

Decision notice approval
Sustainable Planning Act 2009 s.335



PLEASE QUOTE DEV2017/0029

YOUR REFERENCE:

OUR REFERENCE: DEV2017/0029:IN:mp1808151305

ENQUIRIES TO: Isabella Newman – Planning Officer

15 August 2018

Cassowary Coast Regional Council
PO Box 887
INNISFAIL QLD 4860

Via Email: vince.obrien@ccrc.qld.gov.au

Attention: Vince O'Brien

Dear Sir

DEV2017/0029 - Development application for Preliminary Approval for a Material Change of Use (Section 242 of the Sustainable Planning Act 2009) overriding the Planning Scheme to facilitate use rights in accordance with the Cardstone Plan of Development, on land described as Lot 31 on SP188129, situated at Tully Gorge Road, Cardstone

I acknowledge receipt of the above application on 15 May 2017 and confirm the following details.

I wish to advise that, on 9 August 2018 the above development application was -

- approved in full or
- approved in part for the following or
- approved in full with conditions. The conditions of this approval are set out in Attachment 1. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them or
- approved in part for the following, with conditions

The conditions of this approval are set out in **Attachment 1**. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

Approval under s331

This application has or has not been deemed to be approved under section 331 of the *Sustainable Planning Act 2009* (SPA).

1. Details of the approval

The following approvals are given:

	Sustainable Planning Regulation 2009, schedule 3 reference	Development Permit	Preliminary Approval
Making a material change of use assessable under the planning scheme, a temporary local planning instrument, a master plan or a preliminary approval to which section 242 applies		<input type="checkbox"/>	<input checked="" type="checkbox"/>

2. Preliminary approval affecting the planning scheme

A preliminary approval to which section 242 of the SPA applies is given and the assessment manager has approved a **variation to the local planning instruments**: Cassoway Coast Regional Council Planning Scheme 2015.

The variation approved:

- specifying the level of assessment for certain development within the Cardstone Plan of Development Area in accordance with the Cardstone Plan of Development

3. Other necessary development permits and/or compliance permits

Listed below are other development permits and/or compliance permits that are necessary to allow the development to be carried out:

- Development approval for Operational Works
- Development permit for Building Works
- Development permit for Plumbing & Drainage Works

4. Codes for self-assessable development

- Cassoway Coast Regional Council Planning Scheme 2015
- Cardstone Plan of Development
- Cardstone Village Zone Code
- Cardstone Adventure Tourism Zone Code
- Cardstone Camping and Open Space Zone Code
- Cardstone Conservation Zone Code

5. Submissions

There were / were no properly made submissions about the application.

6. Conflict with a relevant instrument and reasons for the decision despite the conflict

The assessment manager does consider that the assessment manager's decision conflicts with a relevant instrument.

Details of the conflict with the relevant instrument	Reason for the decision, including a statement about the sufficient grounds to justify the decision despite the conflict
<p>The Environmental Management and Conservation Zoning of the site within the Cassowary Coast Regional Council Planning Scheme 2015</p>	<ul style="list-style-type: none"> • Is consistent with the Strategic Framework of the Coast Regional Council Planning Scheme 2015 which specifically identifies the Cardstone Village site as suitable for tourism and nature-based tourism activities; • Is consistent with the Far North Queensland Regional Plan 2009-2031 and the intent of the Regional Landscape and Rural Production Area; • Satisfies the relevant provisions of each of the planning scheme codes applicable to the development or provides sufficient grounds why the proposed development should be approved despite any conflict with the codes; • Ensures that the future development of the site is low key and low impact, as well as reliant upon and consistent with the ecological values of the area in order to maintain ecological connectivity; • Will be designed and constructed to celebrate and protect the region's biodiversity and environmental values; • Allows for the site to be developed into a world-class tourism location to drive tourism and contribute towards the economic prosperity of the Cassowary Coast region; • Provides the opportunity for locals, and domestic and international tourists to experience a number of unique recreational and accommodation activities which showcases the exceptional natural environment of the Tully Gorge and surrounding rainforest in a sustainable manner; • Allows for the development of new and exciting local industries based on nature-based tourism and technological innovation which can contribute to a resilient and diversified regional economy; and • Ensures that the development of the site will be designed and constructed to blend in with the surrounding Wet Tropics World Heritage area and carried out in a way that is sensitive to and protective of the region's endangered and threatened species, including the cassowary and the mahogany glider.

7. Referral agencies

The referral agencies for this application are:

For an application involving	Name of referral agency	Advice agency or concurrence agency	Address
<p>An aspect of development identified in schedule 9 that—</p> <p>(a) is for a purpose mentioned in schedule 9, column 1; and</p> <p>(b) meets or exceeds the threshold—</p> <p>(i) for development in LGA population 1— mentioned in schedule 9, column 2 for the purpose; or</p> <p>(ii) for development in LGA population 2— mentioned in schedule 9, column 3 for the purpose; and</p> <p>(c) for development in LGA population 1— is not for accommodation activities at premises wholly or partly in the excluded area.</p> <p>However, if the development is for a combination of purposes mentioned in the same item of schedule 9, the threshold is for the combination of purposes and not for each purpose individually.</p> <p>SPA Reg 2009, sch 7, table 3, item 2</p>	<p>Department of Infrastructure, Local Government and Planning</p>	<p>Concurrence Agency</p>	<p>Department of Infrastructure, Local Government and Planning Far North Regional Office Main Office – Cairns</p> <p><u>Visit:</u> Ground Floor, Cairns Port Authority Building, Cnr Grafton and Hartley Streets, Cairns</p> <p><u>Post:</u> PO Box 2358, Cairns Qld 4870</p> <p><u>Tel:</u> 07 4037 3209</p> <p><u>Email lodgement:</u> CairnsSARA@dilgp.qld.gov.au</p> <p><u>MyDAS electronic lodgement:</u> www.dilgp.qld.gov.au/MyDAS</p>

8. Approved plans

The approved plans and/or documents for this development approval are listed in the following table:

Plan/Document number	Plan/Document name	Date
Unnumbered	Cardstone Plan of Development	Received by Council on 23 July 2018
Doc No. 17048 V1 R0	Cardstone Village Proposed Access Arrangement & Signage Concept Plan	December 2017 Received by Council on 23 July 2018
Unnumbered	Cardstone Plan of Development Zoning Map	Received by Council on 23 July 2018

9. When approval lapses if development started but not completed—preliminary approval to which section 242 of the SPA applies (s.343)

The relevant period for the preliminary approval (Material Change of Use) shall be ten (10) years starting the day the approval is granted or takes effect. In accordance with Section 343 of SPA, the development approval for Material Change of Use lapses if the building work under the approval is not complete within the abovementioned relevant period.

An applicant may request Council to extend the relevant period provided that such request is made in accordance with Section 383 of SPA and before the preliminary approval lapses under Section 343 of SPA.

10. Appeal rights

Appeals by applicants

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal, or refusal in part of the development application
- any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242 of SPA
- the decision to give a preliminary approval when a development permit was applied for
- the length of a period mentioned in section 341
- a deemed refusal of the development application.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 461(2) of SPA.

Applicants may also have a right to appeal to the Building and Development Dispute Resolution Committee. For more details, see SPA, chapter 7, part 2.

Attachment 2 is an extract from SPA which details the applicant's appeal rights regarding this decision.

If you wish to discuss this matter further, please contact Planning Officer, Isabella Newman on Ph: (07) 0443 9143.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Manfred Boldy', with a stylized flourish at the end.

Manfred Boldy
DIRECTOR PLANNING & REGIONAL DEVELOPMENT

Cc: Department of State Development, Manufacturing, Infrastructure & Planning

By email: cairnsSARA @dsdmip.qld.gov.au

Attention: Belinda Jones

Dear Madam

Please find attached for your records. Your reference: SDA-0617-0139894

Yours faithfully

A handwritten signature in black ink, appearing to read 'Manfred Boldy', with a stylized flourish at the end.

Manfred Boldy
DIRECTOR PLANNING & REGIONAL DEVELOPMENT

Decision notice approval
Sustainable Planning Act 2009 s.335

Attachment 1—Conditions of the approval

Part 1—Conditions imposed by the assessment manager

1. **Proposal:** That the development be undertaken generally in accordance with the application, documentation and plans in the table below, accepted by Council on 15 May 2017, 19 December 2017 & 23 July 2018, all relating to Development Application - DEV2017/0029, excepting where varied by the following conditions.

Plan Number	Plan Name	Date
Unnumbered	Cardstone Plan of Development	Received by Council on 23 July 2018
Doc No. 17048 V1 R0	Cardstone Village Proposed Access Arrangement & Signage Concept Plan	December 2017 Received by Council on 23 July 2018
Unnumbered	Cardstone Plan of Development Zoning Map	Received by Council on 23 July 2018

The development may proceed subject to:

- (a) The plans, specifications, facts and circumstances as set out in the application submitted to Council;
 - (b) Ensuring that the development complies in all respects with the following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual; and
 - (c) Any alterations found necessary by the Chief Executive Officer or his delegate at the time of examination of the engineering plans or during construction of the development because of a particular requirement; except where modified by these conditions of approval.
2. **Timing of Effect:** The conditions of the Preliminary Approval must be complied with prior to the commencement of use, except where specified otherwise in these conditions of approval.
3. **Relevant Period:** The relevant period for the development approval (Preliminary Approval for Material Change of Use under s242 of the Sustainable Planning Act 2009) shall be ten (10) years starting the day the approval is granted or takes effect. In accordance with Section 341(1) of the Sustainable Planning Act 2009, the development approval for material change of use lapses if the first change of use under the approval does not happen within the abovementioned relevant period.
4. **Fencing:** The applicant/owner must ensure that any fencing erected on the site is designed as follows:
- a) no more than 2 metres in height;
 - b) made of smooth wire, welded bar, timber, steel cladding, solid masonry or brick;
 - c) any gaps are no more than 100 millimetres in width;
 - d) secured at the base to prevent domestic animals from burrowing underneath; and
 - e) not electrified.

Where possible, fencing should be eliminated to allow for the free movement of fauna both within the site and for the purpose of migration and emigration to and from the site. Barbed wire shall not be used at any time.

5. **Building Material**: The applicant/owner must ensure that future buildings and structures do not dominate the natural landscape and are constructed of materials sympathetic to the surrounding environment. Visible surfaces as well as any flashing, guttering and downpipes are to be of non-reflective and natural colours.
6. **Vegetation canopy**: The applicant/owner must ensure that all future buildings and other structures are of a height generally less than the height of the existing mature vegetation canopy, where such a canopy exists.
7. **Filling of Land - General**: Any filling of land shall be designed and undertaken in accordance with the FNQROC Development Manual - CP1 "Construction Procedures", DP1 "Development Principals", D2 "Site Regrading" and D4 "Stormwater Drainage" and S1 "Earthworks Specification" and the provisions of the 9.4.3 Excavating and filling code of the Cassowary Coast Regional Council Planning Scheme 2015.
8. **Advertising Devices**: The applicant/owner must ensure that any advertising devices on the subject site comply with the 9.4.1 Advertising Devices Code of the Cassowary Coast Regional Council Planning Scheme 2015.
9. **Noise and Air Quality**: The applicant/owner must ensure that all uses on the site meet the indoor noise objectives set out in the Environmental Protection (Noise) Policy 2008 and the air quality objectives in the Environmental Protection (Air) Policy 2008.

Part 2—Concurrence Agency Conditions:

The Department of State Development, Manufacturing, Infrastructure and Planning (formerly Department of Infrastructure, Local Government and Planning) provided a Concurrence Agency Response, relating to the triggers for State transport infrastructure and clearing native vegetation. – refer attached *Part 2 Concurrence Agency Conditions*

Assessment Manager's Advice:

- a) **Relevant Period**: The relevant period for the development approval (Material Change of Use) shall be ten (10) years starting the day the approval is granted or takes effect. In accordance with Section 341 of SPA, the development approval for Material Change of Use lapses if the building work under the approval is not complete within the abovementioned relevant period.

An applicant may request Council to extend the relevant period provided that such request is made in accordance with Section 383 of SPA and before the development approval lapses under Section 341 of SPA.

- b) **Required Approvals**: A Development approval for Operational Works, Building Works and Plumbing/Drainage Works will be required, with a permit for these works issued prior to any works commencing.
- c) **Cultural Heritage**: The applicant/owner is to ensure compliance with the requirements of the *Aboriginal Cultural Heritage Act* and in particular 'the duty of care' that it imposes all landowners, developers and the like.

- d) Engineering Works: The applicant/owner is to ensure that the engineering works involved in the proposed development are designed and constructed in accordance with the FNQROC Development Manual.
- e) Environmental Nuisance: The *Environmental Protection Act 1994* states that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Environmental harm includes environmental nuisance. In this regard persons and entities, involved in the civil, earthworks and construction phases of this development, are to adhere to their "general environmental duty" to minimise the risk of causing environmental harm.

Environmental harm is defined by the *Act* as any adverse effect, or potential adverse effect whether temporary or permanent and of whatever magnitude, duration or frequency on an environmental value and includes environmental nuisance. Therefore, no person should cause any interference with the environment or amenity of the area by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, sediment, oil or otherwise, or cause hazards likely in the opinion of the Council to cause undue disturbance or annoyance to persons or affect property not connected with the use.

- f) Commonwealth Environment Protection and Biodiversity Conservation Act 1999: It is advised that the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999* applies to action that has, will have, or is likely to have a significant impact on matters of national environmental significance. Further information on the *EPBC Act* can be obtained from the Department Environment and Energy website www.environment.gov.au/epbc *EPBC Act* Policy Statement 1.1 Significant Impact Guidelines Matters of National Environmental Significance (Oct. 2009).

