

PORT DOUGLAS WAVE PARK

Planning Report for

Proposed Material Change of Use (Tourist Resort, comprising Outdoor Sport and Recreation, Short-Term Accommodation, Dwelling House, Multiple Dwelling, Food and Drink Outlet, Shop, Tourist Park, Air Services and Caretaker's Accommodation)

And

Reconfiguration of a Lot (1 Lot into 4 Lots and Common Property, and Resubdivision of 1 Lot into a Maximum of 90 Lots)



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2 June 2021

REPORT

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Owen Dalton



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SUMMARY

Site Details

Site Address:	5640 Captain Cook Highway, Mowbray
Real Property Description:	Lot 123 on SR687
Site Area:	40.22 ha
Owner(s):	Michael Anthony Giudice

Application Details

Permit Type Sought:	Development Permit
Application Type/Description:	Material Change of Use for Tourist Resort, comprising (Outdoor Sport and Recreation, Short-term Accommodation, Dwelling House, Multiple Dwelling, Food and Drink Outlet, Shop, Tourist Park, Caretaker's Accommodation and Air Services) Reconfiguration of a Lot (1 Lot into 4 Lots and common property)
Permit Type Sought:	Preliminary Approval
Application Type/Description:	Reconfiguration of a Lot for Self-contained Residential Accommodation Precinct (1 Lot into 90 Lots)
Assessment Manager:	Douglas Shire Council
Level of Assessment:	Impact
Referrals:	SARA (DTMR, DES, DAF, DoR)

Consultation

Douglas Shire Council Relevant State Government Agencies	Pre-lodgement Meetings and discussions with Officers of Douglas Shire Council and State Agencies, via SARA
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Applicant Contact Details

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1 INTRODUCTION

RPS Australia East Pty Ltd (RPS) has been engaged by David Imgraben (Graben Pty Ltd) to seek development approval for the establishment of a staged integrated development of a Wave Park and associated development of land located at 5640 Captain Cook Highway, Mowbray. The subject site is more properly described as Lot 123 on SR687.

This development application seeks:

- Development Permit for Material Change of Use for a Tourist Resort, (comprising Outdoor Sport and Recreation, Short-term Accommodation, Dwelling House, Multiple Dwelling, Food and Drink Outlet: Shop, Tourist Park, Air Services and Caretaker's Accommodation);
- Development Permit for Reconfiguration of a Lot (1 Lot into 4 Lots and common property); and
- Preliminary Approval for Reconfiguration of a Lot for Self-contained Residential Accommodation Precinct (1 Lot into a maximum of 90 Lots).

The proposal involves establishment of a tourist resort, comprising a number of elements, including:

- A wave park;
- Ancillary facilities including a freshwater swimming lagoon and aquapark;
- A hotel complex, comprising circa 160 room short-term accommodation units;
- A village precinct, comprising shops, food and drink outlets;
- A self-contained housing precinct, comprising a maximum of 90 self-contained dwelling units that may be attached and/or detached;
- A tourist park, comprising self-contained cabins (circa 35 cabins);
- Helipads;
- On-site effluent treatment facility; and
- Caretaker's residence.

The proposal also includes two (2) Reconfiguration of a Lot (ROL) components, the first component seeks a Development Permit to provide for the creation of a tiered Body Corporate scheme comprising a principal scheme with four (4) lots, including:

- Lot 1 – Hotel Precinct;
- Lot 2 – Wave Park Precinct;
- Lot 3 – Surf Camp Precinct;
- Lot 4 – Self-contained Residential Accommodation Precinct; and
- Common property.

The second component of the ROL seek Preliminary Approval for the re-subdivision of the self-contained residential accommodation precinct, to provide a maximum of 90 self-contained dwelling units. It is intended that the Preliminary Approval will provide flexibility in respect to final lot dwelling configuration (i.e. detached vs attached), to respond to final market demands / preferences.

In preparing the development concept, the Study Team led by Hunt Design has undertaken detailed analysis of a broad range of site issues considered relevant to the proposed development, including economic analysis of project costs and benefits, environmental and engineering constraints and opportunities, agricultural land suitability assessment, site flooding, access, and service provision. The results of these studies and assessment, which are contained within a number of reports that are appended to this Planning Report, have been used to inform and guide the concept design and layout of the proposed development, to ensure that there are minimal site impacts and that, where there are impacts, any such impacts are mitigated.

Perhaps of most significance results of these assessments are the findings of the Economic Analysis, undertaken by RPS Economists, which has concluded: -

- The construction phase of the project, at an estimated cost of \$317.3M, will generate:

- 1,247 full time equivalent jobs, of which 453 will be direct (i.e. on site), and 794 indirect (i.e. supply chain), and
- generate \$117.5M in wages over the two year construction period, the majority of which will go to regional residents.
- Upon commencement of operations, the project will:
 - attract 128,680 visitor nights to the facility;
 - generate \$79.2M direct expenditure into the region;
 - generate an estimated 740 full time jobs per annum, 644 as direct and 96 indirect jobs; and
 - generate \$36m annually in wages and salaries, mainly for local residents.

A full copy of this Economic Analysis Report is provided for reference as **Appendix E** to this report.

In respect to broad scale planning considerations, it is noted that the guidance in respect to land use and development within the Douglas Shire is provided via the Douglas Shire Council Planning Scheme 2018. Under this Scheme, the subject site has both a Natural Areas / Scenic Values and Rural Area strategic plan designation and is located within the 'Rural' Zone. In accordance with the Assessment Tables applicable to the Rural Zone, the proposal is subject to impact assessment.

This report provides greater detail on the nature of the proposal and provides an assessment of the proposal against the intents and code requirements of relevant statutory planning documents. Technical issues associated with the proposal are addressed in appended technical reports.

Based on these assessments, the proposal is recommended for approval subject to reasonable and relevant conditions.

2 SITE DETAILS

2.1 Site Particulars

Table 1: Site particulars

Address	5460 Captain Cook Highway, Mowbray
Real Property Description	Lot 123 on SR687
Site Area	40.22 ha
Encumbrances	Nil
Existing use of site	Cane farm with one (1) dwelling and ancillary farm shed.
Topography	Relatively flat with minor undulations
Vegetation	The majority of site has been historically cleared for agricultural production and is predominately Category X. However, the site is mapped as containing stands of Category B Remnant Vegetation and Category R Reef Regrowth.
Waterways	The site contains a mapped waterway (amber) that drains into the Mowbray River
Road frontages	Captain Cook Highway – Approximately 570 metres
Services	The only reticulated services currently connected to the site are electricity and telecommunications services. It is proposed that services required to meet the demands of the proposed development will be provided via a number of means, including connection to reticulated water, as well as on-site water harvesting, wastewater treatment/disposal – refer to appended reports for greater detail.
Surrounding land uses	North: Mowbray River and vacant land within coastal zone South-East and South-West: Agricultural production – cane farms North-East and North-West: Unallocated State Land - vacant land within coastal management district

Site location and extent is shown in **Figure 1**.



Figure 1: Site Location

Source: Queensland Globe 2021.

Certificates of title confirming site ownership details and landowners' consent are included for reference in **Appendix B**.

2.2 Planning context

The planning context of the site can be summarised as follows:

Table 2: Planning context

Instrument	Designation
Far North Queensland Regional Plan 2009 - 2031	
Regional Plan designation:	Regional Landscape and Rural Production Area
Douglas Shire Council Planning Scheme 2018	
Strategic framework designation:	Rural Area and Natural Areas / Scenic Values
Zoning:	Rural
Overlays:	<ul style="list-style-type: none"> • Acid Sulfate Soils Overlay <ul style="list-style-type: none"> – Land below 5m AHD – Land above 5m AHD and Below 20m AHD • Coastal Environment Overlay <ul style="list-style-type: none"> – Coastal Management District – Erosion Prone Area • Flood and Storm Tide Inundation Overlay <ul style="list-style-type: none"> – Storm Tide – High Hazard – Storm Tide – Medium Hazard – Floodplain Assessment Overlay • Landscape Values Overlay <ul style="list-style-type: none"> – High Landscape Values – Medium Landscape Values • Natural Areas Overlay <ul style="list-style-type: none"> – MSES – Regulated Vegetation (intersecting a Watercourse) – MSES – Regulated Vegetation (Of Concern – Regional Ecosystem) • Transport Network (Road Hierarchy) Overlay <ul style="list-style-type: none"> – Major Transport Corridor Buffer Area • Transport Network (Transport Noise Corridors) Overlay <ul style="list-style-type: none"> – Category 2 - 63dB(a) < Noise Level < 68 dB(A)
State Referral Mapping	
Applicable State Referrals:	<ul style="list-style-type: none"> • Portion of the site mapped as being within the Erosion Prone Area of the Coastal Management District • Waterway Barrier Works • Regulated Vegetation – Category B Remnant Vegetation and Category R Reef Regrowth • State-controlled Road • Removal, destruction or damage to marine plants

Zoning of the subject site and surrounding lands is shown on **Figure 2**.

Other relevant mapping, including overlays are provided below.

2.2.1 Zoning

The site is located within the Rural Zone, refer to **Figure 2**.

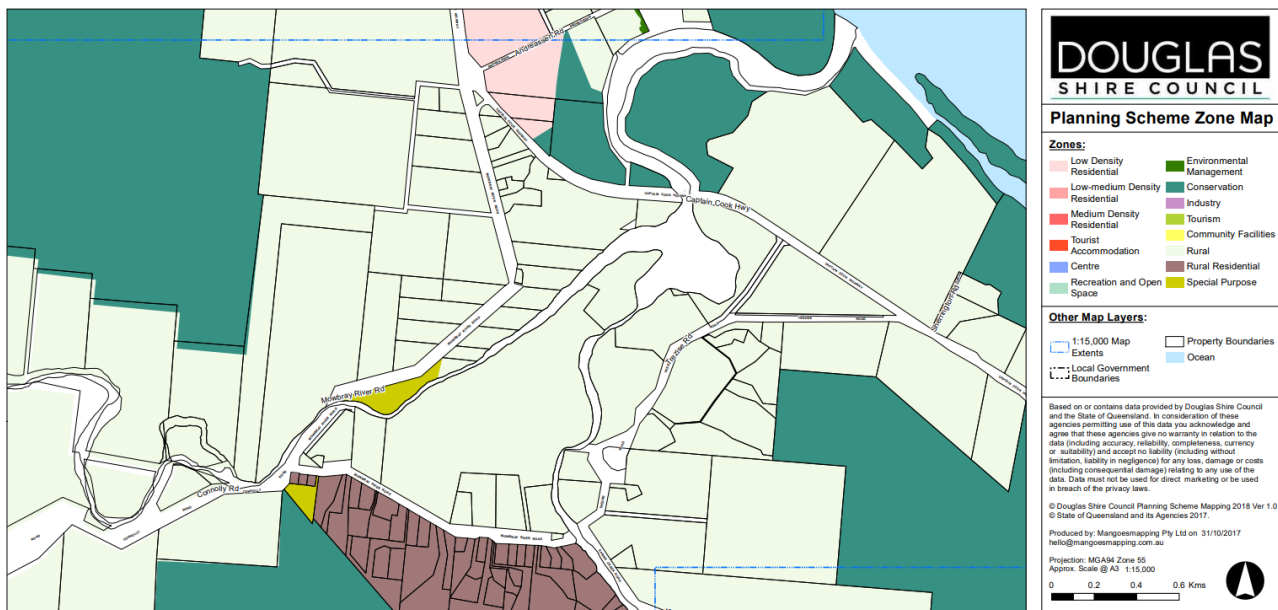


Figure 2: Zoning

Source: Douglas Shire Planning Scheme 2018

2.2.2 Overlays

2.2.2.1 Acid Sulfate Soils

In regard to the Acid Sulfate Soils (ASS) Overlay Code, assessment has revealed that a large portion of the subject site is mapped as containing land that is below 5m AHD. This assessment has also revealed that the western portion of the site, immediately adjacent to the Captain Cook Highway contains land between 5m AHD and 20 m AHD. These mapping designations are intended to provide a broad-scale indication that ASS may be present on the site, and foreshadow the need for more detailed, site specific investigations where such a possibility exists.

