

20 February 2023



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

Lodged via email: [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au)

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**RE: CHANGE APPLICATION (MINOR CHANGE) PURSUANT TO S78 OF THE PLANNING ACT 2016, OVER LAND AT 113 VIXIES ROAD, WONGA BEACH, MORE FORMALLY DESCRIBED AS LOT 40 ON CROWN PLAN SR367.**

Aspire Town Planning and Project Services act on behalf of Daintree Beach Resort Pty Ltd A.C.N 661 268 015 (the 'Landowner' and the 'Applicant').

On behalf of the Applicant, please accept the following Change Application (Minor Change), pursuant to Section 78 of the *Planning Act 2016* (the 'Act'), which seeks approval to vary the approved form of development to include a new Pool, Bar and Food and Drink Outlet (Food Van).

In support of the Change Application (Minor Change) the following documents are attached:

- Certificate of Title (Attachment 1);
- Duly completed Change Application Form – Planning Act Form 5 (Attachment 2);
- Owners Consent Form (Attachment 3);
- Proposed Site, Floor and Elevation Plans (Attachment 4); and
- Statement of Code Compliance (Attachment 5).

We respectfully request Douglas Shire Council issue an Invoice to facilitate electronic payment of the relevant Application Fee directly by the Applicant. The relevant Application Fee is to be advised by the Team Leader Planning.

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Aspire Town Planning and Project Services  
PO Box 1040, Mossman QLD 4873  
M. 0418826560  
E. [admin@aspireqld.com](mailto:admin@aspireqld.com)  
W. [www.aspireqld.com](http://www.aspireqld.com)  
ABN. 79 851 193 691

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## Site Description

The subject property is located at 113 Vixies Road, Wonga Beach, is more formally described as Lot 40 on Crown Plan SR367 (the 'site') and is commonly known as the Pinnacle Village Holiday Park, see Image I below. The site is located at the end of Vixies Road, which is 22km north of Mossman CBD along the Mossman Daintree Road. The site is located on the Wonga Beach foreshore, has a total area of 12.141ha and partially cleared.

The Holiday Park offers visitors a variety of accommodation options from cabins to powered and unpowered campsites.

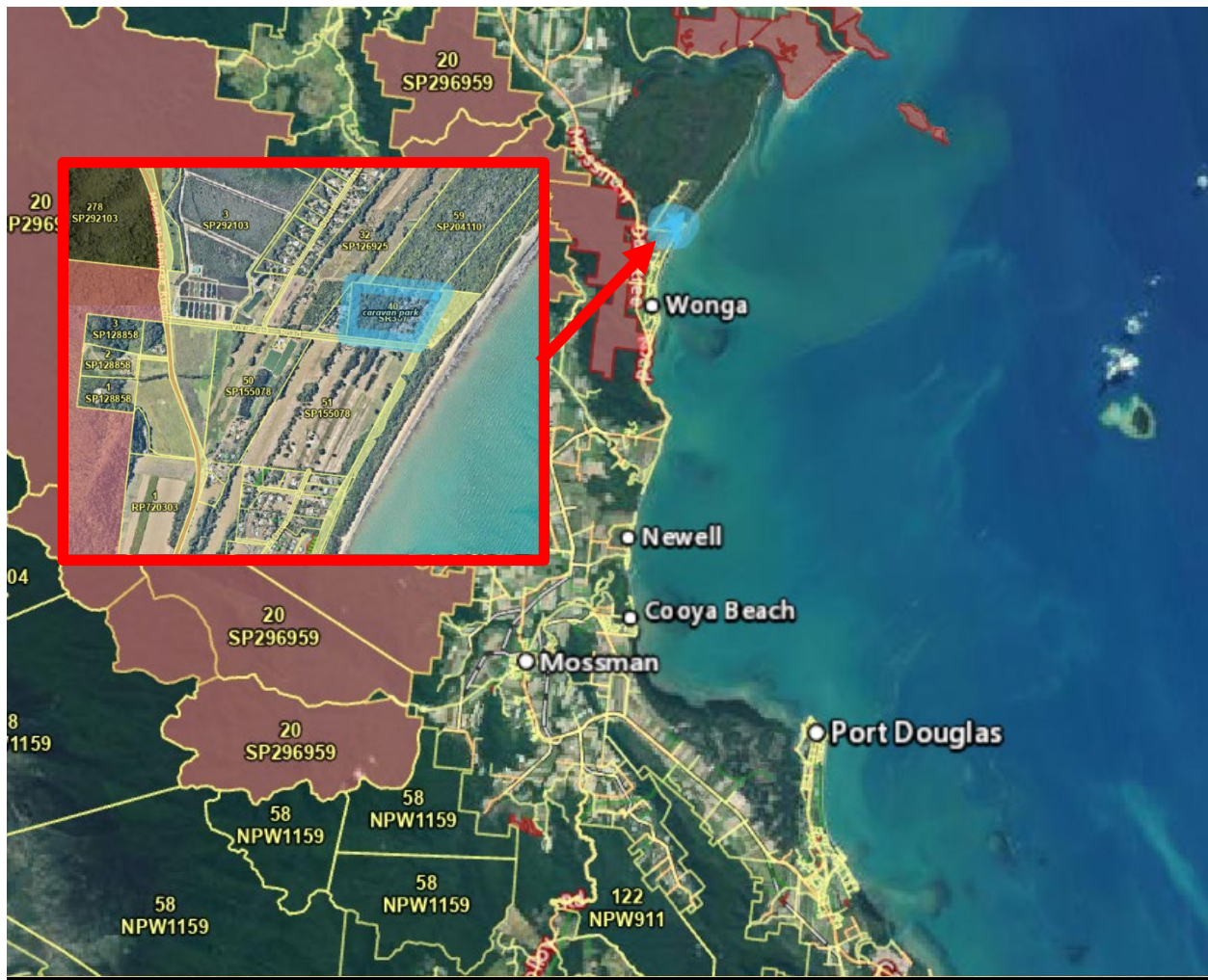


Image I: Subject Property (source: QLDGlobe, 2023)

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## **Vision**

The site has been recently purchased by the current Landowner and has been rebranded as the Daintree Beach Resort.

The redevelopment will include a brand new 300m<sup>2</sup> inground swimming Pool, Bar and new Food and Drink Outlet (Food Van).

The site will not operate past 8.30pm each day. From time to time, there may be an event type of scenario with music performances - however this will not be a regular occurrence and Council approvals will be obtained prior to holding these types of events.

The Daintree Beach Resort will have its own (and outside from time to time) mobile food vans operating during service hours offering meals i.e. Barramundi tacos, pizzas, hot chips and a further selection of smaller meals. Our operating plan is to open for breakfast from 8am, catering through the day until 8.30pm Mon-Sun.

Priority for the new Landowners is to undertake the proposed improvements ahead of the impending 2023 tourist season.

## **Approval Background**

A Planning and Development Certificate was issued by Douglas Shire Council on the 5 January 2017 and details the relevant approvals pertaining to the land. Aspire Town Planning and Project Services has obtained a copy of the Planning and Development Certificate and are aware there is one historical Town Planning Approval relevant to the establishment of the Holiday Park. This is referenced as Development Approval No. 369, dated 9 April 1978, for a Holiday Resort and includes:

- Twelve (12) Holiday Cabins
- Three (3) Staff Residences
- One (1) Restaurant and Office
- Fifty (50) Caravan Sites
- Twenty Five (25) Camping Sites
- One (1) Kiosk and Office
- Amenities Block
- Workshop
- Storage Shed
- Generator Shed
- Swimming Pool
- Six (6) BBQ Areas
- Boat Ramp.

The proposed Change Application (Minor Change) seeks to vary the above described Town Planning Consent to facilitate the proposed new Pool, Bar and Food and Drink Outlet (Food Van).

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## **Proposed Minor Change**

This Change Application (Minor Change) includes a new Pool, Bar and Food and Drink Outlet (Food Van), as detailed within the Site, Floor and Perspectives included under Attachment 4.

The Bar is positioned midway along the site eastern boundary and overlooks the Wonga Beach esplanade. The siting of the Bar has been selected for its proximity to and views across the foreshore and convenient central location with respect to onsite accommodation. The siting is further determined by Regulated Vegetation which covers a portion of the site. A 20m wide Vegetation Clearing Exemption Buffer is illustrated on the Site Plan as a light shaded area.

The Bar structure itself is light weight and tropical design. It includes a central Bar area and surrounding casual seating.

The proposed Pool is positioned to the west, behind the proposed Bar.

The existing toilet facilities are located 30m from the proposed Pool. No new facilities are proposed.

There is no increase in accommodation capacity. The proposed changes simply seek to establish a new Pool, Bar and Food and Drink Outlet (Food Van) to provide greater onsite recreational offerings and improve visitor experience.

The Daintree Beach Resort will operate its own (and outside from time to time) mobile food vans during service hours offering meals i.e. Barramundi tacos, pizzas, hot chips and a further selection of smaller meals. It is proposed to operate from breakfast (8am) catering through the day until dinner (closed by 8.30pm) Mon-Sun.

## **Planning Context**

The property is located within the Rural Zone of the 2018 Douglas Shire Council Planning Scheme and the land use is defined as a Tourist Park.

The following Overlays relate to the property generally. Only the initial four codes listed below are relevant to the assessment of the Change Application given the proposed siting of the Pool, Bar and Food and Drink Outlet (Food Van):

- Acid Sulphate Soils (<5m AHD)
- Bushfire Hazard (Potential Impact Buffer; High Potential Bushfire Intensity; Medium Potential Bushfire Intensity)
- Coastal Processes (Erosion Prone Area)
- Flood and Storm Tide Hazard (Medium Storm Tide Hazard; High Storm Tide Hazard; Floodplain Assessment Overlay)
- Landscape Values (Coastal Scenery; High Landscape Values; Medium Landscape Values)
- Natural Areas (MSES Regulated Vegetation Intersecting with a Watercourse; MSES Regulated Vegetation; MSES – High Ecological Significance Wetlands)
- Transport Network (Collector Road)

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A Tourist Park within the Rural Zone is Impact Assessable.

### **Minor Change Test**

By way of definition under the Act, a 'Minor Change', means a change that:

"...

(b) for a development approval—

*(i) would not result in substantially different development; and*

*(ii) if a development application for the development, including the change, were made when the change application is made would not cause—*

*(A) the inclusion of prohibited development in the application; or*

*(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*

*(C) referral to extra referral agencies, other than to the chief executive; or*

*(D) a referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or*

*(E) public notification if public notification was not required for the development application."*

### **Assessment Comments**

In support of the position that the proposed changes qualify as a Minor Change, it is submitted that the:

- The proposed Change would not cause prohibited development;
- If a development application were made, including the proposed Change, it would not trigger referral to a referral agency other than the Chief Executive;
- The proposed Change does not trigger additional referral agencies other than the Chief Executive; and
- Public Notification for the original Development Application was required, and would be required under the current Planning Scheme if the application was re-made at today's date.

It is further noted that the proposed Pool, Bar and Food and Drink Outlet (Food Van) have been appropriately setback by 20m from mapped areas of Regulated Vegetation, in effort to avoid triggering referral for Exempt Clearing Work.

Assessment as to whether the proposed changes trigger 'Substantially Different Development' is assessed in the following section of this application.

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## Substantially Different Development Test

The Development Assessment Rules VI.3 offer guidance in relation to assessing whether a proposed Change results in Substantially Different Development:

*“A change may be considered to result in a substantially different development if any of the following apply to the proposed change:*

- (a) involves a new use; or*
- (b) results in the application applying to a new parcel of land; or*
- (c) dramatically changes the built form in terms of scale, bulk and appearance; or*
- (d) changes the ability of the proposed development to operate as intended; or*
- (e) removes a component that is integral to the operation of the development; or*
- (f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or*
- (g) introduces new impacts or increase the severity of known impacts; or*
- (h) removes an incentive or offset component that would have balanced a negative impact of the development; or*
- (i) impacts on infrastructure provisions.”*

## **Assessment Comments**

It is submitted that the proposed Change will not result in Substantially Different Development, in particular it is noted that:

- The Change does not involve a new use. By definition of a Tourist Park under the Douglas Shire Planning Scheme 2018, this land use includes ancillary uses including recreational facilities and food and drink outlets;
- The Change does not introduce a new parcel of land;
- The proposed change includes a new structures in the form of a Resort Pool and Bar, however it is submitted that the this is not a dramatic change in the built form. The Pool is inground and will be tropically landscaped. The Bar structure is light weight design and open, which is inkeeping with the natural setting. The Food and Drink Outlet will be limited to a Food Van;
- The Change does not affect the ability of the development to operate as intended, rather the Change enhances the function of the site and improves visitor experience;
- The Change does not remove an integral component of the development;
- The Change does not impact traffic flow or the transport network;
- The Change does not introduce new impacts or increase severity of known impacts;
- The Change does not remove an incentive or offset; and
- The Change will not impact on infrastructure provisions.

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## Assessing Change Applications for Minor Change

In consideration of the above tests, it is submitted that the proposed Change is a Minor Change. In assessing Change Applications for Minor Change, s82 of the Act prescribes:

*“... the responsible entity must consider—*

*(a) the information the applicant included with the application; and*

*(b) if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved; and*

*(c) any pre-request response notice or response notice given in relation to the change application; and*

*(d) if the responsible entity is, under section 78A(3), the Minister—all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and*

*(da) if paragraph (d) does not apply—all matters the responsible entity would or may assess against or have regard to, if the change application were a development application; and*

*(e) another matter that the responsible entity considers relevant.”*

In support the proposed changes an assessment against the relevant Planning Scheme Codes has been completed and is included under Attachment 5.

