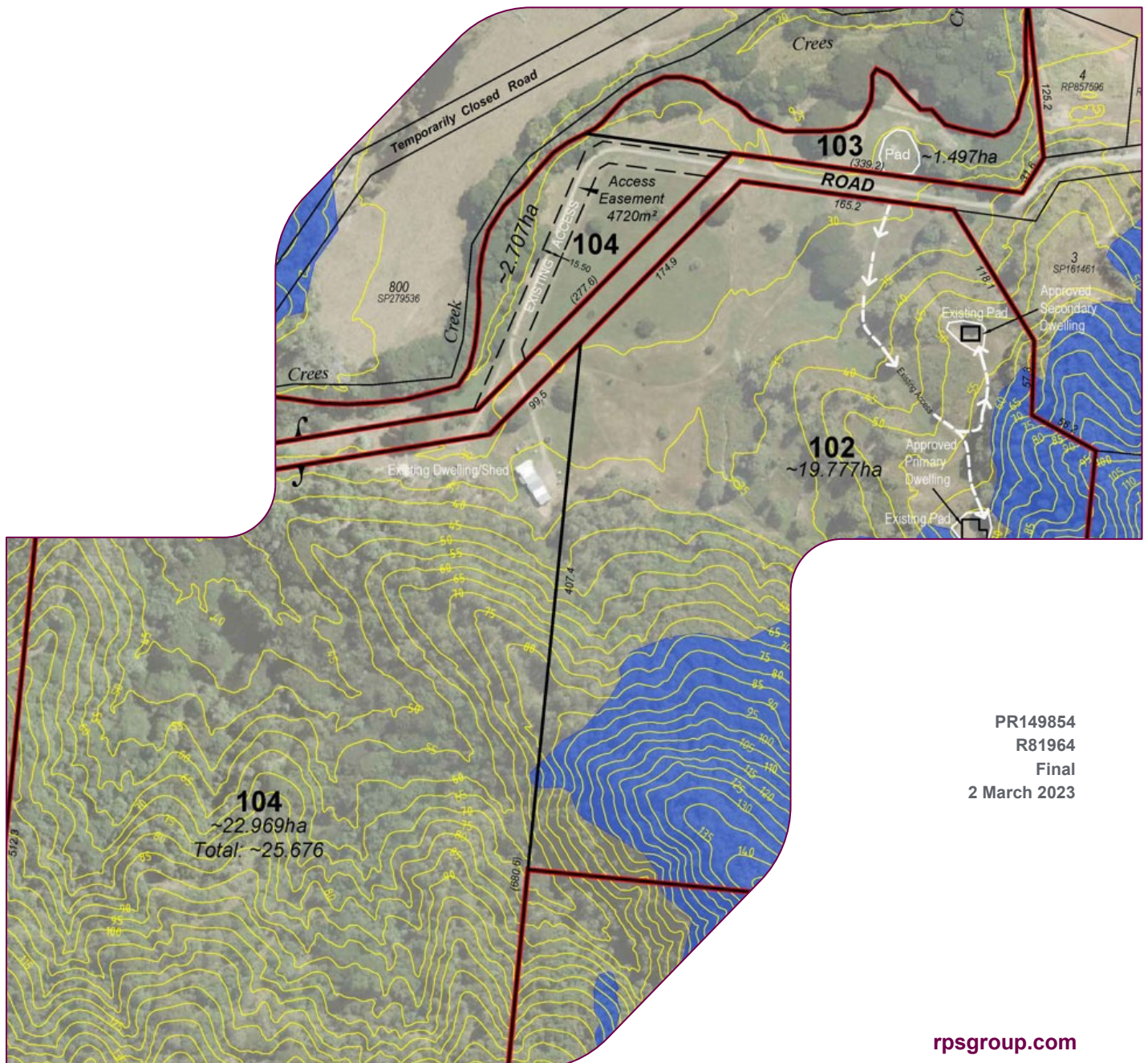


# PROPOSED RECONFIGURING A LOT, 2 LOTS INTO 3 LOTS AND AN ACCESS EASEMENT ON LAND AT FERRERO ROAD, CRAIGLIE

## Town Planning Report



PR149854  
R81964  
Final  
2 March 2023

## REPORT

### Document status

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O Caddick-King

28 February 2023

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## SUMMARY

**Table 1: Summary**

Details			
Site Address:	Ferrero Road, Craiglie		
Real Property Description:	Lot 5 on SP161461 and Lot 11 on N157371		
Site Area:	47.4ha		
Regional Plan Land Use Designation:	Regional Landscape and Rural Production Area		
Zone/Precinct:	Rural Zone		
Local Plan/Precinct:	N/A		
Owner(s):	HAGEN NOMINEES PTY LTD A.C.N. 009 608 566		
Proposal			
Brief Description/ Purpose of Proposal	Reconfiguring a Lot, 2 Lots into 3 Lots and including an Access Easement		
Application Details			
Aspect of Development	Preliminary approval	Development permit	
Material change of use	<input type="checkbox"/>	<input type="checkbox"/>	
Building Work	<input type="checkbox"/>	<input type="checkbox"/>	
Operational Work	<input type="checkbox"/>	<input type="checkbox"/>	
Reconfiguration of a Lot	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Assessment Category	<input checked="" type="checkbox"/> Code	<input type="checkbox"/> Impact	
Public Notification	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes	
Superseded Planning Scheme Application	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
Referral Agencies			
Agency	Concurrence	Advice	Pre-lodgement response
Nil	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Pre-lodgement / Consultation			
Entity		Date	Contact Name
Douglas Shire Council	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	7/12/2022	Neil Beck
Other			
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# 1 INTRODUCTION

RPS has been engaged by Fred and Lola Langton to seek a development approval to reconfigure their land located at Ferrero Road, Craiglie and described as Lot 5 on SP161461 (Lot 5) and Lot 11 on N157371 (Lot 11) into 3 rural lots by way of excising the portion of Lot 5 and Lot 11 that is located north of the existing constructed road access into a separate lot. In addition, the existing constructed road access, where it is located in Lot 5 and Lot 11, is to be included in an Access Easement benefitting Lot 5 on NR298 which adjoins the western boundary of Lot 11.

The completed DA Form 1 and Owners Consent is provided for reference in **Appendix A**. Council's fee for the Application will be paid on receipt of Council's Invoice for the Application Fee.

The site is a rural property located at the southern end of Ferrero Road. The majority of the land comprises of forested hillslopes with limited pockets of cleared relatively flat land located adjacent to and fragmented by the existing constructed road and road access, the natural boundary provided by Crees Creek and the unformed road reserve and natural drainage line which pass through these areas of flatter land. Due to the constrained hillslope land, the fragmented nature of the flatter land and the land's lack of contiguous access and relative isolation from other land being used for the cropping of sugar cane, it is noted that the land has never been used for the cropping of sugar cane and the land is currently used for the grazing of cattle.

An elevated southern portion of Lot 5 was previously used to source construction material for the Sheraton Grand Mirage Resort. This ultimately resulted in elevated building pads being established on this portion of the land, where Council has recently permitted the development of a Dwelling House and a Secondary Dwelling. A Dwelling House and Shed also exists on Lot 11 within the cleared northern portion of the lot.

This report provides detail on the nature of the proposal and provides an assessment of the proposal against the applicable Code Assessable Assessment Benchmarks. While the proposal is not consistent with Rural Zone Code's minimum lot size provision applicable to the creation of an additional lot, the proposed development has been determined to comply with the Rural Zone Code's Purpose and Overall Outcomes and Acceptable or Performance Outcomes of other applicable Codes. Consequently, Council is obligated to approve the Code Assessable Development Application subject to reasonable and relevant conditions.

## 2 SITE DETAILS

### 2.1 Site Particulars

The land is described as Lot 5 on SP161461 (Lot 5) and Lot 11 on N157371 (Lot 11) which is a rural property located at the southern end of Ferrero Road.

The majority of the land comprises of forested hillslopes with limited pockets of cleared relatively flat land located adjacent to and fragmented by the existing constructed road and road access, the natural boundary provided by Crees Creek and the unformed road reserve and natural drainage line which pass through these areas of flatter land. Due to the constrained hillslope land, the fragmented nature of the flatter land and the land's lack of contiguous access and relative isolation from other land being used for the cropping of sugar cane, it is noted that the land has never been used for the cropping of sugar cane and the land is currently used for the grazing of cattle.

An elevated southern portion of Lot 5 was previously used to source construction material for the Sheraton Grand Mirage Resort. This ultimately resulted in elevated building pads being established on this portion of the land, where Council has recently permitted the development of a Dwelling House and a Secondary Dwelling. A Dwelling House and Shed also exists on Lot 11 within the cleared northern portion of the lot.

Key details of the subject site are as follows:

**Table 2: Site Particulars**

Site Particulars	
Site Address	Ferrero Road, Craiglie
Real Property Description	Lot 5 on SP161461 and Lot 11 on N157371
Site Area	47.4ha
Landowner(s)	HAGEN NOMINEES PTY LTD A.C.N. 009 608 566

The site location and proposed boundary re-alignment are shown in the Reconfiguring a Lot Proposal Plan, RPS Drawing No. PR149854-4 provided for reference in **Appendix B**.

Copies of the Certificates of Title confirming site ownership details are provided for reference in **Appendix C**.

### 2.2 Planning Context

The planning context of the site includes the following:

**Table 3: Planning Context**

Instrument	Designation
<b>State Planning Policy</b>	
Natural Hazards Risk and Resilience	Part Flood hazard Area - Level 1 - Queensland floodplain assessment overlay and part Bushfire Hazard Area
<b>Development Assessment Mapping</b>	
Native Vegetation Clearing	Building Pads and access thereto located on Lot 5, the area generally located around the Dwelling and Shed that exist on Lot 11 and the majority of Proposed Lot 103 are Category X on the Regulated Vegetation Management Map. The Category B Regulation Vegetation is located on the higher elevated forested parts of the land, as is evident on the Reconfiguring a Lot Proposal Plan, RPS Drawing No. PR149854-4 provided for reference in <b>Appendix B</b> .

Instrument	Designation
<b>Far North Queensland Regional Plan 2009-2031</b>	
Regional Plan designation	Regional Landscape and Rural Production Area
<b>Douglas Shire Council Planning Scheme 2018</b>	
Strategic framework designation	Rural Area
Zoning	Rural
Local Plan	N/A
Overlays	<ul style="list-style-type: none"> <li>• The existing Dwelling and Shed on Lot 11 and building pads on Lot 5, where a Dwelling House and Secondary Dwelling are permitted to be established, are located in Bushfire Hazard Potential Impact Buffer. The Building Pad nominated on Proposed Lot 103 is also located in the Bushfire Hazard Potential Impact Buffer;</li> <li>• Part of Proposed Lot 103, exclusive of the nominated Building Pad, is included in the Floodplain Assessment Overlay;</li> <li>• The Area Affected by Hillslopes relates to the higher elevated parts of the land, not Proposed Lot 103;</li> <li>• Proposed Lot 103 is included in the Medium Landscape Values Area;</li> <li>• Within the Natural Areas Overlay, the most significant feature relevant to the proposed development are the number of Regulate Vegetation Watercourses that pass through Lot 5 and Lot 11, exclusive of the Building Pad nominated on Proposed Lot 103;</li> <li>• Within the Potential Landslide Hazard Overlay, parts of Lot 5 and Lot 11 are indicated to be of Potential Landslide Hazard, exclusive of the Building Pad nominated on Proposed Lot 103; and</li> <li>• Within the Transport Network Overlay, Ferrero Road is identified as an Unformed Road.</li> </ul>

Refer to the copies of the 2018 Douglas Shire Council Planning Scheme Property Reports for Lot 5 and Lot 11 in **Appendix D** for further detail on Zoning and Overlay Mapping designations.

### 3 PROPOSAL

The Reconfiguring a Lot Development Application seeks Approval to reconfigure Lot 5 on SP161461 (Lot 5) and Lot 11 on N157371 (Lot 11) into 3 rural lots by way of excising the portion of Lot 5 and Lot 11 that is located north of the existing constructed road access into a separate lot. In addition, the existing constructed road access, where it is located in Lot 5 and Lot 11, is to be included in an Access Easement benefitting Lot 5 on NR298 which adjoins the western boundary of Lot 11.

The reconfiguring a lot proposal is detailed in the Reconfiguring a Lot Proposal Plan, RPS Drawing No. PR149854-4 provided for reference in **Appendix B**.

## 4 LEGISLATIVE REQUIREMENTS

### 4.1 Assessment Manager

In accordance with Schedule 8 of the *Planning Regulation 2017*, the assessment manager for this application is Douglas Shire Council.

### 4.2 Categories of Assessment

The table below summarises the categorising instruments and categories of assessment applicable to this application.

**Table 4: Categories of Assessment**

Aspect of development	Categorising instrument	Category of assessment
Development Permit for Reconfiguring a Lot	Douglas Shire Council Planning Scheme	Code Assessment

### 4.3 Referrals

No referral of the Development Application is required.

### 4.4 Public Notification

This application does not require public notification as the application is subject to Code Assessment only.



## 5 STATUTORY PLANNING ASSESSMENT

### 5.1 Overview

This section assesses the application against relevant assessment benchmarks.

As the application is subject to code assessment, the assessment benchmarks, and the matters the assessment manager must have regard to, are those identified in section 45(3) of the *Planning Act 2016* and sections 26 and 27 of the *Planning Regulation 2017*.

### 5.2 State and Regional Assessment Benchmarks

#### 5.2.1 State Planning Policy

The *Planning Regulation 2017* at Section 26(2)(a)(ii) for code assessment requires the assessment manager to assess the application against the assessment benchmarks stated in the State Planning Policy, Part E, to the extent Part E of the State Planning Policy is not identified in the planning scheme as being appropriately integrated into the planning scheme.

In respect of this matter, it is noted that the State Planning Policy, to the extent relevant to the application, has been appropriately integrated into the planning scheme and on that basis no further assessment of the State Planning Policy is required.

#### 5.2.2 Regional Plan

The *Planning Regulation 2017* at Section 26(2)(a)(i) for code assessment requires the assessment manager to assess the application against the assessment benchmarks stated in the regional plan, to the extent the Regional Plan is not identified in the planning scheme as being appropriately integrated into the planning scheme.

Consistent with the State Planning Policy, it is indicated in the Planning Scheme that it appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies in the planning scheme area. Therefore, no further assessment of the Regional Plan is required.

#### 5.2.3 Development Assessment under Schedules 9 and 10 (SDAP)

Schedules 9 and 10 of the *Planning Regulation 2017* identify the matters that the assessment manager and/or referral agency assessment must have regard to and in this instance, there are no State interests that require consideration.

### 5.3 Local Authority Assessment Benchmarks

This application is to be assessed against the Codes applicable to the assessment of the proposed development, as identified in the Douglas Shire Council Planning Scheme 2018.

A review of the applicable Planning Scheme Code provisions is provided in **Table 5** below, however the Code Assessment focuses attention on the Planning Scheme's Rural Zone Code that is particularly relevant to the proposed development, as follows:

#### Rural Zone Code

Lot 5 on SP161461 and Lot 11 on N157371 are included in the Rural Zone and the provisions of the Rural Zone Code are applicable to the proposed development, particularly Performance Outcome PO7, which states;

*The minimum lot size is 40 hectares, unless*

*(a) the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments to resolve encroachments); or*

*(b) the reconfiguration is limited to one additional lot to accommodate:*

*(i) Telecommunications facility;*

*(ii) Utility installation.*

Given that the proposed development provides for the reconfiguration of the land, 2 lots into 3 lots and proposed lot areas are Proposed Lot 103 - approx 1.497ha, Proposed Lot 102 – approx 19.777ha and Proposed Lot 104 – approx 22.969ha, it is evident that the proposed development does not comply with the Rural Zone Code's Performance Outcome PO7.

Under such circumstances, the proposed development maybe deemed to be compliant with the Code where the proposed development is assessed to be compliant with the Code's Purpose and Overall Outcomes, as is evident from Section 5.4 (1) (c) (iii) (A) of Council's Planning Scheme, refer to extract below;

*(c) Code assessable development*

*(i) is to be assessed against all the applicable codes identified in Column 3;*

*(ii) that occurs as a result of.....*

*(iii) that complies with:*

*(A) the purpose and overall outcomes of the code – complies with the code;*

*(B) the performance or the acceptable outcomes, where prescribed – complies with the purpose and overall outcomes of the code*

With this in mind, it is noted that the Rural Zone Code's Purpose and Overall Outcomes are stated as follows:

#### **6.2.10.2 Purpose**

*(1) The purpose of the Rural zone code is to provide for:*

*(a) provide for rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities;*

*(b) provide opportunities for non-rural uses, such as ancillary tourism activities that are compatible with agriculture, the environmental features, and landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purposes;*

*(c) protect or manage significant natural resources and processes to maintain the capacity for primary production.*

*(2) The local government purpose of the code is to:*

*(a) implement the policy direction set in the Strategic Framework, in particular:*

*(i) Theme 2 : Environment and landscape values, Element 3.5.5 – Scenic amenity.*

*(ii) Theme 3 : Natural resource management, Element 3.6.2 – Land and catchment management, Element 3.6.3 Primary production, forestry and fisheries, Element 3.6.4 – Resource extraction.*

*(iii) Theme 5 Economy, Element 3.8.2 – Economic growth and diversification, Element 3.8.4 – Primary production.*

*(iv) Theme 6 : Infrastructure and transport, Element 3.9.4 – Transport.*

*(b) recognise the primacy of rural production, in particular sugar cultivation, and other farming practices in rural areas;*

*(c) provide protection to areas of ecological significance and scenic amenity significance where present.*

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

*(a) Areas for use for primary production are conserved and fragmentation is avoided.*

*(b) Development embraces sustainable land management practices and contributes to the amenity and landscape of the area.*

*(c) Adverse impacts of land use, both on-site and on adjoining areas, are avoided and any unavoidable impacts are minimised through location, design, operation and management.*

*(d) Areas of remnant and riparian vegetation are retained or rehabilitated.*

With regard to the Purpose and Overall Outcomes, it is noted that the land is not suited for rural production in the form of sugar cane cultivation, which is of particular interest in the Planning Scheme, due to the steep vegetated hillslopes that comprise much of the land, the existing fragmented nature of the clear undulating land situated at the base of the steeper sloping land and its relative isolation from contiguous areas of sugar cane production. These constraints have resulted in the land not being used for sugar cane cultivation in the past and would constraint the land from being used for such purposes, particularly given that sugar cane cultivation is developing into a broader scale cropping activity.

The subject land is currently used for the grazing of cattle but the limited scale of this activity does not provide any significant rural production inputs.

The proposed development provides the opportunity for the existing rural use of the land to diversify into alternate rural uses, consistent with the Purpose of the Rural Zone Code, potentially as follows;

- 1) The existing residence located on Lot 11 on N157371, which currently has negligible cleared relatively flat land available, will be located on Proposed Lot 104 which will provide access to additional areas of cleared relatively flat land for potential intensive horticultural activities;
- 2) The building pads that currently exist on Lot 5 on SP161461 where a Dwelling House and Secondary Dwelling are approved to be established on the land, are suitably located on Proposed Lot 102 in an elevated location and at a reasonable distance from the cleared relatively flat land located in the northern part of the proposed lot which would have potential for intensive horticultural activities; and
- 3) Proposed Lot 103 already comprises a fragmented pocket of land with the Crees Creek riparian corridor forming the land's northern boundary and the existing constructed road and constructed access forming the proposed lot's southern boundary. Given the land's reasonably close proximity to Port Douglas and the land's natural values, being situate along the Crees Creek riparian corridor, the land is considered to be ideally suited for some form of short stay accommodation or alternately, the land would also have the potential to be used for intensive horticultural activities.

Consistent with the Purpose of the Rural Zone Code, the proposed reconfiguring of a lot development will provide the opportunity for alternate rural uses to be established on the land in addition to creating an additional lot ideally suited for development of a small scale short term accommodation facility that would allow guests to relax in and appreciate the natural environment.

