

## Appendix 1

# APPLICATION FORM CURRENT TITLE SEARCH

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# 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)	Benjamin Wayne Burke
Contact name (only applicable for companies)	c/- GMA Certification Group – Lisa McKay
Postal address (P.O. Box or street address)	P.O. Box 2760
Suburb	Nerang
State	Queensland
Postcode	4211
Country	Australia
Contact number	07 5578 1622
Email address (non-mandatory)	Planning@gmacert.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	20222160

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

## PART 2 – LOCATION DETAILS

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

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

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

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
			Bamboo Creek Road	Bamboo QLD
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	Lot 16	SP 204 463	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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

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

- ☐ Coordinates of premises by longitude and latitude

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

- ☐ Coordinates of premises by easting and northing

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

#### 3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

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

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

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

Name of airport:

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

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

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

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

## PART 3 – DEVELOPMENT DETAILS

### Section 1 – Aspects of development

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

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

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

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

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

c) What is the level of assessment?

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

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

Exemption Certificate for a proposed Dwelling House and Domestic Outbuilding

e) Relevant plans

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

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

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

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

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

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

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

c) What is the level of assessment?

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

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

e) Relevant plans

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

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

#### 6.3) Additional aspects of development

- ☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application

- ☒ Not required



## Section 2 – Further development details

7) Does the proposed development application involve any of the following?	
Material change of use	<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 (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m <sup>2</sup> ) (if applicable)
House	Dwelling House	1	N/A
Shed	Domestic Outbuilding	1	N/A
8.2) Does the proposed use involve the use of existing buildings on the premises?			
<input type="checkbox"/> Yes			
<input checked="" type="checkbox"/> No			

### Division 2 – Reconfiguring a lot

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

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

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

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

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

**12) Boundary realignment**

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

Current lot		Proposed lot	
Lot on plan description	Area (m <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )

**12.2) What is the reason for the boundary realignment?**

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**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)**

\$ _____
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**PART 4 – ASSESSMENT MANAGER DETAILS**

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

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

<b>18) Has any referral agency provided a referral response for this development application?</b>		
<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

<b>19) Information request under Part 3 of the DA Rules</b>
<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
<b>Note:</b> By not agreeing to accept an information request I, the applicant, acknowledge: <ul style="list-style-type: none"> <li>• 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</li> <li>• Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</li> </ul>
Further advice about information requests is contained in the <a href="#">DA Forms Guide</a> .

## PART 7 – FURTHER DETAILS

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

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

List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

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

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

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

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

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

### 23) Further legislative requirements

#### **Environmentally relevant activities**

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

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

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

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

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

#### **Hazardous chemical facilities**

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

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

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

### **Clearing native vegetation**

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

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

☒ No

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

### **Environmental offsets**

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

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

☒ No

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

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

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

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

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

☐ No

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

### **Water resources**

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

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

☒ No

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

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

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

### **Waterway barrier works**

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

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

☒ No

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

### **Marine activities**

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

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

☒ No

**Note:** See guidance materials at [www.daf.qld.gov.au](http://www.daf.qld.gov.au) for further information.

### **Quarry materials from a watercourse or lake**

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

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

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

### **Quarry materials from land under tidal waters**

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

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

**Note:** Contact the Department of Environment and Science at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Referable dams**

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

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

**Note:** See guidance materials at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) for further information.

### **Tidal work or development within a coastal management district**

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

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

**Note:** See guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Queensland and local heritage places**

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

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

**Note:** See guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
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### **Brothels**

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

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

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

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

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

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

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

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

☒ No

**Note:** See guidance materials at [www.planning.dsdmip.qld.gov.au](http://www.planning.dsdmip.qld.gov.au) for further information.

## PART 8 – CHECKLIST AND APPLICANT DECLARATION

### 24) Development application checklist

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

☒ Yes

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

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

☐ Yes

☒ Not applicable

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

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

☒ Yes

Relevant plans of the development are attached to this development application

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

☒ Yes

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

☒ Yes

☐ Not applicable

### 25) Applicant declaration

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

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

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

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

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

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

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



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

---

Date received:  Reference number(s):

### Notification of engagement of alternative assessment manager

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

### QLeave notification and payment

*Note: For completion by assessment manager if applicable*

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

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>50709783</b>	<b>Search Date:</b>	19/08/2022 10:07
<b>Date Title Created:</b>	17/03/2008	<b>Request No:</b>	42022809
<b>Previous Title:</b>	21346153		

**ESTATE AND LAND**

Estate in Fee Simple

LOT 16 SURVEY PLAN 204463

Local Government: DOUGLAS

**REGISTERED OWNER**

Dealing No: 721065680 03/09/2021

BENJAMIN WAYNE BURKE

**EASEMENTS, ENCUMBRANCES AND INTERESTS**

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20078069 (POR 143)
2. MORTGAGE No 721065681 03/09/2021 at 11:36  
COMMONWEALTH BANK OF AUSTRALIA A.C.N. 123 123 124

**ADMINISTRATIVE ADVICES**

NIL

**UNREGISTERED DEALINGS**

NIL

Caution - Charges do not necessarily appear in order of priority

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

## Appendix 4

### SUPPORTING DOCUMENTATION:

**2018 Douglas Shire Council Planning Scheme Property Report**

**Annexure B - Bamboo Creek Subdivision (Building Covenants)**

**DSDILGP - State Planning Policy (Lot Plan Search)**

**DSDILGP - Regional Land Use Categories**

[www.gmacert.com.au](http://www.gmacert.com.au)

BUILDING APPROVALS & INSPECTIONS

BUILDING CERTIFICATION

ENERGY EFFICIENCY ASSESSMENTS

TOWN PLANNING

Gold Coast

Caboolture

Townsville

Cairns

Port Douglas

Childers

Kingscliff



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Member Australian Institute of Building Surveyors Professional Standards Scheme

## 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](mailto: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

Lot Plan [16SP204463](#) (Freehold - 4531m<sup>2</sup>)



☒ 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**  
Environmental Management

#### More Information

- [View Section 6.2.4 Environmental Management Zone Code](#)
- [View Section 6.2.4 Environmental Management Zone Compliance table](#)
- [View Section 6.2.4 Environmental Management 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.

 <a href="#">Acid Sulfate Soils</a>	<b>Applicable Precinct or Area</b> Acid Sulfate Soils (5-20m AHD)	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.1 Acid Sulfate Soils Overlay Code</a></li> <li><a href="#">View Section 8.2.1 Acid Sulfate Soils Overlay Compliance table</a></li> </ul>
 <a href="#">Flood Storm</a>	<b>Applicable Precinct or Area</b> Floodplain Assessment Overlay (Daintree River)	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.4 Flood and Storm Tide Hazard Overlay Code</a></li> <li><a href="#">View Section 8.2.4 Flood and Storm Tide Hazard Overlay Compliance table</a></li> </ul>
 <a href="#">Landscape Values</a>	<b>Landscape Values</b> Medium Landscape Value	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.6 Landscape Values Overlay Code</a></li> <li><a href="#">View Section 8.2.6 Landscape Values Overlay Compliance table</a></li> </ul>
 <a href="#">Natural Areas</a>	<b>Applicable Precinct or Area</b> MSES - Regulated Vegetation	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.7 Natural Areas Overlay Code</a></li> <li><a href="#">View Section 8.2.7 Natural Areas Overlay Compliance table</a></li> </ul>
 <a href="#">Transport Road Hierarchy</a>	<b>Applicable Precinct or Area</b> Major Rural Road	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.10 Transport Network Overlay Code</a></li> <li><a href="#">View Section 8.2.10 Transport Network Overlay Compliance table</a></li> </ul>

Zoning

**Applicable Zone**  
Environmental Management

- More Information**
- [View Section 6.2.4 Environmental Management Zone Code](#)
  - [View Section 6.2.4 Environmental Management Zone Compliance table](#)
  - [View Section 6.2.4 Environmental Management Zone Assessment table](#)



☒ Selected Property

☐ Land Parcels

<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


Flood Storm


**Applicable Precinct or Area**  
Floodplain Assessment Overlay (Daintree River)


- More Information**
- [View Section 8.2.4 Flood and Storm Tide Hazard Overlay Code](#)
  - [View Section 8.2.4 Flood and Storm Tide Hazard Overlay Compliance table](#)





 Selected Property

 Land Parcels

 Medium Storm Tide Hazard

 High Storm Tide Hazard

 100 Year ARI - Mossman Port Douglas and Daintree Flood Studies

 Floodplain Assessment Overlay



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

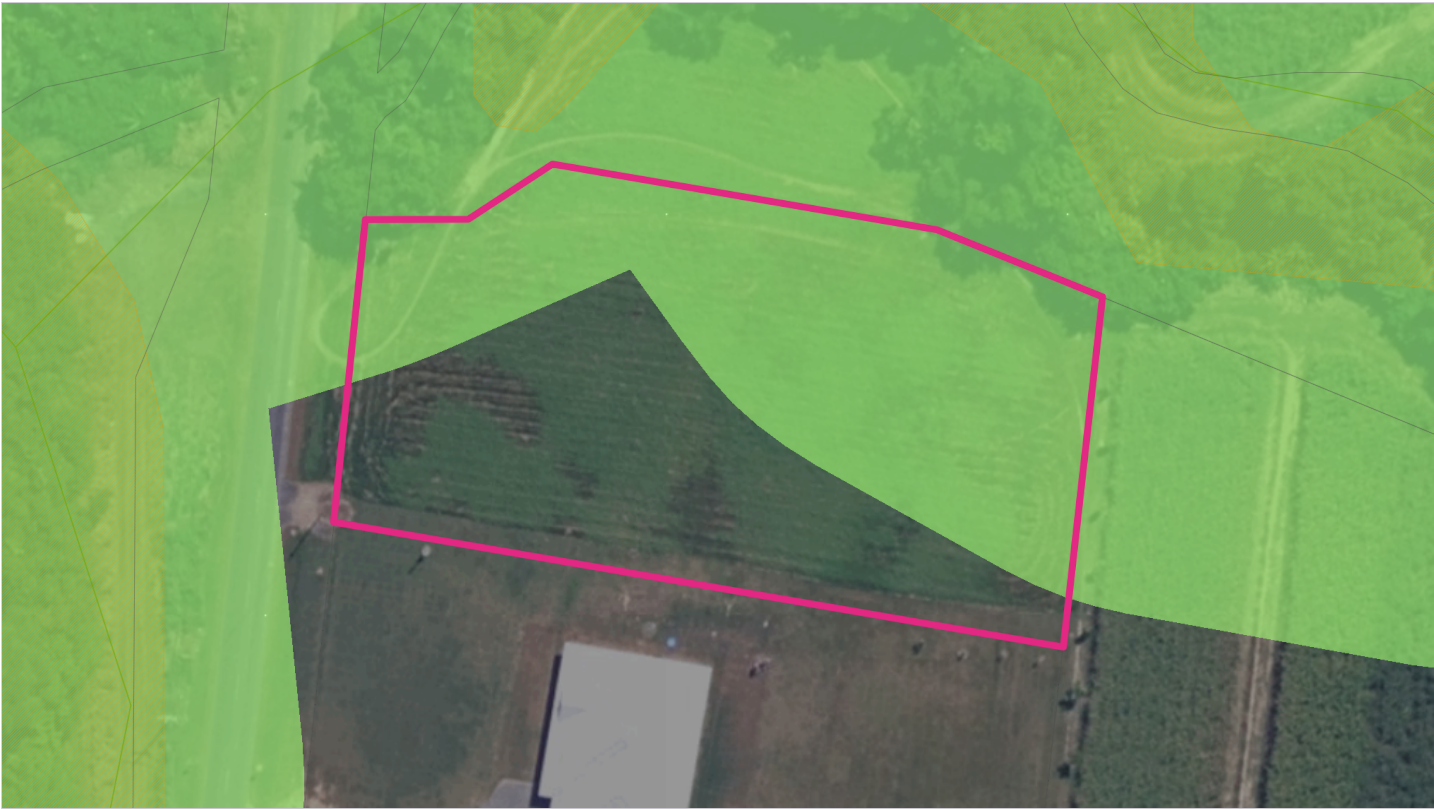
**Landscape Values**

Coastal scenery
 High landscape values
 Medium Landscape Value
 all others

Natural Areas

**Applicable Precinct or Area**  
MSES - Regulated Vegetation

- More Information**
- [View Section 8.2.7 Natural Areas Overlay Code](#)
  - [View Section 8.2.7 Natural Areas Overlay Compliance table](#)



<input checked="" type="checkbox"/> Selected Property	<input type="checkbox"/> Land Parcels	MSES - Regulated Vegetation (Intersecting a Watercourse)
MSES - High Ecological Value Waters (Watercourse)	MSES - Wildlife Habitat	MSES - Regulated Vegetation
MSES - Protected Area	MSES - Marine Park	MSES - Legally Secured Offset Area
MSES - High Ecological Value Waters (Wetland)	MSES - High Ecological Significance Wetlands	

## Transport Road Hierarchy

### Applicable Precinct or Area

Major Rural 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 B**

### **Bamboo Creek Subdivision**

#### **Building Covenants.**

**Land / Property:** 16 on SP204463, Title Reference 50709783 ("Land" or the "Lot")

**Seller** STEWART JAMES COWE and JOANNE MARY COWE  
cl- 35 Front Street, Mossman, Qld,  
Contact no: 4098 1462  
("the Developer" ) or ("the Seller")

**Owner** BENJAMIN WAYNE BURKE and AMY ROSE BURKE  
4 Wilson Street, Mossman, Qld 4873  
("the Owner") or ("the Owner") or ("You")

#### **Explanation of Covenants.**

In any estate or subdivision it is desirable that some level of control be placed over improvements or structures within the estate in order to endeavour to preserve value for lot owners within the estate via the encouragement of dwellings and improvements which are consistent and aesthetically pleasing for the area.