A detailed assessment is not included in relation to the Landscaping Code, rather it is here noted that it is the intention of the Landowner to undertake landscaping of the impacted areas post construction. It is anticipated that any concerns in this regard may be addressed through development conditions.

## Conclusion

It is demonstrated that the proposed Change satisfies the test for a Minor Change and does not result in Substantially Different Development. The proposed Change remains in keeping with the current approved use for the land and generally complies with the relevant assessment benchmarks under the 2018 Douglas Shire Planning Scheme. Any matters of non-compliance identified by Council may be appropriately conditioned.

Thank you for your time in considering this application and if you wish to inspect the property or have any further queries, please contact the undersigned.

Regards,



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Daniel Favier  
Senior Town Planner  
ASPIRE Town Planning and Project Services

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**ASPIRE**

Town Planning and Project Services

## **Attachment I:**

Certificate of Title



Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>21081207</b>	<b>Search Date:</b>	10/02/2023 09:32
<b>Date Title Created:</b>	11/10/1978	<b>Request No:</b>	43541936
<b>Previous Title:</b>	20873031, 20873032, 20873033		

#### ESTATE AND LAND

Estate in Fee Simple

LOT 40 CROWN PLAN SR367

Local Government: DOUGLAS

#### REGISTERED OWNER

Dealing No: 722046230 18/10/2022

DAINTREE BEACH RESORT PTY LTD A.C.N. 661 268 015

#### EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20735001 (POR 40)

#### ADMINISTRATIVE ADVICES

NIL

#### UNREGISTERED DEALINGS

NIL

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



**ASPIRE**

Town Planning and Project Services

## **Attachment 2:**

Duly Completed Change Application Form  
Planning Act Form 5

# Change application form

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

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

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

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

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Daintree Beach Resort Pty Ltd A.C.N 661 268 051
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
Email address (non-mandatory)	<a href="mailto:admin@aspireqld.com">admin@aspireqld.com</a>
Mobile number (non-mandatory)	0418826560
Applicant's reference number(s) (if applicable)	2023-01-28 – Daintree Beach Resort – 113 Vixies Road, Wonga Beach

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

## PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)				
3.1) Street address and lot on plan				
<input checked="" type="checkbox"/> Street address <b>AND</b> lot on plan (all lots must be listed), <b>or</b>				
<input type="checkbox"/> Street address <b>AND</b> 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
		113	Vixies Road	Wonga Beach
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	40	Crown Plan SR367	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)



**Queensland  
Government**

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay) <b>Note:</b> Place each set of coordinates in a separate row.				
<input type="checkbox"/> 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="checkbox"/> Coordinates of premises by easting and northing				
Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	
3.3) Additional premises				
<input type="checkbox"/> Additional premises are relevant to the original development approval and the details of these premises have been attached in a schedule to this application <input checked="" type="checkbox"/> Not required				

## PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application <b>Note:</b> see section 78(3) of the Planning Act 2016
Douglas Shire Council

## PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application			
Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	Development Approval No. 369	19 April 1978	Douglas Shire Council
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

6) Type of change proposed
6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):
New Pool, Resort Bar and Food and Drink Outlet
6.2) What type of change does this application propose?
<input checked="" type="checkbox"/> Minor change application – proceed to Part 5 <input type="checkbox"/> Other change application – proceed to Part 6

## PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

### 7) Are there any affected entities for this change application

☒ No – proceed to Part 7

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

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

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

## PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

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

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

☐ No

☐ Yes

### 9) Development details

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

☐ No

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

#### 9.2) Does the change application involve building work?

☐ No

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

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

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

☐ No

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

### 11) Information request under Part 3 of the DA Rules

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

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

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

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties
  - Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.
- Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

## 12) Further details

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

# PART 7 – CHECKLIST AND APPLICANT DECLARATION

## 13) Change application checklist

I have identified the:

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

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

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

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

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

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

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

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

## 14) Applicant declaration

- ☒ By making this change application, I declare that all information in this change application is true and correct.
- ☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

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

**Privacy** – Personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

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

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

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

## PART 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

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Date received:  Reference number(s):

### QLeave notification and payment

*Note: For completion by assessment manager if applicable*

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



**ASPIRE**

Town Planning and Project Services

## **Attachment 3:**

### Owner Consent Form



**Company owner's consent to the making of a development application under the *Planning Act 2016***

I, Christopher Banson

Director of the company mentioned below.

and I,

Secretary of the company mentioned below

Of

***Daintree Beach Resort Pty Ltd A.C.N 661 268 015***

the company being the owner of the premises identified as follows:

***113 Vixies Road, Wonga Beach and more formally described as Lot 40 on Crown Plan SR367***

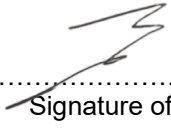
consent to the making of a development application under the *Planning Act 2016* by:

***Daniel Favier of Aspire Town Planning and Project Services***

On the premises described above for:

***Change Application (Minor Change)***

Company Name and ACN: ***Daintree Beach Resort Pty Ltd A.C.N 661 268 015***

 ..... Signature of Director	..... Signature of Director/Secretary
10/02/2023 ..... Date	..... Date



**ASPIRE**

Town Planning and Project Services

## **Attachment 4:**

Proposed Site, Floor and Elevation Plans



- LEGEND**
- 1 ENTRANCE STATEMENT
  - 2 BEACH BAR
  - 3 RESORT POOL
  - 4 EXISTING STRUCTURE REMAIN
  - 5 VISITOR PARKING (105)
  - 6 EXISTING MALE/FEMALE TOILETS
  - 7 FEATURE FOCAL TREES
  - 8 ZONE FOR REQUIRED LICENCE

PROPERTY INFORMATION			
LOT NUMBER	LOT 40		
PLAN NUMBER	SR567		
SITE AREA	12,149 m <sup>2</sup>		
LOCAL GOVERNMENT	DOUGLAS SHIRE COUNCIL		

# DAINTREE BEACH RESORT

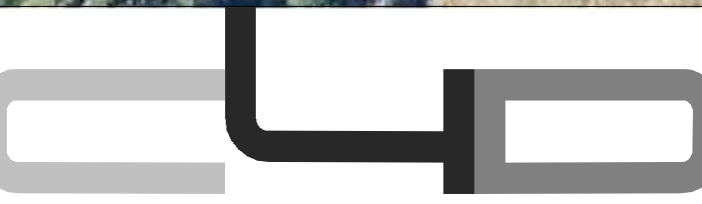
## 113 VIXIES ROAD, WONGA BEACH



**PRELIMINARY ISSUE**

# DAINTREE BEACH RESORT

## RESORT RE-DEVELOPMENT



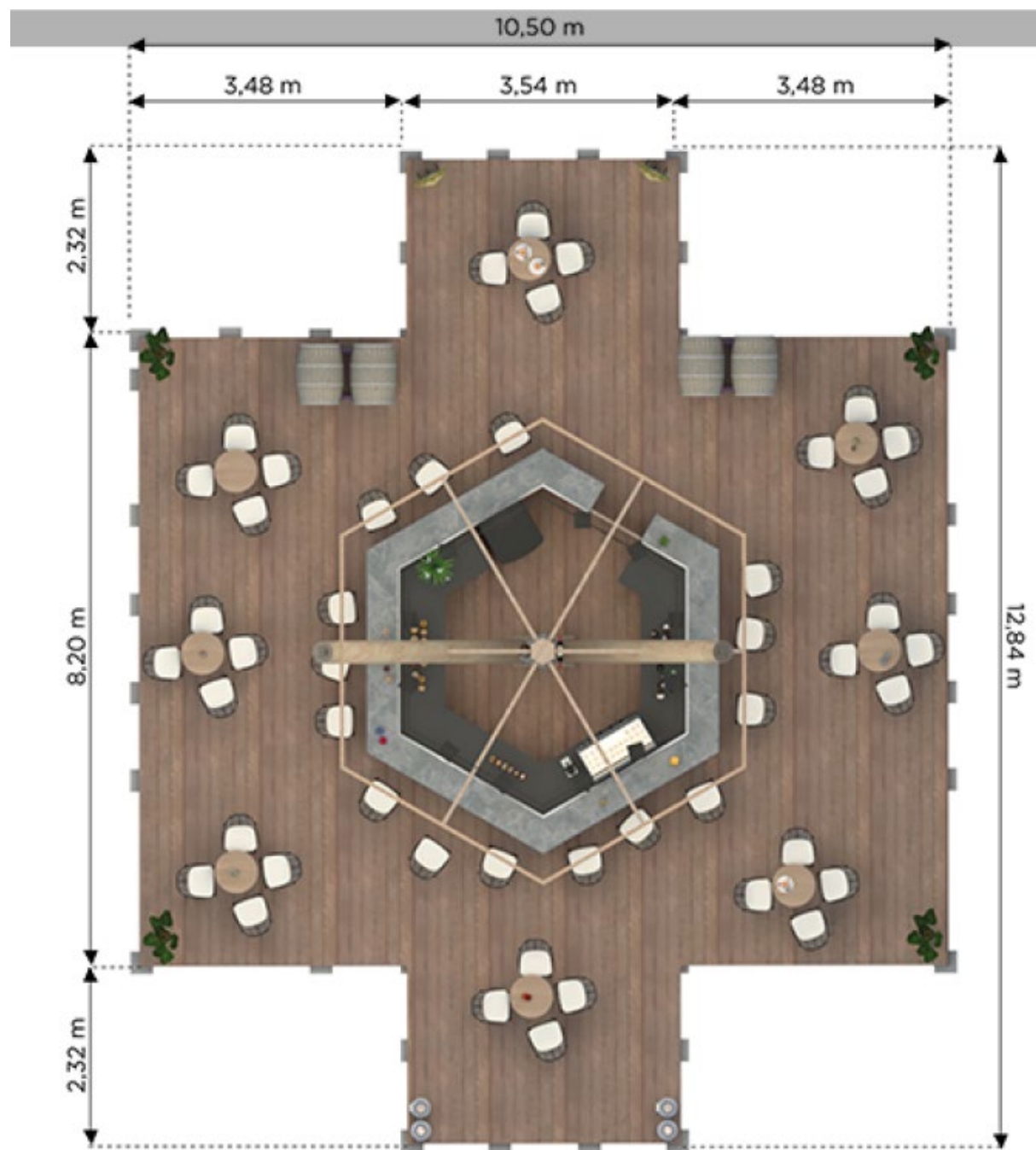
DIMARCO DESIGNS  
ABN 24 346 833 179 | QBCC No 707188  
P 0410 633 159 | W dimarcodesigns.com.au  
DRAWING IS COPYRIGHT TO DIMARCO DESIGNS ©  
AND MUST NOT BE ALTERED OR REPLICATED.  
G:\Dimarco Designs\Projects\230208\23028 - Daintree Beach Resort\Drawings\Concept\230208SK01B - Daintree Beach Resort.rvt

A			START DATE:		REVISION DATE:		SCALE:	
No	DATE	DETAILS	DEC 2022		22/12/2022		1 : 1000	

113 VIXIES ROAD, WONGA BEACH  
SALTWATER PROPERTIES  
23028 SK01 A



# Floor Plan



# Perspectives





**ASPIRE**

Town Planning and Project Services

## **Attachment 5:**

### Statement of Code Compliance

### 9.3.15 Relocatable home park and tourist park code

#### 9.3.15.1 Application

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

#### 9.3.15.2 Purpose

- (1) The purpose of the Relocatable home park and tourist park 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) relocatable home park and tourist parks provide recreational and communal facilities;
  - (b) a high standard of amenity is provided for residents and occupants and adjoining properties;
  - (c) safe movement of pedestrians and vehicles is provided;
  - (d) a relocatable home park and tourist park does not adversely impact on the amenity of rural and residential areas or the viable operation of rural activities;
  - (e) a relocatable home park and tourist park is provided with appropriate utilities and services;
  - (f) a relocatable home park is located near centres, transport facilities and community facilities.

#### 9.3.15.3 Criteria for assessment

Table 9.3.15.3.a –Relocatable home park and tourist park code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
<b>For assessable development</b>		
<b>PO1</b> The site has sufficient area to accommodate the proposed use and associated facilities and to enable a high standard of amenity for users.	<b>AO1</b> The site has a minimum area of 1 hectare.	<b>Complies</b>

**PO2**

Individual sites provide a range of sizes to accommodate variations in relocatable homes, caravans, annexes and tents with a high level of convenience and privacy for occupants, while also taking into account physical site constraints that may in certain circumstances warrant either more intense or less intense development standards.

**AO2.1**

Tourist parks (short term caravan, campervan/ motor home sites) meet the following minimum requirements:

- (a) 120m<sup>2</sup> individual site area;
- (b) minimum frontage of 10 metres;
- (c) 10 metres from site frontage;
- (d) 6 metre setback to all other site boundaries;
- (e) 3 metre setback to an internal road;
- (f) 1.5 metre setback from any other tourist park site or relocatable home site boundary;
- (g) 3 metre setback from any adjoining building (other than toilet/ablution facilities);
- (h) 6 metre setback to toilets/ablution facilities;
- (i) 30m<sup>2</sup> private open space;
- (j) 14m<sup>2</sup> car parking space.

**AO2.2**

Tourist parks (camping sites) meet the following minimum requirements:

**Not applicable**

This Change Application for the purposes of the establishment of a new Pool, Bar and Food and Drink Outlet (Food Van) only. The site is an existing, approved and long term established Tourist Park.





- (a) 50m<sup>2</sup> individual site area;
- (b) 10 metres from site frontage;
- (c) 5 metre setback to all other site boundaries;
- (d) 3 metre setback to an internal road;
- (e) 1.5 metre setback from any other tourist park site or relocatable home site boundary;
- (f) 3 metre setback from any adjoining building (other than toilet/ablution facilities);
- (g) 6 metre setback to toilets/ablution facilities;
- (h) 14m<sup>2</sup> car parking space.

