

Our Ref: 20-27/000908
Date: 21 January 2021

Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

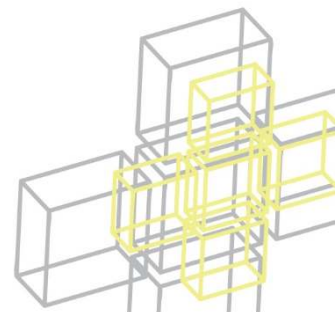
Dear Sir

RE: APPLICATION FOR A DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE FOR 'HOME BASED BUSINESS' OVER LAND AT 10 – 18 MOWBRAY RIVER ROAD, MOWBRAY, DESCRIBED AS LOT 13 ON C15766

Planning Plus (QLD) Pty Ltd has been engaged by TR Sands & CD Gilewicz (the 'applicant') to prepare and lodge the abovementioned development application with Douglas Shire Council.

In support of the application, please find attached completed DA Forms (**Annexure 1**). Payment of the relevant application fee of **\$333.00** in accordance with Council's 2020/21 Schedule of Fees & Charges will be made following lodgement.

In addition to the above, the following submission has been prepared to assist Council and other relevant authorities with their assessment of the application.



1 Site Information

1.1 Site Details

Key details of the subject site include:

Address:	10 – 18 Mowbray River Road, Mowbray, QLD 4873
Real Property Description:	Lot 13 on C15766 <i>Refer to Annexures 2 & 3 – QLD Globe Overlay and SmartMap</i>
Site Area:	3.054ha
Easements:	Nil (site is bisected by the Mossman Sugar Mill cane tram line, but this is not under easement).
Land Owner:	Trevor Ronald Sands & Christine Debra Gilewicz <i>Refer to Annexure 4 – Title Search</i>

1.2 Planning Context

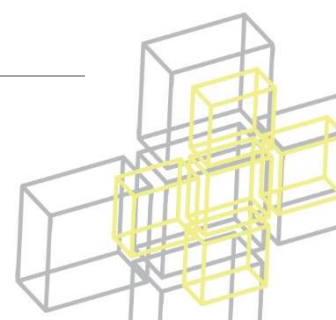
The planning context of the site includes:

Planning Scheme Local Plan:	N/A
Planning Scheme Zoning:	Rural
Planning Scheme Overlays:	<ul style="list-style-type: none">• Acid Sulfate Soils Overlay;• Bushfire Hazard Overlay;• Landscape Values Overlay; and• Transport Network (Road Hierarchy) Overlay. <i>Refer to Annexure 5 – Planning Scheme Property Report</i>
SARA DA Mapping:	N/A

1.3 Site Characteristics

Key site characteristics include:

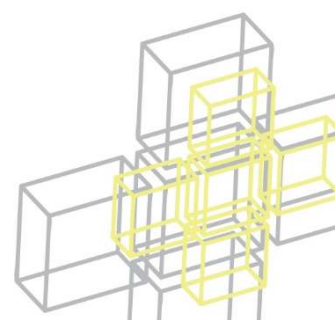
Topography:	Generally flat.
Vegetation:	Various trees and shrubs across site, along northern and southern boundaries and within Mowbray River Road reserve at site frontage.
Wetlands:	None.
Conservation Areas:	None.
Services:	The site is understood to be connected to, or has access to, all of the following urban infrastructures: <ul style="list-style-type: none">• Reticulated water supply;



	<ul style="list-style-type: none">• Telecommunications;• Electricity; and• Roads.
Waterways:	None.
Road frontages:	Mowbray River Road and unnamed road reserve to west.
Existing use of site:	Dwelling house and sheds.

1.4 Surrounding Land Uses

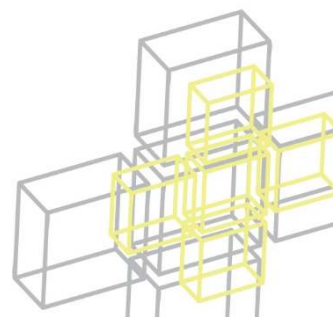
The subject site is located a short distance south of Port Douglas in an area comprising a mix of rural and rural residential land uses.



2 Application Details

2.1 General Description

Aspects of Development Sought:	Development Permit for Material Change of Use for 'Home Based Business'.
Applicant:	TR Sands & CD Gilewicz C/- Planning Plus PO Box 399 REDLYNCH Q 4870
Contact:	Mr Evan Yelavich Planning Plus PO Box 399 REDLYNCH QLD 4870 Ph: (07) 40393409 E: evan@planningplusqld.com.au



3 Proposal

This application seeks a Development Permit for Material Change of Use for a 'Home Based Business' and is being made in response to a Show Cause Notice issued by Douglas Shire Council dated 10 November 2020 (copy included as **Annexure 6**).

The Show Cause Notice stated that steel fabrication and boat repair activities are being undertaken onsite and that such activities are deemed Low Impact Industry and Medium Impact Industry land uses, respectively. The applicant is of the view that the use is in fact a Home Based Business, which is defined as:

"A dwelling used for a business activity where subordinate to the residential use."

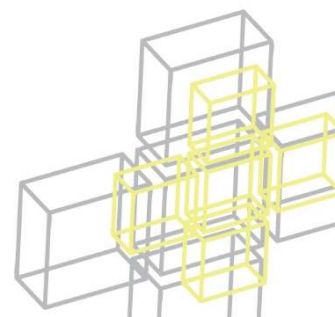
The above view is based on the fact that the purported activities are being undertaken by residents of the dwelling and are subordinate to the residential use of the premises. Further, while the activities are undertaken within a large shed, only a small position of the shed (approx. 70m²) is used for such activities.

In relation to the nature and extent of activities undertaken on the site, the applicant notes:

- Motor vehicle repair activities are limited to private work only, predominately undertaken by the applicant's son. Such work is not considered to warrant any approval and is simply associated with the residential use of the premises.
- Steel fabrication activities are generally limited to the occasional construction and assembly of gates and fence panels undertaken by the applicant (Trevor Sands) as part of his landscaping business.
- Boat repair activities are limited to minor repair works on small, recreational boats (25ft at the largest) and do not include sand blasting, painting or other high-impact activities. These works are undertaken by a family friend who lives on the property 3 – 4 days a week.

The applicant submits that any of the above activities which may be subject to approval as a Home Based Business use are limited to the hours of 9am – 5pm Monday to Friday and that any resultant noise or odour impacts are negligible. To this end, the applicant has provided letters from four (4) surrounding property owners (owners of 7, 8, 17 and 21 Mowbray River Road – letters included as **Annexure 7**) which state that they have not experienced any such issues emanating from the subject property.

Typically a Home Based Business would be a self-assessable use in the Rural Zone, however we acknowledge the 'overall outcomes' for the Home Based Business Code which state that the use *"does not involve the repairing or maintaining of motor vehicles or boats"*. Despite this, we note the 'purpose' of the code is *"to assess the suitability of development to which this code applies"* and we therefore provide this application for code assessment to enable Council to properly assess the proposal to determine if it is in fact suitable despite the conflict with the stated overall outcome.



4 Legislative Requirements

4.1 *Planning Act 2016*

This section provides an overview of the legislative context of the application under the provisions of the *Planning Act 2016*.

4.1.1 Assessable Development

The proposed development is identified as 'assessable' under the *Planning Act 2016* due to the effect of the Douglas Shire Planning Scheme.

4.1.2 Assessment Manager

The Assessment Manager for this development application is Douglas Shire Council as determined by Schedule 8 of the *Planning Regulation 2017*.

4.1.3 Level of Assessment

The Level of Assessment of the proposal is outlined in the below table.

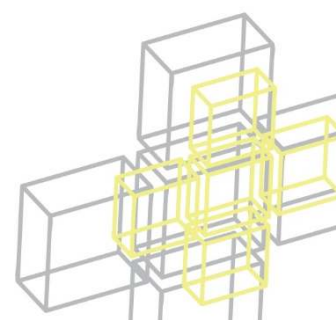
Planning Scheme Zone	Aspect of Development	Level of Assessment
Rural	Material Change of Use for 'Home Based Business'	Self-assessable (code-assessable due to code non-compliance)

4.1.4 Referral Agencies

A review of Schedule 10 of the *Planning Regulation 2017* indicates that the application will not any State agency referrals.

4.1.5 Public Notification

This application is subject to 'code assessment' and therefore does not require Public Notification.



5 Statutory Planning Assessment

This section assesses the application against all relevant statutory planning provisions.

5.1 *State Planning Regulatory Provisions*

No State Planning Regulatory Provisions are relevant to this application.

5.2 *State Planning Policy*

It is understood that the State Planning Policy is appropriately integrated into the 2018 Douglas Shire Planning Scheme.

5.3 *State Development Assessment Provisions (SDAP)*

No State Development Assessment Provisions are identified as being applicable to the proposal.

