

Change application form

Planning Act Form 5 (version 1.2 effective 7 February 2020) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an other change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

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)	Troolwala Lifetime Super Fund CT Pty Ltd
Contact name (only applicable for companies)	GMA Certification Group, Hannah Dayes
Postal address (P.O. Box or street address)	PO Box 831
Suburb	Port Douglas
State	QLD
Postcode	4877
Country	Australia
Email address (non-mandatory)	Hannah.D@gmacert.com.au
Mobile number (non-mandatory)	
Applicant's reference number(s) (if applicable)	20205046

2) Owner's consent - Is written consent of the owner required for this change application?	
Note: Section 79(1A) of the <i>Planning Act 2016</i> states the requirements in relation to owner's consent.	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this change application	
<input checked="" type="checkbox"/> No	

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)				
3.1) Street address and lot on plan				
<input checked="" type="checkbox"/> Street address AND lot on plan (all lots must be listed), or				
<input type="checkbox"/> 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
		116	Hickory Road	Cow Bay
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	376	RP739003	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)



**Queensland
Government**

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

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

☐ Coordinates of premises by longitude and latitude

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

☐ Coordinates of premises by easting and northing

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

3.3) Additional premises

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

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application

Note: see section 78(3) of the Planning Act 2016

Douglas Shire Council

PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application

Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	8/7/2226	6 June 2011	Cairns Regional Council
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

6) Type of change proposed

6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):

Changing a development approval for a shed to provide for residential accommodation within the existing building.

6.2) What type of change does this application propose?

- ☒ Minor change application – proceed to Part 5
- ☐ Other change application – proceed to Part 6

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application

☒ No – proceed to Part 7

☐ Yes – list all affected entities below and proceed to Part 7

Note: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.

Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

Note: To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>.

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?

☐ No

☐ Yes

9) Development details

9.1) Is there any change to the type of development, approval type, or level of assessment in this change application?

☐ No

☐ Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.

9.2) Does the change application involve building work?

☐ No

☐ Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?

Note: The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change.

☐ No

☐ Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the [Referral checklist for building work](#) is also completed.

11) Information request under Part 3 of the DA Rules

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

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

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

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change 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: Forms 1 and 2](#).

12) Further details

- ☐ Part 7 of *DA Form 1 – Development application details* is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist

I have identified the:

- responsible entity in 4); and
- for a minor change, any affected entities; and ☒ Yes
- for an other change all relevant referral requirement(s) in 10)

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

For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application ☐ Yes ☒ Not applicable

For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application ☐ Yes ☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is attached to this application ☒ Yes

Note: This includes any templates provided under 23.6 and 23.7 of *DA Form 1 – Development application details* that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning report template](#).

Relevant plans of the development are attached to this development application ☒ Yes

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

14) Applicant declaration

- ☒ By making this change application, I declare that all information in this change 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 responsible entity and any relevant affected entity or referral agency for the change 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 responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change 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 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

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			



GMA Certification
Group

*Leaders in
Building Certification Services*



PLANNING STATEMENT

For: Troolwala Lifetime Super Fund CT Pty Ltd
Development: Minor Change – Dwelling House
At: 116 Hickory Road, Cow Bay (Lot 376 RP739003)
Prepared by: GMA Certification Group
File Ref: 20205046
Revision: A

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1.0 Introduction

This report has been prepared on behalf of Troolwala Lifetime Super Fund CT Pty Ltd in support of a Development Application to Douglas Shire Council for approval of a minor change to an existing Development Permit for a Shed located at 116 Hickory Road, Cow Bay, and described as Lot 376 on RP739003. The minor change is required to provide for an amendment of a condition of approval to allow the shed to be used for residential purposes.

The site benefits from an extant Town Planning Approval for a House (Shed), granted 6 June 2011, Reference 8/7/2226. The development is contained within a slab on ground building with an open patio and ancillary laundry and bathroom. A copy of the development approval is attached at **Appendix 2**.

It is proposed to convert the existing Shed to a Dwelling House. The change would not result in any change to the external appearance of the existing building, or access arrangements and would retain the existing landscaping. The physical changes would relate to the addition of a kitchen/bedroom/living room to the internal area. The laundry and bathroom would remain attached to the side of the building.

The development is serviced by an existing on-site effluents disposal system and an on-site water tank supply.

The application is considered to be a minor change to the existing development approval granted. It would not result in a substantially different development and would not result in the inclusion of prohibited development or additional referrals.

In assessing the change application, pursuant to s81 of the *Planning Act 2016*, the Council are required to have regard to all matters that would be considered if the application were a development application.

The development is considered to satisfy the relevant Assessment Benchmarks contained in the Planning Scheme that would be considered if the application were a development application and the application is submitted for approval, subject to reasonable and relevant conditions.

2.0 Development Summary

Address:	116 Hickory Road, Cow Bay
Real Property Description:	Lot 376 RP739003
Easements & Encumbrances:	Nil
Site Area/Frontage:	Area: 1.001 hectares Frontage: 64 metres to Hickory Road
Registered Owner:	Troowala Lifetime Super Fund CT PTY LTD
Proposal:	Change Application – Dwelling House
Approval Sought:	Minor Change
State Interests – State Planning Policy	<ul style="list-style-type: none"> • Economic Growth – Agricultural Land Classification – Class A and B; • Environment and Heritage: <ul style="list-style-type: none"> ○ MSES - Wildlife habitat (endangered or vulnerable); ⊖ MSES - Regulated vegetation (category B) & (essential habitat).
State Interests – SARA Mapping:	<ul style="list-style-type: none"> • Native Vegetation Clearing: <ul style="list-style-type: none"> ○ Category B on the regulated vegetation management map; ○ Category A or B area containing of concern and least concern regional ecosystems; and, ⊖ Essential habitat.
Referral Agencies:	Nil
State Development Assessment Provisions:	N/A
Regional Plan Designation:	Regional Landscape and Rural Production Area
Zone:	Conservation Zone
Local Plan:	Cape Tribulation and Daintree Coast Local Plan, Diwan – Cow Bay, Precinct 1.

Overlays:

- Landscape Values Overlay – High Landscape Values;
 - Natural Areas Overlay:
 - MSES – Regulated Vegetation (Intersecting a Watercourse);
 - MSES – Wildlife Habitat; and,
 - ⊖ MSES – Regulated Vegetation:-
-

3.0 Site and Locality

The subject site is a single regularly shaped allotment located at 116R Hickory Road, Cow Bay and described as Lot 376 on RP739003. The site has an area of 1.001 hectares and has frontage to Hickory Road of in the order of 64 metres. The site is improved with an existing shed and stormwater tank. An area has been cleared of vegetation and is located centrally and to the rear of the site. The existing development is located within this cleared area. The balance of the site is covered with mature vegetation, excluding the access, which is provided from Hickory Road.

The site has the benefit of an existing approval for the development of a House (Shed), which was approved on 6 June 2011. Condition 8 of that approval limits the use of the shed to ancillary to the residential use of the land and condition 10 of the approval notes that the approval does not authorise the construction of a dwelling unit on the site.

The locality surrounding the site contains a mix of rural lifestyle allotments improved with single detached Dwelling Houses and domestic outbuildings towards the east of the site. To the immediate north and south are government buy backs and to the west is National Park land.

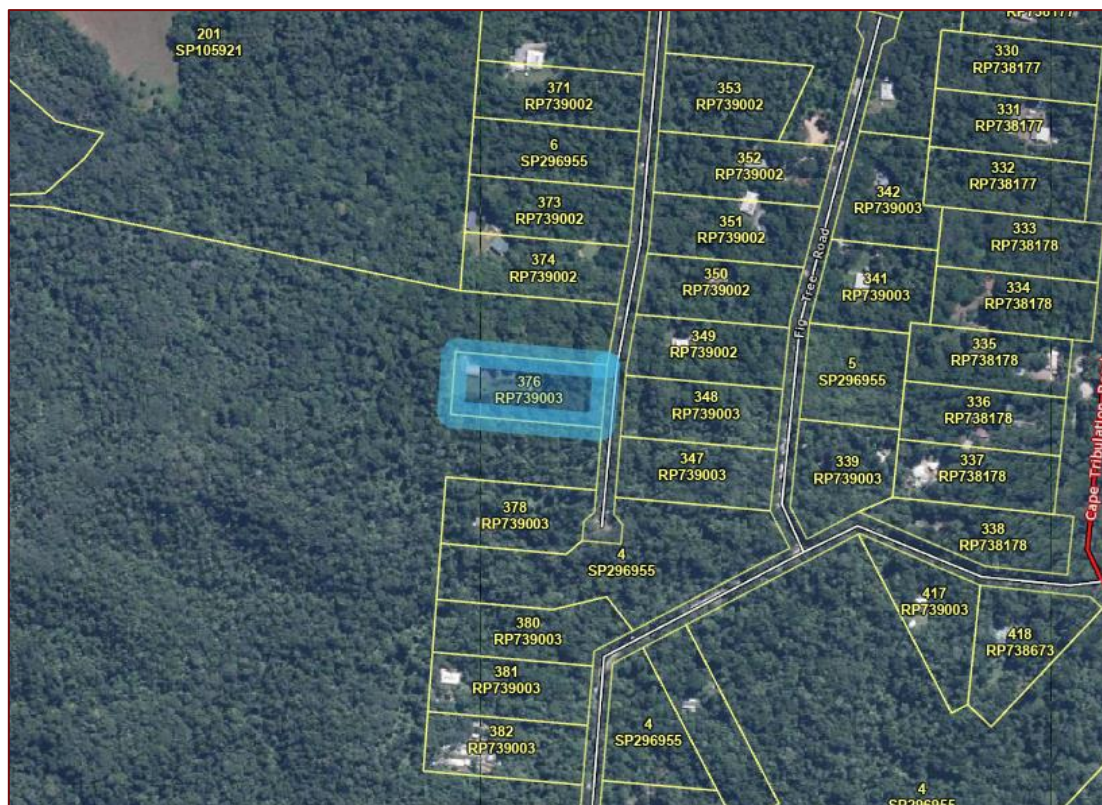


Photo 1 – Site Location (Source Queensland Globe)

4.0 Proposal

It is proposed to change the existing shed to a Dwelling House. The Dwelling House would not change any of the external features of the existing shed and would retain the existing landscaping. It would add a kitchen/bedroom/living room to the internal area. The laundry and bathroom would remain attached to the side of the building.