Part 2 Concurrence Agency Conditions



Department of
**State Development,
Manufacturing,
Infrastructure and Planning**

Our reference: SDA-0617-039894
Your reference: DEV2017-0029

06 July 2018

Chief Executive Officer
Cassowary Coast Regional Council
PO Box 887
Innisfail Qld 4880
enquiries@cassowarycoast.qld.gov.au

Attention: Ms Isabella Newman

Dear Sir/Madam

Concurrence agency response—with conditions

Application for Material change of use (section 242 of the *Sustainable Planning Act 2009*) overriding the Planning Scheme to facilitate development in accordance with the Cardstone Plan of Development on land located at Tully Gorge Road, Cardstone and described as Lot 31 on SP188129

(Given under section 285 of the *Sustainable Planning Act 2009*)

The referral agency material for the development application described below was received by the Department of State Development, Manufacturing, Infrastructure and Planning under section 272 of the *Sustainable Planning Act 2009* on 7 June 2017.

Applicant details

Applicant name: Vince O'Brien
Applicant contact details: PO Box 887
Innisfail QLD 4860
vince.obrien@ccrc.qld.gov.au

Site details

Street address: Tully Gorge Road, Cardstone
Lot on plan: Lot 31 on SP188129
Local government area: Cassowary Coast Regional

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Far North Queensland Regional Office
Ground Floor, Cairns Port Authority
PO Box 2358
Cairns QLD 4870

Document Set ID: 2603115
Version: 1, Version Date: 09/07/2018

Application details

Proposed development: Preliminary approval for a Material change of use (section 242 of the *Sustainable Planning Act 2009*) overriding the Cassowary Coast Regional Council Planning Scheme 2015 to facilitate development in accordance with the Cardstone Plan of Development

Aspects of development and type of approval being sought

Nature of Development	Approval Type	Brief Proposal of Description	Level of Assessment
Material Change of Use	Preliminary approval under s242 of the <i>Sustainable Planning Act 2009</i>	Development in accordance with the Cardstone Plan of Development	Impact Assessment

Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger 7.3.2 - State transport infrastructure
 7.3.10 - Clearing native vegetation

Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department must set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Approved plans and specifications

The department requires that the following plans and specifications set out below and in Attachment 4 must be attached to any development approval.

Drawing/Report Title	Prepared by	Date	Reference no.	Version
Aspect of development: Material change of sue				
TARP SDA-0617039894 Sheet 1 of 1	Queensland Government SAK-jk357	07 June 2018	8062	-
Cardstone Plan of Development Zoning Map	WD	24 May 2018	24 May 2018	-

A copy of this response has been sent to the applicant for their information.

For further information, please contact Belinda Jones, Senior Planning Officer, SARA Far North QLD on 4037 3239, or email belinda.jones@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely



Brett Nancarrow
Planning Manager

cc: Vince O'Brien, vince.obrien@ccrc.qld.gov.au
enc: Attachment 1—Conditions to be imposed
Attachment 2—Reasons for decision to impose conditions
Attachment 3—Approved Plans and Specifications

Our reference: SDA-0617-039894
 Your reference: DEV2017-0029

Attachment 1—Conditions to be imposed

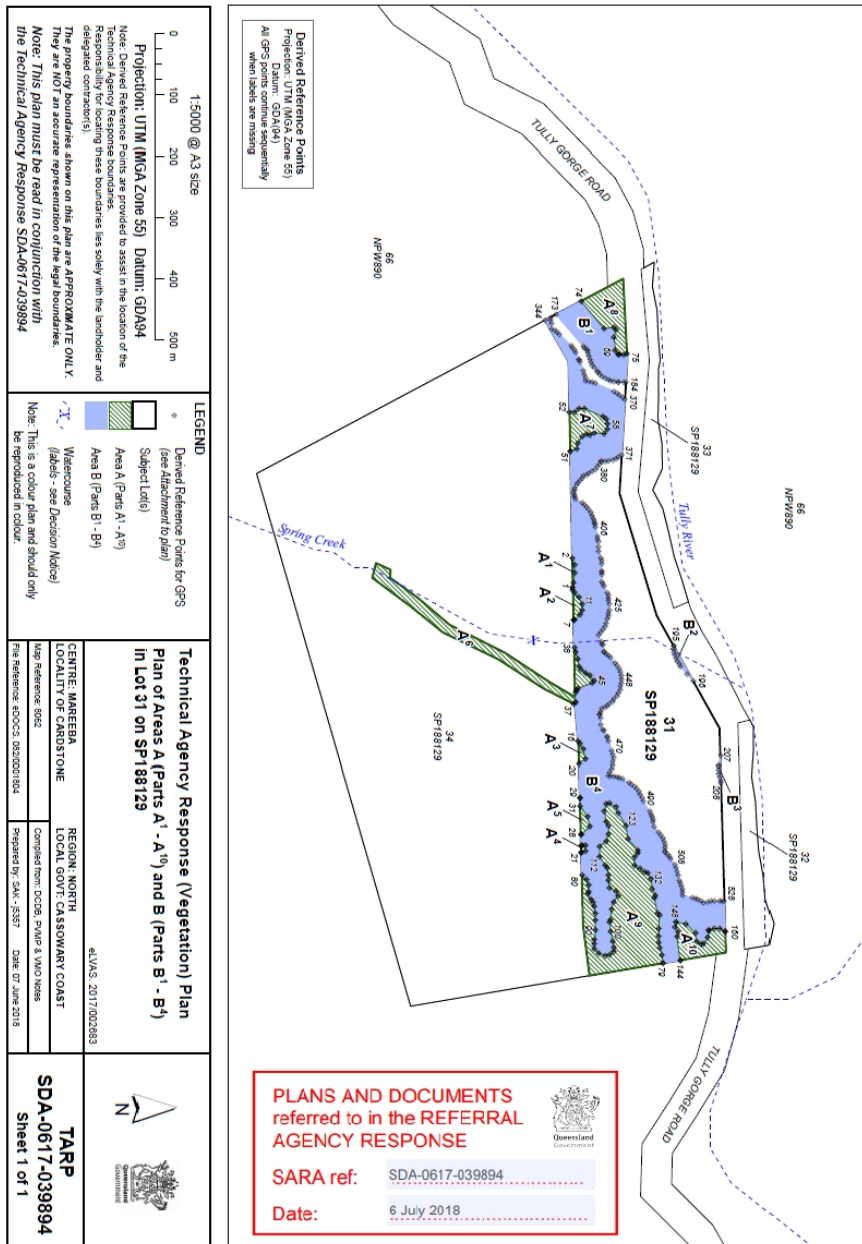
No.	Conditions	Condition timing
Material change of use		
7.3.10 Clearing native vegetation—Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the Act nominates the Director-General of Department of Natural Resources, Mines and Energy the Deputy Director-General of the Department of Justice and Attorney-General to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	No clearing of vegetation is to occur in the area identified as Area A (Parts A1 to A10) as shown on the attached Technical Agency Response (Vegetation) Plan SDA-0617-039894 dated 07 June 2018.	At all times
2.	No built infrastructure is to be established, constructed or located within areas identified as Area A (Parts A1 to A10) as shown on the attached Technical Agency Response (Vegetation) Plan SDA-0617-039894 dated 07 June 2018.	At all times
3.	No built structure, other than for fences, roads and underground services, is to be established, constructed or located within areas identified as Area B (Parts B1 to B4) as shown on the attached Technical Agency Response (Vegetation) Plan SDA-0617-039894 dated 07 June 2018.	At all times

Our reference: SDA-0617-039894
Your reference: DEV2017-0029

Attachment 2—Reasons for decision to impose conditions

The reasons for this decision are:

- To ensure compliance with the State Development Assessment Provisions, version 1.10 relating to performance outcomes of module 8:Native vegetation clearing.
- To restrict the location of built structures and avoid impacts on native vegetation.



**PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE**



SARA ref: SDA-0617-039894

Date: 6 July 2018

Attachment to Plan: SDA-0617-039894

Derived Reference Points for GPS

Horizontal Datum: GDA94 Projection: Transverse Mercator MGA 04 Zone 55

Note: Derived Reference Points are provided to assist in the location of the Technical Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s). This attachment must be read in conjunction with the accompanying plan and the Technical Agency Response SDA-0617-039894. Derived Reference Points are indicated on the accompanying plan and proceed sequentially if labels are missing.

Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing
A1	1	352582	8036667	A7	61	352329	8036701	A9	121	352940	8036737
A1	2	352635	8036666	A7	62	352333	8036694	A9	122	352950	8036741
A1	3	352546	8036669	A7	63	352331	8036689	A9	123	352971	8036754
A1	4	352558	8036669	A7	64	352336	8036682	A9	124	352992	8036757
A1	5	352574	8036668	A7	65	352346	8036675	A9	125	353011	8036773
A1	6	352582	8036667	A7	66	352356	8036673	A9	126	353015	8036773
A2	7	352636	8036668	A7	67	352360	8036662	A9	127	353022	8036767
A2	8	352666	8036667	A8	68	352201	8036742	A9	128	353035	8036768
A2	9	352591	8036669	A8	69	352195	8036736	A9	129	353041	8036776
A2	10	352596	8036676	A8	70	352173	8036734	A9	130	353045	8036783
A2	11	352609	8036681	A8	71	352161	8036737	A9	131	353048	8036789
A2	12	352620	8036681	A8	72	352157	8036734	A9	132	353057	8036794
A2	13	352627	8036667	A8	73	352159	8036718	A9	133	353074	8036797
A2	14	352635	8036670	A8	74	352114	8036680	A9	134	353085	8036802
A2	15	352636	8036668	A8	75	352200	8036755	A9	135	353089	8036800
A3	16	352833	8036675	A8	76	352202	8036751	A9	136	353114	8036805
A3	17	352836	8036678	A8	77	352202	8036743	A9	137	353117	8036808
A3	18	352847	8036683	A8	78	352201	8036742	A9	138	353139	8036807
A3	19	352883	8036688	A9	79	353195	8036814	A9	139	353152	8036807
A3	20	352871	8036676	A9	80	353051	8036681	A9	140	353181	8036807
A4	21	353015	8036680	A9	81	353059	8036688	A9	141	353170	8036809
A4	22	353002	8036680	A9	82	353067	8036692	A9	142	353182	8036812
A4	23	353003	8036682	A9	83	353079	8036692	A9	143	353195	8036814
A4	24	353003	8036688	A9	84	353081	8036690	A10	144	353191	8036842
A4	25	353012	8036687	A9	85	353091	8036696	A10	145	353152	8036837
A4	26	353014	8036681	A9	86	353096	8036699	A10	146	353144	8036839
A4	27	353015	8036680	A9	87	353103	8036702	A10	147	353137	8036834
A5	28	352985	8036679	A9	88	353114	8036703	A10	148	353125	8036836
A5	29	352925	8036678	A9	89	353125	8036703	A10	149	353132	8036852
A5	30	352925	8036678	A9	90	353141	8036704	A10	150	353146	8036867
A5	31	352939	8036678	A9	91	353157	8036702	A10	151	353180	8036869
A5	32	352956	8036691	A9	92	353164	8036701	A10	152	353184	8036876
A5	33	352972	8036695	A9	93	353172	8036702	A10	153	353194	8036881
A5	34	352985	8036680	A9	94	353179	8036709	A10	154	353153	8036887
A5	35	352985	8036679	A9	95	353183	8036720	A10	155	353142	8036889
A6	36	352770	8036671	A9	96	353181	8036727	A10	156	353141	8036890
A6	37	352773	8036668	A9	97	353176	8036733	A10	157	353139	8036898
A6	38	352681	8036669	A9	98	353170	8036734	A10	158	353139	8036907
A6	39	352688	8036672	A9	99	353159	8036732	A10	159	353143	8036915
A6	40	352699	8036675	A9	100	353143	8036728	A10	160	353144	8036916
A6	41	352712	8036676	A9	101	353128	8036727	A10	161	353191	8036942
A6	42	352717	8036681	A9	102	353124	8036728	B1	162	352230	8036707
A6	43	352723	8036688	A9	103	353107	8036729	B1	163	352223	8036701
A6	44	352726	8036694	A9	104	353095	8036733	B1	164	352219	8036698
A6	45	352735	8036701	A9	105	353085	8036741	B1	165	352214	8036696
A6	46	352739	8036699	A9	106	353078	8036738	B1	166	352209	8036694
A6	47	352748	8036676	A9	107	353072	8036727	B1	167	352204	8036692
A6	48	352751	8036673	A9	108	353060	8036724	B1	168	352199	8036692
A6	49	352754	8036671	A9	109	353051	8036725	B1	169	352195	8036691
A6	50	352770	8036671	A9	110	353039	8036722	B1	170	352193	8036688
A7	51	352360	8036662	A9	111	353035	8036720	B1	171	352191	8036686
A7	52	352295	8036661	A9	112	353021	8036710	B1	172	352188	8036683
A7	53	352296	8036670	A9	113	353004	8036710	B1	173	352136	8036639
A7	54	352290	8036677	A9	114	352996	8036721	B1	174	352114	8036680
A7	55	352289	8036685	A9	115	352984	8036725	B1	175	352159	8036718
A7	56	352303	8036716	A9	116	352971	8036725	B1	176	352157	8036734
A7	57	352307	8036721	A9	117	352964	8036721	B1	177	352181	8036737
A7	58	352315	8036724	A9	118	352947	8036718	B1	178	352173	8036734
A7	59	352324	8036723	A9	119	352934	8036721	B1	179	352195	8036736
A7	60	352331	8036718	A9	120	352934	8036726	B1	180	352201	8036742

Attachment to Plan: SDA-0617-039894

Derived Reference Points for GPS

Horizontal Datum: GDA94 Projection: Transverse Mercator MGA 94 Zone 55

Note: Derived Reference Points are provided to assist in the location of the Technical Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s). This attachment must be read in conjunction with the accompanying plan and the Technical Agency Response SDA-0617-039894. Derived Reference Points are indicated on the accompanying plan and proceed sequentially if labels are missing.

Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing
B1	181	352202	8036743	B4	241	352940	8036737	B4	301	352773	8036688
B1	182	352202	8036751	B4	242	352934	8036726	B4	302	352770	8036671
B1	183	352200	8036755	B4	243	352934	8036721	B4	303	352754	8036671
B1	184	352247	8036754	B4	244	352947	8036715	B4	304	352751	8036673
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B2	202	352693	8036833	B4	262	353143	8036728	B4	322	352588	8036667
B2	203	352689	8036832	B4	263	353159	8036732	B4	323	352582	8036667
B2	204	352683	8036831	B4	264	353170	8036734	B4	324	352574	8036668
B2	205	352678	8036831	B4	265	353176	8036733	B4	325	352568	8036686
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B3	209	352597	8036807	B4	269	353172	8036702	B4	329	352526	8036673
B3	210	352591	8036806	B4	270	353164	8036701	B4	330	352546	8036675
B3	211	352586	8036806	B4	271	353157	8036702	B4	331	352536	8036682
B3	212	352580	8036806	B4	272	353141	8036704	B4	332	352531	8036686
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B4	218	353191	8036842	B4	278	353081	8036690	B4	338	352507	8036721
B4	219	353195	8036814	B4	279	353079	8036692	B4	339	352503	8036716
B4	220	353182	8036812	B4	280	353067	8036692	B4	340	352289	8036685
B4	221	353170	8036809	B4	281	353059	8036688	B4	341	352290	8036677
B4	222	353161	8036807	B4	282	353051	8036681	B4	342	352296	8036670
B4	223	353152	8036807	B4	283	353015	8036680	B4	343	352295	8036681
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B4	237	353011	8036773	B4	297	352863	8036688	B4	357	352210	8036677
B4	238	352992	8036757	B4	298	352847	8036683	B4	358	352213	8036679
B4	239	352971	8036754	B4	299	352838	8036678	B4	359	352228	8036685
B4	240	352950	8036741	B4	300	352833	8036675	B4	360	352233	8036686

PLANS AND DOCUMENTS
referred to in the REFERRAL
AGENCY RESPONSE



SARA ref: SDA-0617-039894

Date: 6 July 2018

Attachment to Plan: SDA-0617-039894

Derived Reference Points for GPS

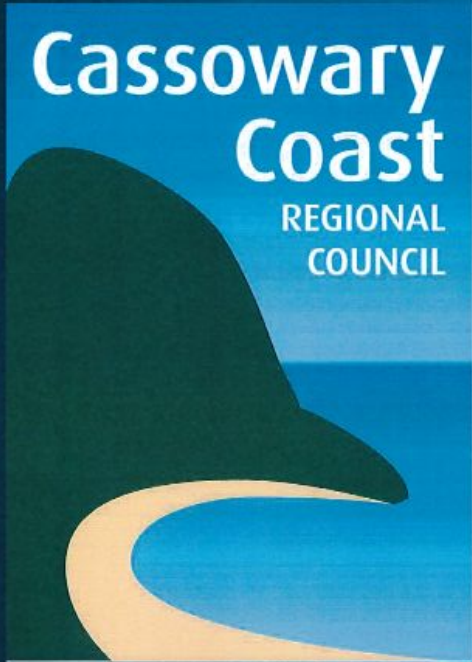
Horizontal Datum: GDA94 Projection: Transverse Mercator MGA 94 Zone 55

Note: Derived Reference Points are provided to assist in the location of the Technical Agency Response boundaries. Responsibility for locating these boundaries lies solely with the landholder and delegated contractor(s). This attachment must be read in conjunction with the accompanying plan and the Technical Agency Response SDA-0617-039894. Derived Reference Points are indicated on the accompanying plan and proceed sequentially if labels are missing.

Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing	Parcel	ID	Easting	Northing
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B4	410	352516	8036708	B4	470	352850	8036731	B4	530	353143	8036915
B4	411	352523	8036709	B4	471	352856	8036732	B4	531	353139	8036907
B4	412	352534	8036712	B4	472	352861	8036733	B4	532	353139	8036908
B4	413	352538	8036713	B4	473	352867	8036732	B4	533	353141	8036909
B4	414	352544	8036714	B4	474	352873	8036731	B4	534	353142	8036909
B4	415	352556	8036714	B4	475	352876	8036730	B4	535	353153	8036907
B4	416	352567	8036714	B4	476	352884	8036727	B4	536	353164	8036901
B4	417	352562	8036714	B4	477	352889	8036724	B4	537	353164	8036907
B4	418	352573	8036713	B4	478	352899	8036729	B4	538	353160	8036909
B4	419	352577	8036716	B4	479	352899	8036734	B4	539	353146	8036907
B4	420	352580	8036717	B4	480	352890	8036738	B4	540	353132	8036902
								B4	541	353128	8036896



CARDSTONE PLAN OF DEVELOPMENT



CASSOWARY COAST REGIONAL COUNCIL
APPROVED
(SUBJECT TO CONDITIONS)
D/A NUMBER: 26/2017/0029
<i>[Signature]</i>
CHIEF EXECUTIVE OFFICER
DATE: 15/08/2018

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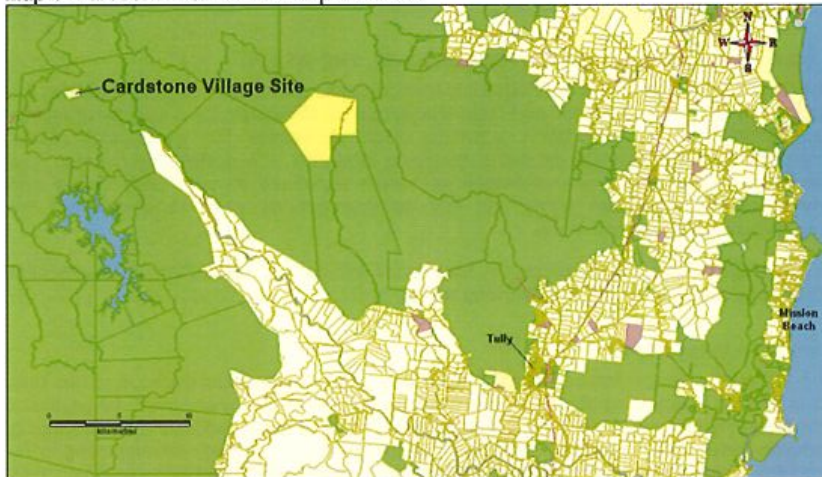
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1. Introduction

1.1 About the Cardstone Plan of Development

- (1) The Cardstone Plan of Development has been prepared in accordance with the *Sustainable Planning Act 2009* (the Act) as a framework for managing development in a way that advances the purpose of the Act.
- (2) In seeking to achieve this purpose, the Cardstone Plan of Development sets out the Cassowary Coast Regional Council's intention for the future development of the Cardstone site;
- (3) The Cardstone Plan of Development applies to Lot 31 on SP188129, illustrated in Map 1 and contains alternative planning requirements to those set out in the Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site.
- (4) Where the Cardstone Plan of Development conflicts with the Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site, the Cardstone Plan of Development prevails.

Map 1—Cardstone Plan of Development area



1.2 Background of the Cardstone Village Site

The Cardstone site is 18.2 hectares in area and is located on the Cassowary Coast in Queensland. The site is located approximately 45kms northwest from Tully on Tully Gorge Road. Construction of the Kareeya Hydro Power Station on the Tully River commenced in 1952 and the power station commenced operation in 1957. The staff and families were provided accommodation in a small village called Cardstone located about 3 miles (4.8 km) downstream from the plant. The site was known as the Cardstone Village and used to accommodate workers at the Kareeya Power Station up until the early 1990s. The village's building comprised of 29 homes, a single men's barracks, a school and a post office. When the village was decommissioned, the former Cardwell Shire Council sought to secure ownership of the land, and Cassowary Coast Regional Council now owns the site in freehold. All buildings have been removed from the site, but the retaining walls, building pads and roads remain.

The site is picturesque, with views of surrounding rainforested mountain ranges and valleys. It is surrounded by Wet Tropics World Heritage area, national park and is adjacent to the Tully River. As a result, the site has enormous eco-tourism potential. The Tully River is already an adventure tourism destination in the far north, and the site's location proximate to the Tully Gorge National Park and Misty Mountains walking trails further supports the potential role of the site as an eco-tourism hub and destination.

1.3 Relationship to Sustainable Planning Act 2009 and Cassowary Coast Regional Council Planning Scheme 2015

The Cardstone Plan of Development functions as part of the preliminary approval pursuant to s242 of the *Sustainable Planning Act 2009* ('SPA') that varies the effect of the local planning instrument for the area by specifying:

- a) The level of assessment for certain development within the Cardstone Plan of Development Area
- b) Codes that form part of the common material against which subsequent development applications within the Cardstone Plan of Development Area will be assessed.

2. Strategic Framework

2.1 Strategic Intent - CARDSTONE VILLAGE: THE VISION

The Cardstone Village site is developed into a world-class tourism location which provides the opportunity for locals, domestic and international tourists to experience a number of unique recreational and accommodation activities which showcases the exceptional natural environment of the Tully Gorge and surrounding rainforest in a sustainable manner. The Cardstone Village site is acknowledged as having significant environmental values and environmentally significant areas and any development will need to compliment the environmental qualities of the site.

The Cardstone site will be developed in accordance with the Cardstone Plan of Development which separates the site into the following zones:

Cardstone Village Zone

This Cardstone Village Zone consists of highly desirable, elevated land overlooking the Tully River and the surrounding landscape and would be ideal for a quality accommodation and or dining experience/area. This zone is suitable for a range of accommodation types including camping sites and facilities, cabins, "glamping" and/or resort development. Any accommodation development may include facilities ordinarily associated with a resort such as recreational, food and beverage and conference and event facilities. This precinct allows for the expansion of accommodation and other facilities and will be connected via pathway to other parts of the Cardstone site while suitably secluded from the Cardstone Adventure Tourism Precinct. Development in this precinct will also benefit from unrivalled views of the surrounding landscape and the natural feel of the adjacent rainforest and Wet Tropics World Heritage Area.

Cardstone Adventure Tourism Zone

The Cardstone Adventure Tourism Zone allows for the establishment of a range of different activities such as day use, tour booking, retail, food and beverage and tourism facilities. The activities in the Cardstone Adventure Tourism Zone can act as a "gateway" to the world class nature based activities available in the Tully Gorge and the Cassowary Coast Region, such as walking trails, guided tours and adventure activities. The activities in this precinct can cater to the full range of visitors to the site, from persons staying on site, local day trippers through to private guided tour groups. The Cardstone Adventure Tourism Zone will be a multi-use area

proving for a range of lower amenity activities such as goods and equipment storage and parking (including overflow accommodation and parking during events). This precinct may include a helicopter pad for both commercial and emergency use. This land will be open to the public during the day and will include picnic tables, amenities and shelters.

Cardstone Camping and Open Space Zone

The Cardstone Camping and Open Space Zone provides for the protection and conservation of areas of the site in its natural state, while allowing the public to appreciate and enjoy the relatively undisturbed nature of the area. The Cardstone Camping and Open Space Zone includes all areas within 45 metres of the protected vegetation within the site, including the riparian areas and watercourses included within the Cardstone Conservation Zone. Reconfiguring a Lot and the construction of permanent buildings and structures is prohibited within the Cardstone Camping and Open Space Zone. However the Cardstone Camping and Open Space Zone will allow for camping in tents and short-term stays by fully self-contained recreational vehicles or caravans.

Cardstone Conservation Zone

The Cardstone Conservation Zone includes all protected vegetation within the site, including the riparian areas and watercourses. The existing creek and swimming hole will remain under Council control and be open to the public, excluding areas along the creek which may be closed off for environmental and public safety reasons. The swimming hole will be open for use by the general public during the day and be accessible from the Cardstone Adventure Tourism Zone day use areas. Reconfiguring a Lot and the construction of any buildings and structures is prohibited within the Cardstone Conservation Zone.

2.2 Natural Environment

2.2.1 Development of the Cardstone site contains tourism, educational services and associated facilities that provide an additional range of tourism related services for visitors to the area.

2.2.2 New development incorporates tropical design principles where practicable, taking into account siting, orientation and environmentally sustainable development principles that benefit from the Region's tropical climate.

2.2.3 Both residents and visitors are provided the opportunity to enjoy the natural ambience and natural attractions and the associated recreational opportunities beyond the Cardstone Site.

2.2.4 Development of the Cardstone site is carried out in a way that is sensitive to and protective of the area's endangered and threatened species.

2.2.5 Development of the Cardstone site is designed to leverage the areas biodiversity and natural environmental qualities.

2.2.6 Development of the Cardstone site maintains, protects and enhances the scenic values of the area.

2.2.7 The importance of the natural environment in contributing to tourism, scenic amenity and recreational activities is recognised in the design of development of the Cardstone site.

2.3 Tourism Development

2.3.1 One of the key development goals for the Cardstone site is to assist in diversifying the region's economic base to provide greater economic biomimicry and employment opportunities for residents of the area.

2.3.2 Commercial activities with minimal impact on the surrounding environment as well as those that develop biomimicry technologies that are supported within the Cardstone Village site. Innovative industries utilising the sites natural features (abundance of tropical habitats, aquatic ecosystems, biodiversity, etc) and involving research and development in areas such as environmental education, tropical medicine, indigenous health and education, pharmaceuticals and alternative energies are encouraged.

2.3.3 The Cultural Heritage of the Cardstone site is preserved and consultation with Traditional owners to ensure that sustainable tourism operations are conducted with ongoing cultural respect and sensitivity.

2.3.4 Adventure based, and eco-tourism development that is easily integrated and consistent with the sites natural and scenic values are supported. All tourism and nature-based tourism development will only be undertaken in a way that ensures the development does not negatively impact on the environmental and scenic values of the site.

2.3.5 The Cardstone site is located on Tully Gorge Road, Cardstone and has been identified as suitable for eco-tourism and associated educational activities. The development of this site will be consistent with a zoning prepared for the site.

2.3.6 Tourism activities are designed to minimise impacts on environmental and scenic values. The number, location and type of tourism facilities are managed so that they do not have a negative impact on environmental and scenic values.

3. Tables of Assessment

3.1 Levels of assessment – Material Change of Use

The following tables identify the levels of assessment for development in a zone for making a material change of use.