Pursuant to the Contract of Sale between yourself, as the Buyer and the Seller you have contractually committed yourself to complying with and abiding by such covenants and to ensure that future persons or entities to whom you sell or dispose of the land also comply with such building / improvement controls.

#### **1. Buyer's / Owner Covenants**

- 1.1** The Buyer expressly acknowledges that the Land is situated in and forms part of a larger residential subdivisional development area AND that it is desirable that supervision and some control on the permitted development of the Land apply to ensure that a sufficiently high standard in respect of both design and construction of dwelling houses, improvements and landscaping in the subdivision be maintained in a manner which will be aesthetically pleasing.

Accordingly the Buyer hereby covenants and agrees with the Seller as follows:

- (a) if the Buyer builds a dwelling / residence on the Land, the dwelling will comply with the building covenants set out in clause 3 below;
- (b) it will not, prior to the construction of a primary dwelling which complies with the covenants set out in clause 3 below, occupy any caravan, tent or shed or semi permanent dwelling / residence on the Land
- (c) It will ensure that landscaping and other improvements made to or erected upon the Land comply with the covenants set out in clause 5, 6 and 7 below; and

JS BB AB

(d) it will comply with any other requirements or restrictions set out in this document in regard to improvements on the land; and

(e) Upon the Buyer selling, transfer, leasing or parting with possession of the land, it must ensure that the subsequent purchaser / assignee / lessee covenant with the Developer to abide by and comply with the building restrictions / covenants set out in this document

## 2. Building Approvals generally

Any dwelling or improvement proposed to be constructed / erected on the property must not be built without first obtaining Douglas Shire Council (or the then Council regulating the land's) approval, private certifier or applicable approval from the governmental authority administering building regulations in the Mossman area.

## 3. Dwellings

### 3.1 Type and finish of Dwellings

Any dwelling erected on the Land must

- (a) have a gross living floor area of not less than 120 square metres inclusive of patios, verandas, outdoor living areas attached carports and garages but exclusive of, pergolas, and detached carports and garages and other outdoor living areas not part of the main dwelling structure;
- (b) if a second dwelling or granny flat is proposed to be erected on the land it must:
  - (i) be located at the rear of the primary dwelling; or
  - (ii) be in a style consistent with the primary dwelling if such second improvement / dwelling is able to be viewed from the road frontage of the Land;
- (c) be constructed with external walls of stone, rendered concrete, clay, plastered rendered masonry blocks, bricks, timber or a combination of same (exclusive of the areas of windows, doors and other openings). Buildings with blockwork or concrete walls must be rendered.
- (d) have a colourbond, or tiled, or shingle or slate roof of a colour other than silver unless otherwise approved in writing by the Seller prior to the commencement of construction.
- (e) If it has an exterior finish other than brick, must be painted immediately after completion of the dwelling.
- (f) ensure that its design, roof form or aesthetic appearance from the road frontage is not in strong visual contrast with other dwellings within the estate.

### 3.2 Time for Completion of Dwelling

There is no obligation to commence construction of the dwelling within a defined time period. However once construction has commenced on a Dwelling it must be completed within twelve (12) months of the commencement date.

For the purposes, of this covenant, the commencement of a construction shall be deemed to be the preparation of the slab or building site for construction.

gsc BB PB

**4. Compliance with State Planning Policy No. 1/92**

**4.1** The Land Owner acknowledges that the estate has been approved subject to dwellings on the estate complying with State Planning Policy Guidelines -- Separating Agricultural and Residential land Uses.

**4.2** The Land Owner must not construct or erect a dwelling or building which has any habitable room within forty (40) metres of the rear boundary of the property.

**5. Equipment Sheds, Garden Sheds and Temporary Structures**

**5.1 Sheds**

The Owner may erect any free-standing structures such as garden sheds or tool or equipment sheds on the Land provided that:

- (i) the design and finish of the Shed or Garden Shed must compliment the primary dwelling on the Land;
- (ii) if the structure does not form part of the roof line of the dwelling, the structure must be located at the rear of the primary dwelling and where possible not viewable from the Road Frontage

**5.2 Temporary Structures**

Other than sheds, workshop or office rooms used in connection with the construction of a permanent dwelling on the property, no re-locatable or transportable homes or any temporary dwelling, caravan, privy, or sign or hoarding or equipment or anything which shall be an eyesore shall be brought onto the property prior to the construction of a dwelling in accordance with the covenants.

If there are sheds, workshops or office rooms used in connection with the construction of the dwelling, such structures must following completion of the dwelling be removed.

**6. Fencing**

**6.1 Type of Fencing**

Fencing on the land must be substantial and be designed to compliment the buildings erected on the Land and adjacent properties. Boundary Fences and Fences erected on the road frontage of the Land must not be star pickets and barb wire strands.

**6.2 No obligation of Developer to contribute**

Notwithstanding the Dividing Fences Act, the Land Owner agrees not to require the Developer to contribute towards the cost of erecting any boundary fence on the Land.

**7. Landscaping and Maintenance**

**7.1 Maintenance**

The Buyer must keep the whole of the Land at all times in a clean and tidy state and condition free from undergrowth, grass, weeds and vermin.

JS BB AB

If, in the reasonable opinion of the Developer, the Land is not so kept clean and tidy and free from undergrowth, grass and weeds and vermin, the Developer may at its sole election and discretion, cause the Land to be mowed and cleaned up and may recover from the owner the Developer's costs of doing so. The Buyer / Owner expressly agrees to be responsible to the Developer for such costs.

**7.2 Compliance with Area Plan**

The Owner must comply in all respects with the requirements of the Douglas Shire Council in relation to any landscaping or vegetation orders affecting the Land, including the requirements of any Development Control Plan as it applies to the Land from time to time.

**8. Other Structures**

Clotheslines, hot water systems, gas systems or other tanks shall be located at the rear of the dwelling unless the design compliments the type and style of the Dwelling. Landscaping is encouraged to screen such improvements.

**9. Electricity**

The Buyer must ensure that all electricity utility services and all services and supply cables to the subject Land and the improvements thereon are located underground.

**10. Liquidated Damages Payable for Breach**

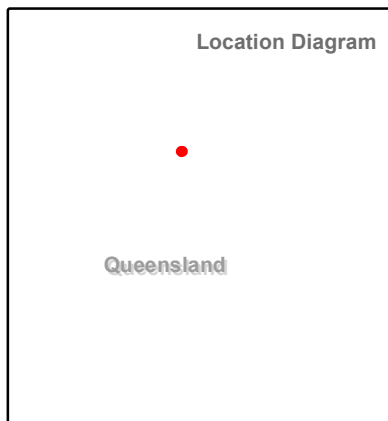
The Buyer expressly acknowledges that the conditions of this clause are for the mutual benefit of itself and the Developer and for the benefit of other buyers of the Land in the residential estate and further acknowledges that a breach of any of the provisions of these covenants will adversely affect the value and saleability of other allotments belonging to the Developer in the estate. The Buyer therefore agrees to pay on demand by way of liquidated damages and not by way of penalty the sum of TEN THOUSAND DOLLARS (\$10,000.00) for each and every breach of any of the provisions of this clause (including a breach of sub clause 11.5 hereof) but without prejudice to such other rights and remedies as the Seller may have as a consequence of such breach. Furthermore if the Buyer breaches any of the provision of this clause 11, the Buyer agrees not to oppose any Court application for an injunction to prevent the Buyer from further breaching the Buyers obligations under this clause 11.

JS SC BB AB

# State Planning Policy - Lot Plan Search

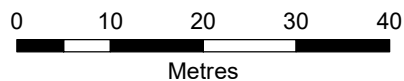
Making or amending a local planning instrument  
and designating land for community infrastructure

Date: 19/08/2022



Queensland Government

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# State Planning Policy mapping layers - consolidated list for all selected Lot Plans

*(Note: Please refer to following pages for State Interests listed for each selected Lot Plan)*

## **AGRICULTURE**

- Agricultural land classification - class A and B

## **BIODIVERSITY**

- MSES - Regulated vegetation (category R)

## **NATURAL HAZARDS RISK AND RESILIENCE**

- Flood hazard area - Level 1 - Queensland floodplain assessment overlay\*



Queensland Government

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**State Planning Policy**  
**Making or amending a local planning instrument**  
**and designating land for community infrastructure**

Date: 19/08/2022

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# State Planning Policy mapping layers for each selected Lot Plan

**Lot Plan: 16SP204463 (Area: 4531 m<sup>2</sup>)**

## AGRICULTURE

- Agricultural land classification - class A and B

## BIODIVERSITY

- MSES - Regulated vegetation (category R)

## NATURAL HAZARDS RISK AND RESILIENCE

- Flood hazard area - Level 1 - Queensland floodplain assessment overlay\*



Queensland Government

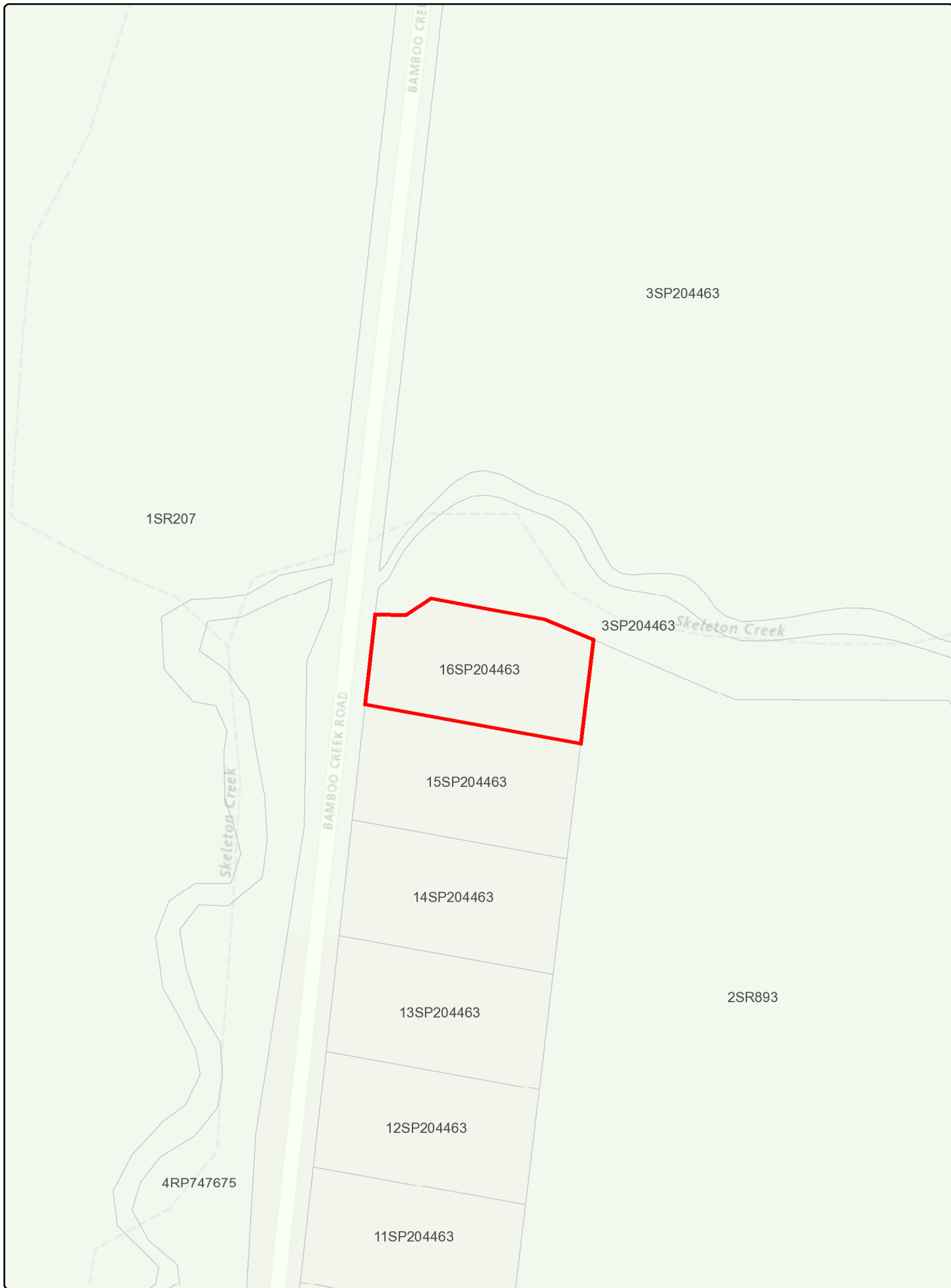
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## State Planning Policy