The development would be serviced by a septic system and an on-site roof water tank supply.

To provide for the development the approved drawings would need to reflect those attached to this application and the following conditions of approval 8/7/2226 would need to be amended/deleted:

~~8. The Use of the Shed shall be for purposes ancillary to the residential use of the land.~~

~~10. This approval does not authorise the construction of a 'Dwelling Unit' on the site.~~

Proposal plans are attached at **Appendix 3**.

5.0 Statutory Planning Considerations

This section provides a summary of the legislative framework affecting the application pursuant to the Planning Act 2016.

5.1 Planning Act 2016

5.1.1 Categorisation of Change

The *Planning Act 2016* differentiates between a minor change and other changes. The proposal is considered to constitute a minor change. For the purpose of a development approval, a minor change is defined in schedule 2 of the Act as a change that:

- (i) would not result in substantially different development; and*
- (ii) if a development application for the development, including the change, were made when the change application is made would not cause—*
 - (A) the inclusion of prohibited development in the application; or*
 - (B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*
 - (C) referral to extra referral agencies, other than to the chief executive; or*
 - (D) a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or*
 - (E) public notification if public notification was not required for the development application.*

The proposed change is considered to satisfy the requirements of a minor change. It would not result in a substantially different development than that approved and it does not result in the inclusion of a prohibited development and does not trigger additional referrals.

5.1.2 Assessment Manager

Pursuant to Schedule 8 of the *Planning Regulations 2017*, the Assessment Manager for the application is the Douglas Shire Council.

5.1.3 Statutory Considerations for Assessment of a Minor Change Application

As the application is a minor change application, in deciding the application pursuant to s81 of the *Planning Act 2016*, the Council, as Assessment Manager, must consider:

- The information included in the application;
- Any properly made submissions about the development application;
- All matters that would or may have been considered if the change application were a development application; and,
- The matters that were considered at the time of the original development application.

This assessment is further discussed in Section 6.0 of this report.

5.1.4 Referral Agencies

There were no referral agencies to the original application and consequently, pursuant to section 80 of the *Planning Act 2016* there is no requirement to refer the application or notify any affected entity.

6.0 Planning Assessment

6.1 Assessment of Minor Change Application (*Planning Act 2016* s81)

6.1.1 Properly Made Submissions

The original development was not the subject of public notification.

6.1.2 Matters that would be considered if the change application were a development application.

This assessment is twofold. The Act requires Council to consider the Planning Scheme that was in effect when the original development application was properly made and, in addition, Council may consider the Planning Scheme that is in effect when the change application is made.

The original approval was granted in 2011 prior to the commencement of the current planning scheme on 1 July 2018. It is considered more relevant to the assessment of this application to consider the proposed change against the current planning scheme rather than the planning scheme provisions that were in place at the time of approval.

6.1.3 Douglas Shire Council Planning Scheme (Version 1.0)

Within the Douglas Shire Council Planning Scheme, the site is identified within the Conservation Zone and Precinct 1 of the Cape Tribulation and Daintree Coast Local Plan and is affected by the following overlays:

- Landscape Values Overlay; and,
- Natural Areas Overlay.

The Table below identifies the applicable Assessment Benchmarks contained within the Planning Scheme that are relevant to the proposed change. A detailed assessment against the relevant Assessment Benchmarks are provided at [Appendix 4](#).

Assessment Benchmark	Applicability	Compliance
Conservation Zone Code	Applies	Complies with applicable Acceptable Outcomes.
Cape Tribulation and Daintree Coast Local Plan	Applies	Complies with applicable Acceptable Outcomes.
Landscape Values Overlay Code	Not applicable	Not an identified Assessment Benchmark
Natural Areas Overlay Code	Applies	Complies with applicable Acceptable Outcomes.

Dwelling House Code	Applies	Complies with applicable Acceptable Outcomes.
Access Parking and Services Code	Applies	Complies with applicable Acceptable Outcomes.
Filling and Excavation Code	Not applicable	No filling or excavation is proposed.
Landscaping Code	Not applicable	The existing landscaping and vegetation retention has previously been accepted by Council and no new planting or vegetation removal is proposed.
Vegetation Management Code	Not applicable	No vegetation is proposed to be removed as part of this development.

7.0 Summary and Conclusion

This report has been prepared on behalf of Troolwala Lifetime Super Fund CT Pty Ltd in support of a Development Application to Douglas Shire Council for approval of a minor change to an existing Development Permit for a Shed located at 116 Hickory Road, Cow Bay, and described as Lot 376 on RP739003. The minor change is required to provide for an amendment of a condition of approval to allow the shed to be used for residential purposes.

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It is proposed to convert the existing Shed to a Dwelling House. The change would not result in any change to the external appearance of the existing building, or access arrangements and would retain the existing landscaping. The physical changes would relate to the addition of a kitchen/bedroom/living room to the internal area. The laundry and bathroom would remain attached to the side of the building. The development is serviced by an existing on-site effluent disposal system and an on-site water tank supply.

The application is considered to be a minor change to the existing development approval granted. It would not result in a substantially different development and would not result in the inclusion of prohibited development or additional referrals.

In assessing the change application, pursuant to s81 of the *Planning Act 2016*, the Council are required to have regard to all matters that would be considered if the application were a development application.

The development is considered to satisfy the relevant Assessment Benchmarks contained in the Planning Scheme that would be considered if the application were a development application and the application is submitted for approval, subject to reasonable and relevant conditions.

Appendix 1.

CERTIFICATE OF TITLE

30003

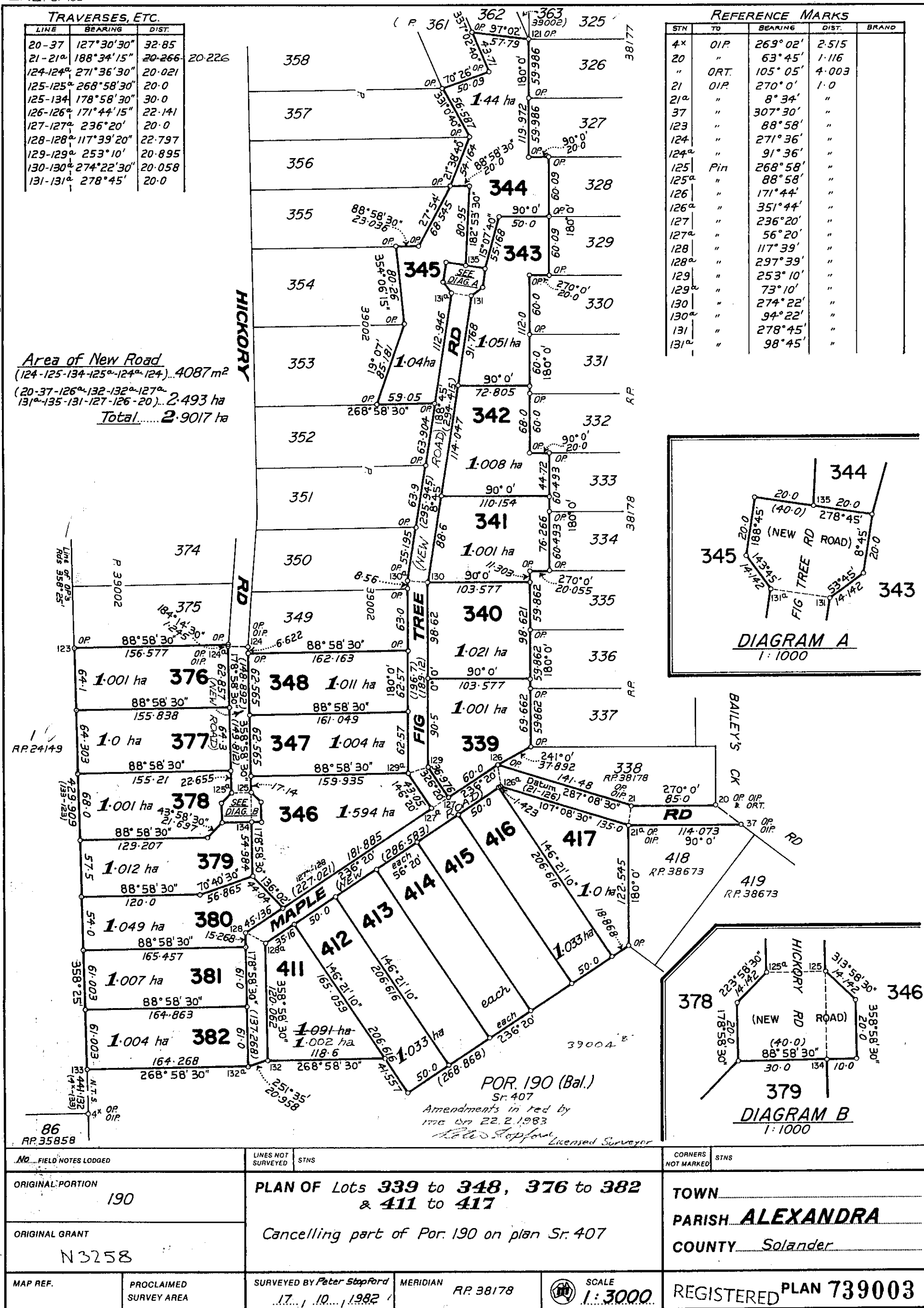
PLAN MUST BE DRAWN WITHIN BLUE LINES

30003

30003

PLAN MUST BE DRAWN WITHIN BLUE LINES

30003



N^o 766677

CERTIFICATE

I, Peter Stopford
 hereby certify that I have surveyed the land comprised in this plan
personally
 that the plan is accurate, that the said survey was performed in accordance with the 'Surveyors Act 1977' and the 'Surveyors Regulations 1978' and that the said survey was completed on 17.10.1982

Date 17.11.1982

Signature of Licensed Surveyor.

