

27 January 2023



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

Via email: enquiries@douglas.qld.gov.au

RE: DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE (DWELLING HOUSE AND SECONDARY DWELLING) OVER LAND AT 57 MAHOGANY ROAD, DIWAN, MORE FORMALLY DESCRIBED AS LOT 3 ON RP738674

Aspire Town Planning and Project Services act on behalf of on behalf of Mr. Alan Marinko (the 'Applicant' and the 'Land Owner') in relation to the above described Development Application.

On behalf of the Applicant, please accept this correspondence and the accompanying attachments as a properly made Development Application pursuant to Sections 50 and 51 of the *Planning Act 2016* seeking a Development Permit for a Material Change of Use (Dwelling House and Secondary Dwelling).

Please find enclosed the following documentation associated with this Development Application:

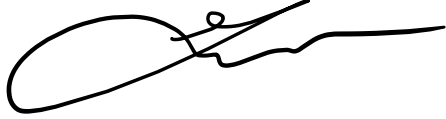
- Duly completed DA Form 1 (Attachment 1);
- Land Owner's Consent (Attachment 2); and
- Town Planning Report (Attachment 3).

The relevant Application Fee is calculated to be \$344 under the Douglas Shire Council Fees and Charges Schedule for Years 2022/2023. It is respectfully requested that Council issue an Invoice, so the fee can be paid directly by the Applicant.

12 Lloyd Road MIALLO, QLD 4873
PO BOX 1040, MOSSMAN QLD 4873
M. 0418826560
E. admin@aspireqld.com
ABN. 79 851 193 691

Thank you for your time in considering the attached Development Application. If you wish to inspect the property or have any further queries, please contact the undersigned.

Regards,

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a series of loops and a long horizontal stroke.

Daniel Favier

Senior Town Planner

ASPIRE Town Planning and Project Services

Attachment I

Duly completed DA Form I

DA Form 1 – Development application details

Approved form (version 1.3 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)	Alan Marinko
Contact name (only applicable for companies)	c/- Daniel Favier (Aspire Town Planning and Project Services)
Postal address (P.O. Box or street address)	PO Box 1040
Suburb	Mossman
State	QLD
Postcode	4873
Country	Australia
Contact number	0418 826 560
Email address (non-mandatory)	admin@aspireqld.com
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	2022-11-28 – Marinko – 57 Mahogany Road, Diwan

2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input 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
		57	Mahogany Road	Diwan
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	3	RP738674	Douglas Shire
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
c)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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

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

- ☐ Coordinates of premises by longitude and latitude

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

- ☐ Coordinates of premises by easting and northing

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

3.3) Additional premises

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

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

- ☐ 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 <i>(if applicable)</i> :	
Name of port authority for tidal area <i>(if applicable)</i> :	
<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>	
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="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>	
CLR site identification:	

5) Are there any existing easements over the premises?

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

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

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

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

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

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

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

c) What is the level of assessment?

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

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

Development Application for a Material Change of Use (Dwelling House and Secondary Dwelling)

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 ²) (if applicable)
Single Detached Dwelling	Dwelling House		
Single Detached Studio	Secondary Dwelling		

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

☒ Yes

☐ No

Division 2 – Reconfiguring a lot

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

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

--

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?

☐ Yes – provide additional details below

☐ No

How many stages will the works include?	
What stage(s) will this development application apply to?	

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

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

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

Division 3 – Operational work

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

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

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application
Douglas Shire Council
16) Has the local government agreed to apply a superseded planning scheme for this development application?
<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application <input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached <input checked="" type="checkbox"/> No

PART 5 – REFERRAL DETAILS

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

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

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

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

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

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

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

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

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

PART 6 – INFORMATION REQUEST

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

PART 7 – FURTHER DETAILS

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

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

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

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

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

Hazardous chemical facilities

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

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

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

Clearing native vegetation

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

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

☒ No

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

Environmental offsets

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

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

☒ No

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

Koala habitat in SEQ Region

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

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

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

☒ No

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

Water resources

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

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

☒ No

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

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

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

Waterway barrier works

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

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

☒ No

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

Marine activities

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

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

☒ No

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

Quarry materials from a watercourse or lake

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

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

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

Quarry materials from land under tidal waters

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

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

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

Referable dams

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

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

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

Tidal work or development within a coastal management district

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

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

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

Queensland and local heritage places

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

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

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

Name of the heritage place:		Place ID:	
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Brothels

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

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

Decision under section 62 of the Transport Infrastructure Act 1994

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

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

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

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

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

☒ No

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

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

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

☒ Yes

Note: See the Planning Regulation 2017 for referral requirements

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

☐ Yes

☒ Not applicable

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

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

☒ Yes

Relevant plans of the development are attached to this development application

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

☒ Yes

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

☐ Yes

☒ Not applicable

25) Applicant declaration

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

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

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

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

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

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

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

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

Date received: Reference number(s):

Notification of engagement of alternative assessment manager

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

QLeave notification and payment

Note: For completion by assessment manager if applicable

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

Attachment 2

Land Owner's Consent

Individual owner's consent for making a development application under the *Planning Act 2016*

I,
Alan Marinko

as owner of the premises identified as follows:

57 Mahogany Road, Diwan, more formally described as Lot 3 on RP738674

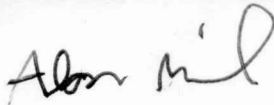
consent to the making of a development application under the *Planning Act 2016* by:

Daniel Favier (Aspire Town Planning and Project Services)

on the premises described above for:

Development Application for a Material Change of Use (Dwelling House),

Signed



Alan Marinko

Date:

19-1-23

Attachment 3

Town Planning Report



Town Planning Report

57 MAHOGANY ROAD,
DIWAN

27 January 2022

ASPIRE Town Planning and Project Services
Authored by: Daniel Favier

Executive Summary

Aspire Town Planning and Project Services has been engaged and act on behalf of Mr. Alan Marinko (the 'Applicant' and the 'Land Owner').

This Development Application is for a Material Change of Use (Dwelling House and Ancillary Structures), over land at 57 Mahogany Road, Diwan, more formally described as Lot 3 on RP738674 (the 'site'). The site is currently improved with a Dwelling House and other Ancillary Structures, however the Applicant is proposing to undertake an extension to the existing Dwelling House.

As the Town Planning approval status of the existing structures on the property are unknown, this Development Application encompasses those existing structures as well as the proposed Dwelling House Extension.

The proposed Dwelling House Extension is two storey. The lower ground floor provides an open living area with an internal staircase to an upper floor containing a new lounge, bedroom and ensuite, connected to the existing Dwelling House via a covered verandah.

Under the Douglas Shire Planning Scheme 2018 V1.0 (the 'Planning Scheme'), 57 Mahogany Road, Diwan, is included within the Conservation Zone, where the development of a Dwelling House is typically Impact Assessable. However, as the site is included within the Diwan-Cow Bay Local Plan Precinct 2 of the Cape Tribulation and Daintree Coast Local Plan, the level of assessment reverts to Code Assessable.

This Town Planning Report includes a comprehensive assessment of the proposed development against the relevant Local Government Assessment Benchmarks. The information provided in this report, and accompanying attachments, demonstrates that the proposed development achieves compliance with the applicable provisions of the relevant Local Government Assessment Benchmarks and is presented to Douglas Shire Council ('Council') for approval. It would be appreciated if Council could provide 'without prejudice' draft conditions for review prior to the issue of a Decision Notice.

1.0 Summary

Table 1: Application Summary.

57 Mahogany Drive, Diwan	
Lot and Plan	Lot 3 on RP738674
Land Owner	Alan Marinko <i>See Attachment 1 – Certificate of Title</i>
Size	12,690m ²
Road Frontages	Approximately 53m to Mahogany Road
Easements	Nil
Proposal	Dwelling House and Ancillary Structures
Approvals Sought	Development Permit (Material Change of Use)
Level of Assessment	Code
Planning Scheme Zone	Conservation
Regional Plan Designation	Regional Landscape and Rural Production Area
State Planning Policy	Nil – appropriately reflected within the Planning Scheme
State Development Assessment Provisions	Nil
Referral	Nil

2.0 Site Description

Image 1 below illustrates the location of 57 Mahogany Road, Diwan (the 'subject site'). The subject site is located along Mahogany Road, approximately 500m west off the Cape Tribulation Road. The subject site is surrounded by other similar scale residential development.

The existing improvements on the property are located towards the northern boundary, within an existing area cleared of vegetation and adjacent Mahogany Road. The balance of the subject site is densely vegetated.

The subject site is regular shaped, has a total area of 12,690m² and borders Hutchinson Creek to the rear. The subject site slopes down to the southwest at a grade of approximately 1/4.

The site is not burdened by any easements.



Image 1: Subject Sites (source: QLD Globe, 2023)

3.0 Proposal

This Development Application Seeks approval for a Development Permit for a Material Change of Use (Dwelling House and Ancillary Structures).

As the Town Planning approval status of the existing structures on the property are unknown, this Development Application encompasses those existing structures as well as the proposed Dwelling House Extension.

The proposed Dwelling House Extension is two storey and located within an existing level and benched pad. The lower ground floor provides an open living area with an internal staircase to an upper floor containing a new lounge, bedroom and ensuite, connected to the existing Dwelling House via a covered verandah. Refer to **Attachment 2 – Site, Floor and Elevation Plans**.

A small open plan studio and bathroom are located east of the existing Dwelling House and proposed extension.

The existing and proposed Dwelling House are connected to the necessary services including onsite water and electrical generation.

No vegetation clearing is required to facilitate the proposed development.

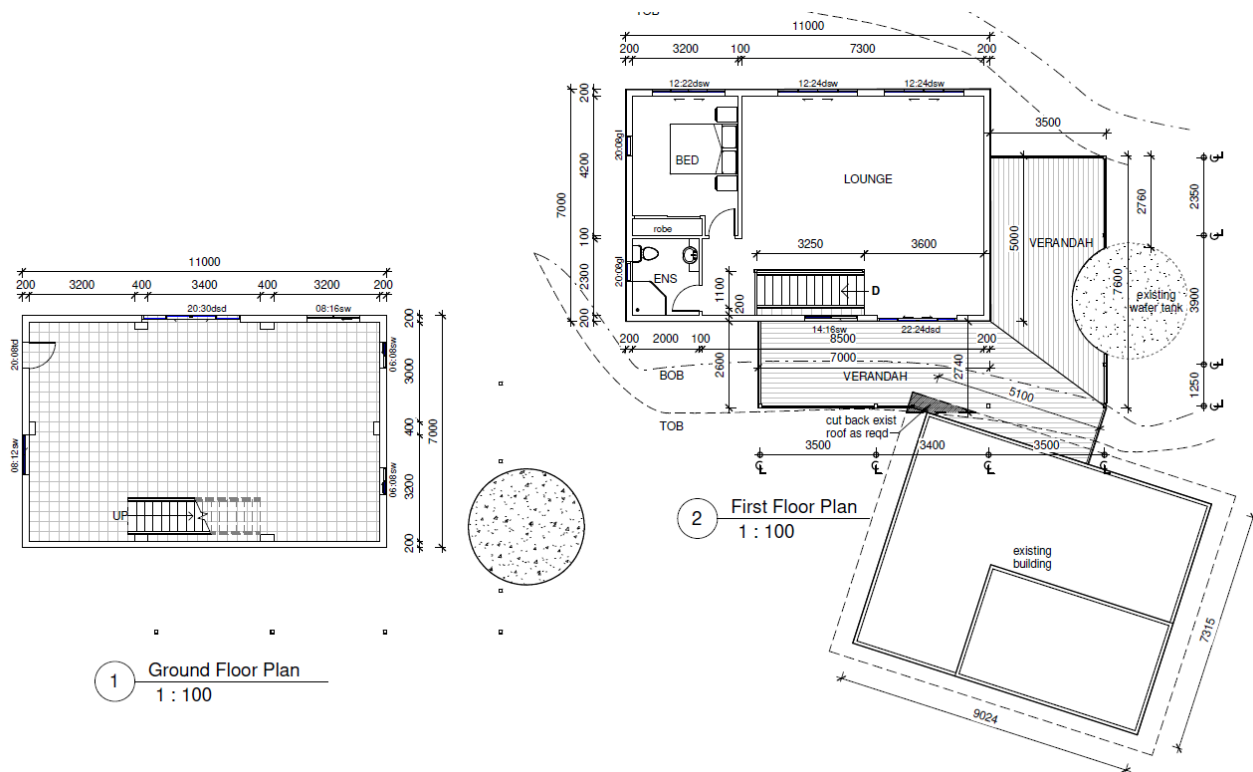


Image 2: Floor Plans (Extract from Attachment 2)

4.0 Statutory Town Planning Framework

4.1 Planning Act 2016

The *Planning Act 2016* (the 'Planning Act') is the statutory instrument for the State of Queensland under which, amongst other matters, Development Applications are assessed by Local Governments. The Planning Act is supported by the *Planning Regulation 2017* (the 'Planning Regulation'). The following sections of this report discuss the parts of the Planning Act and Planning Regulation applicable to the assessment of a development application.