Such investigations have been undertaken into the subject site by Golder Associates, with a full copy of their report provided for reference as **Appendix J** to this report. In summary however, Golder have concluded that there is a low probability of ASS occurrence across most of the site, and that areas of high probability are restricted to these areas of the site adjacent the north-western and north-eastern site boundaries.

The Planning Scheme's stated intent in respect to areas where ASS may be present is to either avoid or mitigate adverse impacts from disturbance of these soils. The majority of the proposed development has been sited upon areas within the site where it has been determined that a low probability of ASS exists. Where it is not feasible to avoid areas where ASS may be present, it is the applicant's intent to implement measures to ensure that impacts are mitigated, via implementation of an Acid Sulfate Soils Management Plan. This plan will be prepared and submitted at the time of seeking Operational Works/Building Works approvals, once the extent of earthworks are more clearly defined and appropriate management strategies are able to be identified. Greater detail in respect to this issue is provided in Section 4.2. 5 .1 of this report.

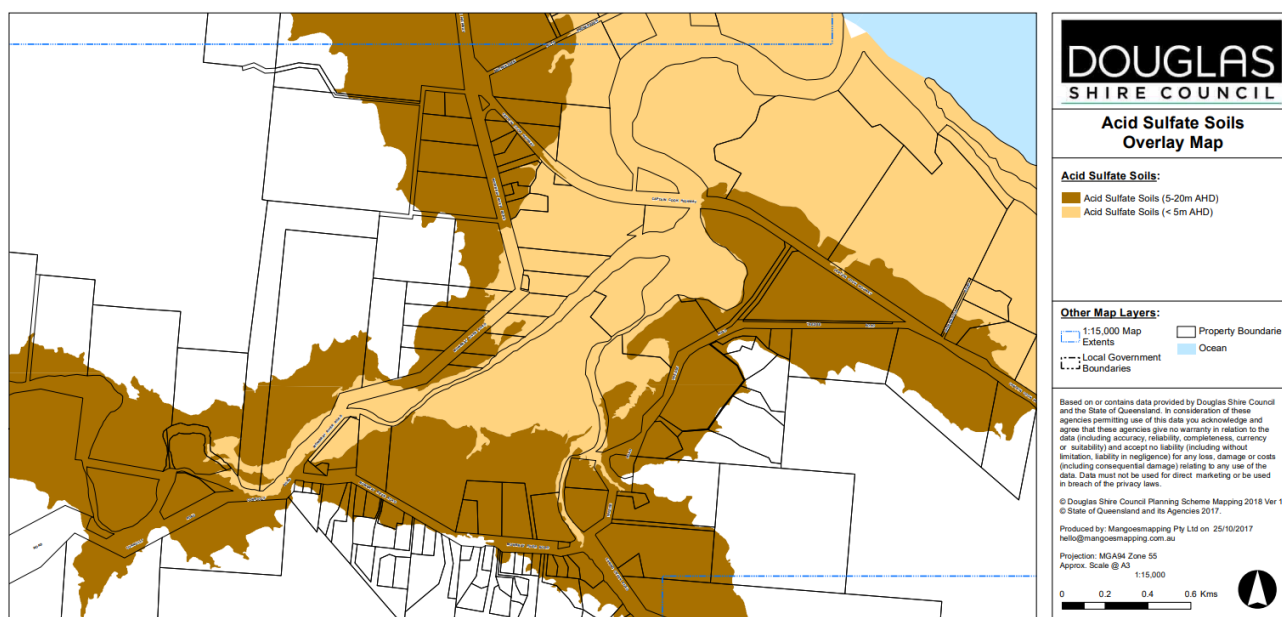


Figure 3: Acid Sulfate Soils Overlay Map

Source: Douglas Shire Planning Scheme 2018

2.2.2.2 Coastal Environment Overlay

With regard to the Coastal Environment Overlay Code and its relevance to the subject site, detailed assessment has revealed that:

- The subject site is located within the Erosion Prone Area under the Coastal Management District mapping; and
- The erosion prone area is the width of the coast that is considered to be vulnerable to coastal erosion and tidal inundation, factoring in a sea level rise of 0.8 metres resulting from the impacts of climate change.

We note that the State Planning Policy Mapping for Coastal Hazards – Erosion Prone Area prevails over the relevant overlay mapping under the Douglas Shire Council Planning Scheme. The current Erosion Prone Area sourced from the Queensland Government's Development Assessment Mapping System (DAMS) mapping (refer to **Figure 5**) indicates the Erosion Prone Area impacts the site.

Whilst the Master Plan DA-01.6 (**Appendix D**) proposes development to be carried out partly within the erosion prone area, as detailed on the erosion prone mapping in **Figure 4** and **Figure 5**, engineering investigations and detailed design has been undertaken so as to ensure that these constraints are accommodated within the final design. Further detail and discussion upon this matter is provided within **Section 5** of this Planning Report.

Development within the Erosion Prone Area of the Coastal Management District will trigger referral to the State for assessment under the *Planning Regulation 2017*.

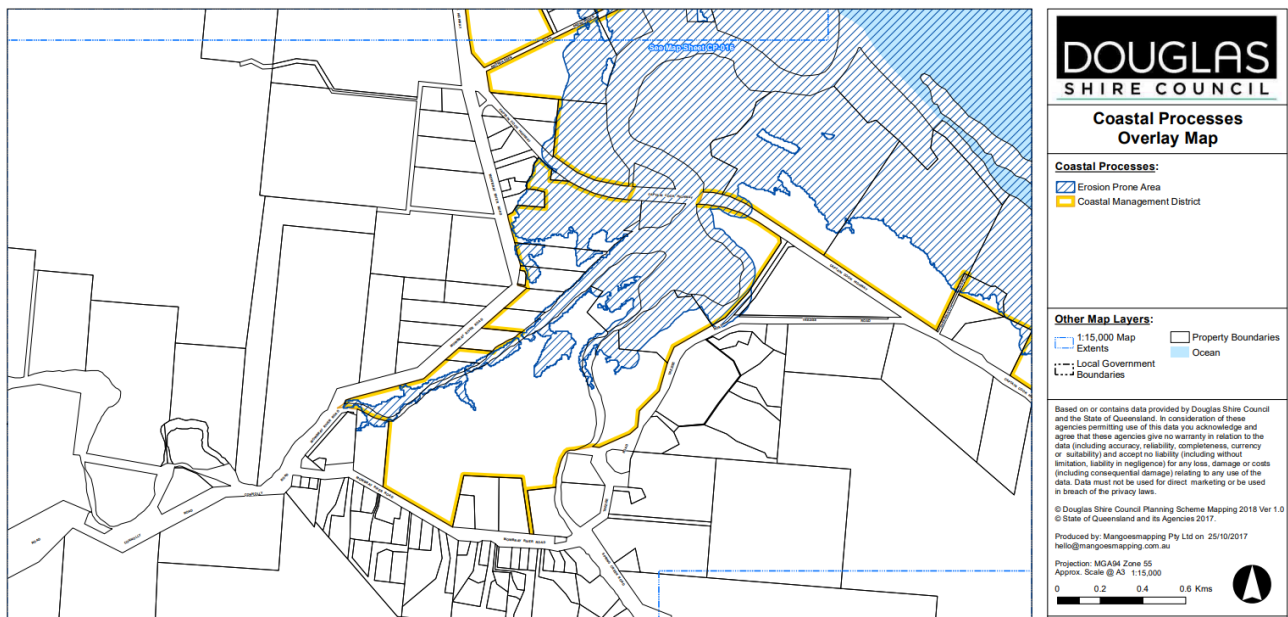


Figure 4: Coastal Processes Overlay Map

Source: Douglas Shire Planning Scheme 2018

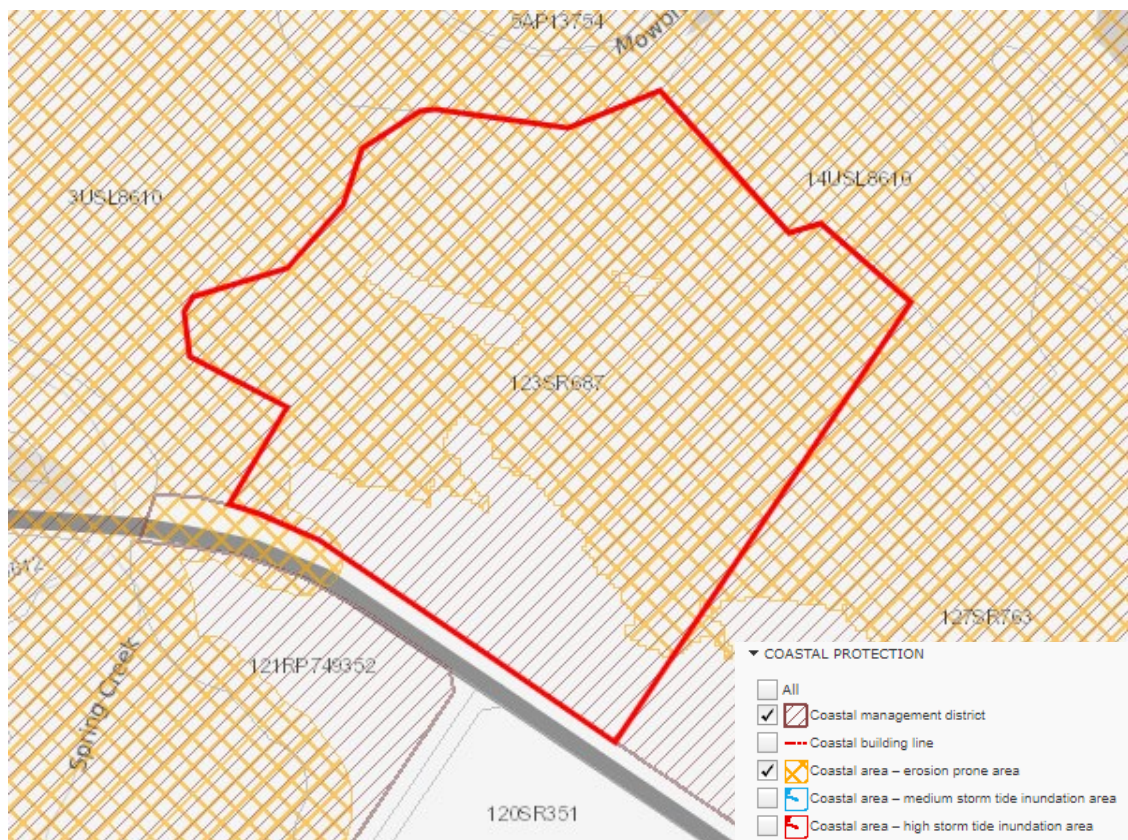


Figure 5: DAMS Coastal Management District and Erosion Prone Area Mapping

Source: Queensland DAMS

2.2.2.3 Flood and Storm Tide Hazard Overlay

In relation to the Flood and Storm Tide Hazard Overlay Code and its relevance to the subject site investigations and assessment have revealed that a significant proportion of the site is:

- mapped as being within the high hazard storm tide area; and
- mapped as being within the 100-year ARI flood study area.

The applicant has engaged JBP Scientists and Engineers to conduct a flood study for the proposed development. Detailed results of this flood study and modelling are provided in JBP's Flood Study, provided for reference as **Appendix K**.

JBP have concluded that, whilst proposed earthworks will result in a minor increase in peak flood levels in a 1% AEP flood event, the majority of this impact will be restricted to land which contains mangroves and is comprised of Unallocated State Land, with the result that there is not expected to be any adverse impact on dwellings or land use. The applicant proposes a number of engineering solutions to accommodate these constraints, details of which are provided in **Section 5** of this Planning Report, but which extend to include minimum flood and access road levels above the 1% AEP flood level.