Council of the Shire of Douglas certifies
 that all the requirements of this Council, the Local Government Acts of 1936 to 1982 and all By-Laws
 have been complied with and approves this Plan of Subdivision.

Dated this 6th day of December 1982Mayor or
ChairmanTreasurer
Shire Clerk

I/we SOUTHERN - DAINTRIE PASTORAL CO. PTY. LTD.
 (Names in full) as proprietor/s
 of this land, agree to this Plan and dedicate the new roads shown hereon to public use.

Signature of
Proprietor/s

George Gaud (Treasurer) as duly constituted
 ATTORNEY FOR SOUTHERN - DAINTRIE PASTORAL CO. PTY. LTD.

FOR TITLES OFFICE USE ONLY

Previous Title

D.G. Vol. N. 876 Fol. 145 Per. 1982 on D.M.S. Plan. Sr. 497

New C.T. Ref.

(Re) Sub.	Vol.	Fol.
335	N1204	7
340	-	8
341	-	9
342	-	10
343	-	11
344	-	12
345	-	13
346	-	14
347	-	15
348	-	16
376	N1204	17
377	-	18
378	-	19
379	-	20
380	-	21
381	-	22
382	-	23

New C.T. Ref.

(Re) Sub.	Vol.	Fol.
411	N1204	24
412	-	25
413	-	26
414	-	27
415	-	28
416	-	29
417	-	30

24 NEW TITLES
 Vol. _____ Fol. _____

Lodged by

I. SCIACCA
 SOLICITOR
 P.O. BOX 5119
 CAIRNS

Fees Payable

24-00 Postal fee and Postage
189-00 Lodgt, Exam. & Ass.
456-00 Entd. on Docs.
8-00 New Title
6-00 Entd. on Deeds
6-00 Photo Fee
683-00 Total
 Short Fees Paid.....

Received

Registrar of Titles

Journal No. 74517

Receipt No.

67861

Calc. Bk. No. 143/31
 Examined 18/1/83
 Passed 28/2/83
 Charted 1/1
 Map Ref. _____

D.M.

14 MAR 1983
 REGISTRAR OF TITLES
 DEP. (NORTHERN DISTRICT)

Particulars entered in Register Book
 Vol. N876 Folio 165

at 11.11.82

- 9 MAR 1983

REGISTRAR OF TITLES

DEP. (NORTHERN DISTRICT)

\$ 215 Reqn. Fee and
13062 Postage
 see No. 13062
13 FEB 1983

JAN 5 12 45 PM '83
 RECEIVED
 TITLES

REGISTERED PLAN 739003

A Memo has been sent to the Surveyor
 The plan is returned here with the fee for his
 attention.

17/11/82

Appendix 2.

DEVELOPMENT APPROVAL 8/7/2226 DATED 6 JUNE 2011

ENQUIRIES: Michelle Henderson
PHONE: (07) 4099 9457
FAX: (07) 4044 3836
YOUR REF:
OUR REF: 8/7/2226 (3190784)

6 June 2011

Tamco Builders Pty Ltd
PO Box 468
TOLGA QLD 4882

Dear Sir/Madam

DECISION NOTICE UNDER S335 SUSTAINABLE PLANNING ACT 2009:
DEVELOPMENT APPLICATION FOR 116R HICKORY ROAD COW BAY

With reference to the abovementioned Development Application, please find attached the relevant Decision Notice, which was determined under Instrument of Delegation on 6 June 2011.

The notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

Should you have any enquires in relation to this Decision Notice, please contact Michelle Henderson of Council's Development Assessment Team on telephone number (07) 4099 9457.

Yours faithfully

Kelly Reaston
Manager Development Assessment

Att.

APPLICANT DETAILS

Tamco Builders Pty Ltd
PO Box 468
TOLGA QLD 4882

ADDRESS

116R Hickory Road Cow Bay

REAL PROPERTY DESCRIPTION

Lot 376 on RP739003

PROPOSAL

House (Shed)

DECISION

Approved subject to conditions (refer to approval package below).

DECISION DATE

6 June 2011

TYPE

Material Change of Use (Development Permit)

REFERRAL AGENCIES

None Applicable

SUBMISSIONS

There were no submissions for this application.

FURTHER DEVELOPMENT PERMITS REQUIRED

Development Permit for Building Works

CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT

None

DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)

Not in conflict

APPROVED DRAWING(S) AND/OR DOCUMENT(S)

The term 'approved drawing(s) and/or document(s)' or other similar expression means:

Drawing or Document	Reference	Date
Site Plan	Drawing prepared by Steve Grogan (Council Ref No 3117656)	31 Mar 2011
Floor Plan	Drawing prepared by McSheds (Council Ref No 3138956)	23 Dec 2010
Elevations	Drawing prepared by McSheds (Council Ref No 3138956)	23 Dec 2010

ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. To ensure that the development complies in all respects with the following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual; and

Except where modified by these conditions of approval

Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Lawful Point of Discharge

3. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer.

Vegetation Clearing

4. Existing vegetation on the subject land must be retained in all areas except those affected by the construction of access driveways, the installation of services as detailed on the approved plans. Any further clearing requires a Permit to Damage Protected Vegetation under Amendment 1 of 2006 Of Local Law No. 56 Vegetation Management.

Generators

5. Noise from; generators, air-conditioning units, swimming and spa pool filters, service equipment or other mechanical equipment, must not emanate from the subject land to a degree that would, in the opinion of the Chief Executive Officer, create an environmental nuisance having regard to the provisions of Chapter 8 Part 3B of the *Environmental Protection Act 1994*.

Fuel Storage

6. All fuels must be stored in an undercover and secure location at all times.

Building Colours

7. The exterior finishes and colours of Buildings are non-reflective and blend with the natural colours of the surrounding environment. Roofs must be of moderately dark to darker shades of green, grey, blue and brown.

The following proposed building colours are approved for use:

Exterior Walls – Dune
Roof – Bushland

The applicant/owner must also ensure that the above Building Exterior requirements are made known in writing to all prospective purchasers.

Land Use (Shed)

8. The use of the shed shall be for purposes ancillary to the residential use of the land.

Landscaping

9. All landscaping to be installed must consist of native and endemic species only and planted in an irregular and random fashion to blend with existing vegetation. Exotic species are not permitted.

Exclusions

10. This approval does not authorise the construction of a "Dwelling unit" on the site.

ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of Section 339 of the *Sustainable Planning Act 2009*.
2. The applicant/owner is advised that this approval does not approve the construction of the building works. The applicant will be required to obtain a Development Permit for Building Work in order for construction to commence.
3. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
4. This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.
5. The taking of water, or interfering with water from streams or groundwater sources will require a permit administered under the *Water Act 2000* and issued by the regional office of the Department of the Natural Resources and Water. Further information can be obtained from the Department of Natural Resources and Water on (07) 4039 8431 or at www.nrw.qld.gov.au.
6. For information relating to the *Sustainable Planning Act 2009* log on to www.dglp.qld.gov.au. To access FNQROC Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au.

RIGHTS OF APPEAL

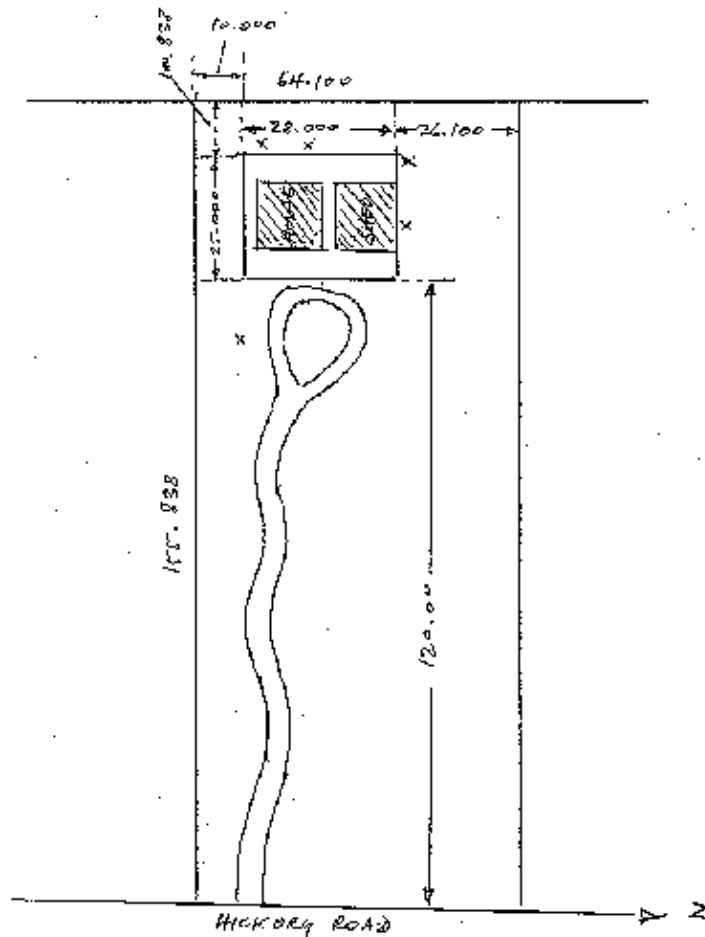
Attached

End of Decision Notice

APPENDIX 1 APPROVED PLAN(S) AND DOCUMENT(S)

(Future dwelling excluded)

SITE PLAN: PROPOSED CLEARING OF SITE'S CONTAMINATION
LOT 396, HICKORY ROAD, COW BAY
RP 739003



- X THIS'S EXTERNAL TO 400 M² SUR TO ESTATE
- PROPOSED DWELLING TO 144 M²
- PROPOSED SHED TO 126 M²
- (NO. BUILDING APP FOR SHED ONLY)

