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OUR REF: 5555:BC

4th September 2015

Douglas Shire Council
Manager Development & Environment
PO Box 723
MOSSMAN QLD 4873

DOUGLAS SHIRE COUNCIL	
Received	
File Name	CA1044/2015
Document No.	
11 SEP 2015	
Attention	SKA ong ✓
Information	RN: 102024

Dear Sir / Madam,

RE: DEVELOPMENT APPLICATION – DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE FOR AQUACULTURE AND CARETAKERS RESIDENCE, RECONFIGURING A LOT (BOUNDARY REALIGNMENT) AND OPERATIONAL WORKS (CHANGE TO GROUND LEVEL) AT CAPTAIN COOK HIGHWAY, KILLALOE (LOT 8 ON NR153, LOT 201 ON SP222765 & LOT 7 ON RP846941)

Please find enclosed on behalf of our client, Gold Coast Marine Aquaculture, a development application for a Material Change of Use for Aquaculture and Caretaker's Residence, Reconfiguring a Lot (Boundary Realignment) and Operational Works (Change to Ground Level) for the property situate at Captain Cook Highway, Killaloe (Lot 8 on NR153, Lot 201 on SP222765 & Lot 7 on RP846941).

The proposed Aquaculture facility, which farms prawns exclusively, seeks to expand the existing operation and provide new administration and processing facilities. The impetus for this project is the continued success of the applicant operation within the region and nationally as a respected provider of prawns to the national market.

Please find attached to this correspondence the following:

- Owners consent declaration;
- IDAS Forms 1, 5, 6, 7, 23 & 25 and IDAS Checklists 1, 2, 3 & 4;
- Relevant Council OPW Forms;
- One (1) copy of the Town Planning Report dated September 2015, including:
 - Plans and Drawings;
 - Planning Scheme Code Assessment;
 - Traffic Impact Assessment Report prepared by Rytenkild Traffic Group;
 - Geotechnical and Preliminary Acid Sulfate Soil Investigation prepared by Douglas Partners;
 - Flood Assessment Report prepared by BMT WBM; and
 - Statement of Landscape Intent prepared by GDP.



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In accordance with Council Application Fees, please find enclosed a cheque to the sum of **\$21,997.30**.

Description / Item	Douglas Shire Council 2015/2016 Fees and Charges Schedule
MATERIAL CHANGE OF USE	
Aquaculture	\$6,049.15
Caretaker's Residence	\$891.95
RECONFIGURING A LOT	
Boundary Realignment	\$1,071.20
OPERATIONALWORKS	
Charge calculated @1.5% of estimated works to a min. \$2,447.15 and max. \$13,985. <i>(Engineers estimated earthworks approximately \$1,935,000 (ie: 1.5% of \$1,935,000 equates to \$29,025 therefore max fee)</i>	\$13,985.00
TOTAL	\$21,997.30

An email from Council dated 18th August 2015 confirming the correct amount for the application fees is enclosed.

We look forward to Councils timely and favourable consideration of this application.

If you have any questions or require any further information regarding this matter, please do not hesitate to contact the undersigned.

Yours faithfully,

GASSMAN DEVELOPMENT PERSPECTIVES



.....
Barry Craddock
Senior Town Planner

DEVELOPMENT APPLICATION

REQUESTING A DEVELOPMENT PERMIT FOR:

- MATERIAL CHANGE OF USE (AQUACULTURE);
- MATERIAL CHANGE OF USE (CARETAKER'S RESIDENCE);
- RECONFIGURING OF A LOT (BOUNDARY REALIGNMENT); and
- OPERATIONAL WORKS (FILLING AND EXCAVATION)

ADDRESS: CAPTAIN COOK HIGHWAY, KILLALOE
(Lot 8 on NR153, Lot 201 on SP222765 & Lot 7 on RP846941)

PREPARED FOR: Gold Coast Marine Aquaculture

September 2015



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project coordination
urban + regional planning
landscape + urban design
environmental management
visualisation + spatial services
surveying services
advisory services

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In preparing this report we have made certain assumptions. We have assumed that all information and documents provided to us by the Client or as a result of a specific request or enquiry were complete, accurate and up-to-date. Where we have obtained information from a government register or database, we have assumed that the information is accurate. Where an assumption has been made, we have not made any independent investigations with respect to the matters the subject of that assumption. We are not aware of any reason why any of the assumptions are incorrect.

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No.	Author	Reviewer
1.	Barry Craddock	Brian Gassman

Approval for Issue

Name	Position	Signature	Date
Brian Gassman	Director		September 2015

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1.0 EXECUTIVE SUMMARY

This application has been prepared by Gassman Development Perspectives on behalf of Gold Coast Marine Aquaculture in order to establish the appropriate parcel configuration and development permits to expand the applicants existing aquaculture farm on the Captain Cook Highway, Killaloe. The proposed facility, which farms prawns exclusively, will seek to expand the existing operation and provide new administration and processing facilities.

The impetus for this project is the continued success of the applicant operation within the region and nationally as a respected provider of prawns to the national market. The existing farm, coupled with its sister operation on the Gold Coast means the applicant can provide prawns to the market virtually all year. The proposed expansion will seek to provide the capacity for the operation to increase the quantity of prawns offered to the Christmas market.

A pre-lodgement / scoping meeting was held with Douglas Shire Council with regards the proposed development. Council officers at the time indicated their willingness to assess the proposed application and provided an insight into the types of issues they would like to see addressed as part of the application documentation.

This report seeks to assess the proposed development against the key assessment criteria as established by State, Regional and crucially Local Planning Policy.

In this regard, the report has clearly outlined the characteristics of the subject site, the local area, the State Planning Provisions relevant to the proposal, the impact of the Regional Plan and the local planning provisions that seek to administer development within the Douglas Shire. Several specialist reports have been commissioned including a traffic impact assessment, hydraulic assessment, infrastructure servicing report, geotechnical/acids sulfate soils investigation and landscape intent plans each of which provide detailed demonstrations of how the proposed development will comply with the relevant standards.

In conclusion this report, has demonstrated how the proposed development will provide significant benefits to Douglas Shire and the wider region. It has also demonstrated that the proposal is consistent with State, Regional and Local Planning Policy as adopted. Finally the form and function of the facility has been designed to be complimentary to the policy and code provisions of Councils planning framework.

2.0 APPLICATION SUMMARY

Site Address	Captain Cook Highway, Killaloe
Real Property Description	Lot 8 on NR153, Lot 201 on SP222765 and Lot 7 on RP846941
Total Site Area	101.041 hectares
Current Site Use	Aquaculture and Vacant Cane Land
Local Authority	Douglas Shire Council
Zoning	Rural
Local Area Plan	N/A
Development Application	Material Change of Use for Aquaculture, Material Change of Use for Caretaker's Residence, Reconfiguration of a Lot for a Boundary Realignment & Operational Work for Filling and Excavation.
Level of Assessment	IMPACT ASSESSABLE
Applicant	Gold Coast Marine Aquaculture C/- Gassman Development Perspectives Pty Ltd
Contact Details	Barry Craddock PO Box 392, Beenleigh QLD 4207 Phone: (07) 3807 3333
GDP Reference	5555 – BC

3.0 INTRODUCTION

This report has been prepared by Gassman Development Perspectives (GDP) on behalf of Gold Coast Marine Aquaculture (client / applicant), in support of a proposal to expand and existing and successfully operation aquaculture farm.

The proposed development will seek to expand the number of ponds on site and reorganise key administration and processing facilities established on site.

The Applicant is seeking:

- Development Permit (DP) – Material Change of Use (Aquaculture);
- Development Permit (DP) – Material Change of Use (Caretaker's Residence);
- Development Permit (DP) – Reconfiguration of a Lot (Boundary Realignment); and
- Development Permit (DP) – Operational Works (Filling and Excavation);

This report presents facts and circumstances known to the author and Gassman Development Perspectives (GDP) at this time.



Figure 1: Site Aerial, Source: Google Earth, 2015

4.0 SITE DESCRIPTION AND SURROUNDING LAND USES

4.1 SITE LOCATION

The subject site is located within the Douglas Shire Council boundary, approximately 11 kilometres (3km as crow flies) from the Port Douglas CBD and 65 kilometres from Cairns. The subject site adjoins the State Controlled Road, Captain Cook Highway, the primary route between Mossman and Port Douglas, and Cairns to the south.



Figure 2: Site context, Source: Google Earth (QLD Globe, 2015)

4.2 LAND OWNERSHIP AND ENCUMBRANCES

The subject site is predominately owned by Herbst Investments Pty Ltd as part of a freehold title as per a title search enclosed in **Appendix 5**. Please note that Lot 7 on RP846941 is currently under different ownership, however an agreement is in place for this land to be purchased by Herbst Investments Pty Ltd once the a boundary realignment is confirmed. Land owner's consent for each of the subject lots subject to this proposal is contained in **Appendix 1** of this report with IDAS Form 1 - Application Details.

A Smart Map has also shown that the site is encumbered by several easements. Please refer to the Smart Map enclosed in **Appendix 5** of this report. Each easement and its purpose is identified in the table below:

Easement Title	Entity	Area	Purpose
A&B/RP846941	Lot 6 RP846941	1070 sqm 205m sqm	Right of Way
F/RP846941	The State of Queensland (represented by Department of Transport and Main Roads)	1040 sqm	Dredge Soil Pipeline
A/SP222765	Seafarm Pty Ltd	3060 sqm	Access and services
E/SP263590	The State of Queensland (represented by Department of Transport and Main Roads)	1768 sqm	Dredge Soil Pipeline

A Covenant (No.71200419) over Lot 201 on SP222765, for the purpose of restricting the separate transfer of Lot 201 on SP222765, Lot 1 on SP222765 and Lot 2 on SP222765 applies with the Covenantor being the State of Queensland (represented by the Department and Resource Management).

4.3 EXISTING LAND USES

There are two distinct land uses present on the subject site at present, first the existing aquaculture facility and secondly vacant cane land. The proposed development is seeking to improve the utilisation of adjoining land to increase the primary production operations of the existing land use.