**Making or amending a local planning instrument  
and designating land for community infrastructure**

Date: 19/08/2022

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Date: 19/08/2022

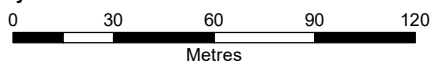
## State Planning Policy

Making or amending a local planning instrument  
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# Legend

## Drawn Polygon Layer

Override 1

## Cadastre



Cadastre

## Regional land use categories (SEQ, WBB, MIW, FNQ)



Urban Footprint



Rural Living Area



Regional Landscape and Rural Production Area



Date: 19/08/2022

Queensland Government

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## State Planning Policy

**Making or amending a local planning instrument  
and designating land for community infrastructure**

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## Appendix 3

# PROPOSED PLANS

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BUILDING APPROVALS & INSPECTIONS

BUILDING CERTIFICATION

ENERGY EFFICIENCY ASSESSMENTS

TOWN PLANNING

Gold Coast

Caboolture

Townsville

Cairns

Port Douglas

Childers

Kingscliff

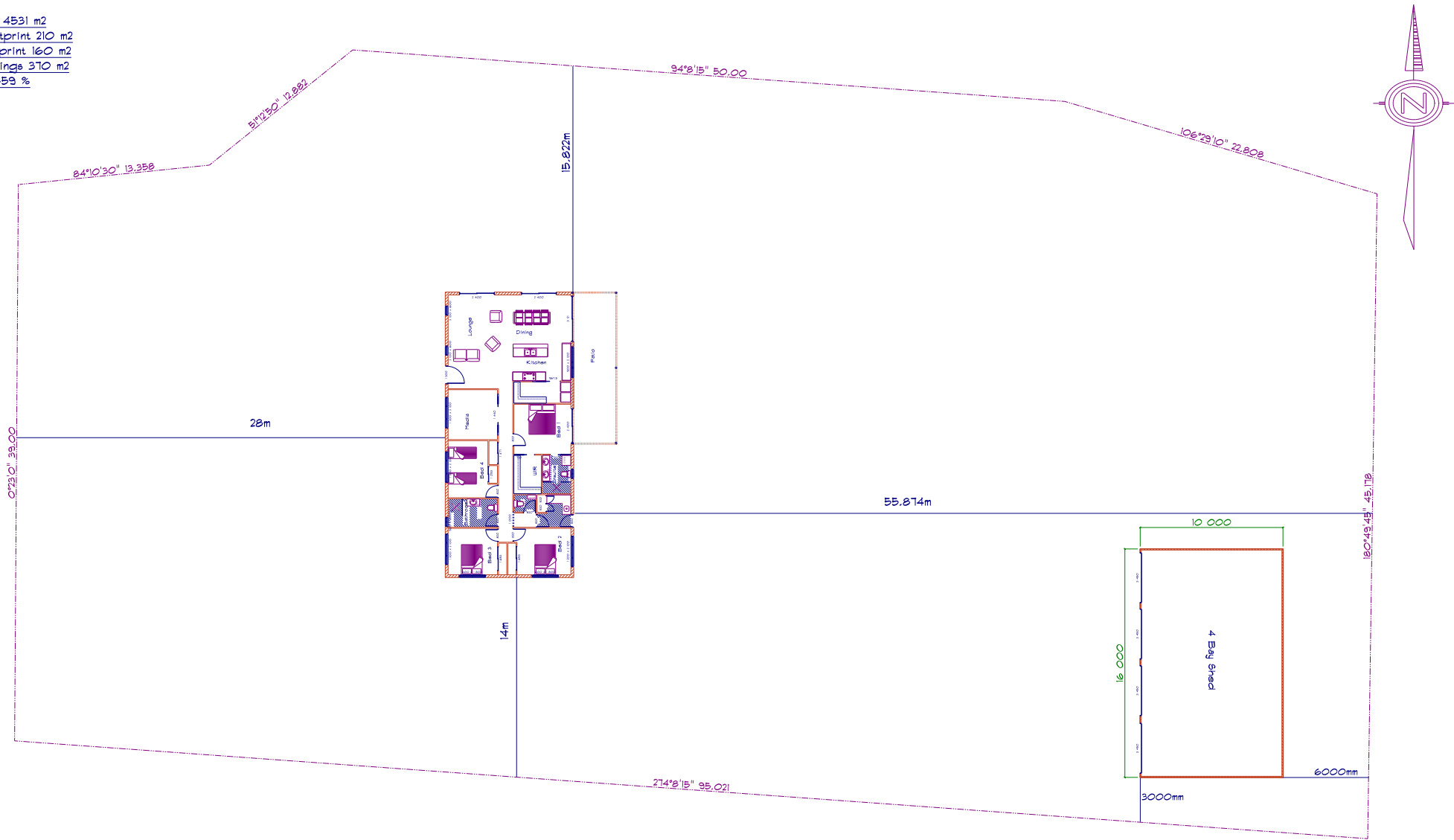



**Limited Liability By a Scheme Approved Under Professional Standards Legislation**

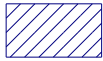
Member Australian Institute of Building Surveyors Professional Standards Scheme

Site Cover

Alott Area 4531 m2  
House Footprint 210 m2  
Shed Footprint 160 m2  
Total buildings 370 m2  
Cover 8.1659 %



	<p>B &amp; M Constructions Pty Ltd Ben Syrett 33 Grays Creek Terrace Mowbray Qld 4877 0405 991375 bandmbuilders19@gmail.com QBCC # 15135800 0418 696453</p>	<p>Clerk Ben Burke 16 Bamboo Creek Road Miallo Qld 4877</p>	<p>Project Lot 16 in SP204463 Bamboo Creek Road Miallo, Qld 4873</p>	<p>Issue Date 19/07/2022</p>	<p>Scale</p>	<p>Sheet number R1</p>
			<p>Plan Title Site Plan</p>	<p>Plan number</p>	<p>Wind Class c-2</p>	<p>Rev</p>



Waterproofing/wet Areas

Wall - 200mm Concrete Masonary external walls  
render finished to external, gyproc to internal  
generally, villaboard to wet areas.

Wall - 70mm Stud Internally clad with gyproc  
generally / villa board to wet areas

## Building Areas

Ground Floor 180m<sup>2</sup>

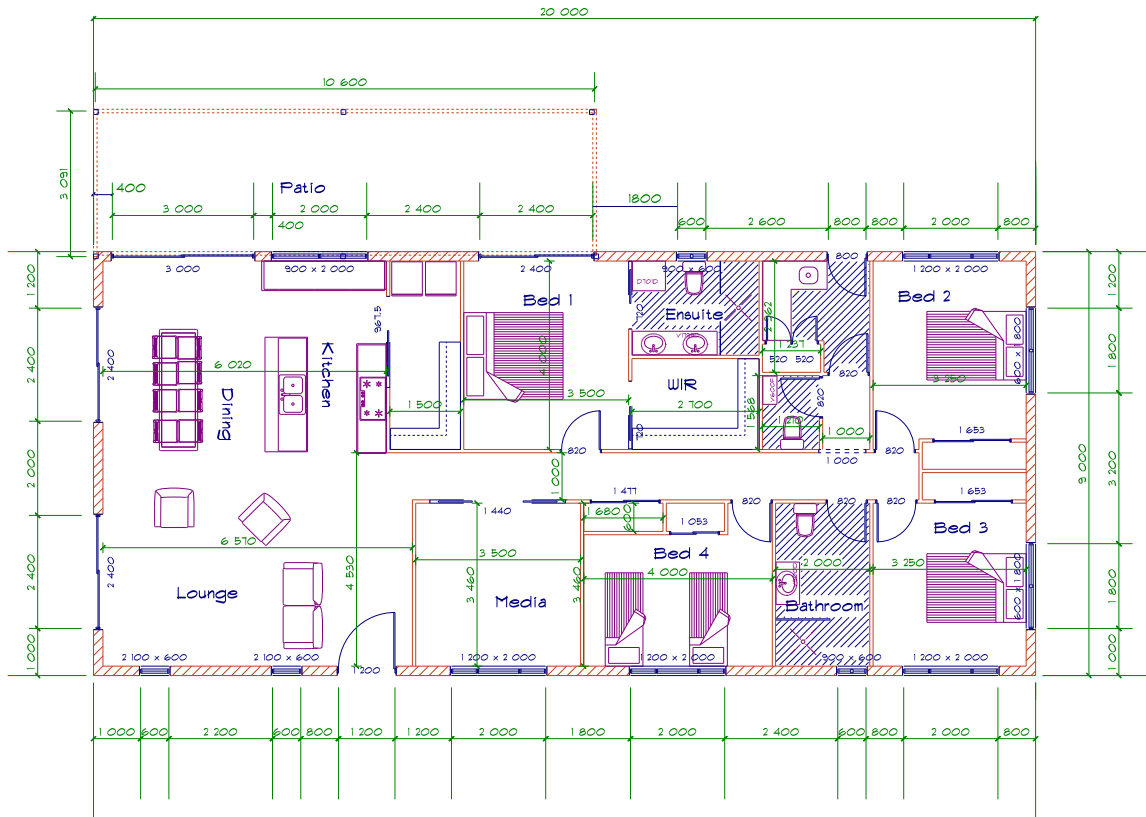
Patio 30m<sup>2</sup>


## Site cover

Alloc area 4531 m<sup>2</sup>

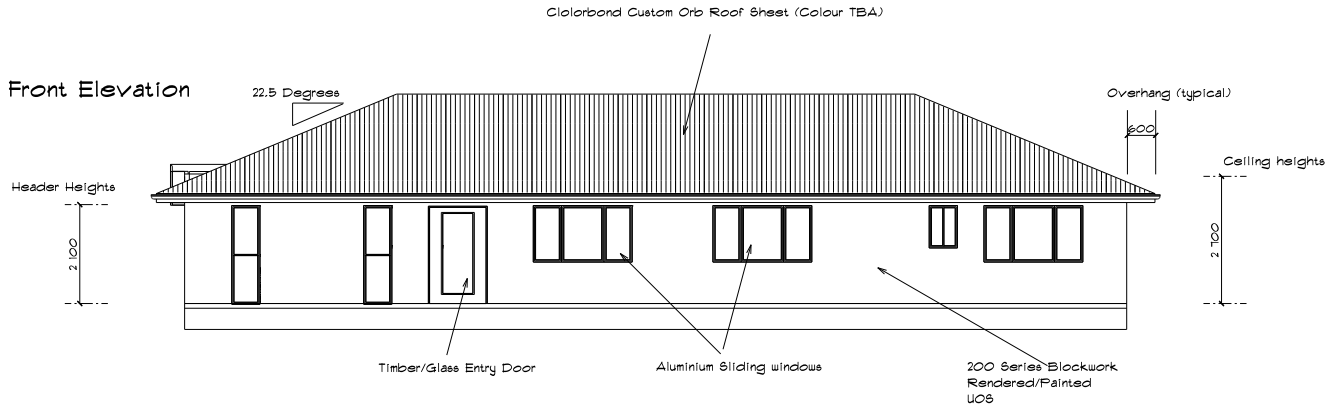
Building footprint 210 m<sup>2</sup>

Cover 4.635%

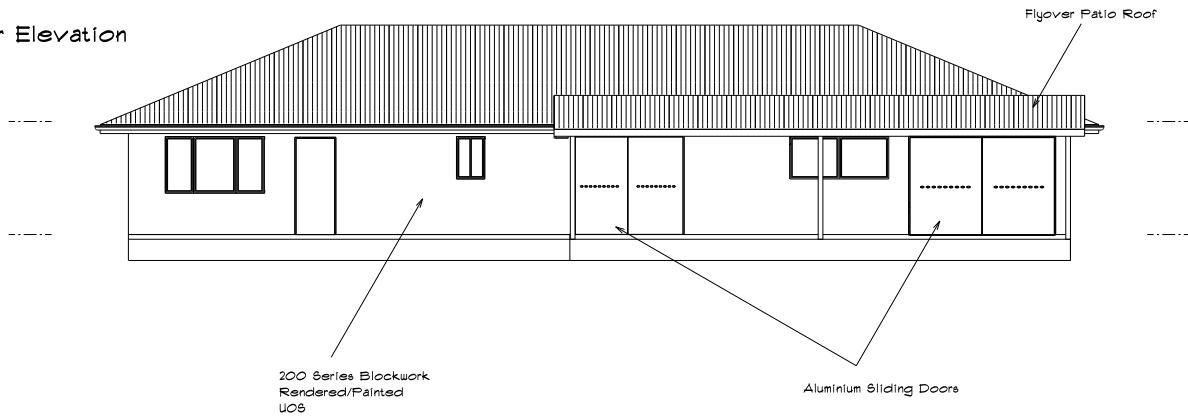


	B & M Constructions Pty Ltd Ben Syrett 33 Grays Creek Terrace Mowbray Qld 4877 0405 991375 bandmbuilders19@gmail.com QBCC # 15135800 0418 696453	Client Ben Burke 16 Bamboo Creek Road Miallo Qld 4877	Project lot 16 on SP204463 Bamboo Creek Road Miallo, Qld 4873	Issue Date 21/03/2022	Scale 1 : 100	Sheet number 2
			Plan Title Floor Plan	Plan number .	Wind Class c-2	Rev