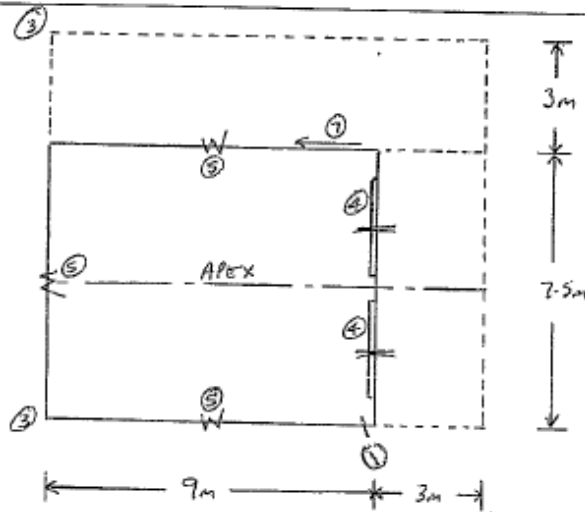
DECISION NOTICE DETAILS
SUSTAINABLE PLANNING ACT 2009



SPECIFICATION SHEET

Client Name: STEVE GREGAN
Postal Address: PO BOX 379 CLIFTON BEACH 4879
Phone: 0434 128 799 Fax:
Site Address: 116 HICKORY RD COW BAY

Building: 7.5 Span 12 Length 3 Height
Awning: 3 Span 12 Length 2.2 Wind Rating



Legend

1	Electrical Conduct 32mm			5	Window - 900 x 1100					
2	PA Deer			6	Window					
3	Downpipe	Round	<input checked="" type="checkbox"/> Square	7	SLIDING GLASS Door - 2100 x 1810					
4	Roller Door - 2700 x 2700			8						
Generator		Yes	No	Power on site		Yes	No	Distance to power	m	
Aircell to Main Roof		Yes	No	m2		Aircell to Awning		Yes	No	m2
Anticon to Main Roof		Yes	No	m2		Anticon to Awning		Yes	No	m2
Anticon to Walls		Yes	No	m2		Aircell to Walls		Yes	No	m2
Sisalation Paper		Yes	No	m2		Support Mesh		Yes	No	m2

Signed by Client: Steve Gregan
Date: 23/12/10
Signed on behalf of McSheds: [Signature]
Date: 23/12/10

SPEC SHEET

Appendix 3.

PROPOSAL PLANS

Site Plan

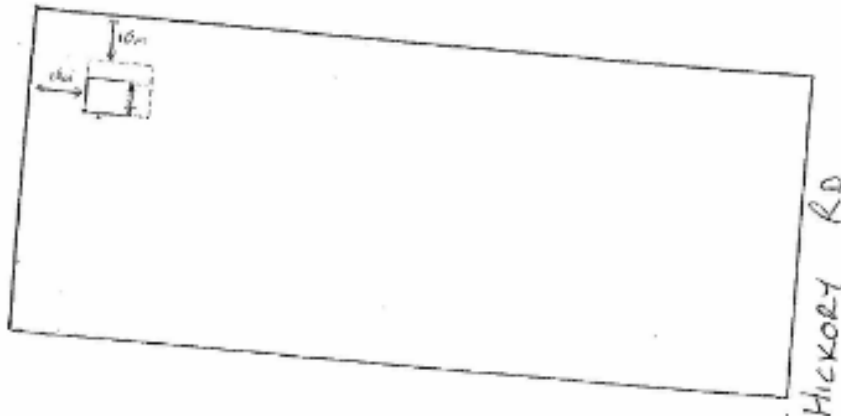


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Client Name: STEVE GREGAN
 Postal Address: P.O. Box 379 CLIFTON BEACH 4879
 Phone: 0434 128 999 Fax: _____
 Site Address: 116 HICKORY RD COW BAY

Lot: 376 RP: 739003 Local Authority: GARDENS REGIONAL COUNCIL

Please ensure Roller Door position is marked on site plan.



Signed by Client:

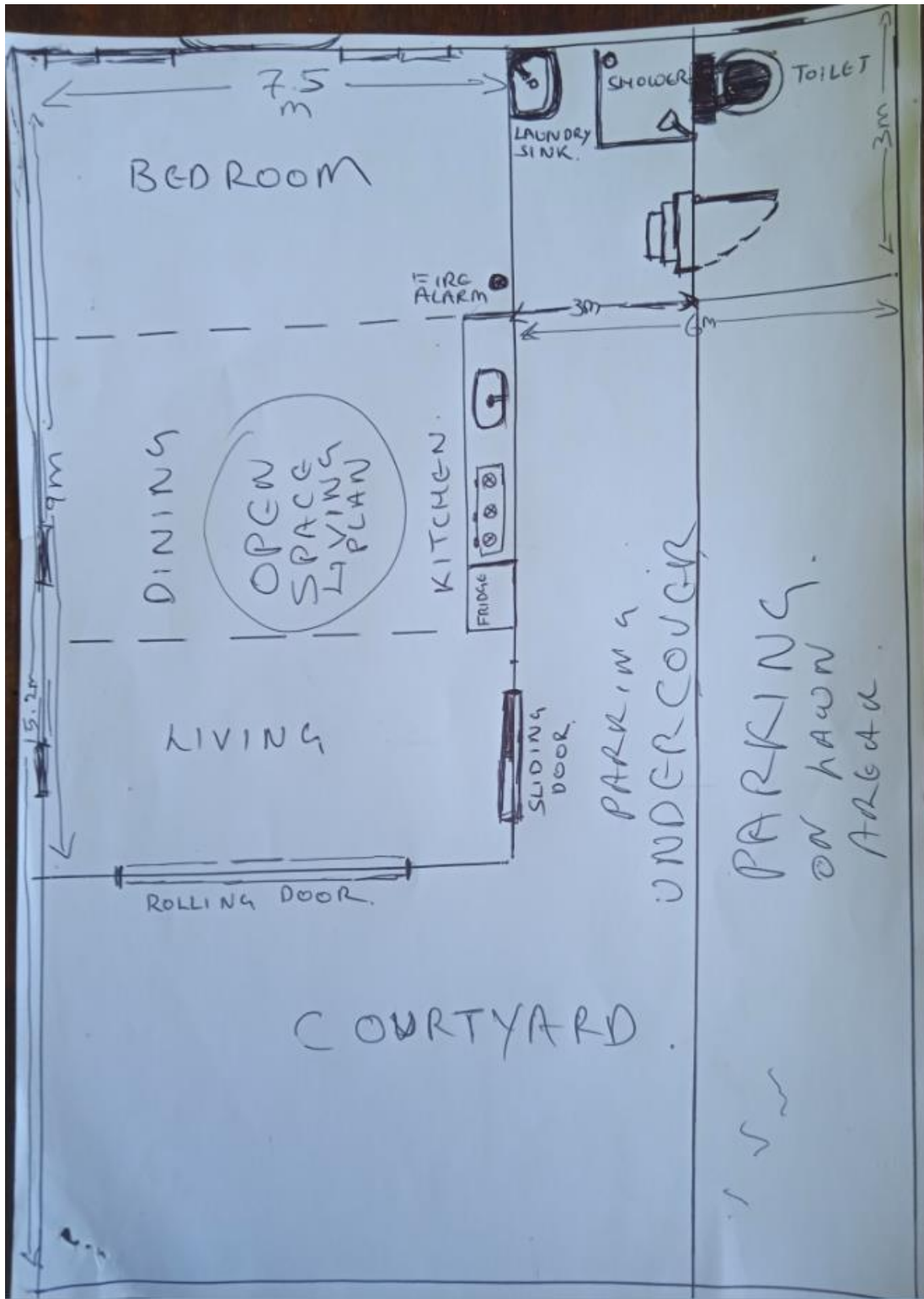
Date:

Signed on behalf of McSheds:

Date:

PRELIMINARY SITE PLAN

Floor Plan



Appendix 4.

BENCHMARK ASSESSMENT



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6.2.3 Conservation Zone Code

6.2.3.1 Application

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

6.2.3.2 Purpose

- (1) The purpose of the Conservation zone code is to provide for the protection, restoration and management of areas identified as supporting significant biological diversity and ecological integrity.
- (2) The local government purpose of the code is to:
 - (a) implement the policy direction set in the Strategic Framework, in particular:
 - (i) Theme 2 : Environmental and landscape values, Element 3.5.2 – Aboriginal cultural heritage values, Element 3.5.3 – Biodiversity, Element 3.5.3 – Coastal zones.
 - (ii) Theme 3 – Natural resource management, Element 3.6.2 – Land and catchment management.
 - (iii) Theme 4 – Strong communities and identity, Element 3.7.8 – Strengthening indigenous communities.
 - (b) conserve and maintain the integrity of biodiversity values, wildlife, habitats and other significant ecological assets and processes over time, across public and private lands.



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(3) The purpose of the code will be achieved through the following overall outcomes:

- (a) Biological diversity, ecological integrity and scenic amenity are protected;
- (b) Any recreational or other uses of areas that are in the control of the Crown, or the Council, such as reserves, national parks and the Wet Tropics World Heritage Area or areas adjacent to these areas, are consistent with the management plans of the controlling authority so that conservation and scenic values of these areas are not adversely affected;
- (c) Any use of land in private ownership does not affect the environmental, habitat, conservation or scenic values of that land or surrounding area;
- (d) Any low intensity facilities based on the appreciation of the natural environment or nature based recreation only establish where there is a demonstrated need and provided they have a minimal impact on the environmental and scenic amenity values of the site or surrounding area.
- (e) The provisions of the Return to Country Local Plan facilitate economic and social opportunities on traditional Indigenous lands;
- (f) Further lot reconfigurations other than amalgamations, boundary realignments to resolve encroachments, or for the practical needs of essential community infrastructure, or to facilitate Return to Country outcomes do not occur.