Table 3.1.1 Cardstone Village Zone

Use	Level of assessment	Assessment criteria
Bar	Code assessment	4.1.2 Cardstone Village Zone Code
		9.3.7 Commercial activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
		All Other development codes

Use	Level of assessment	Assessment criteria
		(Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Caretakers accommodation	Self assessment	4.1.2 Cardstone Village Zone Code 9.3.5 Caretakers accommodation code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
	Code assessment	
	<ul style="list-style-type: none"> If the criteria for self-assessment does not apply 	4.1.2 Cardstone Village Zone Code 9.3.5 Caretakers accommodation code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Club	Self assessment	4.1.2 Cardstone Village Zone Code 9.3.8 Community activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) 9.3.15 Recreational activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) All Other development codes

Use	Level of assessment	Assessment criteria
		(Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Community use	Code assessment	
		4.1.2 Cardstone Village Zone Code 9.3.8 Community activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Educational establishment	Code assessment	
		4.1.2 Cardstone Village Zone Code 9.3.8 Community activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Emergency services	Self assessment	
		4.1.2 Cardstone Village Zone Code 9.3.8 Community activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Environment facility	Self assessment	
	<ul style="list-style-type: none"> If development is undertaken by Council 	4.1.2 Cardstone Village Zone Code

Use	Level of assessment	Assessment criteria
		All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
	Code assessment	
	<ul style="list-style-type: none"> If the criteria for self-assessment does not apply 	<p>4.1.2 Cardstone Village Zone Code</p> <p>9.3.18 Tourism activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
Food and drink outlet	Code assessment	
	<ul style="list-style-type: none"> If the gross floor area of the development is less than 500m² 	<p>4.1.2 Cardstone Village Zone Code</p> <p>9.3.7 Commercial activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
Function facility	Code assessment	
		<p>4.1.2 Cardstone Village Zone Code</p> <p>9.3.7 Commercial activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
	Code assessment	

Use	Level of assessment	Assessment criteria
Health care services		<p>4.1.2 Cardstone Village Zone Code</p> <p>9.3.8 Community activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
Hotel	Code assessment	<p>4.1.2 Cardstone Village Zone Code</p> <p>9.3.1 Accommodation code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>9.3.7 Commercial activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
Indoor sport and recreation	Code assessment	<p>4.1.2 Cardstone Village Zone Code</p> <p>9.3.15 Recreational activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
Market	Self assessment	

Use	Level of assessment	Assessment criteria
	<ul style="list-style-type: none"> If the development does not involve the clearing of native vegetation; If the market is held not more than once a week and goods are sold from temporary structures 	<p>4.1.2 Cardstone Village Zone Code</p> <p>9.4.1 Advertising devices code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
	Code assessment	
	<ul style="list-style-type: none"> If the criteria for self-assessment does not apply 	<p>4.1.2 Cardstone Village Zone Code</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
	Self assessment	
Nature based tourism	<ul style="list-style-type: none"> is set back a minimum of 20 metres from the property boundary and any sensitive land use 	<p>4.1.2 Cardstone Village Zone Code</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
Code assessment		
	<ul style="list-style-type: none"> If the criteria for self-assessment does not apply 	<p>4.1.2 Cardstone Village Zone Code</p> <p>9.3.1 Accommodation code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>9.3.4 Camping, caravans and cabins code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>9.3.18 Tourism activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or</p>

Use	Level of assessment	Assessment criteria
		any future Planning Scheme relevant to the site)
Outdoor sport and recreation	Code assessment	4.1.2 Cardstone Village Zone Code 9.3.15 Recreational activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
	Exempt	
Park	<ul style="list-style-type: none"> If development does not involve the construction of new buildings or on-site car parking 	
	Self assessment	4.2.2 Cardstone Adventure Tourism Zone Code All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Research and technology industry	Code assessable	4.1.2 Cardstone Village Zone Code 9.3.13 Industrial activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
	<ul style="list-style-type: none"> If development is for research and development in areas such as environmental education, tropical medicine, indigenous health and education, pharmaceuticals and alternative energies. 	
Resort complex	Code assessment	4.1.2 Cardstone Village Zone Code

Use	Level of assessment	Assessment criteria
		<p>9.3.1 Accommodation code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>9.3.18 Tourism activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
Shop	Code assessment	
	<ul style="list-style-type: none"> If the gross floor area of the development is less than 500m² 	<p>4.1.2 Cardstone Village Zone Code</p> <p>9.3.7 Commercial activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
Short-term accommodation	Code assessment	
		<p>4.1.2 Cardstone Village Zone Code</p> <p>9.3.1 Accommodation code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
Substation	Exempt	
Theatre	Code assessment	
		4.1.2 Cardstone Village Zone Code

Use	Level of assessment	Assessment criteria
		<p>9.3.7 Commercial activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
Tourist park	Code assessment	<p>4.1.2 Cardstone Village Zone Code</p> <p>9.3.4 Camping, caravans and cabins code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
Utility installation	Exempt	
Impact assessment		
<p>Any other use not listed in this table.</p> <p>Any other use not listed in this table.</p> <p>Any use listed in this table and not meeting the description listed in the level of assessment column.</p> <p>Any other undefined use.</p>		<p>The Cardstone Plan of Development</p> <p>Applicable use code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>

Editor's note—The above levels of assessment apply unless otherwise prescribed in the Act or the Regulation.

Editor's note—All Other development codes as referred to in this table are the Other development codes in section 9.4 of the Cassowary Coast Regional Council Planning Scheme 2015.

Note—The identified self-assessable acceptable outcomes for self-assessable development are marked with a ▼. Self-assessable development is only required to comply with the self-assessable acceptable outcomes that are relevant to that development. Acceptable outcomes marked with a ▼ still apply to code and impact assessable development, in addition to being the assessment criteria for self-assessable development.

Table 3.1.2 Cardstone Adventure Tourism Zone

Use	Level of assessment	Assessment criteria
Bar	Code assessment	<p>4.2.2 Cardstone Adventure Tourism Zone Code</p> <p>9.3.7 Commercial activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
	Self assessment	<p>4.2.2 Cardstone Adventure Tourism Zone Code</p> <p>9.3.5 Caretakers accommodation code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
Caretakers accommodation	Code assessment	<p>4.2.2 Cardstone Adventure Tourism Zone Code</p> <p>9.3.5 Caretakers accommodation code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
	<ul style="list-style-type: none"> If the criteria for self-assessment does not apply 	<p>4.2.2 Cardstone Adventure Tourism Zone Code</p> <p>9.3.5 Caretakers accommodation code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>

Use	Level of assessment	Assessment criteria
		All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Club	Self assessment	4.2.2 Cardstone Adventure Tourism Zone Code 9.3.8 Community activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) 9.3.15 Recreational activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
	Code assessment	4.2.2 Cardstone Adventure Tourism Zone Code 9.3.8 Community activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Community Use	Code assessment	4.2.2 Cardstone Adventure Tourism Zone Code 9.3.8 Community activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
	Code assessment	4.2.2 Cardstone Adventure Tourism Zone Code 9.3.8 Community activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) All Other development codes

Use	Level of assessment	Assessment criteria
		(Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Emergency services	Self assessment	4.2.2 Cardstone Adventure Tourism Zone Code 9.3.8 Community activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
	Self assessment	
Environment Facility	<ul style="list-style-type: none"> If development is undertaken by Council 	4.2.2 Cardstone Adventure Tourism Zone Code All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
	Code assessment	
	<ul style="list-style-type: none"> If the criteria for self-assessment does not apply 	4.2.2 Cardstone Adventure Tourism Zone Code 9.3.18 Tourism activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Food and drink outlet	Code assessment	
	<ul style="list-style-type: none"> If the gross floor area of the development is less than 500m² 	4.2.2 Cardstone Adventure Tourism Zone Code 9.3.7 Commercial activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)

Use	Level of assessment	Assessment criteria
		All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Indoor sport and recreation	Code assessment	4.2.2 Cardstone Adventure Tourism Zone Code 9.3.15 Recreational activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
	Self assessment	4.2.2 Cardstone Adventure Tourism Zone Code 9.4.1 Advertising devices code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Market	Code assessment	4.2.2 Cardstone Adventure Tourism Zone Code All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
	Self assessment	<ul style="list-style-type: none"> If the development does not involve the clearing of native vegetation; If the market is held not more than once a week and goods are sold from temporary structures
Nature based tourism	Code assessment	4.2.2 Cardstone Adventure Tourism Zone Code All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
	Self-assessment	<ul style="list-style-type: none"> is set back a minimum of 20 metres from the property boundary and any sensitive land use
	Code assessment	

Use	Level of assessment	Assessment criteria
	<ul style="list-style-type: none"> If the criteria for self-assessment does not apply 	<p>4.2.2 Cardstone Adventure Tourism Zone Code</p> <p>9.3.1 Accommodation code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>9.3.4 Camping, caravans and cabins code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>9.3.18 Tourism activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
Outdoor sport and recreation	Code assessment	<p>4.2.2 Cardstone Adventure Tourism Zone Code</p> <p>9.3.15 Recreational activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
Park	Exempt	
	<ul style="list-style-type: none"> If development does not involve the construction of new buildings or on-site car parking 	
	Self assessment	
	<ul style="list-style-type: none"> If the criteria for exempt does not apply 	<p>4.2.2 Cardstone Adventure Tourism Zone Code</p> <p>All Other development codes</p>

Use	Level of assessment	Assessment criteria
		(Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Research and technology industry	Code assessment <ul style="list-style-type: none"> If development is for research and development in areas such as environmental education, tropical medicine, indigenous health and education, pharmaceuticals and alternative energies. 	4.2.2 Cardstone Adventure Tourism Zone Code 9.3.13 Industrial activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Shop	Code assessment <ul style="list-style-type: none"> If the gross floor area of the development is less than 500m² 	4.2.2 Cardstone Adventure Tourism Zone Code 9.3.7 Commercial activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Shopping centre	Code assessment <ul style="list-style-type: none"> If the gross floor area of the development is less than 1,000m² 	4.2.2 Cardstone Adventure Tourism Zone Code 9.3.7 Commercial activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Short-term accommodation	Code assessment	4.2.2 Cardstone Adventure Tourism Zone Code

Use	Level of assessment	Assessment criteria
		<p>9.3.1 Accommodation code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
Substation	Exempt	
Theatre	Code assessment	<p>4.2.2 Cardstone Adventure Tourism Zone Code</p> <p>9.3.7 Commercial activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
Tourist attraction	Code assessment	<ul style="list-style-type: none"> If the development does not involve the clearing of native vegetation <p>4.2.2 Cardstone Adventure Tourism Zone Code</p> <p>9.3.7 Commercial activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>9.3.18 Tourism activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
Tourist park	Code assessment	

Use	Level of assessment	Assessment criteria
		<p>4.2.2 Cardstone Adventure Tourism Zone Code</p> <p>9.3.4 Camping, caravans and cabins code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
Transport depot	Code assessment	
	<ul style="list-style-type: none"> If the development involves storage of vehicles associated with the tourism use of the site 	<p>4.2.2 Cardstone Adventure Tourism Zone Code</p> <p>9.3.13 Industrial activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
Utility installation	Exempt	
Warehouse	Code assessment	
	<ul style="list-style-type: none"> If the development involves storage of equipment associated with the tourism use of the site 	<p>4.2.2 Cardstone Adventure Tourism Zone Code</p> <p>9.3.13 Industrial activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes</p>
Impact assessment		
<p>Any other use not listed in this table.</p> <p>Any use listed in this table and not meeting the description listed in the level of assessment column.</p> <p>Any other undefined use.</p>		<p>The Cardstone Plan of Development</p> <p>4.2.2 Cardstone Adventure Tourism Zone Code</p> <p>Applicable use code</p>

Use	Level of assessment	Assessment criteria
		(Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)

Editor's note—The above levels of assessment apply unless otherwise prescribed in the Act or the Regulation.

Editor's note—All Other development codes as referred to in this table are the Other development codes in section 9.4 of the Cassowary Coast Regional Council Planning Scheme 2015.

Note—The identified self-assessable acceptable outcomes for self-assessable development are marked with a ▼. Self-assessable development is only required to comply with the self-assessable acceptable outcomes that are relevant to that development. Acceptable outcomes marked with a ▼ still apply to code and impact assessable development, in addition to being the assessment criteria for self-assessable development.

Table 3.1.3 Cardstone Camping and Open Space Zone

Use	Level of assessment	Assessment criteria
Environment facility	Self assessment	
	<ul style="list-style-type: none"> If development is undertaken by Council 	4.3.2 Cardstone Camping and Open Space Zone Code All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
	Code assessment	
	<ul style="list-style-type: none"> If the criteria for self-assessment does not apply 	4.3.2 Cardstone Camping and Open Space Zone Code 9.3.18 Tourism activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
	Code assessment	

Use	Level of assessment	Assessment criteria
Nature based tourism	<ul style="list-style-type: none"> If the development involves camping in tents and short-term stays by fully self-contained recreational vehicles or caravans If the development does not involve the construction of permanent buildings and structures 	<p>4.3.2 Cardstone Camping and Open Space Zone Code</p> <p>9.3.1 Accommodation code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>9.3.4 Camping, caravans and cabins code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>9.3.18 Tourism activities code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
Park	Exempt	
	<ul style="list-style-type: none"> If development does not involve the construction of new buildings or on-site car parking 	
	Self assessment	
	<ul style="list-style-type: none"> If the criteria for exempt does not apply 	<p>4.3.2 Cardstone Camping and Open Space Zone Code</p> <p>All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>
Tourist park	Code assessment	
	<ul style="list-style-type: none"> If the development involves camping in tents and short-term stays by fully self-contained recreational vehicles or caravans If the development does not involve the construction of 	<p>4.3.2 Cardstone Camping and Open Space Zone Code</p> <p>9.3.4 Camping, caravans and cabins code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)</p>

Use	Level of assessment	Assessment criteria
	permanent buildings and structures	All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Utility installation	Exempt	
Impact assessment		
Any other use not listed in this table. Any other use not listed in this table. Any use listed in this table and not meeting the description listed in the level of assessment column. Any other undefined use.		The Cardstone Plan of Development 4.3.2 Cardstone Camping and Open Space Zone Code Applicable use code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)

Editor's note—The above levels of assessment apply unless otherwise prescribed in the Act or the Regulation.