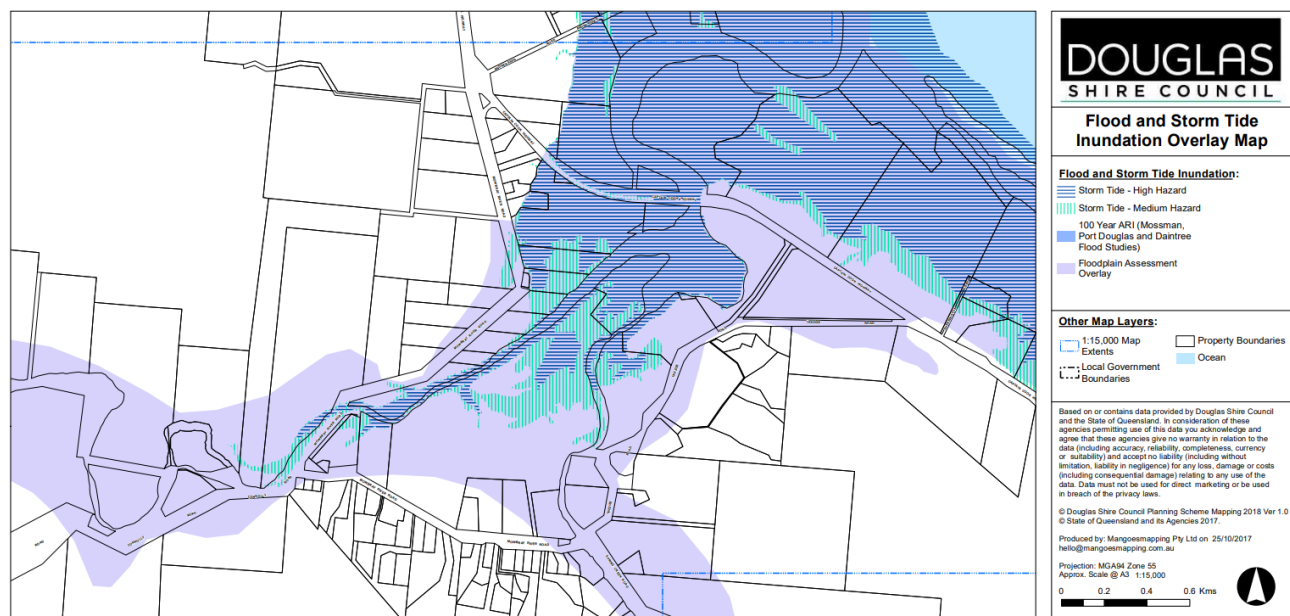


Figure 6: Flood and Storm Tide Inundation Overlay Map

Source: Douglas Shire Planning Scheme 2018

2.2.2.4 Landscape Values Overlay

It is noted that the subject site is located within the Rural Zone and that current land use is cane farming, with the result that the majority of the site has been cleared and is devoid of any natural vegetation. There are however pockets of remnant vegetation remaining, as depicted on the Regulated Vegetation Management mapping, provided for reference as **Appendix C**. The land immediately adjacent to the Captain Cook Highway is located within what has been mapped as “Scenic Route Buffer / View Corridor” within the Landscape Values Overlay. This effectively requires that landscape values are maintained or enhanced immediately adjacent to the Captain Cook Highway. Landscape aspects of the proposed development and maintenance of landscape values are addressed in detail in the Landscape Design Report, provided for reference **Appendix L**, a major element of which is the provision of extensive planting along the site frontage, so as to visually screen and buffer the proposed development from the highway.

The Environmental Assessment Report, provided for reference as **Appendix H**, details those site investigations and desktop assessments undertaken in support of the proposed development. As part of this assessment, identification of potential environmental impacts from the proposed development was undertaken.

This assessment has guided the siting of the proposed development so as to avoid mapped environmental values as far as feasible. Remnant vegetation proposed to be impacted is to be offset by approximately 15 hectares of revegetation to be undertaken upon existing degraded areas within the site, most of which has been heavily impacted by historic cane farming activities. Given these circumstances, it is considered that the proposed development will actually result in a net increase in environmental values and habitat when compared to existing site values.

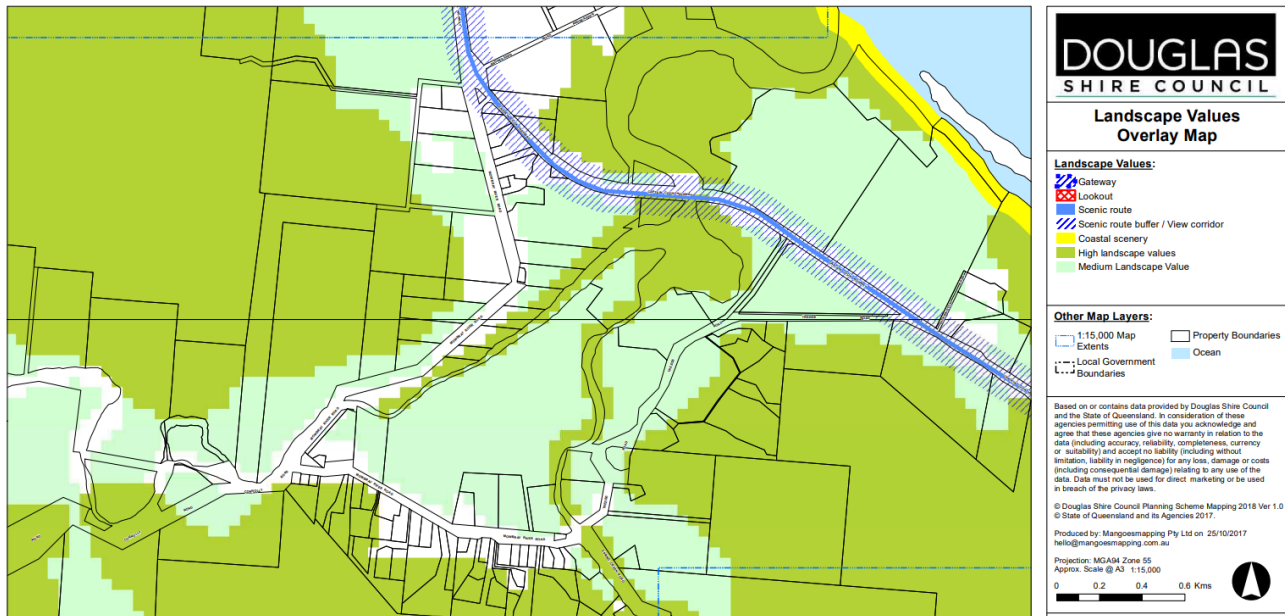


Figure 7: Landscape Values Overlay Map

Source: Douglas Shire Planning Scheme 2018

2.2.2.5 Natural Areas Overlay

In regard to the Natural Areas Overlay Code and its relevance to the subject site, assessment has revealed that watercourses traversing the site are mapped as Matters of State Environmental Significance (MSES) on the overlay. To address these matters, the Code requires that detailed design must ensure that development does not result in adverse impacts on the integrity of these watercourses.

It is noted that historical works have occurred within the mapped waterway that traverses the site. Pre-lodgement advice sought from the State Assessment and Referral Agency (SARA) and the Department of Agriculture and Fisheries (DAF), in relation to the mapped waterway, indicated that DAF considered the mapping to be incorrect and the mapped feature is not considered a waterway providing for fish passage. Further detail and discussion on this issue is provided in **Section 5** of this Planning Report.

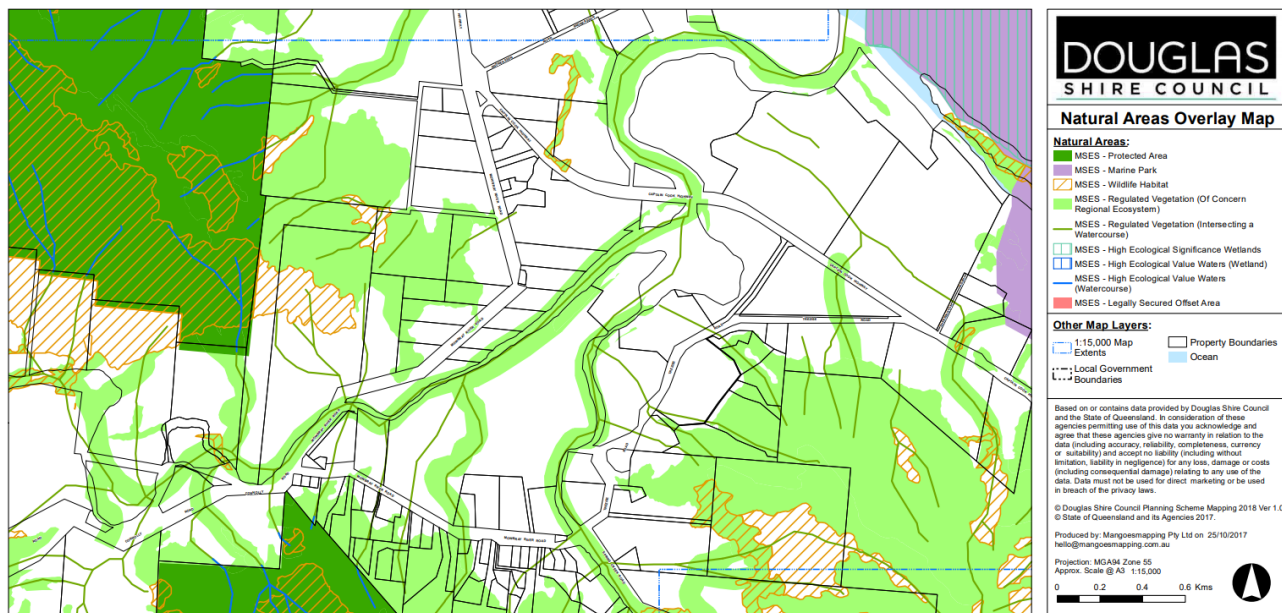


Figure 8: Natural Areas Overlay Map

Source: Douglas Shire Planning Scheme 2018

2.2.2.6 Transport Network Overlay

With regard to the Transport Network Overlay Code and its relevance to the subject site, assessment has confirmed that a portion of the site, immediately adjacent to the Captain Cook Highway - a State-controlled road - is located within a "Major Corridor Buffer Area". The intent of this designation is to ensure that development of sensitive land uses, such as dwellings, should be avoided with this buffer area. The detailed design of the proposed development has ensured that no noise-sensitive elements of development are located within the designated buffer area, with use restricted to non-sensitive uses including landscape buffering (which will further mitigate both visual and noise impacts) and vehicle access and parking areas.

Other aspects relating to site proximity to the State-controlled, relating to vehicle access, safety and intersection design, have been assessed in the Traffic Impact Assessment Report, prepared by GHD and provided for reference as **Appendix M**. This report concludes that the proposed development can be provided with appropriate access arrangements that will have negligible negative impact on the current and future safety and efficiency of the Captain Cook Highway in proximity to the site.