4.1.1 Approval and Development

Pursuant to Sections 49, 50 and 51 of the Planning Act, the Development Application seeks a Development Permit for Material Change of Use (Dwelling House and Ancillary Structures).

4.1.2 Application

The proposed development is:

- development that is located completely in a single local government area;
- development made assessable under a local categorising instrument; and
- for a Material Change of Use.

In accordance with Section 48 of the Planning Act and Schedule 8, Table 2, Item 1 of the Planning Regulation, the development application is required to be made to the applicable Local Government, in this instance being Douglas Shire Council (the 'Council').

4.1.3 Referral

Section 54(2) of the Planning Act and Section 22 and Schedules 9 and 10 of the Planning Regulation provide for the identification of the jurisdiction of referral agencies, to which a copy of the development application must be provided. A review of the Planning Regulation confirms that there are no relevant referral agencies to the Development Application.

4.1.4 Public Notification

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

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

4.1.5 Assessment Framework

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

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

The Douglas Shire Planning Scheme 2018 v1.0, as the applicable local categorising instrument, is discussed in greater detail in the following sections of this report.

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

- “(1) For section 45(3)(a) of the Act, the code assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.*
- (2) Also, if the prescribed assessment manager is the local government, the code assessment must be carried out against the following assessment benchmarks—*
- (a) the assessment benchmarks stated in—*
 - (i) the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
 - (ii) the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
 - (iii) any temporary State planning policy applying to the premises;*
 - (b) if the local government is an infrastructure provider—the local government’s LGIP.*
- (3) However, an assessment manager may, in assessing development requiring code assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.”*

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

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

- (a) *the matters stated in schedules 9 and 10 for the development; and*
- ...
- (d) *if the prescribed assessment manager is a person other than the chief executive—*
 - (i) *the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
 - (ii) *the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
 - (iii) *for designated premises—the designation for the premises; and*
- (e) *any temporary State planning policy applying to the premises; and*
- (f) *any development approval for, and any lawful use of, the premises or adjacent premises; and*
- (g) *the common material.*
- (2) *However—*
 - (a) *an assessment manager may, in assessing development requiring code assessment, consider a matter mentioned in subsection (1) only to the extent the assessment manager considers the matter is relevant to the development; and*
 - (b) *if an assessment manager is required to carry out code assessment against assessment benchmarks in an instrument stated in subsection (1), this section does not require the assessment manager to also have regard to the assessment benchmarks.”*

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

4.2 Far North Queensland Regional Plan 2009-2031

The Far North Queensland Regional Plan 2009 - 2031 ('the Regional Plan') is intended to guide and manage the region's development and to address key regional environmental, social, economic and urban objectives. The site falls within the area to which the Regional Plan applies. The Regional Plan is

identified in the Planning Scheme as being appropriately integrated in the scheme and therefore not assessed in any further detail in this Development Application.

4.3 State Planning Policy

The State Planning Policy ('the SPP') was released on 2 December 2013 and replaced all previous State Planning Policies. The SPP has since been revised, with new versions released on 2 July 2014, 29 April 2016 and 3 July 2017. The April 2016 version of the SPP is identified in the Planning Scheme as being appropriately integrated. Whilst the SPP has been amended since April 2016 version, it is considered that the policy content and outcomes contained within the SPP, to the extent they are relevant and applicable to the proposed development, have not been sufficiently amended to require the reconsideration of the SPP separately.

4.4 Temporary State Planning Policies

There are currently no temporary State Planning Policies in effect in Queensland.

4.5 Douglas Shire Planning Scheme 2018 v1.0

The Douglas Shire Planning Scheme 2018 v1.0 (the 'Planning Scheme') came into effect on 2 January 2018 and is the applicable planning scheme to the Douglas Local Government Area. It is noted that the Planning Scheme was drafted under the *Sustainable Planning Act 2009* ('the SPA'). The interpretation of the Planning Scheme with respect to the proposed development is therefore based on the transitional provisions of the Planning Act.

The following sections include an assessment against the relevant sections of the Planning Scheme.

4.5.1 Zone

The subject site is identified within the Conservation Zone, see Image 3 below. The Conservation Zone states that *"The purpose of the Conservation zone code is to provide for the protection, restoration and management of areas identified as supporting significant biological diversity and ecological integrity."* The proposed development which seeks approval for the existing site improvements and Dwelling House Extension is sympathetic and responds to the natural site features and land constraints. It is submitted that the proposal is an appropriate form of development within the Conservation Zone.

A full assessment of the proposed development against the Conservation Zone Code is included within **Attachment 3 – Statement of Code Compliance**.



Image 3: Site Zoning (source: Douglas Shire Planning Scheme Property Report, 2023)

4.5.2 Local Plan

The subject site is located within the Cape Tribulation and Daintree Coast Local Plan. More particularly the subject site is situated with the Diwan-Cow Bay Local Plan Precinct 2 – Low Impact Residential. The Overall Outcomes sought for this particular sub-precinct include:

“(a) ensure development is for a single detached dwelling of limited scale and size and necessary outbuildings and infrastructure only;

(b) locate development within existing cleared areas, or where no cleared area exists, development is located such that impacts on conservation, biological, ecological and scenic amenity values are mitigated through the minimisation of excavation, fill and vegetation removal, to the maximum extent possible;

(c) ensure development is visually non-obtrusive.”

Based on the Overall Outcomes for the precinct within which the subject site is located, it is submitted that the proposal represents an acceptable form and scale of development. A full assessment of the proposed development against the Cape Tribulation and Daintree Coast Local Plan

Code is included within **Attachment 4 – Statement of Code Compliance**, and demonstrates compliance.

4.5.3 Overlays

Table 2: identifies the applicable Overlays to the site.

Overlay	Sub-category
Hillslopes	Area Affected by Hillslope
Landscape Values	Landscape Value – High Landscape Values
Potential Landslide Hazard	High and Medium Risk
Natural Areas	MSES – Wildlife Habitat MSES – Regulated Vegetation
Transport Road Hierarchy	Minor Rural Road

4.5.4 Category of Assessment

Pursuant to Part 5 of the Planning Scheme, a Development Application for a Material Change of Use (Dwelling House) in the Conservation Zone is identified as Assessable Development, to which Code Assessment is applicable.

The category of assessment of the proposed development is not otherwise altered by the Planning Scheme.

4.5.5 Assessment Criteria

The following Planning Scheme Codes are identified as applicable:

Zone Code

- Conservation

Local Plan Code

- Cape Tribulation and Daintree Coast

Overlay Codes

- Hillslopes Overlay
- Potential Landslide
- Natural Areas

Development Codes

- Dwelling House Code
- Access, Parking and Services
- Filling and Excavation Code

Under the Conservation Zone Table of Assessment, the Landscape Values Code is not applicable to the assessment of a Dwelling House. Furthermore, the proposed development is not assessed in detail against the Transport Network Overlay as the proposal will not impact the function of the existing road. Neither is the proposed development assessed against in detail against the Landscaping Code or Vegetation Management Code, as the proposal does not involve new landscaping or removal of existing vegetation.

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

6.0 Conclusion

This Report accompanies an application by Mr Alan Marinko, seeking a Development Permit for a Material Change of Use (Dwelling House and Ancillary Structures) over land at 57 Mahogany Road, Diwan, more formally described as Lot 3 on RP738674.

This application is lodged pursuant to sections 49, 50 and 51 of the Planning Act.

Assessment of the proposed development against the applicable planning framework has been undertaken in order to assess potential impacts and compliance of the proposed development with the relevant assessment criteria. The information provided in this Report (and accompanying attachments) demonstrates that the proposed development largely complies with the applicable provisions of the relevant planning framework; where conflicts exist, suitable alternative solutions are provided to support approval of the development application.

If Council requires any further information, either formally or informally, throughout the assessment of the Development Application please contact Aspire Town Planning and Project Services. Prior to the determination of the Development Application it would be greatly appreciated if Council could provide a suite of Draft Conditions to facilitate discussion and reach a mutually favourable outcome.

Attachment 1

Certificate of Title

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	21214212	Search Date:	17/01/2023 08:27
Date Title Created:	05/07/1983	Request No:	43318815
Previous Title:	20533089		

ESTATE AND LAND

Estate in Fee Simple

LOT 3 REGISTERED PLAN 738674

Local Government: DOUGLAS

REGISTERED OWNER

Dealing No: 720443043 04/12/2020

ALAN MARINKO

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20172243 (POR 36V)

