

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)	Steven Pisot
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)	Patric.c@gmacert.com.au
Mobile number (non-mandatory)	0438 755 374
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	20202147

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
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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

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

- ☐ Coordinates of premises by longitude and latitude

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

- ☐ Coordinates of premises by easting and northing

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

3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

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

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

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

Name of airport:

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

5) Are there any existing easements over the premises?

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

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

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

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

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

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

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

c) What is the level of assessment?

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

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

Boundary Realignment

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 checked="" type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)
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?	
Two	
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 checked="" 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 ²)	Lot on plan description	Area (m ²)
Lot 85 N157479	355,620	Proposed Lot 1	419,894
Lot 11 SP212654	235,300 Ha	Proposed Lot 2	171,026
12.2) What is the reason for the boundary realignment?			
Improved agricultural efficiency			

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
Existing	5	200	Infrastructure	Lot 2 RP897748

Division 3 – Operational work

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

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

PART 4 – ASSESSMENT MANAGER DETAILS

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

PART 5 – REFERRAL DETAILS

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

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

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

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

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

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

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

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

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

PART 6 – INFORMATION REQUEST

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

PART 7 – FURTHER DETAILS

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

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

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

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

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

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

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

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

23) Further legislative requirements

Environmentally relevant activities

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

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

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

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

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

Hazardous chemical facilities

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

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

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

Clearing native vegetation

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

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

☒ No

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

Environmental offsets

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

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

☒ No

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

Koala habitat in SEQ Region

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

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

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

☒ No

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

Water resources

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

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

☒ No

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

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

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

Waterway barrier works

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

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

☒ No

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

Marine activities

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

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

☒ No

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

Quarry materials from a watercourse or lake

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

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

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

Quarry materials from land under tidal waters

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

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

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

Referable dams

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

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

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

Tidal work or development within a coastal management district

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

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

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

Queensland and local heritage places

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

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

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

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

Brothels

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

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

Decision under section 62 of the Transport Infrastructure Act 1994

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

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

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 DA Form 2 – Building work details 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 DA Forms Guide: Planning Report Template.</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 DA Forms Guide: Relevant plans.</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 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>Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.</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"> • 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 • required by other legislation (including the <i>Right to Information Act 2009</i>); or • otherwise required by law. <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

For: Steven Pisot
Development: Reconfiguring a Lot (Boundary
Realignment)
At: 21 Spring Creek Road, Mowbray (Lot 11 SP212654
and Lot 85 N157479)
Prepared by: GMA Certification Group
File Ref: 20202147
Revision: A

Table of Contents

1.0	Introduction.....	3
2.0	Development Summary	4
3.0	Proposal	6
4.0	Statutory Planning Considerations.....	7
4.1	Planning Act 2016	7
4.1.1	Categorisation of Development	7
4.1.2	Assessment Manager	7
4.1.3	Level of Assessment	7
4.1.4	Statutory Considerations for Assessable Development.....	7
4.1.5	Referral Agencies	7
4.1.6	State Development Assessment Provisions	8
5.0	Local Planning Considerations	9
5.1	Douglas Shire Council Planning Scheme	9
6.0	Summary and Conclusion.....	11
	Appendix 1.....	12
	Appendix 2.....	13
	Appendix 3.....	14
	Appendix 4.....	15

1.0 Introduction

This report has been prepared in behalf of Steven Pisot in support of a Development Application to Douglas Shire Council for a Development Permit for Reconfiguring a Lot (Boundary Realignment) on land Located at 21 Spring Creek Road and Tresize Road, Mowbray, and described as Lots 11 on SP212654 and Lot 85 on N157479.

The application site is understood to be supported by a without prejudice agreement with Council, dated 16 October 2019, following the dismissal of Planning and Environment Court Appeal 89.

The without prejudice agreement supported a boundary realignment in accordance with an agreed plan and identified that the application need only comprise the following:

- A marked up proposal plan showing lot boundaries and access points;
- A simple planning report demonstrating compliance with applicable assessment benchmarks; and,
- Completed application form.

The application was identified as not requiring referral subject to no additional clearing exemptions being created and Council agreed to waive any application fee, subject to the application being made before 30 June 2020.

A copy of the Agreement is attached at [Appendix 4](#).

The application is identified as being Code Assessable and consideration is required to be given to the assessment benchmarks contained in the Douglas Shire Planning Scheme and consistent with the without prejudice agreement with Council.

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

2.0 Development Summary

Address:	21 Spring Creek Road and Tresize Road, Mowbray
Real Property Description:	Lot 11 SP212654 and Lot 85 N157479
Easements & Encumbrances:	Nil
Site Area/Frontage:	<p>Area:</p> <ul style="list-style-type: none"> - Lot 11: 23.53 Ha - Lot 85: 35.562 <p>Frontage:</p> <ul style="list-style-type: none"> - Lot 11: Spring Creek Road and Tresize Road - Lot 85: Nil
Registered Owner:	Steven Pisot
Proposal:	Boundary Realignment
Approval Sought:	Development Permit
Level of Assessment:	Code Assessment
Referral Agencies:	Nil
State Development Assessment Provisions:	SDAP CODES
Regional Plan Designation:	Regional Landscape and Rural Production Area
Zone:	Rural
Overlays:	<ul style="list-style-type: none"> • Acid Sulfate Soils – 5m-20m AHD; • Bushfire Hazard Overlay – High, medium and Potential Impact Buffer, in part; • Flood and Storm Tide Inundation Overlay – Floodplain Assessment Overlay, in part; • Hillslopes Overlay – Hillslopes area, in part; • Landscape Values Overlay – Medium/High Landscape Value;

- Natural Areas Overlay – MSES Regulated Vegetation and habitat, in part.
 - Potential Landslide Hazard, in part.
-

3.0 Proposal

It is proposed to reconfigure the land consistent with the agreement to create two lots from two lots.

The proposed new boundary would roughly follow the existing tree line and would separate the majority of the constrained land from existing cane farming land.

Proposed lot 1 would contain the hillside vegetated land, with the exception of a cleared area on land in the western corner. Proposed lot 2 would contain the majority of the land currently used for the cultivation of sugar cane. Both allotments would have a road frontage and a practical and lawful means of access.

Proposal Plans are attached at [Appendix 2](#).

4.0 Statutory Planning Considerations

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

4.1 Planning Act 2016

4.1.1 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*.

4.1.2 Assessment Manager

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

4.1.3 Level of Assessment

The application involves a boundary realignment. 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
Boundary	Rural Zone Table of	Code Assessable
Realignment	Assessment 5.6.j	

4.1.4 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](#).

4.1.5 Referral Agencies

There are no referral agencies identified in respect of this application. The proposed reconfiguring a lot would not give rise to additional clearing that could not be undertaken in accordance with exempt or accepted clearing codes. Including those associated with:

- Clearing for Agricultural Efficiency;

- Clearing for Infrastructure; and
- Clearing of a fire management line.

4.1.6 State Development Assessment Provisions

As there are no referral agencies for the application, no State Development Assessment Provisions Apply to the assessment.

5.0 Local Planning Considerations

5.1 Douglas Shire Council Planning Scheme

Within the Douglas Shire Council Planning Scheme, the site is identified within the Rural Zone and is affected by the following Overlays:

- Acid Sulfate Soils – 5m-20m AHD;
- Bushfire Hazard Overlay – High, Medium and Potential Impact Buffer, in part;
- Flood and Storm Tide Inundation Overlay – Floodplain Assessment Overlay, in part;
- Hillslopes Overlay – Hillslopes area, in part;
- Landscape Values Overlay – Medium/High Landscape Value;
- Natural Areas Overlay – MSES Regulated Vegetation and habitat, in part; and,
- Potential Landslide Hazard, in part

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

Assessment Benchmark	Applicability	Compliance
Rural Zone Code	Applies	Complies with applicable Assessment Benchmarks
Acid Sulfate Soils Overlay Code	Applies	Complies with applicable Assessment Benchmarks
Bushfire Hazard Overlay Code	Applies	Complies with applicable Assessment Benchmarks
Flood and Storm Tide Hazard Overlay Code	Applies	Complies with applicable Assessment Benchmarks
Hillslopes Overlay Code	Applies	Complies with applicable Assessment Benchmarks
Landscape Values Overlay Code	Not applicable	No relevant Assessment Benchmarks
Natural Areas Overlay Code	Applies	Complies with applicable Assessment Benchmarks
Potential Landslide Hazard Overlay Code	Applies	Complies with applicable Assessment Benchmarks
Access, Parking and Servicing Code	Not applicable	No relevant Assessment Benchmarks.
Environmental Performance Code	Not applicable	No relevant Assessment Benchmarks.
Filling and Excavation	Not applicable	No relevant Assessment

Code		Benchmarks.
Infrastructure Works Code	Applies	Complies or able to comply with applicable Assessment Benchmarks
Landscaping Code	Not applicable	No relevant Assessment Benchmarks
Reconfiguring a Lot Code	Applies	Complies with applicable Assessment Benchmarks.
Vegetation Management Code	Not applicable	No relevant Assessment benchmarks

6.0 Summary and Conclusion

This report has been prepared in behalf of Steven Pisot in support of a Development Application to Douglas Shire Council for a Development Permit for Reconfiguring a Lot (Boundary Realignment) on land Located at 21 Spring Creek Road and Tresize Road, Mowbray, and described as Lots 11 on SP212654 and Lot 85 on N157479.

The application site is understood to be supported by a without prejudice agreement with Council, dated 16 October 2019, following the dismissal of Planning and Environment Court Appeal 89.

The application was identified as not requiring referral subject to no additional clearing exemptions being created and Council agreed to waive any application fee, subject to the application being made before 30 June 2020.

A copy of the Agreement is attached at [Appendix 4](#).

The application is identified as being Code Assessable and consideration is required to be given to the assessment benchmarks contained in the Douglas Shire Planning Scheme and consistent with the without prejudice agreement with Council.

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

Appendix 1.

CERTIFICATE OF TITLE

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 34191390

Search Date: 23/06/2020 09:52

Title Reference: 50768995

Date Created: 18/05/2009

Previous Title: 50332400

REGISTERED OWNER

Dealing No: 712401942 12/05/2009

STEVEN JOHN PISOT

ESTATE AND LAND

Estate in Fee Simple

LOT 11 SURVEY PLAN 212654
Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20142207 (POR 41)
2. EASEMENT No 701712195 16/12/1996 at 09:47
burdening the land to
LOT 2 ON RP897748
OVER EASEMENTS A AND B ON RP897748
3. COVENANT No 712401944 12/05/2009 at 14:30
restricts dealings over
LOT 11 ON SP212654 AND
LOT 1 ON RL3986
4. COVENANT No 712401946 12/05/2009 at 14:30
restricts dealings over
LOT 11 ON SP212654 AND
LOT 3 ON AP13755
5. LEASE No 717039151 29/01/2016 at 11:49
NBN CO LIMITED A.C.N. 136 533 741
OF LEASE C ON SP280367
TERM: 17/02/2016 TO 16/02/2026 OPTION NIL
6. LEASE No 717039156 29/01/2016 at 11:50
NBN CO LIMITED A.C.N. 136 533 741
OF LEASE C ON SP280367
TERM: 17/02/2026 TO 16/02/2036 OPTION NIL

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 34191406

Search Date: 23/06/2020 09:53

Title Reference: 20311183

Date Created: 26/06/1936

Previous Title: 20209214

20209215

20209216

20209217

REGISTERED OWNER

Dealing No: 702331987 13/11/1997

STEVEN JOHN PISOT

ESTATE AND LAND

Estate in Fee Simple

LOT 85 CROWN PLAN N157479

Local Government: DOUGLAS

For exclusions / reservations for public purposes refer to
Plan CP N157479

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20142207 (POR 41)
Deed of Grant No. 20146215 (POR 43V)

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

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

COPYRIGHT THE STATE OF QUEENSLAND (NATURAL RESOURCES, MINES AND ENERGY) [2020]
Requested By: D-ENQ GLOBALX

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 34191390

Search Date: 23/06/2020 09:52

Title Reference: 50768995

Date Created: 18/05/2009

Caution - Charges do not necessarily appear in order of priority

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

COPYRIGHT THE STATE OF QUEENSLAND (NATURAL RESOURCES, MINES AND ENERGY) [2020]
Requested By: D-ENQ GLOBALX

Appendix 2.