There several administration and processing facilities established on site predominately located in close proximity to the closed road reserve.

4.4 SURROUNDING LAND USES

The subject area can be described as rural in nature predominately comprising of agricultural lands associated with traditional industries such as sugar cane and more recently intensive animal husbandry such as aquaculture. To the north of the site can be described as predominately marsh / wetlands.

Notable exceptions to this include Service (rifle range) located 730 metres to the west, large lot residential a kilometre to the south and some irrigated cropping to the south west.

Figure 3 below, is taken from the Queensland Land Use Mapping Program and is current as of April 2015.

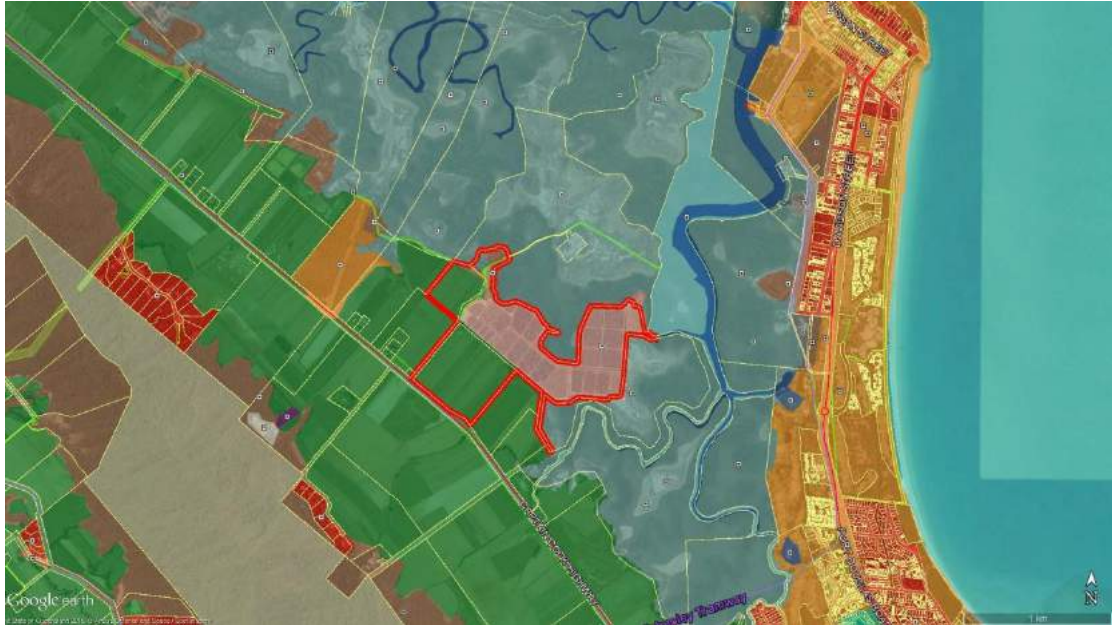


Figure 3: Land Use Pattern, Source: Google Earth (as modified by GDP) 2015

4.5 PREVIOUS APPROVALS

No planning applications have been lodged over the subject sites as recorded by Councils PD online system.

4.6 FRONTAGE AND ACCESS

The existing aquaculture use is serviced by a 20m wide road reserve that runs on a north south orientation for approximately 500 metres before meeting the Captain Cook Highway. Under this new proposal the operation will establish a frontage to the Captain Cook Highway, incorporating Lot 8 on NR153 the site frontage will be approximately 497 metres in three distinct chords.

4.7 TOPOGRAPHY AND VIEWS

The subject site can be generally described as flat, with a minor slope running from the high point located in the south portion of the site back towards the existing aquaculture use. The drop in levels is approximately 0.5m over a distance of 570 metres equating to a slope circa 0.01%.

Due to the flat nature of the site, no significant views will be impacted upon as a result of this proposal. Further a landscape intent plan submitted in support of this application details how the site frontage will be extensively planted to screen the site from the Captain Cook Highway.

4.8 EXISTING VEGETATION

The subject site has been extensively farmed in recent years and therefore no defined vegetation has been identified that would warrant conservation within the subject site. It is acknowledged that a small portion of 'Least Concern' and 'Of Concern' vegetation has been identified in the north western portion of the site.

No removal, destruction or damage of marine plants will occur as part of this application.

Further discussion of this matter will be included in section 7.2.5 of this report.

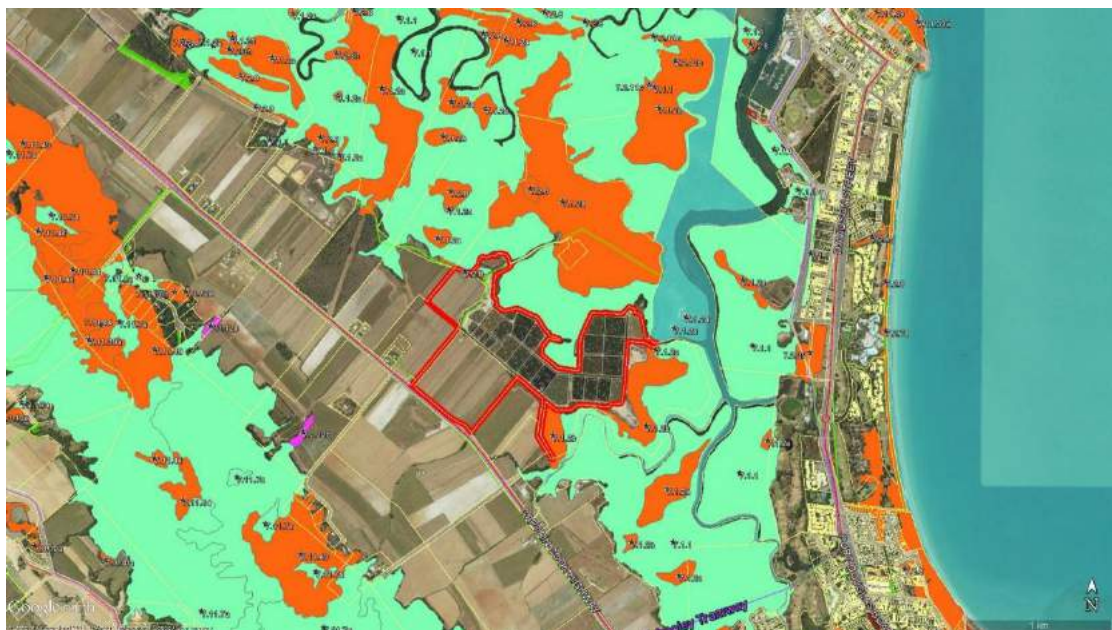


Figure 4: Vegetation Management, Source: Qld Globe, 2015

4.9 CONTAMINATED LAND

The subject site is not listed on either the Environmental Management Register or the Contaminated Land Register. Therefore relevant referral/mitigation is not expected to be required. Refer **Appendix 5**.

4.10 FLOODING AND STORMWATER

The subject site is located within a region that is subject to flood hazard as identified by the Planning Scheme.

For further information in this regard please refer to the Flood c Assessment submitted in support of this application (refer **Appendix 10**).

4.11 WETLANDS

No wetlands were observed on site.

4.12 CONSERVATION/HERITAGE AREAS

There did not appear to be any buildings or parks within the immediate proximity of the subject site that could be interpreted as conservation or heritage areas.

5.0 PRE-LODGEEMENT (SCOPING) MEETING ADVICE

5.1 LOCAL GOVERNMENT SCOPING MEETING

In preparation for this application a pre lodgement meeting was held with Douglas Shire Council on the 12th of December, 2014. The meeting was attended by the project team including members of GDP, the applicant, and Neil Beck from Councils planning department.

The purpose of the meeting was to present the concept of the development to Council and to discuss the primary issues that would need to be addressed in compiling a development application. The following is a brief summary of the minutes taken by GDP at the meeting:

- The meeting opened with GDP providing a briefing on what the proposal hoped to achieve and the rationale behind the proposed strategy;
- The applicant (Nick Moore, General Manager of GCMA) continued by providing insight into how the existing operation worked on the site, the key characteristics of the business and their strategy for expansion in the future. Key items included:
 - The existing operation has approximately 30 ha of water;
 - Nick outlined how the ponds are constructed utilising black poly lining which has significantly increased environmental performance;
 - Ponds are usually constructed in a typical A4 shape, with a depth of 1.5m and a slope of 0.5%;
 - The existing farm is primarily operating to service the Summer Crop, providing locally grown prawns to the significant Christmas market;
 - The existing operation has continually refined operating practices to reduce waste associated with the farm and it is currently recognised as one of the best operating farms in the market;
 - The proposed expansion is seeking to increase capacity by approximately 50%, which will in turn have positive economic impacts such as up to an additional 11 employees being engaged periodically through the year.
- In response Council noted the following issues that they would like to see further detail on:
 - With regards planning context Council stated a full assessment against the various levels of the planning hierarchy from State to local level would be required as usual for such applications;
 - Storm tide impact, Neil Beck, stated that the policy regard coastal management districts and storm tide were currently evolving. He emphasised the need to provide a comprehensive Hydraulic Assessment to ensure that

the proposed development could demonstrate its impact on the site, adjoining properties and the regional drainage network;

- An Environmental Protection and Biodiversity Conservation (EPBC) assessment has been requested to be included in the documentation. It was noted at the meeting that due to the unlikelihood of any impact this would not warrant much more than a brief statement; and
- With regards access, Council stated the need for a full assessment on the impact of the proposed development on the Captain Cook Highway and its role as a State Controlled Road.

5.2 POST MEETING CONSULTATION

GDP contacted Neil Beck of Douglas Shire Regional Council to seek advice on the assessment of geotechnical conditions, specifically relating to the Acid Sulfate Soils under State Policy. Under agreement, this application has included detailed reporting that assesses the ground condition in a site specific manner. Should additional information be required, the applicant will accept fair and reasonable conditions.