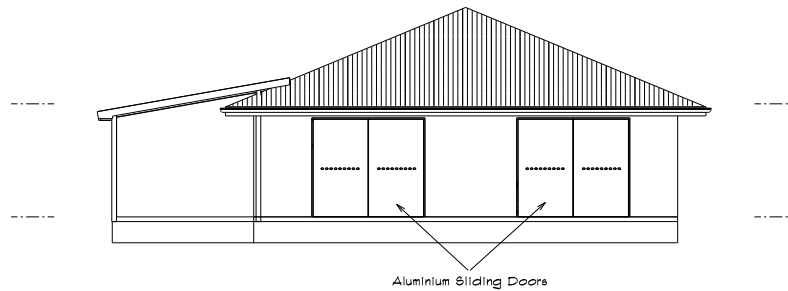
Front Elevation



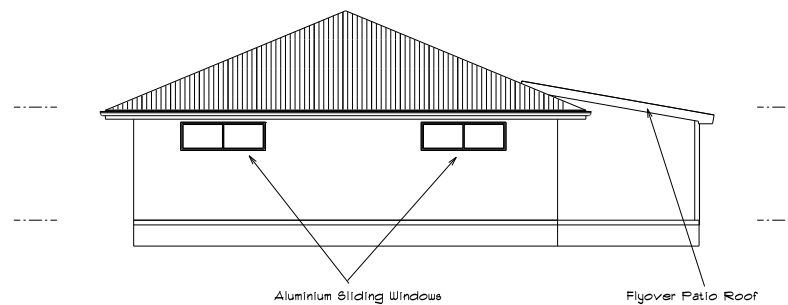
Rear Elevation



LH Elevation



RH Elevation



B & M Constructions Pty Ltd  
Ben Syrett  
33 Grays Creek Terrace  
Mowbray  
Qld  
4877  
0405 991375  
bandmbuilders19@gmail.com  
QBCC # 15135800  
0418 696453

Client Ben Burke  
16 Bamboo Creek Road  
Miallo  
Qld 4877

Project  
lot 16 on SP204463  
Bamboo Creek Road  
Miallo, Qld 4873

Plan Title  
Elevations

Issue Date  
21/03/2022

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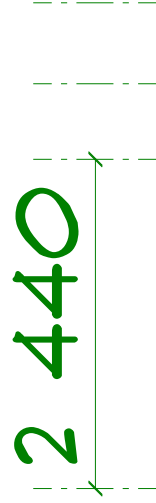
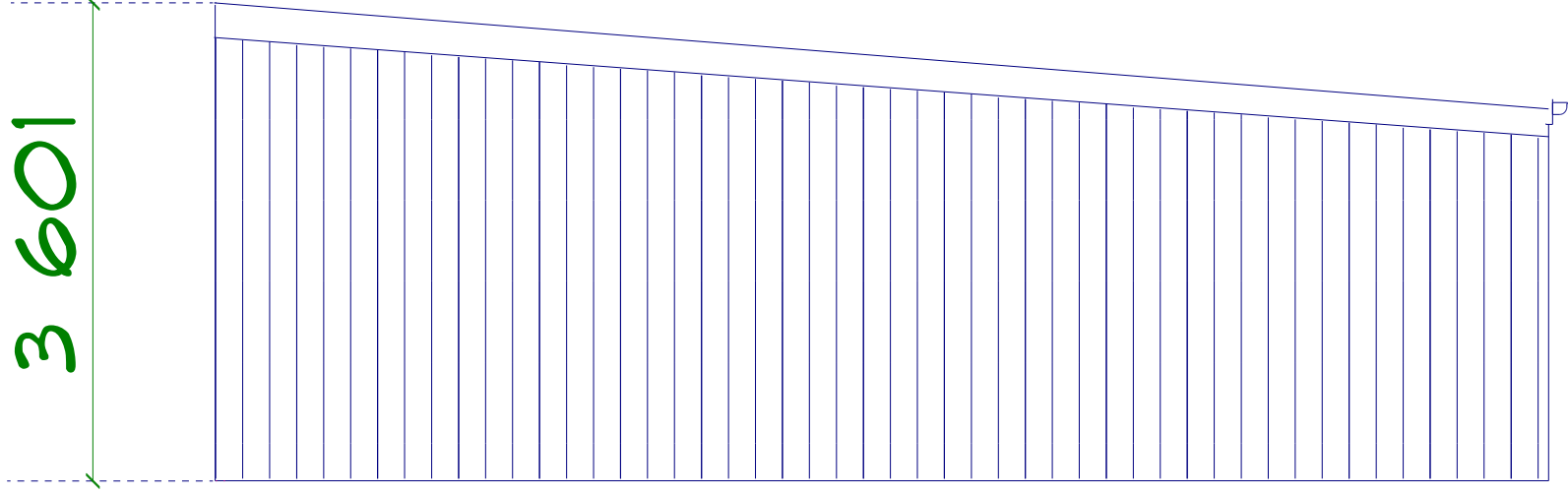
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## Appendix 2

**ASSESSMENT BENCHMARKS:**

**Environmental Management Zone Code**

**Dwelling House Code**

**Access, Parking and Servicing Code**

**Filling and Excavation Code**

**Acid Sulphate Soils Overlay Code**

**Flood and Storm Tide Hazard Overlay Code**

**Natural Areas Overlay Code**

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## 6.2.4 Environmental management zone code

### 6.2.4.1 Application

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

### 6.2.4.2 Purpose

- (1) The purpose of the Environmental management zone code is to recognise environmentally sensitive areas and provide for houses on lots and other low impact activities where suitable.

These areas are protected from intrusion of any urban, suburban, centre or industrial land use.

- (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 3.5.3 – Biodiversity, Element 3.5.5 – Scenic amenity.
  - (b) protect and buffer areas of environmental significance from inappropriate development.
- (3) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Development is generally restricted to a dwelling house;
  - (b) Adverse impacts on natural systems, both on-site and on adjoining land are minimised through the location, design and management of development;
  - (c) Development reflects and responds to the natural features and environmental values of the area;
  - (d) Visual impacts are minimised through the location and design of development;
  - (e) Development does not adversely affect water quality;
  - (f) Development responds to land constraints, including but not limited to topography, vegetation, bushfire, landslide and flooding.

**Criteria for assessment**

Table 6.2.4.3.a – Environmental management zone – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
<b>For self-assessable and assessable development</b>		
<b>PO1</b> The height of all buildings and structures is in keeping with the natural characteristics of the site. Buildings and structures are low-rise and not unduly visible from external sites.	<b>AO1.1</b> Buildings and structures are not more than 8.5 metres and two storeys in height. Note – Height is inclusive of the roof height.  <b>AO1.2</b> Buildings have a roof height not less than 2 metres.	<b>Complies.</b> As indicated on the proposed plans prepared by B & M Constructions Pty Ltd both the Dwelling House and Domestic Outbuilding are one (1) storey structures with heights no greater than 8.5 metres measured to the uppermost projection of the roofline. Refer to <a href="#">Appendix 3 Proposed Plans</a> .
<b>PO2</b> Buildings and structures are set back to: (a) maintain the natural character of the area; (b) achieve separation from neighbouring buildings and from road frontages.	<b>AO2</b> Buildings and structures are set back not less than: (a) 40 metres from the frontage of a state controlled road; (b) 25 metres from the frontage to Cape Tribulation Road; (c) 6 metres from any other road; (d) 6 metres from the side and rear boundaries of the site.	<b>Complies.</b> As indicated on the Site Plan prepared by B & M Constructions Pty Ltd the Dwelling House and Domestic Outbuilding maintain setbacks of 28.0 metres and 64.874 metres respectively being fully compliant with AO2 (c) in this instance. Refer to <a href="#">Appendix 3 Proposed Plans</a> .
<b>For assessable development</b>		
<b>PO3</b> Development is consistent with the purpose of the Environmental management zone and protects the zone from the intrusion of inconsistent uses.	<b>AO3</b> Inconsistent uses as identified in Table 6.2.4.3.b are not established in the Environmental management zone.	<b>Complies.</b> As indicated on the proposed plans prepared by B & M Constructions Pty Ltd this application seeks approval for a Dwelling House and Domestic Outbuilding being fully compliant with AO3 in this instance. Refer to <a href="#">Appendix 3 Proposed Plans</a> .
<b>PO4</b> The site coverage of all buildings and structures and associated services do not have an adverse effect on the environmental or scenic values of the site.	<b>PO4</b> No acceptable outcomes are prescribed.	<b>Complies.</b> As indicated on the proposed plans prepared by B & M Constructions Pty Ltd the Dwelling House has a building footprint of 210m <sup>2</sup> and the Domestic Outbuilding has a building footprint of 160m <sup>2</sup> . This results in a combined building footprint of 370m <sup>2</sup> . As the site has an area of 4,531m <sup>2</sup> this results in a site cover of 8.1659%

Performance outcomes	Acceptable outcomes	Applicant response
		ensuring that the development is fully compliant with PO4 in this instance. Refer to <a href="#">Appendix 3 Proposed Plans</a> .
<b>PO5</b> Development is located, designed, operated and managed to respond to the characteristics, features and constraints of the site and its surrounds.  Note - Planning scheme policy – Site assessments provides guidance on identifying the characteristics, features and constraints of a site and its surrounds.	<b>AO5.1</b> Buildings, structures and associated access, infrastructure and private open space are sited: (a) within areas of the site which are already cleared; or (b) within areas of the site which are environmentally degraded; (c) to minimise additional vegetation clearing.	<b>Complies.</b> The site is completely void of any vegetation. Accordingly, the Dwelling House and Domestic Outbuilding are fully compliant with AO5.1 (a) in this instance.
	<b>AO5.2</b> Buildings and structures and associated infrastructure are not located on slopes greater than 1 in 6 (16.6%) or on a ridgeline.	<b>Complies.</b> The subject site has no variation in ground levels across the site. Refer to <a href="#">Appendix 3 Proposed Plans</a> .
<b>PO6</b> Buildings and structures are responsive to steep slope through innovative construction techniques so as to: (a) maintain the geotechnical stability of slopes; (b) minimise cut and/or fill; (c) minimise the overall height of development.	<b>AO6.1</b> Where development on land steeper than 1 in 6 (16.6%) cannot be avoided, development follows the natural contours of the land and single plane concrete slab on-ground methods of construction are not utilised.	<b>Not applicable.</b>
	<b>AO6.2</b> Access and vehicle manoeuvring and parking areas are constructed and maintained to: (a) minimise erosion; (b) minimise cut and fill; (c) follow the natural contours of the site.	<b>Complies.</b> Refer to <a href="#">Appendix 3 Proposed Plans</a> .
<b>PO7</b> The exterior finishes of buildings and structures are consistent with the surrounding natural environment.	<b>PO7</b> The exterior finishes and colours of buildings and structures are non-reflective and are moderately dark to darker shades of grey, green, blue and brown or the development is not visible external to the site.	<b>Complies.</b>
<b>PO8</b>	<b>AO8</b> No acceptable outcomes are prescribed.	<b>Complies.</b>

