

# DA Form 1 – Development application details

Approved form (version 1.2 effective 7 February 2020) made under section 282 of the Planning Act 2016.

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

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

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

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

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

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

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

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Shane and Priscilla Quaid
Contact name (only applicable for companies)	c/- Patrick Clifton, GMA Certification
Postal address (P.O. Box or street address)	PO Box 831
Suburb	Port Douglas
State	QLD
Postcode	4877
Country	Australia
Contact number	0438 755 374
Email address (non-mandatory)	Patrick.c@gmacer.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	20202855

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

## PART 2 – LOCATION DETAILS

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

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

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

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		164	Tati Road	Miallo
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	101	SP276043	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
			Syndicate Road	Miallo
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	1	SP174874	Douglas Shire Council

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

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

- ☐ Coordinates of premises by longitude and latitude

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

- ☐ Coordinates of premises by easting and northing

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

#### 3.3) Additional premises

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

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

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

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

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

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

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

## PART 3 – DEVELOPMENT DETAILS

### Section 1 – Aspects of development

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

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

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

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

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

c) What is the level of assessment?

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

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

Sand Extraction of a maximum of 300 cubic metres per year.

e) Relevant plans

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

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

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

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

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

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

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

c) What is the level of assessment?

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

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

e) Relevant plans

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

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

#### 6.3) Additional aspects of development

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

- ☒ Not required

## Section 2 – Further development details

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

### Division 1 – Material change of use

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

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m <sup>2</sup> ) (if applicable)
8.2) Does the proposed use involve the use of existing buildings on the premises?			
<input type="checkbox"/> Yes			
<input type="checkbox"/> No			

### Division 2 – Reconfiguring a lot

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

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

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



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

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

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

### Division 3 – Operational work

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

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

## PART 4 – ASSESSMENT MANAGER DETAILS

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

## PART 5 – REFERRAL DETAILS

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

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

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

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

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

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

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

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

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

## PART 6 – INFORMATION REQUEST

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

## PART 7 – FURTHER DETAILS

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

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

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

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

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

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

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

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

23) Further legislative requirements

### **Environmentally relevant activities**

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

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

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

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

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

### **Hazardous chemical facilities**

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

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

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

### **Clearing native vegetation**

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

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

☒ No

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

### **Environmental offsets**

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

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

☒ No

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

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

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

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

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

☒ No

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

### **Water resources**

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

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

☒ No

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

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

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

### **Waterway barrier works**

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

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

☒ No

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

### **Marine activities**

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

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

☒ No

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

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

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

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

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

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

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

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

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

### **Referable dams**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist	
I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17 <i>Note: See the Planning Regulation 2017 for referral requirements</i>	<input checked="" type="checkbox"/> Yes
If building work is associated with the proposed development, Parts 4 to 6 of <a href="#">DA Form 2 – Building work details</a> have been completed and attached to this development application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with the development application <i>Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see <a href="#">DA Forms Guide: Planning Report Template</a>.</i>	<input checked="" type="checkbox"/> Yes
Relevant plans of the development are attached to this development application <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms Guide: Relevant plans</a>.</i>	<input checked="" type="checkbox"/> Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

25) Applicant declaration	
<input checked="" type="checkbox"/> By making this development application, I declare that all information in this development application is true and correct <input checked="" type="checkbox"/> Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the <i>Electronic Transactions Act 2001</i> <i>Note: It is unlawful to intentionally provide false or misleading information.</i>	
<p><b>Privacy</b> – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.</p> <p>Personal information will not be disclosed for a purpose unrelated to the <i>Planning Act 2016</i>, Planning Regulation 2017 and the DA Rules except where:</p> <ul style="list-style-type: none"> <li>such disclosure is in accordance with the provisions about public access to documents contained in the <i>Planning Act 2016</i> and the Planning Regulation 2017, and the access rules made under the <i>Planning Act 2016</i> and Planning Regulation 2017; or</li> <li>required by other legislation (including the <i>Right to Information Act 2009</i>); or</li> <li>otherwise required by law.</li> </ul> <p>This information may be stored in relevant databases. The information collected will be retained as required by the <i>Public Records Act 2002</i>.</p>	

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

---

Date received:  Reference number(s):

### Notification of engagement of alternative assessment manager

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

### QLeave notification and payment

*Note: For completion by assessment manager if applicable*

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





GMA Certification  
Group

*Leader's in  
Building Certification Services*



## **PLANNING STATEMENT**

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For: Shane & Priscilla Quaid  
Development: Operational Works – Sand Extraction  
At: Land Adjacent Lot 101 SP276043 Tati Road, Miallo  
Prepared by: GMA Certification Group  
File Ref: 20202855  
Revision: B

# Table of Contents

1.0	Introduction.....	3
2.0	Development Summary .....	4
3.0	Site and Locality .....	6
4.0	Proposal .....	7
5.0	Statutory Planning Considerations.....	8
5.1	Planning Act 2016 .....	8
5.1.1	Categorisation of Development .....	8
5.1.2	Assessment Manager .....	8
5.1.3	Level of Assessment .....	8
5.1.4	Statutory Considerations for Assessable Development.....	8
5.1.5	State Planning Policy .....	8
5.1.6	Regional Plan.....	9
5.1.7	Referral Agencies .....	9
5.1.8	State Development Assessment Provisions .....	9
6.0	Local Planning Considerations .....	10
6.1	Douglas Shire Council Planning Scheme .....	10
6.3	Pre - lodgement Meeting/ Enquiry .....	10
7.0	Summary and Conclusion.....	11
	Appendix 1.....	12
	Appendix 2.....	13
	Appendix 3.....	16
	Appendix 4.....	17

## 1.0 Introduction

This report has been prepared in behalf of Shane and Priscilla Quaid in support of a Development Application to Douglas Shire Council for a Development Permit for Operational Works (Sand Extraction) on land located at 164 Tati Road, Miallo, and described as Saltwater Creek adjacent Lot 101 on SP276043.

The application site forms part of an operational cattle farm and comprises saltwater creek adjacent Lot 101 on SO276043. The area of the proposed extraction clear of vegetation and an open creek. Access to the site is provided via an existing farm track from the existing farm buildings to the south and off Tati Road.

The locality containing the site is generally characterised by large rural parcels of land used for the cultivation of sugar can or for the grazing of cattle. The dominant natural feature of the locality is Saltwater Creek, which traverses the area from the west to the east.

The site has the benefit of a Quarry Material Allocation (Ref: 300229) for the extraction of 1,500 cubic metres of sand and a maximum of 300 cubic metres per year. The extracted sand is used ancillary to the agricultural operation and is not sold commercially or for any purpose other than the use on the adjacent farm. There would be no stockpiling of the sand or extracted material and equipment used to extract the sand would be limited to existing farm machinery. Sand would be extracted on an as required basis. To facilitate the renewal of the allocation and to provide for the extraction of the sand a Development permit for Operational Works is required from Council.

The application is identified as being Code Assessable and consideration is required to be given to the Assessment Benchmarks only. The proposed development is considered to be consistent with the Assessment Benchmarks and is considered to be a suitable use of the site. The application is submitted for approval, subject to reasonable and relevant conditions.

## 2.0 Development Summary

<b>Address:</b>	Saltwater Creek adjacent 164 Tati Road, Miallo
<b>Real Property Description:</b>	Saltwater Creek adjacent Lot 101 SP276043, Lot 1 AP 137739 and Lot 1 SP174874.
<b>Easements &amp; Encumbrances:</b>	Nil
<b>Registered Owner:</b>	Lot 101 SP276403 -
<b>Proposal:</b>	Operational Works – Sand Quarry
<b>Approval Sought:</b>	Development Permit
<b>Level of Assessment:</b>	Code Assessment
<b>State Interests – State Planning Policy</b>	<ul style="list-style-type: none"> <li>• Economic Growth – Agricultural Land Classification – class A or B;</li> <li>• Environment and Heritage – Biodiversity:               <ul style="list-style-type: none"> <li>○ MSES Wildlife Habitat;</li> <li>○ MSES Regulated Vegetation Cat B;</li> <li>○ MSES Regulated Vegetation Cat R;</li> <li>○ MSES Regulated Vegetation (essential habitat);</li> </ul> </li> <li>• Safety and Resilience to Hazards – Flood Hazard Area – Level 1 – Queensland Floodplain assessment overlay.</li> </ul>
<b>State Interests – SARA Mapping:</b>	<ul style="list-style-type: none"> <li>• Fish Habitat Areas – Queensland Waterways for waterway barrier works – Major.</li> <li>• Native Vegetation Clearing:               <ul style="list-style-type: none"> <li>○ Cat B on the Regulated Vegetation Management Map;</li> <li>○ Cat R on the Regulated Vegetation Management Map;</li> <li>○ Category A or B containing endangered regional ecosystem.</li> </ul> </li> </ul>

**Referral Agencies:**

State Assessment and Referral Agency –  
Sch 10, Part 19, Div 2. Subdiv 3 Table 1 –  
Removal of Quarry Material for a  
watercourse or lake.

---

**State Development Assessment  
Provisions:**

State Code 15: removal of Quarry Material  
From a Watercourse or Lake.

---

**Regional Plan Designation:**

Regional Landscape and Rural Production  
Area.

---

**Zone:**

Rural Zone

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**Local Plan Designation:**

Nil

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**Overlays:**

- Acid Sulfate Soils Overlay – 5m- 20m AHD;
- Flood and Storm Tide Inundation Overlay – Floodplain Assessment Overlay;
- Landscape Values Overlay – High Landscape Values; and,
- Natural Areas Overlay – MSES Wildlife Habitat & MSES Regulated Vegetation.

### 3.0 Site and Locality

The application site is the Saltwater Creek adjacent Lot 101 on SP276043, located at 164 Tati Road Miallo.

The creek forms part of an operating farm which is understood to have formerly been used for the purpose of cane farming and is now used for the purpose of cattle grazing and farm houses.