5.6 *Planning Scheme*

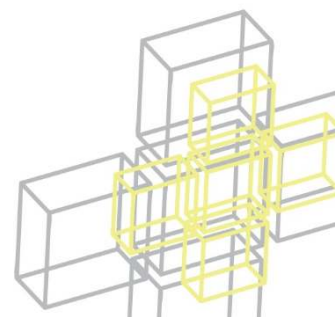
Under the Douglas Shire Planning Scheme 2018, the subject site is included within the 'Rural' Zone. Within this zone, the proposed Material Change of Use is identified as being 'code-assessable' development.

5.6.1 *Applicable Codes*

The following codes are identified as being applicable to this development application:

- Rural Zone Code;
- Home Based Business Code; and
- Access, Parking and Services Code.

A detailed assessment against the Douglas Shire Planning Scheme codes is included as **Annexure 8** to this report. While the proposal is in conflict with one of the 'overall outcomes' contained within the 'purpose' statement for the Home Based Business Code as discussed above in Section 3, it is submitted that Council may still determine the application to be suitable development as per the 'purpose' of the code. Given the overall high level of compliance with the relevant codes, it is submitted that the development is in fact suitable in this instance despite the abovementioned conflict.



6 Conclusions and Recommendations

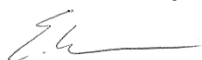
This submission supports an application by TR Sands & CD Gilewicz (the 'applicant') for a Development Permit for Material Change of Use for a 'Home Based Business' over land at 10 – 18 Mowbray River Road, Mowbray, described as Lot 13 on C15766.

The submission has included an assessment of the proposal against the relevant statutory planning controls at both the local and state level and included supporting information intended to address the likely concerns of Council and assessing authorities.

In summary, we submit that the proposed development is unlikely to have any significant impacts on the infrastructure, environment or community of the surrounding area that cannot be adequately controlled through the use of reasonable and relevant conditions.

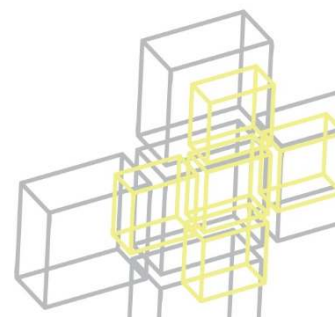
We trust this information is sufficient for your purposes; however should you require any further details or clarification, please do not hesitate to contact the undersigned.

Yours Faithfully

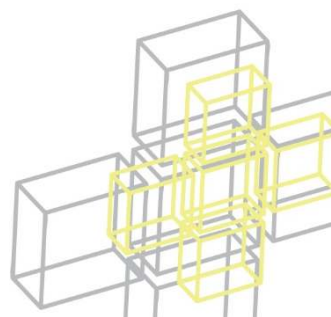


Evan Yelavich
Director / Planner
Planning Plus QLD Pty Ltd

enc: **Annexure 1:** DA Forms
Annexure 2: QLD Globe Overlay
Annexure 3: SmartMap
Annexure 4: Title Search
Annexure 5: Planning Scheme Property Report
Annexure 6: Show Cause Notice
Annexure 7: Adjoining Property Owners Letters
Annexure 8: Code Assessment – Douglas Shire Planning Scheme 2018



Annexure 1: DA Forms



DA Form 1 – Development application details

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

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

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

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

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

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

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

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

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	TR Sands & CD Gilewicz C/- Planning Plus
Contact name (only applicable for companies)	Evan Yelavich
Postal address (P.O. Box or street address)	PO Box 399
Suburb	Redlynch
State	QLD
Postcode	4870
Country	
Contact number	(07) 40393409
Email address (non-mandatory)	Evan@planningplusqld.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	

2) Owner's consent

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

- Yes – the written consent of the owner(s) is attached to this development application
 No – proceed to 3)

PART 2 – LOCATION DETAILS

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

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

3.1) Street address and lot on plan

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		10-18	Mowbray River Road	Mowbray
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	13	C15766	Douglas Shire
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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

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

- Coordinates of premises by longitude and latitude

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

- 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: <input type="text"/>	

3.3) Additional premises

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

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

<input type="checkbox"/> In or adjacent to a water body or watercourse or in or above an aquifer	
Name of water body, watercourse or aquifer:	<input type="text"/>
<input type="checkbox"/> On strategic port land under the <i>Transport Infrastructure Act 1994</i>	
Lot on plan description of strategic port land:	<input type="text"/>
Name of port authority for the lot:	<input type="text"/>
<input type="checkbox"/> In a tidal area	
Name of local government for the tidal area (if applicable):	<input type="text"/>
Name of port authority for tidal area (if applicable):	<input type="text"/>
<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>	
Name of airport:	<input type="text"/>

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

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

Yes – All easement locations, types and dimensions are included in plans submitted with this development application

No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect
a) What is the type of development? <i>(tick only one box)</i>
<input checked="" type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input checked="" type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
Home Based Business
e) Relevant plans <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms guide: Relevant plans.</i>
<input checked="" type="checkbox"/> Relevant plans of the proposed development are attached to the development application
6.2) Provide details about the second development aspect
a) What is the type of development? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
e) Relevant plans <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>
<input type="checkbox"/> Relevant plans of the proposed development are attached to the development application
6.3) Additional aspects of development
<input type="checkbox"/> Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
<input checked="" type="checkbox"/> Not required

Section 2 – Further development details

7) Does the proposed development application involve any of the following?	
Material change of use	<input checked="" type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition <i>(include each definition in a new row)</i>	Number of dwelling units <i>(if applicable)</i>	Gross floor area (m ²) <i>(if applicable)</i>
Minor general engineering associated with landscaping business	Home Based Business		20m ²
Minor boat repairs (excluding sand blasting and painting)	Home Based Business		50m ²

8.2) Does the proposed use involve the use of existing buildings on the premises?	
<input checked="" type="checkbox"/> Yes	
<input type="checkbox"/> No	

Division 2 – Reconfiguring a lot

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

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

9.2) What is the nature of the lot reconfiguration? <i>(tick all applicable boxes)</i>	
<input type="checkbox"/> Subdivision <i>(complete 10)</i>	<input type="checkbox"/> Dividing land into parts by agreement <i>(complete 11)</i>
<input type="checkbox"/> Boundary realignment <i>(complete 12)</i>	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road <i>(complete 13)</i>

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

10.2) Will the subdivision be staged?	
<input type="checkbox"/> Yes – provide additional details below	
<input type="checkbox"/> No	
How many stages will the works include?	
What stage(s) will this development application apply to?	

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?

Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment

12.1) What are the current and proposed areas for each lot comprising the premises?

Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)

12.2) What is the reason for the boundary realignment?

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)

Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

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

14.1) What is the nature of the operational work?

<input type="checkbox"/> Road work	<input type="checkbox"/> Stormwater	<input type="checkbox"/> Water infrastructure
<input type="checkbox"/> Drainage work	<input type="checkbox"/> Earthworks	<input type="checkbox"/> Sewage infrastructure
<input type="checkbox"/> Landscaping	<input type="checkbox"/> Signage	<input type="checkbox"/> Clearing vegetation
<input type="checkbox"/> Other – please specify: _____		

14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)

<input type="checkbox"/> Yes – specify number of new lots: _____
<input type="checkbox"/> No

14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)

\$ _____

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application

Douglas Shire Council

16) Has the local government agreed to apply a superseded planning scheme for this development application?

<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application
<input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
<input checked="" type="checkbox"/> No

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?

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

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

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

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

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

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

<input type="checkbox"/> Heritage places – Local heritage places
Matters requiring referral to the Chief Executive of the distribution entity or transmission entity: <input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure
Matters requiring referral to: <ul style="list-style-type: none"> • The Chief Executive of the holder of the licence, if not an individual • The holder of the licence, if the holder of the licence is an individual <input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council: <input type="checkbox"/> Ports – Brisbane core port land
Matters requiring referral to the Minister responsible for administering the Transport Infrastructure Act 1994: <input type="checkbox"/> Ports – Brisbane core port land (<i>where inconsistent with the Brisbane port LUP for transport reasons</i>) <input type="checkbox"/> Ports – Strategic port land
Matters requiring referral to the relevant port operator , if applicant is not port operator: <input type="checkbox"/> Ports – Land within Port of Brisbane’s port limits (<i>below high-water mark</i>)
Matters requiring referral to the Chief Executive of the relevant port authority: <input type="checkbox"/> Ports – Land within limits of another port (<i>below high-water mark</i>)
Matters requiring referral to the Gold Coast Waterways Authority: <input type="checkbox"/> Tidal works or work in a coastal management district (<i>in Gold Coast waters</i>)
Matters requiring referral to the Queensland Fire and Emergency Service: <input type="checkbox"/> Tidal works or work in a coastal management district (<i>involving a marina (more than six vessel berths)</i>)

18) Has any referral agency provided a referral response for this development application?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application		
<input type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application (<i>if applicable</i>).		