PROPOSAL PLANS



Proposed Plan of Subdivision (Boundary Realignment)

Date: 23 June 2020

No. 20202147 RaL1

Appendix 3.

PLANNING BENCHMARK ASSESSMENT



20202147 – Tresize and Spring Creek Road, Mowbray

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;



20202147 – Tresize and Spring Creek Road, Mowbray

- (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
For self-assessable and assessable development		
PO1 The height of buildings is compatible with the rural character of the area and must not detrimentally impact on visual landscape amenity.	AO1.1 Dwelling houses are not more than 8.5 metres in height. Note – Height is inclusive of roof height.	Not applicable The proposal is for boundary realignment only.
	AO1.2	Not applicable The proposal is for boundary realignment only.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	Rural farm sheds and other rural structures are not more than 10 metres in height.	
Setbacks		
PO2 Buildings and structures are setback to maintain the rural character of the area and achieve separation from buildings on adjoining properties.	AO2 Buildings are setback not less than: <ul style="list-style-type: none"> (a) 40 metres from the property boundary and a State-controlled road; (b) 25 metres from the property boundary adjoining Cape Tribulation Road; (c) 20 metres from the boundary with any other road; (d) 6 metres from side and rear property boundaries. 	Not applicable The proposal is for boundary realignment only.
PO3 Buildings/structures are designed to maintain the rural character of the area.	AO3 White and shining metallic finishes are avoided on external surfaces of buildings.	Not applicable The proposal is for boundary realignment only.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
For assessable development		
PO4 The establishment of uses is consistent with the outcomes sought for the Rural zone and protects the zone from the intrusion of inconsistent uses.	AO4 Uses identified in Table 6.2.10.3.b are not established in the Rural zone.	Not applicable The proposal is for boundary realignment only.
PO5 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.	AO5 No acceptable outcomes are prescribed.	Not applicable The proposal is for boundary realignment only.
PO6	AO6 No acceptable outcomes are prescribed.	Complies with PO6



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
Existing native vegetation along watercourses and in, or adjacent to areas of environmental value, or areas of remnant vegetation of value is protected.		No additional vegetation would be removed as part of this application.
<p>PO7</p> <p>The minimum lot size is 40 hectares, unless</p> <p>(a) the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments to resolve encroachments); or</p> <p>(b) the reconfiguration is limited to one additional lot to accommodate:</p> <p>(i) Telecommunications facility;</p> <p>(ii) Utility installation.</p>	<p>AO7</p> <p>No acceptable outcomes are prescribed.</p>	<p>Complies with PO7</p> <p>The proposed development is for a boundary realignment only that would not result in any additional lots.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

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.



20202147 – Tresize and Spring Creek Road, Mowbray

(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 8.2.1.3.a – Acid sulphate soils overlay code –assessable development

Performance outcomes	Acceptable outcomes	Compliance
For assessable development		
PO1 The extent and location of potential or actual acid sulfate soils is accurately identified.	AO1.1 No excavation or filling occurs on the site. or AO1.2	Complies with AO1.1 The proposal is for boundary realignment only.



20202147 – Tresize and Spring Creek Road, Mowbray

	<p>An acid sulfate soils investigation is undertaken.</p> <p>Note - Planning scheme policy SC 6.12– Potential and actual acid sulfate soils provides guidance on preparing an acid sulfate soils investigation.</p>	
<p>PO2</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>AO2.1</p> <p>The disturbance of potential acid sulfate soils or actual acid sulfate soils is avoided by:</p> <ul style="list-style-type: none"> (a) not excavating, or otherwise removing, soil or sediment identified as containing potential or actual acid sulfate soils; (b) not permanently or temporarily extracting groundwater that results in the aeration of previously saturated acid sulfate soils; (c) not undertaking filling that results in: (d) actual acid sulfate soils being moved below the water table; (e) previously saturated acid sulfate soils being aerated. 	<p>Complies with AO2.1</p> <p>No cut and fill is proposed, the application is or a boundary realignment only.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

or

AO2.2

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

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



20202147 – Tresize and Spring Creek Road, Mowbray

	<p>environmental management plan.</p> <p>Note - Planning scheme policy SC 6.12 – Acid sulfate soils provides guidance on preparing an acid sulfate soils management plan.</p>	
<p>PO3</p> <p>No environmental harm is caused as a result of exposure to potential acid sulfate soils or actual acid sulfate soils.</p>	<p>AO3</p> <p>No acceptable outcomes are prescribed.</p>	<p>Complies with PO3</p> <p>The proposal is for a boundary realignment only.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

8.2.2 Bushfire hazard overlay code

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

8.2.2.1 Application

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

8.2.2.2 Purpose

- (1) The purpose of the Bushfire overlay code is to:
 - (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 1 Settlement pattern: Element 3.4.7 Mitigation of hazards;
 - (ii) Theme 6 Infrastructure and transport: Element 3.9.2 Energy.



20202147 – Tresize and Spring Creek Road, Mowbray

- (b) enable an assessment of whether development is suitable on land within the Bushfire risk overlay sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
- (a) development avoids the establishment or intensification of vulnerable activities within or near areas that are subject to bushfire hazard;
 - (b) development is designed and located to minimise risks to people and property from bushfires;
 - (c) bushfire risk mitigation treatments are accommodated in a manner that avoids or minimises impacts on the natural environment and ecological processes;
 - (d) development involving the manufacture or storage of hazardous materials does not increase the risk to public safety or the environment in a bushfire event;
 - (e) development contributes to effective and efficient disaster management response and recovery capabilities.