The locality containing the site is generally rural in character with the dominant land uses being the cultivation of sugar cane or cattle grazing.



Photo 1 – Site Location (Source Queensland Globe)

## 4.0 Proposal

The site has the benefit of a Quarry Material Allocation License (Ref: 300229) for the extraction of 1,500 cubic metres of sand at a maximum of 300 cubic metres per year. A Development permit for Operational Works is required to provide for the extraction of sand in accordance with this license.

The extracted material would only be used on the adjacent farm and would not be offered for sale or exported from the agricultural holding. Sand would be extracted from the quarry site on an as required basis and would be used for replacing sand in the horse sheds, for improving boggy soils and for maintaining farm tracks. There would be no stockpiling of material and the material would be extracted from existing cleared areas using existing framing equipment.

Access to the proposed quarry site is provided by an existing farm track from the would be farm house and farm building area, which are accessed from Tati Road.

Proposal Plans and photographs of the site are attached at [Appendix 2](#).



## 5.0 Statutory Planning Considerations

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

### 5.1 Planning Act 2016

#### 5.1.1 Categorisation of Development

The proposed development is not identified as prohibited development having regard to the relevant instruments that can prohibit development under the *Planning Act 2016*, including

- Schedule 10 of the Planning Regulations 2017
- Relevant Categorising Instruments.

The development is made assessable under the Douglas Shire Council Planning Scheme, which is a categorising instrument for the purpose of s43 of the *Planning Act 2016*.

#### 5.1.2 Assessment Manager

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

#### 5.1.3 Level of Assessment

The application involves Operation Works – Sand Extraction. The table below identifies the level of assessment and the categorising section of the Douglas Shire Council Planning Scheme.

Development	Categorising Section	Level of Assessment
Operational Works	Table 5.6.j – Rural Zone	Code Assessable

#### 5.1.4 Statutory Considerations for Assessable Development

As the application is subject to Code Assessment, in deciding the application pursuant to s60 of the *Planning Act 2016*, the Council, as Assessment Manager, can only have regard to the matters established in the relevant planning benchmarks.

This assessment is further discussed in Section 6.0 of this report and a detailed assessment of the proposed development against the assessment benchmarks is provided at [Appendix 3](#).

#### 5.1.5 State Planning Policy

It is understood that the Minister has identified that the State Planning Policy has been appropriately integrated into the Douglas Shire Council Planning Scheme and consequently no further assessment is required in this instance.



### 5.1.6 Regional Plan

The application site is identified in the Regional Landscape and Rural Production Area designation of the FNQ Regional Plan. Consistent with the State Planning Policies, it is understood that the Planning Scheme has been determined to appropriately advance the Regional Plan and, on that basis, no further assessment is required in this instance.

### 5.1.7 Referral Agencies

The *Planning Regulation 2017* Sch 10 Pt 19 Div 2 Subdiv 3 relates to the removal of quarry material from a watercourse and requires referral of the application to the State Assessment and Referral Agency.

### 5.1.8 State Development Assessment Provisions

State Code 15 – Removal of Quarry Material from a watercourse or lake is identified as an Assessment Benchmark for the application.

The application has been assessed against the relevant Assessment Benchmarks and it is considered that the development can satisfy the Performance Outcomes. The development is a small scale sand extraction operation ancillary to the dominant farm use of the land. The extraction of the sand would not adversely affect the physical integrity of the watercourse, the geomorphic processes or ecosystem of the area and would not affect any built infrastructure.

A detailed assessment of the proposal against State Code 15 is provided at [Appendix 3](#).

## 6.0 Local Planning Considerations

### 6.1 Douglas Shire Council Planning Scheme

Within the Douglas Shire Council Planning Scheme (2018), the site is identified within the Rural Zone and is affected by the Following Overlays:

- Acid Sulfate Soils Overlay – 5m- 20m AHD;
- Flood and Storm Tide Inundation Overlay – Floodplain Assessment Overlay;
- Landscape Values Overlay – High Landscape Values; and,
- Natural Areas Overlay – MSES Wildlife Habitat & MSES Regulated Vegetation.

The Table below identifies the applicable Assessment Benchmarks contained within the Planning Scheme.

Assessment Benchmark	Applicability	Compliance
Rural Zone Code	Applies	Complies with the relevant Acceptable Outcomes
Acid Sulfate Soils Overlay Code	Applies	Complies with the relevant Acceptable Outcomes
Flood and Storm Tide Inundation Overlay Code	Applies	Complies with the relevant Acceptable Outcomes
Landscape Values Overlay Code	Not applicable	Not identified as an Assessment Benchmark
Natural Areas Overlay Code	Applies	Complies with the applicable Acceptable Outcomes.
Environmental Performance Code	Applies	Complies with applicable Acceptable Outcomes.
Filling and Excavation Code	Applies	Complies with applicable Acceptable Outcomes

### 6.2 Pre - lodgement Meeting/ Enquiry

The application was the subject of pre-application enquiry with Officers of The State Assessment and Referral Agency and the Douglas Shire Council. No in principle objection was raised in respect of the proposed development.

Copies of the pre-application correspondence are attached at **Appendix 4**.

## 7.0 Summary and Conclusion

This report has been prepared in behalf of Shane and Priscilla Quaid in support of a Development Application to Douglas Shire Council for a Development Permit for Operational Works (Sand Quarry) on land located at 164 Tati Road, Miallo, and described as Saltwater Creek adjacent Lot 101 on SP276043.

The application site forms part of an operational cattle farm and comprises saltwater creek adjacent Lot 101 on SO276043. The area of the proposed extraction clear of vegetation and an open creek. Access to the site is provided via an existing farm track from the existing farm buildings to the south and off Tati Road.

The site has previously had the benefit of a Quarry Material Allocation (Ref: 300229) for the extraction of 1,500 cubic metres of sand and a maximum of 300 cubic metres per year. The extracted sand is used ancillary to the agricultural operation and is not sold commercially or for any purpose other than the use on the adjacent farm. There would be no stockpiling of the sand or extracted material and equipment used to extract the sand would be limited to existing farm machinery. Sand would be extracted on an as required basis.

The application is identified as being Code Assessable and consideration is required to be given to the Assessment Benchmarks only. An assessment has demonstrated that the proposed development is consistent with the Assessment Benchmarks and is considered to be a suitable use of the site. The development would be small scale and would not require the removal of any additional vegetation or affect any hydrological or ecological processes.

The application is submitted for approval, subject to reasonable and relevant conditions.

## Appendix 1.

# CERTIFICATE OF TITLE AND QUARRY MATERIAL ALLOCATION NOTICE

# CURRENT TITLE SEARCH

## NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 34639997

Search Date: 10/08/2020 13:23

Title Reference: 51049250

Date Created: 03/08/2016

Previous Title: 50521123

50521124

### REGISTERED OWNER

Dealing No: 717267092 23/05/2016

SHANE WILLIAM QUAID

PRISCILLA QUAID

JOINT TENANTS

### ESTATE AND LAND

Estate in Fee Simple

LOT 101 SURVEY PLAN 276043

Local Government: DOUGLAS

### EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20120145 (Lot 285 on CP SR885)  
Deed of Grant No. 20129111 (POR 59V)
2. MORTGAGE No 717508162 12/09/2016 at 16:05  
TREBLAW PTY LTD A.C.N. 606 788 381
3. COVENANT No 718021550 15/05/2017 at 12:00  
restricts dealings over  
LOT A AND LOT B ON AP23112 AND  
LOT 101 ON SP276943

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

Caution - Charges do not necessarily appear in order of priority

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

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Requested By: D-ENQ GLOBALX

# QUARRY MATERIAL ALLOCATION NOTICE

## Water Act 2000



<b>Reference</b>	300229
<b>Effective From</b>	01/06/2020
<b>Expiry Date</b>	31/05/2025
<b>Holder</b>	SHANE WILLIAM QUAID PRISCILLA QUAID
<b>Location of Allocation</b>	Saltwater Creek adjacent to lot 101 on SP276043.  Extraction is only allowed to be undertaken within the bed and banks defined by the following parameters: Downstream Limit: Lat: -16° 23' 46.52" Long: 145° 21' 47.35" Upstream Limit: Lat: -16° 23' 45.52" Long: 145° 21' 51.36" Datum: GDA94
<b>Total Quantity of quarry material</b>	1500 cubic metres
<b>Maximum Extraction Rate</b>	300 cubic metres in any twelve (12) month period, or part thereof, unless otherwise specified in the attached conditions, commencing from the date this Notice takes effect
<b>Conditions</b>	This quarry material allocation notice is subject to the conditions attached.

This quarry material allocation notice is given under the Water Act, on this TWENTY-SIXTH day of JUNE 2020.