6.2.3.3. Criteria for assessment

Table 6.2.31.3.a - Conservation zone – assessable development



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Performance outcomes	Acceptable outcomes	Compliance
For self-assessable and assessable development		
PO1 The establishment of uses is consistent with the outcomes sought for the Conservation zone and protects the zone from the intrusion of inconsistent uses	AO1 Uses identified in Table 6.2.3.3.b are not established in the Conservation zone.	Complies with AO1 A Dwelling house is not listed in Table 6.2.3.3.b.
PO2 The height of buildings is compatible with the character of the area and does not adversely affect the amenity of the area.	AO2 Buildings and structures are not more than 8.5 metres in height and two storeys. Note - Height is inclusive of roof height.	Complies with AO2 The development would utilise a lawfully existing building that is one storey and 4 metres high.
PO3 Development is setback from site boundaries so they are screened from view from the boundaries of adjoining properties and adjoining roads to maintain the scenic values of the area.	AO3 Buildings and structures are setback not less than: (a) 40 metres from the frontage of a State controlled road, existing or proposed arterial road, existing or proposed sub-arterial road, as identified on the Transport network overlay maps contained in Schedule 2;	Complies with AO3 The development would be contained in a lawfully existing building which is set back 128 metres from the site frontage to Hickory Road and a minimum of 10 metres from side and rear boundaries.



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Performance outcomes	Acceptable outcomes	Compliance
	(b) 25 metres from Cape Tribulation Road frontage; (c) 20 metres from any other road frontage (d) 10 metres from side and rear boundaries.	
PO4 The site coverage of all buildings and structures does not have an adverse effect on the conservation or scenic amenity values of the site and surrounding area and buildings are subservient to the natural environment.	AO4 Development is sited in an existing cleared area or an area approved for clearing, but which is not yet cleared until a development permit to carry out Building Works is issued. Any clearing is limited to a maximum area of 700m ² and is sited clear of the high bank of any watercourse. Note – The 700m ² area of clearing does not include an access driveway.	Complies with AO4 The development would be located on an existing cleared area in a lawfully existing building.
PO5 Development is consistent with the overall outcomes sought for the Conservation zone.	AO5 No acceptable outcomes are prescribed.	Complies with PO5 The development would not result in any greater impact on the conservation values of the zone than the existing development on the site.
PO6	AO6	Complies with AO6



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Performance outcomes	Acceptable outcomes	Compliance
Development complements and is subservient to the surrounding environment and is in keeping with the ecological, landscape and scenic values of the area.	The exterior finishes and colours of all development are non-reflective and consist of colours that blend easily with surrounding native vegetation and view-shed.	The developments exterior colour is a non-reflective olive green with a metal roof.
P07 Development is screened from view from adjoining roads and properties with a dense screen of endemic/native landscape which: (a) is informal in character and complementary to the existing natural environment; (b) provides screening; (c) enhances the visual appearance of the development. Note – Planning scheme policy – Landscaping provides further guidance on meeting the performance outcome	A07.1 For any development, the balance area of the site not built upon, including all setback areas must be landscaped/revegetated with dense three tier, endemic planting which is maintained to ensure successful screening is achieved.	Complies with A07.1 The balance of the site is landscaped with dense, mature vegetation and no vegetation is proposed to be removed as part of this development.
	A07.2 Endemic palm species, where used, are planted as informal accent features and not as avenues and not in a regular pattern.	Not applicable No new planting is proposed.
P08	A08.1 Development harmonises with the surrounding environment, for example, through suspended,	Complies with A08.1



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Performance outcomes	Acceptable outcomes	Compliance
Development is complementary to the surrounding environment.	light-weight construction on sloping sites, which requires minimal excavation or fill.	The development would be contained wholly within the existing and lawfully constructed building..
	AO8.2 A driveway or parking areas are constructed and maintained to: (a) minimise erosion, particularly in the wet season; (b) minimise cut and fill; (c) follow the natural contours of the site; Douglas Shire Planning Scheme 2018 Version 1.0 Part 6: Zones Part 6: Page 10 Performance outcomes Acceptable outcomes (d) minimise vegetation clearing.	Complies with AO8.2 The site has a lawfully existing driveway and parking areas.
	AO8.3 Buildings and structures are erected on land not exceeding a maximum gradient of 1 in 6 (16.6%) or On land steeper than 1 in 6 (16.6%) gradient:	Not applicable No new buildings are proposed.



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Performance outcomes	Acceptable outcomes	Compliance
	(a) A split level building form is utilised; (b) A single plane concrete slab is not utilised; (c) Any voids between building and ground level, or between outdoor decks and ground level are screened from view using lattice/battens and/or landscaping. and (d) is accompanied by a Geotechnical Report prepared by a qualified engineer at development application stage which includes certification that the site can be stabilised, followed by a certificate upon completion of works.	
	AO8.4 Buildings and structures are sited below any ridgelines and are sited to avoid protrusion above the surrounding tree-level canopy.	Not applicable No new buildings are proposed.
PO9 Development is located to:	AO9 No acceptable outcomes are prescribed.	Complies with PO9 All new development would be located within the existing lawfully constructed building..



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Performance outcomes	Acceptable outcomes	Compliance
<p>(a) protect the ecological values of the site and surrounding land;</p> <p>(b) maintain the scenic values of the area;</p> <p>(c) maintain appropriate setbacks to waterways, watercourses, wetlands, tidal areas and overland flow paths;</p> <p>(d) avoid areas that are vulnerable to natural hazards;</p> <p>(e) minimise to the greatest extent possible on site excavation and filling;</p> <p>(f) provide buffers to cultural, historical or ecological features;</p> <p>(g) minimise visibility from external sites or public viewing points;</p> <p>(h) minimises to the greatest extent possible the loss of native vegetation and fauna habitat.</p>		
<p>PO10</p> <p>Development does not result in adverse impacts on:</p>	<p>AO10</p> <p>No acceptable outcomes are prescribed.</p>	<p>Complies with PO10</p> <p>The development would be wholly contained within a lawfully existing building.</p>



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Performance outcomes	Acceptable outcomes	Compliance
(a) ecological function or features; (b) on-site or surrounding waterways and wetlands.		
PO11 Rehabilitation of natural processes on disturbed sites is undertaken to improve the environmental integrity of the area.	AO11 No acceptable outcomes are prescribed	Not applicable The development would be wholly contained within a lawfully existing building.
PO12 Fencing is designed to not impede the free movement of native fauna through the site.	AO12 No acceptable outcomes are prescribed.	Not applicable No fencing is proposed.
PO13 New lots contain a minimum lot size of 200 hectares, unless: (a) the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments); (b) the reconfiguration is limited to one additional lot to accommodate an existing or approved:	AO13 No acceptable outcomes are prescribed.	Not applicable No new lots are proposed.



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Performance outcomes	Acceptable outcomes	Compliance
<p>(i) Telecommunications facility;</p> <p>(ii) Utility installation;</p> <p>(c) the lot reconfiguration facilitates and outcome consistent with the Return to Country local plan.</p> <p>Note – Boundary realignments must result in an improved environmental outcome or resolve encroachments.</p>		

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

Inconsistent uses		
<ul style="list-style-type: none"> • Adult Store • Agricultural supplies store • Air Services • Animal husbandry • Aquaculture • Bar • Brothel • Bulk landscape supplies 	<ul style="list-style-type: none"> • Garden centre • Hardware and trade supplies • High impact industry • Hospital • Hotel • Indoor sport and entertainment • Intensive animal industry • Intensive horticulture 	<ul style="list-style-type: none"> • Resort complex • Retirement facility • Roadside stall • Rooming accommodation • Rural activities (unless in accordance with the exceptions nominated in the Table of Assessment for the Conservation Zone in Part 5)



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<ul style="list-style-type: none"> • Car Wash • Child care centre • Community care centre • Community residence • Community use • Crematorium • Cropping • Detention facility • Dual occupancy • Dwelling unit • Educational establishment • Extractive industry • Food and drink outlet • Function facility 	<ul style="list-style-type: none"> • Landing • Low impact industry • Major sport, recreation and entertainment facility • Marine industry • Market • Motor sport facility • Multiple dwelling • Nightclub entertainment facility • Office • Outdoor sales • Parking station • Place of worship • Port services • Relocatable home park • Research and technology industry • Residential care facility 	<ul style="list-style-type: none"> • Rural workers accommodation • Sales office • Service Station • Shop • Shopping centre • Showroom • Special industry • Substation • Theatre • Tourist attraction • Tourist park • Transport depot • Utility installation • Veterinary services • Warehouse • Wholesale nursery • Winery
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Note – This table does not imply that all other uses not listed in the table are automatically consistent uses within the zone. Assessable development must still demonstrate consistency through the assessment process.



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7.2.1 Cape Tribulation and Daintree Coast local plan code

7.2.1.1 Application

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

7.2.1.2 Context and setting

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

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

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



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the Wet Tropics World Heritage Area, but is still equally important to the continued conservation of the biodiversity, environmental and scenic values of the area.

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

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

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



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7.2.1.3 Purpose

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



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7.2.1.4 Precinct 1 – Conservation Precinct

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

7.2.1.5 Precinct 2 – Low Impact Residential Precinct

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

7.2.1.6 Precinct 3 – Low Impact Commercial Precinct



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- (1) The purpose of Precinct 3 as detailed on the Local Plan maps contained in Schedule 2 is to recognise the existing commercial uses and permit their continued use.
- (2) The overall outcomes sought for Precinct 3 are to:
 - (a) ensure that low impact commercial uses are appropriately located;
 - (b) locate development within existing cleared areas, or where no cleared area exists, development is located such that impacts on conservation, biological, ecological and scenic amenity values are mitigated through the minimisation of excavation, fill and vegetation removal, to the maximum extent possible;
 - (c) carry out development in accordance with an Environmental Management Plan;
 - (d) ensure development is visually non-obtrusive

7.2.1.7 Precinct 4 – Low Impact Community Purposes Precinct

- (1) The purpose of Precinct 4 as detailed on the Local Plan maps contained in Schedule 2 is to recognise the existing public purpose uses and permit their continued use.
- (2) The overall outcomes sought for Precinct 4 are to:
 - (a) ensure the establishment and expansion of community and public purpose uses such as child care centre, community use, educational establishment, health care services, outdoor sport and recreation, utility installation on appropriate sites within the precinct;
 - (b) locate development within existing cleared areas or where no cleared area exists, development is located such that impacts on conservation, biological, ecological and scenic amenity values are mitigated through the minimisation of excavation, fill and vegetation removal, to the maximum extent possible
 - (c) services are provided which are appropriate and adequately cater for the demand;
 - (d) carry out development in accordance with an Environmental Management Plan;
 - (e) ensure development is visually non-obtrusive.