Editor's note—All Other development codes as referred to in this table are the Other development codes in section 9.4 of the Cassowary Coast Regional Council Planning Scheme 2015.

Note—The identified self-assessable acceptable outcomes for self-assessable development are marked with a ▼. Self-assessable development is only required to comply with the self-assessable acceptable outcomes that are relevant to that development. Acceptable outcomes marked with a ▼ still apply to code and impact assessable development, in addition to being the assessment criteria for self-assessable development.

Table 3.1.4 Cardstone Conservation Zone

Use	Level of assessment	Assessment criteria
Impact assessment		
Any other use not listed in this table. Any use listed in this table and not meeting the description listed in the level of assessment column. Any other undefined use.		The Cardstone Plan of Development 4.4.2 Cardstone Conservation Zone Code Applicable use code

Use	Level of assessment	Assessment criteria
		(Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) All Other development codes (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)

Editor's note—The above levels of assessment apply unless otherwise prescribed in the Act or the Regulation.

Editor's note—All Other development codes as referred to in this table are the Other development codes in section 9.4 of the Cassowary Coast Regional Council Planning Scheme 2015.

Note—The identified self-assessable acceptable outcomes for self-assessable development are marked with a ▼. Self-assessable development is only required to comply with the self-assessable acceptable outcomes that are relevant to that development. Acceptable outcomes marked with a ▼ still apply to code and impact assessable development, in addition to being the assessment criteria for self-assessable development.

3.2 Levels of assessment – Reconfiguring of a Lot

The following table identifies the levels of assessment for reconfiguring a lot.

Table 3.2.1—Reconfiguring a lot

Zone	Level of assessment	Assessment criteria
Cardstone Village Zone	Code assessment	Applicable zone code
Cardstone Adventure Tourism Zone		6.3 Cardstone reconfiguring a lot code
Cardstone Camping and Open Space Zone Code		
Cardstone Conservation Zone		

Editor's note—The above levels of assessment apply unless otherwise prescribed in the Act or the Regulation.

3.3 Levels of assessment – Building work

The following table identifies the levels of assessment for building work regulated under the planning scheme.

Table 3.3.1—Building work

Zone	Level of assessment	Assessment criteria
Cardstone Village Zone	Self-assessment Building work not associated with a material change of use	Applicable use code/s (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Cardstone Adventure Tourism Zone		
Cardstone Camping and Open Space Zone Code		
Cardstone Conservation Zone		

Exempt development

Any other building work not listed in this table.
Any building work listed in this table and not meeting the description listed in the level of assessment column.

Editor's note—The above levels of assessment apply unless otherwise prescribed in the Act or the Regulation.

Note—Table 5.10 changes the level of assessment for certain building work involving a local heritage place or on the same lot as a local heritage place. This may make certain building work assessable development notwithstanding the statements in the table above.

Note—The identified self-assessable acceptable outcomes for self-assessable development are marked with a ▼. Self-assessable development is only required to comply with the self-assessable acceptable outcomes that are relevant to that development. Acceptable outcomes marked with a ▼ still apply to code and impact assessable development, in addition to being the assessment criteria for self-assessable development.

3.4 Levels of assessment – Operational work

The following table identifies the levels of assessment for operational work.

Table 3.4.1—Operational work

Zone	Level of assessment	Assessment criteria
Cardstone Village Zone	Self-assessment Operational work for filling or excavation and the total volume of material moved is less than or equal to 50m ³	Applicable zone code
Cardstone Adventure Tourism Zone		9.4.3 Excavating and filling code (Cassowary Coast Regional Council Planning Scheme 2015 or

Zone	Level of assessment	Assessment criteria
Cardstone Camping and Open Space Zone Code Cardstone Conservation Zone		any future Planning Scheme relevant to the site) 9.4.4 Infrastructure works code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
	Code assessment	
	Operational work for filling or excavation and the total volume of material moved is more than 50m ³	Applicable zone code 9.4.3 Excavating and filling code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) 9.4.4 Infrastructure works code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
	Code assessment	
	Operational work associated with reconfiguring a lot	Applicable zone code 9.4.3 Excavating and filling code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site) 9.4.4 Infrastructure works code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
	Code assessment	
	Operational work for an advertising device not associated with a material change of use	Applicable zone code 9.4.1 Advertising devices code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Self-assessment		
Operational work for an advertising device: <ul style="list-style-type: none"> • less than 3m² in area; • not freestanding; 	Applicable zone code 9.4.1 Advertising devices code (Cassowary Coast Regional Council Planning Scheme 2015 or	

Zone	Level of assessment	Assessment criteria
	<ul style="list-style-type: none"> not associated with a material change of use 	any future Planning Scheme relevant to the site)
Exempt development		
Any other operational work not listed in this table. Any operational work listed in this table and not meeting the description listed in the level of assessment column.		

Editor's note—The above levels of assessment apply unless otherwise prescribed in the Act or the Regulation.

Note—The identified self-assessable acceptable outcomes for self-assessable development are marked with a ▼. Self-assessable development is only required to comply with the self-assessable acceptable outcomes that are relevant to that development. Acceptable outcomes marked with a ▼ still apply to code and impact assessable development, in addition to being the assessment criteria for self-assessable development.

3.5 Levels of assessment – Overlays

The following table identifies where an overlay changes the level of assessment from that stated in a zone or local plan and the relevant assessment criteria.

Table 3.5.1—Assessment criteria for overlays

Development	Level of assessment	Assessment criteria
Bushfire hazard overlay This overlay applies where development is proposed within an area identified as very high, high or medium potential bushfire intensity as identified on the bushfire hazard overlay maps.		
A material change of use for: <ul style="list-style-type: none"> • Animal husbandry • Club • Cropping • Environment facility • Landing • Market, if the market is held not more than once a week and goods are sold from temporary structures. • Park • Permanent plantation 	Exempt	
If the criteria for exempt does not apply, a material change of use for: <ul style="list-style-type: none"> • Caretaker's accommodation • Cemetery • Community residence • Dual occupancy • Dwelling house • Dwelling unit • Home based business • Parking station • Roadside stall • Substation • Telecommunications facility • Utility installation • The following if the development is within a local plan area and there is no there is no associated building work: <ul style="list-style-type: none"> • A commercial activity • Low impact industry • Transport depot • Warehouse 	Self-assessment	8.2.3 Bushfire hazard code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
If the criteria for exempt and self-assessment does not apply, any other material change of use	Code assessment	8.2.3 Bushfire hazard code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)

Development	Level of assessment	Assessment criteria
Reconfiguring a lot	Code assessment	8.2.3 Bushfire hazard code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Environmental significance overlay This overlay applies where development is proposed within: <ul style="list-style-type: none"> • an area identified on the environmental significance overlay maps as: <ul style="list-style-type: none"> - an area of high environmental significance; or - an area of general environmental significance; or - strategic rehabilitation area; or - cassowary corridor; or - mahogany glider corridor; or • 100 metres of an area of high environmental significance or general environmental significance as identified on the environmental significance overlay maps; or • a lot containing a habitat corridor as shown on the environmental significance overlay maps. 		
A material change of use for: <ul style="list-style-type: none"> • Landing, if the development is undertaken by Council or the State government • Park, if not involving the clearing of native vegetation, construction of any buildings or other infrastructure • Permanent plantation • Utility installation, if the development is undertaken by Council • Any other material change of use if the development footprint is completely contained within an existing building 	Exempt	
If the criteria for exempt does not apply, any other material change of use if the development: <ul style="list-style-type: none"> • is located within an area of high environmental significance as shown on the environmental significance overlay maps; or • is on a lot containing a habitat corridor as shown on the environmental significance overlay maps; or • is identified as code assessable or impact 	Code assessment	8.2.5 Environmental significance code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)

Development	Level of assessment	Assessment criteria
assessable in Part 5.5 Levels of assessment—Material change of use		
Reconfiguring a lot	Code assessment	8.2.5 Environmental significance code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Operational work: <ul style="list-style-type: none"> for filling or excavation and the total volume of material moved is more than 50m³; or associated with reconfiguring a lot 	Code assessment	8.2.5 Environmental significance code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Flood hazard overlay This code applies where development is proposed within the low hazard area, high hazard area, extreme hazard area or potential hazard area as shown on the flood hazard overlay maps.		
A material change of use for: <ul style="list-style-type: none"> Animal husbandry Club Cropping Environment facility Landing Market, if the market is held not more than once a week and goods are sold from temporary structures. Park Permanent plantation 	Exempt	
If the criteria for exempt does not apply, a material change of use for: <ul style="list-style-type: none"> Caretaker's accommodation Cemetery Community residence Dual occupancy Dwelling house Dwelling unit Home based business Parking station Roadside stall Substation Telecommunications facility Utility installation 	Self-assessment	8.2.7 Flood hazard code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)

Development	Level of assessment	Assessment criteria
<ul style="list-style-type: none"> The following if the development is within a local plan area and there is no associated building work: <ul style="list-style-type: none"> A commercial activity Low impact industry Transport depot Warehouse 		
If the criteria for exempt and self-assessment does not apply, any other material change of use	Code assessment	8.2.7 Flood hazard code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Reconfiguring a lot	Code assessment	8.2.7 Flood hazard code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Operational work for filling or excavation and the total volume of material moved is less than or equal to 50m ³	Self-assessment	8.2.7 Flood hazard code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Operational work: <ul style="list-style-type: none"> for filling or excavation and the total volume of material moved is more than 50m³; or associated with reconfiguring a lot 	Code assessment	8.2.7 Flood hazard code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Landslide overlay This overlay applies to development proposed within an area mapped as landslide hazard on the landslide hazard overlay maps.		
A material change of use for: <ul style="list-style-type: none"> Animal husbandry Club Cropping Environment facility Landing Market, if the market is held not more than once a week and goods are sold from temporary structures. Park Permanent plantation 	Exempt	

Development	Level of assessment	Assessment criteria
<p>If the criteria for exempt does not apply, a material change of use for:</p> <ul style="list-style-type: none"> • Caretaker's accommodation • Cemetery • Community residence • Dual occupancy • Dwelling house • Dwelling unit • Home based business • Parking station • Roadside stall • Substation • Telecommunications facility • Utility installation • The following if the development is within a local plan area and there is no associated building work: <ul style="list-style-type: none"> • A commercial activity • Low impact industry • Transport depot • Warehouse 	Self-assessment	8.2.9 Landslide hazard code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
<p>If the criteria for exempt and self-assessment does not apply, any other material change of use</p>	Code assessment	8.2.9 Landslide hazard code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
<p>Reconfiguring a lot</p>	Code assessment	8.2.9 Landslide hazard code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
<p>Operational work for filling or excavation and the total volume of material moved is less than or equal to 50m³</p>	Self-assessment	8.2.9 Landslide hazard code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
<p>Operational work:</p> <ul style="list-style-type: none"> • for filling or excavation and the total volume of material moved is more than 50m³; or • associated with reconfiguring a lot 	Code assessment	8.2.9 Landslide hazard code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
<p>Scenic amenity overlay This overlay applies to development proposed anywhere within the Cassowary Coast Regional Council local government area.</p>		

Development	Level of assessment	Assessment criteria
<p>Any material change of use if the development:</p> <ul style="list-style-type: none"> • is within the urban footprint or rural residential zone and located on a slope greater than 1:4 or upwards to and including the ridgeline; or • is outside the urban footprint or rural residential zone and located on a slope greater than 1:6 or upwards to and including the ridgeline; or • is identified as code assessable or impact assessable in Part 5.5 Levels of assessment—Material change of use 	Code assessment	8.2.10 Scenic amenity code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
<p>Reconfiguring a lot</p>	Code assessment	8.2.10 Scenic amenity code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
<p>Operational work:</p> <ul style="list-style-type: none"> • for filling or excavation and the total volume of material moved is more than 50m³; or • associated with reconfiguring a lot 	Code assessment	8.2.10 Scenic amenity code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
<p>Waterway corridors and wetlands code This overlay applies to development proposed anywhere within the Cassowary Coast Regional Council local government area.</p>		
<p>A material change of use for:</p> <ul style="list-style-type: none"> • Landing, if the development is undertaken by Council or the State government • Park, if not involving the clearing of native vegetation, construction of any buildings or other infrastructure • Permanent plantation • Utility installation, if the development is undertaken by Council • Any other material change of use if the development footprint is completely contained within an existing building 	Exempt	

Development	Level of assessment	Assessment criteria
<p>If the criteria for exempt does not apply, a material change of use for:</p> <ul style="list-style-type: none"> • Animal husbandry • Caretaker's accommodation • Cropping • Dwelling house • Environment facility, if the development is undertaken by Council • Home based business • Roadside stall • the following if the development is within a local plan area: <ul style="list-style-type: none"> - A commercial activity - A community activity - Community residence - Dual occupancy - Dwelling unit - Low impact industry - Market - Parking station - Transport depot - Warehouse 	Self-assessment	8.2.11 Waterway corridors and wetlands code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
<p>If the criteria for exempt and self-assessment does not apply, any other material change of use</p>	Code assessment	8.2.11 Waterway corridors and wetlands code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
Reconfiguring a lot	Code assessment	8.2.11 Waterway corridors and wetlands code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)
<p>Operational work:</p> <ul style="list-style-type: none"> • for filling or excavation and the total volume of material moved is more than 50m³; • associated with reconfiguring a lot 	Code assessment	8.2.11 Waterway corridors and wetlands code (Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site)

Note—Some overlays may only be included for information purposes. This should not change the level of assessment or assessment criteria in the planning scheme.

Note—The identified self-assessable acceptable outcomes for self-assessable development are marked with a ▼. Self-assessable development is only required to comply with the self-assessable acceptable outcomes that are relevant to that development.

Acceptable outcomes marked with a ▼ still apply to code and impact assessable development, in addition to being the assessment criteria for self-assessable development.