In terms of the Local Government Purpose of the Code and the various Elements of the Planning Scheme's Strategic Framework that are referenced, the following is noted:

**Element 3.5.5 – Scenic amenity** – The subject land is relatively isolated from view from major scenic routes and scenic outlooks and any development expected or likely to occur on the land in response to the creation of the additional lot, Proposed Lot 103, is expected to be able to occur without the need to clear vegetation and will not be evident from major scenic routes and scenic outlooks.

**Element 3.6.2 – Land and catchment management** – In terms of catchment management, the proposed development provides the potential to improve the Crees Creek riparian corridor by removing the cattle grazing activity that currently occurs within the riparian corridor and in its place, providing the potential to establish uses that are established outside of the riparian corridor allowing the natural values of Crees Creek to be maintained and improve over time.

**Element 3.6.3 Primary production, forestry and fisheries** – Specific outcome 3.6.3.1 (3) states that, "Lot configuration does not result in the fragmentation of rural land". However, Element 3.6.3 is focussed on

protecting and maintaining primary production areas, therefore Specific outcome 3.6.3.1 (3) is more specifically concerned with the fragmenting of rural land that is a primary production area, particularly land used for the cultivation of sugar cane.

In respect of this matter, it is noted that;

- 1) The subject land is currently used for the grazing of cattle where the scale of the activity does not provide any significant rural production inputs; and
- 2) The land has not been used for rural production in the form of sugar cane cultivation and is not suited for rural production in the form of the cultivation of sugar cane due to the steep vegetated hillslopes that comprise much of the land, the existing fragmented nature of the cleared relatively flat land and its relative isolation from contiguous areas of sugar cane production. These constraints have resulted in the land not being used for the cultivation of sugar cane and would constrain the land from being used for such purposes, particularly given that the sugar cane cultivation is developing into a broader scale cropping activity.

As detailed above, the proposed development provides the opportunity for the existing rural use of the land to diversify into alternate rural uses that would not ultimately conflict with each other, consistent with the Purpose of the Rural Zone Code.

**Element 3.6.4 – Resource extraction** – The land was previously used for the extraction of quarry material and the quarry activity facilitated the establishment of the two building pads that exist on Proposed Lot 102 where a Dwelling House and Secondary Dwelling are permitted to be established.

**Element 3.8.2 – Economic growth and diversification** – As detailed above, the proposed development will provide the opportunity for rural production activities on the land in place of or in addition to the cattle grazing that is undertaken on the land. In addition, Proposed Lot 103 is suitably located, given the Crees Creek frontage and proximity to Port Douglas, to provide for the establishment of a short term accommodation facility that would allow guests to relax in and appreciate the natural environment.

**Element 3.8.4 – Primary production** – In respect of Element 3.8.4, it is noted that;

- 1) The subject land is currently used for the grazing of cattle where the scale of the activity does not provide any significant rural production inputs and the grazing activity includes steep vegetated land and the Crees Creek riparian corridor, inconsistent with the Specific Outcome 3.8.4.1 (2); and
- 2) The land is not suited for rural production in the form of the cultivation of sugar cane due to the steep vegetated hillslopes that comprise much of the land, the existing fragmented nature of the land and its relative isolation from contiguous areas of sugar cane production. These constraints have resulted in the land not being used for the growing of sugar cane and would constrain the land from being used for such purposes, particularly given that the cultivation of sugar cane is developing into a broader scale cropping activity.

The proposed development provides the opportunity for the existing rural use of the land to diversify into alternate rural uses that would not ultimately conflict with each other, consistent with the Purpose of the Rural Zone Code.

**Element 3.9.4 – Transport** – In respect of Element 3.9.4, it is noted that the land is a fragmented pocket of rural land located at the southern end of Ferrero Road. The land has convenient access to the Port Douglas Township and the limited scale of the proposed development would not constrain the current use of Ferrero Road or the sugar cane tramway that exists in the locality.

In terms of recognising the primacy of rural production, in particular sugar cultivation, and other farming practices in rural areas, pursuant to Section 6.6.10.2 (b), this matter is addressed in the response to Element 3.8.4 (refer above).

In terms of providing protection to areas of ecological significance and scenic amenity significance, where present, pursuant to Section 6.6.10.2 (c), this matter is addressed in Element 3.5.5 – Scenic amenity. In addition, it is noted that the proposed development will provide the opportunity for the protection of areas

mapped as being Matters of State Environmental Significance identified on Council's Natural Areas Overlay Map by replacing the cattle grazing activity that is currently undertaken within the Crees Creek riparian corridor, with rural activities that are expected to have a reduced impact on these MSES areas.

Further, it is indicated in the Rural Zone Code that the purpose of the Rural Zone 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.*

As detailed above, the proposed development is consistent with the Rural Zone Code's Overall Outcomes, on the basis that:

- 1) The land's physical constraints, location and fragmented nature result in the land not being suited for primary production, particularly the cultivation of sugar cane and the proposed development, resulting in the creation of an additional lot, Proposed Lot 103, responds to the existing fragmented nature of the land; and
- 2) The proposed development responds to the existing fragmented nature of the land and is expected to result in alternate rural uses being established on the land, particularly in respect of Proposed Lot 103, in place of cattle grazing along the Crees Creek frontage, resulting in land management practices that ultimately facilitate the Crees Creek riparian corridor to naturally regenerate, providing a positive benefit to the local amenity and landscape values.

Based on the above assessment, the proposed development is determined to be compliant with the Code's Purpose and Overall Outcomes and therefore, is determined to be compliant with the Rural Zone Code.

A further assessment of applicable assessment benchmarks, Codes, under Planning Scheme is provided in Table 5 below and where required, **Appendix E**.



**Table 5: Planning Scheme Code Responses**

Planning Scheme Codes	Applicability	Comment
<b>Zone code</b>		
Rural Zone Code	Applicable	Refer to commentary provided above and Code assessment provided for reference in <b>Appendix E</b> .
<b>Local Plan Code</b>		
Port Douglas/Craiglie Local Plan	Not applicable	Not located in Local Plan Area
<b>Overlay Codes</b>		
Acid Sulfate Soils Overlay Code	Not Applicable	Possibly adjoins but not located in an Acid Sulphate Soils designated area.
Bushfire Hazard Overlay Code	Applicable	Refer to Code assessment provided for reference in <b>Appendix E</b> .
Coastal Environment Overlay Code	Not Applicable	Not located in Overlay
Flood and Storm Tide Hazard Overlay Code	Applicable	Refer to Code assessment provided for reference in <b>Appendix E</b> .
Hillslopes Overlay Code	Applicable	The Hillslopes Overlay Code is not relevant to the proposed development given that a Dwelling House exists on Proposed Lot 104 and a Dwelling House and Secondary Dwelling are permitted on Proposed Lot 102 and Proposed Lot 103 is not included in the 'Area Affected by Hillslopes' designation.
Landscape Values Overlay Code	Not Applicable	The Landscape Values Overlay Code has little relevance to the proposed development given that a Dwelling House exists on Proposed Lot 104 and a Dwelling House and Secondary Dwelling are permitted on Proposed Lot 102 and Proposed Lot 103 is included in the Medium Landscape Value designation and is naturally screened from prominent public viewing points and only relates to the creation of one additional lot.
Places of Significance Overlay Code	Not Applicable	Land is not identified as a 'Place of Significance'.
Potential Landslide Hazard Overlay Code	Applicable	The Potential Landslide Hazard Overlay Code has little relevance to the proposed development given that a Dwelling House exists on Proposed Lot 104 and a Dwelling House and Secondary Dwelling are permitted on Proposed Lot 102 and the nominated house pad on Proposed Lot 103 is not included in the Potential Landslide Hazard designation.
Natural Areas Overlay Code	Applicable	The Natural Areas Overlay Code has limited relevance to the proposed development given that a Dwelling House exists on Proposed Lot 104 and a Dwelling House and Secondary Dwelling are permitted on Proposed Lot 102 and the nominated house pad on Proposed Lot 103 has no direct impact and is reasonably distant from a 'Natural Area' designation.
Transport Network Overlay Code	Applicable	The proposed development is expected to have a negligible impact on the local transport network.
<b>Development Codes</b>		
Access, Parking and Servicing Code	Applicable	This Code has limited relevance to the proposed development given that a Dwelling House exists on Proposed Lot 104 and a Dwelling House and Secondary

Planning Scheme Codes	Applicability	Comment
		Dwelling are permitted on Proposed Lot 102 and the nominated house pad on Proposed Lot 103 has adequate area for vehicle parking and direct access onto the constructed road for the construction of a driveway.
Environmental Performance Code	Applicable	This Code has limited relevance to the proposed reconfiguring a lot development.
Filling and Excavation Code	Applicable	This Code has limited relevance to the proposed reconfiguring a lot development.
Infrastructure Works Code	Applicable	Infrastructure requirements applicable to the proposed development can be imposed on the development in accordance with reasonable and relevant requirements.
Landscaping Code	Applicable	This Code is not relevant to the proposed development.
Reconfiguring a Lot Code	Applicable	Refer to Code assessment provided for reference in <b>Appendix E</b> .
Vegetation Management Code	Applicable	This Code is not relevant to the proposed development.

## 6 CONCLUSION

RPS has been engaged by Fred and Lola Langton to seek a development approval to reconfigure their land located at Ferrero Road, Craiglie and described as Lot 5 on SP161461 (Lot 5) and Lot 11 on N157371 (Lot 11) into 3 rural lots by way of excising the portion of Lot 5 and Lot 11 that is located north of the existing constructed road access into a separate lot and including the creation of an Access Easement over the existing constructed access that provides access to Lot 11 and Lot 5 on NR298 which adjoins the western boundary of Lot 11.

The site is a rural property located at the southern end of Ferrero Road. The majority of the land comprises of forested hillslopes with limited pockets of cleared relatively flat land located adjacent to and fragmented by the existing constructed road and road access, the natural boundary provided by Crees Creek and the unformed road reserve and natural drainage lines which pass through these areas of flatter land. Due to the constrained hillslope land, the fragmented nature of the flatter land and the land's lack of contiguous access and relative isolation from other land being used for the cropping of sugar cane, the land has never been used for the cropping of sugar cane and the land is currently used for the grazing of cattle.

An elevated southern portion of Lot 5 was previously used to source construction material for the Sheraton Grand Mirage Resort. This ultimately resulted in elevated building pads being established on this portion of the land, where Council has recently permitted the development of a Dwelling House and a Secondary Dwelling. A Dwelling House and Shed also exists on Lot 11 within the cleared northern portion of the lot.

This report provides detail on the nature of the proposal and provides an assessment of the proposal against the applicable Code Assessable Assessment Benchmarks. While the proposal is not consistent with Rural Zone Code's minimum lot size provision applicable to the creation of an additional lot, the proposed development has been determined to comply with the Rural Zone Code's Purpose and Overall Outcomes and Acceptable or Performance Outcomes of other applicable Codes. Consequently, Council is obligated to approve the Code Assessable Development Application subject to reasonable and relevant conditions

## Appendix A

### DA Form 1 and Owners Consent

# DA Form 1 – Development application details

Approved form (version 1.3 effective 28 September 2020) made under section 282 of the Planning Act 2016.

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

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

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

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

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

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

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

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Fred Langton c/- RPS Australia East Pty Ltd
Contact name (only applicable for companies)	Owen Caddick-King, RPS Australia East Pty Ltd
Postal address (P.O. Box or street address)	PO Box 1949
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Contact number	(07) 4276 1027
Email address (non-mandatory)	owen.caddick-king@rpsgroup.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	PR149854

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



## PART 2 – LOCATION DETAILS

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

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

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

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		188	Ferrero Road	Craiglie
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	5	SP161461	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
			Ferrero Road	Craiglie
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	11	N157371	Douglas Shire Council

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

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

- ☐ Coordinates of premises by longitude and latitude

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

- ☐ Coordinates of premises by easting and northing

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

#### 3.3) Additional premises

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

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

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

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

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

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

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

## PART 3 – DEVELOPMENT DETAILS

### Section 1 – Aspects of development

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

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

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

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

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

c) What is the level of assessment?

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

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

2 Lots into 3 Lots and an Access Easement

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 <sup>2</sup> ) (if applicable)
8.2) Does the proposed use involve the use of existing buildings on the premises?			
<input type="checkbox"/> Yes			
<input type="checkbox"/> No			

### Division 2 – Reconfiguring a lot

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

9.1) What is the total number of existing lots making up the premises?	
2 Lots	
9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)	
<input checked="" type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input type="checkbox"/> Boundary realignment (complete 12))	<input checked="" 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:
				Rural
Number of lots created				3 Lots
10.2) Will the subdivision be staged?				
<input type="checkbox"/> Yes – provide additional details below				
<input checked="" type="checkbox"/> No				
How many stages will the works include?				
What stage(s) will this development application apply to?				

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

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

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)				
Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement
Proposed	15.5m	Approx 300m	Access Easement	Lot 5 on NR298

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

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

## PART 6 – INFORMATION REQUEST

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

## PART 7 – FURTHER DETAILS

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

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

List of approval/development application references	Reference number	Date	Assessment manager
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Development application	MCUC 2022_4974/1	7 September 2022	Douglas Shire Council
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

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

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

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

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

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

### 23) Further legislative requirements

#### **Environmentally relevant activities**

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

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

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

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

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

#### **Hazardous chemical facilities**

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

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

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

### **Clearing native vegetation**

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

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

☒ No

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

### **Environmental offsets**

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

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

☒ No

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

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

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

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

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

☒ No

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

### **Water resources**

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

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

☒ No

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

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

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

### **Waterway barrier works**

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

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

☒ No

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

### **Marine activities**

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

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

☒ No

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

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

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

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

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

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

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

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

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

### **Referable dams**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

☒ No

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

## PART 8 – CHECKLIST AND APPLICANT DECLARATION

### 24) Development application checklist

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

☒ Yes

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

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

☐ Yes

☒ Not applicable

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

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

☒ Yes

Relevant plans of the development are attached to this development application

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

☒ Yes

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

☐ Yes

☒ Not applicable

### 25) Applicant declaration

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

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

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

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

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

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

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

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

---

Date received:  Reference number(s):

### Notification of engagement of alternative assessment manager

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

### QLeave notification and payment

*Note: For completion by assessment manager if applicable*

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



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

I, LOLA LOUISA LANGTON

[Insert name in full.]

Director of the company mentioned below.

and I, FREDERICK ALLAN LANGTON

[Insert name in full.]

(COMPANY SECRETARY) [Insert position in full—i.e. another director, or a company secretary.]

OF HAGEN NOMINEES PTY LTD A.C.N. 009 608 566

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

Lot 5 on SP161461 and Lot 11 on N157371

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

Fred and Lola Langton

on the premises described above for:

Reconfiguring a Lot, 2 Lots into 3 Lots and including an Access Easement as per  
RPS Drawing PR149854-4

Company seal [if used]

Company Name and ACN: HAGEN NOMINEES PTY LTD A.C.N. 009 608 566

.....

L. L. Langton

Signature of Director

[Signature]

Signature of Director/Secretary

21-2-2023

Date

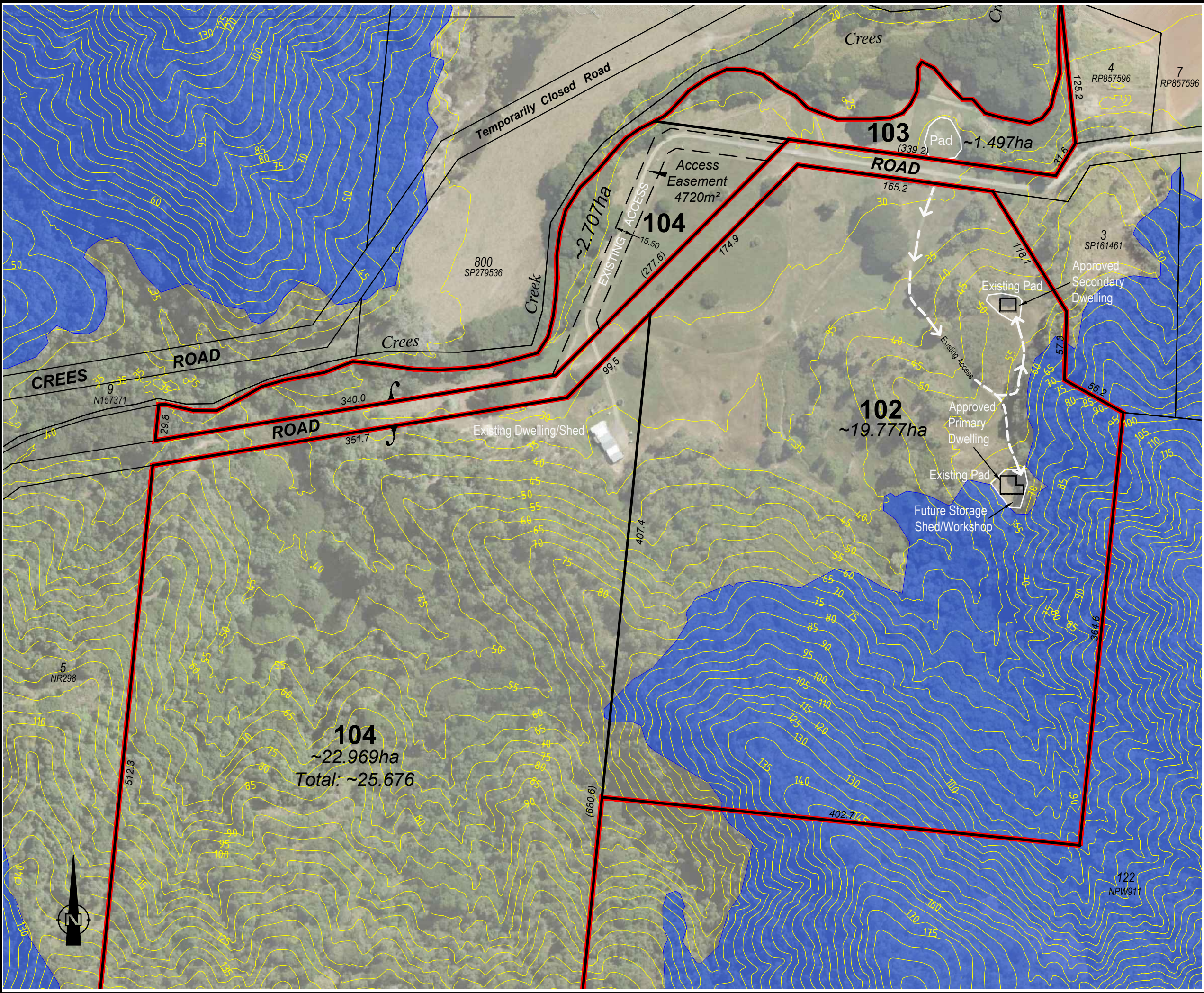
21-2-2023

Date

## Appendix B

### Proposal Plan, RPS Drawing No. PR149854-4





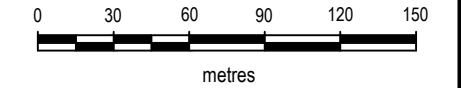
**IMPORTANT NOTE**  
This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified.  
All lots, areas and dimensions are approximate only, Subject to relevant studies, Survey, Engineering and Government approvals.  
No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.

**AERIAL IMAGERY.**  
Port Douglas\_2020\_10cm\_SISP\_Urban  
Date of Capture: 16/7/2020  
The aerial photography used in this plan has not been rectified.  
The image has been overlaid as a best fit on the boundaries shown and position is approximate only.  
© State of Queensland 2021

**NOTES**  
Level Datum: AHD Vide DNRM DEM  
Contour Interval: 5.0m  
Meridian: GDA2020 MGA Z55

**LEGEND**

- Subject Site Boundaries
- Regulated Vegetation Mapping Category B Remnant veg
- 5.0m Contours  
Contours derived from DNRM 1m DEM and are approximate only. AHD datum.