PART 6 – INFORMATION REQUEST

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

PART 7 – FURTHER DETAILS

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

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)		
<input type="checkbox"/> Yes – a copy of the receipted QLeave form is attached to this development application <input type="checkbox"/> No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid <input checked="" type="checkbox"/> Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)		
Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?
<input checked="" type="checkbox"/> Yes – show cause or enforcement notice is attached <input type="checkbox"/> No

23) Further legislative requirements			
Environmentally relevant activities			
23.1) Is this development application also taken to be an application for an environmental authority for an Environmentally Relevant Activity (ERA) under section 115 of the <i>Environmental Protection Act 1994</i> ?			
<input type="checkbox"/> Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below <input checked="" type="checkbox"/> No <i>Note: Application for an environmental authority can be found by searching "ESR/2015/1791" as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.</i>			
Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			
<input type="checkbox"/> Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.			
Hazardous chemical facilities			
23.2) Is this development application for a hazardous chemical facility ?			
<input type="checkbox"/> Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application <input checked="" type="checkbox"/> No <i>Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.</i>			

Clearing native vegetation

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

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

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

Environmental offsets

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

- Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter
- No

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

Koala habitat in SEQ Region

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

- Yes – the development application involves premises in the koala habitat area in the koala priority area
- Yes – the development application involves premises in the koala habitat area outside the koala priority area
- No

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

Water resources

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

- Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development
- No

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

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

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

Waterway barrier works

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

- Yes – the relevant template is completed and attached to this development application
- No

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

Marine activities

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

- Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*
- No

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

Quarry materials from a watercourse or lake

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

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

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

Quarry materials from land under tidal waters

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

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

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

Referable dams

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

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

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

Tidal work or development within a coastal management district

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

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

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

Queensland and local heritage places

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

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

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

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

Brothels

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

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

Decision under section 62 of the Transport Infrastructure Act 1994

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

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

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

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

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

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

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

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

Yes

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

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

Yes

Not applicable

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

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

Yes

Relevant plans of the development are attached to this development application

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

Yes

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

Yes

Not applicable

25) Applicant declaration

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

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

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

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

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

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

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

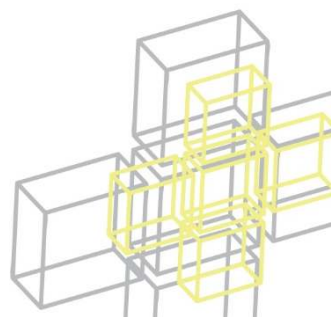
PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

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

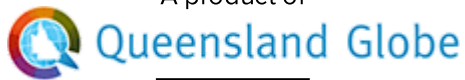
QLeave notification and payment			
<i>Note: For completion by assessment manager if applicable</i>			
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

Annexure 2: QLD Globe Overlay

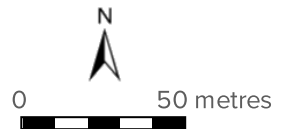




A product of



Legend located on next page



Scale: 1:1354

Printed at: A4
Print date: 14/1/2021

Datum: Geocentric Datum of Australia 1994
Projection: Web Mercator EPSG 102100

For more information, visit
<https://qldglobe.information.qld.gov.au/help-info/Contact-us.html>

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Queensland Government

Department of Natural Resources, Mines and Energy

Natural parcel boundary



Road parcel



Land parcel



Parcel

Easement parcel



Strata parcel



Volumetric parcel



Land parcel label

Railway



Road Crossing



Bridge

Tunnel

Road

 Highway

 Main

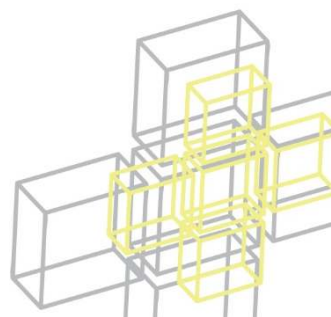
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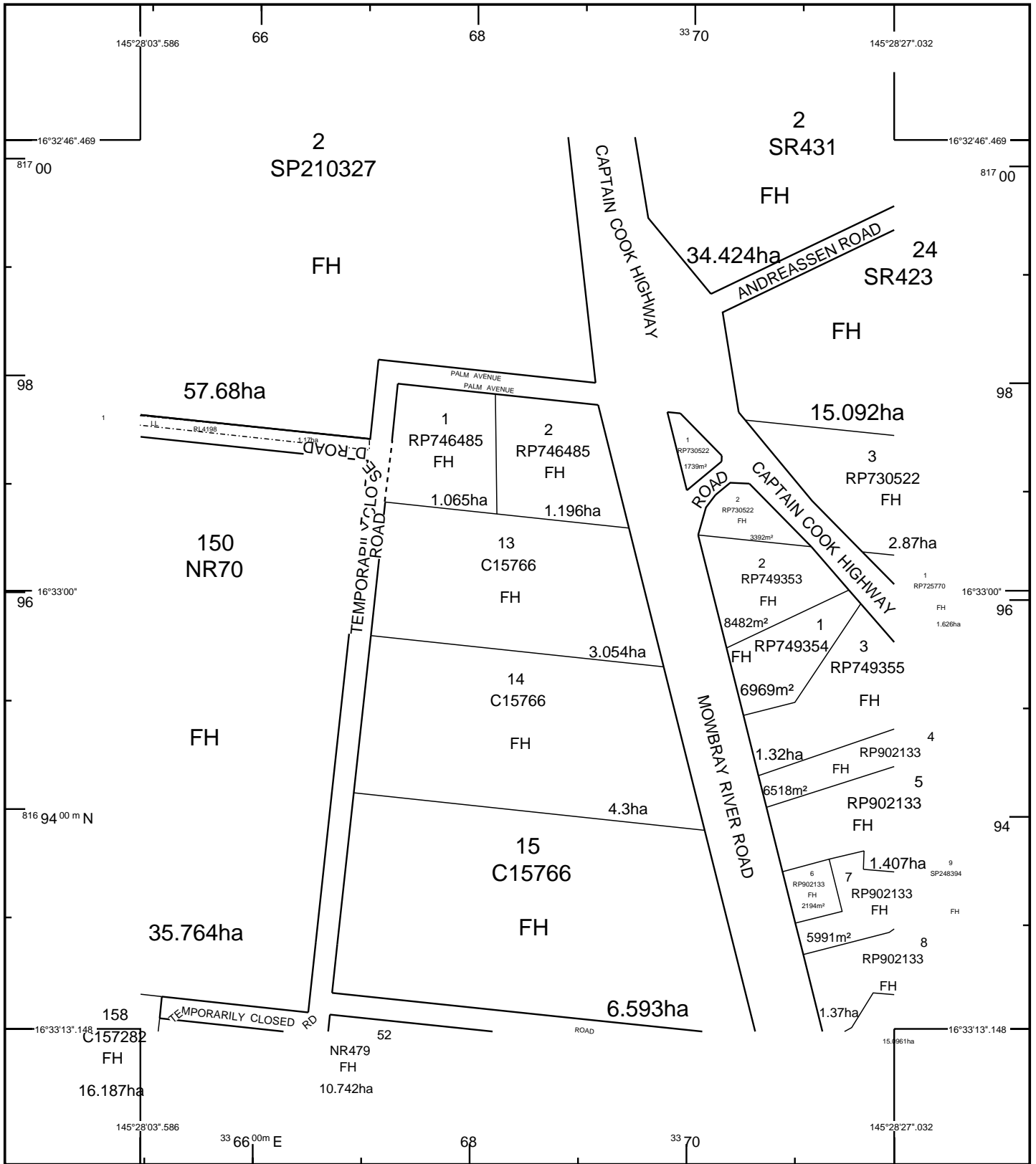
 Private

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Annexure 3: SmartMap

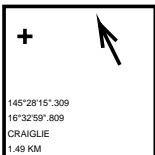




STANDARD MAP NUMBER
7964-11123



MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB	
Lot/Plan	13/C15766
Area/Volume	3.054ha
Tenure	FREEHOLD
Local Government	DOUGLAS SHIRE
Locality	MOWBRAY
Segment/Parcel	8614/3

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 14/01/2021

DCDB 13/01/2021

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For further information on SmartMap products visit
<https://www.qld.gov.au/housing/buying-owning-home/property-land-valuations/smartmaps>

SmartMap

An External Product of
SmartMap Information Services

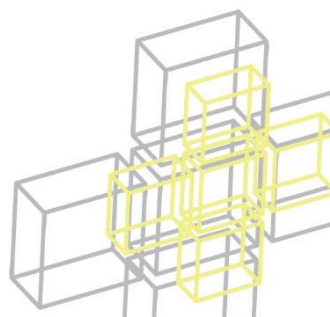
Based upon an extraction from the
Digital Cadastral Data Base



Queensland Government
(c) The State of Queensland,
(Department of
Natural Resources,
Mines and Energy) 2021.