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7.2.1.8 Precinct 5 – Low Impact Rural Production Precinct

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

7.2.1.9 Precinct 6 – Low Impact Tourism Accommodation Precinct

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



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- (d) ensure development is visually non-obtrusive.

7.2.1.10 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Compliance
All development in the Cape Tribulation and Daintree Coast Local Plan Area		
PO1 Development does not result in a demand which exceeds the capacity of: <ul style="list-style-type: none"> (a) the Daintree River ferry crossing; (b) Alexandra Range Road; (c) the local road network. 	AO1 No acceptable outcomes are prescribed.	Complies with PO1 The development would not result in an increase in traffic generation above the existing use of the site.
PO2 Development provides a suitable standard of self-sufficient service for: <ul style="list-style-type: none"> (a) potable water; 	AO2.1 Water storage is provided in tank/s with a minimum capacity to service the proposed use, including fire fighting capacity, and access to the tank/s for fire trucks. Tank/s are to be:	Complies with AO2.1 The site is serviced by an existing water tank.



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Performance outcomes	Acceptable outcomes	Compliance
(b) water for fire fighting purposes; (c) electricity supply	(a) fitted with a 50mm ball valve and camlock fitting; (b) installed and connected prior to occupation; (c) sited so as to be visually unobtrusive.	
	AO2.2 Water storage tanks are to be fitted with screening at their inlets to prevent the intrusion of leaves and insects.	Complies with AO2.2 The site is serviced by an existing water tank.
	AO2.3 An environmentally acceptable and energy efficient power supply is constructed, installed and connected prior to occupation and sited so as to be screened from the road.	Complies with AO2.3 The site is serviced by an existing power supply, that is screened from the road.
PO3 On-site waste water does not adversely impact on the environmental quality of the water and soil	AO3 No acceptable outcomes are prescribed.	Complies with AO3 The site is serviced by an existing on-site effluent disposal system.



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Performance outcomes	Acceptable outcomes	Compliance
resources or amenity of residents, through the implementation of best environmental practice.		
PO4 The sustainability of the natural water resources of the area is protected for ecological and domestic consumption purposes.	AO4.1 If groundwater is to be used, development is limited to one bore per site and the bore is: not located within 100 metres of a septic disposal trench (on the site or adjoining sites); not located within 100 metres of another bore.	Not applicable Ground water is not propose to be used.
	AO4.2 Surface water is to be used for domestic purposes only.	Complies with AO4.2 The potable water would be collected from the roof.
PO5 Development does not adversely impact on areas of sensitive natural vegetation, foreshore areas, watercourses and/or areas of tidal inundation.	AO5 No acceptable outcomes are prescribed.	Complies with AO5 The development would be wholly contained within the existing building.
PO6	AO6.1	Not applicable



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Performance outcomes	Acceptable outcomes	Compliance
Development is subservient to the surrounding natural environment in scale and intensity and is designed to be functional in a humid tropical rainforest environment.	The exterior finishes and colours of buildings are non-reflective and complement the colours of the surrounding vegetation and view shed	There would be no change to the approved external finish of the building.
	AO6.2 The noise of generators is controlled by design, or the generator is enclosed within a sound insulated building with a residential approved muffler. The noise level generated is less than 65 dBA when measured from a distance of 7 metres	Not applicable There would be no change to the existing power supply arrangements.
	AO6.3 Any fuel storage associated with an on-site generator, with storage of 20 litres or more of fuel, is enclosed with a building and provided with a bund.	Not applicable There would be no change to the existing power supply arrangements.
PO7 Landscaping of the development ensures that the endemic character of the local area is dominant.	AO7.1 Landscaping complies with the requirements of Planning Scheme Policy 7 – Landscaping;	Not applicable There would be no change to the existing landscaping on site.



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Performance outcomes	Acceptable outcomes	Compliance
	AO7.2 All of the existing landscaping to be retained and all of the proposed landscaping is 100% endemic or native species and the details are provided on a landscape plan.	Not applicable There would be no change to the existing landscaping on site.
PO8 Site access driveways and roads within the local plan area are retained as safe, slow speed, scenic drives	AO8.1 Site access driveways and existing or proposed roads comply with the relevant requirements of Planning Scheme Policy 5 – FNQROC Development Manual and are maintained as low speed gravel roads to maintain the scenic drive experience and to discourage the use of roads by through-traffic; r	Complies with AO8.1 Access is by an existing lawfully constructed driveway.
	AO8.2 Where existing roads/tracks are 4-wheel drive only, upgrading to facilitate conventional vehicles and an increase in through traffic does not occur.	Not applicable Access is by an existing lawfully constructed driveway.
PO9	AO9.1	Not applicable



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Performance outcomes	Acceptable outcomes	Compliance
The on-site impacts on natural flow regimes and erosion and sedimentation are minimised.	Filling and excavation is kept to a minimum and involves not more than 5% of the cleared area of the lot.	No fill or excavation is proposed.
	AO9.2 All exposed surfaces must incorporate erosion and sediment controls during construction and must be maintained until revegetation, or other permanent stabilisation, has occurred.	Not applicable No fill or excavation is proposed.
	AO9.3 This is no disturbance to tree roots and trenching does not involve any damage to tree roots.	Not applicable No fill or excavation is proposed.
	AO9.4 (a) On-site drainage and stormwater management: maintains natural flow regimes; (b) minimises impervious surfaces; (c) avoids concentration of flows, but where there is any form of concentration of flow,	Not applicable No fill or excavation is proposed.



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Performance outcomes	Acceptable outcomes	Compliance
	energy dissipation measures are installed at the outlet to avoid erosion (e.g. rock rip rap, gravel beds, diffusers etc.)	
General requirements – Dwelling house		
PO10 Development minimises the loss of vegetation and habitat connectivity on site and is sited to protect the environmental values of the site.	AO10.1 The elements of development and access to the site are included in a Designated Development Area (DDA).	Complies with AO10.1 The development would be wholly contained within an existing lawfully constructed building.
	AO10.2 Development is sited in an existing cleared area or in an area approved for vegetation clearing.	Complies with AO10.2 The development would be wholly contained within an existing lawfully constructed building.
	AO10.3 Any new clearing is limited to a maximum area of 700m ² and is sited to be clear of the high bank of any watercourse. Note – The 700m ² of clearing does not include an access driveway.	Not applicable No new clearing is proposed.



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Performance outcomes	Acceptable outcomes	Compliance
PO11 All existing native vegetation on a house site, other than that required and approved to be cleared for the construction of a house and access thereto, is protected to ensure the environmental integrity of the local plan area.	AO11 No acceptable outcomes are prescribed.	Complies with AO11 No vegetation is proposed to be removed.
PO12 Wildlife movement, fauna habitat and habitat corridors are protected and domestic impacts are minimised.	AO12.1 Fences are limited in extent to the confines of the cleared area around the house and any associated gates are self-closing.	Not applicable No fences are proposed.
	AO12.2 External lighting is to be kept to the minimum necessary for orientation, safety and security. Flood lights must not point up, and areas of retained vegetation should, in general, not be illuminated. Where appropriate, outdoor lights are controlled by movement detectors and/or timers.	Not applicable No external lighting is proposed.
PO13	AO13.1	Complies with AO13.1



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Performance outcomes	Acceptable outcomes	Compliance
House sites have efficient and safe vehicle access and manoeuvring areas on site, and to the site, to an acceptable standard for the local plan area.	Vehicle access is limited to one access per lot and sited in an approved location, clear of any watercourses.	The existing single access would be maintained.
	AO13.2 Vehicular access is a maximum width of 4 metres, avoids large tree specimens and/or significant vegetation and habitat corridors and is constructed and maintained to a minimum gravel standard of 75mm of road base on a compacted soil surface.	Complies with AO13.2 The existing single access would be maintained.
	AO13.3 Vehicular access is constructed prior to house construction.	Complies with AO13.3 The existing single access would be maintained.
Additional requirements for Nature based Tourism, being forest stay accommodation		
PO14 Forest stay accommodation provides a local economic opportunity for permanent residents of	AO14 Forest stay accommodation: (a) is confined to:	Not applicable The application relates to a Dwelling House only.



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Performance outcomes	Acceptable outcomes	Compliance
those parts of the Shire which are isolated and constrained by a lack of urban services and facilities.	<ul style="list-style-type: none"> (i) Precinct 2 – Low impact residential precinct; (ii) Precinct 5 – Low impact rural and tourism enterprise precinct; (iii) Precinct 6 – Low impact tourism accommodation precinct. <ul style="list-style-type: none"> (b) does not occur above the 60 metre contour; (c) is located on lots of 10 hectares or greater. 	
PO15 Forest stay accommodation remains ancillary to the primary residential use and the natural values of the land and the use is compatible with the character and amenity of the locality	AO15.1 The maximum number of guests is 10 (10 bed spaces) with up to a maximum of 4 staff (4 bed spaces); Note – Staff includes permanent residents of the dwelling house involved in catering for the use.	Not applicable The application relates to a Dwelling House only.
	AO15.2	Not applicable The application relates to a Dwelling House only.