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



20202147 – Tresize and Spring Creek Road, Mowbray

8.2.2.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Compliance
For self-assessable and assessable development		
Compatible development		
<p>PO1</p> <p>A vulnerable use is not established or materially intensified within a bushfire hazard area (bushfire prone area) unless there is an overriding need or other exceptional circumstances.</p> <p>Note - See the end of this code for examples of vulnerable uses.</p>	<p>AO1</p> <p>Vulnerable uses are not established or expanded.</p> <p>Note – Where, following site inspection and consultation with Council, it is clear that the mapping is in error in identifying a premises as being subject to a medium, high, very high bushfire hazard or potential impact buffer sub-category, Council may supply a letter exempting the need for a Bushfire Management Plan.</p> <p>Note – Where the assessment manager has not previously approved a Bushfire Management Plan (either by condition of a previous development approval), the development proponent will be expected to prepare such a plan.</p> <p>Note – Planning scheme policy SC6.9 - Natural</p>	<p>Not applicable</p> <p>The application is for a boundary realignment only and no uses are proposed.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	hazards, provides a guide to the preparation of a Bushfire Management Plan.	
PO2 Emergency services and uses providing community support services are able to function effectively during and immediately after a bushfire hazard event.	AO2 Emergency Services and uses providing community support services are not located in a bushfire hazard sub-category and have direct access to low hazard evacuation routes.	Not applicable The application is for a boundary realignment only and no uses are proposed
PO3 Development involving hazardous materials manufactured or stored in bulk is not located in bushfire hazard sub-category.	AO3 The manufacture or storage of hazardous material in bulk does not occur within bushfire hazard sub-category.	Not applicable The application is for a boundary realignment only and no uses are proposed
Development design and separation from bushfire hazard – reconfiguration of lots		
PO4.1 Where reconfiguration is undertaken in an urban area or is for urban purposes or smaller scale rural residential purposes, a separation distance from hazardous vegetation is provided to achieve a radiant heat flux level of 29kW/m ² at the edge of	AO4.1 No new lots are created within a bushfire hazard sub-category. or	Complies with AO4.1 The proposal is for a boundary realignment and no new lots would be created.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
<p>the proposed lot(s).</p> <p>Note - “Urban purposes” and “urban area” are defined in the <i>Sustainable Planning Regulations 2009</i>. Reconfiguration will be taken to be for rural residential purposes where proposed lots are between 2000m² and 2ha in area. “Smaller scale” rural residential purposes will be taken to be where the average proposed lot size is 6000m² or less.</p> <p>Note - The radiant heat levels and separation distances are to be established in accordance with method 2 set out in AS3959-2009.</p>		
<p>PO4.2</p> <p>Where reconfiguration is undertaken for other purposes, a building envelope of reasonable dimensions is provided on each lot which achieves radiant heat flux level of 29kW/m² at any point.</p>	<p>AO4.2</p> <p>Lots are separated from hazardous vegetation by a distance that:</p> <p>(a) achieves radiant heat flux level of 29kW/m² at all boundaries; and</p> <p>(b) is contained wholly within the development</p>	<p>Complies with PO4.2</p> <p>The proposed development would result in each lot having a suitable building envelope to accommodate a dwelling house that is separated from hazardous vegetation. Proposed Lot 1 would contain a dwelling house site in the north of the site and on existing cane land and proposed lot 2 would comprise cane land that is free of hazardous vegetation.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<p>site.</p> <p>Note - Where a separation distance is proposed to be achieved by utilising existing cleared developed areas external to the site, certainty must be established (through tenure or other means) that the land will remain cleared of hazardous vegetation.</p> <p>For staged developments, temporary separation distances, perimeter roads or fire trails may be absorbed as part of subsequent stages.</p> <p>Note - The achievement of a cleared separation distance may not be achievable where other provisions within the planning scheme require protection of certain ecological, slope, visual or character features or functions.</p>	
<p>PO5</p> <p>Where reconfiguration is undertaken in an urban area or is for urban purposes, a constructed perimeter road with reticulated water supply is established between the lots and the hazardous</p>	<p>AO5.1</p> <p>Lot boundaries are separated from hazardous vegetation by a public road which:</p> <p>(a) has a two lane sealed carriageway;</p> <p>(b) contains a reticulated water supply;</p>	<p>Not applicable</p> <p>The site is in the rural zone and not an urban area.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
<p>vegetation and is readily accessible at all times for urban fire fighting vehicles.</p> <p>The access is available for both fire fighting and maintenance/defensive works.</p>	<p>(c) is connected to other public roads at both ends and at intervals of no more than 500m;</p> <p>(d) accommodates geometry and turning radii in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines;</p> <p>(e) has a minimum of 4.8m vertical clearance above the road;</p> <p>(f) is designed to ensure hydrants and water access points are not located within parking bay allocations; and</p> <p>(g) incorporates roll-over kerbing.</p>	
	<p>AO5.2</p> <p>Fire hydrants are designed and installed in accordance with AS2419.1 2005, unless otherwise specified by the relevant water entity.</p> <p>Note - Applicants should have regard to the relevant standards set out in the reconfiguration of a lot code and works codes in this planning scheme.</p>	<p>Not applicable</p> <p>The site is in the rural zone and not an urban area.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
<p>PO6</p> <p>Where reconfiguration is undertaken for smaller scale rural residential purposes, either a constructed perimeter road or a formed, all weather fire trail is established between the lots and the hazardous vegetation and is readily accessible at all times for the type of fire fighting vehicles servicing the area.</p> <p>The access is available for both fire fighting and maintenance/hazard reduction works.</p>	<p>AO6</p> <p>Lot boundaries are separated from hazardous vegetation by a public road or fire trail which has:</p> <ul style="list-style-type: none"> (a) a reserve or easement width of at least 20m; (b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation; (c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path; (d) a minimum of 4.8m vertical clearance; (e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; (f) a maximum gradient of 12.5%; (g) a cross fall of no greater than 10 degrees; (h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy; 	<p>Not applicable</p> <p>The site is in the rural zone and the reconfiguration is not for a rural residential purpose.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<ul style="list-style-type: none"> (i) vehicular access at each end which is connected to the public road network at intervals of no more than 500m; (j) designated fire trail signage; (k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and (l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services. 	
<p>PO7</p> <p>Where reconfiguration is undertaken for other purposes, a formed, all weather fire trail is provided between the hazardous vegetation and either the lot boundary or building envelope, and is readily accessible at all times for the type of fire fighting vehicles servicing the area.</p> <p>However, a fire trail will not be required where it would not serve a practical fire management</p>	<p>AO7</p> <p>Lot boundaries are separated from hazardous vegetation by a public road or fire trail which has:</p> <ul style="list-style-type: none"> (a) a reserve or easement width of at least 20m; (b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation; (c) no cut or fill embankments or retaining walls 	<p>Complies with PO7</p> <p>The proposed boundary would align with the existing vegetation, for the most part, and the buildings on proposed lot 2 would be separated from the vegetation by land under cultivation for sugar cane. In respect of proposed lot 1 the buildings would be located on land currently under cultivation for sugar cane and separated from the hazardous vegetation. It is considered that a fire trail in this instance would serve not practical</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
purpose.	<p>adjacent to the 4m wide trafficable path;</p> <p>(d) a minimum of 4.8m vertical clearance;</p> <p>(e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines;</p> <p>(f) a maximum gradient of 12.5%;</p> <p>(g) a cross fall of no greater than 10 degrees;</p> <p>(h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy;</p> <p>(i) vehicular access at each end which is connected to the public road network;</p> <p>(j) designated fire trail signage;</p> <p>(k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and</p> <p>(l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services.</p>	purpose.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
<p>PO8</p> <p>The development design responds to the potential threat of bushfire and establishes clear evacuation routes which demonstrate an acceptable or tolerable risk to people.</p>	<p>AO8</p> <p>The lot layout:</p> <ul style="list-style-type: none"> (a) minimises the length of the development perimeter exposed to, or adjoining hazardous vegetation; (b) avoids the creation of potential bottle-neck points in the movement network; (c) establishes direct access to a safe assembly /evacuation area in the event of an approaching bushfire; and (d) ensures roads likely to be used in the event of a fire are designed to minimise traffic congestion. <p>Note - For example, developments should avoid finger-like or hour-glass subdivision patterns or substantive vegetated corridors between lots.</p> <p>In order to demonstrate compliance with the performance outcome, a bushfire management plan prepared by a suitably qualified person may be</p>	<p>Complies with PO8</p> <p>The evacuation routes for both lots would be over land used for sugar can cultivation and which are not bushfire prone.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<p>required. The bushfire management plan should be developed in accordance with the Public Safety Business Agency (PSBA) guideline entitled “Undertaking a Bushfire Protection Plan.</p> <p>Advice from the Queensland Fire and Emergency Services (QFES) should be sought as appropriate</p>	
<p>PO9</p> <p>Critical infrastructure does not increase the potential bushfire hazard.</p>	<p>AO9</p> <p>Critical or potentially hazardous infrastructure such as water supply, electricity, gas and telecommunications are placed underground.</p>	<p>Not applicable</p> <p>No infrastructure is proposed as part of this application.</p>
Development design and separation from bushfire hazard – material change of use		
<p>PO10</p> <p>Development is located and designed to ensure proposed buildings or building envelopes achieve a radiant heat flux level at any point on the building or envelope respectively, of:</p> <p>(e) 10kW/m² where involving a vulnerable use; or</p>	<p>AO10</p> <p>Buildings or building envelopes are separated from hazardous vegetation by a distance that:</p> <p>(a) achieves a radiant heat flux level of at any point on the building or envelope respectively, of 10kW/m² for a vulnerable use or 29kW/m² otherwise; and</p>	<p>Not applicable</p> <p>The application is for a boundary realignment only.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
<p>(f) 29kW/m² otherwise.</p> <p>The radiant heat flux level is achieved by separation unless this is not practically achievable.</p> <p>Note - The radiant heat levels and separation distances are to be established in accordance with method 2 set out in AS3959-2009.</p>	<p>(b) is contained wholly within the development site.</p> <p>Note - Where a separation distance is proposed to be achieved by utilising existing cleared developed areas external to the site, certainty must be established (through tenure or other means) that the land will remain cleared of hazardous vegetation.</p> <p>For staged developments, temporary separation distances, perimeter roads or fire trails may be absorbed as part of subsequent stages.</p> <p>Note - The achievement of a cleared separation distance may not be achievable where other provisions within the planning scheme require protection of certain ecological, slope, visual or character features or functions.</p>	
<p>PO11</p> <p>A formed, all weather fire trail is provided between the hazardous vegetation and the site boundary or building envelope, and is readily accessible at all times for the type of fire fighting vehicles servicing</p>	<p>AO11</p> <p>Development sites are separated from hazardous vegetation by a public road or fire trail which has:</p> <p>(a) a reserve or easement width of at least 20m; (b) a minimum trafficable (cleared and formed)</p>	<p>Not applicable</p> <p>The application is for a boundary realignment only</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
<p>the area.</p> <p>However, a fire trail will not be required where it would not serve a practical fire management purpose.</p> <p>Note - Fire trails are unlikely to be required where a development site involves less than 2.5ha</p>	<p>width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation;</p> <p>(c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path;</p> <p>(d) a minimum of 4.8m vertical clearance;</p> <p>(e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines;</p> <p>(f) a maximum gradient of 12.5%;</p> <p>(g) a cross fall of no greater than 10 degrees;</p> <p>(h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy;</p> <p>(i) vehicular access at each end which is connected to the public road network which is connected to the public road network at intervals of no more than 500m;</p> <p>(j) designated fire trail signage;</p> <p>(k) if used, has gates locked with a system authorised by Queensland Fire and Emergency</p>	



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<p>Services; and</p> <p>(l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services.</p>	
All development		
<p>PO12</p> <p>All premises are provided with vehicular access that enables safe evacuation for occupants and easy access by fire fighting appliances.</p>	<p>AO12</p> <p>Private driveways:</p> <p>(a) do not exceed a length of 60m from the street to the building;</p> <p>(b) do not exceed a gradient of 12.5%;</p> <p>(c) have a minimum width of 3.5m;</p> <p>(d) have a minimum of 4.8m vertical clearance;</p> <p>(e) accommodate turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; and</p> <p>(f) serve no more than 3 dwellings or buildings.</p>	<p>Not applicable</p> <p>The application is for a boundary realignment only.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
<p>PO13</p> <p>Development outside reticulated water supply areas includes a dedicated static supply that is available solely for fire fighting purposes and can be accessed by fire fighting appliances.</p>	<p>AO13</p> <p>A water tank is provided within 10m of each building (other than a class 10 building) which:</p> <ul style="list-style-type: none"> (a) is either below ground level or of non-flammable construction; (b) has a take off connection at a level that allows the following dedicated, static water supply to be left available for access by fire fighters: <ul style="list-style-type: none"> (i) 10,000l for residential buildings <p>Note – A minimum of 7,500l is required in a tank and the extra 2,500l may be in the form of accessible swimming pools or dams</p> <ul style="list-style-type: none"> (ii) 45,000l for industrial buildings; and (iii) 20,000l for other buildings; (c) includes shielding of tanks and pumps in accordance with the relevant standards; (d) includes a hardstand area allowing medium 	<p>Not applicable</p> <p>The application is for a boundary realignment only</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<p>rigid vehicle (15 tonne fire appliance) access within 6m of the tank;</p> <p>(e) is provided with fire brigade tank fittings – 50mm ball valve and male camlock coupling and, if underground, an access hole of 200mm (minimum) to accommodate suction lines; and</p> <p>(f) is clearly identified by directional signage provided at the street frontage.</p>	
<p>PO14</p> <p>Landscaping does not increase the potential bushfire risk.</p>	<p>AO14</p> <p>Landscaping uses species that are less likely to exacerbate a bushfire event and does not increase fuel loads within separation areas.</p>	<p>Not applicable</p> <p>The application is for a boundary realignment only</p>
<p>PO15</p> <p>The risk of bushfire and the need to mitigate that risk is balanced against other factors (such as but not limited to, biodiversity or scenic amenity).</p>	<p>AO15</p> <p>Bushfire risk mitigation treatments do not have a significant impact on the natural environment or landscape character of the locality where this has value.</p>	<p>Not applicable</p> <p>The application is for a boundary realignment only</p>



20202147 – Tresize and Spring Creek Road, Mowbray

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:



20202147 – Tresize and Spring Creek Road, Mowbray

- (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		



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
<p>PO1</p> <p>Development is located and designed to:</p> <ul style="list-style-type: none"> (a) ensure the safety of all persons; minimise damage to the development and contents of buildings; (b) provide suitable amenity; minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events. <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>AO1.1</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;</p> <p>or</p> <p>For dwelling houses,</p> <p>AO1.2</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>Complies with AO1.1</p> <p>The proposed boundary realignment would provide developable areas on both proposed lots that are free of flood and storm tide hazard.</p>
	<p>AO1.3</p> <p>New buildings are:</p>	<p>Not applicable</p> <p>The development is for boundary realignment only.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	(a) not located within the overlay area; (b) located on the highest part of the site to minimise entrance of flood waters; (c) provided with clear and direct pedestrian and vehicle evacuation routes off the site.	
	AO1.4 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.	Not applicable The proposal is for a boundary realignment only.
For assessable development		
PO2 The development is compatible with the level of risk associated with the natural hazard.	AO2 The following uses are not located in land inundated by the Defined Flood Event (DFE) / Storm tide: (a) Retirement facility; (b) Community care facility;	Not applicable The proposal is for a boundary realignment only.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	(c) Child care centre.	
PO3 Development siting and layout responds to flooding potential and maintains personal safety	For Material change of use AO3.1 New buildings are: (a) not located within the overlay area; (b) located on the highest part of the site to minimise entrance of flood waters; (c) provided with clear and direct pedestrian and vehicle evacuation routes off the site. or AO3.2 The development incorporates an area on site that is at least 300mm above the highest known flood inundation level with sufficient space to accommodate the likely population of the	Not applicable The proposal is for a boundary realignment only.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<p>development safely for a relatively short time until flash flooding subsides or people can be evacuated.</p> <p>or</p> <p>AO3.3</p> <p>Where involving an extension to an existing dwelling house that is situated below DFE /Storm tide, the maximum size of the extension does not exceed 70m² 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>AO3.4</p> <p>Additional lots:</p>	<p>Not applicable</p> <p>The proposal is for a boundary realignment only.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<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>AO3.5</p> <p>Road and/or pathway layout ensures residents are not physically isolated from adjacent flood free urban areas and provides a safe and clear evacuation route path:</p> <p>(a) by locating entry points into the reconfiguration above the flood level and avoiding culs-de-sac</p>	<p>Not applicable</p> <p>No new roads are proposed.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<p>or other non-permeable layouts; and (b) by direct and simple routes to main carriageways.</p>	
	<p>AO3.6</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>	<p>Not applicable</p> <p>The proposal is for a boundary realignment only.</p>
	<p>AO3.7</p> <p>There is no intensification of residential uses within the flood affected areas on land situated below the DFE/Storm tide.</p>	<p>Not applicable</p> <p>The proposal is for a boundary realignment only.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<p>For Material change of use (Residential uses)</p> <p>AO3.1</p> <p>The design and layout of buildings used for residential purposes minimise risk from flooding by providing:</p> <p>(a) parking and other low intensive, non-habitable uses at ground level;</p> <p>Note - The high-set 'Queenslander' style house is a resilient low-density housing solution in floodplain areas. Higher density residential development should ensure only non-habitable rooms (e.g. garages, laundries) are located on the ground floor.</p>	<p>Not applicable</p> <p>The proposal is for a boundary realignment only.</p>
<p>PO4</p> <p>Development is resilient to flood events by ensuring design and built form account for the potential risks of flooding.</p>	<p>For Material change of use (Non-residential uses)</p> <p>AO4.2</p> <p>Non residential buildings and structures allow for the flow through of flood waters on the ground</p>	<p>Not applicable</p> <p>The proposal is for a boundary realignment only.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<p>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>AO4.3</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>Not applicable</p> <p>The proposal is for a boundary realignment only.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<p>(a) Businesses should ensure that they have the necessary contingency plans in place to account for the potential need to relocate property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a building or off site).</p> <p>(b) Queensland Government Fact Sheet 'Repairing your House after a Flood' provides information about water resilient products and building techniques.</p>	
<p>P05</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>AO5.1</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>AO5.2</p>	<p>Not applicable</p> <p>The proposal is for a boundary realignment only.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<p>Works (including buildings and earthworks) in non urban areas either:</p> <p>(a) do not involve a net increase in filling greater than 50m³; or</p> <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> <p>(i) loss of flood storage;</p> <p>(ii) loss of/changes to flow paths;</p> <p>(iii) acceleration or retardation of flows or any reduction in flood warning times elsewhere on the flood plain.</p>	



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<p>For Material change of use</p> <p>AO5.3</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 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>Not applicable</p> <p>The proposal is for a boundary realignment only.</p>
	For Material change of use and Reconfiguring a lot	Not applicable



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<p>AO5.4</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 flood.</p>	<p>The proposal is for a boundary realignment only.</p>
<p>PO6</p> <p>Development avoids the release of hazardous materials into floodwaters.</p>	<p>For Material change of use</p> <p>AO6.1</p> <p>Materials manufactured or stored on site are not hazardous or noxious, or comprise materials that may cause a detrimental effect on the environment if discharged in a flood event;</p> <p>or</p>	<p>Not applicable</p> <p>The proposal is for a boundary realignment only.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<p>AO6.2</p> <p>If a DFE level is adopted, structures used for the manufacture or storage of hazardous materials are:</p> <p>(a) located above the DFE level;</p> <p>or</p> <p>(b) designed to prevent the intrusion of floodwaters.</p>	
	<p>AO6.3</p> <p>Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by the DFE</p>	<p>Not applicable</p> <p>The proposal is for a boundary realignment only no infrastructure is proposed.</p>
	<p>AO6.4</p> <p>If a flood level is not adopted, hazardous materials and their manufacturing equipment are located on</p>	<p>Not applicable</p> <p>The proposal is for a boundary realignment only.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<p>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>P07</p> <p>The development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.</p>	<p>A07</p> <p>Development does not:</p> <ul style="list-style-type: none"> (a) increase the number of people calculated to be at risk of flooding; (b) increase the number of people likely to need evacuation; (c) shorten flood warning times; and (d) impact on the ability of traffic to use evacuation routes, or unreasonably increase traffic 	<p>Not applicable</p> <p>The proposal is for a boundary realignment only.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	volumes on evacuation routes.	
<p>PO8</p> <p>Development involving community infrastructure:</p> <ul style="list-style-type: none"> (a) remains functional to serve community need during and immediately after a flood event; (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; (c) retains essential site access during a flood event; (d) is able to remain functional even when other infrastructure or services may be compromised in a flood event. 	<p>AO8.1</p> <p>The following uses are not located on land inundated during a DFE/Storm tide:</p> <ul style="list-style-type: none"> (a) community residence; and (b) emergency services; and (c) residential care facility; and (d) utility installations involving water and sewerage treatment plants; and (e) storage of valuable records or items of historic or cultural significance (e.g. archives, museums, galleries, libraries). <p>or</p> <p>AO8.2</p> <p>The following uses are not located on land</p>	<p>Not applicable</p> <p>The proposal is for a boundary realignment only.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

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



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<p>inundated during a 0.2% AEP flood event:</p> <ul style="list-style-type: none"> (a) correctional facilities; (b) emergency services; (c) power stations; (d) major switch yards. 	
	<p>AO8.3</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"> (a) community residence; and (b) emergency services; and (c) hospitals; and (d) residential care facility; and (e) sub stations; and (f) utility installations involving water and sewerage treatment plants. 	<p>Not applicable</p> <p>The proposal is for a boundary realignment only.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

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



20202147 – Tresize and Spring Creek Road, Mowbray

8.2.5 Hillslopes overlay code

8.2.5.1 Application

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

8.2.5.2 Purpose

- (1) The purpose of the Hillslopes overlay code is to:
 - (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 1 - Settlement pattern: Element 3.4.7 Mitigation of hazards;
 - (ii) Theme 2 – Environment and landscape values: Element 3.5.5 Scenic amenity.
 - (b) enable an assessment of whether development is suitable on land within the Hillslopes sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:



20202147 – Tresize and Spring Creek Road, Mowbray

- (a) development on hillslopes is safe, serviceable and accessible;
- (b) the ecological values, landscape character and visual quality of the hillslopes are protected from development so as to retain the scenic backdrop to the region;
- (c) Development on hillslopes is appropriate, having regard to the topographic constraints and environmental characteristics of the land;
- (d) Development responds to the constraints of the site including gradient and slope stability;
- (e) Works do not involve complex engineering solutions.

8.2.5.3 Criteria for assessment

Table Error! No text of specified style in document.8.2.5.3.a – Hillslopes overlay code –assessable development

Performance outcomes	Acceptable outcomes	Compliance
For self-assessable development		
PO1 The landscape character and visual amenity quality of hillslopes areas is retained to protect the scenic backdrop to the region.	AO1.1 Development is located on parts of the site that are not within the Hillslopes constraint subcategory as shown on the Hillslopes overlay Maps contained in schedule 2.	Complies with AO1.1 Each of the new lots would have sufficient area to accommodate accepted development that is not within the hillslope's constraint subcategory.
For assessable development		
PO2	AO2.1	Complies with AO2.1



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
The landscape character and visual amenity quality of hillslopes areas is retained to protect the scenic backdrop to the region	Development does not occur on land with a gradient in excess of 1 in 6 (16.6%) or AO2.2 Where development on land steeper than 1 in 6 (16.6%) cannot be avoided, development follows the natural contours of the site.	Each of the proposed allotments would contain developable land that has a gradient of less than 1 in 6.
	AO2.3 Access ways and driveways are: (a) constructed with surface materials that blend with the surrounding environment; (b) landscaped with dense planting to minimise the visual impact of the construction; (c) provided with erosion control measures immediately after construction.	Not applicable The proposal is for a boundary realignment only.
	AO2.4 The clearing or disturbance of vegetation is limited to clearing and disturbance that: (a) is necessary for the construction of driveways;	Complies with AO2.4 No vegetation clearing would occur as part of this development.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	(b) is necessary to contain the proposed development; (c) minimises canopy clearing or disturbance; (d) minimises riparian clearing or disturbance.	
	AO2.5 On land with slopes greater than 1 in 6 (16.6%) or greater, alternative construction methods to concrete slab on ground are utilised (i.e. split level or post and beam constructed buildings that minimise modification to the natural terrain of the land).	Not applicable The proposal is for boundary realignment only.
	AO2.6 Development does not alter the sky line.	Not applicable The proposal is for boundary realignment only.
	AO2.7 Buildings and structures: (a) are finished predominantly in the following exterior colours or surfaces:	Not applicable The proposal is for boundary realignment only.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<ul style="list-style-type: none"> (i) moderately dark to darker shades of olive green, brown, green, blue, or charcoal; or (ii) moderately dark to darker wood stains that blend with the colour and hues of the surrounding vegetation and landscape; (b) are not finished in the following exterior colours or surfaces: <ul style="list-style-type: none"> (i) pastel or terracotta colours, reds, yellows, shades of white or beige, or other bright colours that do not blend with the surrounding vegetation and landscape; (ii) reflective surfaces. 	
	<p>AO2.8</p> <p>Exterior colour schemes limit the use of white or other light colours to exterior trim and highlighting of architectural features</p>	<p>Not applicable</p> <p>The proposal is for boundary realignment only.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	AO2.9 Areas between the first floor (including outdoor deck areas) and ground level are screened from view.	Not applicable The proposal is for boundary realignment only.
	AO2.10 Recreational or ornamental features (including tennis courts, ponds or swimming pools) do not occur on land: <ul style="list-style-type: none"> (a) with a gradient of 1 in 6 (16.6%) or more; (b) are designed to be sited and respond to the natural constraints of the land and require minimal earthworks. 	Not applicable The proposal is for boundary realignment only.
PO3 Excavation or filling does not have an adverse impact on the amenity, safety, stability or function of the site or adjoining premises through: <ul style="list-style-type: none"> (a) loss of privacy; (b) loss of access to sunlight; 	AO3 Excavation or fill: <ul style="list-style-type: none"> (a) is not more than 1.2 metres in height for each batter or retaining wall; (b) is setback a minimum of 2 metres from property boundaries; 	Not applicable The proposal is for boundary realignment only and no filling or excavation is proposed.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
(c) intrusion of visual or overbearing impacts; (d) complex engineering solutions.	(c) is stepped with a minimum 2 metre wide berm to incorporate landscaping in accordance with Planning scheme policy SC6.7 – Landscaping; (d) does not exceed a maximum of 3 batters and 3 berms (i.e. not greater than 3.6 metres in height) on any one lot.	
Lot reconfiguration		
PO4 For development that involves reconfiguring a lot, lot layout and design is responsive to the natural constraints of the land and each lot is capable of being used for its intended purpose.	AO4.1 The frontage and depth of all lots is of sufficient width to: <ul style="list-style-type: none"> (a) allow driveways to follow the natural contours of the site and not exceed a gradient of 1 in 6 (16.6%); (b) accommodate any changes in gradient between the road and lot within the lot boundary and not within the road reserve. 	Complies with PO4 The plan of boundary realignment has been identified to respond to the natural constraints and to separate the constrained land from the developable land.
	AO4.2	Complies with AO4.2



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<p>Development does not create new lots containing land of greater than 1 in 6 (16.6%), except where a rectangular area of land of lesser grade is contained within the new lots to accommodate the intended land use, with the balance left in its natural state to the greatest extent possible.</p> <p>Note – The size of rectangular areas is outlined within each zone code.</p>	<p>The proposed new lots would each contain sufficient area of land to accommodate the accepted development with existing constrained land retained in its natural state.</p>
	<p>AO4.3</p> <p>Development does not alter ridgelines.</p>	<p>Not applicable</p> <p>The proposal is for boundary realignment only.</p>
	<p>AO4.4</p> <p>Lots are designed to ensure rooflines of future buildings and structures do not protrude above a ridgeline.</p>	<p>Complies with AO4.4</p> <p>The developable land would be located below the existing ridgeline.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Natural areas overlay code

8.2.7.1 Application

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

Note – MSES = Matters of State Environmental Significance.