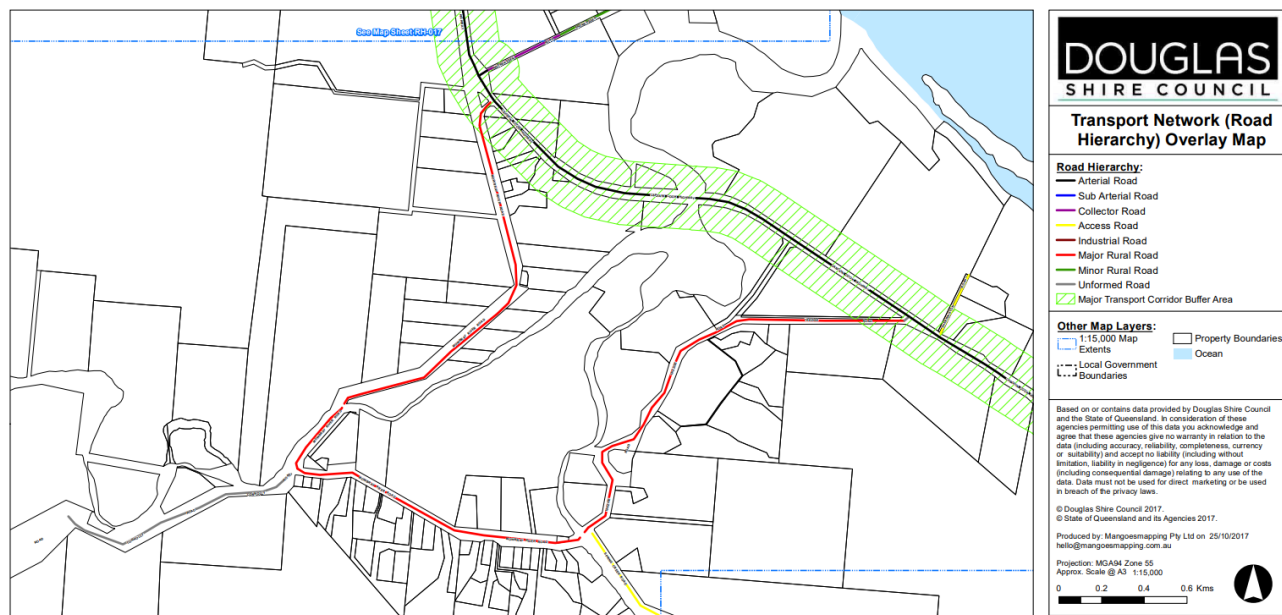


Figure 9: Transport Network (Road Hierarchy) Overlay Map

Source: Douglas Shire Planning Scheme 2018



Figure 10: Transport network (Transport Noise Corridors) Overlay Map

Source: Douglas Shire Planning Scheme 2018

2.3 Site characteristics

The subject site has an aggregate area of 40.22 hectares and is generally of regular configuration, comprising a frontage of approximately 570 metres to the Captain Cook Highway (southern boundary). The northern boundary has frontage of approximated 300 metres to an unnamed road reserve adjacent to the high bank of the Mowbray River.

A single detached dwelling and ancillary farm shed are currently located within the southern portion of the site. Access to the site is currently via a private driveway access off the Captain Cook Highway adjacent the southern property boundary.

2.2.3 Vegetation

The majority of the site has been historically cleared for agricultural purposes, namely sugar cane production. However, it is noted that the site contains areas of mapped Category B Remnant Vegetation and Category C Reef Regrowth under the *Vegetation Management Act 1999*. A copy of the Vegetation Management report for the subject site is provided for reference as **Appendix C**.

Review of the remnant vegetation present on the site indicates that the Category B Remnant Vegetation is of least concern regional ecosystem, identified as being mangrove closed scrub to open forest and subject to regular tidal inundation. The Category R Reef Regrowth is predominantly of concern woodland to closed forest, however, there is also a small portion of the site designated as mangrove closed scrub to open forest and subject to regular tidal inundation, given its proximity to the Mowbray River.

The subject site is also listed as containing essential habitat on the essential habitat map, for the estuarine crocodiles.

Review of the current mapping for Protected Plants Flora Survey indicates that there are no high risk areas identified within the subject site as containing protected plants.

2.2.4 Topography

The site is subject to minimal topographic variance, given its proximity within the coastal zone. Survey plan, Drawing No. DA-01.2, provided for reference in **Appendix D**, indicates the existing topographic conditions.

2.2.5 Surrounding Land Uses

The subject site is located within the Rural Zone, with the result that it is surrounded by predominantly rural land uses, namely sugar cane production to the south and west. Unallocated State Land is located immediately to the east of the subject site and immediately to the north, where there is a narrow esplanade adjacent to the high bank of the Mowbray River.

Sensitive receptors, being existing dwellings, are located a significant distance from the proposed development. It is noted that closest dwelling is over 400m to the south of the subject site.

With regards to immediate adjacent land uses, the site shares a boundary with the following:

Location	Adjoining Land Uses
North	Unallocated State Land within the coastal zone and the Mowbray River
South-East and South-West	Cane farms
North-East and North-West	Unallocated State Land within the coastal management district

3 BACKGROUND

3.1 Site History

The subject site is currently developed as a cane farm with a single detached dwelling and ancillary farm shed located within the southern portion of the site. Current access to the site is via a private driveway off the Captain Cook Highway. The Preliminary Agricultural Land Class Assessment, provided for reference as **Appendix F**, provides further detail as to the existing soil and land resources of the subject site.

3.2 Pre-lodgement History

3.2.1 Local Authority Engagement

During the preliminary design phase of the proposal, members of the Study Team meet with and sought informal advice and feedback from Council officers on a number of occasions. This feedback assisted in identifying some issues of concern that were then taken into consideration as the detailed design of the proposed development evolved.

Council officers however did recommend that formal pre-lodgement advice be sought from Council in respect to several broad-scale planning issues considered to be of primary relevance to Council, including justification for site selection, consideration of alternate site options, provision of services (especially in respect to water supply) and format of the development application being proposed.

In response, the Study Team made a number of amendments. RPS presented a formal Request for Pre-lodgement advice to Council via correspondence dated 19th April, 2021. A copy of the request is provided for reference as **Appendix P** to this report.

Whilst a formal response has yet to be received from Council, feedback received from Council officers indicates that Council generally remains supportive of the proposed development and that minor concerns raised in relation to specific issues may be appropriately addressed via the application of appropriate conditions of approval, particularly in relation to the staging of the proposal.

3.2.2 State Authority Engagement

Following an informal meeting with State Agencies, formal Pre-lodgement Advice was sought from the State Assessment and Referral Agency (SARA), via a request lodged on 8th March 2021. Via correspondence dated 24th March 2021, SARA provided a response which summarised those matters considered by the State to be key to their consideration of the proposed development, and action items required to address these key matters. A copy of SARA's Pre-lodgement Advice is provided for reference as **Appendix Q** to this report.

Following receipt and review of this advice, the Study Team completed a range of actions intended to address the key issues identified in the advice. These actions included:

- Revision of the development Masterplan, involving removal of esplanade bank rectification works and proposed additional waterway crossings, and revision of technical reports to incorporate the revised Masterplan,
- Revision of the Waterway Assessment Report, to address concerns about the waterway barriers proposed – i.e. retention of existing bed level crossing across the canal and removal of the existing waterway barrier and removal of any additional crossing as per the revised layout plan.
- Assessment of State Code 8 as part of the planning report to address the risk from coastal erosion, with an emphasis upon the conclusion that the proposed development cannot be feasibility located elsewhere to meet the SDAP Code – PO1.
- Tidal works – provide further detail to confirm that the revised layout has removed any reference to Esplanade bank rectification works.
- Completion of a Registered Suitable Operator application form to attach to the Environmentally Relevant Activity (ERA) application.
- ERA 63 - MEDLI modelling and further detail on irrigation area including confirmation of class of effluent.

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- MSES impacts – assess the area of impact from the revised site layout on the mapped MSES and provide quantification.
- ERA 16 – revision of the Environmental Assessment Report to include ERA 16, including volumes likely to be extracted as part of the cut and fill component of the project.
- Marine Plants – revision of the EAR, to include the assessment of marine plants and undertake assessment against State Code 11.
- State transport infrastructure – it is noted that the revised layout addresses the concerns raised which will be detailed in State Code 6 and State Code 1.

These changes and actions have been incorporated into the various technical reports which have been prepared in support of this development application.

4 PROPOSAL

4.1 Overview

Graben Pty Ltd seeks to redevelop an existing cane farm to establish a Tourist Resort, comprising a Wave Park and a range of ancillary/subordinate activities upon the subject site, located at 5640 Captain Cook Highway, Mowbray. The development aims to provide a tourist resort comprising a range of activities / uses, including:

- A Wave Park, within which artificial waves will be generated that are able to cater to wave riders with a range of skill levels and ages;
- Freshwater swimming lagoon and land-based facilities, to cater for children and people not utilising the wave pool;
- 4.5 star hotel complex, comprising circa 150 short-term accommodation units and ancillary facilities including dining, spa, conference and function rooms;
- Village precinct, comprising shops, food and drink outlets.
- Self-contained housing precinct, primarily targeted at “long stay” guests/users of the tourist resort seeking self-contained accommodation; and
- Tourist park, comprising holiday cabins and camping sites.

The proposal also seeks to reconfigure existing Lot 123 on SR687 into a Community Title Scheme comprising the resort, wave park, freshwater swimming lagoon and self-contained residential accommodation lots, as depicted in the **Figure 11**. It is anticipated that all buildings, facilities, infrastructure and common property will be managed under a tiered Community Titles Scheme, comprising a Principal Scheme containing lots administered under a Principal Body Corporate, and then one or more Subordinate Schemes which will encompass common use areas, most likely to be restricted to the residential elements of the proposed development, managed via subordinate Body Corporate(s).

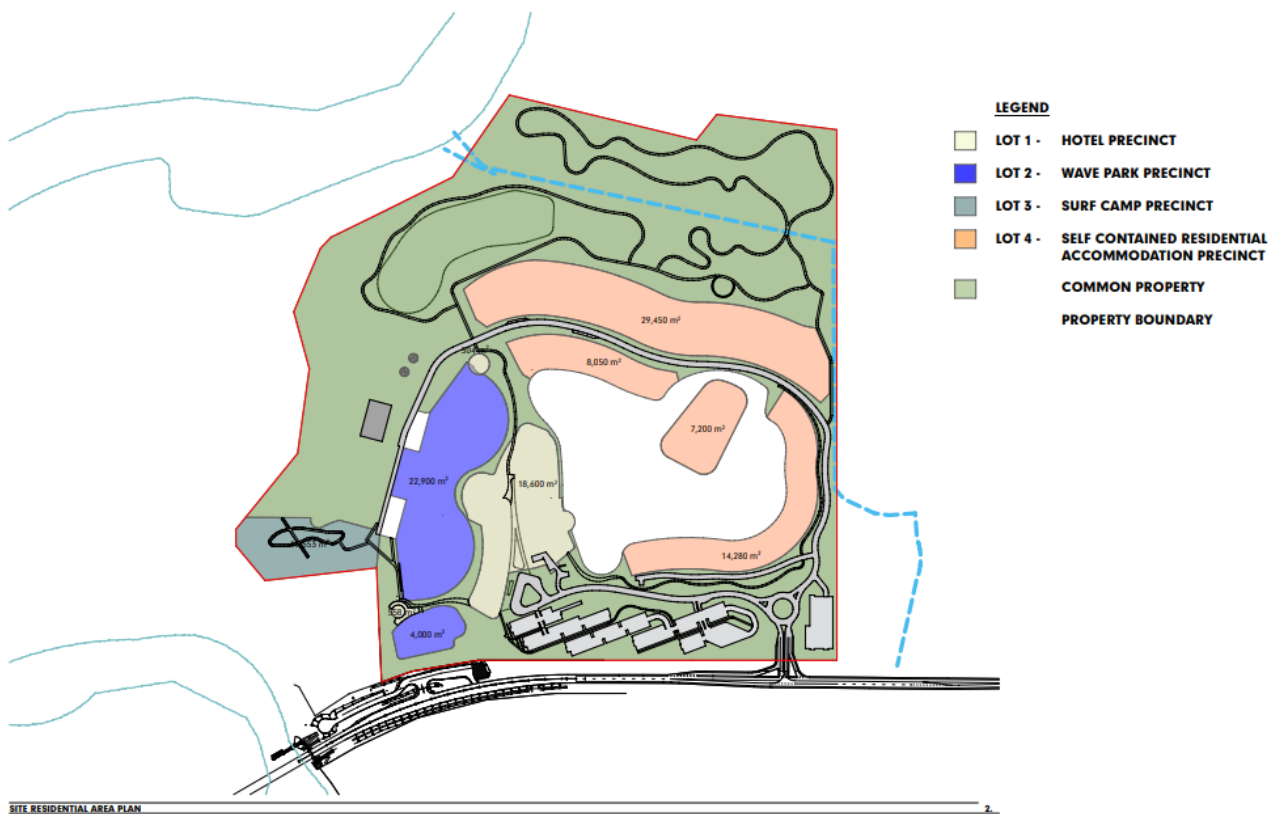


Figure 11: Wave Park reconfiguration of a Lot Proposal

Source: Hunt Design – DA-01.11

The Study Team have conducted extensive investigations into the proposed development and have prepared a master plan to guide development of the site so as to achieve the proponent's intended outcome. A copy of the Master Plan Drawing No. DA-01.4, is provided for reference as **Figure 12** and with **Appendix D**.