5.3 STATE AGENCY PRE-LODGEEMENT MEETING

A Pre-lodgement meeting was held on the 31st August 2015 with State Assessment and Referral Agency (SARA) with respect to this application. The Pre-lodgement Meeting minutes are enclosed in **Appendix 4** for reference.

6.0 THE PROPOSAL

6.1 OVERVIEW

The following section provides an overview of the proposal to expand the existing aquaculture facility at Captain Cook Highway, Killaloe. In summary, the proposed development is seeking Development Permits for:

- MCU to expand the existing Aquaculture facility, inclusive of an Administration building (approximately 200m² in area), Primary Processing building (approximately 800m² in area), Waste Collection and maintenance Shed (approximately 200m² in area and Caretaker's Residence (approximately 120m² in area);
- Reconfigure the existing boundaries of the subject lots to realise a lot pattern where the proposed expansion of the existing aquaculture facility can be accommodated within two distinct lots.
- Operational works to included a Change to Ground Level.

The following sections outline the key components of the proposal.

6.2 CONTEXT OF PROPOSAL AND NEED ANALYSIS

The proponents of this application are industry leaders in the production of sustainable aquaculture, they have excelled and continuously refined their methods in order to provide award winning product to primarily the national market.

The applicants, as a competitive business, have decided that there is significant justification in expanding their existing capacity in order to service the Christmas prawn market.

The benefits of this strategy locally, regionally and on a national scale can be clearly demonstrated. The key benefits include:

- **Construction:**
 - Construction of 21 Ponds; and
 - Construction of new processing, administration facilities and caretaker's residence;
 - No excavated fill will transported from the land (balance cut/fill);
 - No filling will occur in Tidal Land.

- **Operation:**

- Increase in prawns produced on site;
- Number of employees on site will be 1-2 in a caretaker role capacity, and increase in the number staff of 10-12 persons, 3-4 months prior to Christmas;
- Increase in general operating costs – feed purchase, transport logistics etc,
- Additional traffic generated will be an extra vehicle per week during the harvesting period prior to Christmas;
- No retails sales to general public will occur from the subject land, all deliveries are freighted to Cairns Airport; and
- Hours of Operation – 6am – 7pm;

6.3 DEVELOPMENT PERMIT FOR RECONFIGURING A LOT

A core component of the application is a boundary realignment that will seek to integrate land located to the west of the existing operation into the remit of the proposed development. The land has recently went under contract subsequent to negotiations between the applicant and the adjoining landowners (McClelland). The key characteristics of the proposal are outlined in the table below:

Table 1: ROL Characteristics

Existing Arrangement		Proposed Arrangement	
Lot 7 RP846941		Proposed Lot 7 RP846941	
Area	23.33 ha	Area	53.67 ha
Frontage	204 m	Frontage	20 m
Lot 201 on SP222765		Proposed Lot 201 on SP222765	
Area	14.94 ha	Area	62.06 ha
Frontage	204 m	Frontage	20 m (road reserve)

The new lot arrangement will effectively provide the legal and ownership framework to allow the existing operation to expand logically and sustainably within the context of the existing arrangement.

6.4 DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE - AQUACULTURE

A Development Permit for a Material Change of Use is proposed in order to establish the land use rights to establish the appropriate facilities on site. The proposed MCU merely seek to provide the relevant development permit to alter the existing 'Rural' zoned land to

'Aquaculture' to accommodate the prawn farm expansion. The primary components of the material change of use are summarised below:

- The focal point of the proposed development will be a new and consolidated administration and processing area located to the north western portion of the site. The new area will include:
 - New administration building, approximately 200m² in area, that will effectively act as front of house facilities. This structure has been strategically placed in order to act as a gate house for any visitors to the site with car parking available. A gate will erected at this location for security reasons;
 - A primary processing facility will be located to the rear of the administration building, this structure will house all processing machinery within a 800m² of GFA. Significantly the structure will be accessible from both the adjoining driveway and a large hardstand area to the front;
 - A waste storage and collection area will be located to the rear of the processing unit. The proposed operation does not require significant waste storage, however a sizeable area has been provided as a conservative position. This area will also be utilised to store maintenance machinery and equipment;
 - A caretakers residence will be constructed that will house an employee to the facility; the proposed use has been positioned in a central location to facilitate surveillance over the key facilities established. The proposed dwelling will have a GFA of 120m² and will be incorporate designated car parking and 50m² of private open space that will be landscaped appropriately to allow for privacy;
 - A large hardstand area will also be provided in order to ensure servicing arrangement and machinery movement can be conducted safely and efficiently;
 - Finally a total of 30 formal car parking spaces have been proposed to cater for the operation. The parking has been provided in two separate locations providing a distinction between short term parking to the front and longer term parking to the rear. The proposed parking provision is considered to be far in advance of the operational requirements of the proposed use.
- A key component of the proposed expansion is the new ponds that will be located on the land between the existing operation and the Captain Cook Highway. From the start of this process the applicant has expressed a strong desire to provide a comprehensive and appropriate landscaped interface between the site and the road.

Therefore an extensively landscaped area will be provided in order to ensure that the proposed operation sensitively integrates with the surrounding context of use. For further information in this regard please refer to the landscape intent plan submitted in support of this application in **Appendix 11**;

- A total of 21 aquaculture ponds will be created and serviced by this proposed application. The proposed ponds have been designed and arranged on site responding to key site characteristics and operational requirements of prawn production. In this regard the ponds can be generally described as follows:
 - Each pond will be filled and drained by gravity ie the inlet will be higher than the outlet;
 - An internal of slope of approximately 0.5% will run towards the outlet;
 - Each pond will be lined in a specific poly plastic lining that protects stability of each pond bank;
 - The water level in each pond will be retained at approximately 1.5m in accordance with health and safety standards;
- Each of the proposed aquaculture ponds will be serviced by two water channels, one central channel will provide additional water in order to ensure the 1.5m water level depth is maintained whilst the second will channel waters used in the growth process to the legal point of discharge on the eastern side of the farm. In this regard it is important to note that the existing farm is operating well below the environmental licences it has obtained therefore the proposed expansion is considered to fall in line with the existing approved capacity;
- It is important to note that the applicant plays an active role in the business community in Northern Queensland, in this regard the benefits of the aquaculture industry in general and the specifically the applicants farm has long been recognised by locals. Please refer to **Appendix 6: Letters of Support** for further information in this regard;
- The site will be accessed via a single crossover providing access to Captain Cook Highway. The access arrangement at present can be described as unusual as it is provided by a temporarily closed road for a length of 500 metres. In this regard the Traffic Impact Assessment submitted in support of this application has provided a full and thorough assessment of the identified junction which demonstrates how the proposal will not adversely impact on the local network (refer **Appendix 8**);
- The proposed development has been supported by a detailed landscape intent plan that demonstrates how landscaping features will be utilised to help integrate the proposed development into the existing landscape character of the local area. This component is considered to be particularly relevant to proposal as the requirement to

screen the proposed facility within the open landscape is of high importance (refer **Appendix 11**);

- The hydraulic performance of the proposal has been carefully designed by the applicants consulting engineers. The resulting design has sought to ensure that stormwater and flood waters are appropriately managed on site to ensure existing facilities and infrastructure can be protected without adversely impacting on neighbouring properties, (refer **Appendix 10**);
- A servicing strategy has been developed that will seek to cater for the locations isolation from existing Council infrastructure until such time as they become available. In this regard the strategy is based around the following:

- With regards water, the subject proposal incorporates several large rainwater tanks that will seek to capture rainwater to be reused on the site primarily for rainwater purposes. Further potable water tanks will be established on site for human consumption and other relevant uses, these tanks will be positioned strategically on site and will be serviced by a relevant provider on a regular basis. Finally several large fire fighting tanks will be constructed to cater for any potential fire event;
- Due to the temporal characteristics (events) of the proposal an on site wastewater system is not considered to be appropriate to cater for the total demand. Accordingly it is proposed that a management strategy for temporal portable toilets will be utilised for events in addition to a smaller scale private wastewater infrastructure located above the flood level to cater for everyday maintenance staff;
- Finally in terms of electricity and telecommunications the proposed development will seek to connect into the relevant services available in the local area.

For ease of reference, GDP has provided excerpts of the concept plans prepared by GDP for review and consideration, with full copies enclosed in **Appendix 2** of this report.

6.5 DEVELOPMENT PERMIT FOR OPERATIONAL WORKS – FILLING AND EXCAVATION

A detailed earthworks strategy has been proposed in order to facilitate the establishment of the necessary ponds and channels to expand the operation. Due to the sites location with respect to coastal hydraulics a site specific strategy has been proposed that will ensure

earthworks are completed in a compensatory manner, meaning all cut and fill is retained and sourced from on site works.

For further information in this regard, please refer to **Appendix 7** of this report.

7.0 STATE AND REGIONAL PLANNING FRAMEWORK ASSESSMENT

7.1 THE SUSTAINABLE PLANNING ACT 2009 (SPA)

The 'Sustainable Planning Act 2009' (*SPA*) and 'Sustainable Planning Regulation 2009' came into effect on 18 December 2009. The SPA is the principal Act concerning planning and development in Queensland, replacing the Integrated Planning Act 1997 (IPA). The purpose of the SPA is to achieve ecological sustainability by:

- (a) managing the process by which development takes place, including ensuring the process is accountable, effective and efficient and delivers sustainable outcomes; and
- (b) managing the effects of development on the environment, including managing the use of premises; and
- (c) continuing the coordination and integration of planning at the local, regional and State levels (*Department of State Development Infrastructure and Planning, 2014*).

The proposal seeks a Development Permit for a a Material Change of Use (Aquaculture and Caretaker's Residence), Reconfiguration of a Lot (Boundary Realignment), and Operation Work (Changes to Ground Level) and which constitutes Assessable Development, as per Schedule 3 of the SPA.

The proposal is Impact Assessable, based on the table of development for the Rural Domain of the Douglas Shire Planning Scheme (Planning Scheme, 2006).