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Performance outcomes	Acceptable outcomes	Compliance
	None of the accommodation, whether for guests or staff, is self-contained as the use operates only in association with an existing dwelling on the site.	
	AO15.3 Forest stay accommodation is located on a site which has an existing cleared area.	Not applicable The application relates to a Dwelling House only.
	AO15.4 The natural values of the balance area of the site are protected and enhanced with organised tours being conducted for visiting guests.	Not applicable The application relates to a Dwelling House only.
	AO15.5 If forest stay accommodation is provided in buildings which are separate from the dwelling: <ul style="list-style-type: none"> (a) the maximum number of separate building/s is determined based on each building containing a minimum of 2 bed spaces each, provided that each building 	Not applicable The application relates to a Dwelling House only.



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Performance outcomes	Acceptable outcomes	Compliance
	<p>has a maximum area of 50m² (inclusive of verandahs/patios etc.); or</p> <p>(b) a maximum of one communal bunkhouse is provided with a maximum area of 150m² to accommodate 10 guests (10 bed spaces) (inclusive of verandahs/patios etc.); or</p> <p>(c) a maximum of two communal bunkhouses are provided with a maximum area of 150m² each to accommodate a maximum of 20 guests (20 bed spaces) (inclusive of verandahs/patios etc).</p>	
	<p>AO15.6</p> <p>No kitchen or cooking facilities, with the exception of those located within the existing dwelling on the site are provided in association with the forest stay accommodation.</p>	<p>Not applicable</p> <p>The application relates to a Dwelling House only.</p>
PO16	AO16	Not applicable



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Performance outcomes	Acceptable outcomes	Compliance
Development ensures guests are accommodated for short-stay and the dwelling is not the usual residence of the guest.	Development involves guests staying a maximum of 14 consecutive nights.	The application relates to a Dwelling House only.
PO17 Development ensures that effluent disposal and treatment minimise odour and impacts on the natural environment.	AO17 Development provides an on-site effluent treatment system that is adequately sized to effectively treat effluent from the dwelling house and any additional persons occupying the premises as guests.	Not applicable The application relates to a Dwelling House only.
Additional requirements for Precinct 1 – Conservation Precinct		
PO18 The biodiversity value of the area and the habitat of endemic species is protected on land included in the Rainforest Conservation precinct.	AO18 No new development occurs whether on undeveloped or developed land except for: Undeveloped land that meets one or more of the following criteria: Land which has been previously been lawfully cleared and currently remains cleared;	Complies with AO18 The development would be wholly contained within the existing lawfully constructed building.



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Performance outcomes	Acceptable outcomes	Compliance
	<p>(a) Land which is the subject of a current Clearing Permit, but has yet to be cleared;</p> <p>(b) Land which is subject of a current Operational Works Permit, can be developed for a house subject to compliance with all relevant codes.</p> <p>In addition, minor extensions can be undertaken to an existing development, provided:</p> <p>(a) The extensions are limited to 30% of the existing gross floor area of the house at the commencement date of the planning scheme.</p> <p>or</p> <p>(b) The extent of extensions are determined on a site specific/use specific basis for other land uses,</p> <p>and</p>	



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Performance outcomes	Acceptable outcomes	Compliance
	(c) No further clearing is required to accommodate the extensions for either a house or any other land use development.	
Additional requirements for precinct 2 – Low impact Residential Precinct		
PO19 Development is for; <ul style="list-style-type: none"> (a) a detached dwelling of limited size and scale and necessary outbuildings and infrastructure; (b) home occupations, including bed and breakfast accommodation, where it can be demonstrated that the bed and breakfast accommodation can establish on the site and not detrimentally impact on the scenic values of the site and surrounding areas; (c) Nature based tourism, being Forest stay accommodation where in compliance with 	AO19.1 Development is limited to one dwelling house per lot.	Not applicable The site is within precinct 1.
	AO19.2 Establishment of bed and breakfast accommodation only occurs on land on which a dwelling house has been approved and constructed.	Not applicable The site is within precinct 1.
	AO19.3 Bed and breakfast accommodation is limited to cleared areas on the land; or AO19.4	Not applicable The site is within precinct 1.



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Performance outcomes	Acceptable outcomes	Compliance
other requirements contained within this code.	Bed and breakfast accommodation is established within an existing house, where there is no additional vegetation clearing required to accommodate the use;	
	AO19.5 Bed and breakfast accommodation occurs on a site with a minimum area of 1 hectare, and thereafter occurs at a rate of 1 bedroom (2 beds) per hectare, up to a maximum of 4 bedrooms (8) beds per site.	Not applicable The site is within precinct 1.
	AO19.6 Development is setback a minimum of 100 metres to an Esplanade or a foreshore frontage.	Not applicable The site is within precinct 1.
Additional requirements for Precinct 3 – Low Impact Commercial Precinct		
PO20	AO20	Not applicable The site is within precinct 1.



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Performance outcomes	Acceptable outcomes	Compliance
Commercial development is located in a convenient location and meets the requirements of the local community and visitors to the area.	Commercial development is located within Precinct 3 and has frontage to Cape Tribulation Road.	
PO21 Development is small scale and provides a necessary service to the surrounding community	AO21 No acceptable outcomes are prescribed.	Not applicable The site is within precinct 1.
PO22 Development is carried out in accordance with a site-specific, and development specific Environmental Management Plan. Note – Planning scheme policy SC6.4 – Environmental management plans provides further guidance on meeting the performance outcome.	AO22 No acceptable outcomes are prescribed.	Not applicable The site is within precinct 1.
Additional requirements for Precinct 4 – Low Impact community Purposes Precinct		
PO23	AO23 No acceptable outcomes are prescribed.	Not applicable The site is within precinct 1.



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Performance outcomes	Acceptable outcomes	Compliance
<p>Development results in a small scale expansion of an existing use which provides a necessary service to the surrounding community;</p> <p>or</p> <p>Development results in a new community use or public purpose use for which there is an identified need within the surrounding community.</p>		
<p>PO24</p> <p>Development is carried out in accordance with a site specific and development specific Environmental Management Plan.</p> <p>Note – Planning scheme policy SC6.4 – Environmental management plans provides further guidance on meeting the performance outcome.</p>	<p>AO24</p> <p>No acceptable outcomes are prescribed.</p>	<p>Not applicable</p> <p>The site is within precinct 1.</p>
Additional Requirements for Precinct 5 – Low Impact Rural Production and Tourism Enterprise Precinct		
<p>PO25</p>	<p>AO25.1</p> <p>One dwelling house establishes per lot.</p>	<p>Not applicable</p> <p>The site is within precinct 1.</p>



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Performance outcomes	Acceptable outcomes	Compliance
Development complements, protects and enhances the environmental and scenic values of the site.	AO25.2 Any other development is limited to existing cleared areas on the site.	Not applicable The site is within precinct 1.
	AO25.3 No development is to occur above the 60 metre contour line.	Not applicable The site is within precinct 1.
	AO25.4 Any new primary production activity or a change to a primary production activity has minimal impact on the existing natural values of the site and surrounding area.	Not applicable The site is within precinct 1.
PO26 Large cleared or partially cleared sites are revegetated and rehabilitated in association with suitably small scale environmentally sustainable development.	AO26 Large cleared or partially cleared sites are revegetated and rehabilitated in association with suitably small scale environmentally sustainable development.	Not applicable The site is within precinct 1.
PO27	AO27	Not applicable



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Performance outcomes	Acceptable outcomes	Compliance
<p>Development is carried out in accordance with a site specific and development specific Environmental Management Plan.</p> <p>Note – Planning scheme policy SC6.4 – Environmental management plans provides further guidance on meeting the performance outcome.</p>	No acceptable outcomes are prescribed.	The site is within precinct 1.
Additional requirements for Precinct 6 – Low Impact Tourist Accommodation Precinct		
<p>PO28</p> <p>Development complements, protects and enhances the environmental and scenic values of the site.</p>	<p>AO28.1</p> <p>One dwelling house establishes per lot.</p>	<p>Not applicable</p> <p>The site is within precinct 1.</p>
	<p>AO28.2</p> <p>Any other development is limited to existing cleared areas on the site.</p>	<p>Not applicable</p> <p>The site is within precinct 1.</p>
	<p>AO28.3</p> <p>No development is to occur above the 60 metre contour line.</p>	<p>Not applicable</p> <p>The site is within precinct 1.</p>
PO29	AO29	Not applicable



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Performance outcomes	Acceptable outcomes	Compliance
Development results in a small scale expansion of existing tourist accommodation and any associated activities, based on the appreciation of the natural environment.	No acceptable outcomes are prescribed.	The site is within precinct 1.
PO30 Development is carried out in accordance with a site specific and development specific Environmental Management Plan. Note – Planning scheme policy – Environmental management plans SC6.4 provides further guidance on meeting the performance outcome	AO30 No acceptable outcomes are prescribed.	Not applicable The site is within precinct 1.



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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.



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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;



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- (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; Douglas Shire Planning Scheme 2018 Version 1.0 Part 8: Overlays Part 8: Page 35
- (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	Compliance
For self-assessable and assessable development		



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Performance outcomes	Acceptable outcomes	Compliance
Protection of matters of environmental significance		
PO1 Development protects matters of environmental significance.	AO1.1 Development avoids significant impact on the relevant environmental values.	Complies with AO1.1 New development would be contained wholly within an existing and lawfully constructed building.
	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.	Not applicable Complies with AO1.1.
	Or AO1.3 Development is located, designed and operated to mitigate significant impacts on environmental	Not applicable Complies with AO1.1.



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Performance outcomes	Acceptable outcomes	Compliance
	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 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: <ul style="list-style-type: none"> (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; 	Complies with AO2 New development would be contained wholly within an existing and lawfully constructed building.