Performance outcomes	Acceptable outcomes	Applicant response
Development does not adversely affect the amenity of the zone and adjoining land uses in terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts.		As indicated on the proposed plans prepared by B & M Constructions Pty Ltd this application seeks approval for a Dwelling House and Domestic Outbuilding. It is submitted that the size and scale of the development ensures that it is fully compliant with PO8 in this instance. Refer to <a href="#">Appendix 3 Proposed Plans</a> .
<b>PO9</b> The density of development ensures that the environmental and scenic amenity values of the site and surrounding area are not adversely affected.	<b>AO9</b> The maximum residential density is one dwelling house per lot.	<b>Complies.</b> Refer to <a href="#">Appendix 3 Proposed Plans</a> .
<b>PO10</b> Lot reconfiguration results in no additional lots. Note - Boundary realignments to resolve encroachments and lot amalgamation are considered appropriate.	<b>AO10</b> No acceptable outcomes are prescribed.	<b>Not applicable.</b>

Table 6.2.4.3.b – Inconsistent uses within the Environmental management zone

Inconsistent uses		
<ul style="list-style-type: none"> <li>• Adult store</li> <li>• Agricultural supplies store</li> <li>• Air services</li> <li>• Aquaculture</li> <li>• Bar</li> <li>• Brothel</li> <li>• Bulk landscape supplies</li> <li>• Car wash</li> <li>• Caretaker's accommodation</li> <li>• Cemetery</li> <li>• Child care centre</li> <li>• Club</li> <li>• Community care centre</li> <li>• Community residence</li> <li>• Community use</li> <li>• Crematorium</li> <li>• Cropping</li> <li>• Detention facility</li> <li>• Dual occupancy</li> <li>• Dwelling unit</li> <li>• Educational establishment</li> <li>• Food and drink outlet</li> <li>• Function facility</li> <li>• Garden centre</li> </ul>	<ul style="list-style-type: none"> <li>• Hardware and trade supplies</li> <li>• Health care services</li> <li>• High impact industry</li> <li>• Hospital</li> <li>• Hotel</li> <li>• Indoor sport and entertainment</li> <li>• Intensive animal industry</li> <li>• Intensive horticulture</li> <li>• Landing</li> <li>• Low impact industry</li> <li>• Major electricity infrastructure</li> <li>• Major sport, recreation and entertainment facility</li> <li>• Marine industry</li> <li>• Market</li> <li>• Motor sport facility</li> <li>• Multiple dwelling</li> <li>• Nightclub entertainment facility</li> <li>• Office</li> <li>• Outdoor sales</li> <li>• Outstation</li> <li>• Parking station</li> <li>• Place of worship</li> <li>• Port services</li> </ul>	<ul style="list-style-type: none"> <li>• Renewable energy facility</li> <li>• Relocatable home park</li> <li>• Research and technology industry</li> <li>• Residential care facility</li> <li>• Resort complex</li> <li>• Retirement facility</li> <li>• Rooming accommodation</li> <li>• Rural industry</li> <li>• Rural workers accommodation</li> <li>• Sales office</li> <li>• Service Station</li> <li>• Shop</li> <li>• Shopping centre</li> <li>• Short-term accommodation</li> <li>• Showroom</li> <li>• Special industry</li> <li>• Substation</li> <li>• Theatre</li> <li>• Transport depot</li> <li>• Utility installation</li> <li>• Veterinary services</li> <li>• Warehouse</li> <li>• Wholesale nursery</li> <li>• Winery</li> </ul>

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





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### **9.3.8 Dwelling house code**

#### **9.3.8.1 Application**

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

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

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

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

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

#### **9.3.8.2 Purpose**

- (1) The purpose of the Dwelling house code is to assess the suitability of development to which this code applies.
- (2) The purpose of the code will be achieved through the following overall outcomes:



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

### 9.3.8.3 Criteria for assessment

**Table 9.3.8.3.a –Dwelling house code – assessable development**

Performance outcomes	Acceptable outcomes	Compliance
<b>For self-assessable and assessable development</b>		
<b>PO1</b> Secondary dwellings: (a) are subordinate, small-scaled dwellings; (b) contribute to a safe and pleasant living environment; (c) are established on appropriate sized lots;	<b>AO1</b> The secondary dwelling: (a) has a total gross floor area of not more than 80m <sup>2</sup> , excluding a single carport or garage; (b) is occupied by 1 or more members of the same household as the dwelling house.	<b>Not applicable.</b> No secondary Dwelling is proposed. Refer to <a href="#">Appendix 3 Proposed Plans</a> .



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Performance outcomes	Acceptable outcomes	Compliance
(d) do not cause adverse impacts on adjoining properties.		
<b>P02</b> Resident's vehicles are accommodated on- site.	<b>AO2</b> Development provides a minimum number of on-site car parking spaces comprising: (a) 2 car parking spaces which may be in tandem for the dwelling house; (b) 1 car parking space for any secondary dwelling on the same site.	<b>Complies.</b> The proposal would provide two on site car parking spaces.
<b>P03</b> Development is of a bulk and scale that: (a) is consistent with and complements the built form and front boundary setbacks prevailing in the street and local area; (b) does not create an overbearing development for adjoining dwelling houses and their private open space;	<b>AO3</b> Development meets the acceptable outcome for building height in the applicable Zone code associated with the site.	<b>Complies.</b> Refer to the assessment against the Environmental Management Zone Code.



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Performance outcomes	Acceptable outcomes	Compliance
(c) does not impact on the amenity and privacy of residents in adjoining dwelling houses; (d) ensures that garages do not dominate the appearance of the street.		



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#### **9.4.1 Access, parking and servicing code**

##### **9.4.1.1 Application**

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

##### **9.4.1.2 Purpose**

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



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### 9.4.1.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Compliance
<b>For self-assessable and assessable development</b>		
<b>PO1</b> Sufficient on-site car parking is provided to cater for the amount and type of vehicle traffic expected to be generated by the use or uses of the site, having particular regard to: (a) the desired character of the area; (b) the nature of the particular use and its specific characteristics and scale; (c) the number of employees and the likely number of visitors to the site; (d) the level of local accessibility; (e) the nature and frequency of any public transport serving the area;	<b>AO1.1</b> The minimum number of on-site vehicle parking spaces is not less than the number prescribed in Table 9.4.1.3.b for that particular use or uses. 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.	<b>Complies.</b> Two car parking spaces would be provided.
	<b>AO1.2</b> Car parking spaces are freely available for the parking of vehicles at all times and are not used for external storage purposes, the display of products or rented/sub-leased.	<b>Complies.</b> Car parking spaces would be available for the parking of vehicles.
	<b>AO1.3</b>	<b>Not applicable.</b>



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Performance outcomes	Acceptable outcomes	Compliance
(f) whether or not the use involves the retention of an existing building and the previous requirements for car parking for the building	Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking.	Dwelling houses do not require parking for motorcycles.
(g) whether or not the use involves a heritage building or place of local significance;	<b>AO1.4</b> For parking areas exceeding 50 spaces parking, is provided for recreational vehicles as a substitute for ordinary vehicle parking to a maximum of 5% of total ordinary vehicle parking rate.	<b>Not applicable.</b> The development would not involve parking areas exceeding 50 parking spaces.
(h) whether or not the proposed use involves the retention of significant vegetation.		
<b>P02</b> Vehicle parking areas are designed and constructed in accordance with relevant standards.	<b>AO2</b> Vehicle parking areas are designed and constructed in accordance with Australian Standard: (a) AS2890.1; (b) AS2890.3; (c) AS2890.6.	<b>Complies.</b> Car parking spaces will be constructed to the Australian Standards.
<b>P03</b>	<b>AO3.1</b>	<b>Complies.</b>



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Performance outcomes	Acceptable outcomes	Compliance
<p>Access points are designed and constructed:</p> <ul style="list-style-type: none"> <li>(a) to operate safely and efficiently;</li> <li>(b) to accommodate the anticipated type and volume of vehicles</li> <li>(c) to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate;</li> <li>(d) so that they do not impede traffic or pedestrian movement on the adjacent road area;</li> <li>(e) so that they do not adversely impact upon existing intersections or future road or intersection improvements;</li> <li>(f) so that they do not adversely impact current and future on-street parking arrangements;</li> <li>(g) so that they do not adversely impact on existing services within the road reserve adjacent to the site;</li> </ul>	<p>Access is limited to one access cross over per site and is an access point located, designed and constructed in accordance with:</p> <ul style="list-style-type: none"> <li>(a) Australian Standard AS2890.1;</li> <li>(b) Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers.</li> </ul>	<p>Only one (1) proposed crossover will provide access to the site.</p>
	<p><b>AO3.2</b></p> <p>Access, including driveways or access crossovers:</p> <ul style="list-style-type: none"> <li>(a) are not placed over an existing: <ul style="list-style-type: none"> <li>(i) telecommunications pit;</li> <li>(ii) stormwater kerb inlet;</li> <li>(iii) sewer utility hole;</li> <li>(iv) water valve or hydrant.</li> </ul> </li> <li>(b) are designed to accommodate any adjacent footpath;</li> </ul>	<p><b>Complies.</b></p> <p>The access crossover will not be located over any infrastructure or services.</p>





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Performance outcomes	Acceptable outcomes	Compliance
(h) so that they do not involve ramping, cutting of the adjoining road reserve or any built structures (other than what may be necessary to cross over a stormwater channel).	(c) adhere to minimum sight distance requirements in accordance with AS2980.1.	
	<p><b>AO3.3</b></p> <p>Driveways are:</p> <p>(a) designed to follow as closely as possible to the existing contours, but are no steeper than the gradients outlined in Planning scheme policy SC6.5 – FNQROC Regional Development Manual;</p> <p>(b) constructed such that where there is a grade shift to 1 in 4 (25%), there is an area with a grade of no more than 1 in 6 (16.6%) prior to this area, for a distance of at least 5 metres;</p> <p>(c) on gradients greater than 1 in 6 (16.6%) driveways are constructed to ensure the cross-fall of the driveway is one way and directed into the hill, for vehicle safety and drainage purposes;</p>	<p><b>Complies.</b></p> <p>Access to the site will be provided via a proposed crossover and driveway from Bamboo Creek Road and there is no variation in the ground levels across the site.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>(d) constructed such that the transitional change in grade from the road to the lot is fully contained within the lot and not within the road reserve;</p> <p>(e) designed to include all necessary associated drainage that intercepts and directs storm water runoff to the storm water drainage system.</p>	
	<p><b>AO3.4</b></p> <p>Surface construction materials are consistent with the current or intended future streetscape or character of the area and contrast with the surface construction materials of any adjacent footpath.</p>	<p><b>Complies.</b></p> <p>The site will be accessed via a proposed driveway that will comply with AO3.4.</p>
<p><b>PO4</b></p> <p>Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes.</p>	<p><b>AO4</b></p> <p>The number of on-site wheel chair accessible car parking spaces complies with the rates specified in AS2890 Parking Facilities.</p>	<p><b>Not applicable.</b></p> <p>Dwelling Houses do not require wheelchair accessible car parking spaces.</p>
<p><b>PO5</b></p>	<p><b>AO5</b></p>	<p><b>Not applicable.</b></p>



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Performance outcomes	Acceptable outcomes	Compliance
Access for people with disabilities is provided to the building from the parking area and from the street.	Access for people with disabilities is provided in accordance with the relevant Australian Standard.	Dwelling Houses are not required to cater for people with disabilities.
<b>PO6</b> Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development.	<b>AO6</b> The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b.	<b>Not applicable.</b> Dwelling Houses are not required to provide on-site bicycle parking.
<b>PO7</b> Development provides secure and convenient bicycle parking which: (a) for visitors is obvious and located close to the building's main entrance; (b) for employees is conveniently located to provide secure and convenient access between the bicycle storage area, end-of-trip facilities and the main area of the building; (c) is easily and safely accessible from outside the site.	<b>AO7.1</b> Development provides bicycle parking spaces for employees which are co-located with end-of-trip facilities (shower cubicles and lockers);	<b>Not applicable.</b> Dwelling Houses are not required to provide on-site bicycle parking.
	<b>AO7.2</b> Development ensures that the location of visitor bicycle parking is discernible either by direct view or using signs from the street.	<b>Not applicable.</b> Dwelling Houses are not required to provide on-site bicycle parking.
	<b>AO7.3</b>	<b>Not applicable.</b>



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Performance outcomes	Acceptable outcomes	Compliance
	Development provides visitor bicycle parking which does not impede pedestrian movement.	Dwelling Houses are not required to provide on-site bicycle parking.
<b>PO8</b> Development provides walking and cycle routes through the site which: <ul style="list-style-type: none"> <li>(a) link to the external network and pedestrian and cyclist destinations such as schools, shopping centres, open space, public transport stations, shops and local activity centres along the safest, most direct and convenient routes;</li> <li>(b) encourage walking and cycling;</li> <li>(c) ensure pedestrian and cyclist safety.</li> </ul>	<b>AO8</b> Development provides walking and cycle routes which are constructed on the carriageway or through the site to: <ul style="list-style-type: none"> <li>(a) create a walking or cycle route along the full frontage of the site;</li> <li>(b) connect to public transport and existing cycle and walking routes at the frontage or boundary of the site.</li> </ul>	<b>Not applicable.</b> Dwelling Houses are not required to provide walking and cycle routes.
<b>PO9</b> Access, internal circulation and on-site parking for service vehicles are designed and constructed: <ul style="list-style-type: none"> <li>(a) in accordance with relevant standards;</li> </ul>	<b>AO9.1</b> Access driveways, vehicle manoeuvring and on-site parking for service vehicles are designed and constructed in accordance with AS2890.1 and AS2890.2.	<b>Not applicable.</b> The Dwelling House are not required to provide for service vehicles.