Section 314 of the SPA specifies those matters that must be addressed as part of any **Impact Assessable** applications. We consider the information contained in this report to be sufficient for Council to make an informed assessment of the proposal.

Further, Section 297-298 of the SPA identifies the period and processes for Public Notification required for Impact Assessable applications. Based on a review the proposal will be advertised for a period of 30 business days, due to three (3) or more Concurrence Agencies being identified.

7.2 STATE REGULATION, POLICY AND REFERRAL REQUIREMENTS

7.2.1 STATE PLANNING REGULATORY PROVISIONS

Table 2: State Planning Regulatory Provisions

State Planning Regulatory Provision	Comment
South East Queensland Regional Plan 2009-2031 State planning regulatory provisions	<p>Relevance – Not Applicable</p> <p>Amendments to the South East Queensland Regional Plan 2009-2031 State planning regulatory provisions (the draft amendment) were adopted in May 2014 that sought to provide a more accommodating framework for appropriate development outside of the urban footprint.</p> <p>The proposed development is outside of the SEQRP, and therefore is not applicable for assessment.</p>
Guragunbah State Planning Regulatory Provision	<p>Relevance - Not Applicable:</p> <p>This SPRP:</p> <ul style="list-style-type: none"> (a) is necessary to implement the South East Queensland Regional Plan 2009 - 2031 (b) addresses a significant risk of serious adverse economic conditions occurring in the Gold Coast City Council planning scheme area in circumstances where a direction to Gold Coast City Council under section 126 of the SPA is not the most appropriate way to address the risk. <p>This SPRP applies to land described as Lot 2 on RP223566, Lot 902 on SP108453 and Lot 1 on SP190865 situated at 154 Highfield Drive, Merrimac, 172 Highfield Drive, Robina and Ghilgai Road, Merrimac as shown on Map 1 as being within the site boundary (the affected area).</p>

State Planning Regulatory Provision	Comment
	<u>As the site is not located within the identified areas, this SPRP does not apply to the proposal.</u>
State Planning Regulatory Provision (adopted charges)	<p>Relevance – Applicable</p> <p>The purpose of this SPRP is to:</p> <ul style="list-style-type: none"> (a) state a maximum adopted charge for trunk infrastructure (b) state development for which the charge may be levied (c) identify, for particular local government areas, a priority infrastructure area (d) state the proportion of an adopted infrastructure charge that may be: <ul style="list-style-type: none"> i. levied by Ipswich City Council ii. charged by Queensland Urban Utilities for its water service or wastewater service in the Ipswich City Council local government area. <p>This SPRP applies to all local government areas.</p> <p><u>The site is located with Douglas Shire Council, which has an adopted infrastructure charge agreement in place.</u></p>
Yeerongpilly Transit Orientated Development State Planning Regulatory Provision	<p>Relevance – Not Applicable</p> <p>The purpose of the State planning regulatory provision is to:</p> <ul style="list-style-type: none"> • implement TOD principles and outcomes for infill development under the South East Queensland Regional Plan 2009–2031; and • assist in the establishment of commercial activities in the

State Planning Regulatory Provision	Comment
	<p>Yeerongpilly TOD area; and</p> <ul style="list-style-type: none"> • facilitate and manage interim outcomes, until completion of a Detailed Plan of Development for the entire Yeerongpilly TOD area. <p>This State planning regulatory provision applies to the Yeerongpilly TOD area shown in Schedule 1 of the documentation.</p> <p><u>The subject site is not within the identified within Schedule 1, therefore this policy is not relevant.</u></p>
<p>Off-road motorcycling facility on State-owned land at Wyaralong</p>	<p>Relevance – Not Applicable</p> <p>The SPRP regulates:</p> <ul style="list-style-type: none"> • the development of a motor sport facility for off-road motorcycling on the land identified in section 2.1; and • development for a noise sensitive place in the noise attenuation zone. <p>This SPRP applies to State land at Wyaralong comprising of the following lots:</p> <p>(a) Lot 50 on SP233714 (formerly Lot 1 on RP128309);</p> <p>(b) Lot 1 on RP61998;</p> <p>(c) Lot 1 on RP 61996;</p> <p>(d) Lot 3 on RP61997;</p> <p>(e) Lot 39 on RP17872;</p> <p>(f) Lot 38 on RP17872.</p> <p><u>The subject site is not within the identified within Schedule 2, therefore this policy is not relevant.</u></p>

State Planning Regulatory Provision	Comment
State Planning Regulatory Provision (Adult Stores)	<p>Relevance – Not Applicable</p> <p>These state planning regulatory provisions provide a standard to manage the location of new adult stores and to avoid close proximity to existing sensitive uses.</p> <p><u>The proposed development is not for an Adult Store; therefore this regulatory provision does not apply.</u></p>
South East Queensland Koala Conservation State Planning Regulatory Provisions	<p>Relevance – Not Applicable</p> <p>These State planning regulatory provisions apply to assessable development areas for koala vegetation.</p> <p><u>The subject site is not located within the identified assessable development area, therefore this regulation does not apply.</u></p>

7.2.2 STATE PLANNING POLICY

The SPP includes interim development assessment requirements to ensure that state interests are appropriately considered by local government when assessing development applications where the local government planning scheme has not yet appropriately integrated the state interests in the SPP.

The requirements should be considered by applicants when preparing a development application and must be considered by local government when assessing a development application as assessment manager.

The interim development assessment requirements will remain in force for a particular local government area until such time as a planning scheme, that the Minister is satisfied has appropriately integrated the state interests in the SPP, takes effect.

Table 3 contains the interim development assessment requirements which apply to Development Applications. Comment on each provision with respect to the proposal has been provided.

Table 3: State Planning Policy

State Interest	Comment
<p>Mining and extractive resources</p> <p>For extractive resources</p> <p>(1) a development application for:</p> <p>(a) reconfiguring a lot within a KRA, or</p> <p>(b) a material change of use within the resource/processing area of a KRA or the separation area for the resource/processing area of a KRA, or</p> <p>(c) a material change of use within the transport route separation area of a KRA that will result in an increase in the number of people living in the transport route separation area, and</p> <p>(2) requirements of (1) above do not apply to the assessment of a material change of use for a:</p> <p>(a) dwelling house on an existing lot, or</p> <p>(b) home-based business (where not employing more than two non-resident people on a full-time equivalent basis), or</p> <p>(c) caretaker's accommodation (associated with an extractive industry), or</p>	<p>Relevance – Not Applicable</p> <p>The subject site is not located within a Key Resource Area (KRA). Therefore the relevant provisions outlined within the SPP do not apply.</p>

State Interest	Comment
(d) animal husbandry, or (e) cropping.	
<p>Biodiversity</p> <p>These requirements apply to development applications as follows:</p> <p>A development application where the land relates to a matter of state environmental significance, if the application is for:</p> <ul style="list-style-type: none"> (a) operational work, or (b) a material change of use other than for a dwelling house, or (c) reconfiguring a lot that results in more than six lots or lots less than five hectares. 	<p>Relevance – Not Applicable</p> <p>The subject site is not within an area of state environmental significance.</p> <p>Therefore the provisions of the Biodiversity of the SPP do not apply to the application.</p>
<p>Coastal Environment</p> <p>These requirements apply to development applications as follows:</p> <p>A development application is for a material change of use, reconfiguring a lot or operational works on land in a coastal management district.</p>	<p>Relevance – Applicable</p> <p>The subject site includes land that is within a Coastal Management District.</p> <p>Therefore the provisions of the Coastal Environment of the SPP do apply to the application.</p> <p>Further detail in this regard is provided in section 7.2.3. Below.</p>
<p>State interest—water quality</p> <p>These requirements apply to development applications as follows:</p> <p><i>Receiving waters—a development application for any of the following:</i></p>	<p>Relevance – Applicable</p> <p><i>Receiving waters</i></p> <p>The proposed development does trigger assessment against the provisions of the State Interest – Water Quality Section of the</p>

State Interest	Comment
<p>(1) a material change of use for urban purposes that involves a land area greater than 2500 square metres that:</p> <p>(a) will result in an impervious area greater than 25 per cent of the net developable area, or</p> <p>(b) will result in six or more dwellings, or</p> <p>(2) reconfiguring a lot for urban purposes that involves a land area greater than 2500 square metres and will result in six or more lots, or</p> <p>(3) operational works for urban purposes that involve disturbing more than 2500 square metres of land.</p> <p><i>Water supply catchment in South East Queensland—a development application that is:</i></p> <p>(1) wholly located outside an urban area, and</p> <p>(2) relates to land wholly or partly within a water supply buffer area; and</p> <p>(3) is for any of the following:</p> <p>(a) a material change of use for:</p> <p>i. intensive animal industry, or</p> <p>ii. medium and high-impact industry, or</p> <p>iii. noxious and hazardous industry, or</p> <p>iv. extractive industry, or</p> <p>v. utility installation involving sewerage services, drainage or stormwater services,</p>	<p>SPP.</p> <p>In this regard, the proposed earthworks and flood assessment has designed the site in a manner that run-off will be directed to the ponds and the proposed development will not negatively impact of the local areas performance with regards healthy water.</p> <p>Relevance – Not Applicable</p> <p><i>Water supply catchment in South East Queensland</i></p> <p>The proposal does not include:</p> <p>(1) wholly located outside an urban area, and</p> <p>(2) relates to land wholly or partly within a water supply buffer area; and</p> <p>(3) is for any of the following:</p> <p>(a) a material change of use for:</p> <p>i. intensive animal industry, or</p> <p>ii. medium and high-impact industry, or</p> <p>iii. noxious and hazardous industry, or</p>