SCALE 1:3,000 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A3)

PROJECT MANAGER O Caddick-King		SURVEYED	
COMPILED RMS		CAD REF PR149854-4.DWG	
SHEET SIZE <b>A3</b>	SHEET OF SHEETS 1 1		

RPS Australia East Pty Ltd  
ACN 140 292 762  
135 Abbott St  
PO Box 1949  
CAIRNS QLD 4870  
T +61 7 4031 1336  
F +61 7 4031 2942  
W rpsgroup.com



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Unauthorised reproduction or amendment not permitted. Please contact the author.

**Fred & Lola Langton**

**Proposal Plan**  
**Reconfiguration of a Lot**  
**Lot 5 SP161461 & Lot 11 N157371**  
**Crees Creek**  
**Craiglie**

SCALE <b>1:3,000</b>	DATE 27/9/2022	DRAWING NO. <b>PR149854-4</b>	ISSUE
-------------------------	-------------------	----------------------------------	-------



**Appendix C**

**Certificate of Titles**

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>50460186</b>	<b>Search Date:</b>	21/10/2021 14:04
<b>Date Title Created:</b>	03/10/2003	<b>Request No:</b>	38992710
<b>Previous Title:</b>	50000890, 50356293		

#### ESTATE AND LAND

Estate in Fee Simple

LOT 5      SURVEY PLAN 161461  
Local Government: DOUGLAS

#### REGISTERED OWNER

Dealing No: 709420368    08/03/2006

HAGEN NOMINEES PTY LTD A.C.N. 009 608 566

#### EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20111118 (POR 10V)

#### ADMINISTRATIVE ADVICES

NIL

#### UNREGISTERED DEALINGS

NIL

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

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>20358234</b>	<b>Search Date:</b>	20/02/2023 09:43
<b>Date Title Created:</b>	11/07/1941	<b>Request No:</b>	43623476
<b>Previous Title:</b>	20259225, 20259226		

#### ESTATE AND LAND

Estate in Fee Simple

LOT 11 CROWN PLAN N157371

Local Government: DOUGLAS

For exclusions / reservations for public purposes refer to Plan CP N157371

#### REGISTERED OWNER

Dealing No: 709420370 08/03/2006

HAGEN NOMINEES PTY LTD A.C.N. 009 608 566

#### EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20111118 (POR 10V)  
(POR 11V)

#### ADMINISTRATIVE ADVICES

NIL

#### UNREGISTERED DEALINGS

NIL

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

## Appendix D

### Planning Scheme Property Reports

## 2018 Douglas Shire Council Planning Scheme Property Report

The following report has been automatically generated to provide a general indication of development related information applying to the premise.

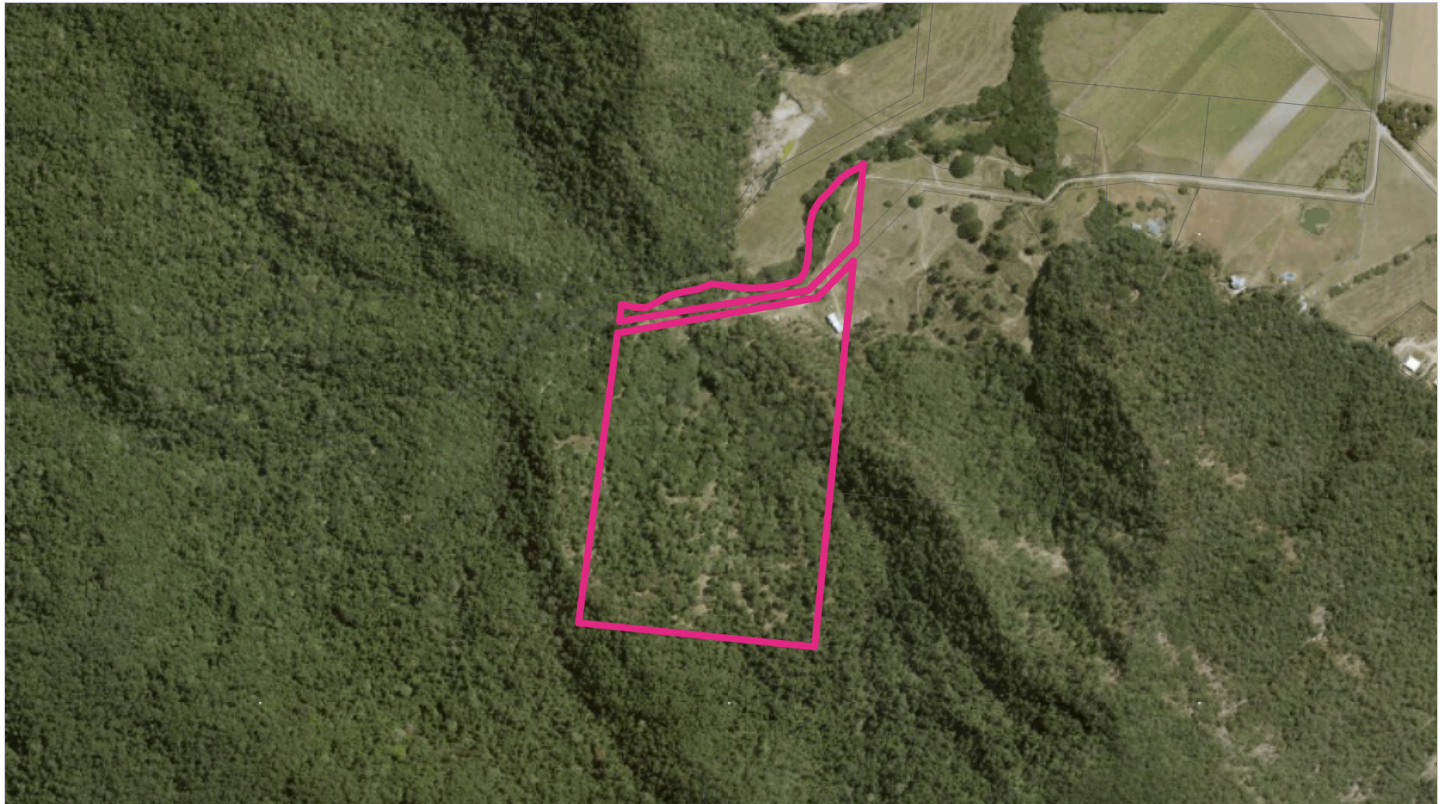
For more information and to determine if the mapping layers are applicable, refer to the [2018 Douglas Shire Council Planning Scheme](#). This report is not intended to replace the need for carrying out a detailed assessment of Council and State controls or the need to seek your own professional advice on any town planning instrument, local law or other controls that may impact on the existing or intended use of the premise mentioned in this report. For further information please contact Council by phone: [07 4099 9444](tel:0740999444) or [1800 026 318](tel:1800026318) or email [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au).

Visit Council's website to apply for an [official property search or certificate](#), or contact the [Department of Natural Resources, Mines and Energy](#) to undertake a title search to ascertain how easements may affect a premise.

### Property Information

Property Address

Lot Plan [11N157371](#) (Freehold - 250910m<sup>2</sup>)



☒ Selected Property

☐ Easements

☐ Property

### Douglas Shire Planning Scheme 2018 version 1.0

The table below provides a summary of the Zones and Overlays that apply to the selected property.

#### Zoning








**Applicable Zone**  
Rural

#### More Information

- [View Section 6.2.10 Rural Zone Code](#)
- [View Section 6.2.10 Rural Zone Compliance table](#)
- [View Section 6.2.10 Rural Zone Assessment table](#)

## Douglas Shire Planning Scheme 2018 version 1.0

The table below provides a summary of the Zones and Overlays that apply to the selected property.

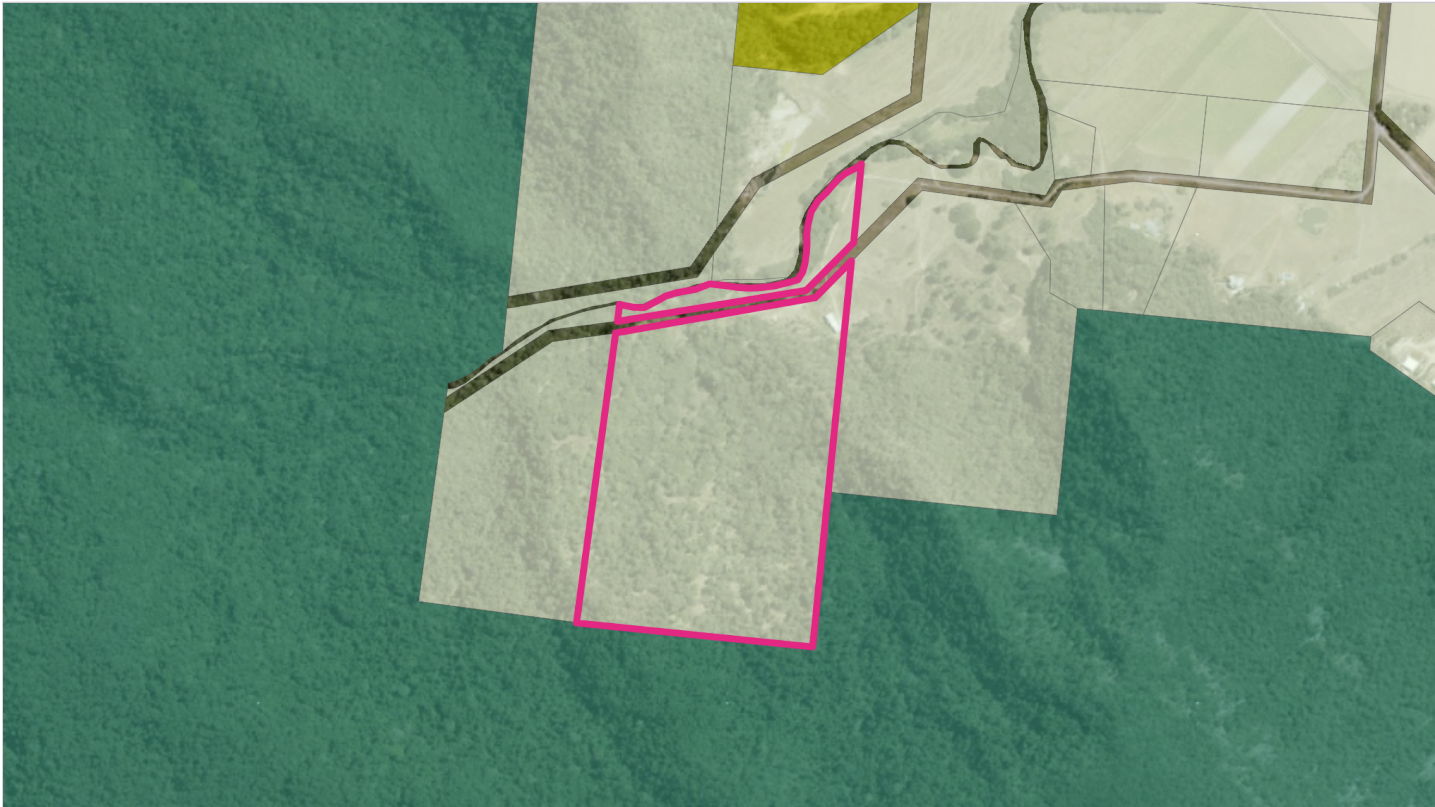
 <a href="#">Bushfire Hazard</a>	<b>Applicable Precinct or Area</b> Potential Impact Buffer Very High Potential Bushfire Intensity High Potential Bushfire Intensity	<b>More Information</b> <ul style="list-style-type: none"> <li>• <a href="#">View Section 8.2.2 Bushfire Hazard Overlay Code</a></li> <li>• <a href="#">View Section 8.2.2 Bushfire Hazard Overlay Compliance table</a></li> </ul>
 <a href="#">Flood Storm</a>	<b>Applicable Precinct or Area</b> 100 Year ARI - Mosman and Port Douglas Flood Studies	<b>More Information</b> <ul style="list-style-type: none"> <li>• <a href="#">View Section 8.2.4 Flood and Storm Tide Hazard Overlay Code</a></li> <li>• <a href="#">View Section 8.2.4 Flood and Storm Tide Hazard Overlay Compliance table</a></li> </ul>
 <a href="#">Hillslopes</a>	<b>Applicable Precinct or Area</b> Area Affected by Hillslopes	<b>More Information</b> <ul style="list-style-type: none"> <li>• <a href="#">View Section 8.2.5 Hillslopes Overlay Code</a></li> <li>• <a href="#">View Section 8.2.5 Hillslopes Overlay Compliance table</a></li> </ul>
 <a href="#">Landscape Values</a>	<b>Landscape Values</b> High landscape values Medium Landscape Value	<b>More Information</b> <ul style="list-style-type: none"> <li>• <a href="#">View Section 8.2.6 Landscape Values Overlay Code</a></li> <li>• <a href="#">View Section 8.2.6 Landscape Values Overlay Compliance table</a></li> </ul>
 <a href="#">Landslide</a>	<b>Applicable Precinct or Area</b> Landslide Hazard (High & Medium Hazard Risk)	<b>More Information</b> <ul style="list-style-type: none"> <li>• <a href="#">View Section 8.2.9 Potential Landslide Hazard Overlay Code</a></li> <li>• <a href="#">View Section 8.2.9 Potential Landslide Hazard Overlay Compliance table</a></li> </ul>
 <a href="#">Natural Areas</a>	<b>Applicable Precinct or Area</b> MSES - Regulated Vegetation (Intersecting a Watercourse) MSES - Wildlife Habitat MSES - Regulated Vegetation	<b>More Information</b> <ul style="list-style-type: none"> <li>• <a href="#">View Section 8.2.7 Natural Areas Overlay Code</a></li> <li>• <a href="#">View Section 8.2.7 Natural Areas Overlay Compliance table</a></li> </ul>
 <a href="#">Transport Road Hierarchy</a>	<b>Applicable Precinct or Area</b> Unformed Road	<b>More Information</b> <ul style="list-style-type: none"> <li>• <a href="#">View Section 8.2.10 Transport Network Overlay Code</a></li> <li>• <a href="#">View Section 8.2.10 Transport Network Overlay Compliance table</a></li> </ul>



Zoning

**Applicable Zone**  
Rural

- More Information**
- [View Section 6.2.10 Rural Zone Code](#)
  - [View Section 6.2.10 Rural Zone Compliance table](#)
  - [View Section 6.2.10 Rural Zone Assessment table](#)



☒ Selected Property

☐ Property

<input type="checkbox"/> Centre	<input type="checkbox"/> Community Facilities	<input type="checkbox"/> Conservation	<input type="checkbox"/> Environmental Management
<input type="checkbox"/> Industry	<input type="checkbox"/> Low Density Residential	<input type="checkbox"/> Low-medium Density Residential	<input type="checkbox"/> Medium Density Residential
<input type="checkbox"/> Recreation and Open Space	<input type="checkbox"/> Rural	<input type="checkbox"/> Rural Residential	<input type="checkbox"/> Special Purpose
<input type="checkbox"/> Tourism	<input type="checkbox"/> Tourist Accommodation		



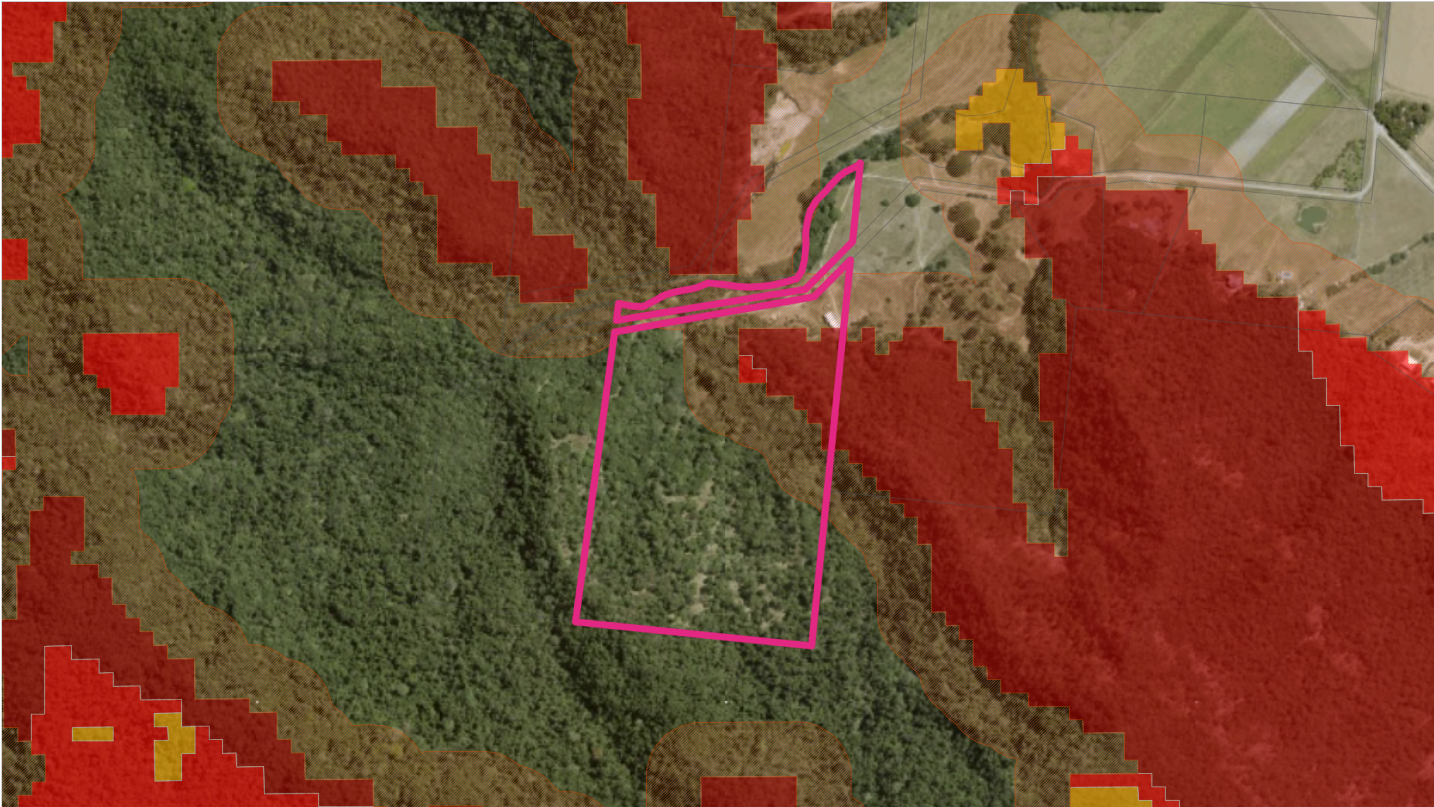
Bushfire Hazard

Applicable Precinct or Area

- Potential Impact Buffer
- Very High Potential Bushfire Intensity
- High Potential Bushfire Intensity

More Information

- [View Section 8.2.2 Bushfire Hazard Overlay Code](#)
- [View Section 8.2.2 Bushfire Hazard Overlay Compliance table](#)



☒ Selected Property

☐ Property

Bushfire\_Hazard

- ☒ High Potential Bushfire Intensity
- ☒ Medium Potential Bushfire Intensity
- ☒ Potential Impact Buffer
- ☒ Very High Potential Bushfire Intensity
- ☐ all others