**AO2.3**

Relocatable home parks meet the following minimum requirements:

- (a) 200m<sup>2</sup> individual site area;
- (b) minimum frontage of 13 metres;
- (c) 10 metres from site frontage;
- (d) 5 metre setback to all other site boundaries;
- (e) 3 metre setback to an internal road;
- (f) 1.5 metre setback from side and rear boundaries;
- (g) 3 metre setback from any adjoining building (other than toilet/ablution facilities);
- (h) 6 metre setback to toilets/ablution facilities;
- (i) 30m<sup>2</sup> private open space;
- (j) 14m<sup>2</sup> car parking space.



<p><b>PO3</b> All sites are designed so that relocatable homes and caravans and motorhomes can be safely and conveniently manoeuvred onto or removed from the site.</p>	<p><b>AO3.1</b> The entrance/exit road provides all-weather access and has a width of 7 metres to allow two vehicles towing caravans or two campervans/motorhomes to pass each other.</p> <p><b>AO3.2</b> A caravan holding bay with dimensions of 4 metres x 20 metres is provided adjacent to the entrance/exit road.</p> <p><b>AO3.3</b> Internal roads meet the following criteria: (a) one way – minimum 4 metres wide; (b) two way – minimum 6 metres wide.</p> <p><b>AO3.4</b> Speed control devices such as speed humps are provided at regular intervals on all internal roads.</p> <p><b>AO3.5</b> Internal street lighting is provided to all internal roads until 10.00pm.</p>	<p><b>Not applicable</b> This Change Application for the purposes of the establishment of a new Pool, Bar and Food and Drink Outlet (Food Van) only. The site is an existing, approved and long term established Tourist Park.</p>
<p><b>PO4</b> Emergency vehicles are provided with direct access to every site and building without a height impediment to fire fighting facilities.</p>	<p><b>AO4.1</b> Unrestricted road access is provided for fire-fighting appliances within 60 metres of all sites and buildings.</p> <p><b>AO4.2</b> Development ensures that landscaping and fencing do not create barriers that prevent necessary emergency access.</p>	<p><b>Not applicable</b> This Change Application for the purposes of the establishment of a new Pool, Bar and Food and Drink Outlet (Food Van) only. The site is an existing, approved and long term established Tourist Park.</p>



<p><b>PO5</b> Communal open space is provided for the recreation needs of the residents and occupants.</p>	<p><b>AO5.1</b> A minimum of 10% of the site is provided as open space suitable for recreation. This excludes landscape buffer areas and any other obstacles not intended for recreational use.</p> <p><b>AO5.2</b> The site layout incorporates passive and active recreation areas such as sheltered seating, children's playgrounds, areas for ball games and cycling and walking paths.</p> <p><b>AO5.3</b> Development provides a community room for passive and active recreation for park residents.</p>	<p><b>Complies</b></p>
<p><b>PO6</b> Landscaping contributes to establishing an attractive and safe streetscape and a high standard of amenity and privacy for residents.</p>	<p><b>AO6.1</b> A landscaped buffer area not less than 6 metre depth is provided and maintained within the site along the front boundary.</p> <p><b>AO6.2</b> A landscaped buffer area is provided and maintained of a minimum depth of: (a) 5 metres to any boundary within the Residential zones category; (b) 2 metres to any boundaries in any other zone.</p>	<p><b>Not applicable</b> This Change Application for the purposes of the establishment of a new Pool, Bar and Food and Drink Outlet (Food Van) only. The site is an existing, approved and long term established Tourist Park.</p>
<p><b>PO7</b> The number, type and location of individual sites and facilities are readily identifiable.</p>	<p><b>AO7.1</b> A permanent sign clearly indicating the number and location of each type of individual site and the location of facilities is provided at the main entrance.</p> <p><b>AO7.2</b> Each individual site is identified on the ground with the number and type of site clearly displayed on a permanent marker/sign located at the front of the site.</p>	<p><b>Not applicable</b> This Change Application for the purposes of the establishment of a new Pool, Bar and Food and Drink Outlet (Food Van) only. The site is an existing, approved and long term established Tourist Park.</p>

**PO8**

Refuse and recycling collection and storage location and design does not have an adverse impact (including odour, noise or visual impacts) on the amenity of residents within or adjoining the site.

**AO8.1**

Refuse and recycling bins are located a minimum of at least 10 metres from children's playing areas, cooking facilities and individual sites.

**AO8.2**

For tourist parks, a designated dump point is provided on-site for holding tanks to be emptied.

**AO8.3**

For relocatable home sites, each relocatable home is connected to the reticulated sewerage network.

**Not applicable**

This Change Application for the purposes of the establishment of a new Pool, Bar and Food and Drink Outlet (Food Van) only. The site is an existing, approved and long term established Tourist Park.

**PO9**

Sufficient services and ablution facilities are provided to satisfy the requirements of travellers and longer term residents including disabled access and facilities.

Editor's note – Disabled access and facilities are provided in accordance with the Building Code of Australia and the Australian Standards.

**AO9.1**

For tourist parks (40 sites or less), a minimum of 1 pedestal for every 7 sites is provided for female occupants and 1 pedestal for every 10 sites is provided for male occupants and a 0.6 metre urinal for every 20 sites or part thereof for male occupants.

**AO9.2**

For tourist parks, for every 15 sites or part thereof exceeding 40 sites and additional pedestal is provided for both male and female occupants and an additional 0.6 metres of urinal is provided for every additional 20 sites, or part thereof, for male occupants.

**AO9.3**

For tourist parks, toilet and ablution facilities are located at least 6 metres, but not more than 100 metres, from any individual camping, caravan, campervan/motor home site.

**AO9.4**

A source of artificial light is provided to the ablution facilities to provide illumination, as required, during the night.

**AO9.5**

For tourist parks, separate bathing facilities are provided at the rate of 1 shower or bath and 1 hand basin for every 15 sites.

**Not applicable**

This Change Application for the purposes of the establishment of a new Pool, Bar and Food and Drink Outlet (Food Van) only. The site is an existing, approved and long term established Tourist Park.



<p><b>PO10</b></p> <p>Sufficient laundry and clothes drying facilities are provided to satisfy the requirements of travellers and longer term residents.</p>	<p><b>AO10</b></p> <p>For tourist parks:</p> <p>(a) 1 laundry tub, 1 washing machine and 1 clothes line are provided for every 20 sites, or part thereof;</p> <p>(b) 1 mechanical drying facility is provided for every 40 sites;</p> <p>1 ironing board and 1 power outlet is provided for every 20 sites.</p>	<p><b>Not applicable</b></p> <p>This Change Application for the purposes of the establishment of a new Pool, Bar and Food and Drink Outlet (Food Van) only. The site is an existing, approved and long term established Tourist Park.</p>
<p><b>Additional requirements for tourist parks</b></p>		
<p><b>PO11</b></p> <p>Tourist parks are predominately for the short term accommodation for the travelling public.</p>	<p><b>AO11.1</b></p> <p>Cabins (whether for permanent or short term occupation) occupy a maximum of 30% of the total number of sites contained in a short term caravan, campervan/ motor home park.</p> <p><b>AO11.2</b></p> <p>A maximum of 20% of the total number of sites contained within a short term caravan, campervan/ motor home park are available in the form of stationary/permanent caravans and cabins.</p>	<p><b>Not applicable</b></p> <p>This Change Application for the purposes of the establishment of a new Pool, Bar and Food and Drink Outlet (Food Van) only. The site is an existing, approved and long term established Tourist Park.</p>
<p><b>Additional requirements for relocatable home parks</b></p>		
<p><b>PO12</b></p> <p>Relocatable home parks are located in urban areas to ensure that residents have convenient access to urban services and facilities.</p>	<p><b>AO12</b></p> <p>Relocatable home parks are located in:</p> <p>(a) a Tourist accommodation zone;</p> <p>(b) a Medium density residential zone;</p> <p>a Community facilities zone.</p>	<p><b>Not applicable</b></p> <p>This Change Application for the purposes of the establishment of a new Pool, Bar and Food and Drink Outlet (Food Van) only. The site is an existing, approved and long term established Tourist Park.</p>

## 6.2.10 Rural zone code

### 6.2.10.1 Application

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

### 6.2.10.2 Purpose

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

**Criteria for assessment****Table 6.2.10.3.a – Rural zone code assessable development**

Performance outcomes	Acceptable outcomes	Applicant response
<b>For self-assessable and assessable development</b>		
<b>P01</b> The height of buildings is compatible with the rural character of the area and must not detrimentally impact on visual landscape amenity.	<b>AO1.1</b> Dwelling houses are not more than 8.5 metres in height.  Note – Height is inclusive of roof height.  <b>AO1.2</b> Rural farm sheds and other rural structures are not more than 10 metres in height.	<b>Complies</b> The height of the proposed Resort Bar is compatible in scale with other buildings on the site.
<b>Setbacks</b>		
<b>P02</b> Buildings and structures are setback to maintain the rural character of the area and achieve separation from buildings on adjoining properties.	<b>AO2</b> Buildings are setback not less than: (a) 40 metres from the property boundary and a State-controlled road; (b) 25 metres from the property boundary adjoining Cape Tribulation Road; (c) 20 metres from the boundary with any other road; (d) 6 metres from side and rear property boundaries.	<b>Alternative solution</b> The proposed Bar is a light weight tent structure on a timber deck. The deck will setback approximately 2m from the front esplanade boundary. The exact location is subject to site survey. The site fronts the esplanade and therefore the location of structures does not compromise the character of the area or necessitate separation from other buildings on adjoining properties.
<b>P03</b> Buildings/structures are designed to maintain the rural character of the area.	<b>AO3</b> White and shining metallic finishes are avoided on external surfaces of buildings.	<b>Will comply</b> Refer to the Perspective Plans included under Attachment 4 which illustrates the colour scheme.
<b>For assessable development</b>		
<b>P04</b>	<b>AO4</b>	<b>Complies</b>



Performance outcomes	Acceptable outcomes	Applicant response
The establishment of uses is consistent with the outcomes sought for the Rural zone and protects the zone from the intrusion of inconsistent uses.	Uses identified in Table 6.2.10.3.b are not established in the Rural zone.	
<b>P05</b> Uses and other development include those that: <ul style="list-style-type: none"> <li>(a) promote rural activities such as agriculture, rural enterprises and small scale industries that serve rural activities; or</li> <li>(b) promote low impact tourist activities based on the appreciation of the rural character, landscape and rural activities; or</li> <li>(c) are compatible with rural activities.</li> </ul>	<b>A05</b> No acceptable outcomes are prescribed.	<b>Complies</b> The proposed development relates to an existing approved use and is compatible and appropriately setback from surrounding rural activities.
<b>P06</b> Existing native vegetation along watercourses and in, or adjacent to areas of environmental value, or areas of remnant vegetation of value is protected.	<b>A06</b> No acceptable outcomes are prescribed.	<b>Alternative solution</b> Removal and trimming of a number of trees will be required to facilitate the proposal. However, trees will be retained where possible. It is noted that the proposed development has been sited with a 20m setback from mapped Regulated Vegetation to avoid creating Exempt Clearing Work. The area around the development will be appropriately landscaped post construction.
<b>P07</b> The minimum lot size is 40 hectares, unless <ul style="list-style-type: none"> <li>(a) the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments to resolve encroachments); or</li> <li>(b) the reconfiguration is limited to one additional lot to accommodate:               <ul style="list-style-type: none"> <li>(i) Telecommunications facility;</li> <li>(ii) Utility installation.</li> </ul> </li> </ul>	<b>A07</b> No acceptable outcomes are prescribed.	<b>Not applicable</b>

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

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

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

## 8.2 Overlay codes

### 8.2.1 Acid sulfate soils overlay code

#### 8.2.1.1 Application

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

#### 8.2.1.2 Purpose

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

### 8.2.1.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant response
For assessable development		
<b>PO1</b> The extent and location of potential or actual acid sulfate soils is accurately identified.	<b>AO1.1</b> No excavation or filling occurs on the site.  or  <b>AO1.2</b> An acid sulfate soils investigation is undertaken.  Note - Planning scheme policy SC 6.12– Potential and actual acid sulfate soils provides guidance on preparing an acid sulfate soils investigation.	<b>Can be conditioned to comply</b> Excavation of material is required to facilitate the construction of the proposed Pool. It would be accepted if Council were to condition any concerns with respect to management of Potential or Actual Acid Sulfate Soils.

**PO2**

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

**AO2.1**

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

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

or

**AO2.2**

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

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

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

**Can be conditioned to comply**

Excavation of material is required to facilitate the construction of the proposed Pool. It would be accepted if Council were to condition any concerns with respect to management of Potential or Actual Acid Sulfate Soils.

**PO3**

No environmental harm is caused as a result of exposure to potential acid sulfate soils or actual acid sulfate soils.