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



20202147 – Tresize and Spring Creek Road, Mowbray

8.2.7.2 Purpose

- (1) The purpose of the Natural areas overlay code is to:
 - (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 2: Environment and landscape values, Element 3.5.3 Biodiversity, Element 3.5.4 Coastal zones;
 - (ii) Theme 3: Natural resource management Element 3.6.2 Land and catchment management, Element 3.6.3 Primary production, forestry and fisheries.
 - (b) enable an assessment of whether development is suitable on land within the Biodiversity area overlay sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development is avoided within:
 - (i) areas containing matters of state environmental significance (MSES);
 - (ii) other natural areas;
 - (iii) wetlands and wetland buffers;
 - (iv) waterways and waterway corridors.
 - (b) where development cannot be avoided, development:
 - (i) protects and enhances areas containing matters of state environmental significance;
 - (ii) provides appropriate buffers;
 - (iii) protects the known populations and supporting habitat of rare and threatened flora and fauna species, as listed in the relevant State and Commonwealth legislation;
 - (iv) ensures that adverse direct or indirect impacts on areas of environmental significance are minimised through design, siting, operation, management and mitigation measures;



20202147 – Tresize and Spring Creek Road, Mowbray

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

8.2.7.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Compliance
For self-assessable and assessable development		
Protection of matters of environmental significance		
PO1 Development protects matters of environmental	AO1.1 Development avoids significant impact on the	Complies with AO1.1 The proposed boundary realignment would avoid



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
significance.	<p>relevant environmental values.</p> <p>or</p> <p>AO1.2</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>AO1.3</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 quality, hydrology and biological processes.</p>	impact on any environmental value.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
Management of impacts on matters of environmental significance		
<p>PO2</p> <p>Development is located, designed and constructed to avoid significant impacts on matters of environmental significance.</p>	<p>AO2</p> <p>The design and layout of development minimises adverse impacts on ecologically important areas by:</p> <ul style="list-style-type: none"> (a) focusing development in cleared areas to protect existing habitat; (b) utilising design to consolidate density and preserve existing habitat and native vegetation; (c) aligning new property boundaries to maintain ecologically important areas; (d) ensuring that alterations to natural landforms, hydrology and drainage patterns on the development site do not negatively affect ecologically important areas; (e) ensuring that significant fauna habitats are 	<p>Complies with AO2</p> <p>The boundary realignment would result in the boundary being aligned with existing vegetation to maintain ecologically important areas.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

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



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	environmental values, including the function and threats to matters of environmental significance.	
PO4 Wetland and wetland buffer areas are maintained, protected and restored. Note – Wetland buffer areas are identified in AO3.1.	AO4.1 Native vegetation within wetlands and wetland buffer areas is retained.	Not applicable The site does not adjoin a wetland protection area.
	AO4.2 Degraded sections of wetlands and wetland buffer areas are revegetated with endemic native plants in patterns and densities, which emulate the relevant regional ecosystem.	Not applicable The site does not adjoin a wetland protection area.
PO5 Development avoids the introduction of non-native pest species (plant or animal) that pose a	AO5.1 Development avoids the introduction of non-native pest species.	Not applicable The proposed development is for a boundary realignment only.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
risk to ecological integrity.	AO5.2 The threat of existing pest species is controlled by adopting pest management practices for long-term ecological integrity.	Not applicable The proposed development is for a boundary realignment only.
Ecological connectivity		
PO6 Development protects and enhances ecological connectivity and/or habitat extent.	AO6.1 Development retains native vegetation in areas large enough to maintain ecological values, functions and processes. and AO6.2 Development within an ecological corridor rehabilitates native vegetation. and	Complies with AO6.1 – AO6.3 The proposed development would retain all existing native vegetation.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<p>AO6.3</p> <p>Development within a conservation corridor mitigates adverse impacts on native fauna, feeding, nesting, breeding and roosting sites and native fauna movements.</p>	
<p>PO7</p> <p>Development minimises disturbance to matters of state environmental significance (including existing ecological corridors).</p>	<p>AO7.1</p> <p>Development avoids shading of vegetation by setting back buildings by a distance equivalent to the height of the native vegetation.</p> <p>and</p> <p>AO7.2</p> <p>Development does not encroach within 10 metres of existing riparian vegetation and watercourses.</p>	<p>Not applicable</p> <p>The proposal is a boundary realignment only.</p>
Waterways in an urban area		



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
PO8 Development is set back from waterways to protect and maintain: (a) water quality; (b) hydrological functions; (c) ecological processes; (d) biodiversity values; (e) riparian and in-stream habitat values and connectivity; (f) in-stream migration.	AO8.1 Where a waterway is contained within an easement or a reserve required for that purpose, development does not occur within the easement or reserve; or AO8.2 Development does not occur on the part of the site affected by the waterway corridor. Note – Waterway corridors are identified within 8.	Not applicable The site is not in an urban area.
Waterways in a non-urban area		
PO9 Development is set back from waterways to	AO9 Development does not occur on that part of the site	Not applicable The application is for a boundary realignment only.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
protect and maintain: (a) water quality; (b) hydrological functions; (c) ecological processes; (d) biodiversity values; (e) riparian and in-stream habitat values and connectivity; (f) in-stream migration.	affected by a waterway corridor. Note – Waterway corridors are identified within table 8.2.7.3.b.	



20202147 – Tresize and Spring Creek Road, Mowbray

8.2.9 Potential landslide hazard overlay code

8.2.9.1 Application

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

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



20202147 – Tresize and Spring Creek Road, Mowbray

8.2.9.2 Purpose

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

8.2.9.3 Criteria for assessment

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



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
For self-assessable and assessable development		
<p>PO1</p> <p>The siting and design of development does not involve complex engineering solutions and does not create or increase the potential landslide hazard risk to the site or adjoining premises through:</p> <ul style="list-style-type: none"> (a) building design; (b) increased slope; (c) removal of vegetation; (d) stability of soil; (e) earthworks; (f) alteration of existing ground water or surface water paths; (g) waste disposal areas. 	<p>AO1.1</p> <p>Development is located on that part of the site not affected by the Potential landslide hazard overlay.</p> <p>or</p> <p>AO1.2</p> <p>Development is on an existing stable, benched site and requires no further earthworks</p> <p>or</p> <p>AO1.3</p> <p>A competent person certifies that:</p> <ul style="list-style-type: none"> (a) the stability of the site, including associated buildings and infrastructure, will be maintained 	<p>Complies with AO1.1</p> <p>Each of the proposed new allotments would have a suitable location for an appropriate level of development outside of any potential landslide hazard area.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<p>during the course of the development and will remain stable for the life of the development;</p> <p>(b) development of the site will not increase the risk of landslide hazard activity on other land, including land above the site;</p> <p>(c) the site is not subject to the risk of landslide activity on other land;</p> <p>(d) any measures identified in a site-specific geotechnical report for stabilising the site or development have been fully implemented;</p> <p>(e) development does not concentrate existing ground water and surface water paths;</p> <p>(f) development does not incorporate on-site waste water disposal.</p> <p>Note – Planning scheme policy SC6.9 – Natural hazards provides guidance on preparing a site specific geo-technical assessment.</p> <p>Note – Development may alter the conditions of ground water and surface water paths in accordance with a site-specific geotechnical report, but should ensure that</p>	



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	its final disbursement is as-per pre-developed conditions. Consideration for location, velocity, volume and quality should be given.	
PO2 The siting and design of necessary retaining structures does not cause an adverse visual impact on landscape character or scenic amenity quality of the area.	AO2 Excavation or fill: <ul style="list-style-type: none"> (a) is not more than 1.2 metres in height for each batter or retaining wall; (b) is setback a minimum of 2 metres from property boundaries; (c) is stepped with a minimum 2 metre wide berm to incorporate landscaping in accordance with Planning scheme policy SC6.7 – Landscaping; (d) does not exceed a maximum of 3 batters and 3 berms (i.e. Not greater than 3.6 metres in height) on any one lot. 	Not applicable No excavation or filling is proposed.
Additional requirements for Community infrastructure		



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
<p>PO3</p> <p>Development for community infrastructure:</p> <ul style="list-style-type: none">(a) is not at risk from the potential landslide hazard areas;(b) will function without impediment from a landslide;(c) provides access to the infrastructure without impediment from the effects of a landslide;(d) does not contribute to an elevated risk of a landslide to adjoining properties.	<p>AO3</p> <p>Development is designed in accordance with the recommendations of a site-specific geotechnical assessment which makes reference to the community infrastructure and its needs and function.</p> <p>Note - A site specific geotechnical assessment will detail requirements that will address the Acceptable Outcomes of this Performance Outcome. Planning scheme policy SC6.9 – Natural hazards provides guidance on preparing a site specific geotechnical assessment.</p>	<p>Not applicable</p> <p>No community infrastructure is proposed.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

9.4.5 Infrastructure works code

9.4.5.1 Application

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

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

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

9.4.5.2 Purpose

- (1) The purpose of the Infrastructure works code is to ensure that development is safely and efficiently serviced by, and connected to, infrastructure.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) the standards of water supply, waste water treatment and disposal, stormwater drainage, local electricity supply, telecommunications, footpaths and road construction meet the needs of development and are safe and efficient;
 - (b) development maintains high environmental standards;
 - (c) development is located, designed, constructed and managed to avoid or minimise impacts arising from altered stormwater quality or flow, wastewater discharge, and the creation of non-tidal artificial waterways;



20202147 – Tresize and Spring Creek Road, Mowbray

- (d) the integrity of existing infrastructure is maintained;
- (e) development does not detract from environmental values or the desired character and amenity of an area.