Annexure 4: Title Search



CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 36014322

Search Date: 14/01/2021 06:59

Title Reference: 20156153

Date Created: 13/12/1910

Creating Dealing: 602290135

REGISTERED OWNER

Dealing No: 719145649 05/12/2018

TREVOR RONALD SANDS

CHRISTINE DEBRA GILEWICZ JOINT TENANTS

ESTATE AND LAND

Estate in Fee Simple

LOT 13 CROWN PLAN C15766

Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 10439200 (SUBN ALLOT 13)

ADMINISTRATIVE ADVICES

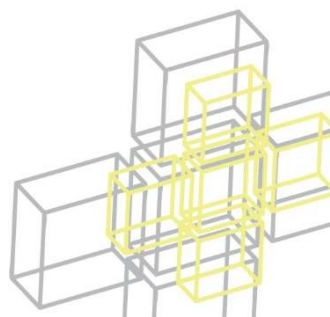
Dealing	Type	Lodgement Date	Status
709660171	ACCESS RIGHT SUGAR INDUSTRY ACT 1999	07/06/2006 08:30	CURRENT

UNREGISTERED DEALINGS - NIL

** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (NATURAL RESOURCES, MINES AND ENERGY) [2021]
Requested By: D-ENQ PROPERTY & TITLE SEARCH

Annexure 5: Planning Scheme Property Report



2018 Douglas Shire Council Planning Scheme Property Report

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

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

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

Property Information

Property Address [10-18 Mowbray River Road MOWBRAY](#)

Lot Plan [13C15766](#) (Freehold - 30540m²)



Selected Property

Easements

Land Parcels

Douglas Shire Planning Scheme 2018 version 1.0

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

Zoning





Applicable Zone
Rural

More Information

- [View Section 6.2.10 Rural Zone Code](#)
- [View Section 6.2.10 Rural Zone Compliance table](#)
- [View Section 6.2.10 Rural Zone Assessment table](#)

Douglas Shire Planning Scheme 2018 version 1.0

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

<p> Acid Sulfate Soils</p>	<p>Applicable Precinct or Area Acid Sulfate Soils (5-20m AHD)</p>	<p>More Information</p> <ul style="list-style-type: none"> • View Section 8.2.1 Acid Sulfate Soils Overlay Code • View Section 8.2.1 Acid Sulfate Soils Overlay Compliance table
<p> Bushfire Hazard</p>	<p>Applicable Precinct or Area Potential Impact Buffer High Potential Bushfire Intensity Medium Potential Bushfire Intensity</p>	<p>More Information</p> <ul style="list-style-type: none"> • View Section 8.2.2 Bushfire Hazard Overlay Code • View Section 8.2.2 Bushfire Hazard Overlay Compliance table
<p> Landscape Values</p>	<p>Landscape Values Medium Landscape Value</p>	<p>More Information</p> <ul style="list-style-type: none"> • View Section 8.2.6 Landscape Values Overlay Code • View Section 8.2.6 Landscape Values Overlay Compliance table
<p> Transport Road Hierarchy</p>	<p>Applicable Precinct or Area Major Transport Corridor Buffer Area (State Controlled Road)</p>	<p>More Information</p> <ul style="list-style-type: none"> • View Section 8.2.10 Transport Network Overlay Code • View Section 8.2.10 Transport Network Overlay Compliance table

Zoning

Applicable Zone

Rural

More Information

- [View Section 6.2.10 Rural Zone Code](#)
- [View Section 6.2.10 Rural Zone Compliance table](#)
- [View Section 6.2.10 Rural Zone Assessment table](#)



Selected Property

Land Parcels

Zoning

- | | | | |
|--|--|---|---|
| <input type="checkbox"/> Centre | <input type="checkbox"/> Community Facilities | <input type="checkbox"/> Conservation | <input type="checkbox"/> Environmental Management |
| <input type="checkbox"/> Industry | <input type="checkbox"/> Low Density Residential | <input type="checkbox"/> Low-medium Density Residential | <input type="checkbox"/> Medium Density Residential |
| <input type="checkbox"/> Recreation and Open Space | <input type="checkbox"/> Rural | <input type="checkbox"/> Rural Residential | <input type="checkbox"/> Special Purpose |
| <input type="checkbox"/> Tourism | <input type="checkbox"/> Tourist Accommodation | | |

Acid Sulfate Soils

Applicable Precinct or Area

Acid Sulfate Soils (5-20m AHD)

More Information

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



Selected Property

Land Parcels

Acid Sulfate Soils

Acid Sulfate Soils (< 5m AHD)

Acid Sulfate Soils (5-20m AHD)

all others

Bushfire Hazard

Applicable Precinct or Area

Potential Impact Buffer
High Potential Bushfire Intensity
Medium Potential Bushfire Intensity

More Information

- [View Section 8.2.2 Bushfire Hazard Overlay Code](#)
- [View Section 8.2.2 Bushfire Hazard Overlay Compliance table](#)



Selected Property

Land Parcels

Bushfire_Hazard

High Potential Bushfire Intensity

Medium Potential Bushfire Intensity

Potential Impact Buffer

Very High Potential Bushfire Intensity

all others

Landscape Values

Landscape Values

Medium Landscape Value

More Information

- [View Section 8.2.6 Landscape Values Overlay Code](#)
- [View Section 8.2.6 Landscape Values Overlay Compliance table](#)



Selected Property	Land Parcels	Scenic Buffer Area			
		Gateway	Lookout	Scenic route	Scenic route buffer
		View corridor	all others		

Landscape Values				
Coastal scenery	High landscape values	Medium Landscape Value	all others	

Transport Road Hierarchy

Applicable Precinct or Area

Major Transport Corridor Buffer Area (State Controlled Road)

More Information

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



Selected Property

Land Parcels

Road Hierarchy

Access Road

Arterial Road

Collector Road

Industrial Road

Major Rural Road

Minor Rural Road

Sub Arterial Road

Unformed Road

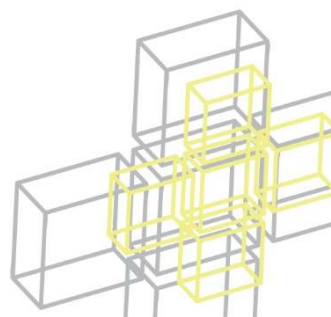
all others

Major Transport Corridor Buffer Area

Disclaimer

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

Annexure 6: Show Cause Notice



OUR REF: Doc ID: 979309

10 November 2020

T R Sands & C D Gilewicz
10-18 Mowbray River Rd
MOWBRAY
QLD 4877

Dear Owner/s

RE: SHOW CAUSE FOR AN UNLAWFUL USE OF PREMISES (LOW IMPACT INDUSTRY AND MEDIUM IMPACT INDUSTRY INVOLVING STEEL FABRICATION AND BOAT REPAIRS) AT 10-18 MOWBRAY RIVER ROAD, MOWBRAY, FORMALLY DESCRIBED AS LOT 13 ON C 15766

As the Owner of 10-18 Mowbray River Road, Mowbray, formally described as Lot 13 on C15766, please find enclosed a Show Cause Notice regarding the unlawful use of Premises.

It has come to Council's attention that steel fabrication and boat repair activities are operating from 10-18 Mowbray River Road, Mowbray, also described as Lot 13 on C15766 (Premises). These activities constitute the low-impact industry and medium impact industry land uses respectively.

Under the *2018 Douglas Shire Planning Scheme version 1.0* (the Planning Scheme), within the Rural zone, Low Impact Industry and Medium Impact Industry are both nominated as an Impact Assessable (inconsistent) land use. Therefore, establishment of these land uses would not be supported within the Rural zone.

Council has no record of any development approvals relating to these land uses at the Premises.

You are invited to show cause as to why an Enforcement Notice should not be issued to you pursuant to section 165 of the *Planning Act 2016*.

Council requires you to provide written representations by 15 December 2020 (refer to the enclosed Show Cause Notice).

Any representations about the Show Cause Notice are to be provided in writing. If you have any questions please do not hesitate to contact Town Planner Daniel Lamond on 4099 9456.

Yours faithfully


A handwritten signature in black ink, appearing to be 'P. Hoyer', with a small dot at the end.