Flood Storm

**Applicable Precinct or Area**  
100 Year ARI - Mosman and Port Douglas Flood Studies

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



☒ Selected Property

☐ Property

Medium Storm Tide Hazard

High Storm Tide Hazard

100 Year ARI - Mossman Port Douglas and Daintree Flood Studies

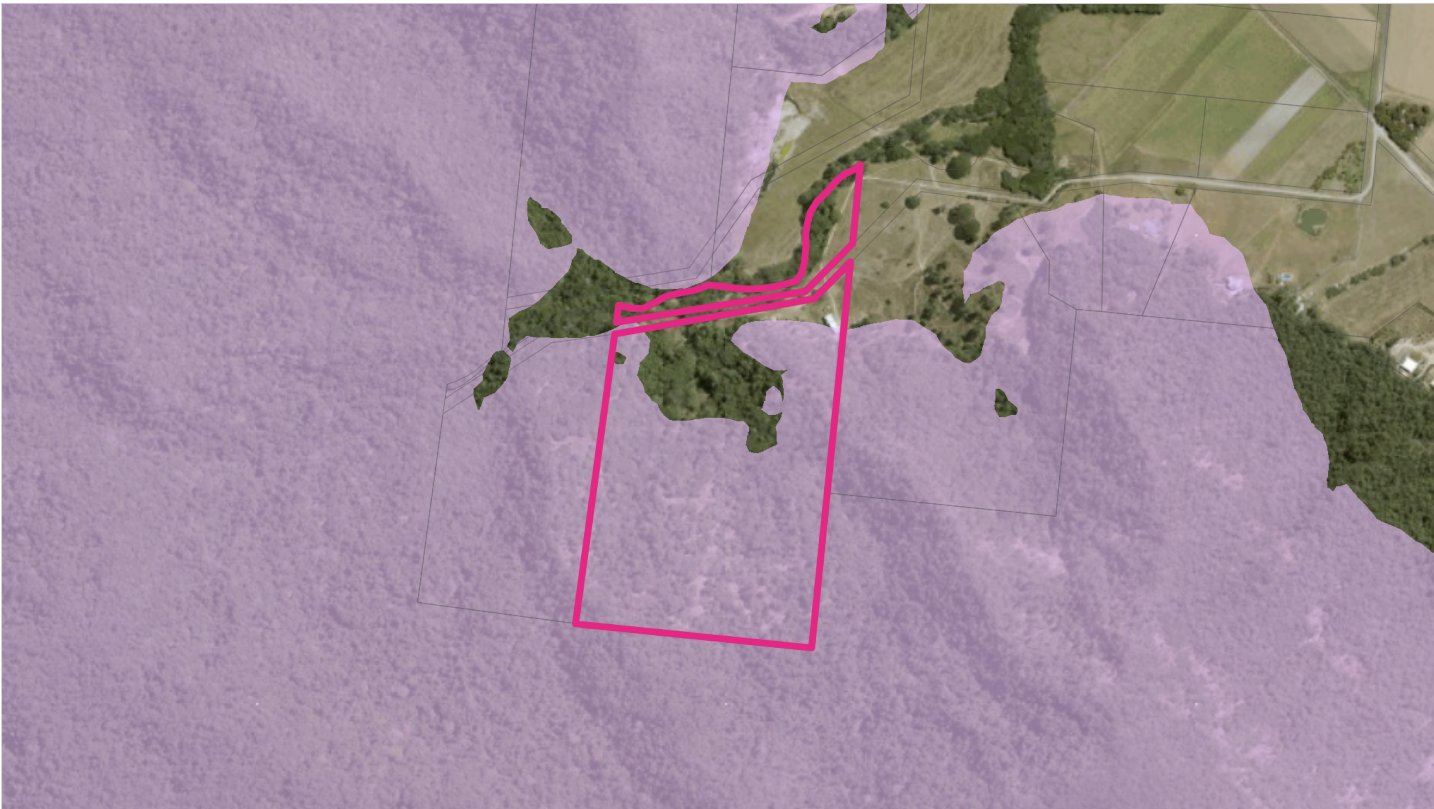
Floodplain Assessment Overlay



Hillslopes

Applicable Precinct or Area  
Area Affected by Hillslopes

- More Information
- [View Section 8.2.5 Hillslopes Overlay Code](#)
  - [View Section 8.2.5 Hillslopes Overlay Compliance table](#)



☒ Selected Property

☐ Property

☐ Area Affected by Hillslopes

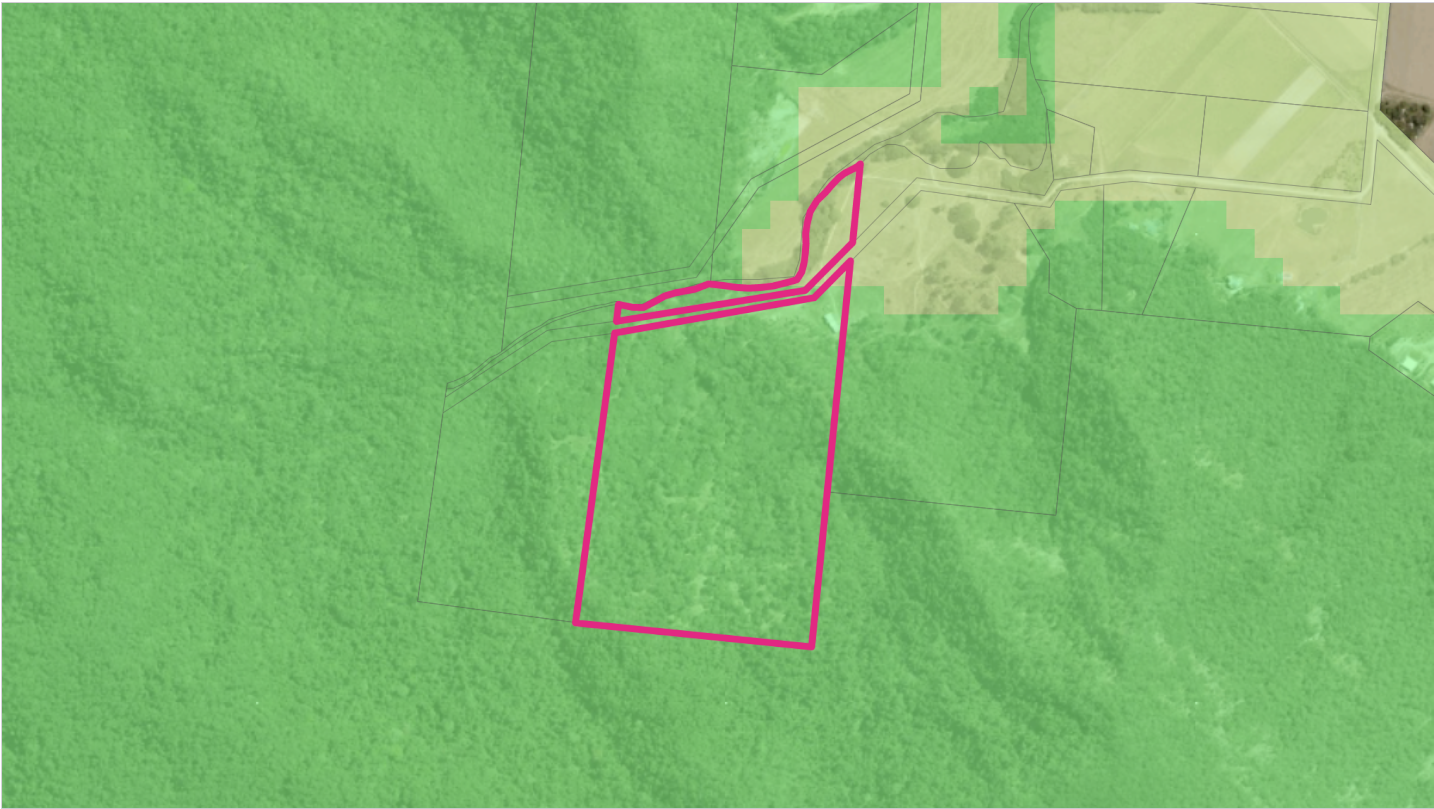
Landscape Values

Landscape Values

High landscape values  
Medium Landscape Value

More Information

- [View Section 8.2.6 Landscape Values Overlay Code](#)
- [View Section 8.2.6 Landscape Values Overlay Compliance table](#)



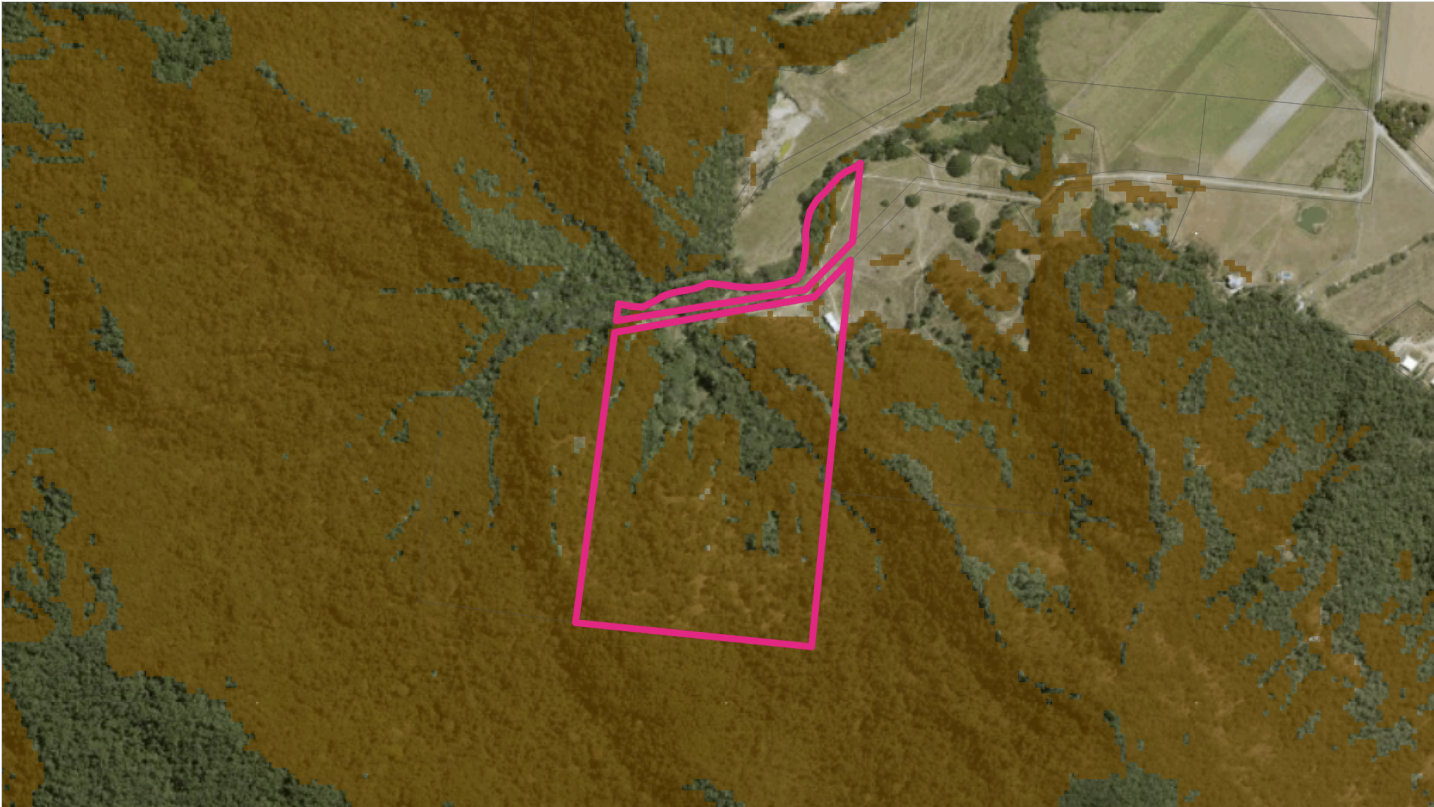
<p><b>Selected Property</b></p> <p> Selected Property</p>	<p><b>Property</b></p> <p> Property</p>	<p><b>Scenic Buffer Area</b></p> <p> Gateway</p> <p> View corridor</p>	<p> Lookout</p> <p> all others</p>	<p> Scenic route</p>	<p> Scenic route buffer</p>
<p><b>Landscape Values</b></p> <p> Coastal scenery</p> <p> High landscape values</p> <p> Medium Landscape Value</p> <p> all others</p>					



Landslide

**Applicable Precinct or Area**  
Landslide Hazard (High & Medium Hazard Risk)

- More Information**
- [View Section 8.2.9 Potential Landslide Hazard Overlay Code](#)
  - [View Section 8.2.9 Potential Landslide Hazard Overlay Compliance table](#)



☒ Selected Property

☐ Property

☒ Potential Landslide Hazard

Natural Areas

Applicable Precinct or Area

MSES - Regulated Vegetation (Intersecting a Watercourse)  
MSES - Wildlife Habitat  
MSES - Regulated Vegetation

More Information

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



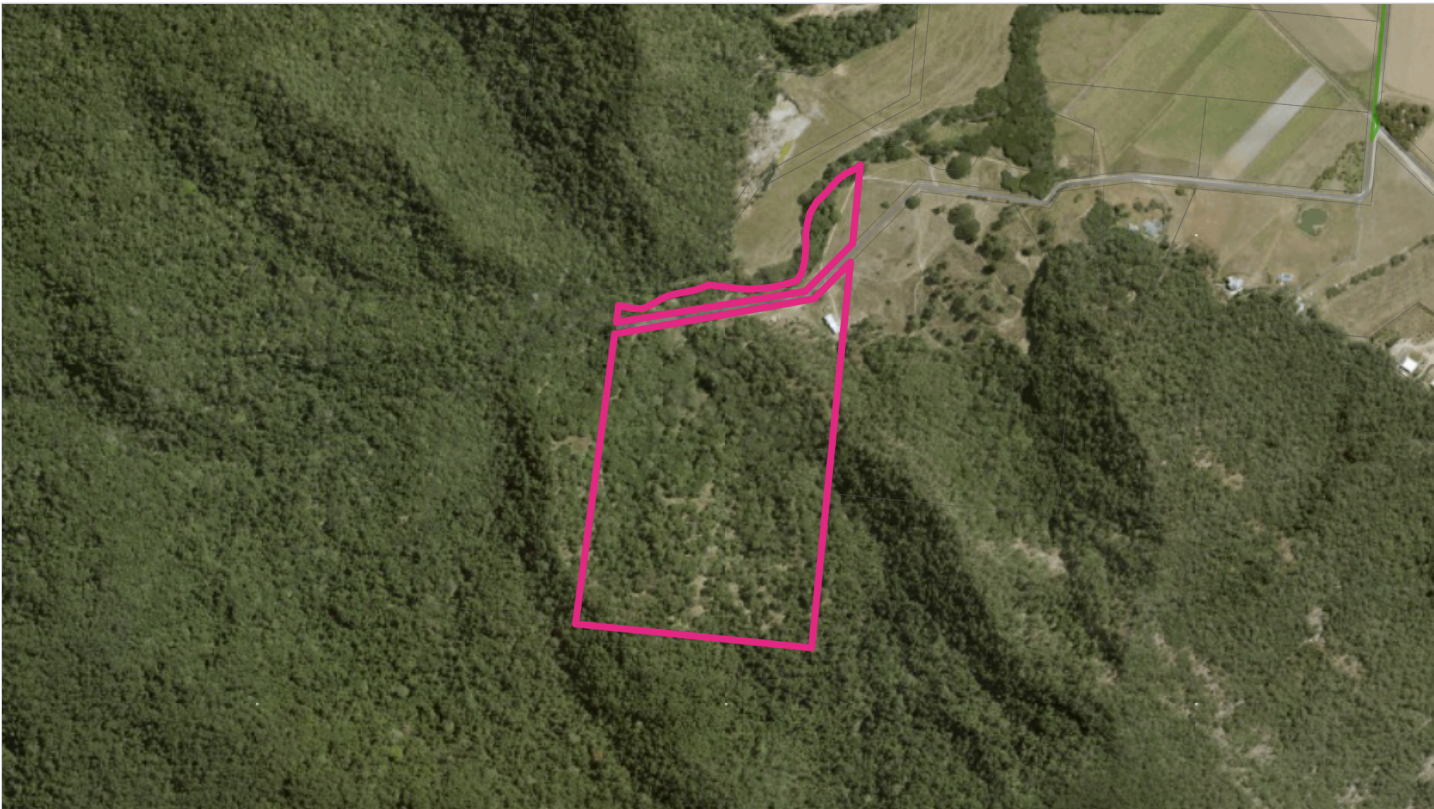
Selected Property	Property	MSES - Regulated Vegetation (Intersecting a Watercourse)
MSES - High Ecological Value Waters (Watercourse)	MSES - Wildlife Habitat	MSES - Regulated Vegetation
MSES - Protected Area	MSES - Marine Park	MSES - Legally Secured Offset Area
MSES - High Ecological Value Waters (Wetland)	MSES - High Ecological Significance Wetlands	



Transport Road Hierarchy

**Applicable Precinct or Area**  
Unformed Road

- More Information**
- [View Section 8.2.10 Transport Network Overlay Code](#)
  - [View Section 8.2.10 Transport Network Overlay Compliance table](#)



☒ Selected Property

☐ Property

**Road Hierarchy**

- |   |  |   |   |
|---|--|---|---|
|  Access Road      |  Arterial Road    |  Collector Road    |  Industrial Road |
|  Major Rural Road |  Minor Rural Road |  Sub Arterial Road |  Unformed Road   |
|  all others       |  |   |   |

☐ Major Transport Corridor Buffer Area

Disclaimer

This report is not a substitute for a Planning and Development Certificate and should not be relied upon where the reliance may result in loss, damage or injury. While every effort is taken to ensure the information in this report is accurate and up to date, Douglas Shire Council makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs that may occur as a result of the report being inaccurate or incomplete in any way or for any reason.

## 2018 Douglas Shire Council Planning Scheme Property Report

The following report has been automatically generated to provide a general indication of development related information applying to the premise.

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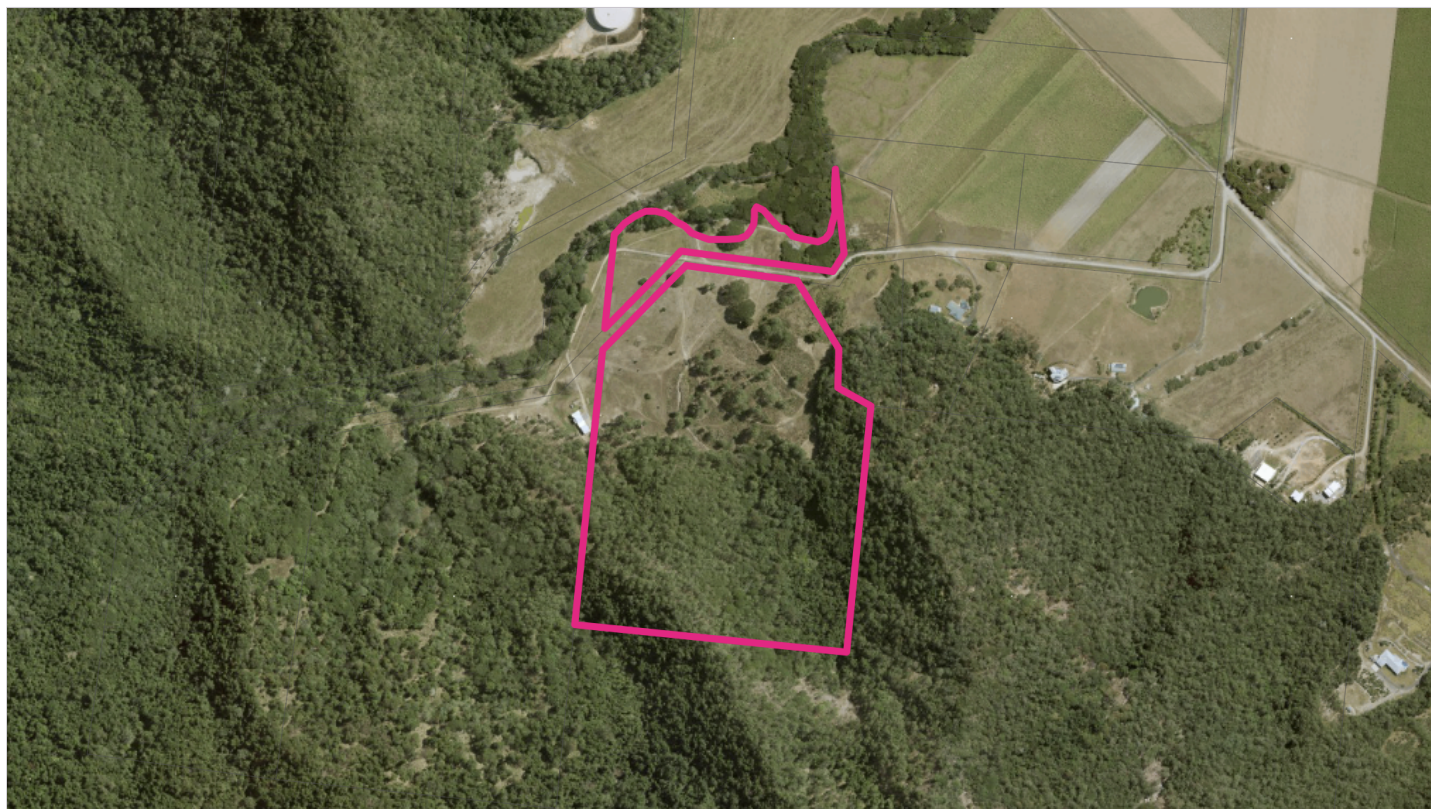
Visit Council's website to apply for an [official property search or certificate](#), or contact the [Department of Natural Resources, Mines and Energy](#) to undertake a title search to ascertain how easements may affect a premise.