Kerry Hammett

Senior Project Officer

Delegate of the Chief Executive

Department of Natural Resources, Mines and Energy



## QUARRY MATERIAL ALLOCATION NOTICE

**Quarry Material Allocation Notice 300229**

**Expiry Date 31/05/2025**

### Other Conditions of Approval

1. The allocation holder must give to the chief executive, within 7 days after the end of each month, a written return in the approved form for all quarry material, including nil extractions, removed by the holder, in the month.
2. The allocation holder shall keep a record of daily extractions on site at all times. This record shall be made available for inspection upon request of an Authorised Officer of this Department.
3. The nominated removal rate for this notice is: yearly: 300 cubic metres per year
4. The allocation holder must install, maintain and operate a measuring device to record the volume of quarry material removed from the allocation area to the satisfaction of the chief executive of the department. Records of all extractions shall be made available for inspection upon the request of an Authorised Officer under the Water Act 2000.
5. A copy of the conditions pertaining to this QMAN must be available at the extraction area at all times and all personnel must be made aware of the conditions of this notice.
6. Photographs must be provided annually prior to the 31 October each year. Photographs provide must demonstrate the condition of:
  - any access tracks (one from the top and one from the bottom)
  - the bed and banks of the watercourse looking upstream and downstream from any access track
  - Photos of any extraction pits.
  - Photos of the bed and banks upstream and downstream of any extraction pit
  - All photographs must be annotated with the co-ordinates from which they were taken
7. Removal of material and associated operations must not:
  - Cause erosion or damage to the bed or banks
  - Interfere with consolidated material comprising the bed and banks of the watercourse, except for the construction and maintenance of access tracks authorised by the chief executive of the department administering the Water Act 2000
  - Occur below the water level prevailing at the time of extraction
  - Change the existing flow of the watercourse, including the lowering of any geomorphic features that create a natural storage
  - Cause any batters to be steeper than 1 vertical on 4 horizontal
  - Cause an uneven longitudinal grade surface area within the bed of the watercourse
8. Removal of material and associated activities are prohibited within:
  - 3 metres of the stem or trunk of any native vegetation unless otherwise approved or exempt under the Vegetation Management Act 1999
  - 3 metres of the toe of the banks
  - 30 metres of any built infrastructure within the watercourse, including but not limited to any pump sites, road and rail crossings
  - Below the elevation of the low flow channel
9. All vegetation, debris or other material generated by the removal of materials and associated operations must be removed from the watercourse and lawfully disposed of.
10. Excavated material must not be stockpiled within the watercourse between the 1st of November and the 1st of April except where approved by the chief executive of the department administering the Water Act 2000
11. Reject riverine material shall be respread over the disturbed bed of the watercourse within the permit area such that it smoothly transitions to the adjacent natural bed and banks.

12. Access to the removal sites via the banks of the watercourse are to be via existing tracks, or at a location approved by the chief executive of the Department administering the Water Act 2000.

13. Access to removal sites in the bed of the watercourse are to be constructed and maintained to a standard that achieves the following criteria:

- Access tracks are located where they will not be susceptible to erosion.
- Any exposed surface must be protected to prevent erosion.
- The finished level of the track must not interfere with any low flow through the watercourse.
- All access tracks are to be rehabilitated to pre development conditions, when removal operations cease.

## **End of schedule of conditions**



## Appendix 2.

# PROPOSAL PLANS AND SITE PHOTOS

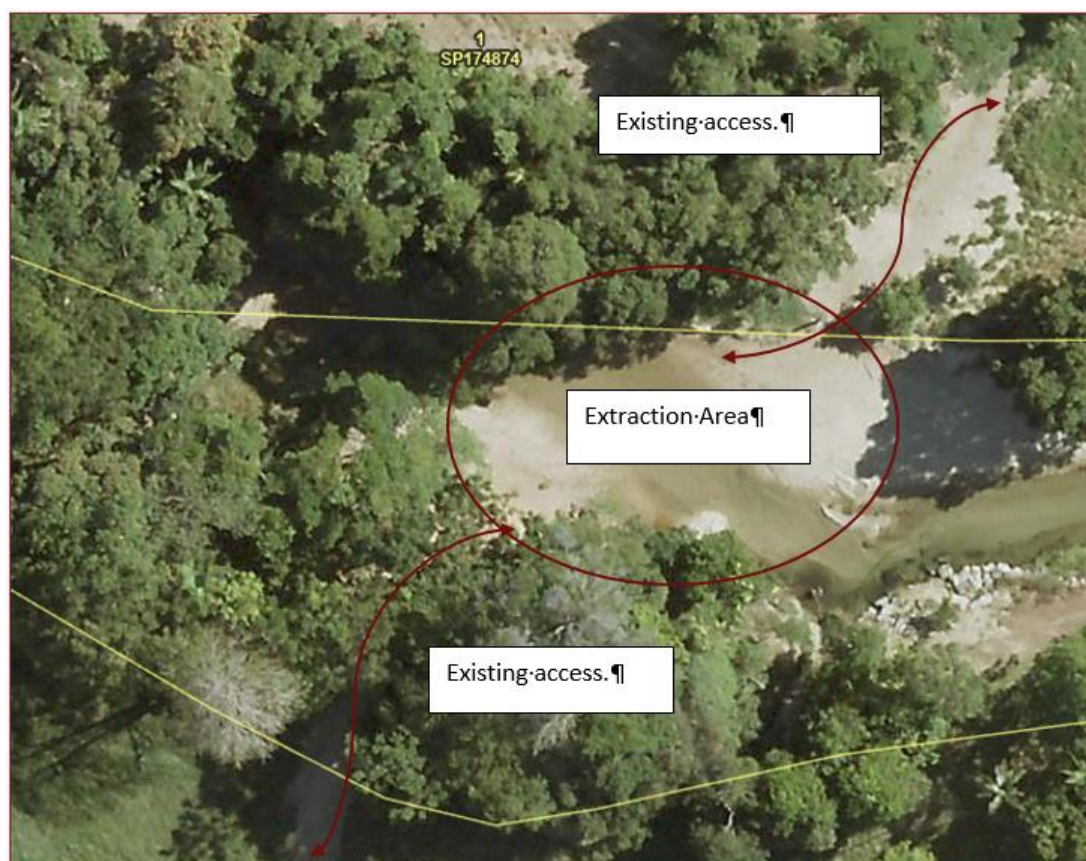
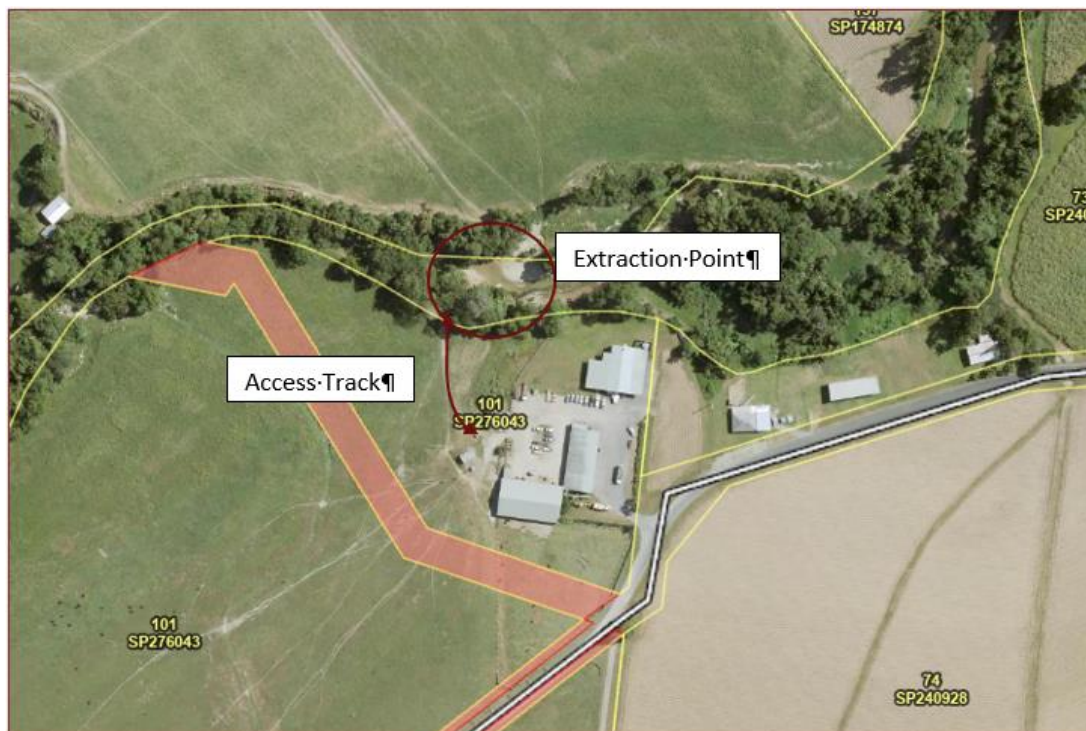


Image 1 & 2: Aerial Photograph Identifying area for sand extraction and access





Photo 1 & 2 – Area for sand extraction

## Appendix 3.

# PLANNING BENCHMARK ASSESSMENT

**State code 15: Removal of quarry material from a watercourse or lake**

**Table 15.2.1: Various aspects of development**

<b>Performance outcomes</b>	<b>Acceptable outcomes</b>	<b>Compliance</b>
<b>PO1</b> Development does not adversely impact on the natural riverine ecosystem.	No acceptable outcome is prescribed.	<b>Complies with PO1</b>  The proposed quarry would be a small scape operation with material being removed from an existing cleared area. The sand extraction would not result in the loss of vegetation or the adverse impact on the ecosystem.
<b>PO2</b> Development does not adversely impact on other users' ability to access the resource.	No acceptable outcome is prescribed.	<b>Complies with PO2</b>  The site if the sand extraction is only accessible from the existing farm land, which is in private ownership. The proposed development would not add any additional restrictions to accessing the resource.
<b>PO3</b> Development does not adversely impact on the physical integrity of the watercourse or lake.	No acceptable outcome is prescribed.	<b>Complies with PO3</b>  The sand would be extracted from an existing cleared area and would not result in the removal of any existing vegetation or adversely affect the shape or integrity of the watercourse.
<b>PO4</b> Development does not adversely impact on downstream features, including but not limited to estuaries and beaches, that naturally require	No acceptable outcome is prescribed.	<b>Complies with PO4</b>  The site has previously benefitted from a resource license and sand has historically been quarried from the area without adverse impact on



Performance outcomes	Acceptable outcomes	Compliance
riverine quarry material from the watercourse or lake to maintain natural geomorphic processes.		natural processes. The quantity of sand to be extracted would not be greater than that previously permitted and would not have any greater impact on the geomorphic processes of the area.
<b>PO5</b> Development is carried out in a way that would not adversely impact the structure or operation of built infrastructure such as road crossings, bridges, weirs and pump sites.	No acceptable outcome is prescribed.	<b>Complies with PO5</b>  The operation is limited to the extraction of sand to be used on the adjacent farm land. It would be ancillary to the existing farm use and would not be operated on a commercial scale. The proposed development would use farm tracks to move the material and would not have any impact on the operation of any built infrastructure.