A wide range of detailed investigations have been completed by various members of the Study Team. These investigations have informed the detail design phase of the development, which has resulted in a concept design which is considered to be responsive to the range of constraints and opportunities that have been identified through this investigative process. Assessments undertaken to date include the following:

- Economic Assessment, prepared by RPS and provided for reference as **Appendix E**, which examines the social and economic benefits of the proposed development for the region;
- Agricultural Land Suitability Assessment, prepared by RPS and provided for reference as **Appendix F**, which assesses the existing soil and land resources and provides a determination of the Agricultural Land Class (ALC) of the site and likely impact of the proposal on the availability of cropping land within the region and cropping industry itself;
- Waterway Determination Report, provided for reference as **Appendix G**, prepared by RPS in response to advice from the Department of Agriculture and Fisheries (DAF) in relation to the presence of an amber waterway traversing the subject site. The report provides supporting evidence to assist DAF with accurate assessment of the determination of this waterway, particularly in relation to potential waterway barrier works;
- Environmental Assessment Report, provided for reference as **Appendix H**, prepared by RPS to support an application for an Environmental Authority to undertake an Environmentally Relevant Activity 63 - sewerage treatment (ERA 63), to service the needs of the proposed development;
- Engineering Report, provided for reference as **Appendix I**, prepared by GHD Pty Ltd to support the Development Application for a Material Change of Use for the proposed staged integrated development. The report identifies the required general civil engineering development works and provides supporting information for the proposed earthworks and stormwater management;
- Geotechnical Report, provided for reference as **Appendix J**, prepared by Golder Associates Pty Ltd in relation to geotechnical studies related to the proposed development;
- Flood Study, provided for reference as **Appendix K**, prepared by JBP Scientists and Engineers, details hydrological and hydraulic modelling within the Mowbray catchment to support the proposed integrated development of the tourist resort on the subject site;
- Landscape Design Report, prepared by RPS and provided for reference as **Appendix L**, which details the landscape vision for the proposed development, taking account of site constraints and which identifies a number of key opportunities for landscape design, both within the development footprint and those areas proposed for rehabilitation;
- Traffic Impact Assessment, provided for reference as **Appendix M**, prepared by GHD Pty Ltd. The report identifies both current and proposed traffic volumes and includes traffic modelling, which assesses future growth for local traffic in addition to the proposed development, and which concludes that the proposed development will have negligible adverse impact upon safety and efficiency of the Capt Cook Highway;
- Preliminary Electrical Review, provided for reference as **Appendix N**, which identifies the likely electrical infrastructure requirements, demand on the existing Ergon Energy network and the potential for renewable energy initiatives; and
- Water Treatment Strategy, provide for reference as **Appendix O**, which identifies water sources available for the proposed development and details stormwater treatment to ensure stormwater discharged from the site is in accordance with Local and State requirements.

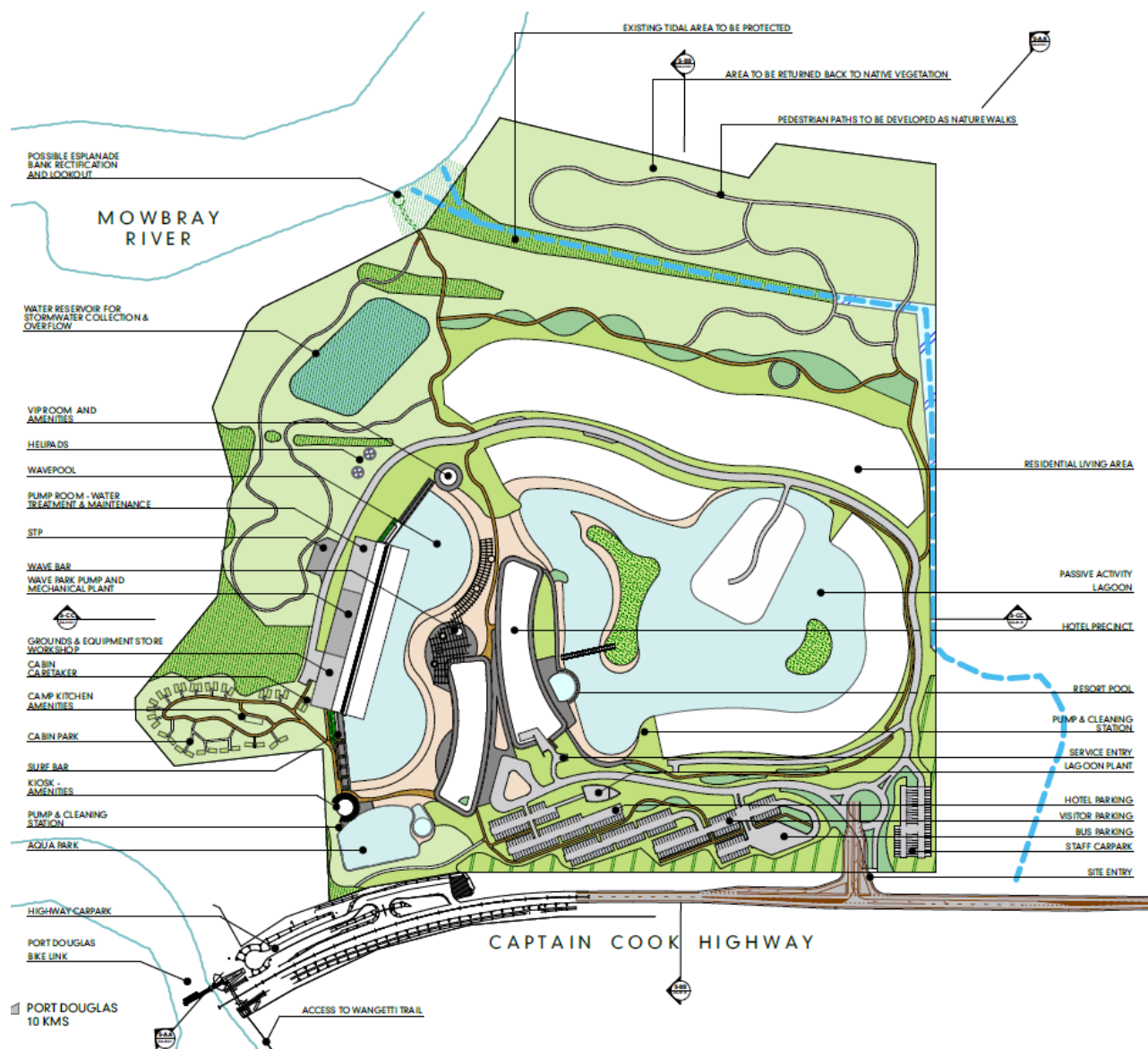


Figure 12: Site Master Plan

Source: Hunt Design – DA-01.4

Table 3: Proposal Summary

Proposed Use/s	Tourist Resort Complex, comprising a Wave Park and ancillary facilities, including hotel complex, village precinct, self-contained residential accommodation precinct and tourist park
Gross Floor Area	Hotel complex – as depicted in Drawing Nos. DA-03.8, DA-03.9 & DA-03.10. provided as Appendix D . Level 00 – 5,197m ² Level 01 – 4,892m ² Level 02 – 4,886m ²
Site Cover	50% for self-contained residential and short term accommodation
Number of Storeys	Hotel complex – 2 x three (3) storeys
Number of Dwellings	Maximum of 90 self-contained residential accommodation units

Landscaped Area	Approximately 40% of the site will be landscaped - Refer to Drawing No. DA-01.8 – Landscape Areas (Appendix D), as per the Landscape Plan (Appendix L), utilising local native species.
Number of Car parks	Hotel – 98 Visitor + bus/coach – 260 Staff - 81
Vehicle Entry Points	Captain Cook Highway, as depicted in Drawing No. DA-01.7 (Appendix D)
Refuse Storage and Collection	Refuse storage and collection area for the hotel and wave park precinct is provided on the ground floor, as depicted on Drawing No. DA-03.8 (Appendix D)
Hours of Operation	7 days per week. Wave Park operation 9am – 10pm during peak season

4.2 Proposal Detail

4.2.1 Subdivision Layout

The proposal seeks to reconfigure existing Lot 123 on SR687 into four (4) principle lots, comprising:

- Lot 1 – Hotel Precinct;
- Lot 2 – Wave Park Precinct;
- Lot 3 – Surf Camp Precinct;
- Lot 4 – Self-contained residential Accommodation Precinct; and
- Common property.

The proposed subdivision layout is depicted in Drawing No. DA-01.11, which is provided for reference as **Figure 11**.

It is anticipated that all buildings, facilities, infrastructure and common property will be managed under a tiered Community Titles Scheme, comprising a Principal Scheme containing four (4) lots administered under a Principal Body Corporate, and then one or more Subordinate Schemes, which will encompass common use areas. It is envisaged that these common use areas will most likely to be restricted to the self-contained residential accommodation element of the proposed development, managed via a subordinate Body Corporate(s). Community Management Statements (CMS) will be formulated to govern the subsidiary or subordinate schemes.

4.2.2 Built Form

The proposal seeks to establish a range of buildings and structures across the site, which are positioned so as to be responsive to the constraints of the site, with a proposed new driveway and internal road network meandering through the site, as depicted in Drawing No. DA-01.9, provided for reference as **Appendix D**. A proposed round-about at the entrance to the site will enable access to the visitor/guest/coach carpark and hotel complex, as well as the residential precinct and the wave park located within the north-west portion of the site.

A proposed carpark is located immediately to the left of the round-about, to mitigate traffic flows associated with the hotel guests and day trippers and alleviate potential traffic congestion for residents residing in the residential precinct.

The proposed accommodation buildings, residential precinct, wave pool, passive activity areas, service areas and carparking areas are located predominately within the western portion of the site, with the intent of providing adequate buffer area between the proposed development and the Mowbray River and Unallocated State Land to the east.

The hotel precinct, comprising two (2) x three (3) storey towers, provides for contemporary and well-articulated short-term accommodation, strategically sited so as to ensure that they blend sufficiently with the adjoining wave pool and lagoons to form a tropical oasis. The character of the hotel precinct is sufficiently detailed in the Proposal Plans, provided as **Appendix D**, and the Landscape Design Report, provided as **Appendix L**.

Both the Project Architect and the Landscape Architect have given extensive consideration to the site's opportunities and constraints in designing the proposal. The inclusion of vertical and horizontal lines, use of glass, variations in materials, recesses, balconies and screening combine to articulate the hotel building's façade and provide for a high degree of visual appeal, in keeping with the contemporary tropical architectural style, reminiscent of Far North Queensland. Architectural plans (**Appendix D**), depict the sections and floor plans of the hotel. The architectural design promotes a strong relationship with the surrounding environment.

4.2.3 Carparking & Access

4.2.3.1 Access

Vehicular access to the proposed development will be relocated from the existing property access location to further south, so as to enable sufficient access to the site and the internal road network as depicted in the Roadways Masterplan Drawing No. DA-01.7, provided for **Appendix D**. The site will be accessible via a new proposed unsignalized T- intersection as depicted with Traffic Impact Assessment, provided for reference as **Appendix M**. It is noted that the proposed intersection has been designed in accordance with AustRoads Guide to Road Design and it is noted that the proposal will trigger referral to the State Assessment and Referral Agency (SARA) and Department of Transport and Main Roads (DTMR), as a new and/or changed access to a State-controlled road.