State Interest	Comment
<p>or waste management facilities), or</p> <p>vi. motor sport facility, or</p> <p>(b) reconfiguring a lot to create five or more additional lots if any resultant lot is less than 16 hectares in size, and the lots created will rely on on-site wastewater treatment.</p> <p><i>Acid sulfate soils—a development application that relates to:</i></p> <p>(1) a local government area identified in Table 4: Acid sulfate soils-affected local government areas</p> <p>(2) land at or below five metres Australian Height Datum (AHD) where the natural ground level is below 20 metres AHD, if the application is for a material change of use, or operational works, involving:</p> <p>(a) excavating or otherwise removing 100 cubic metres or more of soil or sediment, or</p> <p>(b) filling of land with 500 cubic metres or more of material with an average depth of 0.5 metres or more.</p>	<p>iv. extractive industry, or</p> <p>v. utility installation involving sewerage services, drainage or stormwater services, or waste management facilities), or</p> <p>vi. motor sport facility, or</p> <p>(b) reconfiguring a lot to create five or more additional lots if any resultant lot is less than 16 hectares in size, and the lots created will rely on on-site wastewater treatment.</p> <p>Relevance – Applicable</p> <p><i>Acid Sulfate Soils</i></p> <p>The subject site is within one of the local government areas identified within Table 4, and is at or below five metres AHD.</p> <p>Therefore the provisions for Acid Sulfate soils component of the SPP do apply. In this respect the applicant has provided a geotechnical and preliminary Acid Sulfate Soils Investigations Report (Appendix 9) to demonstrate existing conditions and will accept fair and reasonable conditions with regards appropriate management strategies.</p>
<p>Emissions and hazardous activities</p> <p>These requirements apply to development applications as follows:</p> <p>A material change of use or reconfiguring a</p>	<p>Relevance – Not Applicable</p> <p>The subject site is not within a management area.</p> <p>Therefore the provisions for the emissions</p>

State Interest	Comment
lot for a sensitive land use, where the development application is located wholly or partly within a management area.	and hazardous activities component of the SPP do not apply.
<p>Natural hazards</p> <p>A development application for a material change of use, reconfiguring a lot or operational works on land within:</p> <p>(1) a flood hazard area, or (2) a bushfire hazard area, or (3) a landslide hazard area, or (4) a coastal hazard area.</p>	<p>Relevance – Applicable</p> <p>The subject site is within a:</p> <ul style="list-style-type: none"> • flood hazard area; <p>Therefore the provisions for this component of the SPP do apply. In this respect detailed hydraulic modelling has been completed by BMT WBM Consulting that demonstrates that the proposed development can be established without unreasonably increasing the risk to property, environment or life.</p> <p>For further information in this respect please refer to Appendix 10 of this report.</p>
<p>State transport infrastructure</p> <p>A development application for a material change of use or reconfiguring a lot if the land to which the application relates:</p> <p>(1) is located within 400 metres of a public passenger transport facility or a future public passenger transport facility, and</p> <p>(2) has a total site area equal to or more than 5000 square metres.</p>	<p>Relevance – Not Applicable</p> <p>The subject site is not within 400 metres of a public passenger transport facility or future public passenger transport facility.</p>
<p>Strategic airports and aviation facilities</p> <p>A development application that involves land located within a local government area that contains or is impacted by a strategic airport identified in Table 2: Strategic</p>	<p>Relevance – Not Applicable</p> <p>The subject site is not located within a identified aviation zone. Therefore the relevant provisions outlined within the SPP</p>

State Interest	Comment
<p>airports (Part D) or an aviation facility identified in Appendix 1 of SPP Guideline: Strategic airports and aviation facilities if the development involves:</p> <p>(1) a material change of use of premises which will result in work encroaching into the operational airspace of a strategic airport and is at least 12 metres high, or</p> <p>(2) building work not associated with a material change of use mentioned in paragraph (1) that will result in work encroaching into the operational airspace of a strategic airport and is at least 12 metres high, or</p> <p>(3) a material change of use of premises or reconfiguring a lot where any part of the land is within the 20 ANEF contour, or greater, for a strategic airport, or</p> <p>(4) a material change of use of premises or reconfiguring a lot where any part of the land is within the public safety area of a strategic airport, or</p> <p>(5) a material change of use of premises where any part of the land is within the lighting area buffer zone of a strategic airport, or</p> <p>(6) a material change of use of premises where any part of the land is within the wildlife hazard buffer zone of a strategic airport, or</p>	<p>do not apply.</p>

State Interest	Comment
<p>(7) a material change of use of premises which will result in work encroaching into the building restricted area of an aviation facility¹², or</p> <p>(8) building work not associated with a material change of use mentioned in paragraph (7) that will result in work encroaching into the building restricted area of an aviation facility.</p>	

7.2.3 FURTHER ASSESSMENT – STATE INTEREST – COASTAL ENVIRONMENT

Further to the identification of the need to assess the application against the interim development assessment criteria relating to Coastal Environment the table below provides responses to each provision of this specific policy.

It should be noted that the proposed aquaculture expansion does not involve works within a Coastal Management District (CMD) however the existing Prawn Farm is located within the CMD.

State Interest	Comment
<p>1.- avoids or minimises adverse impacts on: (a) coastal processes and coastal resources, and (b) scenic amenity of important natural coastal landscapes, views and vistas, and</p> <p>2.- maintains or enhances general public access to, or along, the foreshore unless this is contrary to the protection of coastal resources or public safety, and</p> <p>3.- avoids private marine development attaching to, or extending across, non-tidal</p>	<p>1. The proposal is not considered to have any impact on coastal processes and resources nor on any scenic amenity of the surrounding area.</p> <p>2. The proposal does not have access to or adjoin any foreshore.</p> <p>3. No marine development is proposed.</p>

State Interest	Comment
<p>state coastal land abutting tidal waters, and</p> <p>4.- that is private marine development, occurs only where the development: (a) is located on private land abutting state tidal land and is used for property access purposes, and (b) occupies the minimum area reasonably required for its designed purpose, and (c) does not require the construction of coastal protection works, shoreline or riverbank hardening or dredging for marine access, and</p> <p>5.- of canals, dry land marinas and artificial waterways: (a) avoids adverse impacts on coastal resources, and (b) will not contribute to: i. degradation of water quality, or ii. an increase in the risk of flooding, or iii. degradation or loss of matters of state environmental significance, or iv. an adverse change to the tidal prism of the natural waterway to which the development is connected, and</p> <p>6.- does not involve reclamation of tidal land other than for the purposes of: (a) coastal-dependent development, public marine development or community infrastructure, where there is no feasible alternative, or (b) strategic ports, boat harbours or strategic airports and aviation facilities in accordance with a statutory land use plan, or (c) coastal protection works or work necessary to protect coastal resources or coastal processes, and</p>	<p>4. No private marine development is proposed.</p> <p>5. A Flood Assessment report has been undertaken by BMT WBM that concludes that it can be demonstrated that the proposed prawn farm expansion can be developed in accordance with the proposed bulk earthworks design and provide a suitable flood immunity resulting in predicted adverse impacts external to the site.</p> <p>6. The proposal does not involve reclamation of tidal land.</p>

State Interest	Comment
7.- provides facilities for the handling and disposal of ship-sourced pollutants in accordance with the SPP code: Ship-sourced pollutants reception facilities in marinas (Appendix 2) if the development: (a) is for a marina, with six or more berths, located outside of strategic port land, core port land or a state development area, or (b) involves individual dwellings with a structure that contains six or more berths emanating from common property, such as in a body corporate arrangement.	7. the proposal does not involve the handling or disposal of ship-sourced pollutants.

Further to the above considerations it is also important to note that the State Planning Policy as a strategic hierarchical document defined Agriculture as the following:

“agriculture means the growing, production and harvesting of food, fish, fibre, timber and foliage, including but not limited to the following uses: animal husbandry, aquaculture, cropping, fishing, intensive animal industries, intensive horticulture, native forestry, plantation forestry, production nursery, wholesale nursery, and other complementary primary production activities”. (State Planning Policy, 2014)

This is an important definition as it will heavily influence how various agricultural related considerations are viewed within this application.

7.2.4 STATE DEVELOPMENT ASSESSMENT PROVISIONS

The State Development Assessment Provisions (SDAP) set out the matters of interest to the state for development assessment, where the chief executive administering the SPA, being the Director-General of DSDIP, is responsible for assessing or deciding development applications.

The SDAP is prescribed in the *Sustainable Planning Regulation 2009 (SPR)*, and contains the matters the chief executive may have regard to when assessing a development application as either an assessment manager or a referral agency.

It is a statutory instrument made under SPA, and has effect throughout the state for development applications where the chief executive is the assessment manager or a referral agency. Relevant referrals are defined within Schedule 7 of the *SPR*.

Table 4: Relevant Referrals

Referral	Relevant <i>SPR</i> Schedule
Development within a Coastal Management District	Schedule 7, Table 2, Item 13 (OPW) Schedule 7, Table 3, Item 5 (MCU)
Development of Environmentally Relevant Activities	Schedule 7, Table 2 Item 1 (MCU) Not Applicable - as the proposal is expanding the number of ponds and will be form part of the existing ERA approval over the existing facility. The proposal when approved would then seek to amend the ERA accordingly.
Development impacting on Electricity Infrastructure	Schedule 7, Table 2, Item 21 (ROL)
Development relating to Aquaculture	Schedule 7, Table 2, Item 28 (MCU)
Development impacting on State Controlled Road	Schedule 7, Table 2 Item 1 (ROL) Schedule 7, Table 3, Item 1 (MCU)
Removal, destruction or damage or marine plants	Schedule 7, Table 2, Item 30 (OPW) Schedule 7, Table 2, Item 31 (ROL) Schedule 7, Table 2, Item 32 (MCU) Schedule 7, Table 3, Item 25 (MCU)

Table 5: Relevant SDAP Modules and Codes

Trigger for Assessment	Modules
Schedule 7, Table 2, Item 13 (OPW) Schedule 7, Table 3, Item 5 (MCU)	Module 10: Coastal protection 10.1 Tidal works or development in a coastal management district state code
Schedule 7, Table 2, Item 21	N/A
Schedule 7, Table 2, Item 28 (MCU)	Module 3: Aquaculture 3.1 Aquaculture state code
Schedule 7, Table 2 Item 1 (ROL) Schedule 7, Table 3, Item 1 (MCU)	Module 1: Community amenity 1.1 Managing noise and vibration impacts from transport corridors state code 1.2 Managing air and lighting impacts from transport corridors state code Module 18: State transport infrastructure protection 18.1 Filling, excavation and structures state code 18.2 Stormwater and drainage impacts on state transport infrastructure state code Module 19: State transport network functionality 19.1 Access to state-controlled roads state code 19.2 Transport infrastructure and network design state code
Schedule 7, Table 2, Item 30 (OPW) Schedule 7, Table 2, Item 31 (ROL) Schedule 7, Table 2, Item 32 (MCU) Schedule 7, Table 3, Item 25 (MCU)	Not Applicable – No removal, destruction or damage or marine plants will occur.

