant open land and as such the remnant two portions are not suitable for cropping due to their irregular shape and size. They are best suited to their current use as horse grazing.

Accordingly, the proposed Lot 2 cannot be considered to be Good Quality Agricultural Land (GQAL) as it is limited in its capability for being used for cropping and similar rural activities that require larger land areas for such uses.

As such the area for primary production is not fragmented as per 6.2.10.2 (3)(a).

Due to the hard-line boundaries of shared properties, roadways and existing infrastructure the lot is already separated from the parent Land. Most of the proposed new lot is protected vegetation that should not be cleared and has no benefit for the rural use of the parent lot.

The amenity of the area will be improved by providing new homeowners on the proposed lot with the capability to keep animals on ideal pasture as proven with existing agistees. A new homeowner on Lot 2 may appreciate the highly advantageous opportunities for grazing horses on the improved pasture as existing. There is a recognised shortage of properties capable of such activities. This also includes off site options such a trail riding in the Valley and around the farm, and access to championship facilities including a dressage arena on the parent Lot 34 as occurs now with agistees.

The landscape of the area remains unchanged with vision from the only road frontage dominated by horse paddocks, riverine landscaping and filtered views of homes behind tropical landscaping. The existing dwelling will have minimal visual impact on the existing streetscape and, in all likelihood, as is the case with most of the houses in the area, will be further occluded by new plantings and landscaping.

STRATEGIC FRAMEWORK

The Mowbray Valley is mapped as a Rural Area on the Strategic Framework Map 2

The Strategic Framework (Part 3) is noted as setting the policy direction for the life of the Planning Scheme.

The authors of the Strategic Plan relied upon Population Census date from 2011 as part of the framework for establishing policies which are now outdated and many factors such as high vacancy rates logged in the census are no longer the case with compelling anecdotal evidence of the shortage of rentable properties and an active real estate market.

The Town Plan is expected to be updated next year, and whilst delayed, it is expected to be available for community consultation in this financial year.

In discussion with all Real Estate agents operating in Port Douglas, it has become evident that there is an undersupply of certain residential products.

It is noted that in the Strategic Framework policy the authors recognised the need:

“3.4.5.1 (2) for a wide range of living options that maintain and enhance the character and identity of individual communities.”

At the same time the Strategic Framework recognises that many residents do not want to live in an urban setting and prefer places like the Mowbray Valley which is consistent with:

“3.4.6 (2) Offer a high amenity residential alternative to township living and should be protected from any further urbanisation or inappropriate subdivision.”

This is precisely what is intended with this proposal as it provides a rural lifestyle alternative without inappropriate subdivision. Furthermore, it has no impact on existing land use or servicing issues as all services are already present to the frontage of the proposed allotment.

The configuration of the proposal also preserves the rural land currently used for commercial scale primary production as a highly productive cane farm which is identified in the Strategic Framework as a principal determinant of economic activity.

It does not fragment the rural land but sits in harmony with its current desirable activity as animal husbandry and keeping, horticulture and the aforementioned historic cane cropping on the parent lot.

It should also be noted that the proposed new lot size is like the other adjacent lot sizes in the Rural Zone and will ensure the character and amenity of this area immediately opposite the Rural Residential Zone will remain intact and be a natural transition between the two zones.

Importantly, the Element pertaining to Primary Production (3.6.3) is focussed on the viability of agricultural land and managing the interface with other potential conflicting land uses.

This element recognises that:....

“a range of rural activities may be a of different scale depending on land suitability and access to appropriate infrastructure, with development being consistent with prevailing land uses in the area (3.6.3.1 (2)).”

The subject proposal is a perfect example of maximising the highly productive commercial agricultural activity with a proposed transitional land use that is totally consistent with the prevailing land uses on both sides of Mowbray River Road.

The harmonious integration of an intense agriculture use embedded in a predominantly rural lifestyle area captures the intent of Element 3.6.3.

Section 3.7.5 Element – Housing Choice and affordability is also addressed in this proposal.

The Douglas Shire continues to welcome more diversity in the population including many city dwellers wishing to have a sea or green change... a changing lifestyle as predicted under this Element.

The overwhelming message from the Real Estate agents operating in Port Douglas is that there is an existing unsatisfied demand for rural properties which is predicted to continue to grow.

Specifically, 3.7.5.1 (2) notes:

“An increase in housing diversity is encouraged in appropriate locations while maintaining the existing character and identity of individual communities”.

The subject proposal emphatically responds to this element.

The existing character of the Mowbray Valley is that of a rural lifestyle community with a focus on residences arrayed along both sides of Mowbray River Road. The only departure from this dominant character is the cane farm which is further away from the road but still underlines the rural character of the neighbourhood.