4. Zones

4.1 Cardstone Village Zone

4.1.1 Cardstone Village Zone Purpose Statement

- (1) The purpose of the Cardstone Village Zone code is to provide for new eco- tourism development which makes a positive contribution to the region.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) land is provided for the development of the Cardstone Village into a world-class eco- tourism destination;
 - (b) land in the Cardstone Village zone is suitable for some form of short-term accommodation and tourism use;
 - (c) development facilitates opportunities for tourist attractions which complement the tourist accommodation and enhance the attractiveness of tourist areas;
 - (d) development is designed to protect, conserve and enhance the environmental values of the land, and in particular Cassowary and Mahogany Glider habitat and corridors that traverse the land;
 - (e) development enhances and protects the unique local, scenic, cultural and historic character of the locality;
 - (f) development provides a high level of amenity, incorporating tropical architectural elements and building design features; development reflects and responds to the natural features and constraints of the land;
 - (g) development minimises impacts such as traffic, noise, dust, odour, and lighting.
 - (h) development ensures that access and services to the site:
 - (i) is of a sufficient standard to accommodate traffic and demand generated by the development; and
 - (ii) is able to withstand natural hazards and will ensure continuous access to the site all year around and in all weather conditions.
- (3) To comply with the purpose and overall outcomes of this code, development must comply with the applicable performance and/or acceptable outcomes as specified by the relevant table/s of assessment.

4.1.2 Cardstone Village Zone Code

4.1.1.1 Application

This code applies to assessing development in the Cardstone Village Zone. When using this code, reference should be made to section 3.

To comply with the purpose and overall outcomes of this code, development must comply with the applicable performance and/or acceptable outcomes as specified by the relevant table/s of assessment.

4.1.1.2 Criteria for assessment

Part A—Criteria for assessable development

Table 4.1.1.3—Self-assessable and assessable development

Performance outcomes	Acceptable outcomes
Amenity	
PO1 Buildings and other structures are of an appropriate design, scale, site coverage and location so as to: (a) blend in with the surrounding environment; (b) avoid any detrimental impact on the amenity of the locality; (c) avoid any detrimental impact on surrounding land uses; (d) minimise the clearing of native vegetation.	AO1.1 ▼ Buildings and other structures do not exceed: (a) a maximum height of 9.5 metres; and (b) a maximum of 2 storeys.
	AO1.2 ▼ Buildings and other structures are set back at least 6 metres from the street frontage.
	AO1.3 ▼ Buildings and other structures are set back at least 3 metres from any side and rear boundaries.
	AO1.4 ▼ The construction methods of buildings and other structures have minimal impact on the surrounding environment.
	AO1.5 ▼ No direct pedestrian or vehicular access is permitted between the site and Tully Gorge Road.
	AO1.6 ▼ Development is limited to existing cleared areas of the site.
	AO1.7 ▼ Buildings and other structures do not exceed: (a) where a use code applies to the development, a maximum site cover that complies with any site cover requirements specified in the applicable use code; or (b) where a use code does not apply to the development or the applicable use code does not contain site cover requirements for the development, a maximum site cover of 50%.
	AO1.8 ▼ Residential activities are designed to incorporate architectural/design elements detailed in Planning Scheme Policy SC6.2 Building design.
Environmental values	
PO2 Development is undertaken in a way that is consistent with and maintains the environmental values of the site.	AO2.1 ▼ Development does not result in vegetation clearing within an area of environmental significance.
	AO2.2 ▼ Fencing is designed to not impede the movement of fauna through the site.
	AO2.3 ▼ Domestic animals are not permitted on the site at any time.
PO3 Land uses and land management is consistent with the enhancement and conservation of habitat, and must not	No acceptable outcome prescribed.

Performance outcomes	Acceptable outcomes
reduce the area, quality or stability of that part of the habitat system located at the site.	
PO4 Development does not result in the loss of habitat or the clearing of an environmentally significant area.	No acceptable outcome prescribed.
Landscaping	
PO5 Development incorporates appropriate screen fencing and landscaped with endemic native species to maintain the amenity of the area.	<p>AO5.1 ▼ Landscaping strips a minimum of 2 metres in width are provided on the site adjacent to all street frontages and for the full width of the frontages (excepting driveway or pedestrian access points).</p> <p>AO5.2 ▼ Landscaping strips a minimum of 1 metre in width are provided adjacent to side boundaries from the street frontage to the line of the building alignment.</p> <p>AO5.3 ▼ Development incorporates landscaping buffers a minimum of 1 metre in width and screen fences a minimum of 1.8 metres in height (but tapering to a minimum of 1 metre in height from the front building alignment to the front boundary) along any common boundary with an adjoining commercial activity.</p> <p>AO5.4 ▼ Any areas used for the storage of materials, equipment and rubbish are visually screened from the open view of any public road through landscaping buffers or screen fencing</p> <p>AO5.5 ▼ All landscaping works are to be provided in accordance with in Planning Scheme Policy SC6.4 Landscaping.</p>
Traffic and access	
PO6 Vehicular traffic generated by the development will not: (a) have a detrimental impact on the safety and amenity of the site; (b) detrimentally impact on the safety of wildlife, particularly the cassowary.	No acceptable outcome prescribed.
PO7	No acceptable outcome prescribed.

Performance outcomes	Acceptable outcomes
<p>Development incorporates any necessary road and access upgrades:</p> <p>(a) to ensure continuous access to the site all year around and in all weather conditions;</p> <p>(b) to ensure access to the site can withstand landslide and other natural hazards;</p> <p>(c) without impacting on the operation and standard of the access road and surrounding road network for other users;</p> <p>(d) to ensure the protection of local wildlife, in particular the cassowary.</p>	
<p>PO8 Tourism uses are provided with sufficient on-site car parking to support the needs of the development and at levels that encourage public/private bus transport.</p>	No acceptable outcome prescribed.
Infrastructure	
<p>PO9 The development promotes water and energy conservation and sustainability. Waste and pollution is minimised.</p>	No acceptable outcome prescribed.
Pest management	
<p>PO10 The development site must be kept free of pest plants and animals.</p>	<p>AO10.1 ▼ The development site does not contain: (a) class 1 or 2 pests identified in the <i>Land Protection (Pest and Stock Route Management) Act 2002</i>; (b) local pests identified in Planning Scheme Policy SC6.4 Landscaping.</p>
Additional requirements for commercial development	
<p>PO11 Development is located, designed, operated and managed to respond to the characteristics, features and constraints of the site and its surrounds.</p>	No acceptable outcome prescribed.
<p>PO12 Development does not adversely affect the character and amenity of the area and adjoining areas in terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts.</p>	No acceptable outcome prescribed.
<p>PO13 Retail uses associated with a tourism development are small-scale and do not undermine the role, function or viability of other centres in the centre hierarchy.</p>	No acceptable outcome prescribed.
<p>PO14</p>	No acceptable outcome prescribed.

Performance outcomes	Acceptable outcomes
The natural and cultural values of the site are known and unique elements highlighted.	
PO15 Commercial activities must manage the clearing of vegetation, filling or excavation or any disturbance of the environmental values of the site appropriately to minimise the impact.	No acceptable outcome prescribed.
Tourism Values	
PO16 The natural and cultural values of the site are appropriately interpreted and visitor activities and experiences support the protection and conservation of these values.	No acceptable outcome prescribed.
PO17 Impacts on the operation of tourism activities on the site are minimised. Tourism activities promote a 'leave no trace' philosophy in relation to visitor activity.	No acceptable outcome prescribed.
PO18 The design and layout of the tourism activities are in harmony with the landscape and natural features of the site.	No acceptable outcome prescribed.
PO19 The design and layout of tourism activities maximise sustainability and visitor comfort by considering factors such as aspect and orientation.	No acceptable outcome prescribed.
PO20 The natural and cultural values of the site are known and unique elements highlighted.	No acceptable outcome prescribed.
PO21 The natural and cultural values of the site are appropriately interpreted and visitor activities and experiences support the protection and conservation of these values.	No acceptable outcome prescribed.
Infrastructure and Services	
PO22 Development has access to the following essential infrastructure: (a) water supply; (b) sewerage; (c) electricity; (d) telecommunications.	AO22.1 Development can accommodate telecommunications and electricity supply networks or connect to the telecommunications and electricity supply network for the Cardstone Development.
	AO22.2 Development can accommodate adequate potable water and water for firefighting or connect

Performance outcomes	Acceptable outcomes
	to the water supply network for the Cardstone Development.
	AO22.3 Development can accommodate an on-site effluent treatment and disposal system or connect to the on-site effluent treatment and disposal system for the Cardstone Development.
PO23 The infrastructure supply network for the development is placed underground where appropriate.	AO23.1 All infrastructure is placed underground.
	AO23.2 The construction of the underground infrastructure network is carried out in accordance with Planning Scheme Policy SC6.3 FNQROC Development Manual.
PO24 Development ensures that the increase in development density arising from the development can be accommodated within: (a) pedestrian and bikeway infrastructure; (b) footpath infrastructure; (c) community facilities; (d) open space; (e) public transport infrastructure; (f) stormwater and flooding infrastructure; (g) water supply and sewerage services; (h) road network infrastructure.	No acceptable outcome prescribed.
Uses and other development	
PO25 Development is consistent with the purpose and overall outcomes sought for the zone.	No acceptable outcome prescribed.

Note—The identified self-assessable acceptable outcomes for self-assessable development are marked with a ▼. Self-assessable development is only required to comply with the self-assessable acceptable outcomes that are relevant to that development. Acceptable outcomes marked with a ▼ still apply to code and impact assessable development, in addition to being the assessment criteria for self-assessable development.

4.2 Cardstone Adventure Tourism Zone

4.2.1 Cardstone Adventure Tourism Zone Purpose Statement

- (2) The purpose of the Cardstone Adventure Tourism Zone code is to provide for new adventure tourism development which makes a positive contribution to the region.
- (3) The purpose of the code will be achieved through the following overall outcomes:
 - (a) land is provided for the development of the Cardstone site into a world-class eco-tourism destination;
 - (b) land in the Cardstone Adventure Tourism Zone is suitable for some form of tourism use or service uses which support the tourism industry;
 - (c) development facilitates opportunities for establishing tourist facilities and services such as reception areas, booking offices, day use areas, equipment and vehicle storage;
 - (d) development is designed to protect, conserve and enhance the environmental values of the land, and in particular Cassowary and Mahogany Glider habitat and corridors that traverse the land;

- (e) development enhances and protects the unique local, scenic, cultural and historic character of the locality;
 - (f) development provides a high level of amenity, incorporating tropical architectural elements and building design features; development reflects and responds to the natural features and constraints of the land;
 - (g) development may include a helicopter pad for both commercial and emergency use.
 - (h) land will be open to the public during the day and will include picnic tables, amenities and shelters.
 - (i) development minimises impacts such as traffic, noise, dust, odour, and lighting.
 - (j) development ensures that access and services to the site:
 - (iii) is of a sufficient standard to accommodate traffic and demand generated by the development; and
 - (iv) is able to withstand natural hazards and will ensure continuous access to the site all year around and in all weather conditions.
- (3) To comply with the purpose and overall outcomes of this code, development must comply with the applicable performance and/or acceptable outcomes as specified by the relevant table/s of assessment.

4.2.2 Cardstone Adventure Tourism Zone Code

4.2.2.1 Application

This code applies to assessing development in the Cardstone Adventure Tourism Zone. When using this code, reference should be made to section 3.

To comply with the purpose and overall outcomes of this code, development must comply with the applicable performance and/or acceptable outcomes as specified by the relevant table/s of assessment.

4.2.2.2 Criteria for assessment

Part A—Criteria for assessable development

Table 4.2.2.3—Self-assessable and assessable development

Performance outcomes	Acceptable outcomes
Amenity	
PO1 Buildings and other structures are of an appropriate design, scale, site coverage and location so as to: <ul style="list-style-type: none"> (e) blend in with the surrounding environment; (f) avoid any detrimental impact on the amenity of the locality; (g) avoid any detrimental impact on surrounding land uses; (h) minimise the clearing of native vegetation. 	AO1.1 ▼ Buildings and other structures do not exceed: <ul style="list-style-type: none"> (c) a maximum height of 9.5 metres; and (d) a maximum of 2 storeys. AO1.2 ▼ Buildings and other structures are set back at least 6 metres from the street frontage. AO1.3 ▼ Buildings and other structures are set back at least 3 metres from any side and rear boundaries. AO1.4 ▼ The construction methods of buildings and other structures have minimal impact on the surrounding environment. AO1.5 ▼ No direct pedestrian or vehicular access is permitted between the site and Tully Gorge Road.

Performance outcomes	Acceptable outcomes
	<p>AO1.6 ▼ Development is limited to existing cleared areas of the site.</p> <p>AO1.7 ▼ Buildings and other structures do not exceed: (c) where a use code applies to the development, a maximum site cover that complies with any site cover requirements specified in the applicable use code; or (d) where a use code does not apply to the development or the applicable use code does not contain site cover requirements for the development, a maximum site cover of 50%.</p> <p>AO1.8 ▼ Residential activities are designed to incorporate architectural/design elements detailed in Planning Scheme Policy SC6.2 Building design.</p>
Environmental values	
<p>PO2 Development is undertaken in a way that is consistent with and maintains the environmental values of the site.</p>	<p>AO2.1 ▼ Development does not result in vegetation clearing within an area of environmental significance.</p> <p>AO2.2 ▼ Fencing is designed to not impede the movement of fauna through the site.</p> <p>AO2.3 ▼ Domestic animals are not permitted on the site at any time.</p>
<p>PO3 Land uses and land management is consistent with the enhancement and conservation of habitat, and must not reduce the area, quality or stability of that part of the habitat system located at the site.</p>	No acceptable outcome prescribed.
<p>PO4 Development does not result in the loss of habitat or the clearing of an environmentally significant area.</p>	No acceptable outcome prescribed.
Tourism values	
<p>PO5 The natural and cultural values of the site are appropriately reflected and visitor activities and experiences support the protection and conservation of these values.</p>	No acceptable outcome prescribed.
<p>PO6 Impacts on the operation of tourism activities on the site are minimised. Tourism activities promote a 'leave no trace' philosophy in relation to visitor activity.</p>	No acceptable outcome prescribed.
<p>PO7</p>	No acceptable outcome prescribed.