### Property Information

Property Address [188 Ferrero Road CRAIGLIE](#)



Lot Plan [5SP161461](#) (Freehold - 222695m<sup>2</sup>)



☒ Selected Property

☐ Easements

☐ Land Parcels

### Douglas Shire Planning Scheme 2018 version 1.0

The table below provides a summary of the Zones and Overlays that apply to the selected property.

#### Zoning

Applicable Zone  
Rural









#### More Information

- [View Section 6.2.10 Rural Zone Code](#)
- [View Section 6.2.10 Rural Zone Compliance table](#)
- [View Section 6.2.10 Rural Zone Assessment table](#)



## Douglas Shire Planning Scheme 2018 version 1.0

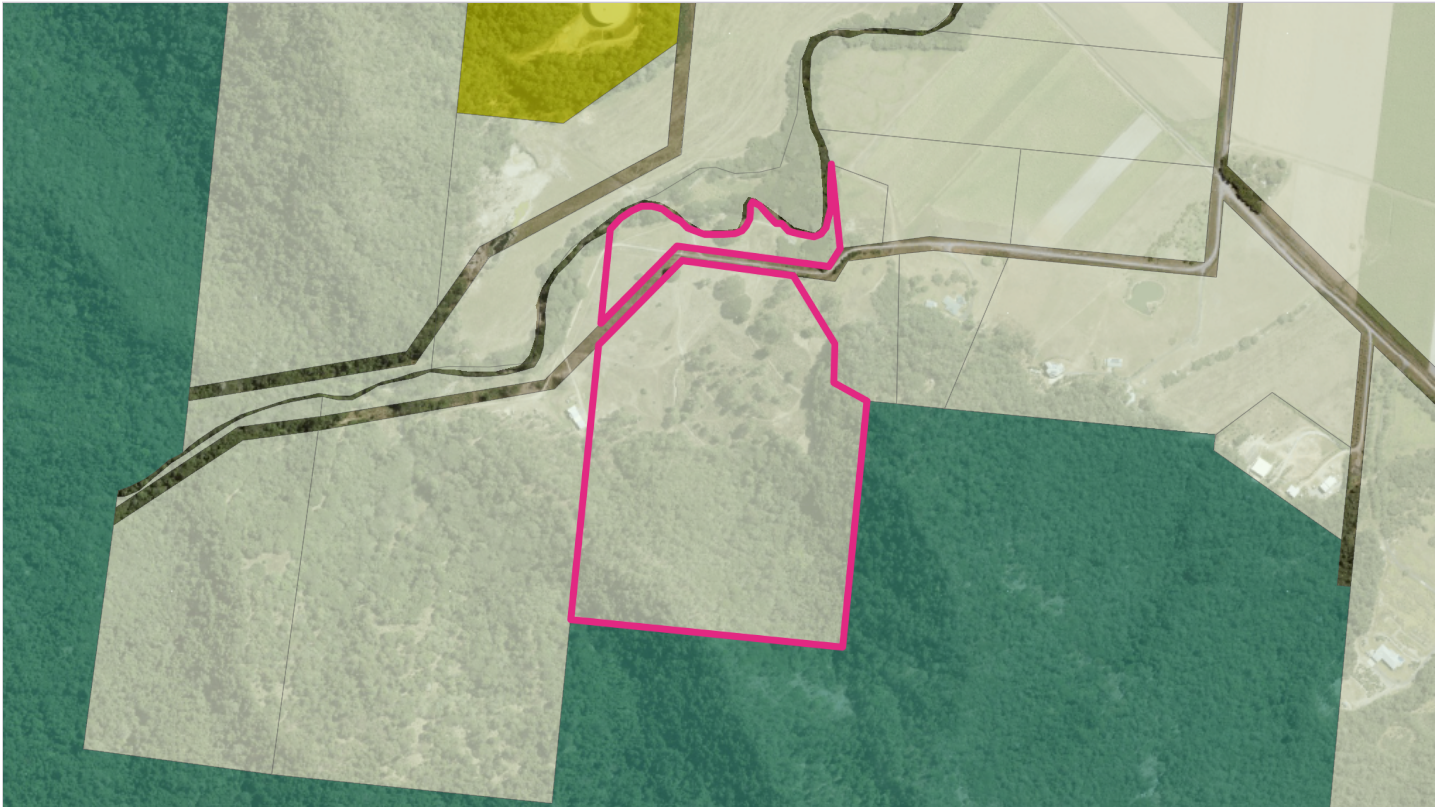
The table below provides a summary of the Zones and Overlays that apply to the selected property.

 <a href="#">Acid Sulfate Soils</a>	<b>Applicable Precinct or Area</b> Acid Sulfate Soils (5-20m AHD)	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.1 Acid Sulfate Soils Overlay Code</a></li> <li><a href="#">View Section 8.2.1 Acid Sulfate Soils Overlay Compliance table</a></li> </ul>
 <a href="#">Bushfire Hazard</a>	<b>Applicable Precinct or Area</b> Potential Impact Buffer Very High Potential Bushfire Intensity High Potential Bushfire Intensity Medium Potential Bushfire Intensity	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.2 Bushfire Hazard Overlay Code</a></li> <li><a href="#">View Section 8.2.2 Bushfire Hazard Overlay Compliance table</a></li> </ul>
 <a href="#">Flood Storm</a>	<b>Applicable Precinct or Area</b> 100 Year ARI - Mosman and Port Douglas Flood Studies	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.4 Flood and Storm Tide Hazard Overlay Code</a></li> <li><a href="#">View Section 8.2.4 Flood and Storm Tide Hazard Overlay Compliance table</a></li> </ul>
 <a href="#">Hillslopes</a>	<b>Applicable Precinct or Area</b> Area Affected by Hillslopes	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.5 Hillslopes Overlay Code</a></li> <li><a href="#">View Section 8.2.5 Hillslopes Overlay Compliance table</a></li> </ul>
 <a href="#">Landscape Values</a>	<b>Landscape Values</b> High landscape values Medium Landscape Value	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.6 Landscape Values Overlay Code</a></li> <li><a href="#">View Section 8.2.6 Landscape Values Overlay Compliance table</a></li> </ul>
 <a href="#">Landslide</a>	<b>Applicable Precinct or Area</b> Landslide Hazard (High & Medium Hazard Risk)	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.9 Potential Landslide Hazard Overlay Code</a></li> <li><a href="#">View Section 8.2.9 Potential Landslide Hazard Overlay Compliance table</a></li> </ul>
 <a href="#">Natural Areas</a>	<b>Applicable Precinct or Area</b> MSES - Regulated Vegetation (Intersecting a Watercourse) MSES - Wildlife Habitat MSES - Regulated Vegetation	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.7 Natural Areas Overlay Code</a></li> <li><a href="#">View Section 8.2.7 Natural Areas Overlay Compliance table</a></li> </ul>
 <a href="#">Transport Road Hierarchy</a>	<b>Applicable Precinct or Area</b> Unformed Road	<b>More Information</b> <ul style="list-style-type: none"> <li><a href="#">View Section 8.2.10 Transport Network Overlay Code</a></li> <li><a href="#">View Section 8.2.10 Transport Network Overlay Compliance table</a></li> </ul>

Zoning

**Applicable Zone**  
Rural

- More Information**
- [View Section 6.2.10 Rural Zone Code](#)
  - [View Section 6.2.10 Rural Zone Compliance table](#)
  - [View Section 6.2.10 Rural Zone Assessment table](#)



☒ Selected Property

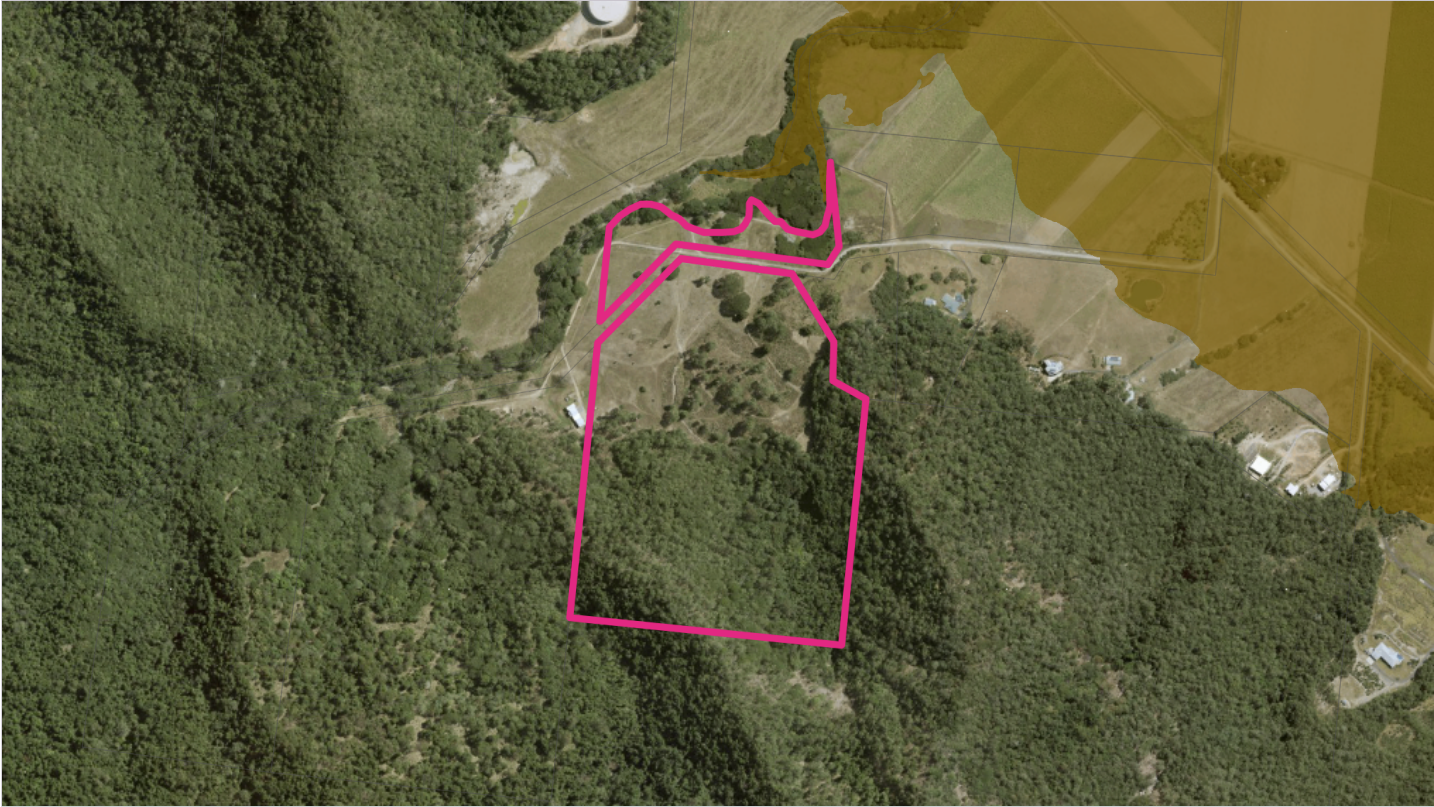
☐ Land Parcels

<input type="checkbox"/> Centre	<input type="checkbox"/> Community Facilities	<input type="checkbox"/> Conservation	<input type="checkbox"/> Environmental Management
<input type="checkbox"/> Industry	<input type="checkbox"/> Low Density Residential	<input type="checkbox"/> Low-medium Density Residential	<input type="checkbox"/> Medium Density Residential
<input type="checkbox"/> Recreation and Open Space	<input type="checkbox"/> Rural	<input type="checkbox"/> Rural Residential	<input type="checkbox"/> Special Purpose
<input type="checkbox"/> Tourism	<input type="checkbox"/> Tourist Accommodation		

Acid Sulfate Soils

**Applicable Precinct or Area**  
Acid Sulfate Soils (5-20m AHD)

- More Information**
- [View Section 8.2.1 Acid Sulfate Soils Overlay Code](#)
  - [View Section 8.2.1 Acid Sulfate Soils Overlay Compliance table](#)



☒ Selected Property

☐ Land Parcels

**Acid Sulfate Soils**

☒ Acid Sulfate Soils (< 5m AHD)

☒ Acid Sulfate Soils (5-20m AHD)

☐ all others



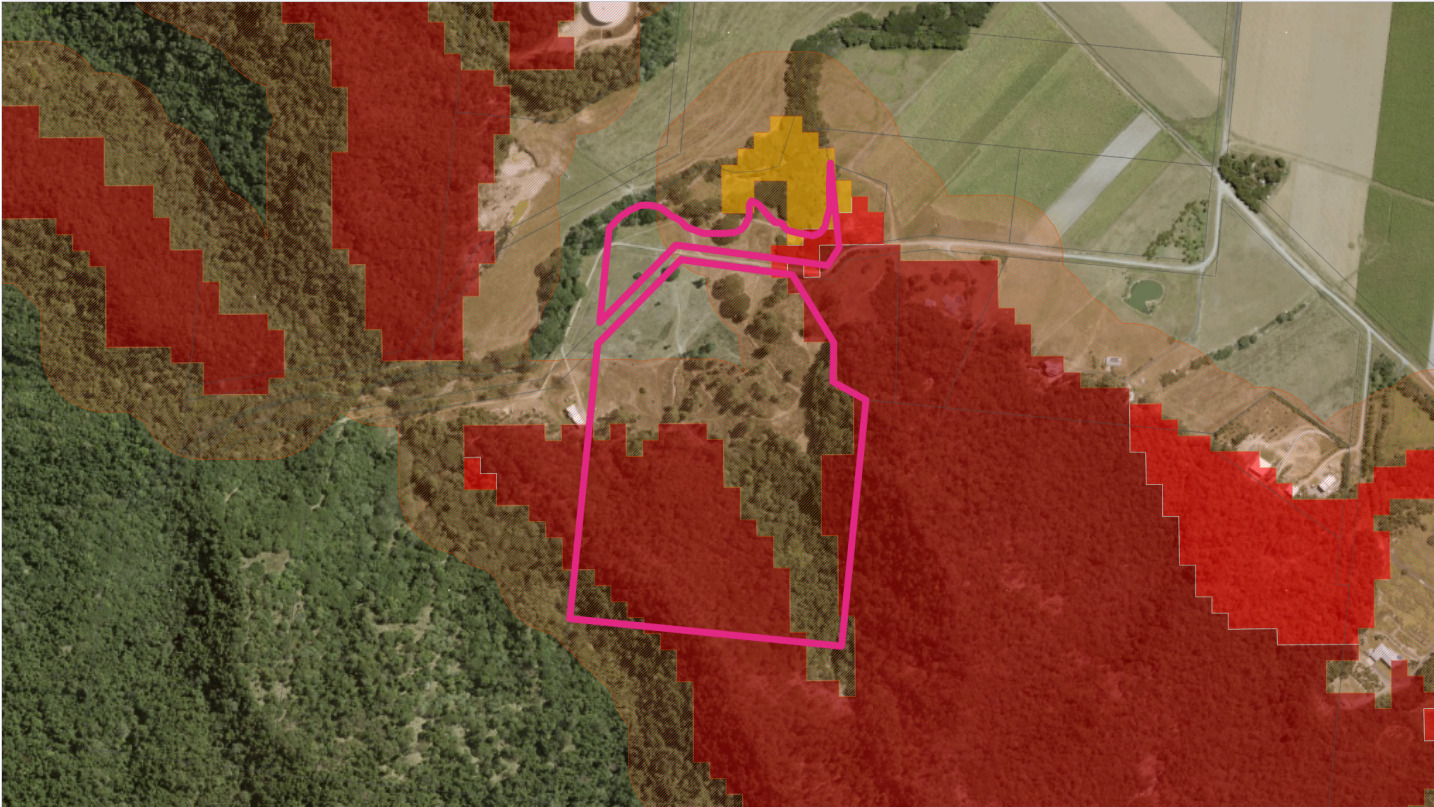
Bushfire Hazard

Applicable Precinct or Area

- Potential Impact Buffer
- Very High Potential Bushfire Intensity
- High Potential Bushfire Intensity
- Medium Potential Bushfire Intensity

More Information

- [View Section 8.2.2 Bushfire Hazard Overlay Code](#)
- [View Section 8.2.2 Bushfire Hazard Overlay Compliance table](#)