The houses along the road are of a high standard held in an excellent state of repair. The Valley residents are proud of their properties and agents advise that the Mowbray is seen as a highly desirable address.

To that end this proposal maintains the existing character and identity of the Mowbray Valley whilst at the same time increasing the supply of a housing diversity sought by the community.

In terms of Section 3.8.4 Element – Primary production, recognises the primacy of sugar cane as the most dominant cropping activity in the Shire.

This is no longer the case with the demise of the sugar industry. The Town Plan must be updated to reflect this significant change in circumstances.

It should be noted that the Applicant purchased the property completely covered in scrub and regrowth. The property was rehabilitated and now has around 40 hectares of what was highly productive cane cropping with the remaining area improved as pasture for grazing activities.

However, with the recent closure of the Mossman Mill, and the costs and difficulties of freighting cane to the Gordonvale Mill, has meant that growing cane is no longer viable on this property.

The reality is that the Douglas Shire cane crop historically had an area circa 12,500 hectares. As of the current crop it is more in the order of 6,500 to 7,000 hectares. On the subject property only 70% of the crop was able to be harvested and income was based upon the mill average for sugar content and tonnage which is considerably lower than what was achieved from this property in the past. The projected income is probably about \$8,000 which simply means it is no longer viable as a cane farm regardless of whether cost of freight continues to be subsidised by the State Government.

This proposed subdivision is consistent with the specific outcome 3.8.4.1 (2):

“Grazing activities are supported where they do not intrude into vegetated and / or steep land.”

The pasture on Lot 2 complies with this code as the grazing area is whilst relatively small is gently sloping and bounded by the Regulated Vegetation found along the ephemeral creek banks and Mowbray River Road.

Specific outcome 3.8.4.1 (3) also notes:

“The availability and viability of rural land for ongoing agricultural uses is not compromised by inappropriate or incompatible development”.

This outcome is also evident in this proposal. The whole of the historic cane cropping area remains untouched and within the remnant part of Lot 34 SP 331786 described as Lot 1 in this application. The new Lot 2 is solely within an existing grazing area and will retain the same use.

The proposal does not generate any inappropriate or incompatible development.

EPILOGUE

The proposed subdivision of Lot 34 SP 331786 into two lots is consistent with the intent of the Strategic Framework relevant to the DSC Planning Scheme.

The only matter for consideration is Performance Outcome P07 in the Rural Zone Code noting a minimum size of 40 hectares.

The proposal for the subdivision creates one Lot of some 3.1 hectares with the remnant parcel with an area in excess of 40 hectares.

This proposal can be approved based upon the merit and compliance with the Purpose of the Rural Zone Code.

In essence areas for primary production on the current property are conserved and the development embraces sustainable land management practices and clearly contributes to the amenity and landscape of the area.

There are no adverse impacts from the existing and proposed use of the land.

Most importantly, with approximately 70% of the site mapped as MSES Regulated Vegetation (Of Concern Regional Ecosystem), this proposal quarantines this portion of the site such that the cleared horse pasture area fences off and protects the endangered vegetation.

As such there is total compliance with the purpose of retaining or rehabilitating areas of remnant and riparian vegetation.

The proposed new Lot is defined by hard boundaries that are already identified by virtue of the shared boundaries of adjacent properties, Mowbray River Road and a

bitumen driveway with service infrastructure including stormwater drainage swales, reticulated DSC town water mains, underground power, and telecommunications infrastructure.

By virtue of these hard boundaries this lot is already separated from the parent Lot and accordingly cannot be deemed as fragmenting the areas used for primary production.

The portion of the site already cleared cannot be expanded by virtue of the MSES Regulated Vegetation and is not suitable for cropping or other similar uses requiring a size and shape competent for such uses.

Current site improvements include a dwelling and a substantial machinery shed.

As noted, the new Lot is fully serviced and able to be established without any significant works.

The benefit to the community is an increase of housing supply, with the ability for a new family to purchase the property. There is a proven demand for smaller Rural Zoned properties that as of right can be used for Rural Activities as defined in the Town Plan.

The benefit for the DSC is additional rate income and better use of Council services already present at the site.

The proposition that this subdivision causes fragmentation of the Lot cannot be substantiated.

The only reference to fragmentation is in the Purpose of the Rural Zone Code where it simply states that fragmentation of areas used for primary production is avoided.

It does not say that fragmentation of Lots is avoided.

As noted previously this proposal does not fragment areas used for primary production.

On that basis this application should be supported by Council as it is consistent with the Strategic framework of the Town Plan and complies with the intent of the Rural Zone code.