Performance outcomes	Acceptable outcomes
The design and layout of the tourism activities are in harmony with the landscape and natural features of the site.	
PO8 The design and layout of tourism activities maximise sustainability and visitor comfort by considering factors such as aspect and orientation.	No acceptable outcome prescribed.
PO9 The natural and cultural values of the site are known and unique elements highlighted.	No acceptable outcome prescribed.
Landscaping	
PO10 Development incorporates appropriate screen fencing and landscaped with endemic species to maintain the amenity of the area.	<p>AO10.1 ▼ Landscaping strips a minimum of 2 metres in width are provided on the site adjacent to all street frontages and for the full width of the frontages (excepting driveway or pedestrian access points).</p> <p>AO10.2 ▼ Landscaping strips a minimum of 1 metre in width are provided adjacent to side boundaries from the street frontage to the line of the building alignment.</p> <p>AO10.3 ▼ Development incorporates landscaping buffers a minimum of 1 metre in width and screen fences a minimum of 1.8 metres in height (but tapering to a minimum of 1 metre in height from the front building alignment to the front boundary) along any common boundary with an adjoining commercial activity.</p> <p>AO10.4 ▼ Any areas used for the storage of materials, equipment and rubbish are visually screened from the open view of any public road through landscaping buffers or screen fencing</p> <p>AO10.5 ▼ All landscaping works are to be provided in accordance with in Planning Scheme Policy SC6.4 Landscaping.</p>
Traffic and access	
PO11 Vehicular traffic generated by the development will not:	No acceptable outcome prescribed.

Performance outcomes	Acceptable outcomes
(c) have a detrimental impact on the safety and amenity of the site; (d) detrimentally impact on the safety of wildlife, particularly the cassowary.	
PO12 Development incorporates any necessary road and access upgrades: (e) to ensure continuous access to the site all year around and in all weather conditions; (f) to ensure access to the site can withstand landslide and other natural hazards; (g) without impacting on the operation and standard of the access road and surrounding road network for other users; (h) to ensure the protection of local wildlife, in particular the cassowary.	No acceptable outcome prescribed.
PO13 Tourism uses are provided with sufficient on-site car parking to support the needs of the development and at levels that encourage public/private bus transport.	No acceptable outcome prescribed.
Infrastructure	
PO14 The development promotes water and energy conservation and sustainability. Waste and pollution is minimised.	No acceptable outcome prescribed.
Pest management	
PO15 The development site must be kept free of pest plants and animals.	AO15.1 ▼ The development site does not contain: (c) class 1 or 2 pests identified in the <i>Land Protection (Pest and Stock Route Management) Act 2002</i> ; (d) local pests identified in Planning Scheme Policy SC6.4 Landscaping.
Additional requirements for commercial development	
PO16 Commercial activities must manage the clearing of vegetation, filling or excavation or any disturbance of the environmental values of the site appropriately to minimise the impact.	No acceptable outcome prescribed.
PO17 Development is located, designed, operated and managed to respond to the characteristics, features and constraints of the site and its surrounds.	No acceptable outcome prescribed.

Performance outcomes	Acceptable outcomes
<p>PO18 Development does not adversely affect the character and amenity of the area and adjoining areas in terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts.</p>	No acceptable outcome prescribed.
<p>PO19 Retail uses associated with a tourism development are small-scale and do not undermine the role, function or viability of other centres in the centre hierarchy.</p>	No acceptable outcome prescribed.
Infrastructure and Services	
<p>PO20 Development has access to the following essential infrastructure: (e) water supply; (f) sewerage; (g) electricity; (h) telecommunications.</p>	<p>AO20.1 Development can accommodate telecommunications and electricity supply networks or connect to the telecommunications and electricity supply network for the Cardstone Development.</p>
	<p>AO20.2 Development can accommodate adequate potable water and water for firefighting or connect to the water supply network for the Cardstone Development.</p>
	<p>AO20.3 Development can accommodate an on-site effluent treatment and disposal system or connect to the on-site effluent treatment and disposal system for the Cardstone Development.</p>
<p>PO21 The infrastructure supply network for the development is placed underground where appropriate.</p>	<p>AO21.1 All infrastructure is placed underground.</p>
	<p>AO21.2 The construction of the underground infrastructure network is carried out in accordance with Planning Scheme Policy SC6.3 FNQROC Development Manual.</p>
<p>PO22 Development ensures that the increase in development density arising from the development can be accommodated within: (i) pedestrian and bikeway infrastructure; (j) footpath infrastructure; (k) community facilities; (l) open space; (m) public transport infrastructure; (n) stormwater and flooding infrastructure; (o) water supply and sewerage services; (p) road network infrastructure.</p>	No acceptable outcome prescribed.
Uses and other development	
PO23	No acceptable outcome prescribed.

Performance outcomes	Acceptable outcomes
Development is consistent with the purpose and overall outcomes sought for the zone.	

Note—The identified self-assessable acceptable outcomes for self-assessable development are marked with a ▼. Self-assessable development is only required to comply with the self-assessable acceptable outcomes that are relevant to that development. Acceptable outcomes marked with a ▼ still apply to code and impact assessable development, in addition to being the assessment criteria for self-assessable development.

4.3 Cardstone Camping and Open Space Zone

4.3.1 Cardstone Camping and Open Space Zone Purpose Statement

Purpose Statement

- (1) The purpose of the Cardstone Camping and Open Space Zone code is to:
 - Protect and conserve areas of the site in their natural state, while allowing the public to appreciate and enjoy the relatively undisturbed nature of the area for low impact tourism uses.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - a) provide for camping in tents and short-term stays by fully self contained recreational vehicles or caravans;
 - b) ensure that development in the Cardstone Camping and Open Space Zone is compatible with the environmental values of a particular site or locality and has a minimal impact on the environment;
 - c) protect and maintain the scenic values of the Cardstone site.
 - d) to recognise that land within this zone is generally not suitable for further development other than that involving non permanent structures;
 - e) low impact activities such as non permanent eco tourism ventures and permitted where compatible with maintaining environmental values;
 - f) development avoids impacting on natural features such as creeks, gullies, waterways, wetlands, habitat and native vegetation;
 - g) development is consistent with protecting, conserving, rehabilitating, presenting and connecting the environmental values of the area;
 - h) to ensure that where development does occur in the zone, it does not adversely affect the environmental and scenic amenity values of the zone and is in keeping with the natural characteristics of the land.
- (3) To comply with the purpose and overall outcomes of this code, development must comply with the applicable performance and/or acceptable outcomes as specified by the relevant table/s of assessment.

4.3.1 Cardstone Camping and Open Space Zone Code

4.3.1.1 Application

This code applies to assessing development in the Cardstone Camping and Open Space Zone. When using this code, reference should be made to section 3.

To comply with the purpose and overall outcomes of this code, development must comply with the applicable performance and/or acceptable outcomes as specified by the relevant table/s of assessment.

4.3.1.2 Criteria for assessment

Part A—Criteria for assessable development

Table 4.3.1.3—Self-assessable and assessable development

Performance outcomes	Acceptable outcomes
Amenity	
<p>PO1 Buildings and other structures are to be non permanent in nature and of an appropriate design, scale, site coverage and location so as to:</p> <ul style="list-style-type: none"> (a) blend in with the surrounding environment; (b) avoid any detrimental impact on the amenity of the locality; (c) avoid any detrimental impact on surrounding land uses; (d) minimise the clearing of native vegetation. 	<p>AO1.1 ▼ Development is limited to tents, fully self contained recreational vehicles or caravans.</p> <p>AO1.2 ▼ Non permanent buildings and other structures do not exceed:</p> <ul style="list-style-type: none"> (a) a maximum height of 4 metres; and (b) a maximum of 1 storeys. <p>AO1.3 ▼ Camp sites are set back at least 3 metres from the street frontage.</p> <p>AO1.4 ▼ Camp sites structures are set back at least 3 metres from any side and rear boundaries.</p> <p>AO1.6 ▼ No direct pedestrian or vehicular access is permitted between the site and Tully Gorge Road.</p> <p>AO1.7 ▼ Camp sites are limited to the existing cleared areas of the site.</p>
Environmental values	
<p>PO2 Development is undertaken in a way that is consistent with and maintains the environmental values of the site.</p>	<p>AO2.1 ▼ Development does not result in vegetation clearing within an area of environmental significance.</p> <p>AO2.2 ▼ Fencing is designed to not impede the movement of fauna through the site.</p> <p>AO2.3 ▼ Domestic animals are not permitted on the site at any time.</p>
<p>PO3 Land uses and land management is consistent with the enhancement and conservation of habitat, and must not</p>	<p>No acceptable outcome prescribed.</p>

Performance outcomes	Acceptable outcomes
reduce the area, quality or stability of that part of the habitat system located at the site.	
PO4 Development does not result in the loss of habitat or the clearing of an environmentally significant area.	No acceptable outcome prescribed.
PO5 Development complements, and is subservient to, the surrounding environment and is in keeping with the unique ecological and scenic values of the area.	No acceptable outcome prescribed.
PO6 Development is screened from view from the boundaries of adjoining premises and roads through appropriate landscaping which ensures the native landscape character of the area dominates.	No acceptable outcome prescribed.
PO7 Development is located to: (a) protect the ecological values of the site and surrounding land; (b) maintain the scenic values of the area; (c) maintain appropriate setbacks to waterways, watercourses, wetlands and tidal areas, and overland flow paths; (d) avoid areas that are vulnerable to natural hazards; (e) minimise to the greatest extent possible, on-site excavation and filling; (f) provide buffers to cultural, historical or ecological features; (g) minimise visibility from external sites or public viewing points; minimise to the greatest extent possible the loss of native vegetation and fauna habitat.	No acceptable outcome prescribed.
Pest management	
PO8 The development site must be kept free of pest plants and animals.	AO12.1 ▼ The development site does not contain: (a) class 1 or 2 pests identified in the <i>Land Protection (Pest and Stock Route Management) Act 2002</i> ; (b) local pests identified in Planning Scheme Policy SC6.4 Landscaping.
Uses and other development	
PO9 Development is consistent with the purpose and overall outcomes sought for the zone.	No acceptable outcome prescribed.

Note—The identified self-assessable acceptable outcomes for self-assessable development are marked with a ▼. Self-assessable development is only required to comply with the self-

assessable acceptable outcomes that are relevant to that development. Acceptable outcomes marked with a ▼ still apply to code and impact assessable development, in addition to being the assessment criteria for self-assessable development.

4.4 Cardstone Conservation Zone

4.4.1 Cardstone Conservation Zone Purpose Statement

- (4) The purpose of the Cardstone Conservation Zone code is to:
- provide special protection, conservation and enhancement to those areas within the Cardstone site that have significant environmental values and/or environmentally significant areas;
- (5) The purpose of the code will be achieved through the following overall outcomes:
- (a) the values of the Wet Tropics World Heritage Area are protected;
 - (b) adverse impacts on ecological values and processes are avoided;
 - (c) development avoids impacting on natural features such as creeks, gullies, waterways, wetlands, habitat and native vegetation;
 - (d) development is consistent with protecting, conserving, rehabilitating, presenting and connecting the environmental values of the area;
 - (e) a viable and enduring habitat system is retained, protected and enhanced, and where improved connectivity is required, additional habitat is created; and
 - (f) development does not adversely affect the conservation or scenic values of the site
 - (g) development reflects and responds to the natural features and constraints of the land.
 - (h) to recognise that land within this zone is not suitable for further development;
- (6) To comply with the purpose and overall outcomes of this code, development must comply with the applicable performance and/or acceptable outcomes as specified by the relevant table/s of assessment.

4.4.2 Cardstone Conservation Zone Code

4.2.2.1 Application

This code applies to assessing development in the Cardstone Conservation Zone. When using this code, reference should be made to section 3.

To comply with the purpose and overall outcomes of this code, development must comply with the applicable performance and/or acceptable outcomes as specified by the relevant table/s of assessment.

4.4.1.2 Criteria for assessment

Part A—Criteria for assessable development

Table 4.4.1.3—Self-assessable and assessable development

Performance outcomes	Acceptable outcomes
Amenity	
PO1 No buildings or structures are to be located within this zone	No acceptable outcome prescribed.
Uses and other development	
PO2	No acceptable outcome prescribed.

Performance outcomes	Acceptable outcomes
Development is consistent with the purpose and overall outcomes sought for the zone.	

Note—The identified self-assessable acceptable outcomes for self-assessable development are marked with a ▼. Self-assessable development is only required to comply with the self-assessable acceptable outcomes that are relevant to that development. Acceptable outcomes marked with a ▼ still apply to code and impact assessable development, in addition to being the assessment criteria for self-assessable development.

5. Use Codes

Use codes are not included within the Cardstone Plan of Development, and therefore the Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site will apply in this regard.

6. Overlays

Overlays are not included within the Cardstone Plan of Development, and therefore the Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site will apply in this regard.

7. Development Codes

General development codes are not included within the Cardstone Plan of Development, and therefore the Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site will apply in this regard. With the exception of the Reconfiguring a Lot Code, which is replaced by the Cardstone Reconfiguring a Lot Code

7.1 Cardstone Reconfiguring a Lot Code

This code applies to assessing an application for development that involves the reconfiguring of a lot.

When using this code, reference should be made to section 3.2.1 and, where applicable, section 3.5 located in Part 3.

Purpose

- (1) The purpose of the reconfiguring a lot code is to ensure the reconfiguring of a lot creates lots that are suitable for their intended use, are in keeping with the character of the area, achieve a high standard of amenity and complement the surrounding natural and built environment. Subdivision design is responsible for vibrant, safe and connected communities.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) lots have a sufficient area and dimensions to meet user requirements, maintain the amenity of the area, protect environmental features and take into account site constraints;
 - (b) the environmental and scenic values of the Region are protected;
 - (c) development provides for the efficient use of land, the provision of infrastructure and a logical and well designed road network;
 - (d) subdivision design provides opportunities for walking as an alternative method of travel;

- (e) lots are provided with safe and appropriate access;
 - (f) a range of functional parkland and open space links are available for the use and enjoyment of visitors;
 - (g) road networks provide excellent connectivity and circulation for vehicles and are suitably detailed to provide safe and efficient access for pedestrians and public transport;
 - (h) Reconfiguring a lot within the Cardstone Camping and Open Space Zone is not supported.
 - (i) Reconfiguring a lot within the Cardstone Conservation Zone is not supported.
- (3) To comply with the purpose and overall outcomes of this code, development must comply with the applicable performance and/or acceptable outcomes as specified by the relevant table/s of assessment.