7.2.5 EPBC

A Protected Matters search was undertaken of the subject site through the Commonwealth Department of Environment database. This search was performed in order to determine Matters of National Environmental Significance (MNES) considered likely to occur within a

10km radius of the subject site as listed under the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The following table outlines each relevant protected matter which was highlighted by the database search with a brief assessment relating to whether a referral to the Department of Environment is considered to be required on the basis of the proposed development.

Table 6: EPBC Assessment

Protected Matter	Referral Assessment
Great Barrier Reef	Whilst aquaculture developments are a potential trigger for an EPBC Act referral, this development constitutes an expansion of an already existing operation. The expansion does not involve the removal of any marine habitat and does not constitute any significantly higher discharge of nutrients or sediments. Therefore, a referral is not considered to be required for impacts to the Great Barrier Reef.
Wet Tropics of Queensland	The Wet Tropics of Queensland is a listed National Heritage Place. In accordance with the referral guidelines provided by the Commonwealth Department of Environment, the proposed development does not involve the loss, degradation or modification of a National Heritage place. Therefore, Wet Tropics of Queensland will not trigger an EPBC Act Referral.
Listed Threatened Ecological Communities (TECs)	Two (2) TECs were listed as potentially occurring within 10km of the subject site. These include the Broad leaf tea-tree (<i>Melaleuca viridiflora</i>) woodlands in high rainfall coastal north Queensland and Littoral Rainforest and Coastal Vine Thickets of Eastern Australia. The site proposed for development is a previously cleared and slashed paddock and does not contain any significant native vegetation. Neither of these TECs was observed on or near the subject site.
Listed Threatened Species	Whilst listed Threatened flora and fauna are likely to use the locality surrounding the subject site, the site itself does not represent supporting habitat for Threatened species. It is representative of a slashed paddock and exhibits low ecological values.
Listed Migratory Species	Whilst listed Migratory species are likely to use the locality surrounding the subject site, the site itself does not represent

	supporting habitat for Threatened species. It is representative of a slashed paddock and exhibits low ecological values.
Listed Marine Species	Whilst listed Marine species are likely to use the locality surrounding the subject site, the site itself does not represent supporting habitat for Threatened species. It is representative of a slashed paddock and exhibits low ecological values.

On the basis of this assessment on each MNES listed in the table above, no impacts upon environmental matters of national importance are anticipated. Therefore, an EPBC Act referral is not considered to be required for the proposed application.

7.3 SUMMARY OF STATE PLANNING FRAMEWORK ASSESSMENT

- Section 314 of the SPA specifies those matters that must be addressed as part of any Impact Assessable applications. We consider the information contained in this report to be sufficient for Council to make an informed assessment of the proposal;
- The proposal has been identified in several SPP provisions where necessary further commentary has been provided in this regard;
- The proposal has triggered assessment against several State Development Assessment Provisions, each relevant module has been assessed and is enclosed in **Appendix 4** of this report; and
- Five distinct referrals have been triggered based on the various components of the proposal.

8.0 REGIONAL PLANNING FRAMEWORK

8.1 FAR NORTH QUEENSLAND REGIONAL PLAN 2009-2031

The Far North Queensland Regional Plan 2009 – 2031 (FNQRP), establishes a regional framework for planning policies and strategies for the Council areas of Cairns Regional Council, Tablelands Regional Council, Cassowary Coast Regional Council, Yarrabah Aboriginal Council and Wujal Wujal Aboriginal Council. The focus of the plan is to appropriately manage urban growth, rural development and resource management.

The subject site is located within the Rural Living Area of the FNQRP.



Figure 5: SARA Mapping Report, Source: DSDIP, 2015

Aquaculture is by its very nature typically a rural activity, such operations require extensive land areas, access to water and reasonable accessibility to distribution networks. Further aquaculture is defined as and agricultural use under the State Planning Policy. Accordingly the proposed use is considered to be a consistent use with regards the Rural Living Area of the FNQRP.

With respect to aquaculture the FNQRP states the following:

“Opportunities for sustainable aquaculture to supplement the region’s native fisheries should be encouraged and development assessment processes streamlined to better reflect the level of environmental risk”. (FNQRP, 2009, P58).

With regards environmental risk, it is important to note that the proposed development will operate under the existing environmental licences associated with the current facility. In this regard the operation is currently operating well under its capacity and has significant potential to increase production within their existing framework of operations. Further details on the existing operation can be found in **section 6** of this report.

The Applicant is of the position that the proposal is consistent with the requirements of the FNQRP and associated regulatory provisions. As such, we feel that the application should be supported at a Regional Planning Instrument level.

9.0 LOCAL PLANNING ASSESSMENT

9.1 OVERVIEW

The following is a review of the Local Planning Instruments that apply to the subject site and the proposed development. The subject site is located within the Douglas Shire Council and therefore development is administered the Douglas Shire Planning Scheme, 2006 (Planning Scheme) as amended.

9.2 RELEVANT LOCALITY AND ZONE

The subject land is located within the Rural Planning Area of the Douglas Shire Planning Scheme (August 2006).

Please refer Figure 6 below which shows the subject site with respect to the relevant zoning.

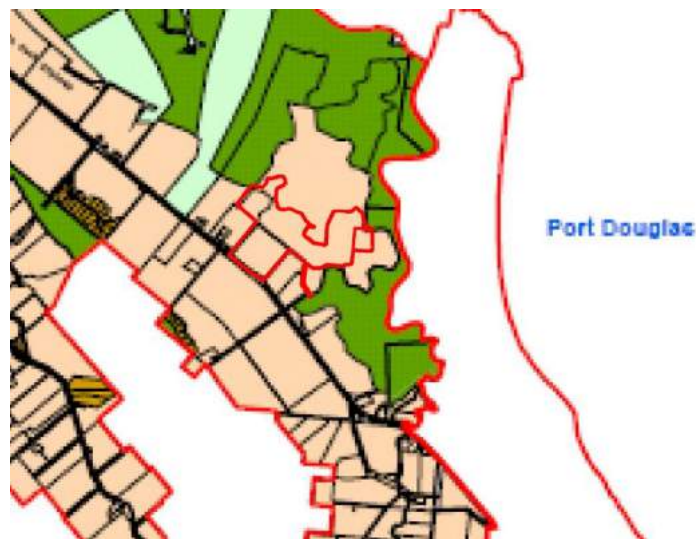


Figure 6: Site context, Source: Douglas Shire Council Website, 2015

The subject site is located within the Rural Areas and Rural Settlements Locality of the Planning Scheme.

The purpose of the Rural Areas and Rural Settlements Locality Code is outlined below:

- *retain rural areas for primary industry;*
- *conserve the rural character and rural landscape elements as important and distinctive to the scenic value of the Shire;*
- *protect rural areas from encroachment by incompatible urban development;*
- *protect and conserve valuable riverine vegetation and systems in rural areas;*
- *retain the rural lifestyle opportunities and amenity of rural settlement areas with no further compromise to surrounding productive rural areas;*
- *ensure rural settlement areas remain unobtrusive and have no detrimental impact on the Scenic Amenity of surrounding rural areas; and*
- *facilitate any future land use aspirations of the local Indigenous communities which are compatible with achieving the other planning outcomes for the Area.*

The proposed development is considered to be complimentary to the identified objectives as it represents a primary industry whilst respecting the local environmental characteristics of the site.

Further to the sites location with the Rural Areas and Rural Settlements Locality, the site has been zoned as 'Rural'. The purpose of the Rural code is outlined below:

- *conserve areas for use for primary production, particularly areas of GQAL;*
- *facilitate the establishment of a wide range of agricultural and animal husbandry uses, together with other compatible primary production uses;*
- *facilitate the establishment of Farm Forestry in suitable locations;*
- *facilitate the establishment of Extractive Industry operations, provided that the significant environmental impacts of such operations are contained within the Site;*
- *ensure existing Extractive Industry operations are protected from incompatible land uses establishing in close proximity;*
- *ensure that rural activities are protected from the intrusion of incompatible uses;*
- *ensure that areas of remnant vegetation and riparian vegetation are retained or rehabilitated; and*

- *ensure that land which is not classified as GQAL, but which is important to the scenic landscape of the Shire, retains its rural character and function.*

It is considered that the proposed development supports and further these objectives based on the following:

- Whilst the subject site is located within the GQAL, under the current State Planning Policy aquaculture is included within the definition of GQAL;
- The proposed expansion of the existing industry provides further diversification of primary production industries in the area; and
- The proposed development has been carefully designed to integrate into the received environment without adversely impacting on the performance of local systems or communities.

9.3 DEFINITION OF DEVELOPMENT

The proposed use is classified as “Aquaculture” as per Chapter 5 of the Douglas Shire Planning Scheme 2006.

The definitions associated with the proposal have been provided below for reference:

Aquaculture

Means cultivating or holding marine, estuarine or freshwater organisms, other than molluscs, in ponds or enclosures and, being:

- *Aquaculture (minor) where activities involve fresh water Aquaculture in tanks or ponds with a production area less than 5 hectares and no offsite discharge to natural waters; or*
- *Aquaculture (major) where activities are other than defined as minor.*

Caretaker’s Residence

Means the use of premises comprising one Dwelling Unit for the use by a caretaker or manager, including their Household, who is employed for care taking or management purposes in connection with a commercial, industrial, recreational or other non-residential use conducted on the premises.