ADMINISTRATIVE ADVICES

NIL

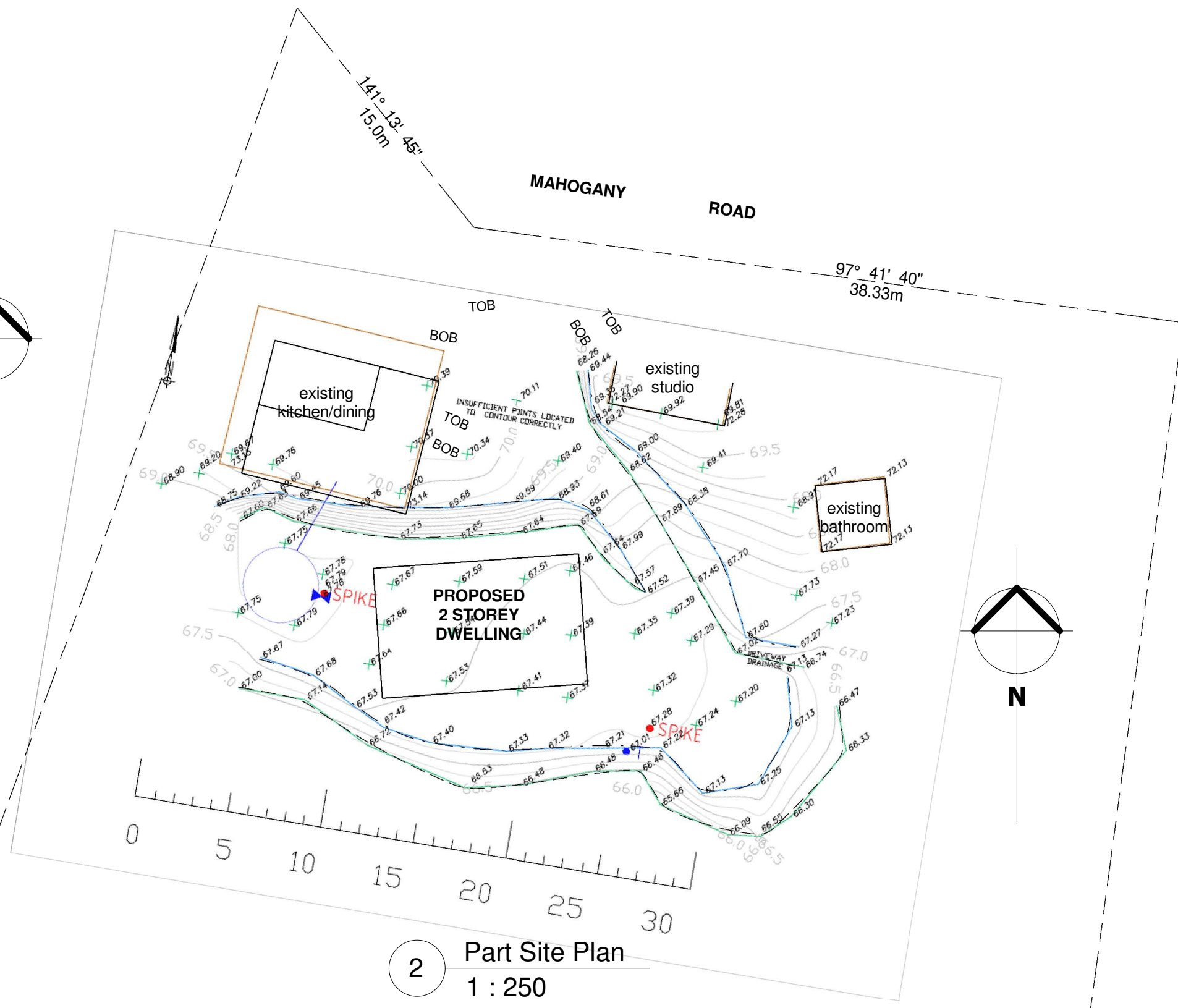
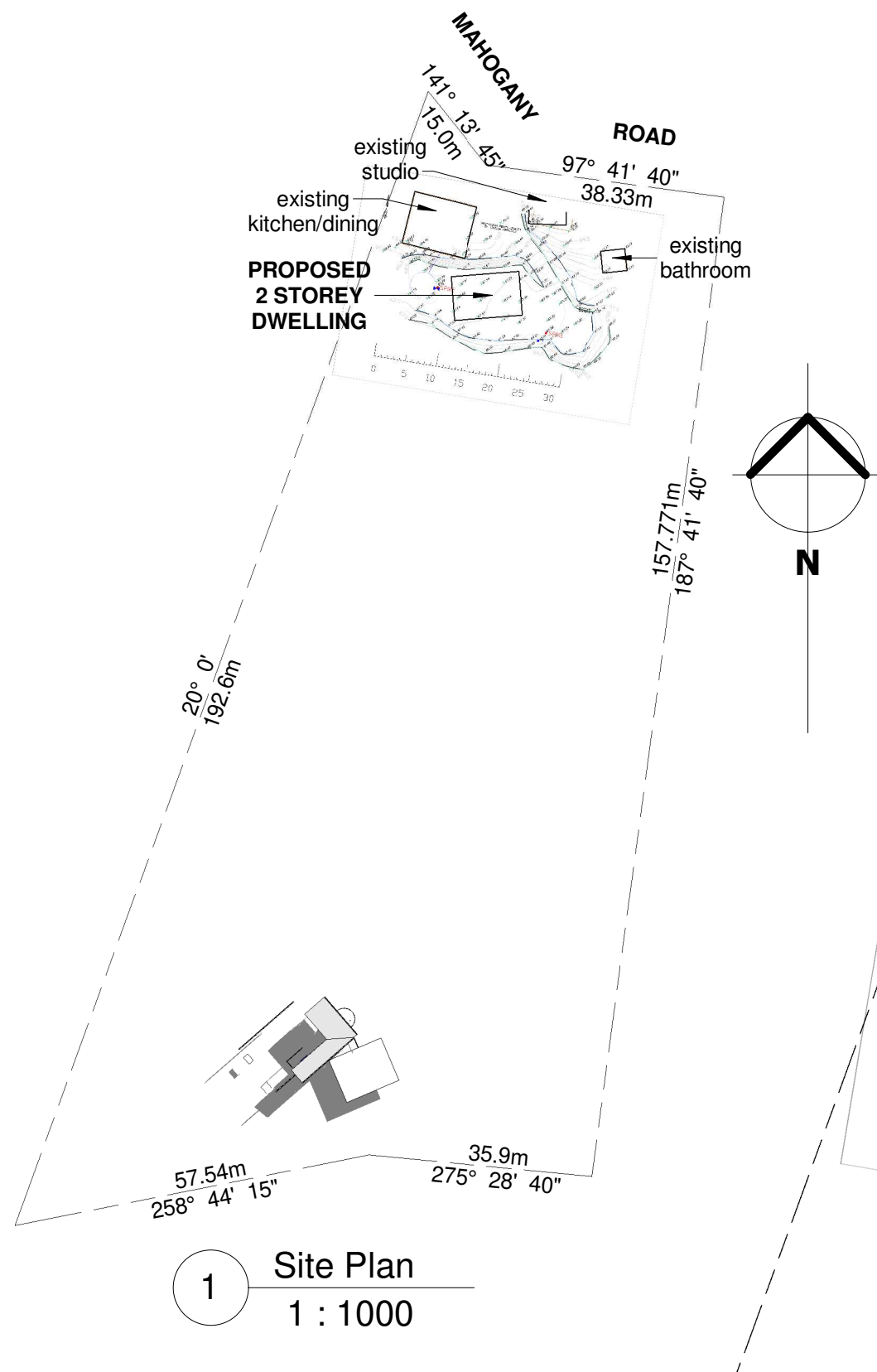
UNREGISTERED DEALINGS

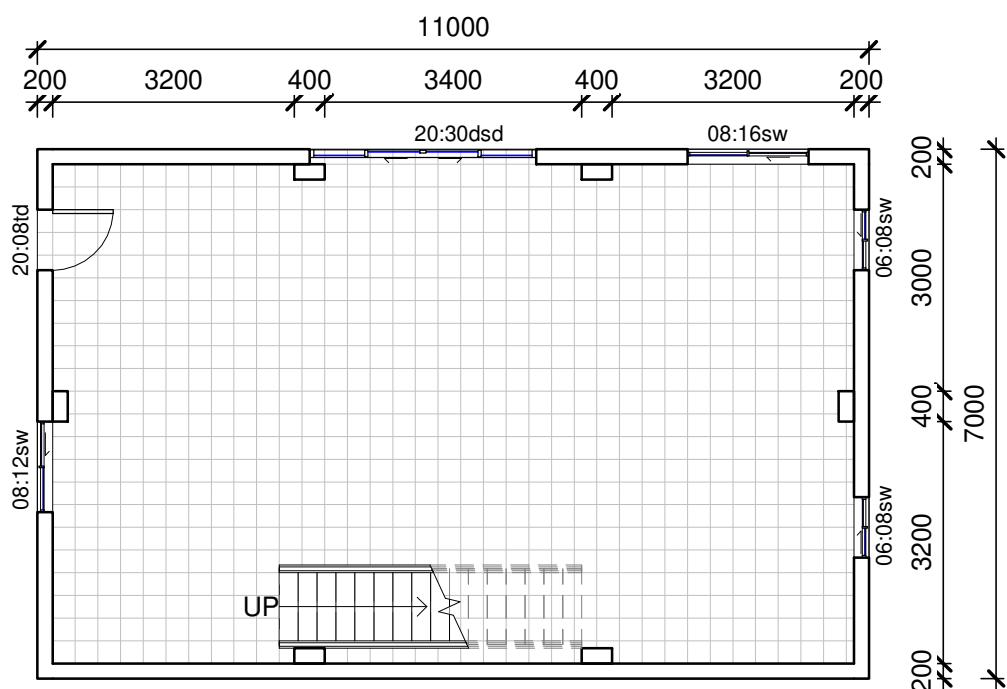
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** End of Current Title Search **