☒ Selected Property

☐ Land Parcels

Bushfire\_Hazard

☒ High Potential Bushfire Intensity

☒ Medium Potential Bushfire Intensity

☒ Potential Impact Buffer

☒ Very High Potential Bushfire Intensity

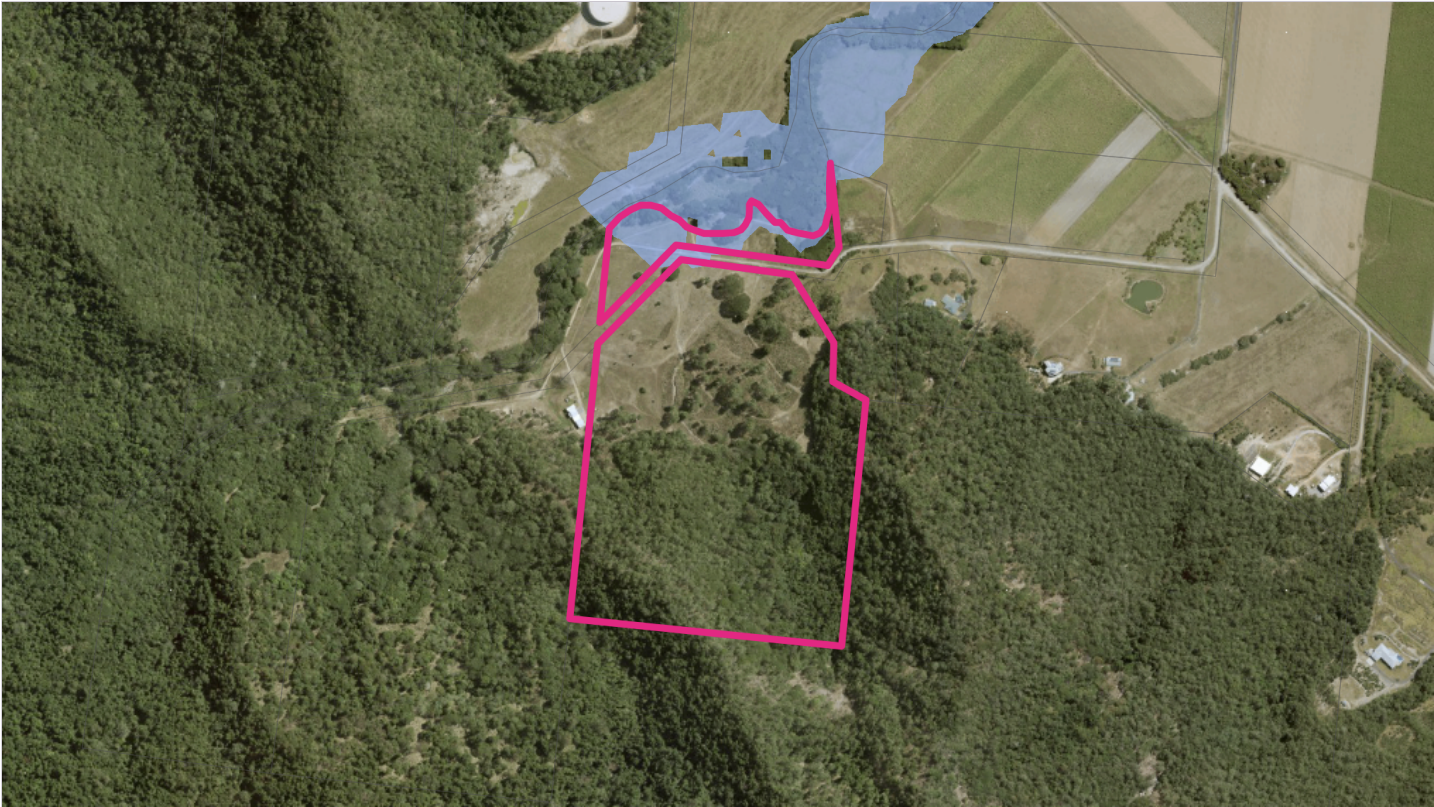
☐ all others









Flood Storm

**Applicable Precinct or Area**  
100 Year ARI - Mosman and Port Douglas Flood Studies

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

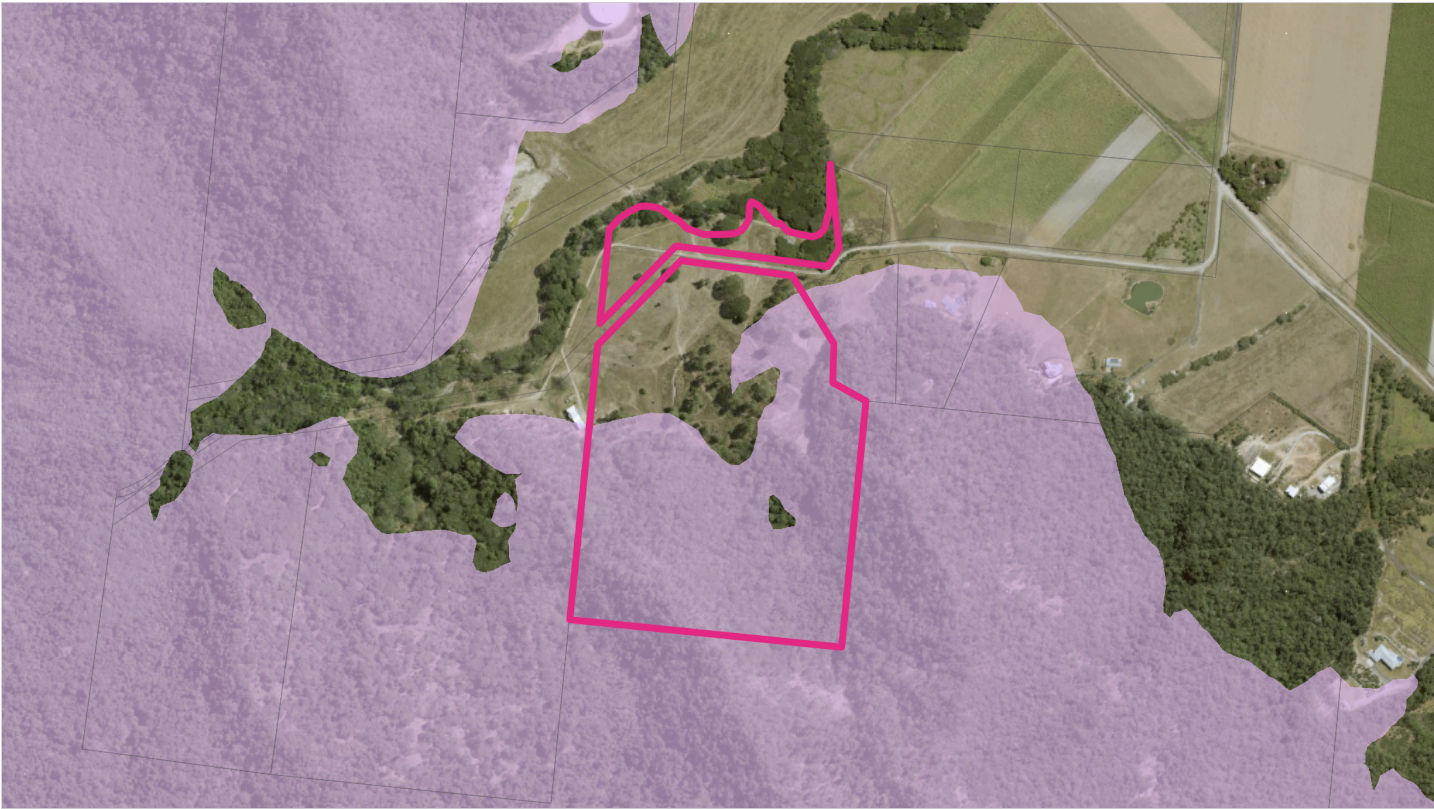


 Selected Property	 Land Parcels	 Medium Storm Tide Hazard	 High Storm Tide Hazard
 100 Year ARI - Mossman Port Douglas and Daintree Flood Studies		 Floodplain Assessment Overlay	


Hillslopes

Applicable Precinct or Area  
Area Affected by Hillslopes

- More Information
- [View Section 8.2.5 Hillslopes Overlay Code](#)
  - [View Section 8.2.5 Hillslopes Overlay Compliance table](#)



 Selected Property

 Land Parcels

 Area Affected by Hillslopes



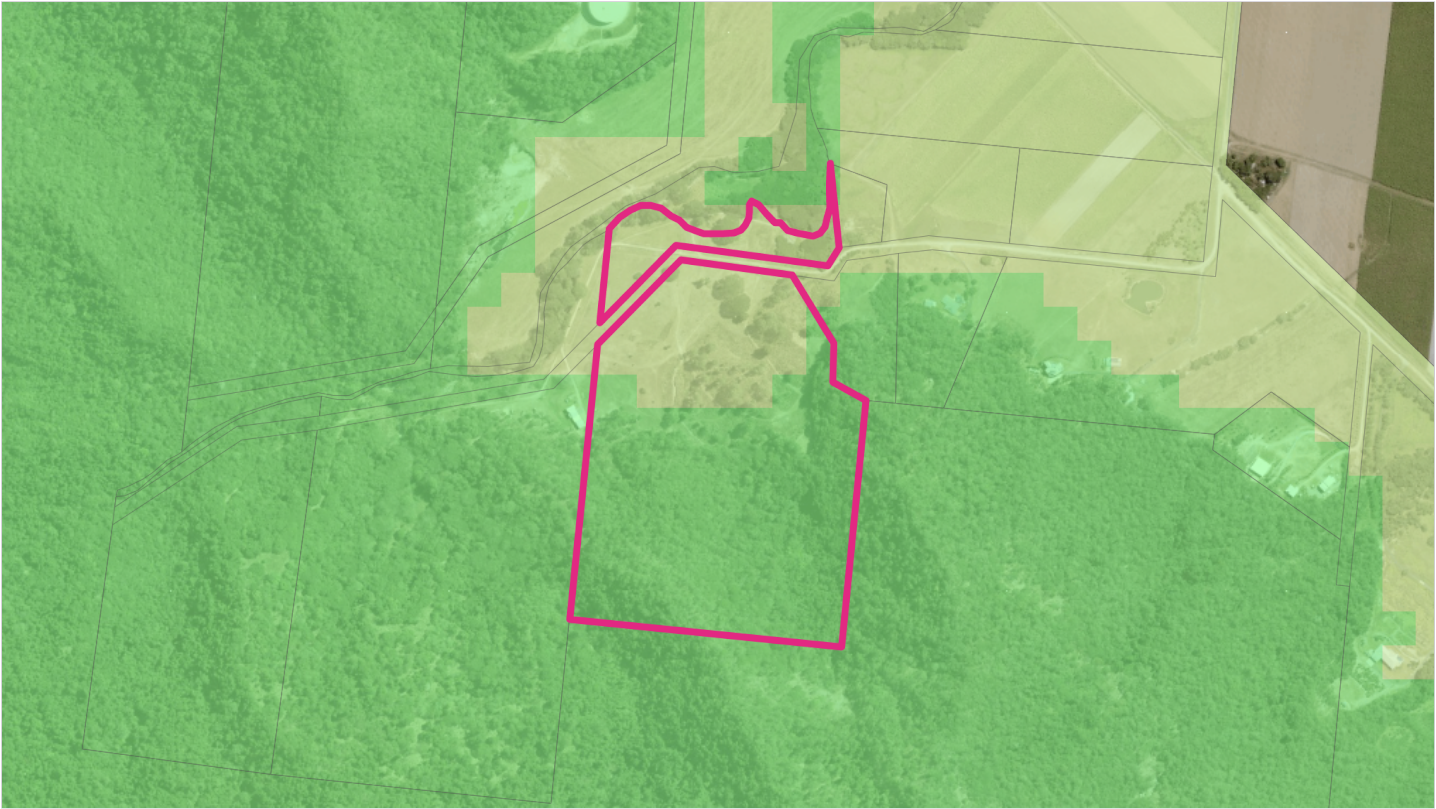
Landscape Values

Landscape Values

High landscape values  
Medium Landscape Value

More Information

- [View Section 8.2.6 Landscape Values Overlay Code](#)
- [View Section 8.2.6 Landscape Values Overlay Compliance table](#)

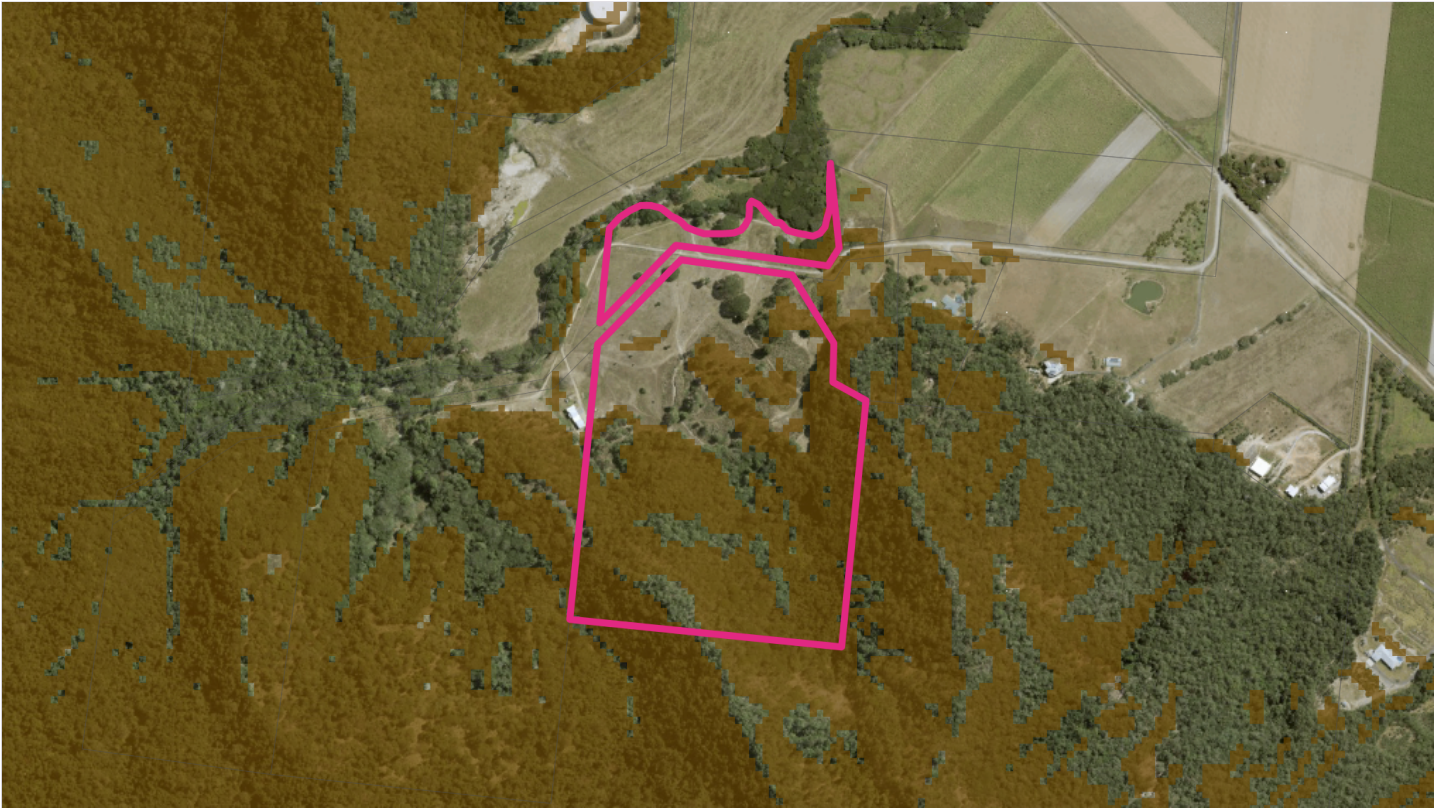


<p><b>Selected Property</b></p> <p> Selected Property</p>	<p><b>Land Parcels</b></p> <p> Land Parcels</p>	<p><b>Scenic Buffer Area</b></p> <p> Gateway</p> <p> View corridor</p> <p> Lookout</p> <p> all others</p>	<p> Scenic route</p> <p> Scenic route buffer</p>
<p><b>Landscape Values</b></p> <p> Coastal scenery</p> <p> High landscape values</p> <p> Medium Landscape Value</p> <p> all others</p>			

Landslide

**Applicable Precinct or Area**  
Landslide Hazard (High & Medium Hazard Risk)

- More Information**
- [View Section 8.2.9 Potential Landslide Hazard Overlay Code](#)
  - [View Section 8.2.9 Potential Landslide Hazard Overlay Compliance table](#)



☒ Selected Property

☐ Land Parcels

☒ Potential Landslide Hazard



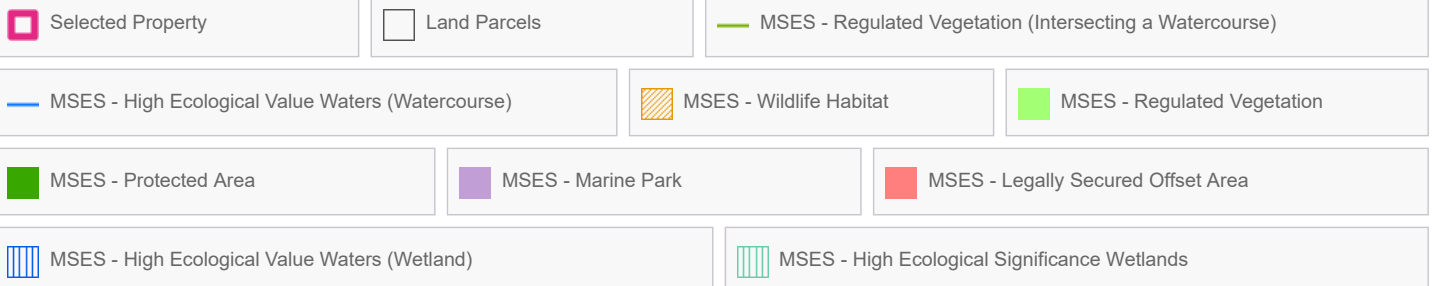
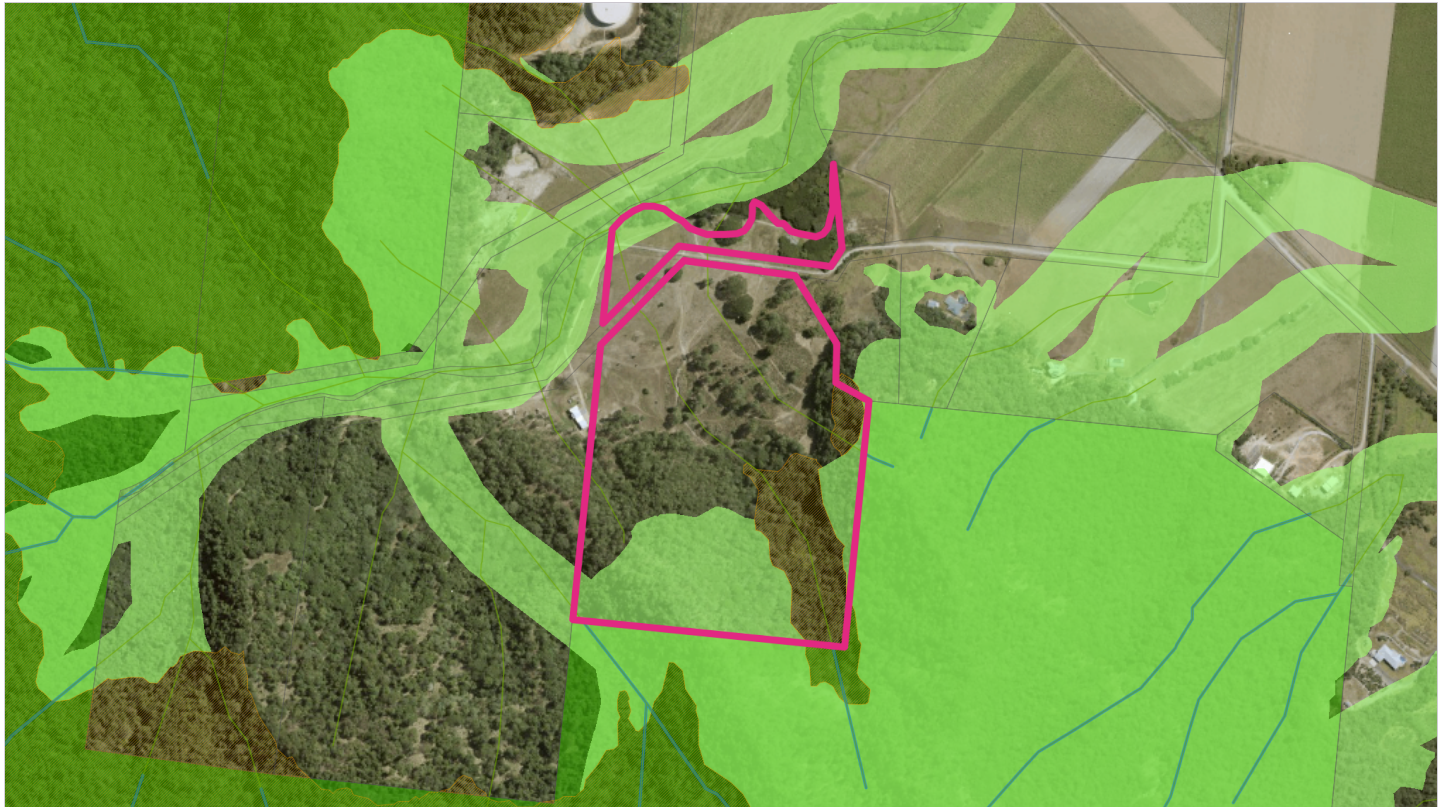
## Natural Areas

### Applicable Precinct or Area

MSES - Regulated Vegetation (Intersecting a Watercourse)  
MSES - Wildlife Habitat  
MSES - Regulated Vegetation