The use does not include: • a manager's unit located within Multi-Unit Housing; Holiday Accommodation; or Short Term Accommodation.

Each component of the proposed application falls within the remit of the identified definition.

9.4 LEVEL OF ASSESSMENT

An operation defined as Aquaculture under the Planning Scheme is designated as Impact Assessable Development (Generally Inappropriate) as per the Table of Development of the Rural Areas and Rural Settlements Locality, Chapter 3, whilst Caretaker's Residence is listed as Code Assessable. The reconfiguring a lot and operational works component are Code Assessable.

9.5 DESIRED ENVIRONMENTAL OUTCOMES

As the proposed application is to be assessed as an impact assessable development application consistency with Councils Desired Environmental Outcomes (DEOs) must be demonstrated by the applicant as a prerequisite to a merit based assessment. The following sections outline the City wide DEO's and commentary of how the proposed development aligns with the relevant objectives and intent.

9.5.1 DEO 1

The unique environmental values of the Shire, which result from its location within the Wet Tropics Bioregion, are maintained and protected for current and future generations.

GDP Comment:

The proposed development seeks to expand upon an existing successfully operating business, the business whilst exploiting the unique climatic conditions in order to produce world class produce, will respect the receiving environment and ensure that development does not adversely impact on the performance or long terms sustainability of the local environment.

9.5.2 DEO 2

Those parts of the Shire located within the Wet Tropics and Great Barrier Reef World Heritage Areas and other adjacent areas of environmental value and ecological significance, are preserved and protected for nature conservation, landscape/scenic quality, Biodiversity and habitat values, in particular the protection of the Southern Cassowary and its habitat and to ensure the integrity of natural processes.

GDP Comment:

As discussed earlier in this report, the proposed development has been designed to integrate with the receiving environment in order to ensure adverse impacts are not generated. Further by accommodating the growth of the operation in one location the impact on the local area is minimised and consolidated in one location also.

9.5.3 DEO 3

Natural waterways such as the Daintree River, the Mossman River, the Mowbray River and Dicksons Inlet, all wetlands but particularly those on the Directory of Wetlands of Importance in Australia, being the Lower Daintree River, Alexandra Bay and the Hilda Creek Headwater; and all catchments located in coastal areas within the Shire, are managed to protect their ecological processes, enhance water quality, conserve riparian ecological values and landscape/scenic quality, while acknowledging nature based recreation opportunities.

GDP Comment:

This proposed development is supported by detailed and comprehensive reporting including a stormwater management plan and hydraulic assessment both of which demonstrate how the proposal will not adversely impact on the receiving environment. In this regard where possible external drainage will be moved around the subject proposal before exiting into the bay. Significantly all water utilised in the production process will be managed internally on site and will not contaminate the external drainage pattern. Importantly, all water utilised in the production process is treated before discharge and is vigorously assessed on a periodic basis to ensure environmental standards are being maintained.

9.5.4 DEO 4

The unique environmental character of the Shire comprised of internationally renowned landscapes, ecologically significant rainforest systems, sensitive coastal systems and areas of unsurpassed natural beauty, are maintained in association with sustainable development practices, which seek to minimise the effects of development on the natural environment.

GDP Comment:

The proposed development has been sensitively designed to integrate with the receiving environment in order to ensure adverse impacts are minimised as much as practically possible. The proposal acknowledges the value of the receiving environment both in terms of aesthetic value and environmental performance, and therefore has created a strategy that mitigates impacts wherever possible. Specifically a detailed landscape intent plan has been submitted in support of this application which demonstrates how the proposal will be integrated into the receiving environment.

9.5.5 DEO 5

A prosperous community with a strong rural sector, a dynamic tourism industry and commercial and industrial activities offering a diverse range of employment opportunities, is supported by the sustainable use and management of the natural resources of the Shire.

GDP Comment:

The proposed development compliments this policy as it will further diversify the local economy by providing additional employment opportunities through the expansion of an existing GQAL resource. The proposal can be described as a sustainable and long term operation that will provide employment within the local area for current residents in addition to future generations.

9.5.6 DEO Econ.6

The natural resources of the Shire, such as GQAL, extractive resources, water and forestry resources, are protected and managed in a manner that ensures their ecological and economic values are assured for present and future generations.

GDP Comment:

Similar to the response provided for DEO Econ 6 – the proposed development will further diversify the existing primary industries sector of the local authority and provide a long term and sustainable employment source.

9.5.7 DEO 7

The values of the Shire are protected by a preferred pattern of development through identifying GQAL which sustains productive primary industries, particularly the sugar, horticultural and cattle grazing industries, and consolidates growth and employment opportunities, primarily in the identified locations of Mossman and Port Douglas.

GDP Comment:

The proposed development is consistent with the intent of the identified policy as it provides for the expansion of an existing operation within the Statewide definition of a primary industry or 'agriculture'.

9.5.8 DEO 8

The economic development of the Shire is facilitated by the provision of infrastructure which complements the conservation economy of the Shire with 82% of its lands within the WTWHA in an efficient, equitable and environmentally safe manner, as well as circulation networks which provide for the efficient movement of people and goods, without compromising the Captain Cook Highway as the scenic entry corridor to the Shire.

GDP Comment:

The proposed development is not located within the conservation area identified as covering 82% of the administrative area. Significantly as it is outside of the identified area there is a context for development in its own right. Further this report and its supporting documentation demonstrate how the proposed expansion will have minimal impact on service provision within the local area and in this regard no upgrades are considered necessary.

9.5.9 DEO 9

Places of cultural and heritage significance, both Indigenous and European, are identified, protected and retained for their significance and importance to the history and identity of the Shire.

GDP Comment:

No heritage values have been identified with respect to the proposed development that would warrant protection. Notwithstanding should a feature of value be identified post approval or during construction it would be reported in the appropriate manner.

9.5.10 DEO 10

A range of housing options, which provide a high standard of living and a variety of different residential lifestyle opportunities, are available in the Shire and are provided in a sustainable manner with regard to the environment, including its people and communities and the provision of services and facilities.

GDP Comment:

The proposed development does not relate to residential development beyond the remit of accommodation directly associated with the development.

9.5.11 DEO 11

The distinctive character and unique sense of place of the towns, villages and other settlement areas in the Shire including the Daintree Lowlands Community, are maintained, promoting community pride and well-being and community safety and prosperity.

GDP Comment:

Whilst the proposed development is located in a relatively close distance to the settlement of Port Douglas, the proposed development is unlikely to have an impact on the character of the area.

9.5.12 DEO 12

Residential communities, particularly communities within the major tourism areas of Port Douglas, Daintree Village and the Daintree Lowlands maintain a prosperous

economy, a sense of community with the natural features, character of those areas and community values and cohesion, promoting harmony between residents and visitors.

GDP Comment:

The proposed development does not relate to residential development beyond the remit of accommodation directly associated with the development.

9.6 OVERLAYS

The following section provides commentary on the overlays that are triggered with respect to the subject site and how they impact on the assessment of this development proposal.

9.6.1 OM14 ACID SULFATE SOILS

The subject site has been identified as containing Acid Sulfate Soils (ASS) due to the contour levels of the land. As demonstrated by the Contour and Detail plan submitted in support of this application, the levels of the subject site range from 1.03 AHD to 1.92 AHD, therefore there is considerable chance that it will contain Acid Sulfate Soils. Refer to Appendix 9 for further information regarding ASS.

Therefore the applicant is willing to accept appropriate conditions to ensure that ground works are undertaken in a manner that appropriately manages the construction and any disturb of ASS to ensure no adverse impacts are generated.

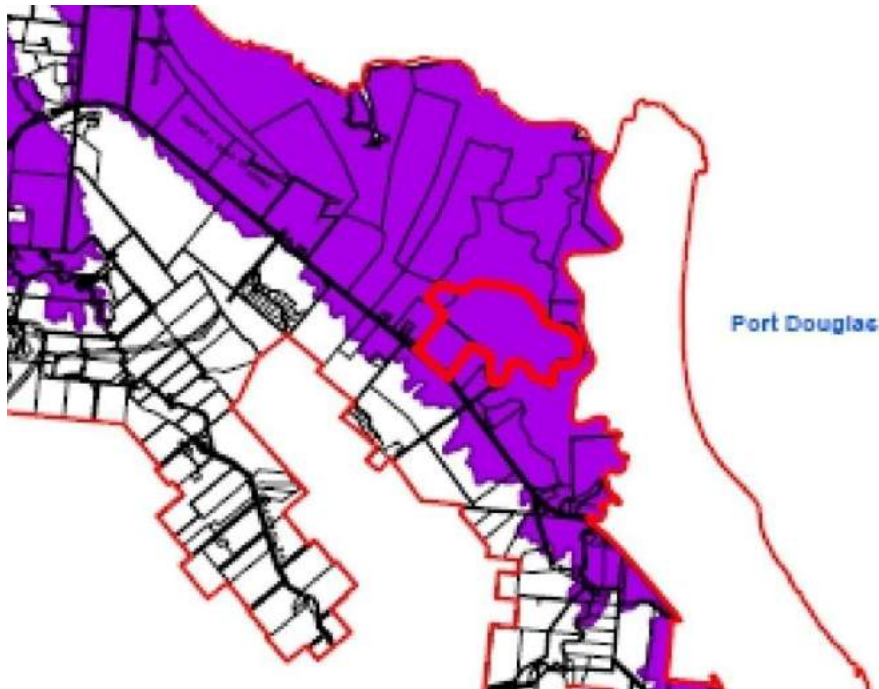


Figure 7: Acid Sulfate Soils overlay, Source: Douglas Shire Council Website, 2015

9.6.2 BUSHFIRE HAZARD

The subject site has been identified as being to subject to both low and medium bushfire hazard, due to the slope and vegetation characteristics of the local area

An initial assessment has been carried out by GDP whereby the proposed use does not impact on bushfire given the sites natural environment and low level risk to employees.