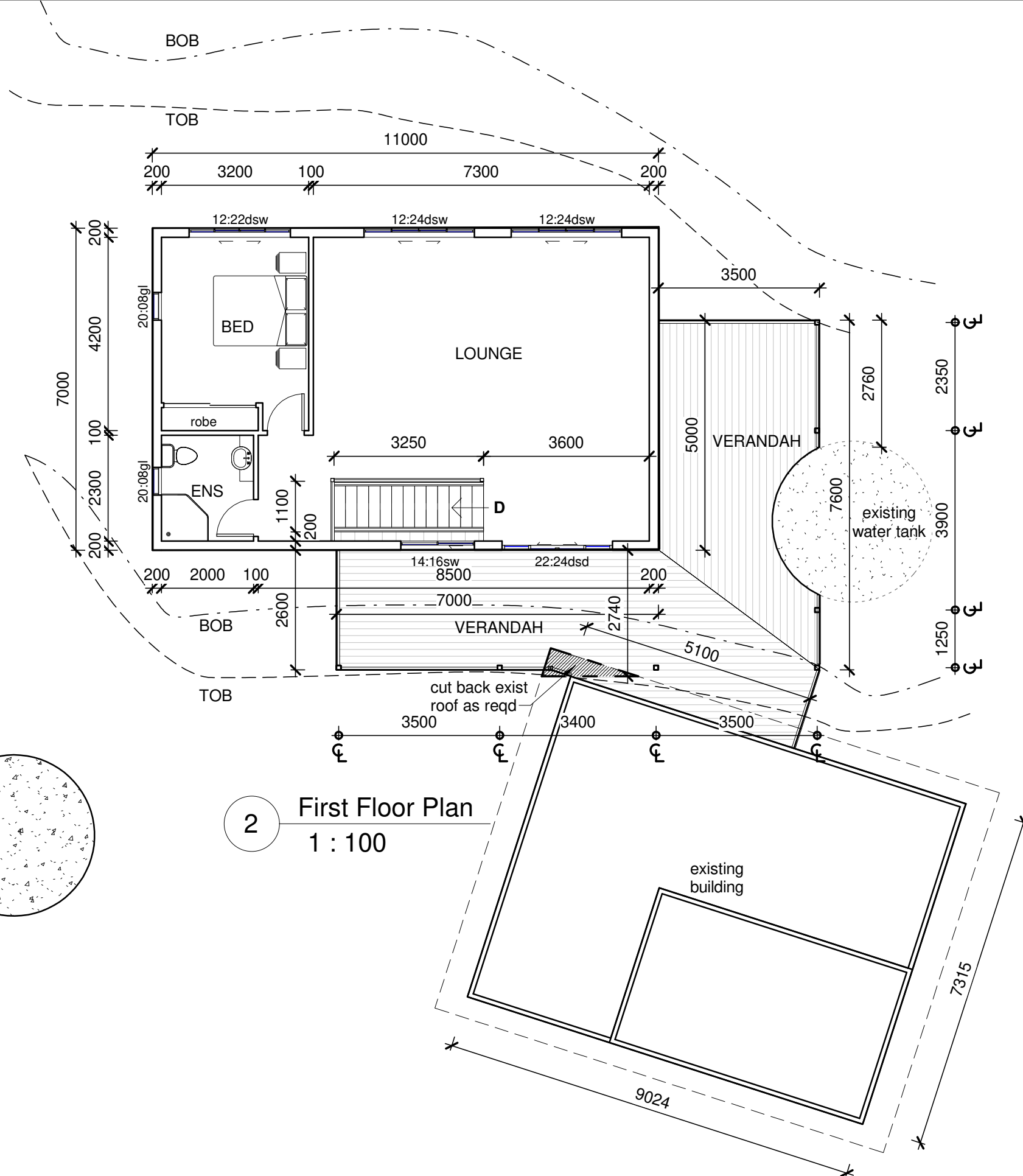
Attachment 2

Stie, Floor and Elevation Plans

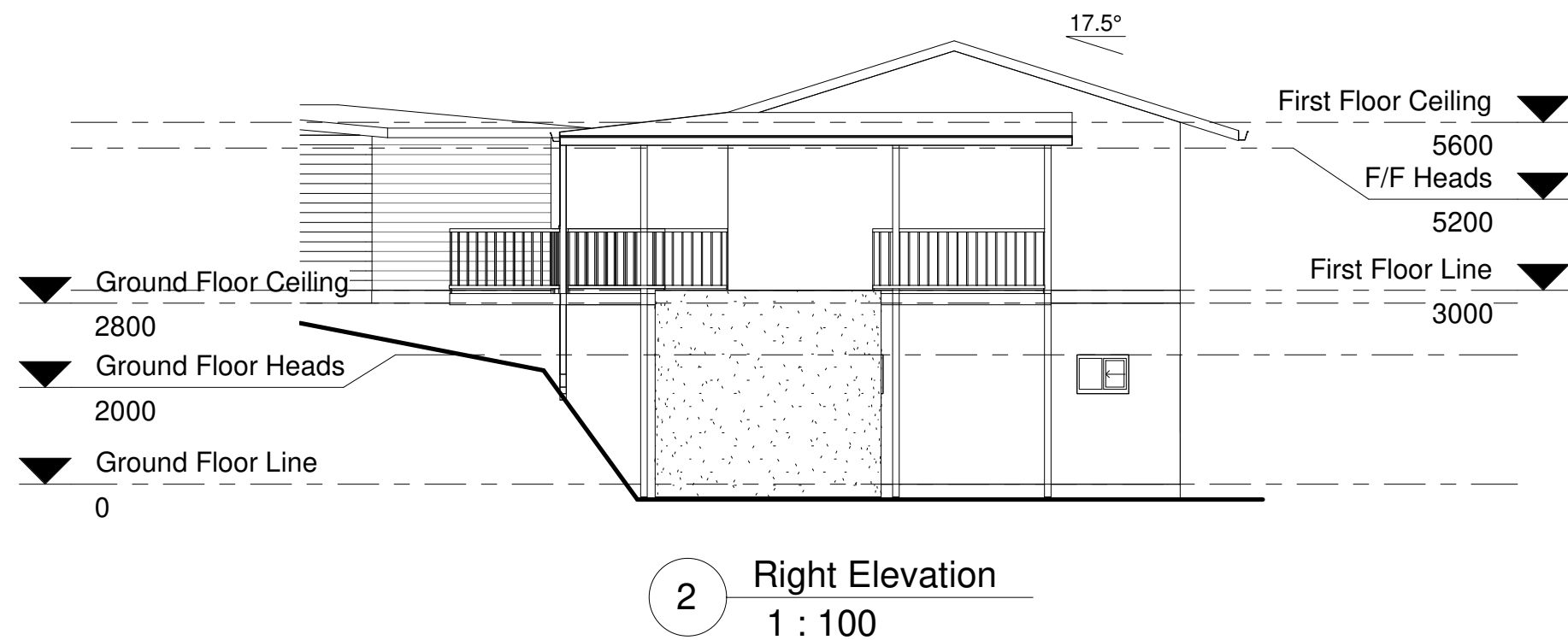
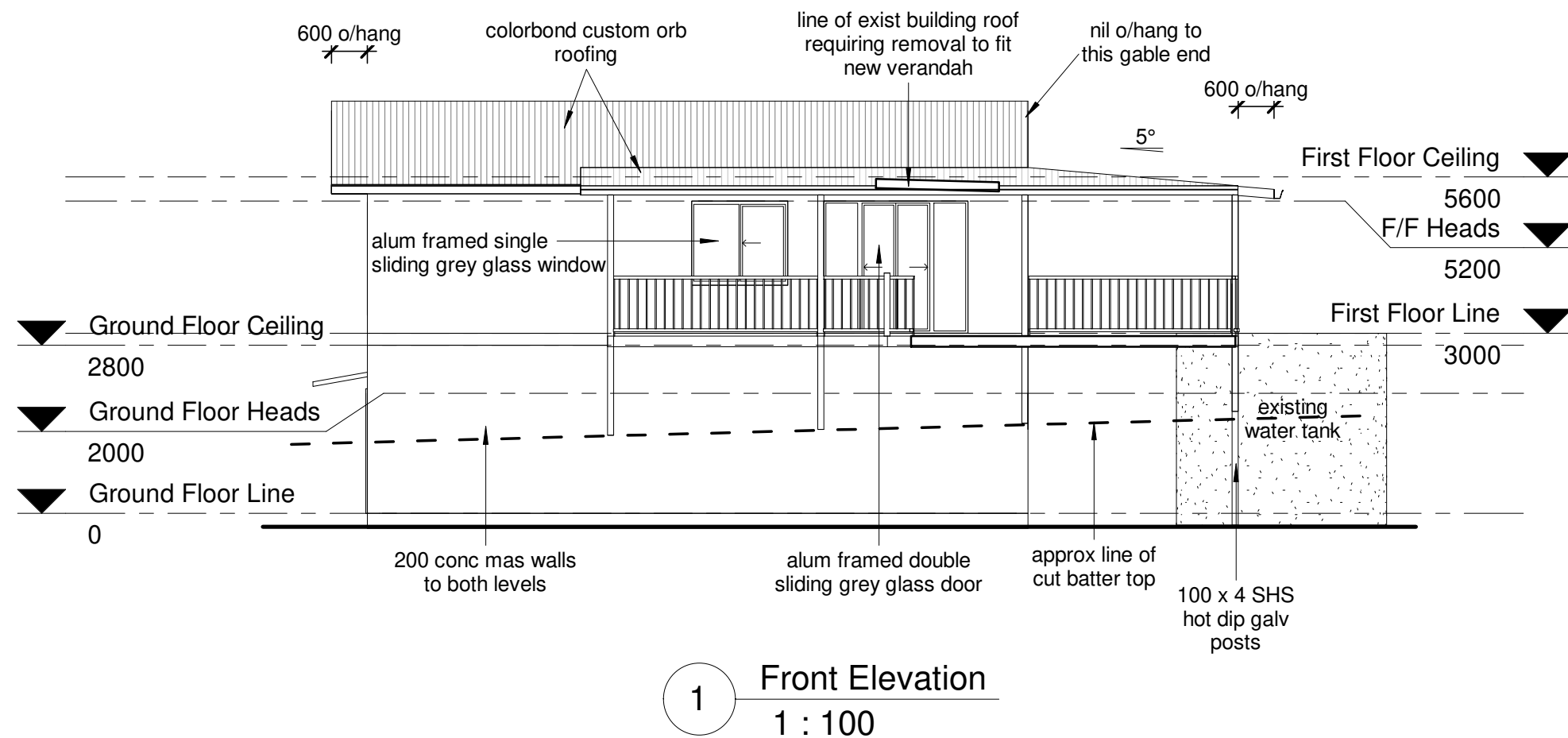