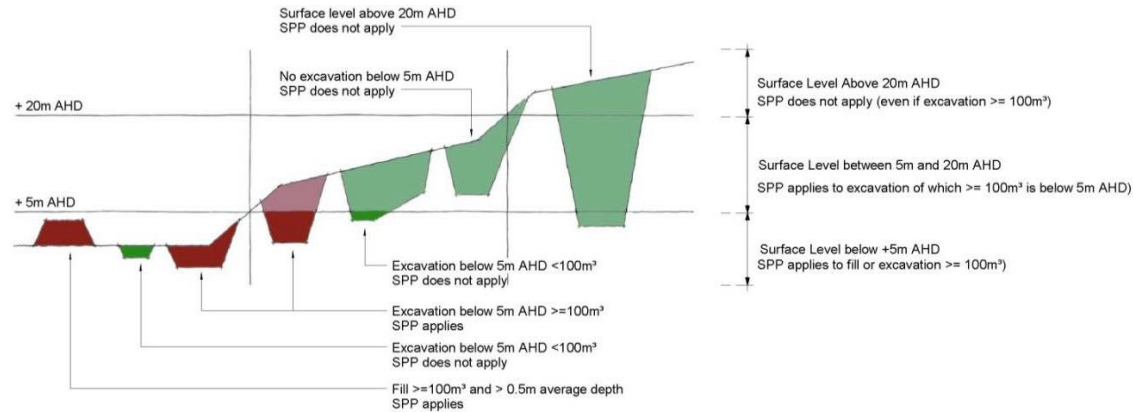
**AO3**

No acceptable outcomes are prescribed.

**Can be conditioned to comply**

Excavation of material is required to facilitate the construction of the proposed Pool. It would be accepted if Council were to condition any concerns with respect to management of Potential or Actual Acid Sulfate Soils.

**Figure 8.2.1.3.a – Acid sulfate soils (SPP triggers)**



## 8.2.2 Bushfire hazard overlay code

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

### 8.2.2.1 Application

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

### 8.2.2.2 Purpose

- (1) The purpose of the Bushfire overlay code is to:
  - (a) implement the policy direction in the Strategic Framework, in particular:
    - (i) Theme 1 Settlement pattern: Element 3.4.7 Mitigation of hazards;
    - (ii) Theme 6 Infrastructure and transport: Element 3.9.2 Energy.
  - (b) enable an assessment of whether development is suitable on land within the Bushfire risk overlay sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) development avoids the establishment or intensification of vulnerable activities within or near areas that are subject to bushfire hazard;
  - (b) development is designed and located to minimise risks to people and property from bushfires;
  - (c) bushfire risk mitigation treatments are accommodated in a manner that avoids or minimises impacts on the natural environment and ecological processes;

- (d) development involving the manufacture or storage of hazardous materials does not increase the risk to public safety or the environment in a bushfire event;
- (e) development contributes to effective and efficient disaster management response and recovery capabilities.

Note - A site based assessment may ground-truth the extent of hazardous vegetation and extent and nature of the bushfire hazard area (bushfire prone area). Such assessments should be undertaken using the methodology set out in Planning scheme policy SC6.9 - Natural Hazards.

### Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant response
<b>For self-assessable and assessable development</b>		
<b>Compatible development</b>		
<b>P01</b> A vulnerable use is not established or materially intensified within a bushfire hazard area (bushfire prone area) unless there is an overriding need or other exceptional circumstances.  Note - See the end of this code for examples of vulnerable uses.	<b>A01</b> Vulnerable uses are not established or expanded.  Note – Where, following site inspection and consultation with Council, it is clear that the mapping is in error in identifying a premises as being subject to a medium, high, very high bushfire hazard or potential impact buffer sub-category, Council may supply a letter exempting the need for a Bushfire Management Plan. Note – Where the assessment manager has not previously approved a Bushfire Management Plan (either by condition of a previous development approval), the development proponent will be expected to prepare such a plan. Note – Planning scheme policy SC6.9 - Natural hazards, provides a guide to the preparation of a Bushfire Management Plan.	<b>Not applicable</b>
<b>P02</b> Emergency services and uses providing community support services are able to function effectively during and immediately after a bushfire hazard event.	<b>A02</b> Emergency Services and uses providing community support services are not located in a bushfire hazard sub-category and have direct access to low hazard evacuation routes.	<b>Not applicable</b>
<b>P03</b> Development involving hazardous materials manufactured or stored in bulk is not located in bushfire hazard sub-category.	<b>A03</b> The manufacture or storage of hazardous material in bulk does not occur within bushfire hazard sub-category.	<b>Not applicable</b>





Performance outcomes	Acceptable outcomes	Applicant response
<b>Development design and separation from bushfire hazard – reconfiguration of lots</b>		
<p><b>PO4.1</b> Where reconfiguration is undertaken in an urban area or is for urban purposes or smaller scale rural residential purposes, a separation distance from hazardous vegetation is provided to achieve a radiant heat flux level of 29kW/m<sup>2</sup> at the edge of the proposed lot(s).</p> <p>Note - "Urban purposes" and "urban area" are defined in the <i>Sustainable Planning Regulations 2009</i>. Reconfiguration will be taken to be for rural residential purposes where proposed lots are between 2000m<sup>2</sup> and 2ha in area. "Smaller scale" rural residential purposes will be taken to be where the average proposed lot size is 6000m<sup>2</sup> or less.</p> <p>Note - The radiant heat levels and separation distances are to be established in accordance with method 2 set out in AS3959-2009.</p> <p><b>PO4.2</b> Where reconfiguration is undertaken for other purposes, a building envelope of reasonable dimensions is provided on each lot which achieves radiant heat flux level of 29kW/m<sup>2</sup> at any point.</p>	<p><b>AO4.1</b> No new lots are created within a bushfire hazard sub-category.</p> <p>or</p> <p><b>AO4.2</b> Lots are separated from hazardous vegetation by a distance that:</p> <ul style="list-style-type: none"> <li>(a) achieves radiant heat flux level of 29kW/m<sup>2</sup> at all boundaries; and</li> <li>(b) is contained wholly within the development site.</li> </ul> <p>Note - Where a separation distance is proposed to be achieved by utilising existing cleared developed areas external to the site, certainty must be established (through tenure or other means) that the land will remain cleared of hazardous vegetation. For staged developments, temporary separation distances, perimeter roads or fire trails may be absorbed as part of subsequent stages.</p> <p>Note - The achievement of a cleared separation distance may not be achievable where other provisions within the planning scheme require protection of certain ecological, slope, visual or character features or functions.</p>	<p><b>Not applicable</b></p>
<p><b>PO5</b> Where reconfiguration is undertaken in an urban area or is for urban purposes, a constructed perimeter road with reticulated water supply is established between the lots and the hazardous vegetation and is readily accessible at all times for urban fire fighting vehicles.</p> <p>The access is available for both fire fighting and maintenance/defensive works.</p>	<p><b>AO5.1</b> Lot boundaries are separated from hazardous vegetation by a public road which:</p> <ul style="list-style-type: none"> <li>(a) has a two lane sealed carriageway;</li> <li>(b) contains a reticulated water supply;</li> <li>(c) is connected to other public roads at both ends and at intervals of no more than 500m;</li> <li>(d) accommodates geometry and turning radii in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines;</li> </ul>	<p><b>Not applicable</b></p>



Performance outcomes	Acceptable outcomes	Applicant response
	<p>(e) has a minimum of 4.8m vertical clearance above the road;</p> <p>(f) is designed to ensure hydrants and water access points are not located within parking bay allocations; and</p> <p>(g) incorporates roll-over kerbing.</p> <p><b>AO5.2</b> Fire hydrants are designed and installed in accordance with AS2419.1 2005, unless otherwise specified by the relevant water entity.</p> <p>Note - Applicants should have regard to the relevant standards set out in the reconfiguration of a lot code and works codes in this planning scheme.</p>	
<p><b>PO6</b> Where reconfiguration is undertaken for smaller scale rural residential purposes, either a constructed perimeter road or a formed, all weather fire trail is established between the lots and the hazardous vegetation and is readily accessible at all times for the type of fire fighting vehicles servicing the area.</p> <p>The access is available for both fire fighting and maintenance/hazard reduction works.</p>	<p><b>AO6</b> Lot boundaries are separated from hazardous vegetation by a public road or fire trail which has:</p> <p>(a) a reserve or easement width of at least 20m;</p> <p>(b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation;</p> <p>(c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path;</p> <p>(d) a minimum of 4.8m vertical clearance;</p> <p>(e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines;</p> <p>(f) a maximum gradient of 12.5%;</p> <p>(g) a cross fall of no greater than 10 degrees;</p> <p>(h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy;</p>	<b>Not applicable</b>



Performance outcomes	Acceptable outcomes	Applicant response
	<ul style="list-style-type: none"> <li>(i) vehicular access at each end which is connected to the public road network at intervals of no more than 500m;</li> <li>(j) designated fire trail signage;</li> <li>(k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and</li> <li>(l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services.</li> </ul>	
<p><b>P07</b> Where reconfiguration is undertaken for other purposes, a formed, all weather fire trail is provided between the hazardous vegetation and either the lot boundary or building envelope, and is readily accessible at all times for the type of fire fighting vehicles servicing the area.</p> <p>However, a fire trail will not be required where it would not serve a practical fire management purpose.</p>	<p><b>A07</b> Lot boundaries are separated from hazardous vegetation by a public road or fire trail which has:</p> <ul style="list-style-type: none"> <li>(a) a reserve or easement width of at least 20m;</li> <li>(b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation;</li> <li>(c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path;</li> <li>(d) a minimum of 4.8m vertical clearance;</li> <li>(e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines;</li> <li>(f) a maximum gradient of 12.5%;</li> <li>(g) a cross fall of no greater than 10 degrees;</li> <li>(h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy;</li> <li>(i) vehicular access at each end which is connected to the public road network;</li> <li>(j) designated fire trail signage;</li> </ul>	<p><b>Not applicable</b></p>



Performance outcomes	Acceptable outcomes	Applicant response
	(k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and (l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services.	
<b>P08</b> The development design responds to the potential threat of bushfire and establishes clear evacuation routes which demonstrate an acceptable or tolerable risk to people.	<b>A08</b> The lot layout: (a ) minimises the length of the development perimeter exposed to, or adjoining hazardous vegetation; (b) avoids the creation of potential bottle-neck points in the movement network; (c) establishes direct access to a safe assembly /evacuation area in the event of an approaching bushfire; and (d) ensures roads likely to be used in the event of a fire are designed to minimise traffic congestion.  Note - For example, developments should avoid finger-like or hour-glass subdivision patterns or substantive vegetated corridors between lots. In order to demonstrate compliance with the performance outcome, a bushfire management plan prepared by a suitably qualified person may be required. The bushfire management plan should be developed in accordance with the Public Safety Business Agency (PSBA) guideline entitled "Undertaking a Bushfire Protection Plan. Advice from the Queensland Fire and Emergency Services (QFES) should be sought as appropriate	<b>Not applicable</b>
<b>P09</b> Critical infrastructure does not increase the potential bushfire hazard.	<b>A09</b> Critical or potentially hazardous infrastructure such as water supply, electricity, gas and telecommunications are placed underground.	<b>Not applicable</b>



Performance outcomes	Acceptable outcomes	Applicant response
<b>Development design and separation from bushfire hazard – material change of use</b>		
<p><b>PO10</b> Development is located and designed to ensure proposed buildings or building envelopes achieve a radiant heat flux level at any point on the building or envelope respectively, of:</p> <p>(a) 10kW/m<sup>2</sup> where involving a vulnerable use; or (b) 29kW/m<sup>2</sup> otherwise.</p> <p>The radiant heat flux level is achieved by separation unless this is not practically achievable.</p> <p>Note - The radiant heat levels and separation distances are to be established in accordance with method 2 set out in AS3959-2009.</p>	<p><b>AO10</b> Buildings or building envelopes are separated from hazardous vegetation by a distance that:</p> <p>(a) achieves a radiant heat flux level of at any point on the building or envelope respectively, of 10kW/m<sup>2</sup> for a vulnerable use or 29kW/m<sup>2</sup> otherwise; and (b) is contained wholly within the development site.</p> <p>Note - Where a separation distance is proposed to be achieved by utilising existing cleared developed areas external to the site, certainty must be established (through tenure or other means) that the land will remain cleared of hazardous vegetation.</p> <p>For staged developments, temporary separation distances, perimeter roads or fire trails may be absorbed as part of subsequent stages.</p> <p>Note - The achievement of a cleared separation distance may not be achievable where other provisions within the planning scheme require protection of certain ecological, slope, visual or character features or functions.</p>	<p><b>Alternative solution</b> The proposed development is located within the fringe of the Potential Impact Buffer zone.</p> <p>It is submitted that the compliance with bushfire hazard provisions would be more appropriately dealt with by the Building Certifier assessment against the Building Code of Australia requirements.</p> <p>Reticulated water is provided throughout the site, a reliable source for self protection.</p>
<p><b>PO11</b> A formed, all weather fire trail is provided between the hazardous vegetation and the site boundary or building envelope, and is readily accessible at all times for the type of fire fighting vehicles servicing the area.</p> <p>However, a fire trail will not be required where it would not serve a practical fire management purpose.</p> <p>Note - Fire trails are unlikely to be required where a development site involves less than 2.5ha</p>	<p><b>AO11</b> Development sites are separated from hazardous vegetation by a public road or fire trail which has:</p> <p>(a) a reserve or easement width of at least 20m; (b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation; (c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path; (d) a minimum of 4.8m vertical clearance; (e) turning areas for fire-fighting appliances in accordance with Queensland Fire and</p>	<p><b>Complies</b> The internal road network supports emergency vehicle access.</p>



Performance outcomes	Acceptable outcomes	Applicant response
	<p>Emergency Services' Fire Hydrant and Vehicle Access Guidelines;</p> <p>(f) a maximum gradient of 12.5%;</p> <p>(g) a cross fall of no greater than 10 degrees;</p> <p>(h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy;</p> <p>(i) vehicular access at each end which is connected to the public road network which is connected to the public road network at intervals of no more than 500m;</p> <p>(j) designated fire trail signage;</p> <p>(k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and</p> <p>(l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services.</p>	
<b>All development</b>		
<p><b>PO12</b></p> <p>All premises are provided with vehicular access that enables safe evacuation for occupants and easy access by fire fighting appliances.</p>	<p><b>AO12</b></p> <p>Private driveways:</p> <p>(a) do not exceed a length of 60m from the street to the building;</p> <p>(b) do not exceed a gradient of 12.5%;</p> <p>(c) have a minimum width of 3.5m;</p> <p>(d) have a minimum of 4.8m vertical clearance;</p> <p>(e) accommodate turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; and</p> <p>(f) serve no more than 3 dwellings or buildings.</p>	<p><b>Generally complies</b></p> <p>Appropriate vehicle access is provided within the site which supports conventional and emergency vehicle access and circulation.</p>