20202855 – Tati Rd, Miallo (Operational Works)

## **6.2.10 Rural zone code**

### **6.2.10.1 Application**

- (1) This code applies to assessing development in the Rural 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;



20202855 – Tati Rd, Miallo (Operational Works)

- (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.

### 6.2.10.3 Criteria for assessment

**Table 6.2.10.3.a —Rural zone code - For accepted development subject to requirements and assessable development**

Performance outcomes	Acceptable outcomes	Compliance
<b>For self-assessable and assessable development</b>		
<b>PO1</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>Not applicable</b> No building works are proposed.
	<b>AO1.2</b>	<b>Not applicable</b> No building works are proposed.





20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
	Rural farm sheds and other rural structures are not more than 10 metres in height.	
<b>Setbacks</b>		
<b>PO2</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>Not applicable</b> No building works are proposed.
<b>PO3</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>Not applicable</b> No building works are proposed.
<b>For assessable development</b>		



20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
<b>PO4</b> The establishment of uses is consistent with the outcomes sought for the Rural zone and protects the zone from the intrusion of inconsistent uses.	<b>AO4</b> Uses identified in Table 0.a are not established in the Rural zone.	<b>Complies with AO4</b> The proposal does not involve any of the identified uses.
<b>PO5</b> Uses and other development include those that: (a) promote rural activities such as agriculture, rural enterprises and small scale industries that serve rural activities; or (b) promote low impact tourist activities based on the appreciation of the rural character, landscape and rural activities; or (c) are compatible with rural activities.	<b>AO5</b> No acceptable outcomes are prescribed.	<b>Complies with PO5</b> The proposal is for sand extraction to use on the adjacent farm and is considered ancillary to a rural activity.
<b>PO6</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>AO6</b> No acceptable outcomes are prescribed.	<b>Complies with PO6</b> The proposal would not involve the removal of any native vegetation.



20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
<b>P07</b> The minimum lot size is 40 hectares, unless (a) the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments to resolve encroachments); or (b) the reconfiguration is limited to one additional lot to accommodate: (i) Telecommunications facility; (ii) Utility installation.	<b>A07</b> No acceptable outcomes are prescribed.	<b>Not applicable</b> The proposal does not involve reconfiguring a lot.

**Table 0.a — 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> </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> </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> </ul>



20202855 – Tati Rd, Miallo (Operational Works)

Inconsistent uses		
<ul style="list-style-type: none"> <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>• 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>• 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.



20202855 – Tati Road, Miallo (Operational Works)

## **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.



20202855 – Tati Road, Miallo (Operational Works)

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

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

### 8.2.1.3 Criteria for assessment

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

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



20202855 – Tati Road, Miallo (Operational Works)

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



20202855 – Tati Road, Miallo (Operational Works)

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





20202855 – Tati Road, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
No environmental harm is caused as a result of exposure to potential acid sulfate soils or actual acid sulfate soils.	No acceptable outcomes are prescribed.	It is not proposed to cause any environmental harm as part of the development.



20202855 – Tati Rd, Miallo (Operational Works)

## **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:



20202855 – Tati Rd, Miallo (Operational Works)

- (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	Compliance
For assessable and self-assessable development		



20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
<p><b>PO1</b></p> <p>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></p> <p>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></p> <p>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>Not applicable</b></p> <p>The proposed development does not involve building works.</p>
	<p><b>AO1.3</b></p> <p>New buildings are:</p> <ul style="list-style-type: none"> <li>(a) not located within the overlay area;</li> <li>(b) located on the highest part of the site to minimise entrance of flood waters;</li> </ul>	<p><b>Not applicable</b></p> <p>The proposed development does not involve building works.</p>



20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
	(c) provided with clear and direct pedestrian and vehicle evacuation routes off the site.	
	<b>AO1.4</b> In non urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters.	<b>Not applicable</b> The proposed development does not involve building works.
<b>For assessable development</b>		
<b>PO2</b> The development is compatible with the level of risk associated with the natural hazard.	<b>AO2</b> The following uses are not located in land inundated by the Defined Flood Event (DFE) / Storm tide: (a) Retirement facility; (b) Community care facility; (c) Child care centre.	<b>Complies with AO2</b> The development would not include any of the identified uses.
<b>PO3</b> Development siting and layout responds to	For Material change of use <b>AO3.1</b>	<b>Not applicable</b> The proposed development does not involve a



20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
flooding potential and maintains personal safety	<p>New buildings are:</p> <ul style="list-style-type: none"><li>(a) not located within the overlay area;</li><li>(b) located on the highest part of the site to minimise entrance of flood waters;</li><li>(c) provided with clear and direct pedestrian and vehicle evacuation routes off the site.</li></ul> <p>or</p> <p><b>AO3.2</b></p> <p>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.</p> <p>or</p> <p><b>AO3.3</b></p> <p>Where involving an extension to an existing dwelling house that is situated below DFE /Storm</p>	material change of use.



20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
	<p>tide, the maximum size of the extension does not exceed 70m<sup>2</sup> gross floor area.</p> <p>Note – If part of the site is outside the Hazard Overlay area, this is the preferred location of all buildings.</p>	
	<p>For Reconfiguring a lot</p> <p><b>AO3.4</b></p> <p>Additional lots:</p> <p>(a) are not located in the hazard overlay area;</p> <p>or</p> <p>(b) are demonstrated to be above the flood level identified for the site.</p> <p>Note - If part of the site is outside the Hazard Overlay area, this is the preferred location for all lots (excluding park or other open space and recreation lots).</p> <p>Note – Buildings subsequently developed on the lots will need to comply with the relevant building assessment provisions under the <i>Building Act 1975</i>.</p>	<p><b>Not applicable</b></p> <p>The proposed development does not involve reconfiguring a lot.</p>
	<p><b>AO3.5</b></p> <p>Road and/or pathway layout ensures residents are</p>	<p><b>Not applicable</b></p> <p>The proposed development does not involve a new</p>



20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
	<p>not physically isolated from adjacent flood free urban areas and provides a safe and clear evacuation route path:</p> <p>(a) by locating entry points into the reconfiguration above the flood level and avoiding culs-de-sac or other non-permeable layouts; and</p> <p>(b) by direct and simple routes to main carriageways.</p>	roads or pathways.
	<p><b>AO3.6</b></p> <p>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>	<b>Complies with AO3.7</b>





20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
	<b>AO3.7</b> There is no intensification of residential uses within the flood affected areas on land situated below the DFE/Storm tide.	<b>Complies with AO3.7</b> There would be no intensification of residential uses.
	For Material change of use (Residential uses) <b>AO3.1</b> The design and layout of buildings used for residential purposes minimise risk from flooding by providing: (a) parking and other low intensive, non-habitable uses at ground level; 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.	<b>Not applicable</b> The development would not involve a material change of use.
<b>PO4</b> Development is resilient to flood events by ensuring design and built form account for the	For Material change of use (Non-residential uses) <b>AO4.2</b> Non residential buildings and structures allow for	<b>Not applicable</b> The development would not involve a material change of use.



20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
potential risks of flooding.	<p>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></p> <p>Materials are stored on-site:</p> <p>(a) are those that are readily able to be moved in a flood event;</p> <p>(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 -</p> <p>(a) Businesses should ensure that they have the necessary contingency plans in place to account for the potential</p>	<p><b>Complies with AO4.3</b></p> <p>No storage would occur in flood affected areas as part of this development.</p>



20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
	<p>need to relocate property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a building or off site).</p> <p>(b) Queensland Government Fact Sheet 'Repairing your House after a Flood' provides information about water resilient products and building techniques.</p>	
<p><b>PO5</b></p> <p>Development directly, indirectly and cumulatively avoids any increase in water flow velocity or flood level and does not increase the potential flood damage either on site or on other properties.</p> <p>Note – Berms and mounds are considered to be an undesirable built form outcome and are not supported.</p>	<p>For Operational works</p> <p><b>AO5.1</b></p> <p>Works in urban areas associated with the proposed development do not involve:</p> <p>(a) any physical alteration to a watercourse or floodway including vegetation clearing; or</p> <p>(b) a net increase in filling (including berms and mounds).</p> <p><b>AO5.2</b></p> <p>Works (including buildings and earthworks) in non urban areas either:</p> <p>(a) do not involve a net increase in filling greater than 50m<sup>3</sup>; or</p>	<p><b>Complies with AO5.3(c)</b></p> <p>The removal of sand from the watercourse would not result in:</p> <ul style="list-style-type: none"> <li>(i) loss of flood storage;</li> <li>(ii) loss of/changes to flow paths;</li> <li>(iii) acceleration or retardation of flows or any reduction in flood warning times elsewhere on the flood plain</li> </ul>



20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
	<p>(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;</p> <p>or</p> <p>(c) do not change flood characteristics outside the subject site in ways that result in:</p> <ul style="list-style-type: none"> <li>(i) loss of flood storage;</li> <li>(ii) loss of/changes to flow paths;</li> <li>(iii) acceleration or retardation of flows or any reduction in flood warning times elsewhere on the flood plain.</li> </ul>	
	<p>For Material change of use</p> <p><b>AO5.3</b></p> <p>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</p>	<p><b>Not applicable</b></p> <p>The development would not involve a material change of use.</p>



20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
	<p>site; and</p> <p>(a) does not increase the volume, velocity, concentration of flow path alignment of stormwater flow across sites upstream, downstream or in the general vicinity of the subject site; and</p> <p>(b) does not increase ponding on sites upstream, downstream or in the general vicinity of the subject site.</p>	
	<p>For Material change of use and Reconfiguring a lot</p> <p><b>AO5.4</b></p> <p>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</p>	<p><b>Not applicable</b></p> <p>The development would not involve a material change of use or Reconfiguring a Lot.</p>



20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
	flood.	
<b>PO6</b> Development avoids the release of hazardous materials into floodwaters.	For Material change of use <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; or <b>AO6.2</b> If a DFE level is adopted, structures used for the manufacture or storage of hazardous materials are: (a) located above the DFE level; or (b) designed to prevent the intrusion of floodwaters.	<b>Not applicable</b> The development would not involve a material change of use.
	<b>AO6.3</b> Infrastructure is designed and constructed to resist	<b>Not applicable</b> The development would not involve any