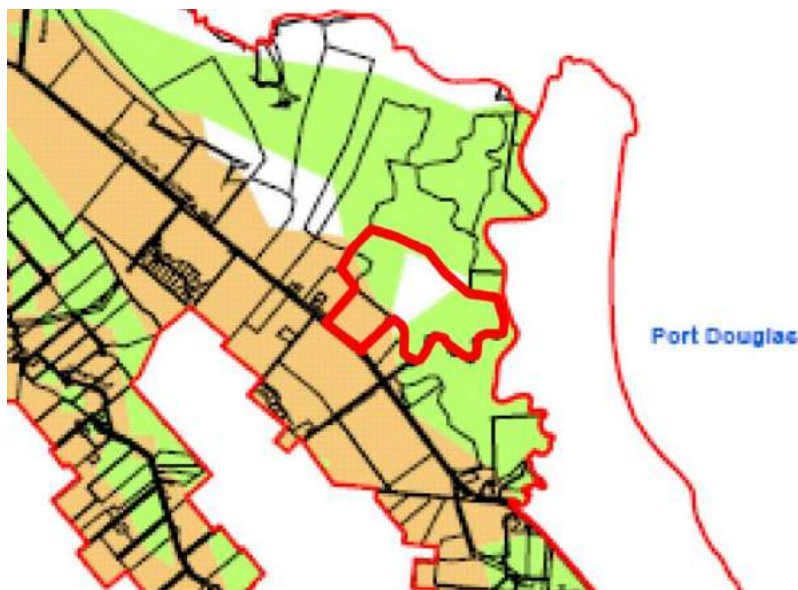


Figure 8: Natural Hazards, Source: Douglas Shire Council Website, 2015

9.7 APPLICABLE CODES

The table below lists the applicable codes that are relevant to the subject site. Comment has been made regarding potential land uses, and relevant constraint codes. A full breakdown of the requirements under each code has been provided in **Appendix 3** of this report.

Table 7: Applicable Local Planning Codes

Applicable Codes	
Acid Sulfate Soils Code	Applicable – Due to the subject sites location
Aquaculture and Intensive Animal Husbandry Code	Applicable – Due to the nature of works being proposed
Caretakers Residence Code	Applicable – Due to the nature of works being proposed
Filling and Excavation Code	Applicable – Due to the nature of works being proposed
Landscaping Code	Applicable – Due to the nature of works being proposed
Natural Hazards Code	Applicable – Due to proposed use
Reconfiguring a Lot Code	Applicable – Due to the nature of works being proposed
Rural Areas and Rural Settlements Locality Code	Applicable – Due to the subject sites location
Rural Planning Area Code	Applicable – Due to the subject sites location
Sustainable Development Code	Applicable – Due to the nature of works being proposed
Vehicle Parking and Access Code	Applicable – Due to the nature of works being proposed

9.8 KEY PERFORMANCE OUTCOMES / CODE PROVISIONS RELEVANT TO ASSESSMENT OF DEVELOPMENT APPLICATION

It is important to note that the strategy adopted by this application has been to prioritise form based provisions of the relevant planning frameworks in order to determine the most appropriate scale and intensity of development on site. In this regard several of the performance based solutions identified in the assessment below have resulted from this position and should be considered with the overall intent in mind.

The applicable codes have been addressed in **Appendix 3 – Code Responses**.

10.0 KEY MATTERS RELEVANT TO ASSESSMENT

A key matter raised by both State Government and Local Government is in relation to providing a comprehensive Hydraulic Assessment to ensure that the proposed development could demonstrate its impact on the site, adjoining properties and the regional drainage network.

A Flood Assessment report has been prepared by BMT WBM (refer **Appendix 10**) that has demonstrated that the prawn farm expansion can be developed in the manner as prescribed in the earthworks design prepared by Mortons Urban Solutions (refer **Appendix 7**) to provided suitable flood immunity thus resulting in predicted adverse impacts external to the subject site.

Minor impacts external to the site were quite isolated and in areas already inundated and/over existing mangrove estuary areas, generally less than 20mm in magnitude and no habitable dwellings in those areas.

No impacts are predicted at the Captain Cook Highway.

Another key issue relevant to the assessment is to demonstrate that there are no impacts on the safety, efficiency and operations of the Captain Cook Highway (state-controlled road). A Traffic Impact Assessment report was prepared by Rytenskild Traffic Group (refer **Appendix 8**) that has demonstrated that due to minor increase in the number of persons and number of truck movements that there is minimal impact on Captain Cook Highway.

The traffic report further states that:

- *“The development generates peak operations during the November and December period, in the lead up to Christmas. However, during this period only one Articulated Vehicle (AV) enters and exits the site on any given day. The traffic generation typically does not exceed 5 vehicles per hour during peak operation, and this will not change significantly with the proposed expansion.*
- *SIDRA analysis of the existing access intersection indicates that there is negligible queuing and delays at the existing access point. This will not change as a consequence of the proposed expansion.*

- *There are no constraints over the site with respect to achieving sufficient car parking and the manoeuvring of heavy vehicles. The proposed loading area will comfortably accommodate Articulated Vehicle movement.*
- *There are no constraints over the site with respect to achieving sufficient car parking and the manoeuvring of heavy vehicles. The proposed loading area will comfortably accommodate Articulated Vehicle movement.”*

11.0 CONCLUSION

The Applicant, Gold Coast Marine Aquaculture Pty Ltd, has demonstrated that the proposed development application for a Material Change of Use to expand the existing Aquaculture facility, reconfiguring a lot (boundary realignment) and Operational Works for filling and excavation, is consistent with the intent and relevant development provisions contained within Douglas Shire Planning Scheme 2006.

The proposed facility, which farms prawns exclusively, will seek to expand the existing operation and provide new administration and processing facilities.

The impetus for this project is the continued success of the applicant operation within the region and nationally as a respected provider of prawns to the national market.

The existing farm, coupled with its sister operation on the Gold Coast means the applicant can provide prawns to the market virtually all year.

The proposed expansion will seek to provide the capacity for the operation to increase the quantity of prawns offered to the Christmas market.

The proposal represents development that:

- Is generally consistent with the Planning Policy adopted at State level;
- Is consistent with the general planning principles in the Douglas Shire Council Planning Scheme 2006;
- Is consistent with the planning intent for the Rural Planning Area, Rural Areas and Rural Settlements Locality;
- The boundary realignment does not diminish the agriculture use and potential for Lot 7 on RP846941;
- Has demonstrated compliance with the relevant form and code provision requirements established by the planning scheme;
- Has addressed matters raised in Council's Pre-lodgement Meeting and SARA Pre-lodgement Meeting;
- Has undertaken specific investigations and reports for consultants to ensure that there is no impact on the adjoining state-controlled road and neighbouring properties.

The proposed development is reasonable and appropriate within the context of the site and the surrounding areas.

Therefore, it is recommended that the proposed development be considered favourably by Council and subsequently approved subject to reasonable and relevant conditions.

APPENDIX 1 - FORMS

IDAS Form 1 – Application Details

Land Owner's Consent

IDAS Form 5 – Material Change of Use assessable against a Planning Scheme

IDAS Form 6 – Building or operational work assessable against a Planning Scheme

IDAS Form 7 – Reconfiguring a Lot assessable against a Planning Scheme

IDAS Form 23 – Tidal works & Development within the Coastal Management District

IDAS Form 25 - Aquaculture

IDAS Checklists – 1, 2, 3 & 4

Douglas Shire Council – Email dated 18th August 2015 – Application Fees

Douglas Shire Council – Statement of Compliance Operational Works Design

Douglas Shire Council – Operational Works Receipting Checklist

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APPENDIX 2 – PLANS AND DRAWINGS

Prepared by Gassman Development Perspectives

APPENDIX 3 - CODE REPONSES

Douglas Shire Council Codes:

4.4.1 Acid Sulfate Soils Code
4.5.2 Aquaculture and Intensive Animal Husbandry Code
4.4.5 Caretakers Residence Code
4.6.2 Filling and Excavation Code
4.6.3 Landscaping Code
4.4.3 Natural Hazards
4.6.5 Reconfiguring a Lot Code
4.2.6 Rural Areas and Rural Settlements Locality Code
4.3 Rural Planning Area Code
4.6.7 Sustainable Development Code
4.6.6 Vehicle Parking and Access Code

APPENDIX 4 – SDAP MODULES & PRE-LODGEMENT MINUTES

Module 1	Community Amenity
	1.1 Managing noise and vibration impacts from transport corridors state code 1.2 Managing air and lighting impacts from transport corridors state code
Module 3	Aquaculture
	3.1 Aquaculture state code
Module 10	Coastal Protection
	10.1 Tidal works or development in a coastal management district state code
Module 18	State Transport Infrastructure Protection
	18.1 Filling, excavation and structures state code 18.2 Stormwater and drainage impacts on state transport infrastructure state code
Module 19	State Transport Network Functionality
	19.1 Access to state-controlled roads state code 19.2 Transport infrastructure and network design state code

APPENDIX 5 – SUPPORTING INFORMATION

Title Searches

Smart Map

Contaminated Land Search

APPENDIX 6 – LETTERS OF SUPPORT FOR THE PROPOSED APPLICATION

The Hon. Warren Entsch – Federal Member of Leichardt
Gold Coast City Council Mayor – Mr Tom Tate

APPENDIX 7 – CHANGE TO GROUND LEVEL

Prepared by Mortons Urban Solutions

APPENDIX 8 – TRAFFIC IMPACT ASSESSMENT REPORT

Prepared by Rytenskild Traffic Group

APPENDIX 9 – GEOTECHNICAL & PRELIMINARY ACID SULFATE SOILS INVESTIGATION REPORT

Prepared by Douglas Partners

APPENDIX 10 – FLOOD ASSESSMENT REPORT

Prepared by BMT WBM

APPENDIX 11 – STATEMENT OF LANDSCAPE INTENT

Prepared by Gassman Development Perspectives