For
Paul Hoyer
Manager Environment and Planning

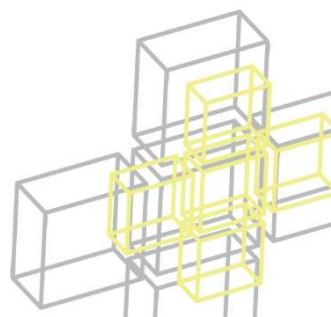
Show Cause Notice

1. Authorising legislation	Planning Act 2016 <i>Section 167</i>
2. Recipient Name and address	T R Sands & C D Gilewicz 10-18 Mowbray River Rd MOWBRAY, QLD 4877
3. Date	5 November 2020
4. Premises	10-18 Mowbray River Rd, Mowbray, described as Lot 13 on C15766
5. Authorising power/ description of offence	<p>This Show Cause Notice is given to you pursuant to section 167 of the <i>Planning Act 2016 (Act)</i>. You are invited to show cause why an Enforcement Notice under section 168 of the Act should not be given to you.</p> <p>Douglas Shire Council (Council) reasonably believes that you have committed a development offence by contravening section 165 of the Act.</p> <p>Section 165 of the Act states as follows:</p> <p style="text-align: center;">"165 Unlawful Use of Premises</p> <p style="text-align: center;">(1) A person must not use premises unless the use-</p> <p style="text-align: center;">(a) is a lawful use; or</p> <p style="text-align: center;">(b) for designated premises-complies with any requirements about the use of the premises in the designation</p> <p style="text-align: center;"><i>Maximum penalty – 4500 penalty units (\$600,525)."</i></p>
6. Fact and circumstances	<p>The facts and circumstances that form the basis of the Council's belief that an Enforcement Notice should be given to you are set out below:</p> <ol style="list-style-type: none"> 1. You are the joint owners of 10-18 Mowbray River Rd, Mowbray, being described as Lot 13 on C15766 (Premises). 2. The Premises has an area of 3.8 hectares and frontage to Mowbray River Road, Mowbray. 3. The Premises sits within the Rural zone of the <i>2018 Douglas Shire Planning Scheme Version 1.0 (The Planning Scheme)</i>. 4. Council has the following planning considerations on record; <ol style="list-style-type: none"> a) 25/06/1986- Dwelling house BA 2058 b) 28/07/1986- Swimming pool BA 2079 c) 17/10/1986- Garage BA 2137 d) 04/11/1986- Certificate of Occupancy (dwelling) no. 528 e) 12/12/1994- Rezone application - Rural Agriculture-Residential Rural no. 198 f) 16/10/2003- Storage Shed BA 319/03 g) 11/02/2009- Patio and verandah h) 24/01/2014- Additions, bedrooms, patio and carport, gazebo 5. Council has received complaints relating to chemical odours, and grinding and sanding noise generated from steel fabrication and boat repair activities occurring at the Premises.

	<p>6. In particular, on 4 March 2020, during conversation with a Council Officer it was ascertained that you were storing three boats at the property, and that a friend of yours comes twice a week from Cairns to restore one of the boats.</p> <p>7. In particular, on 12 March 2020, during conversation with a Council officer it was understood that you have been cutting aluminium slats at home and your son has been doing work on his bull bar.</p> <p>8. In particular, on 29 August 2020, Council received your response to a request for information which outlined that the following activities are being undertaken on the Premises;</p> <p>a) <i>Ben (tenant) has use of the bottom shed to repair boats for himself and occasionally for some of his contacts.</i></p> <p>b) <i>The repairs undertaken can range from a minor repair including small fibre glassing jobs, fitting of electronic instruments and lights. Power washing and painting.</i></p> <p>c) <i>The marine engine repair Mechanic often stores several boats on site as he had a complaint because he had parked some of them on the street.</i></p> <p>d) <i>My 21 year old Son has a hobby of steel fabrication. He has built Bull Bars, Ute Trays, Toolboxes, Dog cages and is currently building a Trailer. Along with helping his friends customise their utes. He is always tinkering with his car. Including respraying it as he fabricates them.</i></p> <p>e) <i>I also run a small landscape and fencing company often I will have to weld Gate frames and cut materials in preparation for jobs.</i></p> <p>9. Council has come into possession of log book records documenting boat repair and steel fabrication activities that have occurred intermittently at the Premises since May 2020.</p> <p>10. Ongoing steel fabrication is considered to constitute the Low impact industry land use under the 2018 Douglas Shire Planning Scheme version 1.0.</p> <p>11. Ongoing boat repairs involving sanding, fibre glassing, mechanical work and electrical work constitute the Medium impact industry land use under the 2018 Douglas Shire Planning Scheme version 1.0.</p> <p>12. Council records indicate that no existing development approvals have been issued over the land that permit the use of the Premises for Low impact industry or Medium impact industry land uses.</p> <p>13. Under the 2018 Douglas Shire Planning Scheme within the Rural zone, the Low impact Industry land use is an Impact Assessable (inconsistent) use and the establishment of such a use would not be supported by Planning officers.</p> <p>14. Under the 2018 Douglas Shire Planning Scheme within the Rural zone, the Medium impact Industry land use is an Impact Assessable (inconsistent) use and the establishment of such a use would not be supported by Planning officers.</p> <p>15. On this basis, Council reasonably believes you have committed a development offence contrary to the Planning Act 2016 section 165, which states that a person must not use the premise unless the use is a lawful use.</p> <p>16. The maximum penalty for contravening section 165 of the Planning Act 2016 is 4,500 penalty units (\$600,525).</p> <p>17. For these reasons, Council believes that an Enforcement Notice should be given to you.</p>
<p>6. Representations may be made</p>	<p>You may make representations to the Council about this Show Cause Notice.</p> <p>If you choose to make representations, they must be in writing and posted to the following address:</p> <p>Chief Executive Officer</p>

	<p>Douglas Shire Council PO Box 723 MOSSMAN QLD 4873</p> <p>Representations must be received by Council by no later than 5pm on 15 December 2020. Council is not obliged to consider any representations received after this time.</p> <p>An Enforcement Notice under section 168 of the Act may be given to you if you do not show cause within the time required under this notice, or if Council believes that an Enforcement Notice is still appropriate after consideration of all representations made by you within the required timeframe.</p> <p>Failure to comply with an Enforcement Notice is an offence under section 168(5) of the Act. The maximum penalty for contravening an Enforcement Notice is 4,500 penalty units (\$600,525).</p>
<p>7. Signatory</p>	 <p>For <i>Paul Hoyer</i> <i>Manager Environment and Planning</i></p> <p>Contact Officer: <i>Daniel Lamond</i></p> <p>Phone No: 07 4099 9456 Ref: # 979309</p>

Annexure 7: Adjoining Property Owners Letters



16 January 2021

To Douglas Shire Council

Re: Noise and odour complaint - shed at 10-18 Mowbray River Road

I live at 7 Mowbray River Road, Mowbray and have not heard any noise or noticed any smell coming from the shed at the front of 10-18 Mowbray River Road.

I have no problem regarding its ongoing use.

Regards,

A handwritten signature in black ink, appearing to read 'Rodney Woollatt', written over a horizontal line.

Rodney Woollatt
M: 0438 533 279

Shed

Rabbecca Lynch <rabdav@bigpond.com>

Mon 1/18/2021 10:50 AM

To: christinegilewicz@hotmail.com <christinegilewicz@hotmail.com>

To whom it may concern,

My husband and I purchased 17 Mowbray River Rd in January 2017. There has not been any instance in that period of time that either of us have been disturbed by noise or smell from our neighbours shed directly across the road from us. The shed is approximately 100m from our residence.

Sincerely
Rabbecca Lynch

15 January 2021

To Douglas Shire Council


Re: Noise and odour complaint - shed at 10-18 Mowbray River Road

I live at 8 Mowbray River Road, Mowbray and have no problem with either noise or smell from the shed at the front of 10-18 Mowbray River Road and no concerns regarding its ongoing use. I believe I am one of the closest neighbours to that shed.

As far as I am concerned, I take a 'live and let live' approach to my neighbours and if I had a problem, I would approach them directly.

Sincerely,

Marco Plannegger
M: 0419 205 681

A handwritten signature in black ink, appearing to be 'M. Plannegger', with a large, sweeping flourish extending to the right.

Ross & Melinda Andreassen
21 Mowbray River Road
Mowbray Qld 4877

18/01/21

To Whom it May Concern:

Re: 10-18 Mowbray River Road, Mowbray, Q, 4877

We live diagonally opposite the above mentioned property and have resided at 21 Mowbray River Road, for over 25 years. I work from my home office and therefore I am generally at our property most days of the week.

Since the new owners have moved into 10-18 Mowbray River Road, I have not noticed any excessive or annoying noises or smells coming from the property. The only noise I might here is the sound of a mower which is a necessity for all property owners.

If you require any further information please feel contact me.

Thank you,

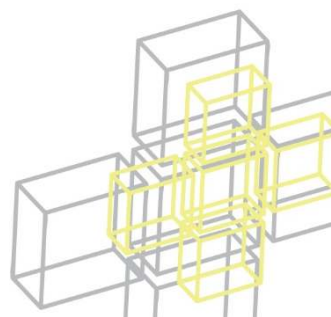
Kind regards,

A handwritten signature in black ink, appearing to read 'M. Andreassen', with a long, sweeping underline.