20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
	hydrostatic and hydrodynamic forces as a result of inundation by the DFE	infrastructure.
	<p><b>AO6.4</b></p> <p>If a flood level is not adopted, hazardous materials and their manufacturing equipment are located on the highest part of the site to enhance flood immunity and designed to prevent the intrusion of floodwaters.</p> <p>Note – Refer to <i>Work Health and Safety Act 2011</i> and associated Regulation and Guidelines, the <i>Environmental Protection Act 1994</i> and the relevant building assessment provisions under the <i>Building Act 1975</i> for requirements related to the manufacture and storage of hazardous materials.</p>	<p><b>Not applicable</b></p> <p>The development would not involve hazardous material storage.</p>
<p><b>PO7</b></p> <p>The development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.</p>	<p><b>A07</b></p> <p>Development does not:</p> <p>(a) increase the number of people calculated to be at risk of flooding;</p> <p>(b) increase the number of people likely to need</p>	<p><b>Complies with A07</b></p> <p>The development would not increase the number of persons on the site.</p>



20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
	<p>evacuation;</p> <p>(c) shorten flood warning times; and</p> <p>(d) impact on the ability of traffic to use evacuation routes, or unreasonably increase traffic volumes on evacuation routes.</p>	
<p><b>PO8</b></p> <p>Development involving community infrastructure:</p> <p>(a) remains functional to serve community need during and immediately after a flood event;</p> <p>(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;</p> <p>(c) retains essential site access during a flood event;</p> <p>(d) is able to remain functional even when other infrastructure or services may be compromised</p>	<p><b>AO8.1</b></p> <p>The following uses are not located on land inundated during a DFE/Storm tide:</p> <p>(a) community residence; and</p> <p>(b) emergency services; and</p> <p>(c) residential care facility; and</p> <p>(d) utility installations involving water and sewerage treatment plants; and</p> <p>(e) storage of valuable records or items of historic or cultural significance (e.g. archives, museums, galleries, libraries).</p> <p>or</p> <p><b>AO8.2</b></p>	<p><b>Complies with AO8.1</b></p> <p>The proposal would not include any of the identified uses.</p>





20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
in a flood event.	<p>The following uses are not located on land inundated during a 1% AEP flood event:</p> <ul style="list-style-type: none"> <li>(a) community and cultural facilities, including facilities where an education and care service under the Education and care Services National law (Queensland) is operated or child care service under the <i>Child Care Act 2002</i> is conducted,</li> <li>(b) community centres;</li> <li>(c) meeting halls;</li> <li>(d) galleries;</li> <li>(e) libraries.</li> </ul> <p>The following uses are not located on land inundated during a 0.5% AEP flood event.</p> <ul style="list-style-type: none"> <li>(a) emergency shelters;</li> <li>(b) police facilities;</li> <li>(c) sub stations;</li> <li>(d) water treatment plant</li> </ul> <p>The following uses are not located on land</p>	



20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
	<p>inundated during a 0.2% AEP flood event:</p> <ul style="list-style-type: none"> <li>(a) correctional facilities;</li> <li>(b) emergency services;</li> <li>(c) power stations;</li> <li>(d) major switch yards.</li> </ul>	
	<p><b>AO8.3</b></p> <p>The following uses have direct access to low hazard evacuation routes as defined in Table 8.2.4.3.c:</p> <ul style="list-style-type: none"> <li>(a) community residence; and</li> <li>(b) emergency services; and</li> <li>(c) hospitals; and</li> <li>(d) residential care facility; and</li> <li>(e) sub stations; and</li> <li>(f) utility installations involving water and sewerage treatment plants.</li> </ul>	<p><b>Not applicable</b></p> <p>The proposal would not include any of the identified uses.</p>
	and/or	<b>Not applicable</b>



20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
	<b>AO8.4</b> Any components of infrastructure that are likely to fail to function or may result in contamination when inundated by flood, such as electrical switch gear and motors, telecommunications connections, or water supply pipeline air valves are: (a) located above DFE/Storm tide or the highest known flood level for the site; (b) designed and constructed to exclude floodwater intrusion / infiltration.	The proposal would not include any infrastructure.
	<b>AO8.5</b> Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by a flood.	<b>Not applicable</b> The proposal would not include any infrastructure



20202855 – Tati Rd, Miallo (operational Works)

## **8.2.7 Natural areas overlay code**

### **8.2.7.1 Application**

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

Note – MSES = Matters of State Environmental Significance.



20202855 – Tati Rd, Miallo (operational Works)

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

#### **8.2.7.2 Purpose**

(1) The purpose of the Natural areas overlay code is to:

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

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

- (a) development is avoided within:
  - (i) areas containing matters of state environmental significance (MSES);
  - (ii) other natural areas;
  - (iii) wetlands and wetland buffers;
  - (iv) waterways and waterway corridors.
- (b) where development cannot be avoided, development:
  - (i) protects and enhances areas containing matters of state environmental significance;
  - (ii) provides appropriate buffers;
  - (iii) protects the known populations and supporting habitat of rare and threatened flora and fauna species, as listed in the relevant State and Commonwealth legislation;



20202855 – Tati Rd, Miallo (operational Works)

- (iv) ensures that adverse direct or indirect impacts on areas of environmental significance are minimised through design, siting, operation, management and mitigation measures;
  - (v) does not cause adverse impacts on the integrity and quality of water in upstream or downstream catchments, including the Great Barrier Reef World Heritage Area;
  - (vi) protects and maintains ecological and hydrological functions of wetlands, waterways and waterway corridors;
  - (vii) enhances connectivity across barriers for aquatic species and habitats;
  - (viii) rehabilitates degraded areas to provide improved habitat condition, connectivity, function and extent;
  - (ix) protects areas of environmental significance from weeds, pests and invasive species.
- (c) strategic rehabilitation is directed to areas on or off site, where it is possible to achieve expanded habitats and increased connectivity.

### 8.2.7.3 Criteria for assessment

**Table Error! No text of specified style in document..a – Natural areas overlay code –assessable development**

Performance outcomes	Acceptable outcomes	Compliance
<b>For self-assessable and assessable development</b>		
<b>Protection of matters of environmental significance</b>		
<b>PO1</b>	<b>AO1.1</b>	<b>Complies with AO1.1</b>





20202855 – Tati Rd, Miallo (operational Works)

Performance outcomes	Acceptable outcomes	Compliance
Development protects matters of environmental significance.	<p>Development avoids significant impact on the relevant environmental values.</p> <p>or</p> <p><b>AO1.2</b></p> <p>A report is prepared by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, that the development site does not contain any matters of state and local environmental significance.</p> <p>or</p> <p><b>AO1.3</b></p> <p>Development is located, designed and operated to mitigate significant impacts on environmental values. For example, a report certified by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, how the proposed development mitigates impacts, including on water</p>	<p>The proposal is for small scale sand extraction ancillary to an existing farming operation. It would not require the removal of any existing vegetation and would not affect the physical integrity of the watercourse. The development would not result in a significant impact in the environmental values of Saltwater Creek.</p>



20202855 – Tati Rd, Miallo (operational Works)

Performance outcomes	Acceptable outcomes	Compliance
	quality, hydrology and biological processes.	
<b>Management of impacts on matters of environmental significance</b>		
<b>PO2</b>  Development is located, designed and constructed to avoid significant impacts on matters of environmental significance.	<b>AO2</b>  The design and layout of development minimises adverse impacts on ecologically important areas by: <ul style="list-style-type: none"> <li>(a) focusing development in cleared areas to protect existing habitat;</li> <li>(b) utilising design to consolidate density and preserve existing habitat and native vegetation;</li> <li>(c) aligning new property boundaries to maintain ecologically important areas;</li> <li>(d) ensuring that alterations to natural landforms, hydrology and drainage patterns on the development site do not negatively affect ecologically important areas;</li> </ul>	<b>Complies with AO2</b>  Activity would be limited to the cleared area of Saltwater Creek and no additional vegetation removal would be required to facilitate the development and there would be no change to the hydrological processes.



20202855 – Tati Rd, Miallo (operational Works)

Performance outcomes	Acceptable outcomes	Compliance
	(e) ensuring that significant fauna habitats are protected in their environmental context; and (f) incorporating measures that allow for the safe movement of fauna through the site.	
<b>PO3</b> An adequate buffer to areas of state environmental significance is provided and maintained.	<b>AO3.1</b> A buffer for an area of state environmental significance (Wetland protection area) has a minimum width of: (a) 100 metres where the area is located outside Urban areas; or (b) 50 metres where the area is located within Urban areas. <b>or</b> <b>AO3.2</b> A buffer for an area of state environmental significance is applied and maintained, the width of	<b>Not applicable</b> The site does not adjoin any wetland protection areas.



20202855 – Tati Rd, Miallo (operational Works)

Performance outcomes	Acceptable outcomes	Compliance
	which is supported by an evaluation of environmental values, including the function and threats to matters of environmental significance.	
<b>PO4</b> Wetland and wetland buffer areas are maintained, protected and restored. Note – Wetland buffer areas are identified in AO3.1.	<b>AO4.1</b> Native vegetation within wetlands and wetland buffer areas is retained.	<b>Not applicable</b> There are no wetlands within the vicinity of the site.
	<b>AO4.2</b> Degraded sections of wetlands and wetland buffer areas are revegetated with endemic native plants in patterns and densities, which emulate the relevant regional ecosystem.	<b>Not applicable</b> There are no wetlands within the vicinity of the site
<b>PO5</b> Development avoids the introduction of non-native pest species (plant or animal) that pose a	<b>AO5.1</b> Development avoids the introduction of non-native pest species.	<b>Complies with AO5.1</b> The extracted sand would be used on the existing farm and the opportunity for the introduction of non-



20202855 – Tati Rd, Miallo (operational Works)

Performance outcomes	Acceptable outcomes	Compliance
risk to ecological integrity.		native species would be limited.
	<b>AO5.2</b> The threat of existing pest species is controlled by adopting pest management practices for long-term ecological integrity.	<b>Complies with AO5.2</b> The extracted sand would be used on the existing farm and the opportunity for the introduction of non-native species would be limited.
<b>Ecological connectivity</b>		
<b>PO6</b> Development protects and enhances ecological connectivity and/or habitat extent.	<b>AO6.1</b> Development retains native vegetation in areas large enough to maintain ecological values, functions and processes.  and <b>AO6.2</b> Development within an ecological corridor	<b>Complies with AO6.1</b> The sand would be extracted from an existing cleared area and no additional clearing would be undertaken to facilitate the development.