9.4.5.3 Criteria for assessment

Table 9.4.5.3.a – Filling and excavation code –assessable development

Performance outcomes	Acceptable outcomes	Compliance
For self-assessable and assessable development		
Works on a local government road		
PO1 Works on a local government road do not adversely impact on footpaths or existing infrastructure within the road verge and maintain the flow, safety and efficiency of pedestrians, cyclists and vehicles.	AO1.1 Footpaths/pathways are located in the road verge and are provided for the hierarchy of the road and located and designed and constructed in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.	Not applicable No works are proposed on a local government road.
	AO1.2 Kerb ramp crossovers are constructed in accordance with Planning scheme policy SC 5 –	Not applicable No works are proposed on a local government



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	FNQROC Regional Development Manual.	road.
	AO1.3 New pipes, cables, conduits or other similar infrastructure required to cross existing footpaths: (a) are installed via trenchless methods; or (b) where footpath infrastructure is removed to install infrastructure, the new section of footpath is installed to the standard detailed in the Planning scheme policy SC5 – FNQROC Regional Development Manual, and is not less than a 1.2 metre section.	Not applicable No works are proposed on a local government road.
	AO1.4 Where existing footpaths are damaged as a result of development, footpaths are reinstated ensuring: (a) similar surface finishes are used; (b) there is no change in level at joins of new	Not applicable No works are proposed on a local government road.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	and existing sections; (c) new sections are matched to existing in terms of dimension and reinforcement.	
	AO1.5 Decks, verandahs, stairs, posts and other structures located in the road reserve do not restrict or impede pedestrian movement on footpaths or change the level of the road verges.	Not applicable No works are proposed on a local government road.
Accessibility structures		
PO2 Development is designed to ensure it is accessible for people of all abilities and accessibility features do not impact on the efficient and safe use of footpaths. Note – Accessibility features are those features	AO2.1 Accessibility structures are not located within the road reserve.	Not applicable No accessibility structures are proposed.
	AO2.2 Accessibility structures are designed in	Not applicable No accessibility structures are proposed.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
required to ensure access to premises is provided for people of all abilities and include ramps and lifts.	accordance with AS1428.3.	
	AO2.3 When retrofitting accessibility features in existing buildings, all structures and changes in grade are contained within the boundaries of the lot and not within the road reserve.	Not applicable No accessibility structures are proposed.
Water supply		
PO3 An adequate, safe and reliable supply of potable, fire fighting and general use water is provided.	AO3.1 The premises is connected to Council's reticulated water supply system in accordance with the Design Guidelines set out in Section D6 of the Planning scheme policy SC5 – FNQROC Regional Development Manual; or AO3.2	Able to comply with AO3.1/2 Water supply is able to be provided at the time of the development of the rural zoned land for a residential use.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	Where a reticulated water supply system is not available to the premises, on site water storage tank/s with a minimum capacity of 10,000 litres of stored water, with a minimum 7,500 litre tank, with the balance from other sources (e.g. accessible swimming pool, dam etc.) and access to the tank/s for fire trucks is provided for each new house or other development. Tank/s are to be fitted with a 50mm ball valve with a camlock fitting and installed and connected prior to occupation of the house and sited to be visually unobtrusive.	
Treatment and disposal of effluent		
PO4 Provision is made for the treatment and disposal of effluent to ensure that there are no adverse impacts on water quality and no adverse ecological impacts as a result of the system or as a result of increasing the cumulative effect of	AO4.1 The site is connected to Council's sewerage system and the extension of or connection to the sewerage system is designed and constructed in accordance with the Design Guidelines set out in Section D7 of the Planning scheme policy SC5 –	Able to comply with AO4.2 An on-site disposal system is able to be provided at the time of the development of the rural zoned land for a residential use.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
systems in the locality.	<p>FNQROC Regional Development Manual; or</p> <p>AO4.2</p> <p>Where not in a sewerage scheme area, the proposed disposal system meets the requirements of Section 33 of the <i>Environmental Protection Policy (Water) 1997</i> and the proposed on site effluent disposal system is designed in accordance with the <i>Plumbing and Drainage Act (2002)</i>.</p>	
Stormwater quality		
<p>PO5</p> <p>Development is planned, designed, constructed and operated to avoid or minimise adverse impacts on stormwater quality in natural and developed catchments by:</p>	<p>AO5.1</p> <p>A connection is provided from the premises to Council's drainage system; or</p> <p>AO5.2</p>	<p>Able to comply with AO5.2</p> <p>A stormwater drainage system is able to be provided at the time of the development of the rural zoned land for a residential use.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
(a) achieving stormwater quality objectives; (b) protecting water environmental values; (c) maintaining waterway hydrology.	An underground drainage system is constructed to convey stormwater from the premises to Council's drainage system in accordance with the Design Guidelines set out in Sections D4 and D5 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.	
	AO5.3 A stormwater quality management plan is prepared, and provides for achievable stormwater quality treatment measures meeting design objectives listed in Table 9.4.5.3.b and Table 9.4.5.3.c, reflecting land use constraints, such as: (a) erosive, dispersive and/or saline soil types; (b) landscape features (including landform); (c) acid sulfate soil and management of nutrients of concern; (d) rainfall erosivity.	Not applicable Not considered applicable to a boundary realignment.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	AO5.4 Erosion and sediment control practices are designed, installed, constructed, monitored, maintained, and carried out in accordance with an erosion and sediment control plan.	Not applicable Not considered applicable to a boundary realignment.
	AO5.5 Development incorporates stormwater flow control measures to achieve the design objectives set out in Table 9.4.5.3.b and Table 9.4.5.3.c, including management of frequent flows, peak flows, and construction phase hydrological impacts. Note – Planning scheme policy SC5 – FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the <i>Environmental Protection Act 1994</i> . Note – During construction phases of development, contractors and builders are to have consideration in	Not applicable Not considered applicable to a boundary realignment.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	their work methods and site preparation for their environmental duty to protect stormwater quality.	
Non-tidal artificial waterways		
PO6 Development involving non-tidal artificial waterways is planned, designed, constructed and operated to: <ul style="list-style-type: none"> (a) protect water environmental values; (b) be compatible with the land use constraints for the site for protecting water environmental values; (c) be compatible with existing tidal and non-tidal waterways; (d) perform a function in addition to stormwater management; 	AO6.1 Development involving non-tidal artificial waterways ensures: <ul style="list-style-type: none"> (a) environmental values in downstream waterways are protected; (b) any ground water recharge areas are not affected; (c) the location of the waterway incorporates low lying areas of the catchment connected to an existing waterway; (d) existing areas of ponded water are included. 	Not applicable No non-tidal artificial waterways are proposed.
	AO6.2	Not applicable



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
(e) achieve water quality objectives.	<p>Non-tidal artificial waterways are located:</p> <ul style="list-style-type: none"> (a) outside natural wetlands and any associated buffer areas; (b) to minimise disturbing soils or sediments; (c) to avoid altering the natural hydrologic regime in acid sulfate soil and nutrient hazardous areas. 	No non-tidal artificial waterways are proposed.
	<p>AO6.3</p> <p>Non-tidal artificial waterways located adjacent to, or connected to a tidal waterway by means of a weir, lock, pumping system or similar ensures:</p> <ul style="list-style-type: none"> (a) there is sufficient flushing or a tidal range of >0.3 m; or (b) any tidal flow alteration does not adversely impact on the tidal waterway; or (c) there is no introduction of salt water into 	<p>Not applicable</p> <p>No non-tidal artificial waterways are proposed.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	freshwater environments.	
	<p>AO6.4</p> <p>Non-tidal artificial waterways are designed and managed for any of the following end-use purposes:</p> <ul style="list-style-type: none"> (a) amenity (including aesthetics), landscaping or recreation; or (b) flood management, in accordance with a drainage catchment management plan; or (c) stormwater harvesting plan as part of an integrated water cycle management plan; or (d) aquatic habitat. 	<p>Not applicable</p> <p>No non-tidal artificial waterways are proposed.</p>
	<p>AO6.5</p> <p>The end-use purpose of the non-tidal artificial waterway is designed and operated in a way that protects water environmental values.</p>	<p>Not applicable</p> <p>No non-tidal artificial waterways are proposed.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	AO6.6 Monitoring and maintenance programs adaptively manage water quality to achieve relevant water quality objectives downstream of the waterway.	Not applicable No non-tidal artificial waterways are proposed.
	AO6.7 Aquatic weeds are managed to achieve a low percentage of coverage of the water surface area, and pests and vectors are managed through design and maintenance.	Not applicable No non-tidal artificial waterways are proposed.
Wastewater discharge		
PO7 Discharge of wastewater to waterways, or off site: (a) meets best practice environmental management; (b) is treated to:	AO7.1 A wastewater management plan is prepared and addresses: (a) wastewater type; (b) climatic conditions;	Not applicable Not considered applicable to a boundary realignment.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
(i) meet water quality objectives for its receiving waters; (ii) avoid adverse impact on ecosystem health or waterway health; (iii) maintain ecological processes, riparian vegetation and waterway integrity; (iv) offset impacts on high ecological value waters.	(c) water quality objectives; (d) best practice environmental management.	
	A07.2 The waste water management plan is managed in accordance with a waste management hierarchy that: (a) avoids wastewater discharge to waterways; or (b) if wastewater discharge cannot practicably be avoided, minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and ground water.	Not applicable Not considered applicable to a boundary realignment.
	A07.3 Wastewater discharge is managed to avoid or minimise the release of nutrients of concern so as to minimise the occurrence, frequency and	Not applicable Not considered applicable to a boundary realignment.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	intensity of algal blooms.	
	<p>AO7.4</p> <p>Development in coastal catchments avoids or minimises and appropriately manages soil disturbance or altering natural hydrology and:</p> <p>(a) avoids lowering ground water levels where potential or actual acid sulfate soils are present;</p> <p>(b) manages wastewater so that:</p> <p>(i) the pH of any wastewater discharges is maintained between 6.5 and 8.5 to avoid mobilisation of acid, iron, aluminium and other metals;</p> <p>(ii) holding times of neutralised wastewater ensures the flocculation and removal of any dissolved iron prior to release;</p> <p>(iii) visible iron floc is not present in any</p>	<p>Not applicable</p> <p>Not considered applicable to a boundary realignment.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<p>discharge;</p> <p>(iv) precipitated iron floc is contained and disposed of;</p> <p>(v) wastewater and precipitates that cannot be contained and treated for discharge on site are removed and disposed of through trade waste or another lawful method.</p>	
Electricity supply		
<p>PO8</p> <p>Development is provided with a source of power that will meet its energy needs.</p>	<p>AO8.1</p> <p>A connection is provided from the premises to the electricity distribution network;</p> <p>or</p> <p>AO8.2</p> <p>The premises is connected to the electricity distribution network in accordance with the Design Guidelines set out in Section D8 of the Planning</p>	<p>Able to comply with AO8.1</p> <p>An electricity supply is able to be provided to the rural zoned land if it is developed for a residential use.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	<p>scheme policy SC5 – FNQROC Regional Development Manual.</p> <p>Note - Areas north of the Daintree River have a different standard.</p>	
<p>PO9</p> <p>Development incorporating pad-mount electricity infrastructure does not cause an adverse impact on amenity.</p>	<p>AO9.1</p> <p>Pad-mount electricity infrastructure is:</p> <ul style="list-style-type: none"> (a) not located in land for open space or sport and recreation purposes; (b) screened from view by landscaping or fencing; (c) accessible for maintenance. 	<p>Not applicable</p> <p>No padmount infrastructure is proposed.</p>
	<p>AO9.2</p> <p>Pad-mount electricity infrastructure within a building, in a Town Centre is designed and located to enable an active street frontage.</p> <p>Note – Pad-mounts in buildings in activity centres</p>	<p>Not applicable</p> <p>No padmount infrastructure is proposed.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	should not be located on the street frontage.	
Telecommunications		
PO10 Development is connected to a telecommunications service approved by the relevant telecommunication regulatory authority.	AO10 The development is connected to telecommunications infrastructure in accordance with the standards of the relevant regulatory authority.	Able to comply with AO10 Telecommunications connectivity is available to the proposed lots.
PO11 Provision is made for future telecommunications services (e.g. fibre optic cable).	AO11 Conduits are provided in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.	Not applicable The provision of conduits is not considered applicable to rural zoned land.
Road construction		
PO12 The road to the frontage of the premises is	AO12.1 The road to the frontage of the site is constructed	Complies with AO12.1 The proposed lots would have access from a