### More Information

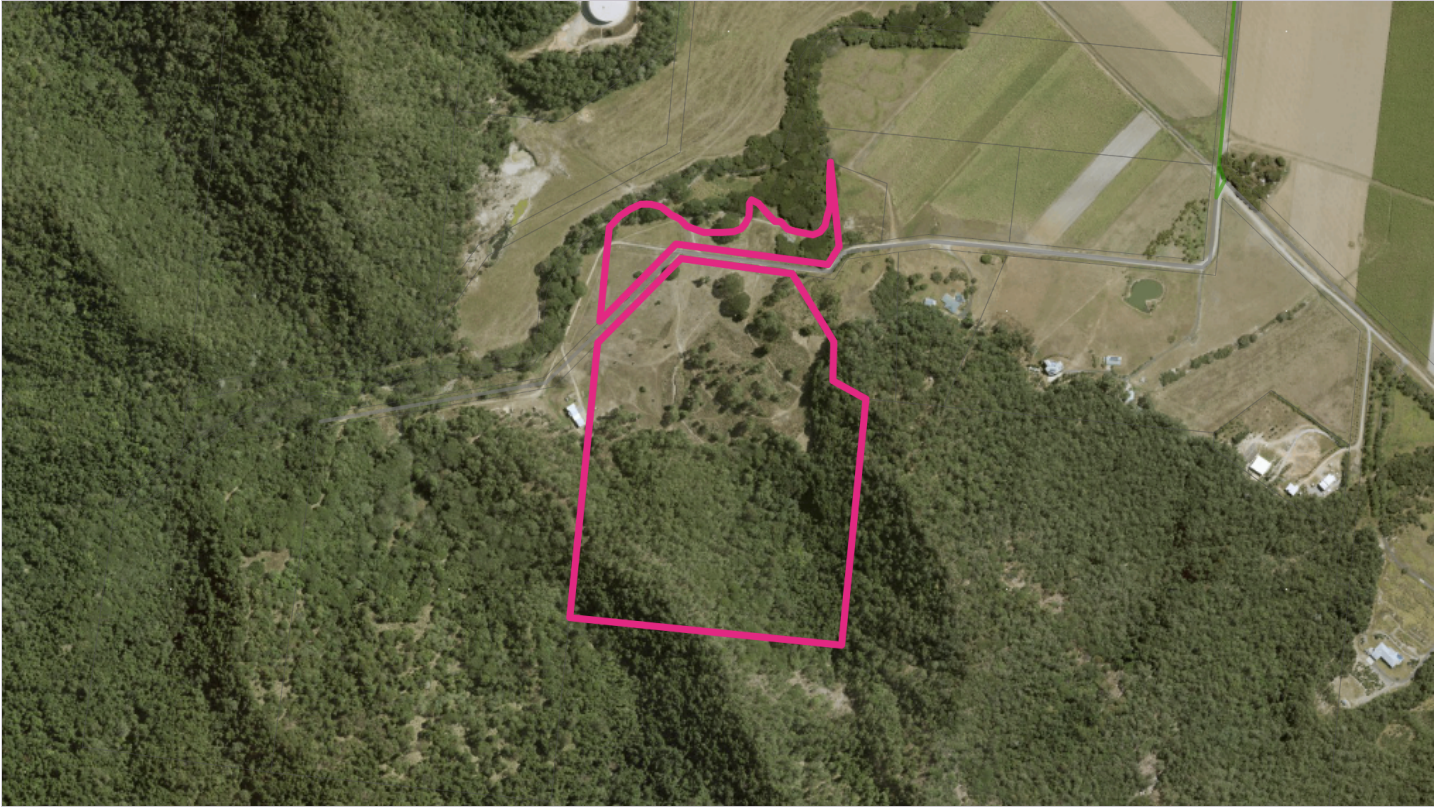
- [View Section 8.2.7 Natural Areas Overlay Code](#)
- [View Section 8.2.7 Natural Areas Overlay Compliance table](#)



Transport Road Hierarchy

**Applicable Precinct or Area**  
Unformed Road

- More Information**
- [View Section 8.2.10 Transport Network Overlay Code](#)
  - [View Section 8.2.10 Transport Network Overlay Compliance table](#)



☒ Selected Property
 ☐ Land Parcels

**Road Hierarchy**

<span style="color: yellow;">—</span> Access Road	<span style="color: black;">—</span> Arterial Road	<span style="color: purple;">—</span> Collector Road	<span style="color: red;">—</span> Industrial Road
<span style="color: red;">—</span> Major Rural Road	<span style="color: green;">—</span> Minor Rural Road	<span style="color: blue;">—</span> Sub Arterial Road	<span style="color: grey;">—</span> Unformed Road
<span style="color: black;">—</span> all others			

☐ Major Transport Corridor Buffer Area

Disclaimer

This report is not a substitute for a Planning and Development Certificate and should not be relied upon where the reliance may result in loss, damage or injury. While every effort is taken to ensure the information in this report is accurate and up to date, Douglas Shire Council makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs that may occur as a result of the report being inaccurate or incomplete in any way or for any reason.



## Appendix E

### Planning Scheme Code Assessments

## 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;
  - (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 – assessable development**

Performance outcomes	Acceptable outcomes	Applicant response
<b>For self-assessable and assessable development</b>		
<b>PO1</b> The height of buildings is compatible with the rural character of the area and must not detrimentally impact on visual landscape amenity.	<b>AO1.1</b> Dwelling houses are not more than 8.5 metres in height. Note – Height is inclusive of roof height.	Not Applicable – RaL Development
	<b>AO1.2</b> Rural farm sheds and other rural structures are not more than 10 metres in height.	Not Applicable – RaL Development
<b>Setbacks</b>		
<b>PO2</b> Buildings and structures are setback to maintain the rural character of the area and achieve separation from buildings on adjoining properties.	<b>AO2</b> Buildings are setback not less than: (a) 40 metres from the property boundary and a State-controlled road; (b) 25 metres from the property boundary adjoining Cape Tribulation Road; (c) 20 metres from the boundary with any other road; (d) 6 metres from side and rear property boundaries.	Not Applicable – RaL Development
<b>PO3</b> Buildings/structures are designed to maintain the rural character of the area.	<b>AO3</b> White and shining metallic finishes are avoided on external surfaces of buildings.	Not Applicable – RaL Development

Performance outcomes	Acceptable outcomes	Applicant response
<b>For assessable development</b>		
<b>P04</b> The establishment of uses is consistent with the outcomes sought for the Rural zone and protects the zone from the intrusion of inconsistent uses.	<b>A04</b> Uses identified in Table 6.2.10.3.b are not established in the Rural zone.	Not Applicable – RaL Development
<b>P05</b> Uses and other development include those that: (a) promote rural activities such as agriculture, rural enterprises and small scale industries that serve rural activities; or (b) promote low impact tourist activities based on the appreciation of the rural character, landscape and rural activities; or (c) are compatible with rural activities.	<b>A05</b> No acceptable outcomes are prescribed.	Not Applicable – RaL Development
<b>P06</b> Existing native vegetation along watercourses and in, or adjacent to areas of environmental value, or areas of remnant vegetation of value is protected.	<b>A06</b> No acceptable outcomes are prescribed.	Complies - Proposed development will not disturb existing native vegetation along watercourses and in, or adjacent to areas of environmental value, or areas of remnant vegetation.
<b>P07</b> The minimum lot size is 40 hectares, unless (a) the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments to resolve encroachments); or	<b>A07</b> No acceptable outcomes are prescribed.	Complies with Purpose of the Code – refer to assessment provided in Section 5.2 of Planning Report.

Performance outcomes	Acceptable outcomes	Applicant response
(b) the reconfiguration is limited to one additional lot to accommodate: (i). Telecommunications facility; (ii). Utility installation.		

**Table 6.2.8.3.b - Inconsistent uses within the Medium density residential zone**

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

Job No: Address



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



## 8.2.2 Bushfire hazard overlay code

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

### 8.2.2.1 Application

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

### 8.2.2.2 Purpose

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

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

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

### Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant response
<b>For self-assessable and assessable development</b>		
<b>Compatible development</b>		
<b>PO1</b> A vulnerable use is not established or materially intensified within a bushfire hazard area (bushfire prone area) unless there is an overriding need or other exceptional circumstances. Note - See the end of this code for examples of vulnerable uses.	<b>AO1</b> Vulnerable uses are not established or expanded. Note – Where, following site inspection and consultation with Council, it is clear that the mapping is in error in identifying a premises as being subject to a medium, high, very high bushfire hazard or potential impact buffer sub-category, Council may supply a letter exempting the need for a Bushfire Management Plan. Note – Where the assessment manager has not previously approved a Bushfire Management Plan (either by condition of a previous development approval), the development proponent will be expected to prepare such a plan. Note – Planning scheme policy SC6.9 - Natural hazards, provides a guide to the preparation of a Bushfire Management Plan.	Not Applicable – RaL Development
<b>PO2</b> Emergency services and uses providing community support services are able to function effectively	<b>AO2</b> Emergency Services and uses providing community support services are not located in a bushfire hazard	Not Applicable – RaL Development

Performance outcomes	Acceptable outcomes	Applicant response
during and immediately after a bushfire hazard event.	sub-category and have direct access to low hazard evacuation routes.	
<b>PO3</b> Development involving hazardous materials manufactured or stored in bulk is not located in bushfire hazard sub-category.	<b>A03</b> The manufacture or storage of hazardous material in bulk does not occur within bushfire hazard sub-category.	Not Applicable – RaL Development
<b>Development design and separation from bushfire hazard – reconfiguration of lots</b>		

Performance outcomes	Acceptable outcomes	Applicant response
<p><b>PO4.1</b></p> <p>Where reconfiguration is undertaken in an urban area or is for urban purposes or smaller scale rural residential purposes, a separation distance from hazardous vegetation is provided to achieve a radiant heat flux level of 29kW/m<sup>2</sup> at the edge of the proposed lot(s).</p> <p>Note - "Urban purposes" and "urban area" are defined in the <i>Sustainable Planning Regulations 2009</i>. Reconfiguration will be taken to be for rural residential purposes where proposed lots are between 2000m<sup>2</sup> and 2ha in area. "Smaller scale" rural residential purposes will be taken to be where the average proposed lot size is 6000m<sup>2</sup> or less.</p> <p>Note - The radiant heat levels and separation distances are to be established in accordance with method 2 set out in AS3959-2009.</p> <p><b>PO4.2</b></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/m<sup>2</sup> at any point.</p>	<p><b>AO4.1</b></p> <p>No new lots are created within a bushfire hazard sub-category.</p> <p>or</p> <p><b>AO4.2</b></p> <p>Lots are separated from hazardous vegetation by a distance that:</p> <p>(a) achieves radiant heat flux level of 29kW/m<sup>2</sup> at all boundaries; and</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>Complies with PO4.2 – Proposed Lot 104 has an existing Dwelling House on it and a Dwelling House and Secondary Dwelling are permitted to be established on Proposed Lot 102.</p> <p>Proposed Lot 103 has a house pad nominated on it which is expected to achieve a radiant heat flux level of 29kW/m<sup>2</sup> to vegetation mapped with Medium or High Potential Bushfire Intensity.</p>
<p><b>PO5</b></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><b>AO5.1</b></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>Complies with PO5 – Not in an urban area or for an urban purpose.</p>



Performance outcomes	Acceptable outcomes	Applicant response
<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><b>AO5.2</b></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>	Complies with PO5 – Not in an urban area or for an urban purpose.
<p><b>PO6</b></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><b>AO6</b></p> <p>Lot boundaries are separated from hazardous vegetation by a public road or fire trail which has:</p> <p>(a) a reserve or easement width of at least 20m;</p> <p>(b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15</p>	Complies with PO6 – Not for smaller scale rural residential purpose.

Performance outcomes	Acceptable outcomes	Applicant response
The access is available for both fire fighting and maintenance/hazard reduction works.	<p>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 at intervals of no more than 500m;</p> <p>(j) designated fire trail signage;</p> <p>(k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and</p> <p>(l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services.</p>	
<b>PO7</b> Where reconfiguration is undertaken for other purposes, a formed, all weather fire trail is provided	<b>AO7</b>	Complies with PO7 – Proposed Lot 104 has an existing Dwelling House on it and a Dwelling House and Secondary Dwelling are

Performance outcomes	Acceptable outcomes	Applicant response
<p>between the hazardous vegetation and either the lot boundary or building envelope, and is readily accessible at all times for the type of fire fighting vehicles servicing the area.</p> <p>However, a fire trail will not be required where it would not serve a practical fire management purpose.</p>	<p>Lot boundaries are separated from hazardous vegetation by a public road or fire trail which has:</p> <ul style="list-style-type: none"> <li>(a) a reserve or easement width of at least 20m;</li> <li>(b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation;</li> <li>(c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path;</li> <li>(d) a minimum of 4.8m vertical clearance;</li> <li>(e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines;</li> <li>(f) a maximum gradient of 12.5%;</li> <li>(g) a cross fall of no greater than 10 degrees;</li> <li>(h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy;</li> <li>(i) vehicular access at each end which is connected to the public road network;</li> <li>(j) designated fire trail signage;</li> <li>(k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and</li> </ul>	<p>permitted to be established on Proposed Lot 102.</p> <p>Proposed Lot 103 has a house pad nominated on it where an all-weather fire trail would be able to be provided, if required. In this instance, the nominated house pad has direct access from the constructed road access for emergency evacuation and for access by fire fighting vehicles and an all-weather access around the nominated house pad is not considered necessary.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	(l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services.	
<b>PO8</b> The development design responds to the potential threat of bushfire and establishes clear evacuation routes which demonstrate an acceptable or tolerable risk to people.	<b>AO8</b> The lot layout: <ul style="list-style-type: none"> <li>(a) minimises the length of the development perimeter exposed to, or adjoining hazardous vegetation;</li> <li>(b) avoids the creation of potential bottle-neck points in the movement network;</li> <li>(c) establishes direct access to a safe assembly /evacuation area in the event of an approaching bushfire; and</li> <li>(d) ensures roads likely to be used in the event of a fire are designed to minimise traffic congestion.</li> </ul> Note - For example, developments should avoid finger-like or hour-glass subdivision patterns or substantive vegetated corridors between lots.  In order to demonstrate compliance with the performance outcome, a bushfire management plan prepared by a suitably qualified person may be required. The bushfire management plan should be developed in accordance with the Public Safety Business Agency (PSBA) guideline entitled "Undertaking a Bushfire Protection Plan.  Advice from the Queensland Fire and Emergency Services (QFES) should be sought as appropriate	Complies with PO8 – Proposed Lot 104 has an existing Dwelling House on it and a Dwelling House and Secondary Dwelling are permitted to be established on Proposed Lot 102.  The development of Proposed Lot 103 is likely to result in a negligible change in traffic on the road access during a bushfire which is considered to provide a suitable point of access and access route for evacuation.
<b>PO9</b> Critical infrastructure does not increase the potential bushfire hazard.	<b>AO9</b>	Complies with PO9 – No additional infrastructure will be required as a result of the proposed development.



Performance outcomes	Acceptable outcomes	Applicant response
	Critical or potentially hazardous infrastructure such as water supply, electricity, gas and telecommunications are placed underground.	
<b>Development design and separation from bushfire hazard – material change of use</b>		
<b>PO10</b> Development is located and designed to ensure proposed buildings or building envelopes achieve a radiant heat flux level at any point on the building or envelope respectively, of: (a) 10kW/m <sup>2</sup> where involving a vulnerable use; or (b) 29kW/m <sup>2</sup> otherwise. The radiant heat flux level is achieved by separation unless this is not practically achievable. Note - The radiant heat levels and separation distances are to be established in accordance with method 2 set out in AS3959-2009.	<b>AO10</b> Buildings or building envelopes are separated from hazardous vegetation by a distance that: (a) achieves a radiant heat flux level of at any point on the building or envelope respectively, of 10kW/m <sup>2</sup> for a vulnerable use or 29kW/m <sup>2</sup> otherwise; and (b) is contained wholly within the development site. Note - Where a separation distance is proposed to be achieved by utilising existing cleared developed areas external to the site, certainty must be established (through tenure or other means) that the land will remain cleared of hazardous vegetation. For staged developments, temporary separation distances, perimeter roads or fire trails may be absorbed as part of subsequent stages. 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.	Not Applicable
<b>PO11</b> A formed, all weather fire trail is provided between the hazardous vegetation and the site boundary or building envelope, and is readily accessible at all	<b>AO11</b> Development sites are separated from hazardous vegetation by a public road or fire trail which has: (a) a reserve or easement width of at least 20m;	Not Applicable

Performance outcomes	Acceptable outcomes	Applicant response
<p>times for the type of fire fighting vehicles servicing the area.</p> <p>However, a fire trail will not be required where it would not serve a practical fire management purpose.</p> <p>Note - Fire trails are unlikely to be required where a development site involves less than 2.5ha</p>	<ul style="list-style-type: none"> <li>(b) a minimum trafficable (cleared and formed) width of 4m capable of accommodating a 15 tonne vehicle and which is at least 6m clear of vegetation;</li> <li>(c) no cut or fill embankments or retaining walls adjacent to the 4m wide trafficable path;</li> <li>(d) a minimum of 4.8m vertical clearance;</li> <li>(e) turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines;</li> <li>(f) a maximum gradient of 12.5%;</li> <li>(g) a cross fall of no greater than 10 degrees;</li> <li>(h) drainage and erosion control devices in accordance with the standards prescribed in a planning scheme policy;</li> <li>(i) vehicular access at each end which is connected to the public road network which is connected to the public road network at intervals of no more than 500m;</li> <li>(j) designated fire trail signage;</li> <li>(k) if used, has gates locked with a system authorised by Queensland Fire and Emergency Services; and</li> <li>(l) if a fire trail, has an access easement that is granted in favour of Council and Queensland Fire and Emergency Services.</li> </ul>	

Performance outcomes	Acceptable outcomes	Applicant response
<b>All development</b>		
<b>PO12</b> All premises are provided with vehicular access that enables safe evacuation for occupants and easy access by fire fighting appliances.	<b>AO12</b> Private driveways: <ul style="list-style-type: none"> <li>(a) do not exceed a length of 60m from the street to the building;</li> <li>(b) do not exceed a gradient of 12.5%;</li> <li>(c) have a minimum width of 3.5m;</li> <li>(d) have a minimum of 4.8m vertical clearance;</li> <li>(e) accommodate turning areas for fire-fighting appliances in accordance with Queensland Fire and Emergency Services' Fire Hydrant and Vehicle Access Guidelines; and</li> <li>(f) serve no more than 3 dwellings or buildings.</li> </ul>	Complies with PO12 – Proposed Lot 104 has an existing Dwelling House on it and a Dwelling House and Secondary Dwelling are permitted to be established on Proposed Lot 102.  The building pad nominated on Proposed Lot 103 will be able to provide vehicular access that enables safe evacuation for occupants and easy access by firefighting appliances.
<b>PO13</b> Development outside reticulated water supply areas includes a dedicated static supply that is available solely for fire fighting purposes and can be accessed by fire fighting appliances.	<b>AO13</b> A water tank is provided within 10m of each building (other than a class 10 building) which: <ul style="list-style-type: none"> <li>(a) is either below ground level or of non-flammable construction;</li> <li>(b) has a take off connection at a level that allows the following dedicated, static water supply to be left available for access by fire fighters:               <ul style="list-style-type: none"> <li>(i) 10,000l for residential buildings</li> </ul> </li> </ul> Note – A minimum of 7,500l is required in a tank and the extra 2,500l may be in the form of accessible swimming pools or dams.	Not Applicable – No building development is proposed but future building development will be able to comply with AO13.

Performance outcomes	Acceptable outcomes	Applicant response
	(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 rigid vehicle (15 tonne fire appliance) access within 6m of the tank; (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 (f) is clearly identified by directional signage provided at the street frontage.	
<b>PO14</b> Landscaping does not increase the potential bushfire risk.	<b>AO14</b> Landscaping uses species that are less likely to exacerbate a bushfire event, and does not increase fuel loads within separation areas.	Not Applicable – RaL Development
<b>PO15</b> The risk of bushfire and the need to mitigate that risk is balanced against other factors (such as but not limited to, biodiversity or scenic amenity).	<b>AO15</b> Bushfire risk mitigation treatments do not have a significant impact on the natural environment or landscape character of the locality where this has value.	Complies with AO15 - Bushfire risk mitigation treatments will be able to be provided without a significant impact on the natural environment or landscape character of the locality where this has value.