20202855 – Tati Rd, Miallo (operational Works)

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



20202855 – Tati Rd, Miallo (operational Works)

Performance outcomes	Acceptable outcomes	Compliance
<b>Waterways in an urban area</b>		
<p><b>PO8</b></p> <p>Development is set back from waterways to protect and maintain:</p> <ul style="list-style-type: none"> <li>(a) water quality;</li> <li>(b) hydrological functions;</li> <li>(c) ecological processes;</li> <li>(d) biodiversity values;</li> <li>(e) riparian and in-stream habitat values and connectivity;</li> <li>(f) in-stream migration.</li> </ul>	<p><b>AO8.1</b></p> <p>Where a waterway is contained within an easement or a reserve required for that purpose, development does not occur within the easement or reserve;</p> <p>or</p> <p><b>AO8.2</b></p> <p>Development does not occur on the part of the site affected by the waterway corridor.</p> <p>Note – Waterway corridors are identified within 8.</p>	<p><b>Not applicable</b></p> <p>The site is not within an urban area.</p>
<b>Waterways in a non-urban area</b>		



20202855 – Tati Rd, Miallo (operational Works)

Performance outcomes	Acceptable outcomes	Compliance
<p><b>PO9</b></p> <p>Development is set back from waterways to protect and maintain:</p> <ul style="list-style-type: none"> <li>(a) water quality;</li> <li>(b) hydrological functions;</li> <li>(c) ecological processes;</li> <li>(d) biodiversity values;</li> <li>(e) riparian and in-stream habitat values and connectivity;</li> <li>(f) in-stream migration.</li> </ul>	<p><b>AO9</b></p> <p>Development does not occur on that part of the site affected by a waterway corridor.</p> <p>Note – Waterway corridors are identified within table 8.2.7.3.b.</p>	<p><b>Not applicable</b></p> <p>No building works are proposed. The development is for the extraction of sand only.</p>

#### 8.2.7.3.b — Widths of waterway corridors for waterways

Waterways classification	Waterway corridor width
Waterways in Urban areas	10 metres measured perpendicular from the top of the high bank.





20202855 – Tati Rd, Miallo (operational Works)

Waterways in Other areas	For a dwelling house, 10 metres measured perpendicular from the top of the high bank. For all other development, 20 metres measured perpendicular from the top of the high bank.
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20202855 – Tati Rd, Miallo – Operational Works

### **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



20202855 – Tati Rd, Miallo – Operational Works

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 Error! No text of specified style in document..a – Environmental performance code – assessable development**

Performance outcomes	Acceptable outcomes	Compliance
<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>Not applicable</b> No lighting is proposed.
	<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>Not applicable</b> No lighting is proposed.



20202855 – Tati Rd, Miallo – Operational Works

Performance outcomes	Acceptable outcomes	Compliance
	<b>AO1.3</b> Access, car parking and manoeuvring areas are designed to shield nearby residential premises from impacts of vehicle headlights.	<b>Not applicable</b> No lighting is proposed.
<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>Complies with AO2.1</b> The proposal would involve existing farm machinery only, which would not cause any greater noise than their existing use on the farm.
	<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 with AO2.1</b> See above.
	<b>AO2.3</b> The design and layout of development ensures	<b>Not applicable</b> No car parking areas are proposed.



20202855 – Tati Rd, Miallo – Operational Works

Performance outcomes	Acceptable outcomes	Compliance
	<p>car parking areas avoid noise impacting directly on adjacent sensitive land uses through one or more of the following:</p> <p>(a) car parking is located away from adjacent sensitive land uses;</p> <p>(b) car parking is enclosed within a building;</p> <p>(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;</p> <p>(d) buffered with dense landscaping.</p> <p>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.</p>	
<b>Airborne particles and other emissions</b>		
<b>PO3</b> Potential airborne particles and emissions generated from the development are avoided	<b>AO3.1</b> Development does not involve activities that will result in airborne particles or emissions being	<b>Complies with AO3.2</b> See below



20202855 – Tati Rd, Miallo – Operational Works

Performance outcomes	Acceptable outcomes	Compliance
<p>through design, location and operation of the activity.</p> <p>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.</p>	<p>generated; or</p> <p><b>AO3.2</b></p> <p>The design, layout and operation of the development activity ensures that no airborne particles or emissions cause environmental harm or nuisance.</p> <p>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. The Environmental Protection (Air) Policy 2008, Schedule 1 provides guidance on air quality objectives to ensure environmental harm (including nuisance) is avoided.</p>	<p><b>Complies with AO3.2</b></p> <p>The proposal would not involve any activity that would cause airborne particles other than occasional dust that would not affect any uninvolved property.</p>
<b>Odours</b>		
<p><b>PO4</b></p> <p>Potential odour causing activities associated with the development are avoided through design,</p>	<p><b>AO4.1</b></p> <p>The development does not involve activities that create odorous emissions; or</p>	<p><b>Complies with AO4.1</b></p> <p>The proposal would not create odorous emissions.</p>



20202855 – Tati Rd, Miallo – Operational Works

Performance outcomes	Acceptable outcomes	Compliance
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>AO4.2</b> The use does not result in odour that causes environmental harm or nuisance with respect to surrounding land uses.	<b>Complies with AO4.1</b> See above.
<b>Waste and recycleable material storage</b>		
<b>PO5</b> Waste and recycleable 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.	<b>AO5.1</b> The use ensures that all putrescent waste is stored in a manner that prevents odour nuisance and is disposed of at regular intervals.	<b>Not applicable</b> The proposal would not produce any waste.
	<b>AO5.2</b> Waste and recycleable 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 recycleable material storage areas in relation to the noise and	<b>Not applicable</b> The proposal would not produce any waste.



20202855 – Tati Rd, Miallo – Operational Works

Performance outcomes	Acceptable outcomes	Compliance
	<p>odour generated;</p> <p>(b) the number of receptacles provided in relation to the collection, maintenance and use of the receptacles;</p> <p>(c) the durability of the receptacles, sheltering and potential impacts of local climatic conditions;</p> <p>(d) the ability to mitigate spillage, seepage or leakage from receptacles into adjacent areas and sensitive receiving waters and environments.</p> <p>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.</p>	
Sensitive land uses		
<p><b>PO6</b></p> <p>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></p> <p>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; or</p>	<p><b>Not applicable</b></p> <p>The proposal does not involve a sensitive land use.</p>





20202855 – Tati Rd, Miallo – Operational Works

Performance outcomes	Acceptable outcomes	Compliance
	<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.	<b>Not applicable</b> The proposal does not involve a sensitive land use.
<b>Stormwater quality</b>		
<b>P07</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: (a) the amount and type of pollutants borne from the activity; (b) maintaining natural stream flows (c) the amount and type of site disturbance; (d) site management and control measures.	<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.	<b>Not applicable</b> The proposal would not involve any stormwater discharge of pollutants.
	<b>AO7.2</b> Development ensures movement of stormwater over the site is not impeded or directed through potentially polluting activities.	<b>Not applicable</b> The proposal would not involve any stormwater discharge of pollutants
	<b>AO7.3</b> Soil and water control measures are incorporated into the activity's design and operation to control	<b>Not applicable</b> The proposal would not involve any stormwater discharge of pollutants



20202855 – Tati Rd, Miallo – Operational Works

Performance outcomes	Acceptable outcomes	Compliance
	<p>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 Environmental Protection Act 1994. 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>	
<b>Pest plants (for material change of use on vacant land over 1,000m<sup>2</sup>)</b>		
<p><b>PO8</b></p> <p>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.</p> <p>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</p>	<p><b>AO8.1</b></p> <p>The land is free of declared pest plants before development establishes new buildings, structures and practices; or</p>	<p><b>Not applicable</b></p> <p>The proposal does not involve a material change of use.</p>
	<p><b>AO8.2</b></p> <p>Pest plants detected on a development site are removed in accordance with a management plan</p>	<p><b>Not applicable</b></p> <p>The proposal does not involve a material change of use.</p>



20202855 – Tati Rd, Miallo – Operational Works

Performance outcomes	Acceptable outcomes	Compliance
2002.	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.	