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
<p>constructed to provide for the safe and efficient movement of:</p> <p>(a) pedestrians and cyclists to and from the site;</p> <p>(b) pedestrians and cyclists adjacent to the site;</p> <p>(c) vehicles on the road adjacent to the site;</p> <p>(d) vehicles to and from the site;</p> <p>(e) emergency vehicles.</p>	<p>in accordance with the Design Guidelines set out in Sections D1 and D3 of the Planning scheme policy SC5 – FNQROC Regional Development Manual, for the particular class of road, as identified in the road hierarchy.</p>	<p>council maintained an constructed road.</p>
	<p>AO12.2</p> <p>There is existing road, kerb and channel for the full road frontage of the site.</p>	<p>Not applicable</p> <p>Not applicable to a rural environment.</p>
	<p>AO12.3</p> <p>Road access minimum clearances of 3.5 metres wide and 4.8 metres high are provided for the safe passage of emergency vehicles.</p>	<p>Complies with AO12.3</p> <p>The proposed lots would have access from a council maintained an constructed road.</p>
Alterations and repairs to public utility services		
<p>PO13</p> <p>Infrastructure is integrated with, and efficiently</p>	<p>AO13</p> <p>Development is designed to allow for efficient</p>	<p>Not applicable</p> <p>No alterations to utility services are proposed.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
extends, existing networks.	connection to existing infrastructure networks.	
PO14 Development and works do not affect the efficient functioning of public utility mains, services or installations.	AO14.1 Public utility mains, services and installations are not required to be altered or repaired as a result of the development; or AO14.2 Public utility mains, services and installations are altered or repaired in association with the works so that they continue to function and satisfy the relevant Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.	Not applicable No alterations to utility services are proposed.
Construction management		
PO15	AO15	Not applicable



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
Work is undertaken in a manner which minimises adverse impacts on vegetation that is to be retained.	<p>Works include, at a minimum:</p> <ul style="list-style-type: none"> (a) installation of protective fencing around retained vegetation during construction; (b) erection of advisory signage; (c) no disturbance, due to earthworks or storage of plant, materials and equipment, of ground level and soils below the canopy of any retained vegetation; (d) removal from the site of all declared noxious weeds. 	No construction is proposed.
<p>PO16</p> <p>Existing infrastructure is not damaged by construction activities.</p>	<p>AO16</p> <p>Construction, alterations and any repairs to infrastructure is undertaken in accordance with the Planning scheme policy SC5 – FNQROC Regional Development Manual.</p> <p>Note - Construction, alterations and any repairs to State-controlled roads and rail corridors are undertaken</p>	<p>Not applicable</p> <p>No alterations to utility services are proposed.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	in accordance with the Transport Infrastructure Act 1994.	
For assessable development		
High speed telecommunication infrastructure		
PO17 Development provides infrastructure to facilitate the roll out of high speed telecommunications infrastructure.	AO17 No acceptable outcomes are prescribed.	Not applicable Not considered applicable to rural zoned land.
Trade waste		
PO18 Where relevant, the development is capable of providing for the storage, collection treatment and disposal of trade waste such that: (a) off-site releases of contaminants do not occur;	AO18 No acceptable outcomes are prescribed.	Not applicable The application is for a boundary realignment only.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
<p>(b) the health and safety of people and the environment are protected;</p> <p>(c) the performance of the wastewater system is not put at risk.</p>		
Fire services in developments accessed by common private title		
<p>PO19</p> <p>Hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.</p>	<p>AO19.1</p> <p>Residential streets and common access ways within a common private title places hydrants at intervals of no more than 120 metres and at each intersection. Hydrants may have a single outlet and be situated above or below ground.</p>	<p>Not applicable</p> <p>No common property is proposed.</p>
	<p>AO19.2</p> <p>Commercial and industrial streets and access ways within a common private title serving commercial properties such as factories and warehouses and offices are provided with above</p>	<p>Not applicable</p> <p>No common property is proposed.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	or below ground fire hydrants located at not more than 90 metre intervals and at each intersection. Above ground fire hydrants have dual-valved outlets.	
PO20 Hydrants are suitable identified so that fire services can locate them at all hours. Note – Hydrants are identified as specified in the Department of Transport and Main Roads Technical Note: 'Identification of street hydrants for fire fighting purposes' available under 'Publications'.	AO20 No acceptable outcomes are prescribed.	Not applicable No common property is proposed.



20202147 – Tresize and Spring Creek Road, Mowbray

9.4.7 Reconfiguring a lot code

9.4.7.1 Application

(1) This code applies to assessing reconfiguring a lot if:

- (a) assessable development where the code is an applicable code identified in the assessment criteria column of a table of assessment;
- (b) impact assessable development, to the extent relevant.

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

9.4.7.2 Purpose

(1) The purpose of the Reconfiguring a lot code is to regulate development for reconfiguring a lot.

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

- (a) development results in a well-designed pattern of streets supporting walkable communities;
- (b) lots have sufficient areas, dimensions and shapes to be suitable for their intended use taking into account environmental features and site constraints;
- (c) road networks provide connectivity that is integrated with adjoining existing or planned development while also catering for the safe and efficient access for pedestrians, cyclists and for public transport;
- (d) lots are arranged to front all streets and parkland such that development enhances personal safety, traffic safety, property safety and security; and contributes to streetscape and open space quality;
- (e) development does not diminish environmental and scenic values, and where relevant, maintains and enhances public access and use of natural areas, rivers, dams, creeks and the foreshore, in a way that protects natural resources;



20202147 – Tresize and Spring Creek Road, Mowbray

- (f) people and property are not placed at risk from natural hazards;
- (g) a range of functional parkland, including local and district parks, major areas of parkland with a region-wide focus and open space links are available for the use and enjoyment of residents and visitors to the region;
- (h) the appropriate standard of infrastructure is provided.

9.4.7.3 Criteria for assessment

Table 9.4.7.3.a – Reconfiguring a lot – assessable development

Performance outcomes	Acceptable outcomes	Compliance
General lot design standards		
PO1 Lots comply with the lot reconfiguration outcomes of the applicable Zone code in Part 5	AO1 No acceptable outcomes are prescribed.	Refer to the assessment against the zone code.
PO2 New lots are generally rectangular in shape with functional areas for land uses intended by the zone.	AO2 Boundary angles are not less than 45 degrees.	Complies with AO2 Boundary angles would not be less than 45 degrees.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
PO3 Lots have legal and practical access to a public road	AO3 Each lot is provided with: <ul style="list-style-type: none"> (a) direct access to a gazetted road reserve; or (b) access to a gazetted road via a formal access arrangement registered on the title. 	Complies with AO3 Each lot would be capable of direct access from a gazetted road reserve.
PO4 Development responds appropriately to its local context, natural systems and site features.	AO4 Existing site features such as: <ul style="list-style-type: none"> (a) significant vegetation and trees; (b) waterways and drainage paths; (c) vistas and vantage points are retained and/or are incorporated into open space, road reserves, near to lot boundaries or as common property. 	Complies with AO4 All site features would be retained as part of the boundary realignment.
PO5 New lots which have the capability of being further reconfigured into smaller lots at a later date are designed to not compromise ultimate	AO5 The ability to further reconfigure land at a later date is demonstrated by submitting a concept plan that meets the planning scheme requirements for	Not applicable The land cannot be further reconfigured under current planning arrangements.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
development outcomes permitted in the relevant zone.	the applicable Zone.	
<p>PO6</p> <p>Where existing buildings or structures are to be retained, development results in:</p> <ul style="list-style-type: none"> (a) boundaries that offer regular lot shapes and usable spaces; (b) existing improvements complying with current building and amenity standards in relation to boundary setbacks. <p>Note - This may require buildings or structures to be modified, relocated or demolished to meet setback standards, resolve encroachments and the like.</p>	<p>AO6</p> <p>Development ensures setbacks between existing buildings or structures and proposed boundaries satisfy relevant building standards or zone code requirements, whichever is the greater</p>	<p>Complies with AO6</p> <p>All existing buildings and structures would satisfy the setback requirements.</p>
<p>PO7</p> <p>Where rear lots are proposed, development:</p> <ul style="list-style-type: none"> (a) provides a high standard of amenity for residents and other users of the site and adjoining properties; (b) positively contributes to the character of 	<p>AO7.1</p> <p>Where rear lots are to be established:</p> <ul style="list-style-type: none"> (a) the rear lot is generally rectangular in shape, avoiding contrived sharp boundary angles; (b) no more than 6 lots directly adjoin the rear 	<p>Not applicable</p> <p>No rear lots are proposed.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
<p>adjoining properties and the area; (c) does not adversely affect the safety and efficiency of the road from which access is gained.</p>	<p>lot; (c) no more than one rear lot occurs behind the road frontage lot; (d) no more than two access strips to rear lots directly adjoin each other; (e) access strips are located only on one side of the road frontage lot.</p>	
	<p>A07.2 Access strips to the rear lot have a minimum width dimension of: (a) 4.0 metres in Residential Zones. (b) 8.0 metres in Industrial Zones category. (c) 5.0 metres in all other Zones. Note - Rear lots a generally not appropriate in non-Residential or non-Rural zones.</p>	<p>Not applicable No rear lots are proposed.</p>
	<p>A07.3 Access strips are provided with a sealed pavement of sufficient width to cater for the intended traffic, but no less than:</p>	<p>Not applicable No rear lots are proposed.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	(a) 3.0 metres in Residential Zone. (b) 6.0 metres in an Industrial Zone. (c) 3.5 metres in any other Zone.	
Structure plans Additional requirements for: (a) a site which is more than 5,000m ² in any of the Residential zones; or within these zones, and (b) creates 10 or more lots; or (c) involves the creation of new roads and/or public use land. or (d) For a material change of use involving: (i) preliminary approval to vary the effect of the planning scheme; (ii) establishing alternative Zones to the planning scheme.		
Note - This part is to be read in conjunction with the other parts of the code		
PO8 A structure plan is prepared to ensure that neighbourhood design, block and lot layout, street network and the location and provision on any open space recognises previous planning for the area and its surroundings and integrates appropriately into its surroundings.	AO8.1 Neighbourhood design, lot and street layout, and open space provides for, and integrates with, any: (a) approved structure plan; (b) the surrounding pattern of existing or approved subdivision. Note - Planning scheme policy SC14– Structure planning provides guidance on meeting the	Not applicable A structure plan is not required.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	performance outcomes.	
	AO8.2 Neighbourhood design, lot and street layouts enable future connection and integration with adjoining undeveloped land.	Not applicable A structure plan is not required.
PO9 Neighbourhood design results in a connected network of walkable streets providing an easy choice of routes within and surrounding the neighbourhood.	AO9.1 Development does not establish cul-de-sac streets unless: <ul style="list-style-type: none"> (a) cul-de-sacs are a feature of the existing pattern of development in the area; (b) there is a physical feature or incompatible zone change that dictates the need to use a cul-de-sac streets. 	Not applicable A structure plan is not required.
	AO9.2 Where a cul-de-sac street is used, it: <ul style="list-style-type: none"> (a) is designed to be no longer than 150 metres in length; (b) is designed so that the end of the cul-de- 	Not applicable A structure plan is not required.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	sac is visible from its entrance; (c) provides connections from the top of the culde-sac to other streets for pedestrians and cyclists, where appropriate.	
	AO9.3 No more than 6 lots have access to the turning circle or turning-tee at the end of a cul-de-sac street	Not applicable A structure plan is not required.
PO10 Neighbourhood design supports diverse housing choices through block sizes and lot design. In developing areas, significant changes in lot size and frontage occur at the rear of lots rather than on opposite sides of a street.	PO10 No acceptable outcomes are prescribed.	Not applicable A structure plan is not required.
PO11 Provision of physical and social infrastructure in developing residential neighbourhoods is	AO11.1 New development adjoins adjacent existing or approved urban development.	Not applicable A structure plan is not required.