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Performance outcomes	Acceptable outcomes	Compliance
	<p>(d) ensuring that alterations to natural landforms, hydrology and drainage patterns on the development site do not negatively affect ecologically important areas;</p> <p>(e) ensuring that significant fauna habitats are protected in their environmental context; and</p> <p>(f) incorporating measures that allow for the safe movement of fauna through the site.</p>	
<p>PO3</p> <p>An adequate buffer to areas of state environmental significance is provided and maintained.</p>	<p>AO3.1</p> <p>A buffer for an area of state environmental significance (Wetland protection area) has a minimum width of:</p> <p>(a) 100 metres where the area is located outside Urban areas; or</p> <p>(b) 50 metres where the area is located within an Urban areas.</p>	<p>Not applicable</p> <p>The site does not contain a wetland protection area.</p>
	<p>Or</p>	<p>Not applicable</p>



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Performance outcomes	Acceptable outcomes	Compliance
	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.	The site does not contain a wetland protection area.
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.	Not applicable The site does not contain a wetland or wetland buffer area.
	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 The site does not contain a wetland or wetland buffer area.
PO5	AO5.1	Complies with AO5.1 The development would not include any planting.



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Performance outcomes	Acceptable outcomes	Compliance
Development avoids the introduction of non-native pest species (plant or animal), that pose a risk to ecological integrity.	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.	Not applicable No pest species have not been identified on the subject site.
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.	Complies with AO6.1 No vegetation is proposed to be removed as part of the proposed development.
	And AO6.2 Development within an ecological corridor rehabilitates native vegetation.	Not applicable The development is not in an ecological corridor.



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Performance outcomes	Acceptable outcomes	Compliance
	<p>And</p> <p>AO6.3</p> <p>Development within a conservation corridor mitigates adverse impacts on native fauna, feeding, nesting, breeding and roosting sites and native fauna movements.</p>	<p>Not applicable</p> <p>The development is not within a conservation corridor.</p>
<p>PO7</p> <p>Development minimises disturbance to matters of state environmental significance (including existing ecological corridors).</p>	<p>AO7.1</p> <p>Development avoids shading of vegetation by setting back buildings by a distance equivalent to the height of the native vegetation.</p>	<p>Not applicable</p> <p>No new building work is proposed.</p>
	<p>and</p> <p>AO7.2</p> <p>Development does not encroach within 10 metres of existing riparian vegetation and watercourses.</p>	<p>Not applicable</p> <p>No new building work is proposed.</p>
Waterways in an urban area		



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Performance outcomes	Acceptable outcomes	Compliance
PO8 Development is set back from waterways to protect and maintain: <ul style="list-style-type: none"> (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 	AO8.1 Where a waterway is contained within an easement or a reserve required for that purpose, development does not occur within the easement or reserve;	Not applicable The site is not in an urban area.
	or AO8.2 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 The site is not in an urban area.
Waterways in a non-urban area		
PO9 Development is set back from waterways to protect and maintain: <ul style="list-style-type: none"> (a) water quality; (b) hydrological functions; 	AO9 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 No new buildings are proposed.



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Performance outcomes	Acceptable outcomes	Compliance
(c) ecological processes; (d) biodiversity values; (e) riparian and in-stream habitat values and connectivity; (f) in-stream migration.		



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9.3.8 Dwelling house code

9.3.8.1 Application

(1) This code applies to assessing development for a dwelling house if:

- (a) self-assessable development or assessable development where this code identified in the assessment criteria column of a table of assessment;
or
- (b) impact assessable development.

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

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

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

9.3.8.2 Purpose

(1) The purpose of the Dwelling house code is to assess the suitability of development to which this code applies.

(2) The purpose of the code will be achieved through the following overall outcomes:

- (a) The dwelling house, including all habitable buildings on site, is occupied by a single household;



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- (b) A dwelling house, including a secondary dwelling or domestic out-buildings; ensures that the secondary dwelling is sub-ordinate to the primary dwelling house;
- (c) Development of a dwelling house provides sufficient and safe vehicle access and parking for residents;
- (d) The built form, siting, design and use of each dwelling is consistent with the desired neighbourhood character and streetscape elements of the area.

9.3.8.3 Criteria for assessment

Table 9.3.8.3.a –Dwelling house code – assessable development

Performance outcomes	Acceptable outcomes	Compliance
For self-assessable and assessable development		
PO1 Secondary dwellings: (a) are subordinate, small-scaled dwellings; (b) contribute to a safe and pleasant living environment; (c) are established on appropriately sized lots; (d) do not cause adverse impacts on adjoining properties.	AO1 The secondary dwelling: (a) has a total gross floor area of not more than 80m ² , excluding a single carport or garage; (b) is occupied by 1 or more members of the same household as the dwelling house.	Not applicable The development would not include a Secondary Dwelling.



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Performance outcomes	Acceptable outcomes	Compliance
P02 Resident's vehicles are accommodated on- site.	A02 Development provides a minimum number of on-site car parking spaces comprising: (a) 2 car parking spaces which may be in tandem for the dwelling house; (b) 1 car parking space for any secondary dwelling on the same site.	Complies with A02 A minimum of two car parking spaces are accommodated on site.
P03 Development is of a bulk and scale that: (a) is consistent with and complements the built form and front boundary setbacks prevailing in the street and local area; (b) does not create an overbearing development for adjoining dwelling houses and their private open space; (c) does not impact on the amenity and privacy of residents in adjoining dwelling houses;	A03 Development meets the acceptable outcome for building height in the applicable Zone code associated with the site.	Complies with A03 Refer to the assessment against the Conservation Zone Code.



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Performance outcomes	Acceptable outcomes	Compliance
(d) ensures that garages do not dominate the appearance of the street.		



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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.



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9.4.1.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Compliance
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;	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.	Complies with AO1.1 A minimum of two car parking spaces are accommodated on site.
	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.	Complies with AO1.2 Parking spaces would be available at all times.
	AO1.3	Not applicable



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Performance outcomes	Acceptable outcomes	Compliance
(f) whether or not the use involves the retention of an existing building and the previous requirements for car parking for the building	Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking.	Dwelling houses are not required to provide motorcycle parking.
(g) whether or not the use involves a heritage building or place of local significance;	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 The development would not exceed 50 car parking spaces.
(h) whether or not the proposed use involves the retention of significant vegetation.		
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.	Complies with AO2 Vehicle parking areas would be designed and constructed to the Australian Standard.
PO3	AO3.1	Complies with AO3.1



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Performance outcomes	Acceptable outcomes	Compliance
<p>Access points are designed and constructed:</p> <ul style="list-style-type: none"> (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; 	<p>Access is limited to one access cross over per site and is an access point located, designed and constructed in accordance with:</p> <ul style="list-style-type: none"> (a) Australian Standard AS2890.1; (b) Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers. 	<p>The site is accessed by one lawfully existing access cross over.</p>
	<p>AO3.2</p> <p>Access, including driveways or access crossovers:</p> <ul style="list-style-type: none"> (a) are not placed over an existing: <ul style="list-style-type: none"> (i) telecommunications pit; (ii) stormwater kerb inlet; (iii) sewer utility hole; (iv) water valve or hydrant. (b) are designed to accommodate any adjacent footpath; 	<p>Not applicable</p> <p>The site benefits from a lawfully existing cross over and driveway.</p>



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Performance outcomes	Acceptable outcomes	Compliance
(h) so that they do not involve ramping, cutting of the adjoining road reserve or any built structures (other than what may be necessary to cross over a stormwater channel).	(c) adhere to minimum sight distance requirements in accordance with AS2980.1.	
	<p>AO3.3</p> <p>Driveways are:</p> <p>(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;</p> <p>(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;</p> <p>(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;</p>	<p>Not applicable</p> <p>The site benefits from a lawfully existing drive way.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>(d) constructed such that the transitional change in grade from the road to the lot is fully contained within the lot and not within the road reserve;</p> <p>(e) designed to include all necessary associated drainage that intercepts and directs storm water runoff to the storm water drainage system.</p>	
	<p>AO3.4</p> <p>Surface construction materials are consistent with the current or intended future streetscape or character of the area and contrast with the surface construction materials of any adjacent footpath.</p>	<p>Not applicable</p> <p>The site benefits from a lawfully existing drive way.</p>
<p>P04</p> <p>Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes.</p>	<p>AO4</p> <p>The number of on-site wheel chair accessible car parking spaces complies with the rates specified in AS2890 Parking Facilities.</p>	<p>Not applicable</p> <p>Dwelling houses do not require wheel chair accessible car parks.</p>
P05	AO5	Not applicable



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Performance outcomes	Acceptable outcomes	Compliance
Access for people with disabilities is provided to the building from the parking area and from the street.	Access for people with disabilities is provided in accordance with the relevant Australian Standard.	Dwelling houses do not require disabled access.
P06 Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development.	A06 The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b.	Not applicable Dwelling houses do not require bicycle parking spaces.
P07 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);	Not applicable Dwelling houses do not require bicycle parking spaces.
	A07.2 Development ensures that the location of visitor bicycle parking is discernible either by direct view or using signs from the street.	Not applicable Dwelling houses do not require bicycle parking spaces.
	A07.3	Not applicable



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Performance outcomes	Acceptable outcomes	Compliance
	Development provides visitor bicycle parking which does not impede pedestrian movement.	Dwelling houses do not require bicycle parking spaces.
PO8 Development provides walking and cycle routes through the site which: <ul style="list-style-type: none"> (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. 	AO8 Development provides walking and cycle routes which are constructed on the carriageway or through the site to: <ul style="list-style-type: none"> (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 Waling and cycle routes through the site are not required..
PO9 Access, internal circulation and on-site parking for service vehicles are designed and constructed: <ul style="list-style-type: none"> (a) in accordance with relevant standards; 	AO9.1 Access driveways, vehicle manoeuvring and on-site parking for service vehicles are designed and constructed in accordance with AS2890.1 and AS2890.2.	Not applicable Service vehicle access is not required for Dwelling Houses.



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Performance outcomes	Acceptable outcomes	Compliance
(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.	AO9.2 Service and loading areas are contained fully within the site.	Not applicable Service vehicle access is not required for Dwelling Houses.
	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.	Not applicable Service vehicle access is not required for Dwelling Houses.
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;	Not applicable The development would not require drop-off or pick-up facilities.



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Performance outcomes	Acceptable outcomes	Compliance
	(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 The development would not require queuing or set-down areas.



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