Melinda Andreassen

Ph: 0438 985137

Annexure 8: Code Assessment – Douglas Shire Planning Scheme 2018



Rural zone code

Application

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

Purpose

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

Criteria for assessment

Table Error! No text of specified style in document..a – Rural zone code assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
<p>PO1 The height of buildings is compatible with the rural character of the area and must not detrimentally impact on visual landscape amenity.</p>	<p>AO1.1 Dwelling houses are not more than 8.5 metres in height.</p> <p>Note – Height is inclusive of roof height.</p> <p>AO1.2 Rural farm sheds and other rural structures are not more than 10 metres in height.</p>	<p>N/A</p> <p>N/A</p>
Setbacks		
<p>PO2 Buildings and structures are setback to maintain the rural character of the area and achieve separation from buildings on adjoining properties.</p>	<p>AO2 Buildings are setback not less than:</p> <ul style="list-style-type: none"> (a) 40 metres from the property boundary and a State-controlled road; (b) 25 metres from the property boundary adjoining Cape Tribulation Road; (c) 20 metres from the boundary with any other road; (d) 6 metres from side and rear property boundaries. 	<p>N/A</p>
<p>PO3 Buildings/structures are designed to maintain the rural character of the area.</p>	<p>AO3 White and shining metallic finishes are avoided on external surfaces of buildings.</p>	<p>N/A</p>
For assessable development		
<p>PO4 The establishment of uses is consistent with the outcomes sought for the Rural zone and protects the zone from the intrusion of inconsistent uses.</p>	<p>AO4 Uses identified in Table Error! No text of specified style in document..b are not established in the Rural zone.</p>	<p>Proposal complies.</p>

Performance outcomes	Acceptable outcomes	Applicant response
<p>PO5 Uses and other development include those that:</p> <ul style="list-style-type: none"> (a) promote rural activities such as agriculture, rural enterprises and small scale industries that serve rural activities; or (b) promote low impact tourist activities based on the appreciation of the rural character, landscape and rural activities; or (c) are compatible with rural activities. 	<p>A05 No acceptable outcomes are prescribed.</p>	<p>Proposal complies – proposed uses are considered compatible with rural uses and support the local area generally by providing necessary services.</p>
<p>PO6 Existing native vegetation along watercourses and in, or adjacent to areas of environmental value, or areas of remnant vegetation of value is protected.</p>	<p>A06 No acceptable outcomes are prescribed.</p>	<p>N/A</p>
<p>PO7 The minimum lot size is 40 hectares, unless</p> <ul style="list-style-type: none"> (a) the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments to resolve encroachments); or (b) the reconfiguration is limited to one additional lot to accommodate: <ul style="list-style-type: none"> (i) Telecommunications facility; (ii) Utility installation. 	<p>A07 No acceptable outcomes are prescribed.</p>	<p>N/A</p>

Table Error! No text of specified style in document..b — Inconsistent uses within the Rural zone.

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

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

9.3.11 Home based business code

9.3.11.1 Application

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

Note – Home based business excludes:

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

Note – Home based business includes:

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

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

9.3.11.2 Purpose

- (1) The purpose of the Home based business code is to assess the suitability of development to which this code applies.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) home based business activities are a small-scale business operating in association with the primary use of the dwelling without compromising the safety of, and amenity enjoyed by adjoining and nearby residents;
 - (b) home based businesses are:

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

9.3.11.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	
For self-assessable and assessable development		
<p>PO1 The use:</p> <ul style="list-style-type: none"> (a) is associated with a dwelling that is being used as a private residence; (b) is low-key in terms of scale, operating characteristics and the number of non- resident employees; (c) does not adversely impact on nearby residential amenity; (d) is compatible with domestic scale infrastructure. 	<p>AO1.1 The use is located within a dwelling unit or a domestic outbuilding and uses no more than 75m² of gross floor area or 30% of the total floor area of the dwelling, whichever is the lesser.</p> <p>Note – Bed and breakfast, home based child care, a dog day care facility or home based swimming tuition may include use of the rest of the site (i.e. these uses are not restricted to operating within an enclosed structure).</p> <p>AO1.2 The use is conducted by a resident or residents of the premises and:</p>	<p>Proposal complies – total gross floor area of use is approximately 70m².</p> <p>Proposal complies – use is conducted by residents of the premises only.</p>

Performance outcomes	Acceptable outcomes	
	<p>(a) in a dwelling house has a maximum of 1 non- resident employee on site at any one time;</p> <p>(b) in a dual occupancy or multiple dwelling, has no other non-resident employees.</p> <p>AO1.3 The use does not:</p> <p>(a) involve the public display of goods or materials;</p> <p>(b) include hiring goods or equipment from the site;</p> <p>(c) impose an adverse load on utility infrastructure in comparison to normal domestic use of the premises;</p> <p>(d) involve more than 8 separate client visits per day.</p> <p>AO1.4 The home based business is conducted between the hours of 8.00am to 8.00pm Monday to Saturday (excluding public holidays), except where the home based business comprises office activities such as book-keeping or computer work. These hours include delivery vehicles.</p> <p>AO1.5 Not more than one vehicle associated with the use is parked, on or adjacent, to the premises and such vehicle does not exceed a capacity of 2.5 t (including delivery vehicles).</p> <p>AO1.6</p>	<p>Proposal complies.</p> <p>Proposal complies – use is limited to hours of 9am – 5pm Monday to Friday.</p> <p>Proposal complies.</p> <p>Proposal complies.</p>

Performance outcomes	Acceptable outcomes	
	<p>Signage is limited to one non-illuminated sign: (a) no greater than 1.0 metre in length and 0.3 metres in width; (b) no higher than 1.5 metres in height; (c) displaying the occupier's name, business and contact details only.</p> <p>AO1.7 The home based business does not generate noise that is clearly audible and creates a disturbance with nearby sensitive land uses.</p> <p>AO1.8 The home based business: (a) has a source of power not exceeding a total connect load of 2.0kW; (b) places a demand on reticulated water supply of not more than 3L per day per m² of the floor area related to the business; (c) does not involve the discharge of trade waste.</p> <p>AO1.9 The home based business does not store or use flammable and combustible liquids on site in amounts that exceed what is permitted for a residential dwelling under AS 1940-2004 The storage and handling of flammable and combustible liquids.</p>	<p>Proposal complies – see letters of support from adjoining property owners.</p> <p>Proposal complies.</p> <p>Proposal complies.</p>
<p>PO2 The home based business is conducted such that buildings on the site retain a residential appearance and character.</p>	<p>AO2 The external appearance and character of the dwelling is not modified to accommodate the home based business.</p>	<p>Proposal complies.</p>
<p>If for bed and breakfast – additional requirements</p>		

Performance outcomes	Acceptable outcomes	
<p>PO3 In the case of bed and breakfast accommodation, the accommodation remains ancillary to the primary residential use.</p>	<p>AO3.1 In 'Urban areas', no more than 2 bedrooms (a maximum of 4 bed spaces) and optional ensuite within a dwelling are used for bed and breakfast accommodation.</p>	N/A
	<p>AO3.2 In 'Urban areas', no kitchen or cooking facilities, with the exception of those located within the existing dwelling on site are provided in association with the bed and breakfast.</p>	N/A
	<p>AO3.3 In 'Other areas', no more than 4 bedrooms (a maximum of 8 bed spaces) and optional ensuite are used for bed and breakfast accommodation.</p>	N/A
	<p>AO3.4 In 'Other areas', bed and breakfast accommodation can be located in a maximum of 4 separate buildings to the existing house, provided that each building is a maximum of 50m² (inclusive of verandahs / patios etc.) and located within 50 metres of the existing house and on the same lot.</p>	N/A
	<p>AO3.5 In 'Other areas', no kitchen or cooking facilities, with the exception of those located within the existing dwelling on site are provided in association with the bed and breakfast.</p>	N/A

Performance outcomes	Acceptable outcomes	
	<p>AO3.6 In areas north of the Daintree River, the maximum number of bed spaces is set out in the Cape Tribulation and Daintree Coast local plan, with all other provisions for 'Other areas' set out above in AO3.4 and AO3.5 herein, being applicable.</p>	N/A
<p>PO4 Guests are accommodated for short-stay and the dwelling is not the usual residence of the guest.</p>	<p>AO4 Development involves guests staying a maximum of 14 consecutive nights.</p>	N/A
<p>PO5 If outside a sewerage area, development ensures that effluent disposal and treatment minimise odour and impacts on the natural environment.</p>	<p>AO5 Development provides an on-site effluent treatment system that is adequately sized to effectively treat effluent from the dwelling house and any additional persons occupying the premises as guests.</p>	N/A

Access, parking and servicing code

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.

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.

Criteria for assessment

Table Error! No text of specified style in document..a – Access, parking and servicing code – assessable development

Performance outcomes	Acceptable outcomes
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	AO1.1 The minimum number of on-site vehicle parking spaces is not less than the number prescribed in Proposal complies.