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
<p>facilitated through the orderly and sequential development of land.</p> <p>Note - Part 4 – Local government infrastructure plan may identify specific levels of infrastructure to be provided within development sites.</p>	<p>AO11.2</p> <p>New development is not established beyond the identified Local government infrastructure plan area.</p>	<p>Not applicable</p> <p>A structure plan is not required.</p>
Urban parkland and environmental open space		
<p>PO12</p> <p>Where appropriate development maintains and enhances public access and use of natural areas, rivers, dams, creeks and the foreshore.</p>	<p>AO12</p> <p>No acceptable outcomes are prescribed.</p>	<p>Not applicable</p> <p>Urban parkland is not required in a rural environment.</p>
<p>PO13</p> <p>Development provides land to:</p> <ul style="list-style-type: none"> (a) meet the recreation needs of the community; (b) provide an amenity commensurate with the structure of neighbourhoods and land uses in the vicinity; and adjacent to open space areas; 	<p>AO13</p> <p>No acceptable outcomes are prescribed.</p> <p>Note - Part 4 – Priority infrastructure plan and Planning scheme policy SC14 – Structure Plans provides guidance in providing open space and recreation land.</p>	<p>Not applicable</p> <p>Open space and recreation is not required in a rural environment.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
(c) provide for green corridors and linkages.		
AO14 Lot size, dimensions, frontage and orientation permits buildings to be established that will facilitate casual surveillance to urban parkland and environmental open space.	AO14.1 Urban parkland is regular in shape	Not applicable Urban parkland is not required in a rural environment.
	AO14.2 At least 75% of the urban parkland's frontage is provided as road.	Not applicable Urban parkland is not required in a rural environment.
	AO14.3 Urban parkland and environmental open space areas are positioned to be capable of being overlooked by surrounding development.	Not applicable Urban parkland is not required in a rural environment.
	AO14.4 Surrounding lots are orientated so that facades will front and overlook the urban parkland and environmental open space.	Not applicable Urban parkland is not required in a rural environment.
	AO14.5	Not applicable



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
	The number of lots that back onto, or are side orientated to the urban parkland and environmental open space is minimised.	Urban parkland is not required in a rural environment.
Private subdivisions (gated communities)		
PO15 Private subdivisions (gated communities) do not compromise the establishment of connected and integrated infrastructure and open space networks.	PO15 No acceptable outcomes are prescribed.	Not applicable No gated communities are proposed.
Additional requirements for reconfiguration involving the creation of public streets or roads		
PO16 The function of new roads is clearly identified and legible and provides integration, safety and convenience for all users.	AO16 No acceptable outcomes are prescribed. Note - The design and construction standards are set out in Planning scheme policy SC5 – FNQROC Regional Development Manual, with reference to the specifications set out in Sections D1 and D3	Not applicable No new roads are proposed.
PO17	AO17	Not applicable



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
<p>Street design supports an urban form that creates walkable neighbourhoods. Street design:</p> <ul style="list-style-type: none"> (a) is appropriate to the function(s) of the street; (b) meets the needs of users and gives priority to the needs of vulnerable users. 	No acceptable outcomes are prescribed.	No new roads are proposed..
Public transport network		
<p>PO18</p> <p>Development provides a street pattern that caters for the extension of public transport routes and infrastructure including safe pedestrian pick-up and set-down up facilities.</p>	<p>AO18</p> <p>No acceptable outcomes are prescribed.</p>	<p>Not applicable</p> <p>No new roads are proposed.</p>
Pest Plants		
<p>PO19</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</p>	<p>AO19</p> <p>Pest plants detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person</p>	<p>Not applicable</p> <p>No pest plants have ben identified on site.</p>



20202147 – Tresize and Spring Creek Road, Mowbray

Performance outcomes	Acceptable outcomes	Compliance
reinfest the site or nearby sites. Editor's note - This does not remove or replace all land owner's obligations or responsibilities under the Land Protection (Pest and Stock Route Management) Act 2002.	prior to earthworks commencing. 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.	

Appendix 4.

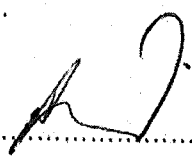
WITHOUT PREJUDICE AGREEMENT

Planning and Environment Court Appeal 89
S.J.Pisot v Douglas Shire Council
Without Prejudice Agreement 16 October 2019

The parties to the appeal agree

1. At the review of the Appeal on Friday 18 October 2019 the parties will seek an order by consent that the Appeal be dismissed and that each party bear its own costs of the proceeding.
2. That if Mr Pisot makes an application to realign the boundaries of the subject land (Lot 11 on SP212654) and Lot 85 on N57479 consistent with the attached plan ('The Realignment Plan'), Council will waive the application fee until 30 June 2020.
3. The application for that realignment need only comprise:
 - a. a marked up proposal plan showing lot boundaries and access points;
 - b. a simple planning report demonstrating compliance with applicable assessment benchmarks; and
 - c. completed application form(s).
4. The application for the realignment will not trigger referral provided, in the opinion of Council, no additional vegetation clearing exemptions are created;
5. Following the creation of the lots in accordance with the realignment Council's Planning Department will support an application to close the gazetted but unformed road, which divides Lot 11 on SP12654, on the basis that all costs associated with the road closure will be met by Mr Pisot.
6. At the request of Mr Pisot, the relevant Council officer will attend an inspection of Lot 11 on SP212654 to discuss and identify the appropriate location for a house site and any other matters requiring further investigation.

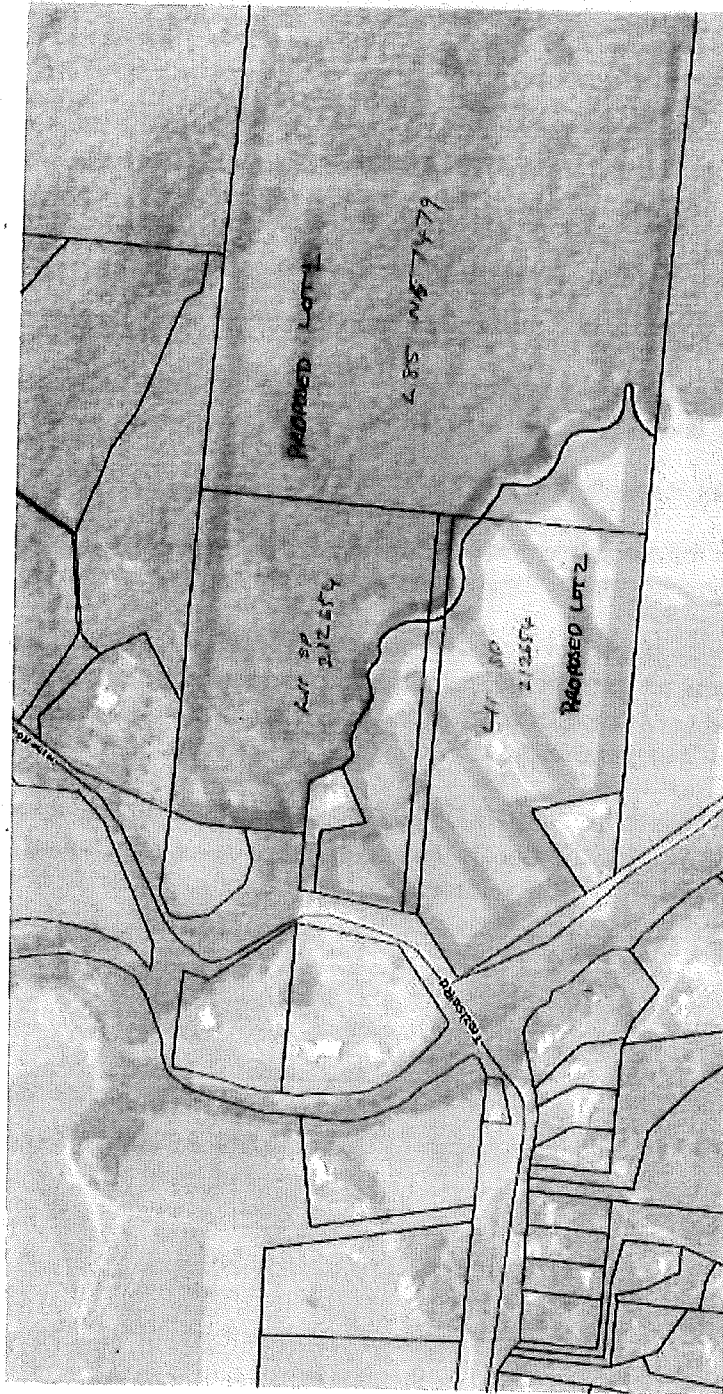
.....
Mr Steven John Pistot
Appellant


.....
Neil Beck
Team Leader Planning
Douglas Shire Council (Respondent)

Attach – The Realignment Plan



THE REALIGNMENT PLAN



©2019 Douglas Shire Council (DSC). Based on or contains data provided by DSC and the State of Queensland Department of Natural Resources & Mines (NR&M) [2019].
In consideration of these agencies permitting use of this data you acknowledge and agree that these agencies are not to be held responsible for any loss, damage, injury, liability or negligence, or any loss, damage, injury or loss of consequential damage, relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.

15-October-2019

Scale = 5074.16



**GMA Certification
Group**

*Leaders in
Building Certification Services*



GOLD COAST

Suite 26, 39-47 Lawrence Drive
NERANG Qld 4211

PO Box 2760,
NERANG Qld 4211
E. admin@gmacert.com.au

T. 07 5578 1622 F. 07 5596 1294

TOWNSVILLE

Shop 1/1 Ingham Rd,
WEST END. QLD. 4812

PO Box 2760
NERANG Qld 4211
E. admintsv@gmacert.com.au

T. 07 4771 6532 F. 07 4771 2165

PORT DOUGLAS

Craiglie Business Park, Owen Street
CRAILIE Qld 4877

PO Box 831
PORT DOUGLAS Qld 4877
E. adminpd@gmacert.com.au

T. 07 4098 5150 F. 07 4098 5180

CHILDERS

4 Randall St
CHILDERS Qld 4660

PO Box 2760
NERANG Qld 4211
E. adminwb@gmacert.com.au

T. 07 4126 3069 F. 07 4126 3950

CABOOLTURE

Unit 3/5 Hasking Street,
CABOOLTURE Qld 4510

PO Box 2760
NERANG Q 4211
E. adminsc@gmacert.com.au

T. 07 5432 3222 F. 07 5432 3322

CAIRNS

310 Gatton Street,
MUNUNDA. Qld 4870

PO Box 2760
NERANG Qld 4211
E. admin@gmacert.com.au

T. 07 40410111 F. 07 40410188