20202855 – Tati Rd, Miallo (Operational Works)

#### **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;



20202855 – Tati Rd, Miallo (Operational Works)

- (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	Compliance
<b>For self-assessable and assessable development</b>		
<b>Filling and excavation - General</b>		
<b>PO1</b>  All filling and excavation work does not create a detrimental impact on the slope stability, erosion potential or visual amenity of the site or the surrounding area.	<b>AO1.1</b>  The height of cut and/or fill, whether retained or not, does not exceed 2 metres in height.  and  Cuts in excess of those stated in A1.1 above are separated by benches/ terraces with a minimum width of 1.2 metres that incorporate drainage provisions and screen planting.	<b>Not Applicable</b>  The application is for the extraction of sand from an existing watercourse. It would not involve the creation of retained or battered areas of cut and fill.
	<b>AO1.2</b>	<b>Not Applicable</b>



20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
	Cuts are supported by batters, retaining or rock walls and associated benches/terraces are capable of supporting mature vegetation.	The application is for the extraction of sand from an existing watercourse. It would not involve the creation of retained or battered areas of cut and fill.
	<b>AO1.3</b> Cuts are screened from view by the siting of the building/structure, wherever possible.	<b>Not Applicable</b> The application is for the extraction of sand from an existing watercourse. It would not involve the creation of retained or battered areas of cut and fill.
	<b>AO1.4</b> Topsoil from the site is retained from cuttings and reused on benches/terraces.	<b>Not Applicable</b> The application is for the extraction of sand from an existing watercourse. It would not involve the creation of retained or battered areas of cut and fill.
	<b>AO1.5</b> No crest of any cut or toe of any fill, or any part of	<b>Not Applicable</b> The application is for the extraction of sand from



20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
	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.	an existing watercourse. It would not involve the creation of retained or battered areas of cut and fill.
	<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.	<b>Not Applicable</b> The application is for the extraction of sand from an existing watercourse. It would not involve the creation of retained or battered areas of cut and fill.
<b>Visual Impact and Site Stability</b>		
<b>PO2</b> Filling and excavation are carried out in such a manner that the visual/scenic amenity of the area and the privacy and stability of adjoining properties is not compromised.	<b>AO2.1</b> The extent of filling and excavation does not exceed 40% of the site area, or 500m <sup>2</sup> whichever is the lesser, except that AO2.1 does not apply to reconfiguration of 5 lots or more.	<b>Complies with AO2.1</b> The area for the extraction of the sand would not exceed 500m <sup>2</sup> in area.



20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
	<b>AO2.2</b>  Filling and excavation does not occur within 2 metres of the site boundary.	<b>Complies with PO2</b>  The extraction of sand would not affect the stability of adjoining properties and would not require the removal of vegetation or the alteration of the water course, which would adversely affect the visual amenity of the area.
<b>Flooding and drainage</b>		
<b>PO3</b>  Filling and excavation does not result in a change to the run off characteristics of a site which then have a detrimental impact on the site or nearby land or adjacent road reserves.	<b>AO3.1</b>  Filling and excavation does not result in the ponding of water on a site or adjacent land or road reserves.	<b>Complies with AO3.1</b>  The operation works relates to the extraction of sand from a watercourse for agricultural use on the adjacent farm. It would not result in the ponding of water.
	<b>AO3.2</b>  Filling and excavation does not result in an increase in the flow of water across a site or any other land or road reserves.	<b>Complies with AO3.2</b>  The operation works relates to the extraction of sand from a watercourse for agricultural use on the adjacent farm. It would not increase the





20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
		volume of water across the site or any other land.
	<b>AO3.3</b> Filling and excavation does not result in an increase in the volume of water or concentration of water in a watercourse and overland flow paths.	<b>Complies with AO3.3</b> The operation works relates to the extraction of sand from a watercourse for agricultural use on the adjacent farm. It would not increase the volume of water in a water course or alter overland flow paths.
	<b>AO3.4</b> Filling and excavation complies with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.	<b>Not applicable</b> The FNQROC manual does not contain specification relating to sand extraction.
<b>Water quality</b>		
<b>PO4</b> Filling and excavation does not result in a reduction of the water quality of receiving waters.	<b>AO4</b> Water quality is maintained to comply with the specifications set out in Planning Scheme Policy	<b>Not applicable</b> The proposal is for the extraction of sand from the receiving waters.



20202855 – Tati Rd, Miallo (Operational Works)

Performance outcomes	Acceptable outcomes	Compliance
	No SC5 – FNQROC Development Manual.	
<b>Infrastructure</b>		
<b>PO5</b> Excavation and filling does not impact on Public Utilities.	<b>AO5</b> Excavation and filling is clear of the zone of influence of public utilities.	<b>Complies with AO5</b> No excavation would be undertaken within proximity of public utilities.

## Appendix 4.

# PRE-APPLICATION ENQUIRY DOCUMENTS

A6-L

Our reference: 2006-17091 SPL

Your reference: -

18 June 2020

Shane & Priscilla Quaid  
164 Tati Road  
MIALLO QLD 4873  
priscillaquaid@outlook.com.au

Attention: Priscilla Quaid

Dear Sir / Madam

### Pre-lodgement advice

Thank you for your correspondence received on 3 June 2020 in which you sought pre-lodgement advice from the State Assessment and Referral Agency (SARA) regarding the proposed development described below.

### Reference information

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SARA role:	Referral agency
SARA jurisdiction:	Water Clearing native vegetation Waterway barrier works Environmentally relevant activity (ERA)

### Location details

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Street address:	164 Tati Road, Miallo; Tati Road, Miallo; 674 Syndicate Road, Miallo
Real property description:	Land and water adjoining 101SP276043; 1AP13739; 1SP174874
Local government area:	Douglas Shire Council
Existing use:	Farming of cattle
Relevant site history:	Previously was cane land but is now cattle grazing

### Details of proposal

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Development type:	Operational work
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Development description: Operational works for extraction of quarry material (removal of sand for farm use)

### Supporting information

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Quarry Allocation Notice (No. 300229)	Department of Natural Resources and Mines	4 May 2015	-	-
Request for pre-lodgement advice form	Priscilla Quaid	1 April 2020	-	-
Douglas Shire without prejudice advice Extraction of material form Saltwater Creek (email)	Jenny Elphinstone, Douglas Shire Council	2 March 2020	-	-
Lot Plan Report	State Assessment and Referral Agency	3 June 2020	-	-

The SARA has carried out a review of the information provided and the impacts of the proposal. The following advice outlines the matters of interest to the SARA and matters that should be addressed if you lodge your development application with the assessment manager.

Item	Advice
<b>Assessment roles</b>	
1.	<p>This pre-lodgement advice is given on the assumption that the assessment manager for the development application is Douglas Shire Council (council). That is operational works for the excavation and fill of more than 20m<sup>3</sup> (since 2006) and 50m<sup>3</sup> (since 2018) is assessable development against council's planning scheme.</p> <p>The State Assessment and Referral Agency (SARA) is a referral agency for the application.</p> <p>Further pre-lodgement advice about assessment roles can be given if council confirms that the proposal is not assessable development against the planning scheme.</p>
<b>Referrals and fees</b>	
2.	<p>The <a href="#">Planning Regulation 2017</a> identifies the referral triggers and fees for the state's concurrence agency assessment of development applications.</p> <p>The following referral triggers are relevant to the proposal:</p> <ul style="list-style-type: none"> <li>Schedule 10, part 19, Division 2, Subdivision 3, Table 1 - Development for removing quarry material from a watercourse or lake - \$3313.00</li> </ul> <p>When lodging a formal development application with council, the applicant is responsible for identifying the relevant referral trigger/s.</p> <p>Please note that the referral assessment fees are subject to change. Please check Schedule 10 of the Planning Regulation 2017, or contact SARA, prior the lodgement of your application, to confirm the referral assessment fees.</p> <p>Please contact council to determine its development application fees as assessment manager.</p>

Item	Advice
<b>State Development Assessment Provisions</b>	
3.	<p>The <a href="#">State Development Assessment Provisions</a> (SDAP) version 2.6 took effect on 7 February 2020. The development application should include a response to State code 15: Removal of quarry material from a watercourse or lake in SDAP.</p> <p>To assist applicants in preparing a development application, SARA has prepared <a href="#">SDAP version 2.6 response templates</a>.</p> <p>An application that complies with all relevant acceptable outcomes is considered to satisfy the corresponding performance outcome (PO) or acceptable outcome (AO). If an application does not comply with one or more of the applicable acceptable outcomes, compliance with the performance outcome should be demonstrated. If the PO/AO is not applicable to the proposed development, a statement as to why it is not relevant is required.</p> <p>For more information regarding how to demonstrate compliance with the relevant State codes, please go to the introduction section of SDAP.</p>
<b>Water</b>	
4.	<p><b>Quarry material allocation notice</b></p> <p>Works involving the excavation (and beneficial re-use) of riverine material (i.e. sand, gravel, rocks and/or soil) within a watercourse (i.e. Saltwater Creek) require a Quarry Material Allocation Notice (QMAN) under section 227 of the <i>Water Act 2000</i> and a development permit under the <i>Planning Act 2016</i>.</p> <p>The Department of Natural Resources, Mines and Energy (DNRME) has granted QMAN 300299 for a volume of 300m<sup>3</sup>/yr and the proponent has applied to renew the allocation notice. No further action is required from the applicant with regards to this QMAN.</p>
5.	<p><b>Assessable Development</b></p> <p>Development for removing quarry material from a watercourse or lake is assessable development and requires referral to SARA.</p> <p>An application for a development permit under the <i>Planning Act 2016</i> requires information addressing the SDAP detailed in State Code 15 - Removal of quarry material from a watercourse or lake.</p> <p>A development application should be accompanied with a site plan or aerial image identifying the following:</p> <ul style="list-style-type: none"> <li>Proposed locations of operation (i.e. extraction, processing and stockpiling areas, including the shape of the proposed excavated area)</li> <li>Existing infrastructure (i.e. water pumps, pipes, bridges, fences, telephone/power cables, roads, tracks, buildings, etc.) that may be affected by the proposed operation; and,</li> <li>Existing and/or proposed access points.</li> </ul>
<b>Clearing native vegetation</b>	
6.	<p><b>Vegetation advice</b></p> <p>The subject lots contain the following features and vegetation types:</p>