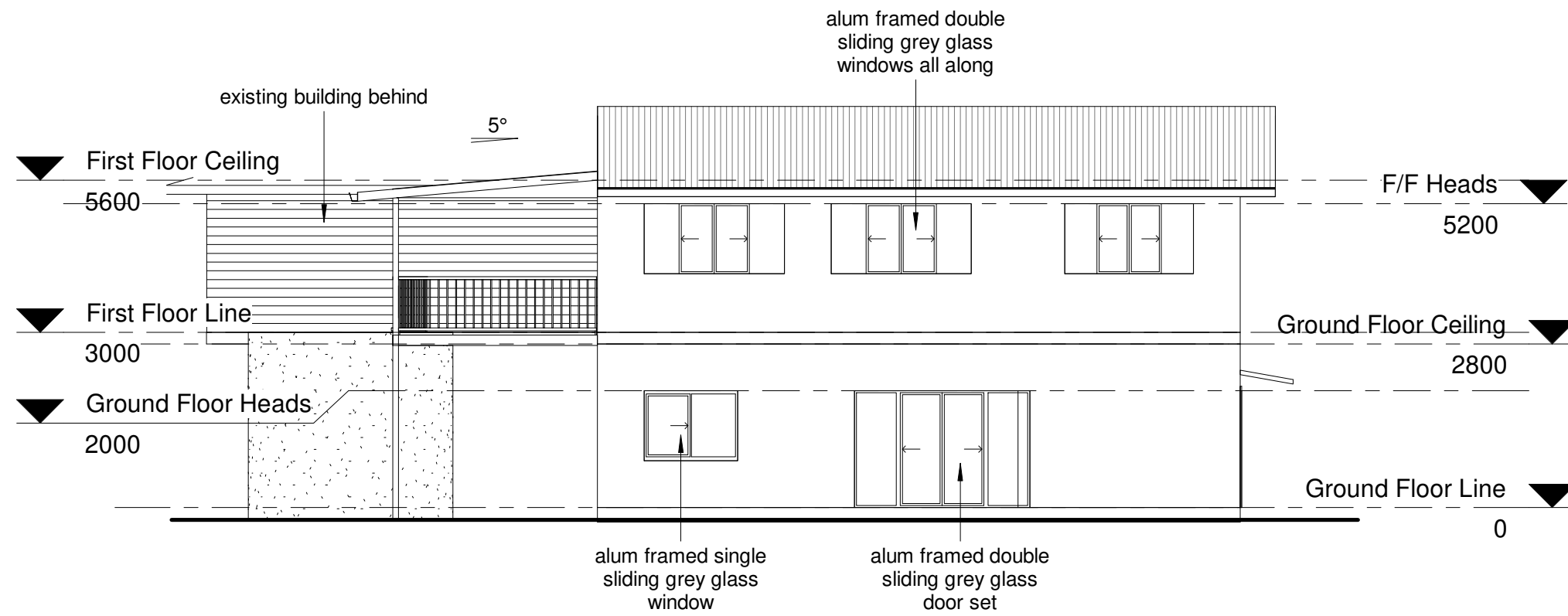


1 Ground Floor Plan
1 : 100

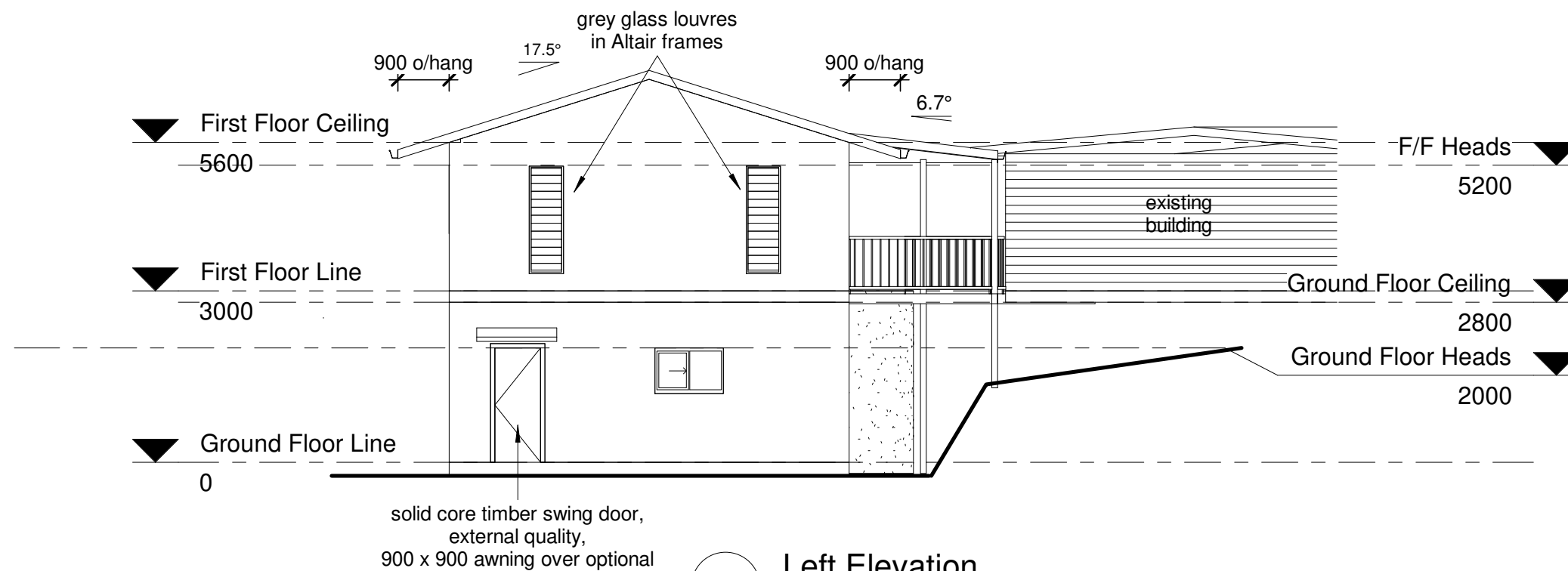


2 First Floor Plan
1 : 100



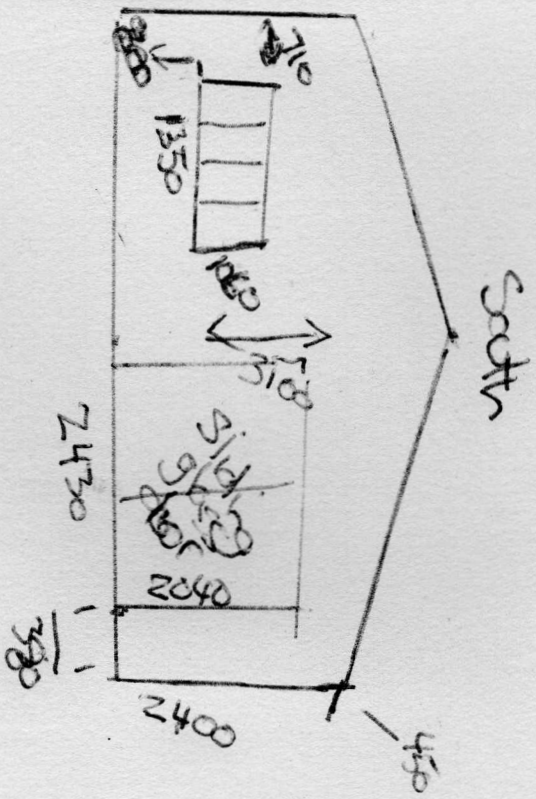


1 Rear Elevation
1 : 100

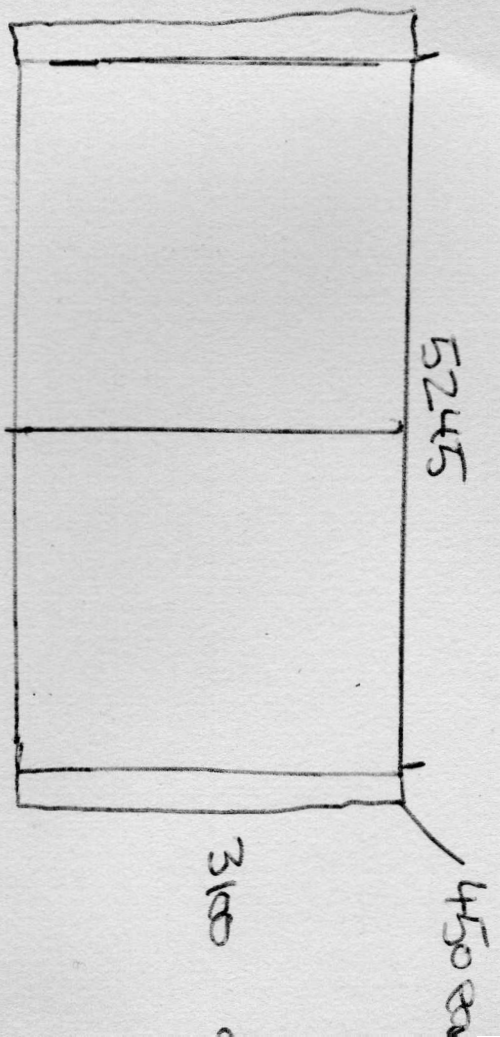


2 Left Elevation
1 : 100

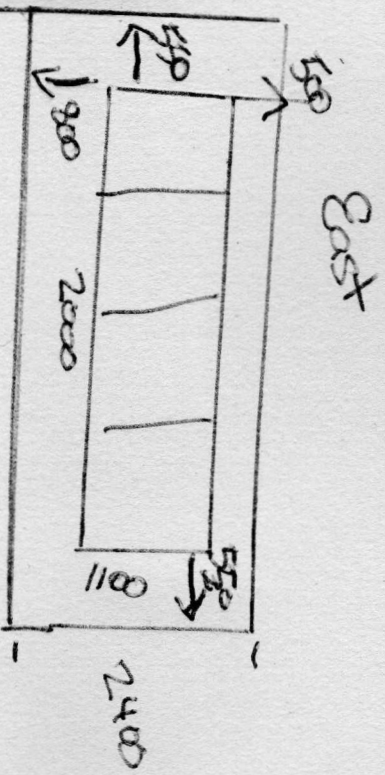
Studio



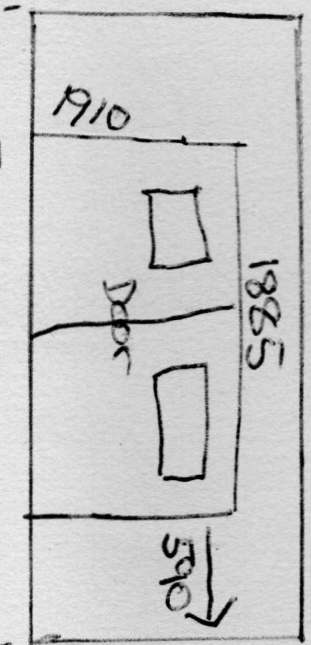
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Attachment 3

Statement of Code Compliance

6.2.3 Conservation zone code

6.2.3.1 Application

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

6.2.3.2 Purpose

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

6.2.3.3 Assessment criteria

Table 6.2.3.3.a - Conservation zone – assessable development

Performance outcomes	Acceptable outcomes	Applicant Response
For assessable development		
PO1 The establishment of uses is consistent with the outcomes sought for the Conservation zone and protects the zone from the intrusion of inconsistent uses.	AO1 Uses identified in Table 6.2.3.3.b are not established in the Conservation zone.	Complies The proposed use is supported within the Conservation Zone.
PO2 The height of buildings is compatible with the character of the area and does not adversely affect the amenity of the area.	AO2 Buildings and structures are not more than 8.5 metres in height and two storeys. Note - Height is inclusive of roof height.	Complies The height of the proposed Dwelling House Extension is 2 storey with a height of 5.6m to the ceiling, with a 17.5° pitched roof.
PO3 Development is setback from site boundaries so they are screened from view from the boundaries of adjoining properties and adjoining roads to maintain the scenic values of the area.	AO3 Buildings and structures are setback not less than: (a) 40 metres from the frontage of a State-controlled road, existing or proposed arterial road, existing or proposed sub-arterial road, as identified on the Transport network overlay maps contained in Schedule 2; (b) 25 metres from Cape Tribulation Road frontage; (c) 20 metres from any other road frontage (d) 10 metres from side and rear boundaries.	Alternative solution The existing Dwelling House is positioned approximately 5m and the proposed extension is positioned approximately 14m off the western side boundary. The existing Dwelling House is positioned approximately 8m and the proposed extension is positioned approximately 16m off the front boundary. The existing Studio is approximately 5m and the existing bathroom is approximately 10m off the front boundary. Despite the non-compliances, these buildings have existed on the site for some time and are screened from the road and adjoining properties by existing vegetation. Furthermore, the proposed Dwelling House Extension is set within the property and does not reduce existing boundary setback encroachments. The other boundary setbacks comply.



<p>P04 The site coverage of all buildings and structures does not have an adverse effect on the conservation or scenic amenity values of the site and surrounding area and buildings are subservient to the natural environment.</p>	<p>AO4 Development is sited in an existing cleared area or an area approved for clearing, but which is not yet cleared until a development permit to carry out Building Works is issued. Any clearing is limited to a maximum area of 700m² and is sited clear of the high bank of any watercourse.</p> <p>Note – The 700m² area of clearing does not include an access driveway.</p>	<p>Complies The proposed Dwelling House Extension is appropriately sited within an existing disturbed area on the site. No vegetation clearing is proposed.</p>
<p>P05 Development is consistent with the overall outcomes sought for the Conservation zone.</p>	<p>AO5 No acceptable outcomes are prescribed.</p>	<p>Complies</p>
<p>P06 Development complements, and is subservient to the surrounding environment and is in keeping with the ecological, landscape and scenic values of the area.</p>	<p>AO6 The exterior finishes and colours of all development are non-reflective and consist of colours that blend easily with surrounding native vegetation and view-shed.</p>	<p>May be conditioned to comply The external colour scheme is not known at this stage and may be conditioned by Council to be supplied prior to the issue of a Development Permit for Building Works.</p>
<p>P07 Development is screened from view from adjoining roads and properties with a dense screen of endemic/native landscape which: (a) is informal in character and complementary to the existing natural environment; (b) provides screening; (c) enhances the visual appearance of the development.</p> <p>Note – Planning scheme policy – Landscaping provides further guidance on meeting the performance outcome.</p>	<p>AO7.1 For any development, the balance area of the site not built upon, including all setback areas must be landscaped/revegetated with dense three tier, endemic planting which is maintained to ensure successful screening is achieved.</p> <p>AO7.2 Endemic palm species, where used, are planted as informal accent features and not as avenues and not in a regular pattern.</p>	<p>Complies Existing landscaping and vegetated areas will be retained.</p>



<p>P08 Development is complementary to the surrounding environment.</p>	<p>AO8.1 Development harmonises with the surrounding environment, for example, through suspended, light-weight construction on sloping sites, which requires minimal excavation or fill.</p> <p>AO8.2 A driveway or parking areas are constructed and maintained to:</p> <ul style="list-style-type: none"> (a) minimise erosion, particularly in the wet season; (b) minimise cut and fill; (c) follow the natural contours of the site; (d) minimise vegetation clearing. <p>AO8.3 Buildings and structures are erected on land not exceeding a maximum gradient of 1 in 6 (16.6%)</p> <p>or</p> <p>On land steeper than 1 in 6 (16.6%) gradient:</p> <ul style="list-style-type: none"> (a) A split level building form is utilised; (b) A single plane concrete slab is not utilised; (c) Any voids between building and ground level, or between outdoor decks and ground level are screened from view using lattice/battens and/or landscaping. <p>and</p> <ul style="list-style-type: none"> (d) is accompanied by a Geotechnical Report prepared by a qualified engineer at development application stage which includes certification that the site can be stabilised, followed by a certificate upon completion of works. <p>AO8.4 Buildings and structures are sited below any ridgelines and are sited to avoid protrusion above the surrounding tree-level canopy.</p>	<p>Complies Although the proposed extension is slab on ground this has been designed around an existing level pad. No further earthworks are required to facilitate the development.</p> <p>The driveway access is existing, no changes are proposed.</p>
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<p>PO9 Development is located to:</p> <ul style="list-style-type: none"> (a) protect the ecological values of the site and surrounding land; (b) maintain the scenic values of the area; (c) maintain appropriate setbacks to waterways, watercourses, wetlands, tidal areas and overland flow paths; (d) avoid areas that are vulnerable to natural hazards; (e) minimise to the greatest extent possible on site excavation and filling; (f) provide buffers to cultural, historical or ecological features; (g) minimise visibility from external sites or public viewing points; (h) minimises to the greatest extent possible the loss of native vegetation and fauna habitat. 	<p>AO9 No acceptable outcomes are prescribed.</p>	<p>Complies The proposed development is sited appropriately adjacent existing buildings and towards the Mahogany Road frontage within an existing disturbed area of the site.</p>
<p>PO10 Development does not result in adverse impacts on:</p> <ul style="list-style-type: none"> (a) ecological function or features; (b) on-site or surrounding waterways and wetlands. 	<p>AO10 No acceptable outcomes are prescribed.</p>	<p>Complies.</p>
<p>PO11 Rehabilitation of natural processes on disturbed sites is undertaken to improve the environmental integrity of the area.</p>	<p>AO11 No acceptable outcomes are prescribed</p>	<p>Alternative solution Given the nature and scale of the development no specific rehabilitation activities are proposed.</p>
<p>PO12 Fencing is designed to not impede the free movement of native fauna through the site.</p>	<p>AO12 No acceptable outcomes are prescribed.</p>	<p>Not applicable</p>



<p>PO13</p> <p>New lots contain a minimum lot size of 200 hectares, unless:</p> <ul style="list-style-type: none">(a) the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments);(b) the reconfiguration is limited to one additional lot to accommodate an existing or approved:<ul style="list-style-type: none">(i) Telecommunications facility;(ii) Utility installation;(c) the lot reconfiguration facilitates and outcome consistent with the Return to Country local plan. <p>Note – Boundary realignments must result in an improved environmental outcome or resolve encroachments.</p>	<p>AO13</p> <p>No acceptable outcomes are prescribed.</p>	<p>Not applicable</p>
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Table 6.2.3.3.b — Inconsistent uses within the Conservation zone

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

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.

7.2 Local plan codes

7.2.1 Cape Tribulation and Daintree Coast local plan code

7.2.1.1 Application

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

7.2.1.2 Context and setting

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

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

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

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

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

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

7.2.1.3 Purpose

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

7.2.1.4 Precinct 1 – Conservation precinct

- (1) The purpose of Precinct 1 as detailed on the Local Plan maps contained in Schedule 2 is to provide for the protection, restoration and management of areas identified as supporting significant biological diversity and ecological integrity.
- (2) The overall outcomes sought for Precinct 1 are to:
 - (a) ensure the conservation, protection and restoration of biological diversity and ecological integrity values of land , and to maintain scenic amenity

values;

- (b) ensure that further incompatible development, including houses, does not occur;
- (c) ensure that where development does occur, it does not adversely affect environmental and scenic amenity values and is in keeping with the natural characteristics of the land.

7.2.1.5 Precinct 2- Low impact residential precinct

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

7.2.1.6 Precinct 3 - Low impact commercial precinct

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

7.2.1.7 Precinct 4 - Low impact community purpose precinct

- (1) The purpose of Precinct 4 as detailed on the Local Plan maps contained in Schedule 2 is to recognise the existing public purpose uses and permit their continued use.
- (2) The overall outcomes sought for Precinct 4 are to:
 - (a) ensure the establishment and expansion of community and public purpose uses such as child care centre, community use, educational

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

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

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

7.2.1.9 Precinct 6 - Low impact tourism accommodation precinct

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

7.2.1.10 Criteria for assessment

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

All development in the Cape Tribulation and Daintree Coast local plan area		Applicant Response
PO1 Development does not result in a demand which exceeds the capacity of: <ol style="list-style-type: none"> (a) the Daintree River ferry crossing; (b) Alexandra Range Road; (c) the local road network. 	AO1 No acceptable outcomes are prescribed.	Complies The proposed development essentially seeks approval for a single residential Dwelling House and will not exceed demands on the ferry and road network.