Performance outcomes	Acceptable outcomes	
<p>generated by the use or uses of the site, having particular regard to:</p> <p>(a) the desired character of the area; the nature of the particular use and its specific characteristics and scale; the number of employees and the likely number of visitors to the site; the level of local accessibility; the nature and frequency of any public transport serving the area; whether or not the use involves the retention of an existing building and the previous requirements for car parking for the building whether or not the use involves a heritage building or place of local significance; whether or not the proposed use involves the retention of significant vegetation.</p>	<p>Table Error! No text of specified style in document..b for that particular use or uses.</p> <p>Note - Where the number of spaces calculated from the table is not a whole number, the number of spaces provided is the next highest whole number.</p> <p>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.</p> <p>AO1.3 Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking.</p> <p>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.</p>	<p>Proposal complies.</p> <p>N/A</p> <p>N/A</p>
<p>PO2 Vehicle parking areas are designed and constructed in accordance with relevant standards.</p>	<p>AO2 Vehicle parking areas are designed and constructed in accordance with Australian Standard: (a) AS2890.1; AS2890.3; AS2890.6.</p>	<p>Existing access and parking arrangements are appropriate for a rural property but can be upgraded if necessary.</p>
<p>PO3 Access points are designed and constructed: (a) to operate safely and efficiently;</p>	<p>AO3.1 Access is limited to one access cross over per site and is an access point located, designed and constructed in accordance with:</p>	<p>Existing access and parking arrangements are appropriate for a rural property but can be upgraded if necessary.</p>

Performance outcomes	Acceptable outcomes	
<p>to accommodate the anticipated type and volume of vehicles</p> <p>to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate;</p> <p>so that they do not impede traffic or pedestrian movement on the adjacent road area;</p> <p>so that they do not adversely impact upon existing intersections or future road or intersection improvements;</p> <p>so that they do not adversely impact current and future on-street parking arrangements;</p> <p>so that they do not adversely impact on existing services within the road reserve adjacent to the site;</p> <p>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).</p>	<p>(a) Australian Standard AS2890.1; Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers.</p> <p>AO3.2 Access, including driveways or access crossovers:</p> <p>(a) are not placed over an existing:</p> <ul style="list-style-type: none"> (i) telecommunications pit; stormwater kerb inlet; sewer utility hole; water valve or hydrant. <p>are designed to accommodate any adjacent footpath;</p> <p>adhere to minimum sight distance requirements in accordance with AS2980.1.</p> <p>AO3.3 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>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 in 6 (16.6%) prior to this area, for a distance of at least 5 metres;</p> <p>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>constructed such that the transitional change in grade from the road to the lot is fully</p>	<p>Existing access and parking arrangements are appropriate for a rural property but can be upgraded if necessary.</p> <p>Existing access and parking arrangements are appropriate for a rural property but can be upgraded if necessary.</p>

Performance outcomes	Acceptable outcomes	
	<p>contained within the lot and not within the road reserve; designed to include all necessary associated drainage that intercepts and directs storm water runoff to the storm water drainage system.</p> <p>AO3.4 Surface construction materials are consistent with the current or intended future streetscape or character of the area and contrast with the surface construction materials of any adjacent footpath.</p>	<p>Existing access and parking arrangements are appropriate for a rural property but can be upgraded if necessary.</p>
<p>PO4 Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes.</p>	<p>AO4 The number of on-site wheel chair accessible car parking spaces complies with the rates specified in AS2890 Parking Facilities.</p>	<p>N/A</p>
<p>PO5 Access for people with disabilities is provided to the building from the parking area and from the street.</p>	<p>AO5 Access for people with disabilities is provided in accordance with the relevant Australian Standard.</p>	<p>N/A</p>
<p>PO6 Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development.</p>	<p>AO6 The number of on-site bicycle parking spaces complies with the rates specified in Table Error! No text of specified style in document..b.</p>	<p>N/A</p>
<p>PO7 Development provides secure and convenient bicycle parking which:</p>	<p>AO7.1 Development provides bicycle parking spaces for employees which are co-located with end-of-trip facilities (shower cubicles and lockers);</p>	<p>N/A</p>

Performance outcomes	Acceptable outcomes	
<p>(a) for visitors is obvious and located close to the building's main entrance; 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; is easily and safely accessible from outside the site.</p>	<p>AO7.2 Development ensures that the location of visitor bicycle parking is discernible either by direct view or using signs from the street.</p> <p>AO7.3 Development provides visitor bicycle parking which does not impede pedestrian movement.</p>	<p>N/A</p> <p>N/A</p>
<p>PO8 Development provides walking and cycle routes through the site which: (a) link to the external network and pedestrian and cyclist destinations such as schools, shopping centres, open space, public transport stations, shops and local activity centres along the safest, most direct and convenient routes; encourage walking and cycling; ensure pedestrian and cyclist safety.</p>	<p>AO8 Development provides walking and cycle routes which are constructed on the carriageway or through the site to: (a) create a walking or cycle route along the full frontage of the site; connect to public transport and existing cycle and walking routes at the frontage or boundary of the site.</p>	<p>N/A</p>
<p>PO9 Access, internal circulation and on-site parking for service vehicles are designed and constructed: (a) in accordance with relevant standards; so that they do not interfere with the amenity of the surrounding area; so that they allow for the safe and convenient movement of pedestrians, cyclists and other vehicles.</p>	<p>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.</p> <p>AO9.2 Service and loading areas are contained fully within the site.</p> <p>AO9.3 The movement of service vehicles and service operations are designed so they: (a) do not impede access to parking spaces;</p>	<p>Existing access and parking arrangements are appropriate for a rural property but can be upgraded if necessary.</p> <p>Proposal complies.</p> <p>Proposal complies.</p>

Performance outcomes	Acceptable outcomes	
	do not impede vehicle or pedestrian traffic movement.	
<p>PO10 Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.</p>	<p>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; child care centre; educational establishment where for a school; food and drink outlet, where including a drive-through facility; hardware and trade supplies, where including a drive-through facility; hotel, where including a drive-through facility; service station.</p> <p>AO10.2 Queuing and set-down areas are designed and constructed in accordance with AS2890.1.</p>	<p>N/A</p> <p>N/A</p>

Table Error! No text of specified style in document..b – Access, parking and servicing requirements

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

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

Land use	Minimum number of ordinary vehicle parking spaces	Minimum number of bicycle spaces	End of trip facilities	Minimum standard design service vehicle (refer to Table 9.4.1.3c)
Agricultural supplies store	1 space per 50m ² of GFA and outdoor display area.	1 space per 200m ² of GFA.	n/a	LRV
Air services	1 car space per 20m ² of covered reception area, plus 1 car space per 2 staff, plus a covered bus set down area adjacent to the entry of the reception area and 2 bus parking spaces.	n/a	n/a	LRV
Bulk landscape supplies	1 space per 50m ² GFA and outdoor display area.	1 space per 200m ² of GFA.	n/a	MRV
Caretaker's accommodation	A minimum of 1 space	n/a	n/a	n/a
Child care centre	1 space per 10 children to be used for setting down and picking up of children, with a minimum of 3 car spaces to be provided for set down and collection; plus 1 space per employee. Any drive-through facility can provide tandem short term parking for 3 car spaces for setting down/picking up of children, on the basis that a passing lane is provided and line-marked to be kept clear of standing vehicles at all times.	n/a	n/a	VAN
Club	Unlicensed clubrooms: 1 space per 45m ² of GFA. Licensed clubrooms: 1 space per 15m ² of GFA.	1 space per 4 employees.	n/a	Licensed and equal or greater than 1500m ² : RCV Other: VAN
Community care centre	1 space per 20m ² of GFA.	A minimum of 1 space.	n/a	RCV
Community residence	A minimum of 2 spaces.	A minimum of 1 space.	n/a	VAN
Community use	1 space per 15m ² GFA.	1 space per 100m ² of GFA.	n/a	RCV

Land use	Minimum number of ordinary vehicle parking spaces	Minimum number of bicycle spaces	End of trip facilities	Minimum standard design service vehicle (refer to Table 9.4.1.3c)
Dual occupancy	A minimum of 2 spaces per dwelling unit which may be in tandem with a minimum of 1 covered space per dwelling unit.	n/a	n/a	n/a
Dwelling house	A minimum of 2 spaces which may be in tandem plus 1 space for a secondary dwelling	n/a	n/a	n/a
Dwelling unit	1.5 spaces per one or two bedroom unit; or 2 spaces per three bedroom unit.	n/a	n/a	n/a
Educational establishment	Primary school or secondary schools: 1 car space per 2 staff members, plus provision of space to be used for setting down and picking up of students. Tertiary and further education: 1 car space per 2 staff members, plus 1 car space per 10 students, plus provision of space to be used for setting down and picking up of students.	Primary school or secondary schools: 1 space per 5 students over year 4. Tertiary and further education: 2 spaces per 50 full time students.	Required for all educational establishments with a GFA greater than 2000m ² .	RCV
Food and drink outlet	1 space per 25m ² GFA and outdoor dining area. or If within Precinct 1 : Port Douglas precinct in the Port Douglas / Craiglie local plan or if with Precinct 5: Town centre precinct in the Mossman local plan: 1 space per 50m ² of GFA, and outdoor dining area.	1 space per 100m ² of GFA, and outdoor dining area.	n/a	See Table Error! No text of specified style in document..d
Function facility	1 space per 15m ² GFA.	1 space per 100m ² of GFA.	n/a	RCV
Funeral parlour	1 space per 15m ² GFA.	n/a	n/a	RCV
Garden centre	1 space per 50m ² GFA and outdoor display area	1 space per 200m ² of GFA.	n/a	AV
Hardware and trade supplies	1 space per 50m ² GFA and outdoor display area	1 space per 200m ² of GFA.	n/a	AV