Item	Advice
	<ul style="list-style-type: none"> <li>• Category B and R areas containing endangered regional ecosystem (RE) 7.3.23a</li> <li>• Stream order 3 watercourse drainage feature, defined as a Watercourse under the Water Act 2000; and,</li> <li>• Essential habitat for the Southern Cassowary within the category B area.</li> </ul> <p>Information on the land is available through:</p> <ul style="list-style-type: none"> <li>• Queensland Globe - <a href="https://qldglobe.information.qld.gov.au/">https://qldglobe.information.qld.gov.au/</a></li> <li>• A vegetation management report online at - <a href="http://www.qld.gov.au/environment/land/vegetation/map-request/">www.qld.gov.au/environment/land/vegetation/map-request/</a>. The report includes relevant property information and a series of maps and supporting information outlining the requirements for clearing vegetation on this land; and,</li> <li>• The Regional Ecosystem Description Database - <a href="https://apps.des.qld.gov.au/regional-ecosystems/">https://apps.des.qld.gov.au/regional-ecosystems/</a>.</li> </ul> <p>For convenience, a printed report from Queensland Globe demonstrating category areas over September 2019 imagery is attached.</p>
7.	<p><b>Accepted Development</b></p> <p>Any incidental clearing of native vegetation to support the sand extraction may be undertaken as Accepted Development. The application will not require referral if the operational work is likely to involve:</p> <ul style="list-style-type: none"> <li>• Clearing an area of vegetation within a watercourse, as defined under the <i>Vegetation Management Act 1999</i>, schedule, or a lake for an activity, other than an activity relating to a material change of use or reconfiguring a lot, if—             <ol style="list-style-type: none"> <li>a) the clearing is—                 <ol style="list-style-type: none"> <li>i) subject to an approval process, and is approved under the <i>Planning Act 2016</i> or another Act</li> <li>ii) a necessary and unavoidable consequence of an activity allowed by a permit given under the <i>Water Act 2000</i>, section 221; or,</li> <li>iii) a necessary and unavoidable consequence of an activity carried out under the Riverine Protection Permit Exemption Requirements; and,</li> </ol> </li> <li>b) either—                 <ol style="list-style-type: none"> <li>i) the clearing is under an accepted development vegetation clearing code, other than if the vegetation is in a category A area</li> <li>ii) the area is less than 0.5ha of a least concern regional ecosystem in a category B area; or,</li> <li>iii) the area is less than 0.5ha in a category C, R or X area.</li> </ol> </li> </ol> </li> <li>• Clearing in a category R area to allow for dredging material from the bed of any waters under the Accepted Development Vegetation Clearing Code (ADVCC), “Clearing for an extractive industry”. Clearing must be undertaken in accordance with the code. Prior to undertaking any clearing, a notification must first be lodged with DNRME. No fees apply.</li> </ul> <p>This ADVCC code, a guide to the code, and details for lodging a notification for this code are available online at: <a href="http://www.qld.gov.au/environment/land/management/vegetation/clearing-codes">www.qld.gov.au/environment/land/management/vegetation/clearing-codes</a>.</p>

Item	Advice
	<p>The code does not, however, apply to clearing in a category B area to allow for dredging material from the bed of any waters.</p> <p>A general guide to the vegetation clearing codes is available at:  <a href="http://www.dnrme.qld.gov.au/_data/assets/pdf_file/0006/1447098/general-guide-vegetation-clearing-codes.pdf">www.dnrme.qld.gov.au/_data/assets/pdf_file/0006/1447098/general-guide-vegetation-clearing-codes.pdf</a></p>
8.	<p><b>Assessable Development</b></p> <p>If clearing cannot be undertaken as exempt clearing work described above, or in accordance with the Accepted Development Vegetation Clearing Code (ADVCC), or should the proposal include the clearing of vegetation within the category B area within the watercourse, a development approval for the clearing of vegetation will be required.</p> <p>The development application will then need to be referred to SARA under Schedule 10, Part 3, Division 4, Table 1 – Clearing native vegetation in the Planning Regulation 2017.</p> <p>The applicant may seek further pre-lodgement advice from SARA.</p> <p>Any development application that requires referral to SARA for operational works involving clearing of vegetation, will:</p> <ul style="list-style-type: none"> <li>• require a relevant purpose determination under section 22A of the <i>Vegetation Management Act 1999</i> prior to submitting the development application; and,</li> <li>• be assessed against the following State Development Assessment Provisions (SDAP): <ul style="list-style-type: none"> <li>o State code 16: Native vegetation clearing: <ul style="list-style-type: none"> <li><input type="checkbox"/> Extractive Industry: PO1-PO4, PO7, PO11, PO16, PO20, PO22-PO24, PO27, and PO28.</li> </ul> </li> </ul> </li> </ul> <p>Please note that to the extent clearing vegetation is in any category R areas on land that is freehold, or the subject of a lease issued under the <i>Land Act 1994</i> for agriculture or grazing purposes, is not for a relevant purpose under the <i>Vegetation Management Act 1999</i>. This means that clearing of vegetation in these areas cannot be approved under a development permit.</p> <p>Aspects of the proposed development that include clearing vegetation in a category R area must be undertaken as exempt clearing work or in accordance with an Accepted Development Vegetation Clearing Code (ADVCC). Clearing vegetation in these areas that is not exempt, or in accordance with an ADVCC, is prohibited development.</p> <p>If further information is required in regard to vegetation management matters, please contact the DNRME via: <a href="mailto:northvegetation@dnrme.qld.gov.au">northvegetation@dnrme.qld.gov.au</a></p>
<b>Environmentally Relevant Activity</b>	
9.	<p>Based on yearly extraction rate of 300m<sup>3</sup> per year, the proposed extractive activity does not qualify to be an Environmentally Relevant Activity (ERA) 16 (1)(a) which has a minimum threshold is 1000t/year.</p> <p>There are no ERA requirements for the proposal in its current form.</p>
<b>Waterway barrier works</b>	
10.	<p>Saltwater creek is a Queensland waterway for waterway barrier works.</p> <p>Extraction works, access tracks and any associated works within the waterway must be done in a</p>



Item	Advice
	<p>way that does not constitute waterway barrier works.</p> <p>With any extraction operation within a waterway, there is a potential to entrap fish. All operations must avoid the entrapment of fish and ensure impacts to fisheries productivity is minimised to the greatest extent possible.</p> <p>In order to avoid additional impacts to waterways in freshwater areas, Fisheries Queensland recommends a minimum 50m setback (incorporating natural vegetation and other buffer elements) from aquatic habitats for any stockpiles or associated processing areas. A buffer of at least 50m should be maintained to avoid impacts on the nearby waterway.</p> <p>Under the Planning Regulation 2017, works involving constructing or raising waterway barrier works must be undertaken in accordance with the relevant <a href="#">accepted development requirements</a> or under a development approval (assessable development).</p> <p>The following factsheets provide more information on what is considered waterway barrier works:</p> <ul style="list-style-type: none"> <li>• <a href="#">What is a waterway?</a></li> <li>• <a href="#">What is a waterway barrier work?</a></li> <li>• <a href="#">What is not a waterway barrier work?</a></li> </ul>
<b>Tenure</b>	
11.	As the proposed development does not appear to be a material change of use, or works below the high-water mark, owner's consent from DNRME is not required.
<b>Further pre-lodgement advice</b>	
12.	<p>SARA can provide further pre-lodgement advice once detailed designs and further information is available.</p> <p>To request further pre-lodgement advice please use the 'related actions' tab in the 2006-17091 SPL MyDAS2 record and select 'Request more pre-lodgement advice from SARA'. You will be given an option to select either a meeting or written advice.</p>

This pre-lodgement advice does not constitute an approval or an endorsement that the SARA supports the development proposal. Additional information may be required to allow SARA to properly assess the development proposal when a formal application has been lodged.

For further information please contact Tony Croke, Principal Planning Officer, on 40373205 or via email [CairnsSARA@dsdmip.qld.gov.au](mailto:CairnsSARA@dsdmip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Anthony Walsh  
Manager Planning

## Priscilla Quaid

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**From:** Jenny Elphinstone <Jenny.Elphinstone@douglas.qld.gov.au>  
**Sent:** Monday, 2 March 2020 11:58 AM  
**To:** Priscilla Quaid  
**Subject:** Douglas Shire Council without prejudice advice Extraction of material from Saltwater Creek adjacent to Lot 1 on SP174875  
**Attachments:** Quarry Material Allocation Notice.pdf

Hi Priscilla,

The Quarry Material Allocation Notice does not specify the purpose for the extracted sand – whether this was ancillary to the operation of the property or whether the material was on-sold for a commercial purpose. The Notice refers to “terms endorsed heron and attached hereto” but were not included in your correspondence.

### Commercial purposes – sand extraction

Prior to the coming into effect of the 2006 Douglas Shire Planning Scheme on 4 September 2006, only land in the Shire was controlled by the Planning Scheme.

Prior to this time (under the preceding planning schemes) a *planning approval* was not required where “*land*” was not involved, i.e., the scheme only affected all land within the Shire.

The Creek was not part of the land within the Shire.

Where the extraction had been lawfully established prior to the 2006 Scheme coming into effect, the sand was extracted from the Creek and the activity would be considered as a continuing right in respect to the planning scheme.

The onus of proof for continuing use rights rests with the land owner/developer.

In that instance, a resource entitlement was still required from the State. Whether an Environmentally relevant Activity (ERA) was required depended on the amount extracted and the legislation at the time.

Under the 2006 Scheme, the Scheme applied to all land, roads and watercourses. Under the 2006 Planning Scheme and the current Scheme, a Planning approval was/is required for an Extractive Industry use. Council has no record of an approval for such use on the land.

Previously, Council issued extractive industry permits for quarry operators. Council no longer issues these permits and there is no record of any such permit having been issued to your land.

### Ancillary use of Property

Where the activity was ancillary to the farm, the use may have not required a planning permit.

Note:

Under the 2006 Planning Scheme came into effect the excavation and fill of more than 20m<sup>3</sup> of material required a Development Permit for Operational Work.

Under the 2018 Planning Scheme (which came into effect on 12 January 2018) excavation and fill of more than 50m<sup>3</sup> of material now requires a Development Permit for Operational Work.

It is recommended you review the terms which are referred to in the Notice and contact the Department to clearly understand the nature and intent of the approved allocation.

Where an approval is required, you would most likely need the consent of DNRME as the “owner” of the premises.

Should you require further assistance please do not hesitate to call or email via the contacts below.

Kind Regards

**Jenny Elphinstone** | Senior Planning Officer

**Environment & Planning | Douglas Shire Council**

P: 07 4099 9482 | F: 07 4098 2902



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