Performance outcomes	Acceptable outcomes	Applicant response
<b>PO13</b> Development outside reticulated water supply areas includes a dedicated static supply that is available solely for fire fighting purposes and can be accessed by fire fighting appliances.	<b>AO13</b> A water tank is provided within 10m of each building (other than a class 10 building) which: <ul style="list-style-type: none"> <li>(a) is either below ground level or of non-flammable construction;</li> <li>(b) has a take off connection at a level that allows the following dedicated, static water supply to be left available for access by fire fighters:               <ul style="list-style-type: none"> <li>(i) 10,000l for residential buildings</li> </ul> </li> </ul> Note – A minimum of 7,500l is required in a tank and the extra 2,500l may be in the form of accessible swimming pools or dams. <ul style="list-style-type: none"> <li>(ii) 45,000l for industrial buildings; and</li> <li>(iii) 20,000l for other buildings;</li> <li>(c) includes shielding of tanks and pumps in accordance with the relevant standards;</li> <li>(d) includes a hardstand area allowing medium rigid vehicle (15 tonne fire appliance) access within 6m of the tank;</li> <li>(e) is provided with fire brigade tank fittings – 50mm ball valve and male camlock coupling and, if underground, an access hole of 200mm (minimum) to accommodate suction lines; and</li> <li>(f) is clearly identified by directional signage provided at the street frontage.</li> </ul>	<b>Not applicable</b> The site is on reticulated water supply.
<b>PO14</b> Landscaping does not increase the potential bushfire risk.	<b>AO14</b> Landscaping uses species that are less likely to exacerbate a bushfire event, and does not increase fuel loads within separation areas.	<b>Will comply</b> Post construction appropriate landscaping will be reinstated around the proposed Pool and Bar areas. Minimising bushfire risk will be considered.



Performance outcomes	Acceptable outcomes	Applicant response
<b>P015</b> The risk of bushfire and the need to mitigate that risk is balanced against other factors (such as but not limited to, biodiversity or scenic amenity).	<b>A015</b> Bushfire risk mitigation treatments do not have a significant impact on the natural environment or landscape character of the locality where this has value.	<b>Not applicable</b>

Note – 'Vulnerable activities' are those involving:

- (1) the accommodation or congregation of vulnerable sectors of the community such as child care centres, community care centre, educational establishments, detention facilities, hospitals, rooming accommodation, retirement facilities or residential care facilities; or
- (2) the provision of essential services including community uses, emergency services, utility installation, telecommunications facility, substations and major electricity infrastructure.



## 8.2.3 Coastal environment overlay code

### 8.2.3.1 Application

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

### 8.2.3.2 Purpose

- (1) The purpose of the Coastal environment overlay code is to:
  - (a) implement the policy direction in the Strategic Framework, in particular:
    - (i) Theme 1 Settlement pattern: Element 3.4.7 Mitigation of hazards;
    - (ii) Theme 2 Environment and landscape values: Element 3.5.4 Coastal zones;
    - (iii) Theme 3 Natural resource management: Element 3.6.2 Land and catchment management.
  - (b) enable an assessment of whether development is suitable on land within the Coastal processes sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
  - (a) facilitate the protection of both coastal processes and coastal resources;
  - (b) facilitating coastal dependent development on the foreshore over other development;
  - (c) public access to the foreshore protects public safety;
  - (d) maintain the erosion prone area as a development free buffer zone (other than for coastal dependent, temporary or relocatable development);
  - (e) require redevelopment of existing permanent buildings or structures in an erosion prone area to avoid coastal erosion risks, manage coastal erosion risks through a strategy of planned retreat or mitigate coastal erosion risks;
  - (f) require development to maintain or enhance natural processes and the protective function of landforms and vegetation that can mitigate risks associated with coastal erosion;
  - (g) locate and design community infrastructure to maintain the required level of functionality during and immediately after a coastal hazard event.



### 8.2.3.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant response
<b>For self-assessable and assessable development</b>		
<b>PO1</b> No works other than coastal protection works extend seaward of the coastal building line.	<b>AO1.1</b> Development (including all buildings and other permanent structures such as swimming pools and retaining walls) does not extend seaward of a coastal building line.  Note – Coastal building lines are declared under the Coastal Protection and Management Act 1995 and are administered by the State Department of Environment and Heritage Protection.  <b>AO1.2</b> Coastal protection works are only undertaken as a last resort where coastal erosion presents an immediate threat to public safety or existing buildings or structures and the property cannot be relocated or abandoned.  <b>AO1.3</b> Coastal protection works are as far landward as practicable on the lot containing the property to the maximum extent reasonable.  <b>AO1.4</b> Coastal protection work mitigates any increase in the coastal hazard.	<b>Not applicable</b>
<b>PO2</b> Where a coastal building line does not exist on a lot fronting the coast or a reserve adjoining the coast, development is setback to maintain the amenity and use of the coastal resource.	<b>AO2</b> Where a coastal building line does not exist on a lot fronting the coast or a reserve adjoining the coast, development (including all buildings and structures such as swimming pools) and retaining walls are set back not less than 6 metres from the seaward boundary of the lot.	<b>Alternative solution</b> The proposed Bar structure is located approximately 2m from the seaward boundary, subject to site survey. The reserve adjoining the subject site is approximately 110m wide and has been maintained by the previous Landowner. Siting of the proposed structure within the 6m seaward boundary does not diminish existing amenity or



		compromise the use of the coastal resource.
<b>For assessable development</b>		
<b>Erosion prone areas</b>		
<b>PO3</b> Development identifies erosion prone areas (coastal hazards).	<b>AO3</b> No acceptable outcomes are prescribed.	<b>Complies</b> The proposed Bar is located on the fringe of and slightly encroaches on the mapped Erosion Prone area. This is a modest tent structure positioned on a timber deck.
<b>PO4</b> Erosion prone areas are free from development to allow for natural coastal processes.	<b>AO4.1</b> Development is not located within the Erosion prone area, unless it can be demonstrated that the development is for: (a) community infrastructure where no suitable alternative location or site exists for this infrastructure; or (b) development that reflects the preferred development outcomes in accordance with the zoning of the site (i.e. in the Low density residential zone, a dwelling house is a preferred development outcome in accordance with the zoning of the site)  <b>AO4.2</b> Development involving existing permanent buildings and structures within an erosion prone area does not increase in intensity of its use by: (a) adding additional buildings or structures; or (b) incorporating a land use that will result in an increase in the number of people or employees occupying the site.	<b>Alternative solution</b> The proposed Bar is located on the fringe of and slightly encroaches on the mapped Erosion Prone area. This is a modest tent structure positioned on a timber deck and does not pose a significant risk.
<b>Coastal management districts</b>		
<b>PO5</b> Natural processes and protective functions of landforms and vegetation are maintained.	<b>PO5.1</b> Development within the coastal management district:	<b>Not applicable</b>



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

**PO5.2**

Where development proposes the construction of an erosion control structure:

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

**PO5.3**

Development involving reclamation:

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



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

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

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

**PO6**

Development avoids or minimises adverse impacts on coastal resources and their values to the maximum extent reasonable.

**AO6.1**

Coastal protection work that is in the form of beach nourishment uses methods of placement suitable for the location that do not interfere with the long-term use of the locality, or natural values within or neighbouring the proposed placement site

**Not applicable**



and

**AO6.2**

Marine development is located and designed to expand on or redevelop existing marine infrastructure unless it is demonstrated that it is not practicable to co-locate the development with existing marine infrastructure;

and

**AO6.3**

Measures are incorporated as part of siting and design of the development to maintain or enhance water quality to achieve the environmental values and water quality objectives outlined in the Environmental Protection (Water) Policy 2009.

and

**AO6.4**

Development avoids the disturbance of acid sulfate soils, or where it is demonstrated that this is not possible, the disturbance of acid sulfate soils is carefully managed to minimise and mitigate the adverse effects of disturbance on coastal resources.

and

**AO6.4**

Design and siting of development protects and retains identified ecological values and underlying ecosystem processes within the development site to the greatest extent practicable.



<p><b>PO7</b> Development is to maintain access to and along the foreshore for general public access.</p>	<p><b>A07.1</b> Development provides for regular access points for pedestrians including approved walking tracks, boardwalks and viewing platforms.</p> <p>and</p> <p><b>A07.2</b> Development provides for regular access points for vehicles including approved roads and tracks.</p> <p>or</p> <p><b>A07.3</b> Development demonstrates an alternative solution to achieve an equivalent standard of performance.</p>	<p><b>Not applicable</b></p>
<p><b>PO8</b> Public access to the coast is appropriately located, designed and operated.</p>	<p><b>A08.1</b> Development maintains or enhances public access to the coast.</p> <p>or</p> <p><b>A08.2</b> Development is located adjacent to state coastal land or tidal water and minimises and offsets any loss of access to and along the foreshore within 500 metres.</p> <p>or</p> <p><b>A08.3</b> Development adjacent to state coastal land or tidal water demonstrates an alternative solution to achieve an equivalent standard and quality of access.</p>	<p><b>Not applicable</b></p>
<p><b>PO9</b> Development adjacent to state coastal land or tidal water is located, designed and operated to: (a) maintain existing access to and along the</p>	<p><b>A09.1</b> Development adjacent to state coastal land or tidal water: (a) demonstrates that restrictions to public</p>	<p><b>Not applicable</b></p>





<p>foreshore;</p> <p>(b) minimise any loss of access to and along the foreshore, or</p> <p>(c) offset any loss of access to and along the foreshore by providing for enhanced alternative access in the general location.</p>	<p>access are necessary for:</p> <p>(i) the safe and secure operation of development;</p> <p>(ii) the maintenance of coastal landforms and coastal habitat; or</p> <p>(a) maintains public access (including public access infrastructure that has been approved by the local government or relevant authority) through the site to the foreshore for:</p> <p>(i) pedestrians via access points including approved walking tracks, boardwalks and viewing platforms;</p> <p>(ii) vehicles via access points including approved roads or tracks.</p> <p><b>AO9.2</b></p> <p>Development adjacent to state coastal land or tidal water:</p> <p>(a) is located and designed to:</p> <p>(i) allow safe unimpeded access to, over, under or around built infrastructure located on, over or along the foreshore, for example through the provision of esplanades or easement corridors to preserve future access;</p> <p>(ii) ensure emergency vehicles can access the area near the development.</p> <p>or</p> <p>(a) minimises and offsets any loss of access to and along the foreshore within 500m of existing access points and development is located and designed to:</p> <p>(i) allow safe unimpeded access to, over, under or around built infrastructure located on, over or along the foreshore, and</p> <p>(ii) ensure emergency vehicles can access the area near the development.</p>	
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<p><b>AO10</b> Development that involves reconfiguring a lot for urban purposes adjacent to the coast is designed to ensure public access to the coast in consideration of public access demand from a whole-of-community basis and the maintenance of coastal landforms and coastal habitat.</p>	<p><b>AO10.1</b> Development complies if consideration of public access demand from a whole-of-community basis and the maintenance of coastal landforms and coastal habitat is undertaken.</p> <p>or</p> <p><b>AO10.2</b> Development demonstrates an alternative solution to achieve an equivalent standard and quality of access.</p>	<p><b>Not applicable</b></p>
<p><b>PO11</b> Development maintains public access to State coastal land by avoiding private marine development attaching to, or extending across, non-tidal State coastal land.</p>	<p><b>AO11</b> Private marine access structures and other structures such as decks or boardwalks for private use do not attach to or extend across State coastal land that is situated above high water mark</p>	<p><b>Not applicable</b></p>
<p><b>PO12</b> Development in connection with an artificial waterway enhances public access to coastal waters.</p>	<p><b>AO12</b> The artificial waterway avoids intersecting with or connection to inundated land or leased land where the passage, use or movement of vessels in water on the land could be restricted or prohibited by the registered proprietor of the inundated land or leased land.</p>	<p><b>Not applicable</b></p>
<p><b>Coastal landscapes, views and vistas</b></p>		
<p><b>PO13</b> Development maintains and / or enhances natural coastal landscapes, views and vistas.</p>	<p><b>AO13</b> No acceptable outcomes are prescribed.</p>	<p><b>Complies</b> An approximately 110m wide reserve exists between the site seaward boundary and the foreshore. Vegetation within the reserve will be maintained. The proposed structures are not visible from the foreshore.</p>



<b>PO14</b> Coastal settlements are consolidated through the concentration of development within the existing urban areas through infill and conserving the natural state of the coastal area outside existing urban areas.	<b>AO14</b> No acceptable outcomes are prescribed.	<b>Not applicable</b>
<b>Private marine development</b>		
<b>PO15</b> Private marine development is to avoid attaching to, or extending across, non-tidal State coastal land.	<b>AO15</b> Private marine development and other structures such as decks or boardwalks for private use do not attach to, or extend across, State coastal land that is situated above high water mark.  Note – For occupation permits or allocations of State land, refer to the <i>Land Act 1994</i> .	<b>Not applicable</b>
<b>PO16</b> The location and design of private marine development does not adversely affect the safety of members of the public access to the foreshore.	<b>AO16</b> Private marine development does not involve the erection or placement of any physical barrier preventing existing access, along a public access way to the foreshores.	<b>Not applicable</b>
<b>PO17</b> Private marine development is of a height and scale and size compatible with the character and amenity of the location.	<b>AO17</b> Private marine development has regard to: (a) the height, scale and size of the natural features of the immediate surroundings and locality; (b) the height, scale and size of existing buildings or other structures in the immediate surroundings and the locality; (c) if the relevant planning scheme states that desired height, scale or size of buildings or other structures in the immediate surroundings or locality – the stated desired height, scale or size.  Note – The prescribed tidal works code in the <i>Coastal Protection and Management Regulation 2003</i> outlines design and construction requirements that must be complied with.	<b>Not applicable</b>