GHD as part of the Traffic Impact Assessment has also conducted traffic modelling, which demonstrates the likely impacts of the proposed development upon traffic flows along the Captain Cook Highway. Traffic modelling conducted on both existing usage (Base) and future usage indicated that the proposed T-intersection will function adequately at a high level for the forecasted traffic volumes and will therefore have a negligible impact on the current and future safety and efficiency of the Captain Cook Highway in the vicinity of the proposed development.

4.2.3.2 Carparking

An assessment of expected car parking demand associated with the proposed development has been determined based on review of the applicable land use definitions within the Douglas Shire Council Planning Scheme 2018 v1.0. The unique function of the integrated development of a wave park and associated facilities, does not directly align with the typical car parking demand of Short-term Accommodation, Dwelling House, Multiple Dwelling, Food and Drink Outlet, Shop and Tourist Park, pursuant to the Planning Scheme, pursuant on the following assumptions:

- Guests utilising the facility will comprise a combination of local, interstate, and international tourists, the majority of which are not expected to have their own vehicles. The majority will likely arrive in Cairns by plane and will utilise both "in house" and local coach transfer services to be transported to the proposed hotel and self-contained short-term accommodation facilities; and
- Guests are unlikely to extensively travel outside the facility during their stay thus as all services (restaurants, shops, day spa, gym, wave park etc) are provided on site, thus minimising demand for private vehicle usage.

Table 4: Carparking Assessment

Carparking Assessment against Planning Requirements			
Planning Scheme Required Rate	Required for Development	Proposed for Development	Shortfall
Outdoor Sport and Recreation (Wave Pool & Swimming Lagoon)	15 spaces + 1 space per 100m ² of useable site area.	260	Nil
Short term Accommodation	0.75 car spaces per dwelling unit + 3 spaces for visitors and 2 service/staff parking	Total 179 (98 guests + 81 staff)	+39

Carparking Assessment against Planning Requirements

	for the first 10 units and 0.5 additional service/staff space per 10 units, there-above. @ 160 units = 140 spaces		
Dwelling House	Min of 2 space, which may be in tandem + 1 space or a secondary dwelling.	Compliance to be demonstrated at detail design	Nil
Multiple Dwelling	1.5 spaces per dwelling unit	Compliance to be demonstrated at detail design	Nil
Food and Drink Outlet	1 space per 25m ² GFA and outdoor dining area	Included within 260 spaces for wave pool & swimming lagoon	Nil
Shop	1 space per 25m ² of GFA 1 space per 100m ² of GFA for drink outlet for restaurant component.	Included within 260 spaces for wave pool & swimming lagoon	Nil
Tourist Park	1 car space per cabin, tent site or caravan site + 1 visitor car space per 10 sites + 1 space for on-site manager. @ 30 sites = 33 spaces (no separate on-site manager)	33 spaces, to be confirmed at detail design stage	nil

Table Note: 1. Determination of the parking requirement for Outdoor Sport and Recreation was based on the designation of swimming pool.

2. Determination for Short term Accommodation based upon site located outside Precinct 1 or over 10 units.

3. Determination for Multiple Dwelling based upon site located outside Precinct 1.

4. End of trip facilities required for all shops with a GFA greater than 2,000m².

60% of car parking to be covered for multiple dwelling, short term accommodation

4.2.4 Servicing

4.2.4.1 Water Supply

Detailed assessment of the water balance for the proposed development is provided as part of the GHD Engineering Report, provided for reference as **Appendix I**. The water balance study has been undertaken to assess both the water supply requirements for the proposed development and to identify potential water sources for the provision of suitable supply for the proposed development.

The applicant proposes provision of a Water Storage Lagoon (Storage Lagoon) with a 50 megalitre capacity, designed to capture both rainfall, excess run-off from the surrounding catchment, treated wastewater and spillage from the Recreational Swimming Lagoon (Recreational Lagoon).

The water balance undertook modelling of both rainfall and evaporation rates and utilised the 85th percentile driest year on record, so as to provide a realistic determination of water balance results. The results indicate that even within the dry season, water from the proposed Storage Lagoon may be used to offset evaporative loss within the Recreational Lagoon to maintain operational efficiency. The volume of the Storage Lagoon has been calculated based on the minimum water level requirement in the Recreational Lagoon. Modelling within the Engineering Report (**Appendix I**) demonstrates that volumes within the Storage Lagoon are not anticipated to diminish completely, despite being utilised for supplementary supplies for the Recreational lagoon.

4.2.4.2 Stormwater Management

4.2.4.2.1 Site Water Storage

A Water Balance Study has been undertaken to assess both the water requirements for the proposed development and the availability of water sources on the subject site. This assessment has identified that evaporation within the recreational swimming lagoon will require supplementary water supply during drier periods.

The applicant proposes to install a water storage lagoon to capture rainfall and potential surface flows during the wet season, in order to provide a supplementary water supply. The proposed water storage lagoon is detailed within the Engineering Report, provided for reference as **Appendix I**. It is proposed that the proposed storage will have a 50 ML capacity and will be constructed of a suitable clay lining to prevent both loss due to failure and intrusion of saltwater into the shallow aquifer that exists within the subject site.

The proposed water storage will also act as a sediment basin to capture suspended sediment during periods of overland flow during the operational / construction phase of the proposed development.

Additional detail regarding stormwater treatment is outlined in Turbid's Water Treatment Strategy, provided for reference as **Appendix O**. Stormwater treatment is proposed to be integrated across both the construction and operational stages of the proposed development to ensure that appropriate control measures are implemented to mitigate potential impacts upon the adjoining properties and the Mowbray River.

4.2.4.3 Power and Communications

A preliminary electrical review of likely electrical infrastructure requirements for the proposed development has been conducted and is provided for reference as **Appendix N**. Preliminary discussions have been held with Ergon Energy with regards to the proposed development and it is anticipated that sufficient capacity exists within the existing Ergon network to meet expected demands associated with the proposed development. Whilst Ergon do not anticipate that the proposal will require significant infrastructure upgrades, they have requested further detail to assess the potential for mains disturbance (i.e. potential flicker issues). Further investigation will be conducted at the detailed design phase.

Preliminary investigation of NBN Co service availability indicates that the subject site is located within an area of NBN service via "fibre to node". Further confirmation will be sought at the detailed design phase of the proposed development, once detailed demand assessment is completed

4.2.5 Managing Flood Risk

Engineering assessments undertaken by GHD and Turbid Water Solutions, provided for reference as **Appendix I & Appendix O**, has proposed that all floor levels for habitable rooms is 3.55 AHD for Storm Tide Immunity. This level is based upon the Douglas Shire Council Storm Tide Inundation Methodology Study and flood hydraulic assessments conducted by JBP Engineers.

Design flood estimation for the 1% Annual Exceedance Probability (AEP) flood event was completed to provide information to guide hydraulic modelling. The results of the flood study are provided in **Appendix K**.

The findings of the hydraulic assessment indicate that proposed earthworks associated with the proposed development may result in localised increases to the 1% AEP peak flood levels external to the site. The maximum afflux of 183mm is located to the south-west of the site immediately adjacent to the subject site and is anticipated to have a minor adverse impact on the Unallocated State land (USL). These levels are not expected to impact the State-controlled Road.

The maximum impact to the 1% AEP flood event peak water levels on existing residential lots is 18mm and modelling indicates that impacts will be negligible and are unlikely to give rise a material change in flood risk.

It is noted that the proposed earthworks will result in a maximum change in water level of 100mm on areas upstream of the proposed development, namely the Unallocated State Land.

The proposed development will result in a 13% increase in net fill (as a proportion of total proposed fill), which is likely to result in a decrease of floodplain storage.

Furthermore, investigation and analysis of existing catchment conditions and the proposed development, indicates that an equal number of properties are potential at risk during a 1% AEP flood event. Therefore, it has been determined that the proposed development does not significantly increase the potential for inundation and flood damage on adjoining properties.

4.2.6 Earthworks

The proposed development will require extensive earthworks. A preliminary bulk earthworks model, prepared by GHD, proposes that all building pads will be filled to a level equal to or higher than the 1%AEP storm surge level of 3.05 metres. GHD's preliminary assessment, provided for reference as **Appendix I**, reveals earthworks volumes in the order of 190,700 m³ of fill and 165,200 m³ of cut will be involved, with the difference (i.e. 25,500 m³) to be imported to site.

GHD has completed assessment against the Filling and Excavation Code, which is provided as part of the Engineering Report in **Appendix I**.

4.2.6.1 Acid Sulfate Soils

The geotechnical report prepared by Golders concludes that there is a low probability of Acid Sulfate Soils (ASS) occurrence across most of the site. Whilst there are some areas where there is a high probability of ASS occurrence, these are restricted to areas adjacent the north-western and north-eastern site boundaries, generally comprising areas covered by existing mangroves. The design and layout of the proposed development has taken these findings into account, by ensuring that the greater majority of the proposed development will be restricted to those parts of the site identified as having a low risk of ASS occurrence. As recommended in the Golders Report, it is intended that further investigation of ASS be undertaken prior to the commencement of any operational works on the subject site. It is suggested that this may be appropriately conditioned as part of any development approval.

4.2.7 Advertising Devices

The proposed development of the subject site bounds the Captain Cook Highway, a State-controlled road. The provision of an advertising device / billboard located on Lot 123 on SR687, immediately adjacent to the Captain Cook Highway will require an Ancillary Works and Encroachment (AWE) Permit in accordance with the *Transport Infrastructure Act 1994*. The applicant intends to seek preliminary approval for the advertising device with a view to formalising the required signage as part of the detailed design phase of the proposed development.

Preliminary design of the proposed entry sign is provided for reference as **Figure 12**. Assessment against the 'Performance Outcomes' and 'Acceptable Solutions' in the Advertising Devices Code of the Planning Scheme is provided for reference as **Appendix R**.

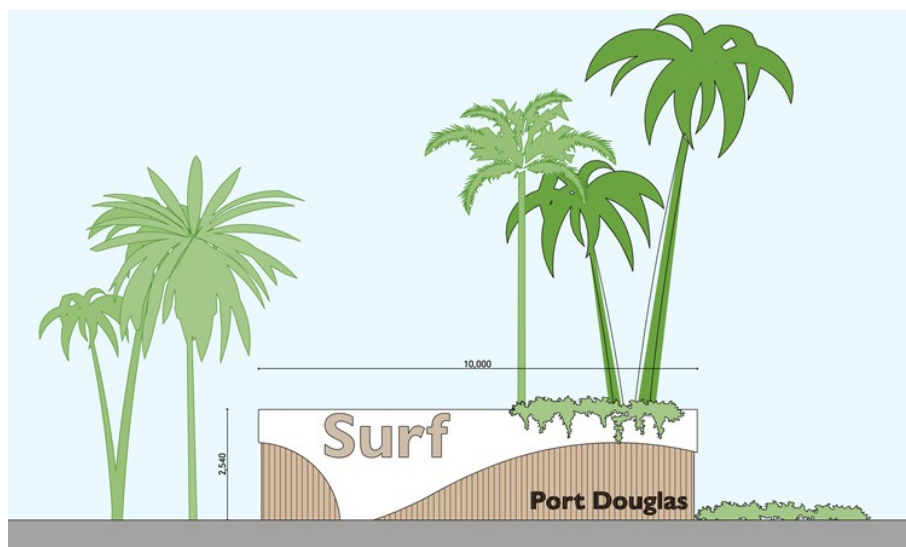


Figure 12: Proposed Entry Sign

5 KEY PLANNING ISSUES

5.1 Water Supply

Preliminary review of the site confirms that the subject site is located adjacent to the Mowbray River approximately 1.7km downstream of the reach of the river where Water Act 2000 jurisdiction commences. Hence, whilst the taking proposed taking of water is not within the jurisdiction of the Water Act 2000, therefore not no water licence or allocation will be required to take from this locality, it highlights that this section of the Mowbray River is in fact saline.