<p>PO2 Development provides a suitable standard of self-sufficient service for:</p> <ul style="list-style-type: none"> (a) potable water; (b) water for fire fighting purposes; (c) electricity supply. 	<p>AO2.1 Water storage is provided in tank/s with a minimum capacity to service the proposed use, including fire fighting capacity, and access to the tank/s for fire trucks. Tank/s are to be:</p> <ul style="list-style-type: none"> (a) fitted with a 50mm ball valve and camlock fitting; (b) installed and connected prior to occupation; (c) sited so as to be visually unobtrusive. <p>AO2.2 Water storage tanks are to be fitted with screening at their inlets to prevent the intrusion of leaves and insects.</p> <p>AO2.3 An environmentally acceptable and energy efficient power supply is constructed, installed and connected prior to occupation and sited so as to be screened from the road.</p>	<p>Complies The proposed Dwelling House Extension will be connected to existing onsite water storage and electricity generation.</p>
<p>PO3 On-site waste water does not adversely impact on the environmental quality of the water and soil resources or amenity of residents, through the implementation of best environmental practice.</p>	<p>AO3 No acceptable outcomes are prescribed.</p>	<p>Complies The site is serviced via an existing onsite waste water treatment system.</p>
<p>PO4 The sustainability of the natural water resources of the area is protected for ecological and domestic consumption purposes.</p>	<p>AO4.1 If groundwater is to be used, development is limited to one bore per site and the bore is: not located within 100 metres of a septic disposal trench (on the site or adjoining sites); not located within 100 metres of another bore.</p>	<p>Complies</p>



	A04.2 Surface water is to be used for domestic purposes only.	Complies
PO5 Development does not adversely impact on areas of sensitive natural vegetation, foreshore areas, watercourses and/or areas of tidal inundation.	A05 No acceptable outcomes are prescribed.	Complies Development is limited to an existing disturbed area of the site.
PO6 Development is subservient to the surrounding natural environment in scale and intensity and is designed to be functional in a humid tropical rainforest environment.	A06.1 The exterior finishes and colours of buildings are non-reflective and complement the colours of the surrounding vegetation and view shed. A06.2 The noise of generators is controlled by design, or the generator is enclosed within a sound insulated building with a residential approved muffler. The noise level generated is less than 65 dBA when measured from a distance of 7 metres. A06.3 Any fuel storage associated with an on-site generator, with storage of 20 litres or more of fuel, is enclosed with a building and provided with a bund.	May be conditioned to comply / Complies The external finishes of the proposed Dwelling House Extension are not known at this stage however a condition on the development would be accepted for details to be provided prior to the issue of a Development Permit for Building Works. No change is proposed housing of generators and fuel storage.
PO7 Landscaping of the development ensures that the endemic character of the local area is dominant.	A07.1 Landscaping complies with the requirements of Planning Scheme Policy 7 – Landscaping; A07.2 All of the existing landscaping to be retained and all of the proposed landscaping is 100% endemic or native species and the details are provided on a landscape plan.	Alternative solution Given the nature and scale of the proposed development no specific or formal landscaping is proposed within this application.



<p>PO8 Site access driveways and roads within the local plan area are retained as safe, slow speed, scenic drives.</p>	<p>AO8.1 Site access driveways and existing or proposed roads comply with the relevant requirements of Planning Scheme Policy 5 – FNQROC Development Manual and are maintained as low speed gravel roads to maintain the scenic drive experience and to discourage the use of roads by through-traffic;</p> <p>AO8.2 Where existing roads/tracks are 4-wheel drive only, upgrading to facilitate conventional vehicles and an increase in through traffic does not occur.</p>	<p>Complies No changes are proposed to the existing vehicle access arrangement.</p>
<p>PO9 The on-site impacts on natural flow regimes and erosion and sedimentation are minimised.</p>	<p>AO9.1 Filling and excavation is kept to a minimum and involves not more than 5% of the cleared area of the lot.</p> <p>AO9.2 All exposed surfaces must incorporate erosion and sediment controls during construction and must be maintained until revegetation, or other permanent stabilisation, has occurred.</p> <p>AO9.3 This is no disturbance to tree roots and trenching does not involve any damage to tree roots.</p> <p>AO9.4 On-site drainage and stormwater management: (a) maintains natural flow regimes; (b) minimises impervious surfaces; avoids concentration of flows, but where there is any form of concentration of flow, energy dissipation measures are installed at the outlet to avoid erosion (e.g. rock rip rap, gravel beds, diffusers etc.)</p>	<p>Complies The Dwelling House Extension is located within an existing benched pad. No further excavation and filling is required beyond minor site preparation works.</p> <p>Appropriate erosion and sediment controls will be implemented at the time of construction.</p> <p>Development will not result in disturbance of tree roots.</p> <p>Natural flow paths are maintained across the site.</p>



General requirements – Dwelling house		
<p>PO10 Development minimises the loss of vegetation and habitat connectivity on site and is sited to protect the environmental values of the site.</p>	<p>AO10.1 The elements of development and access to the site are included in a Designated Development Area (DDA).</p> <p>AO10.2 Development is sited in an existing cleared area or in an area approved for vegetation clearing.</p> <p>AO10.3 Any new clearing is limited to a maximum area of 700m² and is sited to be clear of the high bank of any watercourse. Note – The 700m² of clearing does not include an access driveway.</p>	<p>Complies Development is limited to existing cleared areas. No further clearing is required.</p>
<p>PO11 All existing native vegetation on a house site, other than that required and approved to be cleared for the construction of a house and access thereto, is protected to ensure the environmental integrity of the local plan area.</p>	<p>AO11 No acceptable solutions are prescribed.</p>	<p>Complies</p>
<p>PO12 Wildlife movement, fauna habitat and habitat corridors are protected and domestic impacts are minimised.</p>	<p>AO12.1 Fences are limited in extent to the confines of the cleared area around the house and any associated gates are self-closing.</p> <p>AO12.2 External lighting is to be kept to the minimum necessary for orientation, safety and security. Flood lights must not point up, and areas of retained vegetation should, in general, not be illuminated. Where appropriate, outdoor lights are controlled by movement detectors and/or timers.</p>	<p>Complies No fencing is proposed.</p> <p>External lighting will be kept to a minimum.</p>



<p>PO13 House sites have efficient and safe vehicle access and manoeuvring areas on site, and to the site, to an acceptable standard for the local plan area.</p>	<p>AO13.1 Vehicle access is limited to one access per lot and sited in an approved location, clear of any watercourses.</p> <p>AO13.2 Vehicular access is a maximum width of 4 metres, avoids large tree specimens and/or significant vegetation and habitat corridors and is constructed and maintained to a minimum gravel standard of 75mm of road base on a compacted soil surface.</p> <p>AO13.3 Vehicular access is constructed prior to house construction.</p>	<p>Complies No changes are proposed to the existing site vehicle access.</p>
<p>Additional requirements for Nature based tourism, being Forest stay accommodation</p>		
<p>PO14 Forest stay accommodation provides a local economic opportunity for permanent residents of those parts of the Shire which are isolated and constrained by a lack of urban services and facilities.</p>	<p>AO14 Forest stay accommodation:</p> <ul style="list-style-type: none"> (a) is confined to: <ul style="list-style-type: none"> (i) Precinct 2 – Low impact residential precinct; (ii) Precinct 5 – Low impact rural and tourism enterprise precinct; (iii) Precinct 6 – Low impact tourism accommodation precinct. (b) does not occur above the 60 metre contour; (c) is located on lots of 10 hectares or greater. 	<p>Not applicable</p>

**PO15**

Forest stay accommodation remains ancillary to the primary residential use and the natural values of the land and the use is compatible with the character and amenity of the locality.

AO15.1

The maximum number of guests is 10 (10 bed spaces) with up to a maximum of 4 staff (4 bed spaces);

Note – Staff includes permanent residents of the dwelling house involved in catering for the use.

AO15.2

None of the accommodation, whether for guests or staff, is self-contained as the use operates only in association with an existing dwelling on the site.

AO15.3

Forest stay accommodation is located on a site which has an existing cleared area.

AO15.4

The natural values of the balance area of the site are protected and enhanced with organised tours being conducted for visiting guests.

AO15.5

If forest stay accommodation is provided in buildings which are separate from the dwelling:
(a) the maximum number of separate building/s is determined based on each building containing a minimum of 2 bed spaces each, provided that each building has a maximum area of 50m² (inclusive of verandahs/patios etc.);

or

a maximum of one communal bunkhouse is provided with a maximum area of 150m² to accommodate 10 guests (10 bed spaces) (inclusive of verandahs/patios etc.);

or

Not applicable



	<p>(c) a maximum of two communal bunkhouses are provided with a maximum area of 150m² each to accommodate a maximum of 20 guests (20 bed spaces) (inclusive of verandahs/patios etc).</p> <p>AO15.6</p> <p>(b) No kitchen or cooking facilities, with the exception of those located within the existing dwelling on the site are provided in association with the forest stay accommodation.</p>	
<p>PO16</p> <p>Development ensures guests are accommodated for short-stay and the dwelling is not the usual residence of the guest.</p>	<p>AO16</p> <p>Development involves guests staying a maximum of 14 consecutive nights.</p>	Not applicable
<p>PO17</p> <p>Development ensures that effluent disposal and treatment minimise odour and impacts on the natural environment.</p>	<p>AO17</p> <p>Development provides an on-site effluent treatment system that is adequately sized to effectively treat effluent from the dwelling house and any additional persons occupying the premises as guests.</p>	Not applicable
Additional requirements for Precinct 1 – Conservation precinct		



<p>PO18 The biodiversity value of the area and the habitat of endemic species is protected on land included in the Rainforest Conservation precinct.</p>	<p>AO18 No new development occurs whether on undeveloped or developed land except for:</p> <p>Undeveloped land that meets one or more of the following criteria:</p> <p>Land which has been previously been lawfully cleared and currently remains cleared;</p> <p>(a) Land which is the subject of a current Clearing Permit, but has yet to be cleared;</p> <p>(b) Land which is subject of a current Operational Works Permit,</p> <p>can be developed for a house subject to compliance with all relevant codes.</p> <p>In addition, minor extensions can be undertaken to an existing development, provided:</p> <p>(a) The extensions are limited to 30% of the existing gross floor area of the house at the commencement date of the planning scheme.</p> <p>or</p> <p>(b) The extent of extensions are determined on a site specific/use specific basis for other land uses,</p> <p>and</p> <p>(c) No further clearing is required to accommodate the extensions for either a house or any other land use development.</p>	<p>Not applicable</p>
<p>Additional requirements for Precinct 2– Low impact residential precinct</p>		



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



PO21 Development is small scale and provides a necessary service to the surrounding community.	AO21 No acceptable outcomes are prescribed.	Not applicable
PO22 Development is carried out in accordance with a site-specific, and development specific Environmental Management Plan. Note – Planning scheme policy SC6.4 – Environmental management plans provides further guidance on meeting the performance outcome.	AO22 No acceptable outcomes are prescribed.	Not applicable
Additional requirements for Precinct 4 – Low impact community purpose precinct		
PO23 Development results in a small scale expansion of an existing use which provides a necessary service to the surrounding community; or Development results in a new community use or public purpose use for which there is an identified need within the surrounding community.	AO23 No acceptable outcomes are prescribed.	Not applicable
PO24 Development is carried out in accordance with a site specific and development specific Environmental Management Plan. Note – Planning scheme policy SC6.4 – Environmental management plans provides further guidance on meeting the performance outcome.	AO24 No acceptable outcomes are prescribed.	Not applicable
Additional requirements for Precinct 5 – Low impact rural production and tourism enterprise precinct		



<p>PO25 Development complements, protects and enhances the environmental and scenic values of the site.</p>	<p>AO25.1 One dwelling house establishes per lot.</p> <p>AO25.2 Any other development is limited to existing cleared areas on the site.</p> <p>AO25.3 No development is to occur above the 60 metre contour line.</p> <p>AO25.4 Any new primary production activity or a change to a primary production activity has minimal impact on the existing natural values of the site and surrounding area.</p>	<p>Not applicable</p>
<p>PO26 Large cleared or partially cleared sites are revegetated and rehabilitated in association with suitably small scale environmentally sustainable development.</p>	<p>AO26 The balance area of the development, including any existing area/s not identified for development is/are revegetated / rehabilitated in accordance with a landscape plan.</p>	<p>Not applicable</p>
<p>PO27 Development is carried out in accordance with a site specific and development specific Environmental Management Plan.</p> <p>Note – Planning scheme policy SC6.4 – Environmental management plans provides further guidance on meeting the performance outcome.</p>	<p>AO27 No acceptable outcomes are prescribed.</p>	<p>Not applicable</p>
<p>Additional requirements for Precinct 6 – Low impact tourist accommodation precinct</p>		