<b>PO18</b> Private marine development avoids adverse impacts on coastal landforms and coastal processes.	<b>AO18</b> Private marine development does not require the construction of coastal protection works, shoreline or riverbank hardening or dredging for marine access.	<b>Not applicable</b>
<b>For dry land marinas and artificial waterways</b>		
<b>PO19</b> Dry land marinas and artificial waterways: (a) avoid impacts on coastal resources; (b) do not contribute to the degradation of water quality; (c) do not increase the risk of flooding; (d) do not result in the degradation or loss of MSES; (e) do not result in an adverse change to the tidal prism of the natural waterway to which development is connected. (f) does not involve reclamation of tidal land other than for the purpose of: (i) coastal dependent development, public marine development; or (ii) community infrastructure, where there is no feasible alternative; or (iii) strategic ports, boat harbours or strategic airports and aviation facilities in accordance with a statutory land use plan; or (iv) coastal protection works or works necessary to protect coastal resources and processes.	<b>AO19</b> No acceptable solutions are prescribed.	<b>Not applicable</b>

## 8.2.4 Flood and storm tide hazard overlay code

### 8.2.4.1 Application

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

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

### 8.2.4.2 Purpose

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

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

### 8.2.4.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant response
<b>For assessable and self assessable development</b>		
<p><b>PO1</b> Development is located and designed to: ensure the safety of all persons; minimise damage to the development and contents of buildings; provide suitable amenity; minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events.</p> <p>Note – For assessable development within the flood plain assessment sub-category, a flood study by a suitably qualified professional is required to identify compliance with the intent of the acceptable outcome.</p>	<p><b>AO1.1</b> Development is sited on parts of the land that is not within the Flood and Storm tide hazards overlay maps contained in Schedule 2;  or  For dwelling houses,</p> <p><b>AO1.2</b> Development within the Flood and Storm Tide hazards overlay maps (excluding the Flood plain assessment sub-category) is designed to provide immunity to the Defined Inundation Event as outlined within Table 8.2.4.3.b plus a freeboard of 300mm.</p> <p><b>AO1.3</b> New buildings are: (a) not located within the overlay area; (b) located on the highest part of the site to minimise entrance of flood waters; (c) provided with clear and direct pedestrian and vehicle evacuation routes off the site.</p> <p><b>AO1.4</b> In non urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters.</p>	<p><b>Alternative solution</b> The area proposed for the Pool, Bar and Food and Drink Outlet (Food Van) is within the mapped Medium and High Storm Tide Hazard areas as well as the Floodplain Assessment area. The proposed Pool may be designed with a freeboard to minimise intrusion. The proposed Pool is currently under design. The proposed Bar is a tent structure on a raised deck. This is an open, light weight structure and unlikely to be adversely impact by a flood or storm tide event. The Food and Drink Outlet (Food Van) may be moved in the event of a hazard.</p>



For assessable development		
<b>PO2</b> The development is compatible with the level of risk associated with the natural hazard.	<b>A02</b> The following uses are not located in land inundated by the Defined Flood Event (DFE) / Storm tide: (a) Retirement facility; (b) Community care facility; (c) Child care centre.	<b>Not applicable</b>
<b>PO3</b> Development siting and layout responds to flooding potential and maintains personal safety	For Material change of use  <b>A03.1</b> New buildings are: (d) not located within the overlay area; (e) located on the highest part of the site to minimise entrance of flood waters; (f) provided with clear and direct pedestrian and vehicle evacuation routes off the site.  or	<b>Alternative solution</b> The area proposed for the Pool, Bar and Food and Drink Outlet (Food Van) is within the mapped Medium and High Storm Tide Hazard areas as well as the Floodplain Assessment area. The proposed Pool may be designed with a freeboard to minimise intrusion. The proposed Pool is currently under design. The proposed Bar is a tent structure on a raised deck. This is an open, light weight structure and unlikely to be adversely impact by a flood or storm tide event. The Food and Drink Outlet (Food Van) may be moved in the event of a hazard.  There is minimal fall across the site, nor is there other significantly more elevated and appropriate area.  If required the Bar deck area can be raised to an agreeable level.

**AO3.2**

The development incorporates an area on site that is at least 300mm above the highest known flood inundation level with sufficient space to accommodate the likely population of the development safely for a relatively short time until flash flooding subsides or people can be evacuated.

or

**AO3.3**

Where involving an extension to an existing dwelling house that is situated below DFE /Storm tide, the maximum size of the extension does not exceed 70m<sup>2</sup> gross floor area.

Note – If part of the site is outside the Hazard Overlay area, this is the preferred location of all buildings.

For Reconfiguring a lot

**AO3.4**

Additional lots:

- (a) are not located in the hazard overlay area;
- or
- (b) are demonstrated to be above the flood level identified for the site.

Note - If part of the site is outside the Hazard Overlay area, this is the preferred location for all lots (excluding park or other open space and recreation lots).

Note – Buildings subsequently developed on the lots will need to comply with the relevant building assessment provisions under the *Building Act 1975*.

**AO3.5**

Road and/or pathway layout ensures residents are not physically isolated from adjacent flood free urban areas and provides a safe and clear evacuation route path:

- (a) by locating entry points into the





	<p>reconfiguration above the flood level and avoiding culs-de-sac or other non-permeable layouts; and</p> <p>(b) by direct and simple routes to main carriageways.</p> <p><b>AO3.6</b> Signage is provided on site (regardless of whether the land is in public or private ownership) indicating the position and path of all safe evacuation routes off the site and if the site contains, or is within 100m of a floodable waterway, hazard warning signage and depth indicators are also provided at key hazard points, such as at floodway crossings or entrances to low-lying reserves.</p> <p>or</p> <p><b>AO3.7</b> There is no intensification of residential uses within the flood affected areas on land situated below the DFE/Storm tide.</p>	
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	<p>For Material change of use (Residential uses)</p> <p><b>AO3.1</b> The design and layout of buildings used for residential purposes minimise risk from flooding by providing:</p> <p>(a) parking and other low intensive, non-habitable uses at ground level;</p> <p>Note - The high-set 'Queenslander' style house is a resilient low-density housing solution in floodplain areas. Higher density residential development should ensure only non-habitable rooms (e.g. garages, laundries) are located on the ground floor.</p>	
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**Not applicable**



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

**AO5.2**

Works (including buildings and earthworks) in non urban areas either:

- (a) do not involve a net increase in filling greater than 50m<sup>3</sup>; or
- (b) do not result in any reductions of on-site flood storage capacity and contain within the subject site any changes to

depth/duration/velocity of flood waters;

or

- (c) do not change flood characteristics outside the subject site in ways that result in:
  - (i) loss of flood storage;
  - (ii) loss of/changes to flow paths;
  - (iii) acceleration or retardation of flows or any reduction in flood warning times elsewhere on the flood plain.

For Material change of use

**AO5.3**

Where development is located in an area affected by DFE/Storm tide, a hydraulic and hydrology report, prepared by a suitably qualified professional, demonstrates that the development maintains the flood storage capacity on the subject site; and

- (a) does not increase the volume, velocity, concentration of flow path alignment of stormwater flow across sites upstream, downstream or in the general vicinity of the subject site; and
- (b) does not increase ponding on sites upstream, downstream or in the general vicinity of the subject site.

For Material change of use and Reconfiguring a lot



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



or

**AO6.2**

If a DFE level is adopted, structures used for the manufacture or storage of hazardous materials are:

(a) located above the DFE level;

or

(b) designed to prevent the intrusion of floodwaters.

**AO6.3**

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

**AO6.4**

If a flood level is not adopted, hazardous materials and their manufacturing equipment are located on the highest part of the site to enhance flood immunity and designed to prevent the intrusion of floodwaters.

Note – Refer to *Work Health and Safety Act 2011* and associated Regulation and Guidelines, the *Environmental Protection Act 1994* and the relevant building assessment provisions under the *Building Act 1975* for requirements related to the manufacture and storage of hazardous materials.



<p><b>PO7</b> The development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.</p>	<p><b>A07</b> Development does not:</p> <ul style="list-style-type: none"> <li>(a) increase the number of people calculated to be at risk of flooding;</li> <li>(b) increase the number of people likely to need evacuation;</li> <li>(c) shorten flood warning times; and</li> <li>(d) impact on the ability of traffic to use evacuation routes, or unreasonably increase traffic volumes on evacuation routes.</li> </ul>	<p><b>Complies</b></p>
<p><b>PO8</b> Development involving community infrastructure:</p> <ul style="list-style-type: none"> <li>(a) remains functional to serve community need during and immediately after a flood event;</li> <li>(b) is designed, sited and operated to avoid adverse impacts on the community or environment due to impacts of flooding on infrastructure, facilities or access and egress routes;</li> <li>(c) retains essential site access during a flood event;</li> <li>(d) is able to remain functional even when other infrastructure or services may be compromised in a flood event.</li> </ul>	<p><b>A08.1</b> The following uses are not located on land inundated during a DFE/Storm tide:</p> <ul style="list-style-type: none"> <li>(a) community residence; and</li> <li>(b) emergency services; and</li> <li>(c) residential care facility; and</li> <li>(d) utility installations involving water and sewerage treatment plants; and</li> <li>(e) storage of valuable records or items of historic or cultural significance (e.g. archives, museums, galleries, libraries).</li> </ul> <p>or</p> <p><b>A08.2</b></p>	<p><b>Not applicable</b></p>



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

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

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

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

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

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

and/or

### **AO8.3**

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

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

### **AO8.4**



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

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

**AO8.5**

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





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

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

Table 8.2.4.3.c - Degree of flood

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



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

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

## 9.4 Other development codes

### 9.4.1 Access, parking and servicing code

#### 9.4.1.1 Application

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

#### 9.4.1.2 Purpose

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

### 9.4.1.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant Response
<b>For self-assessable and assessable development</b>		
<p><b>PO1</b> Sufficient on-site car parking is provided to cater for the amount and type of vehicle traffic expected to be generated by the use or uses of the site, having particular regard to:</p> <ul style="list-style-type: none"> <li>(a) the desired character of the area;</li> <li>(b) the nature of the particular use and its specific characteristics and scale;</li> <li>(c) the number of employees and the likely number of visitors to the site;</li> <li>(d) the level of local accessibility;</li> <li>(e) the nature and frequency of any public transport serving the area;</li> <li>(f) whether or not the use involves the retention of an existing building and the previous requirements for car parking for the building</li> <li>(g) whether or not the use involves a heritage building or place of local significance;</li> <li>(h) whether or not the proposed use involves the retention of significant vegetation.</li> </ul>	<p><b>AO1.1</b> The minimum number of on-site vehicle parking spaces is not less than the number prescribed in Table 9.4.1.3.b for that particular use or uses.</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><b>AO1.2</b> Car parking spaces are freely available for the parking of vehicles at all times and are not used for external storage purposes, the display of products or rented/sub-leased.</p> <p><b>AO1.3</b> Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking.</p> <p><b>AO1.4</b> For parking areas exceeding 50 spaces parking, is provided for recreational vehicles as a substitute for ordinary vehicle parking to a maximum of 5% of total ordinary vehicle parking rate.</p>	<p><b>Not applicable</b> Existing access and parking infrastructure is provided throughout the site. No change to the existing sealed access, circulation and parking arrangement is proposed at this stage. Nor does the proposed changes generate an increase in demand.</p> <p>In any case the Proposal Plan illustrates areas along the entrance that could be converted to parking.</p>
<p><b>PO2</b> Vehicle parking areas are designed and constructed in accordance with relevant standards.</p>	<p><b>AO2</b> Vehicle parking areas are designed and constructed in accordance with Australian Standard:</p> <ul style="list-style-type: none"> <li>(a) AS2890.1;</li> <li>(b) AS2890.3;</li> <li>(c) AS2890.6.</li> </ul>	<p><b>Not applicable</b> Refer to discussion above.</p>