7.1.1 Criteria for assessment

Part A—Criteria for assessable development

Table 7.1.1.1 — Self-assessable and assessable development

Performance outcomes	Acceptable outcomes
Subdivision design	
PO1 Subdivision design responds to the specific characteristics of the site and integrates appropriately into its environmental context.	No acceptable outcome prescribed.
PO2 The reconfiguration of a lot must not: (a) affect the consistent rhythm and pattern of buildings; or (b) adversely affect historically important views; or (c) adversely affect the interrelationship of a group of buildings.	No acceptable outcome prescribed.
PO3 Lot boundaries must be not intersect with regulated remnant vegetation to avoid clearing exemptions being created as a consequence of the reconfiguration:	No acceptable outcome prescribed.
Area and dimensions of lots	
PO4 Lots are of sufficient area and dimensions to: (a) accommodate the intended land use; (b) provide for suitable building envelopes and safe vehicular and pedestrian access without the necessity for major earthworks and major retaining walls; (c) provide private outdoor space, on site landscaping and on site parking; (d) achieve consistency with the character of surrounding development;	AO4.1 Lots comply with the area and dimensions identified for lots in the relevant zone or precinct in Table 7.1.1.2.
	AO4.2 Lots have their own street frontage, unless access is provided by way of easement, in which case multiple lots do not utilise the same access easement (ie. each lot has its own dedicated access easement).

Performance outcomes	Acceptable outcomes
(e) protect environmental features and take into account site constraints.	
PO5 Lots which can be reconfigured further at a later date are designed so that any further reconfiguration will achieve: (a) lots of a sufficient area and dimension to accommodate the ultimate intended land use; (b) the provision of a safe, efficient and effective infrastructure network.	AO5.1 The ability to further reconfigure a lot is demonstrated by submitting a master/concept plan with lots that meet the requirements of this Planning Scheme and showing building envelopes for all current and future buildings.
PO6 Lots which are configured to incorporate existing land uses ensure: (a) lots are of a sufficient area and dimension; (b) the provision of a safe, efficient and effective infrastructure network.	AO6.1 Lots comply with the area and dimensions identified for lots in the relevant zone or precinct in Table 7.1.1.2.
	AO6.2 Each land use and associated infrastructure is contained within each lot.
	AO6.3 Buildings and structures comply with the relevant boundary setbacks and zone or precinct requirements.
Orientation and energy	
PO7 Lots are orientated to facilitate the siting of dwellings to: (a) have appropriate solar orientation, except where significant constraints limit this; and (b) take advantage of the south east prevailing breeze and northerly and north easterly summer breeze or any modification of those patterns caused by the local topography; (c) ensure minimum exposure of the walls and windows in habitable rooms to low angle eastern and western sun.	No acceptable outcome prescribed.
Lot and road layout	
PO8 Elements of natural and cultural significance are incorporated into the subdivision design and become features of the subdivision layout contributing to the amenity of the development.	No acceptable outcome prescribed.
PO9 The road network is designed to: (a) provide a high level of connectivity, permeability and circulation for local vehicles, public transport, pedestrians and cyclists; (b) minimise the use of cul-de-sacs.	No acceptable outcome prescribed.
PO10	AO10.1

Performance outcomes	Acceptable outcomes
The road layout is safe, efficient and functional.	Development complies with Planning Scheme Policy SC6.3 FNQROC Development Manual.
PO11 Roads, including private roads, are designed so as to achieve the following: <ul style="list-style-type: none"> (a) convenient and safe access to all lots for pedestrians, cyclists and vehicles; (b) safe, logical and hierarchical transport linkages with the existing road system; (c) appropriate access for buses, emergency and service vehicles; (d) convenient service corridors for public infrastructure; (e) opportunities for street landscaping; (f) convenient parking for visitors. 	AO11.1 Roads, including private roads, are designed in accordance with Planning Scheme Policy SC6.3 FNQROC Development Manual.
Access and services	
PO12 Access to the site (including driveways and paths) must not have an adverse impact on: <ul style="list-style-type: none"> (a) safety, including fire fighting; (b) drainage; (c) visual amenity; (d) privacy of adjoining premises; (e) service provision. 	AO12.1 Minimum street frontages comply with Table 7.1.1.2.
PO13 The dimensions of each lot must be sufficient to allow access to the premises (including all works associated with the access): <ul style="list-style-type: none"> (a) to follow as close as possible to the existing contours; (b) to be contained within the premises and not the road reserve. 	No acceptable outcome prescribed.
Park and open space	
PO14 Development provides for sufficient open space to: <ul style="list-style-type: none"> (a) meet the needs of the occupiers of the proposed lots; (b) ensure that the environmental and scenic values of the area are protected; (c) contribute to the local amenity; (d) provide a diversity of settings; (e) retain riparian corridors and significant vegetation and habitat areas and provide linkages between those areas; (f) provide links between public open spaces to form a legible network; 	No acceptable outcome prescribed.

Performance outcomes	Acceptable outcomes
(g) meet regional, district and neighbourhood open space requirements.	
PO15 Parks are functional, usable places for all members of the community and are free from topographical, environmental and other hazardous constraints.	No acceptable outcome prescribed.
Infrastructure	
PO16 Each lot has access to the following essential infrastructure: (i) water supply; (j) sewerage; (k) electricity; (l) telecommunications.	AO16.1 Lots can accommodate telecommunications and electricity supply networks or connect to the telecommunications and electricity supply network for the Cardstone Development. AO16.2 Lots can accommodate adequate potable water and water for firefighting or connect to the water supply network for the Cardstone Development. AO16.3 Lots can accommodate an on-site effluent treatment and disposal system or connect to the on-site effluent treatment and disposal system for the Cardstone Development.
PO17 The infrastructure supply network for all lots is placed underground where appropriate.	AO17.1 All infrastructure is placed underground. AO17.2 The construction of the underground infrastructure network is carried out in accordance with Planning Scheme Policy SC6.3 FNQROC Development Manual.
PO18 Development ensures that the increase in development density arising from the development can be accommodated within: (q) pedestrian and bikeway infrastructure; (r) footpath infrastructure; (s) community facilities; (t) open space; (u) public transport infrastructure; (v) stormwater and flooding infrastructure; (w) water supply and sewerage services; (x) road network infrastructure.	No acceptable outcome prescribed.
Drainage	
PO19 Effective drainage of lots and roads is designed to: (a) maintain pre-existing or natural flow regimes;	No acceptable outcome prescribed.

Performance outcomes	Acceptable outcomes
(b) effectively manage stormwater quality and quantity; (c) ensure no adverse impacts on receiving waters, surrounding premises and the surrounding environment.	
Boundary realignments	
PO20 The realignment of a boundary or boundaries: (a) does not result in the potential creation of additional lots; (b) is an improvement on the existing situation.	AO20.1 An improvement on the existing situation results when the dimensions of the proposed lots comply more fully with Table 7.4.1.2 and at least one of the following is achieved: (a) the boundary realignment will correct an existing boundary encroachment by a building or areas; or (b) lots will become more regular in shape; or (c) access is provided to a lot that previously had no access or an unsuitable access; or (d) the rearranged lots better meet the overall outcomes for the zone or precinct within which it is located. AO20.2 Individual new lots are not split across road reserves or other tenures.
Pest management	
PO21 New lots are cleared of pest plants and animals.	AO21.1 Prior to Council endorsing the Plan of Survey, the development site is cleared of: (a) class 1 or 2 pests identified in the <i>Land Protection (Pest and Stock Route Management) Act 2002</i> ; (b) local pests identified in Planning Scheme Policy SC6.4 Landscaping.
Additional requirements for the Cardstone Camping and Open Space Zone	
PO22 Reconfiguring a Lot is prohibited	No acceptable outcome prescribed.
Additional requirements for the Cardstone Conservation Zone	
PO23 Reconfiguring a Lot is prohibited	No acceptable outcome prescribed.

Note—Despite Planning Scheme Policy SC6.3 FNQROC Development Manual identifying that it is not prescriptive and only a guideline for the purpose of satisfying acceptable outcomes in the planning scheme, the FNQROC Development Manual is to be treated as standards to be met when used as an acceptable outcome in the planning scheme.

Table 7.4.1.2 —Area and dimensions of lots

Zone/precinct	Minimum area Note—areas do not include access strips	Minimum street frontage	Minimum square or rectangle contained within a lot
Cardstone Village Zone	2,000m ²	20 metres	20 metres x 40 metres
Cardstone Adventure Tourism Zone	2,000m ²	20 metres	20 metres x 40 metres
Cardstone Camping and Open Space Zone	Reconfiguring a Lot is prohibited	Reconfiguring a Lot is prohibited	Reconfiguring a Lot is prohibited
Cardstone Conservation Zone	Reconfiguring a Lot is prohibited	Reconfiguring a Lot is prohibited	Reconfiguring a Lot is prohibited

Note—Where a minimum lot size, minimum street frontage or minimum square or rectangle is not specified, the proposed lots must meet the performance outcomes of the Reconfiguring a Lot Code and the relevant zone or local plan code.

Table 7.4.1.3 —Area and dimensions of lots

Access handle or easement requirements for battle axe or rear lots

Zone	Minimum street frontage	Minimum driveway width	Maximum length of access handle or easement	Standard of construction
Cardstone Village Zone	6 metres	4 metres	80 metres	In accordance with Planning Scheme Policy SC6.3 FNQROC Development Manual
Cardstone Adventure Tourism Zone	6 metres	4 metres	80 metres	In accordance with Planning Scheme Policy SC6.3 FNQROC Development Manual
Cardstone Camping and Open Space Zone	Reconfiguring a Lot is prohibited			
Cardstone Conservation Zone	Reconfiguring a Lot is prohibited			

Note—Where a minimum street frontage, minimum driveway width, maximum length and standard of construction is not specified, the proposed lots must meet the performance outcomes of the Reconfiguring a Lot Code and the relevant zone or local plan code.

Schedule 1: Definitions

Definitions are not included within the Cardstone Plan of Development, and therefore the Cassowary Coast Regional Council Planning Scheme 2015 or any future Planning Scheme relevant to the site will apply in this regard.

Schedule 2: Mapping

Cardstone Plan of Development: Zoning Map



NOTES

1. ARROWS INDICATE PROPOSED SAFE ACCESS POINTS AND DIRECTION.
2. UNDERTAKE LOCALISED VEGETATION TRIMMING EITHER SIDE OF EACH ACCESS POINT TO IMPROVE SIGHT DISTANCE AT EACH ACCESS.
3. INTERNAL ROAD LAYOUT AND ACCESS TO BE CONFIRMED ONCE DEVELOPMENT PLAN AND STAGING IS FINALISED.
4. ADDITIONAL SIGNAGE & SAFETY MEASURES AT ACCESS POINTS AND ROAD FRONTAGE TO BE CONSIDERED AT DETAIL DESIGN STAGE.

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<p>CARDSTONE VILLAGE PROPOSED ACCESS ARRANGEMENT & SIGNAGE CONCEPT PLAN</p>					
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APPROVED
 SUBMITTED TO THE LOCAL GOVERNMENT
 FOR APPROVAL
 DATE 15/08/2018

Attachment 2–SPA extract on appeal rights

Division 8 Appeals to court relating to development applications and approvals

461 Appeals by applicants

- (1) An applicant for a development application may appeal to the court against any of the following—
 - (a) the refusal, or the refusal in part, of the development application;
 - (b) any condition of a development approval, another matter stated in a development approval and the identification or inclusion of a code under section 242;
 - (c) the decision to give a preliminary approval when a development permit was applied for;
 - (d) the length of a period mentioned in section 341;
 - (e) a deemed refusal of the development application.
- (2) An appeal under subsection (1)(a), (b), (c) or (d) must be started within 20 business days (the applicant's appeal period) after—
 - (a) if a decision notice or negotiated decision notice is given—the day the decision notice or negotiated decision notice is given to the applicant; or
 - (b) otherwise—the day a decision notice was required to be given to the applicant.
- (3) An appeal under subsection (1)(e) may be started at any time after the last day a decision on the matter should have been made.

462 Appeals by submitters—general

- (1) A submitter for a development application may appeal to the court only against—
 - (a) the part of the approval relating to the assessment manager's decision about any part of the application requiring impact assessment under section 314; or
 - (b) the part of the approval relating to the assessment manager's decision under section 327.
- (2) To the extent an appeal may be made under subsection (1), the appeal may be against 1 or more of the following—
 - (a) the giving of a development approval;
 - (b) any provision of the approval including—
 - (i) a condition of, or lack of condition for, the approval; or
 - (ii) the length of a period mentioned in section 341 for the approval.
- (3) However, a submitter may not appeal if the submitter—
 - (a) withdraws the submission before the application is decided; or
 - (b) has given the assessment manager a notice under section 339(1)(b)(ii).
- (4) The appeal must be started within 20 business days (the submitter's appeal period) after the decision notice or negotiated decision notice is given to the submitter.

463 Additional and extended appeal rights for submitters for particular development applications

- (1) This section applies to a development application to which chapter 9, part 7 applies.
- (2) A submitter of a properly made submission for the application may appeal to the court about a referral agency's response made by a prescribed concurrence agency for the application.
- (3) However, the submitter may only appeal against a referral agency's response to the extent it relates to—
 - (a) if the prescribed concurrence agency is the chief executive (environment)—development for an aquacultural ERA; or
 - (b) if the prescribed concurrence agency is the chief executive (fisheries)—development that is—
 - (i) a material change of use of premises for aquaculture; or
 - (ii) operational work that is the removal, damage or destruction of a marine plant.
- (4) Despite section 462(1), the submitter may appeal against the following matters for the application even if the matters relate to code assessment—
 - (a) a decision about a matter mentioned in section 462(2) if it is a decision of the chief executive (fisheries);
 - (b) a referral agency's response mentioned in subsection (2).