<p>PO28 Development complements, protects and enhances the environmental and scenic values of the site.</p>	<p>AO28.1 One dwelling house establishes per lot.</p> <p>AO28.2 Any other development is limited to existing cleared areas on the site.</p> <p>AO28.3 No development is to occur above the 60 metre contour line.</p>	<p>Not applicable</p>
<p>PO29 Development results in a small scale expansion of existing tourist accommodation and any associated activities, based on the appreciation of the natural environment.</p>	<p>AO29 No acceptable outcomes are prescribed.</p>	<p>Not applicable</p>
<p>PO30 Development is carried out in accordance with a site specific and development specific Environmental Management Plan.</p> <p>Note – Planning scheme policy – Environmental management plans SC6.4 provides further guidance on meeting the performance outcome.</p>	<p>AO30 No acceptable outcomes are prescribed.</p>	<p>Not applicable</p>

8.2.5 Hillslopes overlay code

8.2.5.1 Application

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

8.2.5.2 Purpose

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

Criteria for assessment**Table 8.2.5.3.a – Hillslopes overlay code –assessable development**

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable development		
PO1 The landscape character and visual amenity quality of hillslopes areas is retained to protect the scenic backdrop to the region.	AO1.1 Development is located on parts of the site that are not within the Hillslopes constraint sub-category as shown on the Hillslopes overlay Maps contained in schedule 2.	Alternative solution The Hillslope Overlay covers almost the entire site. The proposed development responds to the natural constraints without impacting on the natural backdrop of the region. The proposed development is located upon an existing benched level pad. Minimal earthworks and vegetation clearing is required to facilitate the proposed development.
For assessable development		
PO2 The landscape character and visual amenity quality of hillslopes areas is retained to protect the scenic backdrop to the region.	AO2.1 Development does not occur on land with a gradient in excess of 1 in 6 (16.6%) or AO2.2 Where development on land steeper than 1 in 6 (16.6%) cannot be avoided, development follows the natural contours of the site. AO2.3 Access ways and driveways are: (a) constructed with surface materials that blend with the surrounding environment; (b) landscaped with dense planting to minimise the visual impact of the construction; (c) provided with erosion control measures immediately after construction.	Complies The proposed development is located upon an existing benched level pad. The site is serviced by an existing vehicle access. No vegetation clearing is proposed. The proposed building is located below the skyline. Building colours and finishes have not been selected at this stage, however may be provided to Council for endorsement prior to the issue of a Development Permit for Building Works.



Performance outcomes	Acceptable outcomes	Applicant response
	<p>AO2.4 The clearing or disturbance of vegetation is limited to clearing and disturbance that:</p> <ul style="list-style-type: none"> (a) is necessary for the construction of driveways; (b) is necessary to contain the proposed development; (c) minimises canopy clearing or disturbance; (d) minimises riparian clearing or disturbance. <p>AO2.5 On land with slopes greater than 1 in 6 (16.6%) or greater, alternative construction methods to concrete slab on ground are utilised (i.e. split level or post and beam constructed buildings that minimise modification to the natural terrain of the land).</p> <p>AO2.6 Development does not alter the sky line.</p> <p>AO2.7 Buildings and structures:</p> <ul style="list-style-type: none"> (a) are finished predominantly in the following exterior colours or surfaces: (b) moderately dark to darker shades of olive green, brown, green, blue, or charcoal; or (c) moderately dark to darker wood stains that blend with the colour and hues of the surrounding vegetation and landscape; (d) are not finished in the following exterior colours or surfaces: (e) pastel or terracotta colours, reds, yellows, shades of white or beige, or other bright colours that do not blend with the surrounding vegetation and landscape; (f) reflective surfaces. 	



Performance outcomes	Acceptable outcomes	Applicant response
	<p>AO2.8 Exterior colour schemes limit the use of white or other light colours to exterior trim and highlighting of architectural features</p> <p>AO2.9 Areas between the first floor (including outdoor deck areas) and ground level are screened from view.</p> <p>AO2.10 Recreational or ornamental features (including tennis courts, ponds or swimming pools) do not occur on land: (a) with a gradient of 1 in 6 (16.6%) or more; (b) are designed to be sited and respond to the natural constraints of the land and require minimal earthworks</p>	
<p>PO3 Excavation or filling does not have an adverse impact on the amenity, safety, stability or function of the site or adjoining premises through: (a) loss of privacy; (b) loss of access to sunlight; (c) intrusion of visual or overbearing impacts; (d) complex engineering solutions.</p>	<p>AO3 Excavation or fill: (a) is not more than 1.2 metres in height for each batter or retaining wall; (b) is setback a minimum of 2 metres from property boundaries; (c) is stepped with a minimum 2 metre wide berm to incorporate landscaping in accordance with Planning scheme policy SC6.7 – Landscaping; (d) does not exceed a maximum of 3 batters and 3 berms (i.e. not greater than 3.6 metres in height) on any one lot.</p>	<p>Complies The proposed development is located upon an existing benched level pad.</p>



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

8.2.9 Potential landslide hazard overlay code

8.2.9.1 Application

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

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

8.2.9.2 Purpose

- (1) The purpose of the Potential landslide hazard overlay code is:
 - (a) implement the policy direction of the Strategic Framework, in particular:
 - (i) Theme 1: Settlement pattern Element 3.4.7 Mitigation of hazards.
 - (b) enable an assessment of whether development is suitable on land within the Potential landslip hazard overlay.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development is located, designed and constructed to not put at risk the safety of people, property and the environment;
 - (b) development is not at risk from and does not pose a risk to adjacent and nearby sites from landslides;
 - (c) ensures that community infrastructure is protected from the effects of potential landslides;
 - (d) ensures that vegetation clearing, stormwater management and filling and/or excavation does not create a landslide hazard and/or rectifies potential pre-existing landslide risks;
 - (e) development does not occur where works to provide a solution for safety of people, property or the environment involves complex engineering solutions to overcome the risk, or would result in a built form or outcome that causes an adverse visual impact on the Hillslopes or Landscape values of Douglas Shire.

8.2.9.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
PO1 The siting and design of development does not involve complex engineering solutions and does not create or increase the potential landslide hazard risk to the site or adjoining premises through: (a) building design; (b) increased slope; (c) removal of vegetation; (d) stability of soil; (e) earthworks; (f) alteration of existing ground water or surface water paths; (g) waste disposal areas.	AO1.1 Development is located on that part of the site not affected by the Potential landslide hazard overlay. or AO1.2 Development is on an existing stable, benched site and requires no further earthworks	Complies The existing and proposed development is located within an area of the site unconstrained by the Potential Landslide Hazard Overlay.



or

AO1.3

A competent person certifies that:

- (a) the stability of the site, including associated buildings and infrastructure, will be maintained during the course of the development and will remain stable for the life of the development;
- (b) development of the site will not increase the risk of landslide hazard activity on other land, including land above the site;
- (c) the site is not subject to the risk of landslide activity on other land;
- (d) any measures identified in a site-specific geotechnical report for stabilising the site or development have been fully implemented;
- (e) development does not concentrate existing ground water and surface water paths;
- (f) development does not incorporate on-site waste water disposal.

Note – Planning scheme policy SC6.9 – Natural hazards provides guidance on preparing a site specific geo-technical assessment.

Note – Development may alter the conditions of ground water and surface water paths in accordance with a site-specific geotechnical report, but should ensure that its final disbursement is as-per pre-developed conditions. Consideration for location, velocity, volume and quality should be given.



<p>PO2 The siting and design of necessary retaining structures does not cause an adverse visual impact on landscape character or scenic amenity quality of the area.</p>	<p>AO2 Excavation or fill:</p> <ul style="list-style-type: none"> (a) is not more than 1.2 metres in height for each batter or retaining wall; (b) is setback a minimum of 2 metres from property boundaries; (c) is stepped with a minimum 2 metre wide berm to incorporate landscaping in accordance with Planning scheme policy SC6.7 – Landscaping; (d) does not exceed a maximum of 3 batters and 3 berms (i.e. Not greater than 3.6 metres in height) on any one lot. 	<p>Complies The proposed Dwelling House Extension is positioned within an existing leveled and benched building pad.</p>
<p>PO3 Development for community infrastructure:</p> <ul style="list-style-type: none"> (a) is not at risk from the potential landslide hazard areas; (b) will function without impediment from a landslide; (c) provides access to the infrastructure without impediment from the effects of a landslide; (d) does not contribute to an elevated risk of a landslide to adjoining properties. 	<p>AO3 Development is designed in accordance with the recommendations of a site-specific geotechnical assessment which makes reference to the community infrastructure and its needs and function.</p> <p>Note - A site specific geotechnical assessment will detail requirements that will address the Acceptable Outcomes of this Performance Outcome. Planning scheme policy SC6.9 – Natural hazards provides guidance on preparing a site specific geotechnical assessment.</p>	<p>Not applicable The development is not for Community Infrastructure.</p>

8.2.7 Natural areas overlay code

8.2.7.1 Application

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

Note – MSES = Matters of State Environmental Significance.

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

8.2.7.2 Purpose

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



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

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

8.2.7.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
Protection of matters of environmental significance		
PO1 Development protects matters of environmental significance.	AO1.1 Development avoids significant impact on the relevant environmental values. or AO1.2 A report is prepared by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, that the development site does not contain any matters of state and local environmental significance. or AO1.3 Development is located, designed and operated to mitigate significant impacts on environmental values. For example, a report certified by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, how the proposed development mitigates impacts, including on water quality, hydrology and biological processes.	Complies The proposed development is located within an previously disturbed area of the site. No vegetation clearing is proposed. The balance of the site will be retained under natural vegetation.



Management of impacts on matters of environmental significance		
PO2 Development is located, designed and constructed to avoid significant impacts on matters of environmental significance.	AO2 The design and layout of development minimises adverse impacts on ecologically important areas by: (a) focusing development in cleared areas to protect existing habitat; (b) utilising design to consolidate density and preserve existing habitat and native vegetation; (c) aligning new property boundaries to maintain ecologically important areas; (d) ensuring that alterations to natural landforms, hydrology and drainage patterns on the development site do not negatively affect ecologically important areas; (e) ensuring that significant fauna habitats are protected in their environmental context; and (f) incorporating measures that allow for the safe movement of fauna through the site.	Complies Refer to comments above.



Performance outcomes		Acceptable outcomes
PO3 An adequate buffer to areas of state environmental significance is provided and maintained.	AO3.1 A buffer for an area of state environmental significance (Wetland protection area) has a minimum width of: (a) 100 metres where the area is located outside Urban areas; or (b) 50 metres where the area is located within a Urban areas. or AO3.2 A buffer for an area of state environmental significance is applied and maintained, the width of which is supported by an evaluation of environmental values, including the function and threats to matters of environmental significance.	Not applicable
PO4 Wetland and wetland buffer areas are maintained, protected and restored. Note – Wetland buffer areas are identified in AO3.1.	AO4.1 Native vegetation within wetlands and wetland buffer areas is retained. AO4.2 Degraded sections of wetlands and wetland buffer areas are revegetated with endemic native plants in patterns and densities which emulate the relevant regional ecosystem.	Not applicable
PO5 Development avoids the introduction of non-native pest species (plant or animal), that pose a risk to ecological integrity.	AO5.1 Development avoids the introduction of non-native pest species. AO5.2 The threat of existing pest species is controlled by adopting pest management practices for long-term ecological integrity.	Complies Weeds will be managed during construction. However, given the nature of construction it is not expected that the type of machinery and vehicles used pose a significant risk to spreading weeds.
Ecological connectivity		



<p>PO6 Development protects and enhances ecological connectivity and/or habitat extent.</p>	<p>AO6.1 Development retains native vegetation in areas large enough to maintain ecological values, functions and processes.</p> <p>and</p> <p>AO6.2 Development within an ecological corridor rehabilitates native vegetation.</p> <p>and</p> <p>AO6.3 Development within a conservation corridor mitigates adverse impacts on native fauna, feeding, nesting, breeding and roosting sites and native fauna movements.</p>	<p>Complies No vegetation clearing is proposed. Balance of the site will be retained under natural vegetation.</p>
<p>PO7 Development minimises disturbance to matters of state environmental significance (including existing ecological corridors).</p>	<p>AO7.1 Development avoids shading of vegetation by setting back buildings by a distance equivalent to the height of the native vegetation.</p> <p>and</p> <p>AO7.2 Development does not encroach within 10 metres of existing riparian vegetation and watercourses.</p>	<p>Complies The proposed building is appropriately setback from vegetation.</p>
<p>Waterways in an urban area</p>		



PO8 Development is set back from waterways to protect and maintain: <ul style="list-style-type: none"> (a) water quality; (b) hydrological functions; (c) ecological processes; (d) biodiversity values; (e) riparian and in-stream habitat values and connectivity; (f) in-stream migration. 	AO8.1 Where a waterway is contained within an easement or a reserve required for that purpose, development does not occur within the easement or reserve; or AO8.2 Development does not occur on the part of the site affected by the waterway corridor. Note – Waterway corridors are identified within Table 8.2.7.3.b.	Not applicable
Waterways in a non-urban area		
PO9 Development is set back from waterways to protect and maintain: <ul style="list-style-type: none"> (a) water quality; (b) hydrological functions; (c) ecological processes; (d) biodiversity values; (e) riparian and in-stream habitat values and connectivity; (f) in-stream migration. 	AO9 Development does not occur on that part of the site affected by a waterway corridor. Note – Waterway corridors are identified within Table 8.2.7.3.b.	Complies The development is appropriately setback from the waterway along the southern boundary.