<p><b>PO3</b></p> <p>Access points are designed and constructed:</p> <ul style="list-style-type: none"> <li>(a) to operate safely and efficiently;</li> <li>(b) to accommodate the anticipated type and volume of vehicles</li> <li>(c) to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate;</li> <li>(d) so that they do not impede traffic or pedestrian movement on the adjacent road area;</li> <li>(e) so that they do not adversely impact upon existing intersections or future road or intersection improvements;</li> <li>(f) so that they do not adversely impact current and future on-street parking arrangements;</li> <li>(g) so that they do not adversely impact on existing services within the road reserve adjacent to the site;</li> <li>(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).</li> </ul>	<p><b>AO3.1</b></p> <p>Access is limited to one access cross over per site and is an access point located, designed and constructed in accordance with:</p> <ul style="list-style-type: none"> <li>(a) Australian Standard AS2890.1;</li> <li>(b) Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers.</li> </ul> <p><b>AO3.2</b></p> <p>Access, including driveways or access crossovers:</p> <ul style="list-style-type: none"> <li>(a) are not placed over an existing: <ul style="list-style-type: none"> <li>(i) telecommunications pit;</li> <li>(ii) stormwater kerb inlet;</li> <li>(iii) sewer utility hole;</li> <li>(iv) water valve or hydrant.</li> </ul> </li> <li>(b) are designed to accommodate any adjacent footpath;</li> <li>(c) adhere to minimum sight distance requirements in accordance with AS2980.1.</li> </ul> <p><b>AO3.3</b></p> <p>Driveways are:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(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;</li> <li>(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;</li> </ul>	<p><b>Not applicable</b></p> <p>Refer to discussion above.</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><b>AO3.4</b> Surface construction materials are consistent with the current or intended future streetscape or character of the area and contrast with the surface construction materials of any adjacent footpath.</p>	
<p><b>P04</b> Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes.</p>	<p><b>AO4</b> The number of on-site wheel chair accessible car parking spaces complies with the rates specified in AS2890 Parking Facilities.</p>	<p><b>Not applicable</b> Refer to discussion above.</p>
<p><b>P05</b> Access for people with disabilities is provided to the building from the parking area and from the street.</p>	<p><b>AO5</b> Access for people with disabilities is provided in accordance with the relevant Australian Standard.</p>	<p><b>Not applicable</b> Refer to discussion above.</p>
<p><b>P06</b> Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development.</p>	<p><b>AO6</b> The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b.</p>	<p><b>Not applicable</b> Refer to discussion above.</p>



<p><b>P07</b> Development provides secure and convenient bicycle parking which:</p> <ul style="list-style-type: none"> <li>(a) for visitors is obvious and located close to the building's main entrance;</li> <li>(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;</li> <li>(c) is easily and safely accessible from outside the site.</li> </ul>	<p><b>AO7.1</b> Development provides bicycle parking spaces for employees which are co-located with end-of-trip facilities (shower cubicles and lockers);</p> <p><b>AO7.2</b> Development ensures that the location of visitor bicycle parking is discernible either by direct view or using signs from the street.</p> <p><b>AO7.3</b> Development provides visitor bicycle parking which does not impede pedestrian movement.</p>	<p><b>Not applicable</b> Refer to discussion above.</p>
<p><b>P08</b> Development provides walking and cycle routes through the site which:</p> <ul style="list-style-type: none"> <li>(a) link to the external network and pedestrian and cyclist destinations such as schools, shopping centres, open space, public transport stations, shops and local activity centres along the safest, most direct and convenient routes;</li> <li>(b) encourage walking and cycling;</li> <li>(c) ensure pedestrian and cyclist safety.</li> </ul>	<p><b>AO8</b> Development provides walking and cycle routes which are constructed on the carriageway or through the site to:</p> <ul style="list-style-type: none"> <li>(a) create a walking or cycle route along the full frontage of the site;</li> <li>(b) connect to public transport and existing cycle and walking routes at the frontage or boundary of the site.</li> </ul>	<p><b>Not applicable</b> Refer to discussion above.</p>
<p><b>P09</b> Access, internal circulation and on-site parking for service vehicles are designed and constructed:</p> <ul style="list-style-type: none"> <li>(a) in accordance with relevant standards;</li> </ul>	<p><b>AO9.1</b> Access driveways, vehicle manoeuvring and on-site parking for service vehicles are designed and constructed in accordance with AS2890.1 and</p>	<p><b>Not applicable</b> Refer to discussion above.</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><b>AO9.2</b> Service and loading areas are contained fully within the site.</p> <p><b>AO9.3</b> The movement of service vehicles and service operations are designed so they:</p> <ul style="list-style-type: none"> <li>(a) do not impede access to parking spaces;</li> <li>(b) do not impede vehicle or pedestrian traffic movement.</li> </ul>	
<p><b>PO10</b> Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.</p>	<p><b>AO10.1</b> Development provides adequate area on-site for vehicle queuing to accommodate the demand generated by the development where drive through facilities or drop-off/pick-up services are proposed as part of the use, including, but not limited to, the following land uses:</p> <ul style="list-style-type: none"> <li>(a) car wash;</li> <li>(b) child care centre;</li> <li>(c) educational establishment where for a school;</li> <li>(d) food and drink outlet, where including a drive-through facility;</li> <li>(e) hardware and trade supplies, where including a drive-through facility;</li> <li>(f) hotel, where including a drive-through facility;</li> <li>(g) service station.</li> </ul> <p><b>AO10.2</b> Queuing and set-down areas are designed and constructed in accordance with AS2890.1.</p>	<p><b>Not applicable</b> Refer to discussion above.</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.



## **9.4.3 Environmental performance code**

### **9.4.3.1 Application**

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

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

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

### **9.4.3.2 Purpose**

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



### 9.4.3.3 Criteria for assessment

Table 9.4.3.3.a – Environmental performance code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
<b>Lighting</b>		
<b>PO1</b> Lighting incorporated within development does not cause an adverse impact on the amenity of adjacent uses and nearby sensitive land uses.	<b>AO1.1</b> Technical parameters, design, installation, operation and maintenance of outdoor lighting comply with the requirements of Australian standard AS4282-1997 Control of the obtrusive effects of outdoor lighting.  <b>AO1.2</b> Development that involves flood lighting is restricted to a type that gives no upward component of light where mounted horizontally.  <b>AO1.3</b> Access, car parking and manoeuvring areas are designed to shield nearby residential premises from impacts of vehicle headlights.	<b>Will comply</b> External lighting associated with the Pool and Bar will be installed onsite and given location is not expected to cause a nuisance.
<b>Noise</b>		
<b>PO2</b> Potential noise generated from the development is avoided through design, location and operation of the activity. Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.	<b>AO2.1</b> Development does not involve activities that would cause noise related environmental harm or nuisance; or <b>AO2.2</b> Development ensures noise does not emanate from the site through the use of materials, structures and architectural features to not cause an adverse noise impact on adjacent uses.	<b>Complies</b> This is an existing established use. Considering the size of the site and location of the proposed additions external noise pollution is not likely to be an issue.

**AO2.3**

The design and layout of development ensures car parking areas avoid noise impacting directly on adjacent sensitive land uses through one or more of the following:

- (a) car parking is located away from adjacent sensitive land uses;
- (b) car parking is enclosed within a building;
- (c) a noise ameliorating fence or structure is established adjacent to car parking areas where the fence or structure will not have a visual amenity impact on the adjoining premises;
- (d) buffered with dense landscaping.

Editor's note - The *Environmental Protection (Noise) Policy 2008*, Schedule 1 provides guidance on acoustic quality objectives to ensure environmental harm (including nuisance) is avoided.

**Airborne particles and other emissions**
**PO3**

Potential airborne particles and emissions generated from the development are avoided through design, location and operation of the activity.

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

**AO3.1**

Development does not involve activities that will result in airborne particles or emissions being generated;

or

**AO3.2**

The design, layout and operation of the development activity ensures that no airborne particles or emissions cause environmental harm or nuisance.

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

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

**Not applicable**



	The <i>Environmental Protection (Air) Policy 2008</i> , Schedule 1 provides guidance on air quality objectives to ensure environmental harm (including nuisance) is avoided.	
<b>Odours</b>		
<b>PO4</b> Potential odour causing activities associated with the development are avoided through design, location and operation of the activity.  Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.	<b>AO4.1</b> The development does not involve activities that create odorous emissions;  or  <b>AO4.2</b> The use does not result in odour that causes environmental harm or nuisance with respect to surrounding land uses.	<b>Not applicable</b>
<b>Waste and recyclable material storage</b>		

**PO5**

Waste and recyclable material storage facilities are located and maintained to not cause adverse impacts on adjacent uses.

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

**AO5.1**

The use ensures that all putrescent waste is stored in a manner that prevents odour nuisance and is disposed of at regular intervals.

**AO5.2**

Waste and recyclable material storage facilities are located, designed and maintained to not cause an adverse impact on users of the premises and adjacent uses through consideration of:

- (a) the location of the waste and recyclable material storage areas in relation to the noise and odour generated;
- (b) the number of receptacles provided in relation to the collection, maintenance and use of the receptacles;
- (c) the durability of the receptacles, sheltering and potential impacts of local climatic conditions;
- (d) the ability to mitigate spillage, seepage or leakage from receptacles into adjacent areas and sensitive receiving waters and environments.

Editor's note - the *Environmental Protection (Waste Management) Policy 2008* provides guidance on the design of waste containers (receptacles) to ensure environmental harm (including nuisance) is avoided.

**Complies**

No changes proposed to existing storage areas.

**Sensitive land use activities**



<p><b>PO6</b> Sensitive land use activities are not established in areas which will receive potentially incompatible impacts on amenity from surrounding, existing development activities and land uses.</p>	<p><b>AO6.1</b> Sensitive land use activities are not established in areas that will be adversely impacted upon by existing land uses, activities and potential development possible in an area;</p> <p>or</p> <p><b>AO6.2</b> Sensitive land activities are located in areas where potential adverse amenity impacts mitigate all potential impacts through layout, design, operation and maintenance.</p>	<p><b>Not applicable</b></p>
<p><b>Stormwater quality</b></p>		
<p><b>PO7</b> The quality of stormwater flowing over, through or being discharged from development activities into watercourses and drainage lines is of adequate quality for downstream environments, with respect to:</p> <ul style="list-style-type: none"> <li>(a) the amount and type of pollutants borne from the activity;</li> <li>(b) maintaining natural stream flows;</li> <li>(c) the amount and type of site disturbance;</li> <li>(d) site management and control measures.</li> </ul>	<p><b>AO7.1</b> Development activities are designed to ensure stormwater over roofed and hard stand areas is directed to a lawful point of discharge.</p> <p><b>AO7.2</b> Development ensures movement of stormwater over the site is not impeded or directed through potentially polluting activities.</p> <p><b>AO7.3</b> Soil and water control measures are incorporated into the activity's design and operation to control sediment and erosion potentially entering watercourses, drainage lines and downstream receiving waters.</p> <p>Note - Planning scheme policy - FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the <i>Environmental Protection Act 1994</i>.</p> <p>During construction phases of development, contractors and builders are to have consideration in their work methods and site preparation for their environmental duty to protect stormwater quality.</p>	<p><b>Will comply</b></p>
<p><b>Pest plants (for material change of use on vacant land over 1,000m<sup>2</sup>)</b></p>		

**PO8**

Development activities and sites provide for the removal of all pest plants and implement ongoing measures to ensure that pest plants do not reinfest the site or nearby sites.

Editor's note - This does not remove or replace all land owner's obligations or responsibilities under the *Land Protection (Pest and Stock Route Management) Act 2002*.

**AO8.1**

The land is free of declared pest plants before development establishes new buildings, structures and practices;

or

**AO8.2**

Pest plants detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person prior to construction of buildings and structures or earthworks.

Note - A declaration from an appropriately qualified person validates the land being free from pest plants.

Declared pest plants include locally declared and State declared pest plants.

**Not applicable**

## **9.4.4 Filling and excavation code**

### **9.4.4.1 Application**

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

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

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

### **9.4.4.2 Purpose**

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



#### 9.4.4.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant response
<b>For self-assessable and assessable development</b>		
<b>Filling and excavation - General</b>		
<p><b>PO1</b> All filling and excavation work does not create a detrimental impact on the slope stability, erosion potential or visual amenity of the site or the surrounding area.</p>	<p><b>AO1.1</b> 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><b>AO1.2</b> Cuts are supported by batters, retaining or rock walls and associated benches/terraces are capable of supporting mature vegetation.</p> <p><b>AO1.3</b> Cuts are screened from view by the siting of the building/structure, wherever possible.</p>	<p><b>Complies</b> There is very little fall across the site. Excavation works are limited to that required for the proposed Pool and site preparation works for the Bar facility including levelling of the site and footings.</p>



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



<p><b>PO3</b> 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><b>AO3.1</b> Filling and excavation does not result in the ponding of water on a site or adjacent land or road reserves.</p> <p><b>AO3.2</b> Filling and excavation does not result in an increase in the flow of water across a site or any other land or road reserves.</p> <p><b>AO3.3</b> Filling and excavation does not result in an increase in the volume of water or concentration of water in a watercourse and overland flow paths.</p> <p><b>AO3.4</b> Filling and excavation complies with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.</p>	<p><b>Complies</b> The proposed works will not detrimentally impact the current drainage regime across the site.</p>
<b>Water quality</b>		
<p><b>PO4</b> Filling and excavation does not result in a reduction of the water quality of receiving waters.</p>	<p><b>AO4</b> Water quality is maintained to comply with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.</p>	<p><b>Will comply</b> Any concerns in this regard may be conditioned under a Development Permit.</p>
<b>Infrastructure</b>		
<p><b>PO5</b> Excavation and filling does not impact on Public Utilities.</p>	<p><b>AO5</b> Excavation and filling is clear of the zone of influence of public utilities.</p>	<p><b>Not applicable</b></p>

## 9.4.5 Infrastructure works code

### 9.4.5.1 Application

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

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

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

### 9.4.5.2 Purpose

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

### 9.4.5.3 Criteria for assessment

Table 9.4.5.3.a – Infrastructure works code –assessable development

Performance outcomes		Acceptable outcomes	Applicant response
For self-assessable and assessable development			
Works on a local government road			
<p><b>PO1</b></p> <p>Works on a local government road do not adversely impact on footpaths or existing infrastructure within the road verge and maintain the flow, safety and efficiency of pedestrians, cyclists and vehicles.</p>	<p><b>AO1.1</b></p> <p>Footpaths/pathways are located in the road verge and are provided for the hierarchy of the road and located and designed and constructed in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.</p> <p><b>AO1.2</b></p> <p>Kerb ramp crossovers are constructed in accordance with Planning scheme policy SC 5 – FNQROC Regional Development Manual.</p> <p><b>AO1.3</b></p> <p>New pipes, cables, conduits or other similar infrastructure required to cross existing footpaths:</p> <p>(a) are installed via trenchless methods; or</p> <p>(b) where footpath infrastructure is removed to install infrastructure, the new section of footpath is installed to the standard detailed</p>	<p><b>Not applicable</b></p>	



	<p>in the Planning scheme policy SC5 – FNQROC Regional Development Manual, and is not less than a 1.2 metre section.</p> <p><b>AO1.4</b> Where existing footpaths are damaged as a result of development, footpaths are reinstated ensuring:</p> <ul style="list-style-type: none"> <li>(a) similar surface finishes are used;</li> <li>(b) there is no change in level at joins of new and existing sections;</li> <li>(c) new sections are matched to existing in terms of dimension and reinforcement.</li> </ul> <p>Note – Figure 9.4.5.3.a provides guidance on meeting the outcomes.</p> <p><b>AO1.5</b> Decks, verandahs, stairs, posts and other structures located in the road reserve do not restrict or impede pedestrian movement on footpaths or change the level of the road verges.</p>	
<b>Accessibility structures</b>		
<p><b>PO2</b> Development is designed to ensure it is accessible for people of all abilities and accessibility features do not impact on the efficient and safe use of footpaths.</p> <p>Note – Accessibility features are those features required to ensure access to premises is provided for people of all abilities and include ramps and lifts.</p>	<p><b>AO2.1</b> Accessibility structures are not located within the road reserve.</p> <p><b>AO2.2</b> Accessibility structures are designed in accordance with AS1428.3.</p> <p><b>AO2.3</b> When retrofitting accessibility features in existing buildings, all structures and changes in grade are contained within the boundaries of the lot and not within the road reserve.</p>	<b>Not applicable</b>
<b>Water supply</b>		

**PO3**

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

**AO3.1**

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

or

**AO3.2**

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

**Complies**

The premises is connected to reticulated water supply.