The subject site contains an unnamed tributary of the Mowbray River. Preliminary review indicates that the subject site is located within the Mossman Groundwater Management Area Zone 1D. Whilst it is noted that there are a number of bores located in close proximity to the subject site and in fact one bore (Bore No, RN 12612) located in the south west corner of the site, it is unlikely that any other groundwater allocations will be granted, other than for domestic purposes or small scale irrigation for landscaping purposes on the basis that the Mossman Groundwater Area is close to full allocation.

Discussion with the Department of Resources (DoR) indicated that the groundwater aquifer in this region is very shallow. Any intake that looks to take water would need to ensure there is no saltwater intrusion into the aquifer. Preliminary site investigations have also identified the shallow groundwater table and its brackish nature given the presence of marine couch in areas of the cane, as depicted in the Preliminary Agricultural Land Class Assessment (**Appendix F**) and the Environmental Assessment Report (**Appendix H**).

Detailed assessment of the required water balance for the proposed development is provided for reference as **Appendix I**.

5.2 Waterway Barrier Works

RPS was engaged by Graben Pty Ltd (Graben) to undertake a waterway determination following advice received from the Department of Agriculture and Fisheries (DAF) in respect to an amber waterway that is mapped as traversing the subject site. The waterway in question is a man-made channel that drains to the Mowbray River.

DAF provided advice that while they strive to ensure the accuracy of the spatial data layer *Queensland Waterways for Waterway Barrier Works*, anomalies may still occur and subsequently the burden for ensuring the appropriate determination of a waterway rests solely with the proponent. On this basis RPS prepared the Waterway Determination Report in order to assist the State Assessment and Referral Agency (SARA) with accurate assessment of the determination of the waterway traversing the subject site. This report, provided for reference as **Appendix G**, concludes that the amber mapped waterway is partially a drainage swale between and within the cropped area and does not constitute a waterway, given the lack of flow even during the wet season and lack of defined bed or banks.

5.3 On-Site Effluent Treatment and Disposal

RPS was engaged by Graben Pty Ltd (Graben) to prepare and lodge an application for an Environmental Authority to undertake an Environmentally Relevant Activity (ERA) 63 Sewerage Treatment upon the subject site. Given the subject land is located outside the area serviced by the Douglas Shire Council reticulated sewerage treatment system, the applicant will be required to provide a sufficient on-site effluent treatment and disposal system for the proposed development.

The Environmental Assessment Report (EAR) prepared by RPS and provided for reference as **Appendix H**, provides an overview of the proposed Environmental Authority application ERA 63 to address the application requirements in accordance with Section 125 of the *Environmental Protection Act 1994*.

Based on data provided by H2O Consultants, the daily Estimated Water Flow is 264,100L, which equates to an EP determination of 1,320.5, as detailed within the Environmental Assessment Report provided for reference as **Appendix H**. Therefore, the proposed threshold relevant to the proposed development is ERA 63 (1)(b)(ii) – more than 100 but no more than 1500 EP.

6 STATE, REGIONAL & LOCAL ASSESSMENT BENCHMARKS

6.1 Applicable Act/s

The *Planning Act 2016* and its subordinate legislation is the applicable act for the assessment of this development application.

6.2 State Planning Policy

Section 26(2)(a)(ii) of the *Planning Regulation 2017* requires that the code assessment must be carried out against the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as having been appropriately integrated.

A review of the changes within the SPP are not considered to impact the proposals compliance with the SPP.

6.3 Temporary State Planning Policy

Section 26(2)(a)(iii) of the *Planning Regulation 2017* requires that the code assessment must be carried out against any temporary State Planning Policy applying to the premises.

In this instance no temporary State planning policies apply.

6.4 Regional Plan

Section 30 of the *Planning Regulation 2017* requires that the code assessment of this application must be carried out against the assessment benchmarks stated in the regional plan, to the extent the regional plan is not identified in the planning scheme as having been appropriately integrated.

The subject is located with the Far North Qld Regional Plan and it has been acknowledged by the Minister that the Douglas Shire Planning Scheme (2018 v1.0) advances this Regional Plan appropriately

6.5 State interests (referrals)

In accordance with Schedule 10 of the *Planning Regulation 2017*, the follow referrals apply.

Table 5: Schedule 10 Referral Matters

Schedule 10	Referral topic and reason	Referral Agency
10.3.4.1	Operational work that is assessable development for clearing native vegetation	SARA, DSDMIP
10.3.4.3	Material change of use where clearing native vegetation	SARA, DSDMIP
10.5.4.2	Material change of use for an environmentally relevant activity (non-devolved)	SARA, DSDMIP
10.6.3.3.1	Operational work involving removal, destruction or damage of marine plants	SARA, DSDMIP
10.6.3.3.2	Reconfiguring a lot or material change of use involving removal, destruction or damage of marine plants	SARA, DSDMIP
10.6.4.3.1	Operational work for waterway barrier works	SARA, DSDMIP
10.9.4.1.1	State transport infrastructure – development in excess of the thresholds stated in schedule 20	SARA, DSDMIP
10.9.4.2.4	Material change of use near a State transport corridor or a future State transport corridor	SARA, DSDMIP
10.17.3.1	Operational work for tidal works or work in a coastal management district	SARA, DSDMIP
10.17.3.2	Operational work for tidal works or work in a coastal management district where in tidal waters (maritime safety)	SARA, DSDMIP

Schedule 10	Referral topic and reason	Referral Agency
10.17.3.6	Material change of use involving work in a coastal management district	SARA, DSDMIP

6.6 Development Assessment under Schedule 10 (SDAP)

Schedule 10 of the *Planning Regulation 2017* identify the matters that the assessment manager and/or referral agency assessment must have regard to.

The State Development Assessment Provisions (SDAP) nominate applicable State Codes based on the referral triggers. The current State Codes (Version 2.6) applicable to the proposal are identified in **Table 6**.

Table 6: Relevant SDAP State Codes

Section of Regulation	Referral topic	State Code	Response
10.3.4.1	Clearing native vegetation Assessable development under s 5	State code 16 – Native vegetation clearing	Appendix S
10.3.4.3	Clearing native vegetation Material change of use that is assessable development under a local categorising instrument	State code 16 – Native vegetation clearing	Appendix S
10.5.4.2	Environmentally relevant activities Non-devolved environmentally relevant activities	State code 22 – Environmentally relevant activities	Appendix S
10.6.3.3.1	Fisheries Assessable development under s 11	State code 11 – Removal, destruction or damage of marine plants	Appendix S
10.6.3.3.2	Fisheries material change of use involving removal, destruction or damage of marine plants	State code 11 – Removal, destruction or damage of marine plants	Appendix S
10.6.4.3.1	Fisheries Assessable development under s 12	State code 18 – Constructing or raising waterway barrier works in fish habitats	Appendix S
10.9.4.1.1	Infrastructure-related referrals Aspect of development stated in schedule 20	State code 6 – Protection of state transport networks	Appendix S
10.9.4.2.4	Infrastructure-related referrals Material change of use of premises near a State transport corridor or that is a future State transport corridor	State code 1 – Development in a state-controlled road environment	Appendix S
10.17.3.1	Tidal works or work in a coastal management district Assessable development under s 28	State code 8 – Coastal development and tidal works	Appendix S
10.17.3.2	Tidal works or work in a coastal management district Assessable development under s 28 in tidal waters	State code 7: Maritime safety	Appendix S
10.17.3.6	Tidal works or work in a coastal management district Material change of use involving work in a coastal management district	State code 8 – Coastal development and tidal works	Appendix S

6.7 Local Planning Assessment Provisions

6.7.1 Applicable Assessment Instrument

The Douglas Shire Council Planning Scheme (2018 v1.0) is the applicable Local Categorising Instrument for this development application.

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

6.7.2 Defined Use

This application seeks a material change of use for uses defined pursuant to the *Douglas Shire Planning Scheme (2018) v1.0*.

- Outdoor Sport and Recreation - Premises used for a recreation or sport activity that is carried on outside a building and requires areas of open space and may include ancillary works necessary for safety and sustainability. The use may include ancillary food and drink outlet(s) and the provision of ancillary facilities or amenities conducted indoors such as changing rooms and storage facilities.
- Short-term Accommodation – Premises used to provide short-term accommodation for tourists or travellers for a temporary period of time (typically not exceeding three consecutive months) and may be self-contained. The use may include a manager's residence and office and the provision of recreation facilities for the exclusive use of visitors.
- Dwelling House – a residential use of premises for one household that contains a single dwelling. The use includes domestic outbuildings and works normally associated with a dwelling and may include a secondary dwelling.
- Multiple Dwelling – Premises containing three or more dwellings for separate households.
- Food and Drink Outlet – premises used for preparation and sale of food and drink to the public for consumption on or off the site. The use may include the ancillary sale of liquor for consumption on site;
- Shop – Premises used for the display, sale or hire of goods or the provision of permanent services or betting to the public;
- Tourist Park – Premises used to provide for accommodation in caravans, self-contained cabins, tents and similar structures for the public for short term holiday purposes. The use may include, where ancillary, a manager's residence and office, kiosk, amenity buildings, food and drink outlet, or the provision of recreation facilities for the use of occupants of the tourist park and their visitors, and accommodation for staff.
- Air Services – Premises used for any of the following:
 - (a) the arrival and departure of aircraft;
 - (b) the housing, servicing, refuelling, maintenance and repair of aircraft;
 - (c) the assembly and disposal of passengers or goods on or from an aircraft;
 - (d) any ancillary activities directly serving the needs of passengers and visitors to the use;
 - (e) associated training and education facilities; and
 - (f) aviation facilities.
- Caretaker's Accommodation – a dwelling provided for a caretaker of a non-residential use on the same premises.

6.7.3 Zone

The subject site is located within the Rural zone of the Douglas Shire Council Planning Scheme 2018 v1.0.

6.7.4 Level of Assessment

Pursuant to the Tables of Assessment for the Rural Zone with the Planning Scheme, the proposal triggers Impact Assessment.

6.7.5 Overlays

Overlays affecting the site are listed in section 2.2. Detailed responses to relevant Overlay Codes are provided in Section 6.7.6 and **Table 7** below.

6.7.6 Codes

The Planning Scheme Codes considered applicable to the proposal, and the location of the relevant code response, are identified in **Table 7**.

Table 7: Planning scheme code responses

Planning scheme codes	Response
Zone and Neighbourhood Plan codes	
Rural Zone Code	Appendix R – prepared by RPS
Use Codes	
Dwelling Unit Code	Appendix R – prepared by RPS
Multiple Dwelling Short Term Accommodation Code	Appendix R – prepared by RPS
Relocatable Home Pak and Tourist Park Code	Appendix R – prepared by RPS
Sport and Recreation Activities Code	Appendix R – prepared by RPS
Development Codes	
Access Parking and Servicing Code	Appendix R – prepared by RPS
Advertising Devices Code	Appendix R – prepared by RPS
Environmental Performance Code	Appendix R – prepared by RPS
Filling and Excavation Code	Appendix I – prepared by GHD
Infrastructure Design Code	Appendix R – prepared by RPS
Landscaping Code	Appendix R – prepared by RPS
Vegetation Management Code	Appendix R – prepared by RPS
Overlay Codes	
Acid Sulfate Soils Overlay Code	Appendix R – prepared by RPS
Coastal Hazard Overlay Code	Appendix R – prepared by RPS
Flood and Storm Tide Inundation Overlay Code	Appendix R – prepared by RPS
Landscape Values Overlay Code	Appendix R – prepared by RPS
Natural Areas Overlay Code	Appendix R – prepared by RPS
Transport Network Overlay Code	Appendix R – prepared by RPS

7 CONCLUSION

This town planning report supports a development application made on behalf of Graben Pty Ltd to Douglas Shire Council for staged integrated development of a Wave Park and ancillary/subordinate development upon land located at 5640 Captain Cook Highway, Mowbray. The subject site is more properly described as Lot 123 on SR687.