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.

9.3.8 Dwelling house code

9.3.8.1 Application

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

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

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

9.3.8.2 Purpose

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



9.3.8.3 Criteria for assessment

Table 9.3.8.3.a – Dwelling house code –assessable development

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

9.4 Other development codes

9.4.1 Access, parking and servicing code

9.4.1.1 Application

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

9.4.1.2 Purpose

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

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

Performance outcomes	Acceptable outcomes	Applicant Response
For self-assessable and assessable development		
PO1 Sufficient on-site car parking is provided to cater for the amount and type of vehicle traffic expected to be generated by the use or uses of the site, having particular regard to: (a) the desired character of the area; (b) the nature of the particular use and its specific characteristics and scale; (c) the number of employees and the likely number of visitors to the site; (d) the level of local accessibility; (e) the nature and frequency of any public transport serving the area; (f) whether or not the use involves the retention of an existing building and the previous requirements for car parking for the building (g) whether or not the use involves a heritage building or place of local significance; (h) whether or not the proposed use involves the retention of significant vegetation.	<p>AO1.1 The minimum number of on-site vehicle parking spaces is not less than the number prescribed in Table 9.4.1.3.b for that particular use or uses.</p> <p>Note - Where the number of spaces calculated from the table is not a whole number, the number of spaces provided is the next highest whole number.</p> <p>AO1.2 Car parking spaces are freely available for the parking of vehicles at all times and are not used for external storage purposes, the display of products or rented/sub-leased.</p> <p>AO1.3 Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking.</p> <p>AO1.4 For parking areas exceeding 50 spaces parking, is provided for recreational vehicles as a substitute for ordinary vehicle parking to a maximum of 5% of total ordinary vehicle parking rate.</p>	<p>Complies</p> <p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p>
PO2 Vehicle parking areas are designed and constructed in accordance with relevant standards.	<p>AO2 Vehicle parking areas are designed and constructed in accordance with Australian Standard:</p> <ul style="list-style-type: none"> (a) AS2890.1; (b) AS2890.3; (c) AS2890.6. 	<p>Complies</p> <p>Vehicle access and 2 bay covered parking is currently provided to the site.</p>



<p>PO3 Access points are designed and constructed:</p> <ul style="list-style-type: none"> (a) to operate safely and efficiently; (b) to accommodate the anticipated type and volume of vehicles (c) to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate; (d) so that they do not impede traffic or pedestrian movement on the adjacent road area; (e) so that they do not adversely impact upon existing intersections or future road or intersection improvements; (f) so that they do not adversely impact current and future on-street parking arrangements; (g) so that they do not adversely impact on existing services within the road reserve adjacent to the site; (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). 	<p>AO3.1 Access is limited to one access cross over per site and is an access point located, designed and constructed in accordance with:</p> <ul style="list-style-type: none"> (a) Australian Standard AS2890.1; (b) Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers. <p>AO3.2 Access, including driveways or access crossovers:</p> <ul style="list-style-type: none"> (a) are not placed over an existing: <ul style="list-style-type: none"> (i) telecommunications pit; (ii) stormwater kerb inlet; (iii) sewer utility hole; (iv) water valve or hydrant. (b) are designed to accommodate any adjacent footpath; (c) adhere to minimum sight distance requirements in accordance with AS2980.1. <p>AO3.3 Driveways are:</p> <ul style="list-style-type: none"> (a) designed to follow as closely as possible to the existing contours, but are no steeper than the gradients outlined in Planning scheme policy SC6.5 – FNQROC Regional Development Manual; (b) constructed such that where there is a grade shift to 1 in 4 (25%), there is an area with a grade of no more than 1 in 6 (16.6%) prior to this area, for a distance of at least 5 metres; (c) on gradients greater than 1 in 6 (16.6%) driveways are constructed to ensure the cross-fall of the driveway is one way and directed into the hill, for vehicle safety and drainage purposes; 	<p>Complies The existing single crossover will be utilised.</p> <p>Complies Access to the site is existing and no changes are proposed.</p>
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	<p>(d) constructed such that the transitional change in grade from the road to the lot is fully contained within the lot and not within the road reserve;</p> <p>(e) designed to include all necessary associated drainage that intercepts and directs storm water runoff to the storm water drainage system.</p> <p>AO3.4 Surface construction materials are consistent with the current or intended future streetscape or character of the area and contrast with the surface construction materials of any adjacent footpath.</p>	
<p>PO4 Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes.</p>	<p>AO4 The number of on-site wheel chair accessible car parking spaces complies with the rates specified in AS2890 Parking Facilities.</p>	Not applicable
<p>PO5 Access for people with disabilities is provided to the building from the parking area and from the street.</p>	<p>AO5 Access for people with disabilities is provided in accordance with the relevant Australian Standard.</p>	Not applicable
<p>PO6 Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development.</p>	<p>AO6 The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b.</p>	Not applicable

<p>PO7 Development provides secure and convenient bicycle parking which:</p> <ul style="list-style-type: none"> (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. 	<p>AO7.1 Development provides bicycle parking spaces for employees which are co-located with end-of-trip facilities (shower cubicles and lockers);</p> <p>AO7.2 Development ensures that the location of visitor bicycle parking is discernible either by direct view or using signs from the street.</p> <p>AO7.3 Development provides visitor bicycle parking which does not impede pedestrian movement.</p>	<p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p>
<p>PO8 Development provides walking and cycle routes through the site which:</p> <ul style="list-style-type: none"> (a) link to the external network and pedestrian and cyclist destinations such as schools, shopping centres, open space, public transport stations, shops and local activity centres along the safest, most direct and convenient routes; (b) encourage walking and cycling; (c) ensure pedestrian and cyclist safety. 	<p>AO8 Development provides walking and cycle routes which are constructed on the carriageway or through the site to:</p> <ul style="list-style-type: none"> (a) create a walking or cycle route along the full frontage of the site; (b) connect to public transport and existing cycle and walking routes at the frontage or boundary of the site. 	<p>Not applicable</p>
<p>PO9 Access, internal circulation and on-site parking for service vehicles are designed and constructed:</p> <ul style="list-style-type: none"> (a) in accordance with relevant standards; 	<p>AO9.1 Access driveways, vehicle manoeuvring and on-site parking for service vehicles are designed and constructed in accordance with AS2890.1 and</p>	<p>Complies</p>

<p>(b) so that they do not interfere with the amenity of the surrounding area;</p> <p>(c) so that they allow for the safe and convenient movement of pedestrians, cyclists and other vehicles.</p>	<p>AS2890.2.</p> <p>AO9.2 Service and loading areas are contained fully within the site.</p> <p>AO9.3 The movement of service vehicles and service operations are designed so they:</p> <ul style="list-style-type: none"> (a) do not impede access to parking spaces; (b) do not impede vehicle or pedestrian traffic movement. 	<p>Not applicable</p> <p>Not applicable</p>
<p>PO10 Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.</p>	<p>AO10.1 Development provides adequate area on-site for vehicle queuing to accommodate the demand generated by the development where drive through facilities or drop-off/pick-up services are proposed as part of the use, including, but not limited to, the following land uses:</p> <ul style="list-style-type: none"> (a) car wash; (b) child care centre; (c) educational establishment where for a school; (d) food and drink outlet, where including a drive-through facility; (e) hardware and trade supplies, where including a drive-through facility; (f) hotel, where including a drive-through facility; (g) service station. <p>AO10.2 Queuing and set-down areas are designed and constructed in accordance with AS2890.1.</p>	<p>Not applicable</p>

Table 9.4.1.3.b – Access, parking and servicing requirements

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

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

9.4.4 Filling and excavation code

9.4.4.1 Application

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

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

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

9.4.4.2 Purpose

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

9.4.4.3 Criteria for assessment

Table 9.4.4.3.a – Filling and excavation code – for self-assessable and assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
Filling and excavation - General		
<p>PO1 All filling and excavation work does not create a detrimental impact on the slope stability, erosion potential or visual amenity of the site or the surrounding area.</p>	<p>AO1.1 The height of cut and/or fill, whether retained or not, does not exceed 2 metres in height.</p> <p>and</p> <p>Cuts in excess of those stated in A1.1 above are separated by benches/ terraces with a minimum width of 1.2 metres that incorporate drainage provisions and screen planting.</p> <p>AO1.2 Cuts are supported by batters, retaining or rock walls and associated benches/terraces are capable of supporting mature vegetation.</p> <p>AO1.3 Cuts are screened from view by the siting of the building/structure, wherever possible.</p>	<p>Complies The proposed Dwelling House Extension is located within an existing level bench building pad. The height of the cut between the proposed extension and existing Dwelling House is less than 2m, refer to the site and elevation plans attached with this application.</p> <p>No further earthworks are required to facilitate the development, with the exception of minor site preparation works for building.</p>



	<p>AO1.4 Topsoil from the site is retained from cuttings and reused on benches/terraces.</p> <p>AO1.5 No crest of any cut or toe of any fill, or any part of any retaining wall or structure is closer than 600mm to any boundary of the property, unless the prior written approval of the adjoining landowner has been obtained.</p> <p>AO1.6 Non-retained cut and/or fill on slopes are stabilised and protected against scour and erosion by suitable measures, such as grassing, landscaping or other protective/aesthetic measures.</p>	
Visual Impact and Site Stability		
<p>PO2 Filling and excavation are carried out in such a manner that the visual/scenic amenity of the area and the privacy and stability of adjoining properties is not compromised.</p>	<p>AO2.1 The extent of filling and excavation does not exceed 40% of the site area, or 500m² whichever is the lesser, except that AO2.1 does not apply to reconfiguration of 5 lots or more.</p> <p>AO2.2 Filling and excavation does not occur within 2 metres of the site boundary.</p>	Complies
Flooding and drainage		



<p>PO3 Filling and excavation does not result in a change to the run off characteristics of a site which then have a detrimental impact on the site or nearby land or adjacent road reserves.</p>	<p>AO3.1 Filling and excavation does not result in the ponding of water on a site or adjacent land or road reserves.</p> <p>AO3.2 Filling and excavation does not result in an increase in the flow of water across a site or any other land or road reserves.</p> <p>AO3.3 Filling and excavation does not result in an increase in the volume of water or concentration of water in a watercourse and overland flow paths.</p> <p>AO3.4 Filling and excavation complies with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.</p>	<p>Complies Stormwater will be appropriately captured and redirected onsite via existing drainage channels. The drainage regime across the property remains generally unchanged.</p>
Water quality		
<p>PO4 Filling and excavation does not result in a reduction of the water quality of receiving waters.</p>	<p>AO4 Water quality is maintained to comply with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.</p>	<p>Will comply Any concerns in this regard may be conditioned under a Development Permit.</p>
Infrastructure		
<p>PO5 Excavation and filling does not impact on Public Utilities.</p>	<p>AO5 Excavation and filling is clear of the zone of influence of public utilities.</p>	<p>Not applicable</p>