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Performance outcomes	Acceptable outcomes	Compliance
(b) so that they do not interfere with the amenity of the surrounding area; (c) so that they allow for the safe and convenient movement of pedestrians, cyclists and other vehicles.	<b>AO9.2</b> Service and loading areas are contained fully within the site.	<b>Not applicable.</b> The Dwelling House are not required to provide for service vehicles.
	<b>AO9.3</b> The movement of service vehicles and service operations are designed so they: (a) do not impede access to parking spaces; (b) do not impede vehicle or pedestrian traffic movement.	<b>Not applicable.</b> The Dwelling House are not required to provide for service vehicles.
<b>PO10</b> Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.	<b>AO10.1</b> Development provides adequate area on-site for vehicle queuing to accommodate the demand generated by the development where drive through facilities or drop-off/pick-up services are proposed as part of the use, including, but not limited to, the following land uses: (a) car wash; (b) child care centre;	<b>Not applicable.</b> The Dwelling House would not include drop-off and pick-up services or facilities.



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Performance outcomes	Acceptable outcomes	Compliance
	(c) educational establishment where for a school; (d) food and drink outlet, where including a drive-through facility; (e) hardware and trade supplies, where including a drive-through facility; (f) hotel, where including a drive-through facility; (g) service station.	
	<b>AO10.2</b> Queuing and set-down areas are designed and constructed in accordance with AS2890.1.	<b>Not applicable.</b> The development would not require queuing and set-down areas.



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## **9.4.4 Filling and excavation code**

### **9.4.4.1 Application**

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

Note—This code does not apply to building work that is regulated under the Building Code of Australia.

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

### **9.4.4.2 Purpose**

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



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- (e) filling and excavation works do not involve complex engineering solutions.

#### 9.4.4.3 Criteria for assessment

**Table Error! No text of specified style in document..a – Filling and excavation code – for self-assessable and assessable development**

Performance outcomes	Acceptable outcomes	Compliance
<b>For self-assessable and assessable development</b>		
<b>Filling and excavation - General</b>		
<b>PO1</b>  All filling and excavation work does not create a detrimental impact on the slope stability, erosion potential or visual amenity of the site or the surrounding area.	<b>AO1.1</b>  The height of cut and/or fill, whether retained or not, does not exceed 2 metres in height.  and  Cuts in excess of those stated in A1.1 above are separated by benches/ terraces with a minimum width of 1.2 metres that incorporate drainage provisions and screen planting.	<b>Not applicable.</b>  No cut and / or fill is proposed.
	<b>AO1.2</b>  Cuts are supported by batters, retaining or rock walls and associated benches/terraces are	<b>Not applicable.</b>





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Performance outcomes	Acceptable outcomes	Compliance
	capable of supporting mature vegetation.	
	<b>AO1.3</b> Cuts are screened from view by the siting of the building/structure, wherever possible.	<b>Not applicable.</b>
	<b>AO1.4</b> Topsoil from the site is retained from cuttings and reused on benches/terraces.	<b>Not applicable.</b>
	<b>AO1.5</b> No crest of any cut or toe of any fill, or any part of any retaining wall or structure is closer than 600mm to any boundary of the property, unless the prior written approval of the adjoining landowner has been obtained.	<b>Not applicable.</b>
	<b>AO1.6</b> Non-retained cut and/or fill on slopes are stabilised and protected against scour and erosion	<b>Not applicable.</b>



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Performance outcomes	Acceptable outcomes	Compliance
	by suitable measures, such as grassing, landscaping or other protective/aesthetic measures.	
<b>Visual Impact and Site Stability</b>		
<b>PO2</b>  Filling and excavation are carried out in such a manner that the visual/scenic amenity of the area and the privacy and stability of adjoining properties is not compromised.	<b>AO2.1</b>  The extent of filling and excavation does not exceed 40% of the site area, or 500m <sup>2</sup> whichever is the lesser, except that AO2.1 does not apply to reconfiguration of 5 lots or more.	<b>Not applicable.</b>
	<b>AO2.2</b>  Filling and excavation does not occur within 2 metres of the site boundary.	<b>Not applicable.</b>
<b>Flooding and drainage</b>		
<b>PO3</b>  Filling and excavation does not result in a change to the run off characteristics of a site which then	<b>AO3.1</b>  Filling and excavation does not result in the ponding of water on a site or adjacent land or road	<b>Not applicable.</b>



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Performance outcomes	Acceptable outcomes	Compliance
have a detrimental impact on the site or nearby land or adjacent road reserves.	reserves.	
	<b>AO3.2</b> Filling and excavation does not result in an increase in the flow of water across a site or any other land or road reserves.	<b>Not applicable.</b>
	<b>AO3.3</b> Filling and excavation does not result in an increase in the volume of water or concentration of water in a watercourse and overland flow paths.	<b>Not applicable.</b>
	<b>AO3.4</b> Filling and excavation complies with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.	<b>Not applicable.</b>
<b>Water quality</b>		
<b>PO4</b>	<b>AO4</b>	<b>Not applicable.</b>



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



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## **8.2.1 Acid sulfate soils overlay code**

### **8.2.1.1 Application**

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

### **8.2.1.2 Purpose**

- (1) The purpose of the acid sulfate soils overlay code is to:
  - (a) implement the policy direction in the Strategic Framework, in particular:
    - (i) Theme 2: Environment and landscape values, Element 3.5.4 Coastal zones.
    - (ii) Theme 3: Natural resource management, Element 3.6.2 land and catchment management, Element 3.6.3 Primary production, forestry and fisheries.
- (2) enable an assessment of whether development is suitable on land within the Acid sulfate soils overlay sub-categories.



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

- (a) Development ensures that the release of any acid and associated metal contaminant is avoided by not disturbing acid sulfate soils when excavating, removing soil or extracting ground water or filling land;
- (b) Development ensures that disturbed acid sulphate soils, or drainage waters, are treated and, if required, on-going management practices are adopted that minimise the potential for environmental harm from acid sulfate soil and protect corrodible assets from acid sulfate soil.

### 8.2.1.3 Criteria for assessment

**Table Error! No text of specified style in document..a – Acid sulphate soils overlay code –assessable development**

Performance outcomes	Acceptable outcomes	Compliance
<b>For assessable development</b>		
<b>PO1</b> The extent and location of potential or actual acid sulfate soils is accurately identified.	<b>AO1.1</b> No excavation or filling occurs on the site. or <b>AO1.2</b> An acid sulfate soils investigation is undertaken. Note - Planning scheme policy SC 6.12– Potential and actual acid sulfate soils provides guidance on preparing an acid sulfate soils investigation.	<b>Complies.</b> No excavation or filling will occur in association with the development.



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Performance outcomes	Acceptable outcomes	Compliance
<p><b>PO2</b></p> <p>Development avoids disturbing potential acid sulfate soils or actual acid sulfate soils, or is managed to avoid or minimise the release of acid and metal contaminants.</p>	<p><b>AO2.1</b></p> <p>The disturbance of potential acid sulfate soils or actual acid sulfate soils is avoided by:</p> <ul style="list-style-type: none"> <li>(a) not excavating, or otherwise removing, soil or sediment identified as containing potential or actual acid sulfate soils;</li> <li>(b) not permanently or temporarily extracting groundwater that results in the aeration of previously saturated acid sulfate soils;</li> <li>(c) not undertaking filling that results in:</li> <li>(d) actual acid sulfate soils being moved below the water table;</li> <li>(e) previously saturated acid sulfate soils being aerated.</li> </ul> <p>or</p> <p><b>AO2.2</b></p> <p>The disturbance of potential acid sulfate soils or actual acid sulfate soils is undertaken in accordance with an acid sulfate soils management</p>	<p><b>Complies.</b></p> <p>No excavation or filling will occur in association with the development.</p>



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Performance outcomes	Acceptable outcomes	Compliance
	<p>plan and avoids the release of metal contaminants by:</p> <ul style="list-style-type: none"> <li>(a) neutralising existing acidity and preventing the generation of acid and metal contaminants;</li> <li>(b) preventing the release of surface or groundwater flows containing acid and metal contaminants into the environment;</li> <li>(c) preventing the in situ oxidisation of potential acid sulfate soils and actual acid sulfate soils through ground water level management;</li> <li>(d) appropriately treating acid sulfate soils before disposal occurs on or off site;</li> <li>(e) documenting strategies and reporting requirements in an acid sulfate soils environmental management plan.</li> </ul> <p>Note - Planning scheme policy SC 6.12 – Acid sulfate soils provides guidance on preparing an acid sulfate soils management plan.</p>	
<b>PO3</b>	<b>AO3</b>	<b>Complies.</b>





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Performance outcomes	Acceptable outcomes	Compliance
No environmental harm is caused as a result of exposure to potential acid sulfate soils or actual acid sulfate soils.	No acceptable outcomes are prescribed.	No excavation or filling will occur in association with the development.

## 8.2.4 Flood and storm tide hazard overlay code

### 8.2.4.1 Application

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

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

### 8.2.4.2 Purpose

- (1) The purpose of the Flood and storm tide hazard overlay code is to:
  - (a) implement the policy direction in the Strategic Framework, in particular:
    - (i) Theme 1 Settlement pattern: Element 3.4.7 Mitigation of hazards;
    - (ii) Theme 6 Infrastructure and transport: Element 3.9.2 Energy.
  - (b) enable an assessment of whether development is suitable on land within the Flood and storm tide hazard sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) development siting, layout and access responds to the risk of the natural hazard and minimises risk to personal safety;
  - (b) development achieves an acceptable or tolerable risk level, based on a fit for purpose risk assessment;
  - (c) the development is resilient to natural hazard events by ensuring siting and design accounts for the potential risks of natural hazards to property;

- (d) the development supports, and does not unduly burden disaster management response or recovery capacity and capabilities;
- (e) the development directly, indirectly and cumulatively avoids an unacceptable increase in severity of the natural hazards and does not significantly increase the potential for damage on site or to other properties;
- (f) the development avoids the release of hazardous materials as a result of a natural hazard event;
- (g) natural processes and the protective function of landforms and/or vegetation are maintained in natural hazard areas;
- (h) community infrastructure is located and designed to maintain the required level of functionality during and immediately after a hazard event.

### Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant response
<b>For self-assessable and assessable development</b>		
<b>PO1</b> Development is located and designed to: ensure the safety of all persons; minimise damage to the development and contents of buildings; provide suitable amenity; minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events.  Note – For assessable development within the flood plain assessment sub-category, a flood study by a suitably qualified professional is required to identify compliance with the intent of the acceptable outcome.	<b>AO1.1</b> Development is sited on parts of the land that is not within the Flood and Storm tide hazards overlay maps contained in Schedule 2;  or  For dwelling houses,	<b>Complies.</b> Both the Dwelling House and Domestic Outbuilding will be located in the highest portion of the site and will be designed to provide immunity to the Defined Inundation Event as outlined within Table 8.2.4.3.b  <b>Table 8.2.4.3.b</b> plus a freeboard of 300mm being fully compliant with AO1.2 in this instance. Refer to <b>Appendix 3 Proposed Plans</b> .
	<b>AO1.2</b> Development within the Flood and Storm Tide hazards overlay maps (excluding the Flood plain assessment sub-category) is designed to provide immunity to the Defined Inundation Event as outlined within  Table 8.2.4.3.b plus a freeboard of 300mm.	
	<b>AO1.3</b> New buildings are: (a) not located within the overlay area;	<b>Complies.</b> Both the Dwelling House and Domestic Outbuilding will be located in the highest



Performance outcomes	Acceptable outcomes	Applicant response
	(b) located on the highest part of the site to minimise entrance of flood waters; (c) provided with clear and direct pedestrian and vehicle evacuation routes off the site.	portion of the site being fully compliant with AO1.3 in this instance. Refer to <b>Appendix 3 Proposed Plans</b> .
	<b>AO1.4</b> In non urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters.	<b>Not applicable.</b>
<b>For assessable development</b>		
<b>PO2</b> The development is compatible with the level of risk associated with the natural hazard.	<b>AO2</b> The following uses are not located in land inundated by the Defined Flood Event (DFE) / Storm tide: (a) Retirement facility; (b) Community care facility; (c) Child care centre.	<b>Complies.</b>
<b>PO3</b> Development siting and layout responds to flooding potential and maintains personal safety	For Material change of use <b>AO3.1</b> New buildings are: (a) not located within the overlay area; (b) located on the highest part of the site to minimise entrance of flood waters; (c) provided with clear and direct pedestrian and vehicle evacuation routes off the site.  or  <b>AO3.2</b> The development incorporates an area on site that is at least 300mm above the highest known flood inundation level with sufficient space to accommodate the likely population of the development safely for a	<b>Complies with AO3.1.</b> Refer to AO1 above.



Performance outcomes	Acceptable outcomes	Applicant response
	<p>relatively short time until flash flooding subsides or people can be evacuated.</p> <p>or</p> <p><b>A03.3</b> Where involving an extension to an existing dwelling house that is situated below DFE /Storm tide, the maximum size of the extension does not exceed 70m<sup>2</sup> gross floor area.</p> <p>Note – If part of the site is outside the Hazard Overlay area, this is the preferred location of all buildings.</p> <p>For Reconfiguring a lot</p> <p><b>A03.4</b> Additional lots: (a) are not located in the hazard overlay area; or (b) are demonstrated to be above the flood level identified for the site.</p> <p>Note - If part of the site is outside the Hazard Overlay area, this is the preferred location for all lots (excluding park or other open space and recreation lots).</p> <p>Note – Buildings subsequently developed on the lots will need to comply with the relevant building assessment provisions under the <i>Building Act 1975</i>.</p> <p><b>A03.5</b> Road and/or pathway layout ensures residents are not physically isolated from adjacent flood free urban areas and provides a safe and clear evacuation route path:</p>	



Performance outcomes	Acceptable outcomes	Applicant response
	<p>(a) by locating entry points into the reconfiguration above the flood level and avoiding culs-de-sac or other non-permeable layouts; and</p> <p>(b) by direct and simple routes to main carriageways.</p> <p><b>A03.6</b> Signage is provided on site (regardless of whether the land is in public or private ownership) indicating the position and path of all safe evacuation routes off the site and if the site contains, or is within 100m of a floodable waterway, hazard warning signage and depth indicators are also provided at key hazard points, such as at floodway crossings or entrances to low-lying reserves.</p> <p>or</p> <p><b>A03.7</b> There is no intensification of residential uses within the flood affected areas on land situated below the DFE/Storm tide.</p>	



Performance outcomes	Acceptable outcomes	Applicant response
	<p>For Material change of use (Residential uses)  <b>AO3.8</b>  The design and layout of buildings used for residential purposes minimise risk from flooding by providing:  (a) parking and other low intensive, non-habitable uses at ground level;</p> <p>Note - The high-set 'Queenslander' style house is a resilient low-density housing solution in floodplain areas. Higher density residential development should ensure only non-habitable rooms (e.g. garages, laundries) are located on the ground floor.</p>	
<p><b>PO4</b>  Development is resilient to flood events by ensuring design and built form account for the potential risks of flooding.</p>	<p>For Material change of use (Non-residential uses)  <b>AO4.2</b>  Non residential buildings and structures allow for the flow through of flood waters on the ground floor.  Note - Businesses should ensure that they have the necessary contingency plans in place to account for the potential need to relocate property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a building or off site).  Note - The relevant building assessment provisions under the <i>Building Act 1975</i> apply to all building work within the Hazard Area and need to take into account the flood potential within the area.  <b>AO4.3</b>  Materials are stored on-site:  (a) are those that are readily able to be moved in a flood event;  (b) where capable of creating a safety hazard by being shifted by flood waters, are contained in order to minimise movement in times of flood.</p> <p>Notes -  (a) Businesses should ensure that they have the necessary contingency plans in place to account for the potential need to relocate property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a building or off site).</p>	<p><b>Complies.</b>  Refer to <b>Appendix 3 Proposed Plans.</b></p>



Performance outcomes	Acceptable outcomes	Applicant response
	(b) Queensland Government Fact Sheet 'Repairing your House after a Flood' provides information about water resilient products and building techniques.	
<p><b>P05</b> Development directly, indirectly and cumulatively avoids any increase in water flow velocity or flood level and does not increase the potential flood damage either on site or on other properties.</p> <p>Note – Berms and mounds are considered to be an undesirable built form outcome and are not supported.</p>	<p>For Operational works</p> <p><b>A05.1</b> Works in urban areas associated with the proposed development do not involve:</p> <ul style="list-style-type: none"> <li>(a) any physical alteration to a watercourse or floodway including vegetation clearing; or</li> <li>(b) a net increase in filling (including berms and mounds).</li> </ul> <p><b>A05.2</b> Works (including buildings and earthworks) in non urban areas either:</p> <ul style="list-style-type: none"> <li>(a) do not involve a net increase in filling greater than 50m<sup>3</sup>; or</li> <li>(b) do not result in any reductions of on-site flood storage capacity and contain within the subject site any changes to depth/duration/velocity of flood waters;</li> </ul> <p>or</p> <ul style="list-style-type: none"> <li>(c) do not change flood characteristics outside the subject site in ways that result in: <ul style="list-style-type: none"> <li>(i) loss of flood storage;</li> <li>(ii) loss of/changes to flow paths;</li> <li>(iii) acceleration or retardation of flows or any reduction in flood warning times elsewhere on the flood plain.</li> </ul> </li> </ul>	<p><b>Not applicable.</b></p>





Performance outcomes	Acceptable outcomes	Applicant response
	<p>For Material change of use</p> <p><b>AO5.3</b> Where development is located in an area affected by DFE/Storm tide, a hydraulic and hydrology report, prepared by a suitably qualified professional, demonstrates that the development maintains the flood storage capacity on the subject site; and</p> <p>(a) does not increase the volume, velocity, concentration of flow path alignment of stormwater flow across sites upstream, downstream or in the general vicinity of the subject site; and</p> <p>(b) does not increase ponding on sites upstream, downstream or in the general vicinity of the subject site.</p> <p>For Material change of use and Reconfiguring a lot</p> <p><b>AO5.4</b> In non urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters.</p> <p>Note – Fences and irrigation infrastructure (e.g. irrigation tape) in rural areas should be managed to minimise adverse the impacts that they may have on downstream properties in the event of a flood.</p>	
<p><b>PO6</b> Development avoids the release of hazardous materials into floodwaters.</p>	<p>For Material change of use</p> <p><b>AO6.1</b> Materials manufactured or stored on site are not hazardous or noxious, or comprise materials that may cause a detrimental effect on the environment if discharged in a flood event;</p>	<p><b>Not applicable.</b></p>



Performance outcomes	Acceptable outcomes	Applicant response
	<p>or</p> <p><b>AO6.2</b> If a DFE level is adopted, structures used for the manufacture or storage of hazardous materials are: (a) located above the DFE level; or (b) designed to prevent the intrusion of floodwaters.</p> <p><b>AO6.3</b> Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by the DFE.</p> <p><b>AO6.4</b> If a flood level is not adopted, hazardous materials and their manufacturing equipment are located on the highest part of the site to enhance flood immunity and designed to prevent the intrusion of floodwaters.</p> <p>Note – Refer to <i>Work Health and Safety Act 2011</i> and associated Regulation and Guidelines, the <i>Environmental Protection Act 1994</i> and the relevant building assessment provisions under the <i>Building Act 1975</i> for requirements related to the manufacture and storage of hazardous materials.</p>	
<p><b>PO7</b> The development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.</p>	<p><b>AO7</b> Development does not: (a) increase the number of people calculated to be at risk of flooding; (b) increase the number of people likely to need evacuation; (c) shorten flood warning times; and</p>	<p><b>Complies.</b> This application seeks approval for a Dwelling House and Domestic Outbuilding. As such, it is submitted that the development is fully compliant with PO7 in this instance. Refer to <b>Appendix 3 Proposed Plans</b>.</p>



Performance outcomes	Acceptable outcomes	Applicant response
	(d) impact on the ability of traffic to use evacuation routes, or unreasonably increase traffic volumes on evacuation routes.	
<b>PO8</b> Development involving community infrastructure: (a) remains functional to serve community need during and immediately after a flood event; is designed, sited and operated to avoid adverse impacts on the community or environment due to impacts of flooding on infrastructure, facilities or access and egress routes; retains essential site access during a flood event; is able to remain functional even when other infrastructure or services may be compromised in a flood event.	<b>AO8.1</b> The following uses are not located on land inundated during a DFE/Storm tide: (a) community residence; and (b) emergency services; and (c) residential care facility; and (d) utility installations involving water and sewerage treatment plants; and (e) storage of valuable records or items of historic or cultural significance (e.g. archives, museums, galleries, libraries).  or  <b>AO8.2</b> The following uses are not located on land inundated during a 1% AEP flood event: (a) community and cultural facilities, including facilities where an education and care service under the Education and Care Services National Law (Queensland) is operated or child care service under the <i>Child Care Act 2002</i> is conducted, (b) community centres; (c) meeting halls; (d) galleries; (e) libraries.  The following uses are not located on land inundated during a 0.5% AEP flood event. (a) emergency shelters; (b) police facilities;	<b>Complies.</b>



Performance outcomes	Acceptable outcomes	Applicant response
	<p>(c) sub stations; (d) water treatment plant</p> <p>The following uses are not located on land inundated during a 0.2% AEP flood event:</p> <p>(a) correctional facilities; (b) emergency services; (c) power stations; (d) major switch yards.</p> <p>and/or</p> <p><b>AO8.3</b> The following uses have direct access to low hazard evacuation routes as defined in</p> <p>Table 8.2.4.3.c :</p> <p>(a) community residence; and (b) emergency services; and (c) hospitals; and (d) residential care facility; and (e) sub stations; and (f) utility installations involving water and sewerage treatment plants.</p> <p><b>AO8.4</b> Any components of infrastructure that are likely to fail to function or may result in contamination when inundated by flood, such as electrical switch gear and motors, telecommunications connections, or water supply pipeline air valves are:</p> <p>(a) located above DFE/Storm tide or the highest known flood level for the site; (b) designed and constructed to exclude floodwater intrusion / infiltration.</p>	



Performance outcomes	Acceptable outcomes	Applicant response
	<b>A08.5</b> Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by a flood.	

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

Minimum immunity to be achieved (floor levels)	Uses and elements of activities acceptable in the event
20% AEP level	<ul style="list-style-type: none"><li>• Parks and open space.</li></ul>
5% AEP level	<ul style="list-style-type: none"><li>• Car parking facilities (including car parking associated with use of land).</li></ul>
1% AEP level	<ul style="list-style-type: none"><li>• All development (where not otherwise requiring an alternative level of minimum immunity).</li></ul>
0.5% AEP level	<ul style="list-style-type: none"><li>• Emergency services (if for a police station);</li><li>• Industry activities (if including components which store, treat or use hazardous materials);</li><li>• Substation;</li><li>• Utility installation.</li></ul>
0.2% AEP level	<ul style="list-style-type: none"><li>• Emergency services;</li><li>• Hospital;</li><li>• Major electricity infrastructure;</li><li>• Special industry.</li></ul>

Table 8.2.4.3.c - Degree of flood

Criteria	Low	Medium	High	Extreme
Wading ability	If necessary children and the elderly could wade. (Generally, safe wading velocity depth product is less than 0.25)	Fit adults can wade. (Generally, safe wading velocity depth product is less than 0.4)	Fit adults would have difficulty wading. (Generally, safe wading velocity depth product is less than 0.6)	Wading is not an option.
Evacuation distances	< 200 metres	200-400 metres	400-600 metres	600 metres
Maximum flood depths	< 0.3 metre	< 0.6 metre	< 1.2 metres	1.2 metres
Maximum flood velocity	< 0.4 metres per second	< 0.8 metres per second	< 1.5 metres per second	1.5 metres per second
Typical means of egress	Sedan	Sedan early, but 4WD or trucks later	4WD or trucks only in early stages, boats or helicopters	Large trucks, boats or helicopters
Timing Note: This category cannot be implemented until evacuation times have been established in the Counter Disaster Plan (Flooding)	Ample flood forecasting. Warning and evacuation routes remain passable for twice as long as evacuation time.	Evacuation routes remain trafficable for 1.5 times as long as the evacuation.	Evacuation routes remain trafficable for only up to minimum evacuation time.	There is insufficient evacuation time.