Note – 'Vulnerable activities' are those involving:

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



## 8.2.4 Flood and storm tide hazard overlay code

### 8.2.4.1 Application

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

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

### 8.2.4.2 Purpose

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

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

### Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant response
<b>For self-assessable and assessable development</b>		
<b>PO1</b> Development is located and designed to: <ul style="list-style-type: none"> <li>a) ensure the safety of all persons;</li> <li>b) minimise damage to the development and contents of buildings;</li> <li>c) provide suitable amenity;</li> <li>d) minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events.</li> </ul> <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>	<b>AO1.1</b> Development is sited on parts of the land that is not within the Flood and Storm tide hazards overlay maps contained in Schedule 2; or For dwelling houses, <b>AO1.2</b> Development within the Flood and Storm Tide hazards overlay maps (excluding the Flood plain assessment sub-category) is designed to provide immunity to the Defined Inundation Event as outlined within Table 8.2.4.3.b plus a freeboard of 300mm.	Complies with PO1 – A Dwelling House exists on Proposed Lot 104 and a Dwelling House and Secondary Dwelling are permitted on Proposed Lot 102. The house pad nominated on Proposed Lot 103 and access thereto is not included in the Flood and Storm Tide Inundation designations and is a suitably elevated part of the site with direct access to Ferrero Road to ensure building development is free from flooding impacts and a suitable form of access is available during flood events.

Performance outcomes	Acceptable outcomes	Applicant response
	<b>AO1.3</b> New buildings are: (a) not located within the overlay area; (b) located on the highest part of the site to minimise entrance of flood waters; (c) provided with clear and direct pedestrian and vehicle evacuation routes off the site.  <b>AO1.4</b> In non urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters.	
<b>For assessable development</b>		
<b>PO2</b> The development is compatible with the level of risk associated with the natural hazard.	<b>AO2</b> The following uses are not located in land inundated by the Defined Flood Event (DFE) / Storm tide: (a) Retirement facility; (b) Community care facility; (c) Child care centre.	Not Applicable
<b>PO3</b> Development siting and layout responds to flooding	For Material change of use <b>AO3.1</b>	Not Applicable

Performance outcomes	Acceptable outcomes	Applicant response
potential and maintains personal safety	<p>New buildings are:</p> <ul style="list-style-type: none"> <li>(a) not located within the overlay area;</li> <li>(b) located on the highest part of the site to minimise entrance of flood waters;</li> <li>(c) provided with clear and direct pedestrian and vehicle evacuation routes off the site.</li> </ul> <p>or</p> <p><b>AO3.2</b></p> <p>The development incorporates an area on site that is at least 300mm above the highest known flood inundation level with sufficient space to accommodate the likely population of the development safely for a relatively short time until flash flooding subsides or people can be evacuated.</p> <p>or</p> <p><b>AO3.3</b></p> <p>Where involving an extension to an existing dwelling house that is situated below DFE /Storm tide, the maximum size of the extension does not exceed 70m<sup>2</sup> gross floor area.</p> <p>Note – If part of the site is outside the Hazard Overlay area, this is the preferred location of all buildings.</p>	
	<p>For Reconfiguring a lot</p> <p><b>AO3.4</b></p> <p>Additional lots:</p> <ul style="list-style-type: none"> <li>(a) are not located in the hazard overlay area;</li> </ul>	<p>Complies with PO3 – A Dwelling House exists on Proposed Lot 104 and a Dwelling House and Secondary Dwelling are permitted on Proposed Lot 102.</p> <p>The house pad nominated on Proposed Lot</p>



Performance outcomes	Acceptable outcomes	Applicant response
	<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>	103 and access thereto is not included in the Flood and Storm Tide Inundation designations and is a suitably elevated part of the site with direct access to Ferrero Road to ensure building development is free from flooding impacts and a suitable form of access is available during flood events.
	<p><b>AO3.5</b></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 or other non-permeable layouts; and</p> <p>(b) by direct and simple routes to main carriageways.</p>	Not Applicable – Not an urban area
	<p><b>AO3.6</b></p> <p>Signage is provided on site (regardless of whether the land is in public or private ownership) indicating the position and path of all safe evacuation routes off the site and if the site contains, or is within 100m of a floodable waterway, hazard warning signage and depth indicators are also provided at key hazard points, such as at floodway crossings or entrances to low-lying reserves.</p>	<p>Complies with AO3.7 – A Dwelling House exists on Proposed Lot 104 and a Dwelling House and Secondary Dwelling are permitted on Proposed Lot 102.</p> <p>The house pad nominated on Proposed Lot 103 and access thereto is not included in the Flood and Storm Tide Inundation designations.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	or <b>A03.7</b> There is no intensification of residential uses within the flood affected areas on land situated below the DFE/Storm tide	
	For Material change of use (Residential uses) <b>A03.8</b> The design and layout of buildings used for residential purposes minimise risk from flooding by providing: (a) parking and other low intensive, non-habitable uses at ground level; 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.	Not Applicable
<b>PO4</b> Development is resilient to flood events by ensuring design and built form account for the potential risks of flooding.	For Material change of use (Non-residential uses) <b>A04.2</b> Non residential buildings and structures allow for the flow through of flood waters on the ground floor. Note - Businesses should ensure that they have the necessary contingency plans in place to account for the potential need to relocate property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a building or off site). Note - The relevant building assessment provisions under the <i>Building Act 1975</i> apply to all building work within the Hazard Area and need to take into account the flood potential within the area.	Not Applicable

Performance outcomes	Acceptable outcomes	Applicant response
	<b>AO4.3</b> Materials are stored on-site: (a) are those that are readily able to be moved in a flood event; (b) where capable of creating a safety hazard by being shifted by flood waters, are contained in order to minimise movement in times of flood. Notes - (a) Businesses should ensure that they have the necessary contingency plans in place to account for the potential need to relocate property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a building or off site). (b) Queensland Government Fact Sheet 'Repairing your House after a Flood' provides information about water resilient products and building techniques.	
<b>PO5</b> Development directly, indirectly and cumulatively avoids any increase in water flow velocity or flood level and does not increase the potential flood damage either on site or on other properties. Note – Berms and mounds are considered to be an undesirable built form outcome and are not supported.	For Operational works <b>AO5.1</b> Works in urban areas associated with the proposed development do not involve: (a) any physical alteration to a watercourse or floodway including vegetation clearing; or (b) a net increase in filling (including berms and mounds).	Not Applicable
	<b>AO5.2</b> Works (including buildings and earthworks) in non	Not Applicable

Performance outcomes	Acceptable outcomes	Applicant response
	<p>urban areas either:</p> <p>(a) do not involve a net increase in filling greater than 50m<sup>3</sup>; 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>	
	<p>For Material change of use</p> <p><b>AO5.3</b></p> <p>Where development is located in an area affected by DFE/Storm tide, a hydraulic and hydrology report, prepared by a suitably qualified professional, demonstrates that the development</p> <p>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</p>	Not Applicable



Performance outcomes	Acceptable outcomes	Applicant response
	<p>subject site; and</p> <p>(b) does not increase ponding on sites upstream, downstream or in the general vicinity of the subject site.</p>	
	<p>For Material change of use and Reconfiguring a lot</p> <p><b>AO5.4</b></p> <p>In non urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters.</p> <p>Note – Fences and irrigation infrastructure (e.g. irrigation tape) in rural areas should be managed to minimise adverse the impacts that they may have on downstream properties in the event of a flood.</p>	<p>Complies with PO5 – The proposed development will not adversely impact water flow velocity or flood level and will not increase the potential flood damage either on site or on other properties.</p>
<p><b>PO6</b></p> <p>Development avoids the release of hazardous materials into floodwaters.</p>	<p>For Material change of use</p> <p><b>AO6.1</b></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><b>AO6.2</b></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>Not Applicable</p>

Performance outcomes	Acceptable outcomes	Applicant response
	(b) designed to prevent the intrusion of floodwaters.	
	<b>AO6.3</b> Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by the DFE.	Not Applicable
	<b>AO6.4</b> If a flood level is not adopted, hazardous materials and their manufacturing equipment are located on the highest part of the site to enhance flood immunity and designed to prevent the intrusion of floodwaters.  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.	Not Applicable
<b>P07</b> The development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.	<b>A07</b> Development does not: <ul style="list-style-type: none"> <li>(a) increase the number of people calculated to be at risk of flooding;</li> <li>(b) increase the number of people likely to need evacuation;</li> <li>(c) shorten flood warning times; and</li> <li>(d) impact on the ability of traffic to use evacuation routes, or unreasonably increase traffic volumes on evacuation routes.</li> </ul>	Complies with A07

Performance outcomes	Acceptable outcomes	Applicant response
<p><b>PO8</b></p> <p>Development involving community infrastructure:</p> <p>(a) remains functional to serve community need during and immediately after a flood event;</p> <p>is designed, sited and operated to avoid adverse impacts on the community or environment due to impacts of flooding on infrastructure, facilities or access and egress routes;</p> <p>retains essential site access during a flood event;</p> <p>is able to remain functional even when other infrastructure or services may be compromised in a flood event.</p>	<p><b>AO8.1</b></p> <p>The following uses are not located on land inundated during a DFE/Storm tide:</p> <ul style="list-style-type: none"> <li>(a) community residence; and</li> <li>(b) emergency services; and</li> <li>(c) residential care facility; and</li> <li>(d) utility installations involving water and sewerage treatment plants; and</li> <li>(e) storage of valuable records or items of historic or cultural significance (e.g. archives, museums, galleries, libraries).</li> </ul> <p>or</p> <p><b>AO8.2</b></p> <p>The following uses are not located on land inundated during a 1% AEP flood event:</p> <ul style="list-style-type: none"> <li>(a) community and cultural facilities, including facilities where an education and care service under the Education and care Services National law (Queensland) is operated or child care service under the <i>Child Care Act 2002</i> is conducted,</li> <li>(b) community centres;</li> <li>(c) meeting halls;</li> <li>(d) galleries;</li> <li>(e) libraries.</li> </ul> <p>The following uses are not located on land inundated</p>	<p>Not Applicable</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>during a 0.5% AEP flood event.</p> <ul style="list-style-type: none"> <li>(a) emergency shelters;</li> <li>(b) police facilities;</li> <li>(c) sub stations;</li> <li>(d) water treatment plant</li> </ul> <p>The following uses are not located on land inundated during a 0.2% AEP flood event:</p> <ul style="list-style-type: none"> <li>(a) correctional facilities;</li> <li>(b) emergency services;</li> <li>(c) power stations;</li> <li>(d) major switch yards.</li> </ul> <p>and/or</p> <p><b>AO8.3</b></p> <p>The following uses have direct access to low hazard evacuation routes as defined in</p> <p>Table 8.2.4.3.c :</p> <ul style="list-style-type: none"> <li>(a) community residence; and</li> <li>(b) emergency services; and</li> <li>(c) hospitals; and</li> <li>(d) residential care facility; and</li> <li>(e) sub stations; and</li> <li>(f) utility installations involving water and sewerage treatment plants.</li> </ul>	

Performance outcomes	Acceptable outcomes	Applicant response
	<b>AO8.4</b> Any components of infrastructure that are likely to fail to function or may result in contamination when inundated by flood, such as electrical switch gear and motors, telecommunications connections, or water supply pipeline air valves are: <ul style="list-style-type: none"> <li>(a) located above DFE/Storm tide or the highest known flood level for the site;</li> <li>(b) designed and constructed to exclude floodwater intrusion / infiltration.</li> </ul>	
	<b>AO8.5</b> Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by a flood.	Not Applicable



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

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

Table 8.2.4.3.c - Degree of flood

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

Note: The evacuation times for various facilities or areas would (but not necessarily) be included in the Counter Disaster Plan.

Generally safe wading conditions assume even walking surfaces and no obstructions, steps, soft underfoot etc.

## 9.4.7 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;
  - (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 code – assessable development**

Performance outcomes	Acceptable outcomes	Applicant response
<b>General lot design standards</b>		

Performance outcomes	Acceptable outcomes	Applicant response
<b>PO1</b> Lots comply with the lot reconfiguration outcomes of the applicable Zone code in Part 5.	<b>AO1</b> No acceptable outcomes are prescribed.	Complies with PO1 – refer to Section 5.3 of the Planning Report for detail.
<b>PO2</b> New lots are generally rectangular in shape with functional areas for land uses intended by the zone.	<b>AO2</b> Boundary angles are not less than 45 degrees.	Complies with PO1 – refer to Section 5.3 of the Planning Report for detail.
<b>PO3</b> Lots have legal and practical access to a public road.	<b>AO3</b> Each lot is provided with: (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 has access via the existing constructed road or via the Proposed Access Emt..
<b>PO4</b> Development responds appropriately to its local context, natural systems and site features.	<b>AO4</b> Existing site features such as: (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 – The additional lot, Proposed Lot 103 follows existing physical/natural boundaries.
<b>PO5</b> New lots which have the capability of being further reconfigured into smaller lots at a later date are designed to not compromise ultimate development outcomes permitted in the relevant zone.	<b>AO5</b> The ability to further reconfigure land at a later date demonstrated by submitting a concept plan that meets the planning scheme requirements for the applicable Zone.	Not Applicable


Performance outcomes	Acceptable outcomes	Applicant response
<b>PO6</b> Where existing buildings or structures are to be retained, development results in: (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. Note - This may require buildings or structures to be modified, relocated or demolished to meet setback standards, resolve encroachments and the like.	<b>AO6</b> Development ensures setbacks between existing buildings or structures and proposed boundaries satisfy relevant building standards or zone code requirements, whichever is the greater.	Complies with AO6
<b>PO7</b> Where rear lots are proposed, development: (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 adjoining properties and the area; (c) does not adversely affect the safety and efficiency of the road from which access is gained.	<b>AO7.1</b> Where rear lots are to be established: (a) the rear lot is generally rectangular in shape, avoiding contrived sharp boundary angles; (b) no more than 6 lots directly adjoin the rear 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.	Not Applicable
	<b>AO7.2</b> 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.	Not Applicable





Performance outcomes	Acceptable outcomes	Applicant response
	(c) 5.0 metres in all other Zones.  Note - Rear lots a generally not appropriate in non-Residential or non-Rural zones.	
	<b>A07.3</b>  Access strips are provided with a sealed pavement of sufficient width to cater for the intended traffic, but no less than:  (a) 3.0 metres in Residential Zone. (b) 6.0 metres in an Industrial Zone. (c) 3.5 metres in any other Zone.	Not Applicable
<b>Structure plans</b>  Additional requirements for: (a) a site which is more than 5,000m <sup>2</sup> 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		
<b>PO8</b>  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	<b>A08.1</b>  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	Not Applicable

Performance outcomes	Acceptable outcomes	Applicant response
appropriately into its surroundings.	approved subdivision.  Note - Planning scheme policy SC14– Structure planning provides guidance on meeting the performance outcomes.	
	<b>AO8.2</b> Neighbourhood design, lot and street layout enable future connection and integration with adjoining undeveloped land.	Not Applicable
<b>PO9</b> Neighbourhood design results in a connected network of walkable streets providing an easy choice of routes within and surrounding the neighbourhood.	<b>AO9.1</b> Development does not establish cul-de-sac streets unless: (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
	<b>AO9.2</b> Where a cul-de-sac street is used, it: (a) is designed to be no longer than 150 metres in length; (b) is designed so that the end of the cul-de-sac is visible from its entrance; (c) provides connections from the top of the cul-de-sac to other streets for pedestrians and cyclists, where appropriate.	Not Applicable
	<b>AO9.3</b> 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

Performance outcomes	Acceptable outcomes	Applicant response
<b>PO10</b> 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.	<b>PO10</b> No acceptable outcomes are prescribed.	Not Applicable
<b>PO11</b> Provision of physical and social infrastructure in developing residential neighbourhoods is facilitated through the orderly and sequential development of land.  Note - Part 4 – Local government infrastructure plan may identify specific levels of infrastructure to be provided within development sites.	<b>AO11.1</b> New development adjoins adjacent existing or approved urban development.	Not Applicable
	<b>AO11.2</b> New development is not established beyond the identified Local government infrastructure plan area.	Not Applicable
<b>Urban parkland and environmental open space</b>		
<b>PO12</b> Where appropriate development maintains and enhances public access and use of natural areas, rivers, dams, creeks and the foreshore.	<b>AO12</b> No acceptable outcomes are prescribed.	Not Applicable
<b>PO13</b> Development provides land to: <ul style="list-style-type: none"> <li>(a) meet the recreation needs of the community;</li> <li>(b) provide an amenity commensurate with the structure of neighbourhoods and land uses in the vicinity; and adjacent to open space areas;</li> <li>(c) provide for green corridors and linkages.</li> </ul>	<b>AO13</b> No acceptable outcomes are prescribed.  Note - Part 4 – Priority infrastructure plan and Planning scheme policy SC14 – Structure Plans provides guidance in providing open space and recreation land.	Not Applicable

Performance outcomes	Acceptable outcomes	Applicant response
<b>AO14</b> Lot size, dimensions, frontage and orientation permits buildings to be established that will facilitate casual surveillance to urban parkland and environmental open space.	<b>AO14.1</b> Urban parkland is regular in shape.	Not Applicable
	<b>AO14.2</b> At least 75% of the urban parkland's frontage is provided as road.	Not Applicable
	<b>AO14.3</b> Urban parkland and environmental open space areas are positioned to be capable of being overlooked by surrounding development.	Not Applicable
	<b>AO14.4</b> Surrounding lots are orientated so that facades will front and overlook the urban parkland and environmental open space.	Not Applicable
	<b>AO14.5</b> The number of lots that back onto, or are side-orientated to the urban parkland and environmental open space is minimised. 	Not Applicable

Inconsistent design solution - low total number of lots complying

Performance outcomes	Acceptable outcomes	Applicant response
	<p>with the acceptable outcomes.</p>  <p> Lots orientated to front and overlook park to provide casual surveillance.</p> <p>Consistent design solution - high total number of lots complying with the acceptable outcomes.</p>	
<b>Private subdivisions (gated communities)</b>		
<b>PO15</b> Private subdivisions (gated communities) do not compromise the establishment of connected and integrated infrastructure and open space networks.	<b>PO15</b> No acceptable outcomes are prescribed.	Not Applicable
<b>Additional requirements for reconfiguration involving the creation of public streets or roads</b>		
<b>PO16</b> The function of new roads is clearly identified and legible and provides integration, safety and convenience for all users.	<b>AO16</b> 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
<b>PO17</b> Street design supports an urban form that	<b>AO17</b> No acceptable outcomes are prescribed.	Not Applicable



Performance outcomes	Acceptable outcomes	Applicant response
<p>creates walkable neighbourhoods. Street design:</p> <p>(a) is appropriate to the function(s) of the street;</p> <p>(b) meets the needs of users and gives priority to the needs of vulnerable users.</p>		
<b>Public transport network</b>		
<p><b>PO18</b></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><b>AO18</b></p> <p>No acceptable outcomes are prescribed.</p>	Not Applicable
<b>Pest plants</b>		
<p><b>PO19</b></p> <p>Development activities and sites provide for the removal of all pest plants and implement ongoing measures to ensure that pest plants do not reinfest the site or nearby sites.</p> <p>Editor's note - This does not remove or replace all land owner's obligations or responsibilities under the Land Protection (Pest and Stock Route Management) Act 2002.</p>	<p><b>AO19</b></p> <p>Pest plants detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person prior to earthworks commencing.</p> <p>Note - A declaration from an appropriately qualified person validates the land being free from pest plants.</p> <p>Declared pest plants include locally declared and State declared pest plants.</p>	Complies with PO19 - If required, able to comply in accordance with a condition of approval.