Land use	Minimum number of ordinary vehicle parking spaces	Minimum number of bicycle spaces	End of trip facilities	Minimum standard design service vehicle (refer to Table 9.4.1.3c)
Health care services	1 space per 20m ² of GFA.	1 space per 100m ² of GFA.	Required for all health care services with a GFA greater than 2000m ² .	VAN
High impact industry	1 space per 90m ² of GFA.	n/a	n/a	AV
Home based business	The parking required for the dwelling house, plus 1 space per bedroom where the Home based business involves the provision of accommodation; or 1 space per 25m ² GFA for any other Home Based Business.	n/a	n/a	n/a
Hospital	The greater of 1 space per 2 bedrooms or 1 space per 4 beds; plus 1 car space for ambulance parking, designated accordingly.	1 space per 100m ² of GFA.	Required for all hospitals with a GFA greater than 2000m ² .	RCV
Hotel	1 space per 10m ² GFA and licensed outdoor area; plus For 1 space per 50m ² GFA of floor area of liquor barn or bulk liquor sales area; plus, if a drive in bottle shop is provided, queuing lane/s on site for 12 vehicles. Note - Use standard for any Short Term Accommodation for hotel accommodation use.	1 space per 100m ² of GFA.	n/a	LRV
Indoor sport and recreation	Squash court or another court game: 4 spaces per court. Basketball, netball, soccer, cricket: 25 spaces per court / pitch. Ten pin bowling: 3 spaces per bowling lane. Gymnasium: 1 space per 15m ² of GFA.	1 space per 4 employees.	n/a	RCV
Low impact industry	1 space per 90m ² of GFA.	n/a	n/a	AV

Land use	Minimum number of ordinary vehicle parking spaces	Minimum number of bicycle spaces	End of trip facilities	Minimum standard design service vehicle (refer to Table 9.4.1.3c)
Marine industry	1 space per 90m ² of GFA.	n/a	n/a	AV
Medium impact industry	1 space per 90m ² of GFA.	n/a	n/a	AV
Multiple dwelling	If within Precinct 1 : Port Douglas precinct in the Port Douglas / Craiglie Local plan: 1 car space per dwelling unit. If outside Precinct 1 : Port Douglas precinct in the Port Douglas / Craiglie Local plan: 1.5 car spaces per dwelling unit In all cases 60% of the car parking area is to be covered.	1 bicycle space per 3 units and 1 visitor bicycle space per 12 units.	n/a	RCV (over 10 units)
Office	1 space per 25m ² of GFA or If within Precinct 1 : Port Douglas precinct in the Port Douglas / Craiglie local plan or if with Precinct 5: Town centre precinct in the Mossman local plan: 1 space per 50m ² of GFA	1 space per 200m ² GFA	Required for all office development with a GFA greater than 2000m ² .	See Table Error! No text of specified style in document..e
Outdoor sales	1 space per 50m ² GFA and outdoor display area	1 space per 200m ² of GFA.	n/a	AV
Outdoor sport and recreation	Coursing, horse racing, pacing, trotting: 1 space per 5 seated spectators, plus 1 space per 5m ² of other spectator areas. Football: 50 spaces per field. Lawn bowls: 30 spaces per green. Swimming pool: 15 spaces; plus	Football: 5 space per field. Lawn bowls: 5 spaces per green. Swimming pool: 1 space per swimming lane. Tennis court or other court game:	n/a	RCV

Land use	Minimum number of ordinary vehicle parking spaces	Minimum number of bicycle spaces	End of trip facilities	Minimum standard design service vehicle (refer to Table 9.4.1.3c)
	<p>1 space per 100m² of useable site area.</p> <p>Tennis court or other court game: 4 spaces per court. Golf course: 4 spaces per tee on the course.</p> <p>Note - Use standard for Club for clubhouse component.</p>	<p>4 space per court.</p> <p>Golf course: 1 space per 15m² of GFA for clubhouse component.</p>		
Place of worship	1 space per 15m ² of GFA.	1 space per 100m ² of GFA.	n/a	LRV
Relocatable home park	1 space per relocatable home site; plus 0.1 space per relocatable home site for visitor parking; plus 1 space for an on-site manager	n/a	n/a	LRV
Research and technology industry	1 space per 90m ² of GFA.	n/a	n/a	MRV
Residential care facility	1 visitor car space per 5 bedroom units; plus 1 car space per 2 staff members	n/a	n/a	LRV
Resort complex	<p>Use standard for relevant standard for each component.</p> <p>For example: Use Short Term Accommodation standard for accommodation component and Food and Drink Outlet for restaurant component.</p>	<p>Use standard for relevant standard for each component.</p> <p>For example: Use Short Term Accommodation standard for accommodation component and Food and Drink Outlet for restaurant component.</p>	n/a	RCV
Retirement facility	1 space per dwelling unit;	n/a	n/a	LRV

Land use	Minimum number of ordinary vehicle parking spaces	Minimum number of bicycle spaces	End of trip facilities	Minimum standard design service vehicle (refer to Table 9.4.1.3c)
	plus 1 visitor space per 5 dwelling units; plus 1 visitor car space per 10 hostel units, nursing home or similar beds, plus 1 car space per 2 staff members; plus 1 car parking space for ambulance parking.			
Sales office	A minimum of 1 space.	n/a	n/a	n/a
Service industry	1 space per 90m ² of GFA.	n/a	n/a	SRV
Service station	1 space per 25m ² of GFA	n/a	n/a	AV
Shop	1 space per 25m ² of GFA. or If within Precinct 1 : Port Douglas precinct in the Port Douglas / Craiglie local plan or if with Precinct 5: Town centre precinct in the Mossman local plan: 1 space per 50m ² of GFA.	1 space per 100m ² of GFA.	Required for all shops with a GFA greater than 2000m ² .	See Table Error! No text of specified style in document..d
Shopping centre	1 space per 25m ² of GFA. or If within Precinct 1 : Port Douglas precinct in the Port Douglas / Craiglie local plan or if with Precinct 5: Town centre precinct in the Mossman local plan: 1 space per 50m ² of GFA.	1 space per 200m ² GFA.	Required for all shopping centres with a GFA greater than 2000m ² .	See Table Error! No text of specified style in document..d
Short term accommodation	If within Precinct 1 : Port Douglas precinct in the Port Douglas / Craiglie local plan: 0.5 car spaces per dwelling unit. If outside Precinct 1 : Port Douglas precinct in the Port Douglas / Craiglie local plan: For up to 5 units: 1 car space per dwelling unit, plus 1 space for visitors and 1 service/staff spaces. For 5 – 10 units: 1 car space per dwelling unit, plus 2 spaces for visitors and 1 service/staff spaces.	1 space per 10 rooms	n/a	SRV

Land use	Minimum number of ordinary vehicle parking spaces	Minimum number of bicycle spaces	End of trip facilities	Minimum standard design service vehicle (refer to Table 9.4.1.3c)
	<p>For over 10 units: 0.75 car spaces per dwelling unit, plus 3 spaces for visitors and 2 service/staff parking for the first 10 units and 0.5 additional service/staff space per 10 units, there-above.</p> <p>In all cases 60% of the car parking area is to be covered.</p> <p>Note: Where Short term accommodation is to be inter-changeable with a Multiple dwelling land use, multiple dwelling parking rates apply.</p>			
Showroom	1 space per 50m ² GFA.	1 space per 200m ² GFA.	n/a	AV
Special industry	1 space per 90m ² of GFA.	n/a	n/a	AV
Tourist park	1 car space per caravan site, tent site or cabin; plus 1 visitor car space per 10 caravan sites, tent sites or cabins; plus 1 car space for an on-site manager.	n/a	n/a	LRV
Theatre	<p>Indoor: 1 space per 15m² of GFA.</p> <p>Outdoor cinema: 1 space per 5m² of designated viewing area, plus 1 car space per 2 employees.</p>	1 space per 200m ² GFA.	n/a	VAN
Veterinary services	1 space per 50m ² of GFA.	n/a	n/a	VAN
Warehouse	1 space per 90m ² of GFA.	n/a	n/a	Where self-storage: RCV Other: AV
Any use not otherwise specified in this table.	Sufficient spaces to accommodate number of vehicles likely to be parked at any one time.	Sufficient spaces to accommodate number		To be determined

Land use	Minimum number of ordinary vehicle parking spaces	Minimum number of bicycle spaces	End of trip facilities	Minimum standard design service vehicle (refer to Table 9.4.1.3c)
		of vehicles likely to be parked at any one time.		

Table Error! No text of specified style in document..c – Design vehicles

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

Table Error! No text of specified style in document..d – Standard number of service bays required for Food and drink outlet, Shop or Shopping centre

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

Table Error! No text of specified style in document..e – Standard number of service bays required for Office

Gross floor area (m ²)	Service bays required			
	VAN	SRV	MRV	LRV
0-999	-	1	-	-
1000 – 2499	1	-	1	-
2500 – 3999	2	1	1	-
4000 – 5999	3	1	1	-
6000 – 7999	4	1	1	-
8000 – 9999	4	2	1	-
10000 and over	To be determined via a parking study.			