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

## 8.2.7 Natural areas overlay code

### 8.2.7.1 Application

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

Note – MSES = Matters of State Environmental Significance.

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

### 8.2.7.2 Purpose

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



- (2) The purpose of the code will be achieved through the following overall outcomes:
- (a) development is avoided within:
    - (i) areas containing matters of state environmental significance (MSES);
    - (ii) other natural areas;
    - (iii) wetlands and wetland buffers;
    - (iv) waterways and waterway corridors.
  - (b) where development cannot be avoided, development:
    - (i) protects and enhances areas containing matters of state environmental significance;
    - (ii) provides appropriate buffers;
    - (iii) protects the known populations and supporting habitat of rare and threatened flora and fauna species, as listed in the relevant State and Commonwealth legislation;
    - (iv) ensures that adverse direct or indirect impacts on areas of environmental significance are minimised through design, siting, operation, management and mitigation measures;
    - (v) does not cause adverse impacts on the integrity and quality of water in upstream or downstream catchments, including the Great Barrier Reef World Heritage Area;
    - (vi) protects and maintains ecological and hydrological functions of wetlands, waterways and waterway corridors;
    - (vii) enhances connectivity across barriers for aquatic species and habitats;
    - (viii) rehabilitates degraded areas to provide improved habitat condition, connectivity, function and extent;
    - (ix) protects areas of environmental significance from weeds, pests and invasive species.
  - (c) strategic rehabilitation is directed to areas on or off site, where it is possible to achieve expanded habitats and increased connectivity.

**Criteria for assessment****Table 8.2.7.3.a - Natural areas overlay code – assessable development**

Performance outcomes	Acceptable outcomes	Applicant response
<b>For self-assessable and assessable development</b>		
<b>Protection of matters of environmental significance</b>		
<b>PO1</b> Development protects matters of environmental significance.	<b>AO1.1</b> Development avoids significant impact on the relevant environmental values.  or <b>AO1.2</b> A report is prepared by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, that the development site does not contain any matters of state and local environmental significance.  or <b>AO1.3</b> Development is located, designed and operated to mitigate significant impacts on environmental values. For example, a report certified by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, how the proposed development mitigates impacts, including on water quality, hydrology and biological processes.	<b>Complies.</b> Specifically the site is currently void of any vegetation.



Performance outcomes	Acceptable outcomes	Applicant response
<b>Management of impacts on matters of environmental significance</b>		
<b>PO2</b> Development is located, designed and constructed to avoid significant impacts on matters of environmental significance.	<b>AO2</b> The design and layout of development minimises adverse impacts on ecologically important areas by: <ul style="list-style-type: none"> <li>(a) focusing development in cleared areas to protect existing habitat;</li> <li>(b) utilising design to consolidate density and preserve existing habitat and native vegetation;</li> <li>(c) aligning new property boundaries to maintain ecologically important areas;</li> <li>(d) ensuring that alterations to natural landforms, hydrology and drainage patterns on the development site do not negatively affect ecologically important areas;</li> <li>(e) ensuring that significant fauna habitats are protected in their environmental context; and</li> <li>(f) incorporating measures that allow for the safe movement of fauna through the site.</li> </ul>	<b>Complies.</b> Specifically the site is currently void of any vegetation.
<b>PO3</b> An adequate buffer to areas of state environmental significance is provided and maintained.	<b>AO3.1</b> A buffer for an area of state environmental significance (Wetland protection area) has a minimum width of: <ul style="list-style-type: none"> <li>(a) 100 metres where the area is located outside Urban areas; or</li> <li>(b) 50 metres where the area is located within a Urban areas.</li> </ul> <p>or</p> <b>AO3.2</b> A buffer for an area of state environmental significance is applied and maintained, the width of which is supported by an evaluation of environmental values, including the function and threats to matters of environmental significance.	<b>Not applicable.</b>



Performance outcomes	Acceptable outcomes	Applicant response
<b>P04</b> Wetland and wetland buffer areas are maintained, protected and restored.  Note – Wetland buffer areas are identified in AO3.1.	<b>AO4.1</b> Native vegetation within wetlands and wetland buffer areas is retained.  <b>AO4.2</b> Degraded sections of wetlands and wetland buffer areas are revegetated with endemic native plants in patterns and densities which emulate the relevant regional ecosystem.	
<b>P05</b> Development avoids the introduction of non-native pest species (plant or animal), that pose a risk to ecological integrity.	<b>AO5.1</b> Development avoids the introduction of non-native pest species.  <b>AO5.2</b> The threat of existing pest species is controlled by adopting pest management practices for long-term ecological integrity.	
<b>Ecological connectivity</b>		
<b>P06</b> Development protects and enhances ecological connectivity and/or habitat extent.	<b>AO6.1</b> Development retains native vegetation in areas large enough to maintain ecological values, functions and processes. and <b>AO6.2</b> Development within an ecological corridor rehabilitates native vegetation. and <b>AO6.3</b> Development within a conservation corridor mitigates adverse impacts on native fauna, feeding, nesting, breeding and roosting sites and native fauna movements.	<b>Not applicable.</b>



Performance outcomes	Acceptable outcomes	Applicant response
<b>P07</b> Development minimises disturbance to matters of state environmental significance (including existing ecological corridors).	<b>A07.1</b> Development avoids shading of vegetation by setting back buildings by a distance equivalent to the height of the native vegetation.  and  <b>A07.2</b> Development does not encroach within 10 metres of existing riparian vegetation and watercourses.	
<b>Waterways in an urban area</b>		
<b>P08</b> Development is set back from waterways to protect and maintain: <ul style="list-style-type: none"> <li>(a) water quality;</li> <li>(b) hydrological functions;</li> <li>(c) ecological processes;</li> <li>(d) biodiversity values;</li> <li>(e) riparian and in-stream habitat values and connectivity;</li> <li>(f) in-stream migration</li> </ul>	<b>A08.1</b> Where a waterway is contained within an easement or a reserve required for that purpose, development does not occur within the easement or reserve; or <b>A08.2</b> Development does not occur on the part of the site affected by the waterway corridor. Note – Waterway corridors are identified within Table 8.2.7.3.b.	<b>Not applicable.</b>
<b>Waterways in a non-urban area</b>		
<b>P09</b> Development is set back from waterways to protect and maintain: <ul style="list-style-type: none"> <li>(a) water quality;</li> <li>(b) hydrological functions;</li> <li>(c) ecological processes;</li> <li>(d) biodiversity values;</li> <li>(e) riparian and in-stream habitat values and connectivity;</li> <li>(f) in-stream migration.</li> </ul>	<b>A09</b> Development does not occur on that part of the site affected by a waterway corridor.  Note – Waterway corridors are identified within Table 8.2.7.3.b.	<b>Complies.</b>

Table 8.2.7.3.b — Widths of waterway corridors for waterways

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



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## **EXEMPTION CERTIFICATE LETTER**

Landowners: Benjamin Wayne Burke

Development Land Use: Dwelling House & Domestic Outbuilding

Property Address: Bamboo Creek Road, Bamboo QLD 4873

RPD: Lot 16 on SP 204 463

Prepared by: GMA Certification Group Pty Ltd

File Reference: 20222160

Revision: A

# GMA Certification Group

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P.O. Box 2760, Nerang QLD 4211



Our Ref: 20222160

Date: 19 August 2022

Douglas Shire Council  
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Mossman QLD 4873  
Phone: 07 4099 9444 or 1800 026 318  
Email: [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au)

Dear Sir / Madam:

**RE: APPLICATION FOR AN EXEMPTION CERTIFICATE FOR A PROPOSED DWELLING HOUSE AND DOMESTIC OUTBUILDING LOCATED WITHIN A MAPPED FLOODPLAIN ASSESSMENT OVERLAY (DAINTREE RIVER) LOCATED AT BAMBOO CREEK ROAD, BAMBOO QLD 4873 – BEING DESCRIBED AS LOT 16 ON SP 204 463**

I wish to submit an application for an Exemption Certificate for a proposed Dwelling House and Domestic Outbuilding located at the above-mentioned site.

## Subject Site

The subject site is a relatively large and generally rectangular lot with a western frontage to Bamboo Creek Road measuring 39.0 metres, a right hand side (southern) boundary measuring 95.021 metres, a truncated, left hand side (northern) boundary measuring a total of 99.04 metres and a rear (eastern) boundary measuring 45.178 metres. The site configuration results in a total area of 4,531m<sup>2</sup>.

The immediate interfaces to the south appear to be improved by Dwelling Houses and Ancillary Structures being directly consistent with the land use proposed. The interfaces to the north, east and west appear to be agricultural land improved by Dwelling Houses and Ancillary Structures.

## Proposed development

This application seeks approval for a Dwelling House and Domestic Outbuilding. Specifically, this application seeks approval for a one (1) storey Dwelling House comprising an open-planned kitchen, dining and lounge area, four (4) bedrooms; the main of which being provided with a walk in robe and ensuite; a media room, a main bathroom with separate water closet, a laundry and an unenclosed patio.

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As indicated on the proposed plans the Dwelling House has an internal area of 180m<sup>2</sup> and an external area of 30m<sup>2</sup> being a combined building footprint of 210m<sup>2</sup> and a site cover of 4.635%.

The Dwelling House maintains setbacks of 28.0 metres from the front (western) boundary, 55.874 metres from the rear (eastern) boundary, 14.0 from the right hand side (southern) boundary and 15.822 metres from the left hand side (northern) boundary.

As indicated on the proposed plans the Domestic Outbuilding is a one (1) storey structure with an overall height of 3.601 metres. This building measures 16.0 metres by 10.0 metres which results in a building footprint of 160m<sup>2</sup>.

This Domestic Outbuilding maintains setbacks of 3.0 metres from the right hand side (southern) boundary and 6.0 metres from the rear (eastern) boundary.

The combined building footprints result in a site cover of 8.1659%.

## Planning Considerations

The site is located within the Douglas Shire Council area and is assessable under the Douglas Shire Planning Scheme 2018, Version 1.0 which commenced on the 2nd of January 2018 (being the relevant Planning Scheme).

In accordance with the Douglas Shire Planning Scheme 2018, Version 1.0 the site is located in the Environmental Management Zone and is affected by the following Overlays –

- *Acid Sulfate Soils (5-20m AHD)*
- *Floodplain Assessment Overlay (Daintree River)*
- *Landscape Values (Medium Landscape Value)*
- *Natural Areas (MSES - Regulated Vegetation)*

In accordance with Table 5.6.d – Environmental Management Zone of the Douglas Shire Planning Scheme 2018, Version 1.0 a Dwelling House, including a Domestic Outbuilding is Code assessable development.

Accordingly, the applicable Assessment Benchmarks are as follows –

- *Environmental Management Zone Code*
- *Dwelling House Code*
- *Access, Parking and Servicing Code*
- *Filling and Excavation Code*
- *Acid Sulphate Soils Overlay Code*
- *Flood and Storm Tide Hazard Overlay Code*
- *Hillslopes Overlay Code*
- *Natural Areas Overlay Code*

A full assessment against the above-mentioned Assessment Benchmarks is included in **Appendix 2 Assessment Benchmarks** and no 'variations' are proposed in this instance.

In addition, it is submitted that the development is exempt under s46(3)(b) of the *Planning Act 2016* for the following reason(s):

*The effects of the development would be minor or inconsequential, considering the circumstances under which the development was categorised as assessable development.*

Accordingly, it is submitted that Council's consideration of an Exemption Certificate is warranted in this instance.

## State Involvement

An assessment of this development indicates that no State Agencies will be involved in the assessment of the application in this instance. Please note that the State Planning Policy – Lot Plan Search is included with this application in support of this.

## Conclusion

As previously discussed, it is submitted that, in accordance with S46(3)(b)(ii) of the *Planning Act 2016*, the 'effects of the development would be minor or inconsequential, considering the circumstances under which the development was categorised as assessable development'.

Accordingly, it is submitted that Council's consideration of an Exemption Certificate is warranted in this instance.

Should you have queries in relation to this request please do not hesitate to contact Jessica Perry (07) 5578 1622 to discuss.

Kind regards,



Lisa McKay  
Town Planning Manager

**GMA Certification Group**



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