**Treatment and disposal of effluent**

**PO4**

Provision is made for the treatment and disposal of effluent to ensure that there are no adverse impacts on water quality and no adverse ecological impacts as a result of the system or as a result of increasing the cumulative effect of systems in the locality.

**AO4.1**

The site is connected to Council's sewerage system and the extension of or connection to the sewerage system is designed and constructed in accordance with the Design Guidelines set out in Section D7 of the Planning scheme policy SC5 – FNQROC Regional Development Manual;

or

**AO4.2**

Where not in a sewerage scheme area, the proposed disposal system meets the requirements of Section 33 of the *Environmental Protection Policy (Water) 1997* and the proposed on site effluent disposal system is designed in accordance with the *Plumbing and Drainage Act (2002)*.

**Complies**

The site is serviced via existing onsite waste water treatment and disposal. As the proposed development does not seek to increase accommodation capacity and no new pedestals are proposed, the development will utilise the existing infrastructure.

**Stormwater quality**



**PO5**

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

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

**AO5.1**

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

or

**AO5.2**

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

**AO5.3**

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

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

**AO5.4**

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

**AO5.5**

Development incorporates stormwater flow control measures to achieve the design objectives set out in Table 9.4.5.3.b and Table 9.4.5.3.c, including management of frequent flows, peak flows, and construction phase hydrological impacts.

**Existing solution**

No changes are proposed to stormwater discharge.



Note – Planning scheme policy SC5 – FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the *Environmental Protection Act 1994*.

Note – During construction phases of development, contractors and builders are to have consideration in their work methods and site preparation for their environmental duty to protect stormwater quality.

#### Non-tidal artificial waterways

**PO6**

Development involving non-tidal artificial waterways is planned, designed, constructed and operated to:

- (a) protect water environmental values;
- (b) be compatible with the land use constraints for the site for protecting water environmental values;
- (c) be compatible with existing tidal and non-tidal waterways;
- (d) perform a function in addition to stormwater management;
- (e) achieve water quality objectives.

**AO6.1**

Development involving non-tidal artificial waterways ensures:

- (a) environmental values in downstream waterways are protected;
- (b) any ground water recharge areas are not affected;
- (c) the location of the waterway incorporates low lying areas of the catchment connected to an existing waterway;
- (d) existing areas of ponded water are included.

**AO6.2**

Non-tidal artificial waterways are located:

- (a) outside natural wetlands and any associated buffer areas;
- (b) to minimise disturbing soils or sediments;
- (c) to avoid altering the natural hydrologic regime in acid sulfate soil and nutrient hazardous areas.

**AO6.3**

Non-tidal artificial waterways located adjacent to, or connected to a tidal waterway by means of a weir, lock, pumping system or similar ensures:

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

**AO6.4**

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

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

**Not applicable**



integrated water cycle management plan; or  
(d) aquatic habitat.

**AO6.5**

The end-use purpose of the non-tidal artificial waterway is designed and operated in a way that protects water environmental values.

**AO6.6**

Monitoring and maintenance programs adaptively manage water quality to achieve relevant water quality objectives downstream of the waterway.

**AO6.7**

Aquatic weeds are managed to achieve a low percentage of coverage of the water surface area, and pests and vectors are managed through design and maintenance.



Wastewater discharge		
<p><b>PO7</b> Discharge of wastewater to waterways, or off site:</p> <ul style="list-style-type: none"> <li>(a) meets best practice environmental management;</li> <li>(b) is treated to: <ul style="list-style-type: none"> <li>(i) meet water quality objectives for its receiving waters;</li> <li>(ii) avoid adverse impact on ecosystem health or waterway health;</li> <li>(iii) maintain ecological processes, riparian vegetation and waterway integrity;</li> <li>(iv) offset impacts on high ecological value waters.</li> </ul> </li> </ul>	<p><b>A07.1</b> A wastewater management plan is prepared and addresses:</p> <ul style="list-style-type: none"> <li>(a) wastewater type;</li> <li>(b) climatic conditions;</li> <li>(c) water quality objectives;</li> <li>(d) best practice environmental management.</li> </ul> <p><b>A07.2</b> The waste water management plan is managed in accordance with a waste management hierarchy that:</p> <ul style="list-style-type: none"> <li>(a) avoids wastewater discharge to waterways; or</li> <li>(b) if wastewater discharge cannot practicably be avoided, minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and ground water.</li> </ul> <p><b>A07.3</b> Wastewater discharge is managed to avoid or minimise the release of nutrients of concern so as to minimise the occurrence, frequency and intensity of algal blooms.</p> <p><b>A07.4</b> Development in coastal catchments avoids or minimises and appropriately manages soil disturbance or altering natural hydrology and:</p> <ul style="list-style-type: none"> <li>(a) avoids lowering ground water levels where potential or actual acid sulfate soils are present;</li> <li>(b) manages wastewater so that: <ul style="list-style-type: none"> <li>(i) the pH of any wastewater discharges is maintained between 6.5 and 8.5 to avoid mobilisation of acid, iron, aluminium and other metals;</li> <li>(ii) holding times of neutralised wastewater</li> </ul> </li> </ul>	<p><b>Not applicable</b></p>



	<p>ensures the flocculation and removal of any dissolved iron prior to release; visible iron floc is not present in any discharge;</p> <p>(iv) precipitated iron floc is contained and disposed of;</p> <p>(iii) wastewater and precipitates that cannot be contained and treated for discharge on site are removed and disposed of through trade waste or another lawful method.</p>	
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Electricity supply		
<b>PO8</b> Development is provided with a source of power that will meet its energy needs.	<b>AO8.1</b> A connection is provided from the premises to the electricity distribution network;  or  <b>AO8.2</b> The premises is connected to the electricity distribution network in accordance with the Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.  Note - Areas north of the Daintree River have a different standard.	<b>Complies</b> The site is connected to existing electricity supply.
<b>PO9</b> Development incorporating pad-mount electricity infrastructure does not cause an adverse impact on amenity.	<b>AO9.1</b> Pad-mount electricity infrastructure is: (a) not located in land for open space or sport and recreation purposes; (b) screened from view by landscaping or fencing; (c) accessible for maintenance.  <b>AO9.2</b> Pad-mount electricity infrastructure within a building, in a Town Centre is designed and located to enable an active street frontage.  Note – Pad-mounts in buildings in activity centres should not be located on the street frontage.	<b>Not applicable</b>
Telecommunications		
<b>PO10</b> Development is connected to a telecommunications service approved by the relevant telecommunication regulatory authority.	<b>AO10</b> The development is connected to telecommunications infrastructure in accordance with the standards of the relevant regulatory authority.	<b>Complies</b> The site is connected to existing telecommunications.



<b>PO11</b> Provision is made for future telecommunications services (e.g. fibre optic cable).	<b>AO11</b> Conduits are provided in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.	<b>Not applicable</b>
<b>Road construction</b>		
<b>PO12</b> The road to the frontage of the premises is constructed to provide for the safe and efficient movement of: (a) pedestrians and cyclists to and from the site; (b) pedestrians and cyclists adjacent to the site; (c) vehicles on the road adjacent to the site; (d) vehicles to and from the site; (e) emergency vehicles.	<b>AO12.1</b> The road to the frontage of the site is constructed in accordance with the Design Guidelines set out in Sections D1 and D3 of the Planning scheme policy SC5 – FNQROC Regional Development Manual, for the particular class of road, as identified in the road hierarchy.  <b>AO12.2</b> There is existing road, kerb and channel for the full road frontage of the site.  <b>AO12.3</b> Road access minimum clearances of 3.5 metres wide and 4.8 metres high are provided for the safe passage of emergency vehicles.	<b>Not applicable</b> No changes are proposed to existing vehicle access.
<b>Alterations and repairs to public utility services</b>		
<b>PO13</b> Infrastructure is integrated with, and efficiently extends, existing networks.	<b>AO13</b> Development is designed to allow for efficient connection to existing infrastructure networks.	<b>Not applicable</b>





<p><b>PO14</b> Development and works do not affect the efficient functioning of public utility mains, services or installations.</p>	<p><b>AO14.1</b> Public utility mains, services and installations are not required to be altered or repaired as a result of the development;</p> <p>or</p> <p><b>AO14.2</b> Public utility mains, services and installations are altered or repaired in association with the works so that they continue to function and satisfy the relevant Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.</p>	<p><b>Complies</b></p>
<p><b>Construction management</b></p>		
<p><b>PO15</b> Work is undertaken in a manner which minimises adverse impacts on vegetation that is to be retained.</p>	<p><b>AO15</b> Works include, at a minimum:</p> <ul style="list-style-type: none"> <li>(a) installation of protective fencing around retained vegetation during construction;</li> <li>(b) erection of advisory signage;</li> <li>(c) no disturbance, due to earthworks or storage of plant, materials and equipment, of ground level and soils below the canopy of any retained vegetation;</li> <li>(d) removal from the site of all declared noxious weeds.</li> </ul>	<p><b>Can comply</b></p>
<p><b>PO16</b> Existing infrastructure is not damaged by construction activities.</p>	<p><b>AO16</b> Construction, alterations and any repairs to infrastructure is undertaken in accordance with the Planning scheme policy SC5 – FNQROC Regional Development Manual.</p> <p>Note - Construction, alterations and any repairs to State-controlled roads and rail corridors are undertaken in accordance with the Transport Infrastructure Act 1994.</p>	<p><b>Not applicable</b></p>



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



<b>PO20</b> Hydrants are suitable identified so that fire services can locate them at all hours.  Note – Hydrants are identified as specified in the Department of Transport and Main Roads Technical Note: 'Identification of street hydrants for fire fighting purposes' available under 'Publications'.	<b>AO20</b> No acceptable outcomes are prescribed.	<b>Not applicable</b>
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**Table 9.4.5.3.b – Stormwater management design objectives (Construction phase).**

Issue	Design objectives
<b>Drainage control</b> (Temporary drainage works)	(a) Design life and design storm for temporary drainage works: (i) Disturbed open area for <12 months – 1 in 2 year ARI event; (ii) Disturbed open area for 12-24 months – 1 in 5 year ARI event; (iii) Disturbed open area for >24 months – 1 in 10 year ARI event. (b) Design capacity excludes minimum 150mm freeboard. (c) Temporary culvert crossing – minimum of 1 in 1-year ARI hydraulic capacity.
<b>Erosion control</b> (Erosion control measures)	(a) Minimise exposure of disturbed soils at any time. (b) Divert water run-off from undisturbed areas around disturbed areas. (c) Determine erosion risk rating using local rainfall erosivity, rainfall depth, soil loss rate or other acceptable methods. (d) Implement erosion control methods corresponding to identified erosion risk rating.
<b>Sediment control measures</b> (sediment control measures, design storm for sediment control basins, Sediment basin dewatering)	(a) Determine appropriate sediment control measures using: (i) potential soil loss rate; or (ii) monthly erosivity; or (iii) average monthly rainfall. (b) Collect and drain stormwater from disturbed soils to sediment basin for design storm event: (i) design storm for sediment basin sizing is 80th% five-day event or similar. (c) Site discharge during sediment basin dewatering: (i) TSS < 50mg/L TSS; (ii) Turbidity not > 10% receiving water's turbidity; (iii) pH 6.5-8.5.



<b>Water quality</b> (Litter and other waste, hydrocarbons and other contaminants)	(a) Avoid wind-blown litter; remove grass pollutants. (b) Ensure there is no visible oil or grease sheen on released waters. (c) Dispose of waste containing contaminants at authorised facilities.
<b>Waterway stability and flood flow management</b> (Changes to the natural hydraulics and hydrology)	(a) For peak flow for the 100% AEP event and 1% AEP event, use constructed sediment basins to attenuate the discharge rate of stormwater from the site.

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

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



**Figure 9.4.5.3.a – New footpath sections**