This development application seeks:

- Development Permit for Material Change of Use for a Tourist Resort, (comprising the defined uses of Outdoor Sport and Recreation, Short-term Accommodation, Dwelling House, Multiple Dwelling, Food and Drink Outlet, Shop, Tourist Park, Air Services and Caretaker's Accommodation);
- Development Permit for Reconfiguration of a Lot (1 Lot into 4 Lots and common property); and
- Preliminary Approval for Reconfiguration of a Lot within the Self-contained Residential Accommodation Precinct (1 Lot into a maximum of 90 Lots).

The application is subject to impact assessment.

This report has demonstrated the proposal's consistency with the intents and code requirements of Douglas Shire Planning Scheme and has sought to provide appropriate justification for aspects that do not fully adhere to the acceptable outcomes.

Approval is sought subject to reasonable and relevant conditions.

Appendix A

DA Form 1

DA Form 1 – Development application details

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

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

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

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

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

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

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

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

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Graben Pty Ltd c/- Hunt Design & RPS Australia East Pty Ltd
Contact name (only applicable for companies)	Owen Dalton – RPS Australia East
Postal address (P.O. Box or street address)	PO Box 1949
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Contact number	(07) 40311336
Email address (non-mandatory)	owen.dalton@rpsgroup.com.au ; stacey.devaney@rpsgroup.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	PR148361

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

PART 2 – LOCATION DETAILS

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

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

3.1) Street address and lot on plan

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		5640	Captain Cook Highway	Mowbray
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	123	SR687	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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

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

- ☐ Coordinates of premises by longitude and latitude

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

- ☐ Coordinates of premises by easting and northing

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

3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

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

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

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

Name of airport:

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

5) Are there any existing easements over the premises?

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

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

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

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

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

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

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

c) What is the level of assessment?

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

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

MCU for Tourist Resort (comprising Outdoor Sport & Recreation, Short-term Accommodation, Dwelling House, Multiple Dwelling, Food & Drink Outlet, Shop, Tourist Park, Helipads and Caretaker's Residence)

e) Relevant plans

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

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

6.2) Provide details about the second development aspect

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

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

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

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

c) What is the level of assessment?

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

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

Reconfiguration of a Lot (1 Lot into 4 Lots and common property)

e) Relevant plans

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

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

6.3) Additional aspects of development

- ☒ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
- ☐ Not required

Section 2 – Further development details

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

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)
Tourist Resort (refer to Planning Report)	Outdoor Sport and Recreation		
	Short-term Accommodation		
	Dwelling House	Max 90 (in total)	
	Multiple Dwelling	Max 90 (in total)	
	Food and Drink Outlet		
	Shop		
	Tourist Park		
	Caretaker's Residence	1	
	Air Services		
8.2) Does the proposed use involve the use of existing buildings on the premises?			
<input type="checkbox"/> Yes			
<input checked="" type="checkbox"/> No			

Division 2 – Reconfiguring a lot

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

9.1) What is the total number of existing lots making up the premises?	
1	
9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)	
<input checked="" type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13))

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created	1 – residential stage 2 – max 90 lots	1 – Hotel precinct		1- Wave Park, 1 – Surf Camp
10.2) Will the subdivision be staged?				
<input checked="" type="checkbox"/> Yes – provide additional details below				
<input type="checkbox"/> No				

How many stages will the works include?	2 – refer to Planning Report
What stage(s) will this development application apply to?	Stages 1 & 2

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

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

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

Division 3 – Operational work

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

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

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application
Douglas Shire Council
16) Has the local government agreed to apply a superseded planning scheme for this development application?
<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application

- ☐ The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- ☒ No

PART 5 – REFERRAL DETAILS

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

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

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

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

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

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

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

PART 6 – INFORMATION REQUEST

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

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)			
<input type="checkbox"/> Yes – provide details below or include details in a schedule to this development application <input checked="" type="checkbox"/> No			
List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)		
<input type="checkbox"/> Yes – a copy of the receipted QLeave form is attached to this development application <input type="checkbox"/> No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid <input checked="" type="checkbox"/> Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)		
Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?
<input type="checkbox"/> Yes – show cause or enforcement notice is attached <input checked="" type="checkbox"/> No

23) Further legislative requirements			
<u>Environmentally relevant activities</u>			
23.1) Is this development application also taken to be an application for an environmental authority for an Environmentally Relevant Activity (ERA) under section 115 of the <i>Environmental Protection Act 1994</i>?			
<input type="checkbox"/> Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below <input checked="" type="checkbox"/> No Note: Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at www.qld.gov.au . An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.			
Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			
<input type="checkbox"/> Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.			
<u>Hazardous chemical facilities</u>			
23.2) Is this development application for a hazardous chemical facility?			
<input type="checkbox"/> Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application <input checked="" type="checkbox"/> No Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.			

Clearing native vegetation

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

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

☒ No

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

Environmental offsets

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

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

☒ No

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

Koala habitat in SEQ Region

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

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

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

☒ No

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

Water resources

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

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

☒ No

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

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

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

Waterway barrier works

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

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

☒ No

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

Marine activities

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

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

☐ No

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

Quarry materials from a watercourse or lake

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

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

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

Quarry materials from land under tidal waters

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

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

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

Referable dams

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

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

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

Tidal work or development within a coastal management district

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

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

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

Queensland and local heritage places

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

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

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

Name of the heritage place:		Place ID:	
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Brothels

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

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

Decision under section 62 of the Transport Infrastructure Act 1994

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

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

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

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

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

☐ No

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

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

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

☒ Yes

Note: See the Planning Regulation 2017 for referral requirements

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

☐ Yes

☒ Not applicable

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

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

☒ Yes

Relevant plans of the development are attached to this development application

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

☒ Yes

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

☐ Yes

☒ Not applicable

25) Applicant declaration

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

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

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

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

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

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

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

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

Date received: Reference number(s):

Notification of engagement of alternative assessment manager

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

QLeave notification and payment

Note: For completion by assessment manager if applicable

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

Appendix B

Certificate of Title and landowners Consent

CURRENT TITLE SEARCH

DEPARTMENT OF RESOURCES, QUEENSLAND

Request No: 36625371

Search Date: 16/03/2021 14:14

Title Reference: 21424152

Date Created: 09/02/1990

REGISTERED OWNER

Dealing No: 719164473 14/12/2018

MICHAEL ANTHONY GIUDICE

ESTATE AND LAND

Estate in Fee Simple

LOT 123 CROWN PLAN SR687
Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 21424152 (Lot 123 on CP SR687)

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

** End of Current Title Search **

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Requested By: D-ENQ GLOBALX

Individual owner's consent for making a development application under the *Planning Act 2016*

I, Michael Anthony Giudice

[Insert full name.]

as owner of the premises identified as follows:

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

Graben Pty Ltd

on the premises described above for:

Material Change of Use (Outdoor Sport and recreation, Short-term Accommodation, Dwelling House, Multiple Dwelling, Food and Drink Outlet, Shop, Tourist Park, Air Services)

m Giudice

14-5-21

[signature of owner and
date signed]

Appendix C

Searches

State Assessment and Referral Agency

Date: 16/03/2021



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Manufacturing, Infrastructure
and Planning

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Matters of Interest for all selected Lot Plans

Coastal management district

Coastal area - erosion prone area

Coastal area - medium storm tide inundation area

Coastal area - high storm tide inundation area

Queensland waterways for waterway barrier works

Regulated vegetation management map (Category A and B extract)

State-controlled road

Area within 25m of a State-controlled road

Matters of Interest by Lot Plan

Lot Plan: 123SR687 (Area: 402200 m²)

Coastal management district

Coastal area - erosion prone area

Coastal area - medium storm tide inundation area

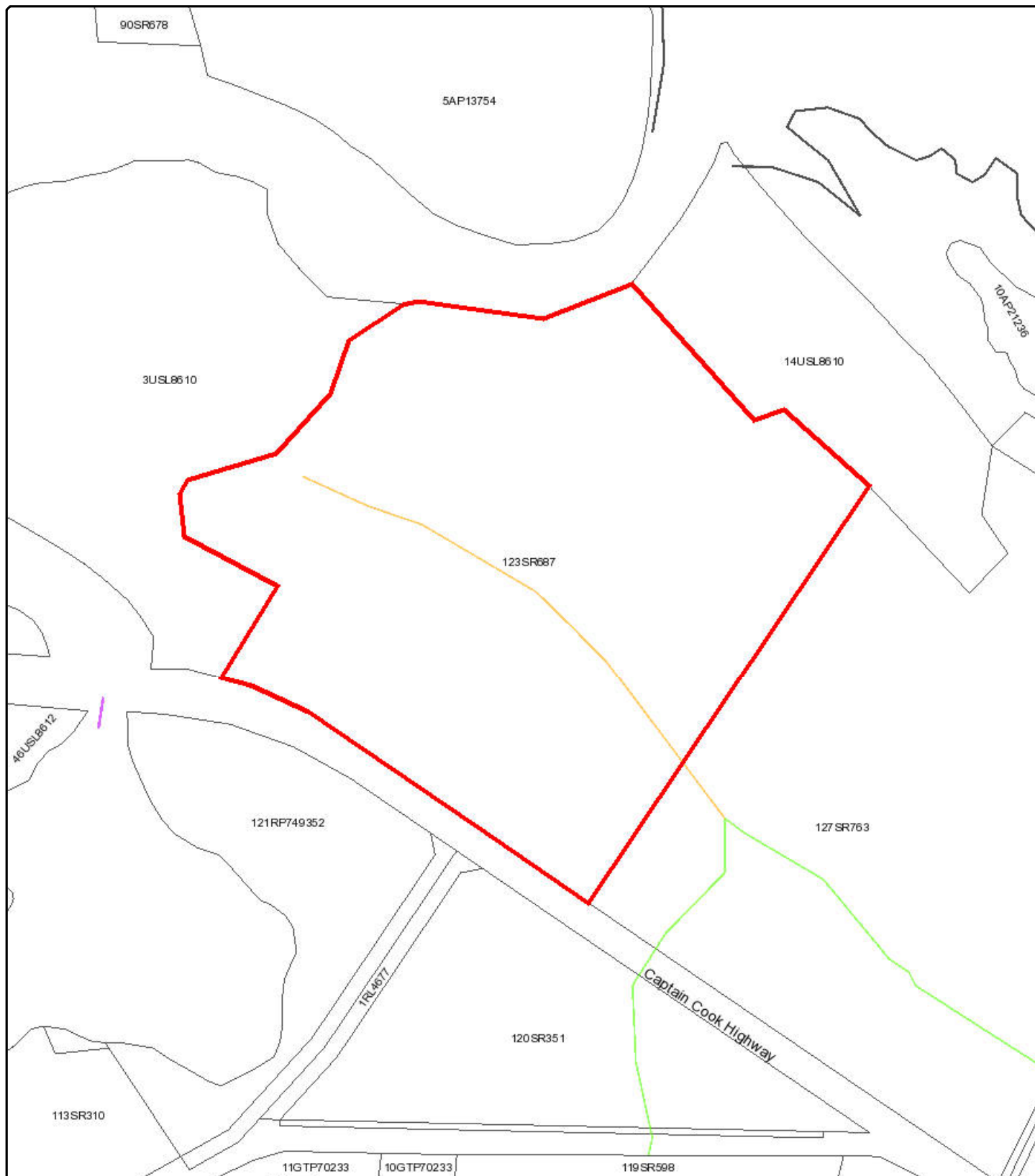
Coastal area - high storm tide inundation area

Queensland waterways for waterway barrier works

Regulated vegetation management map (Category A and B extract)

State-controlled road

Area within 25m of a State-controlled road



State Assessment and Referral Agency

Date: 16/03/2021



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Legend

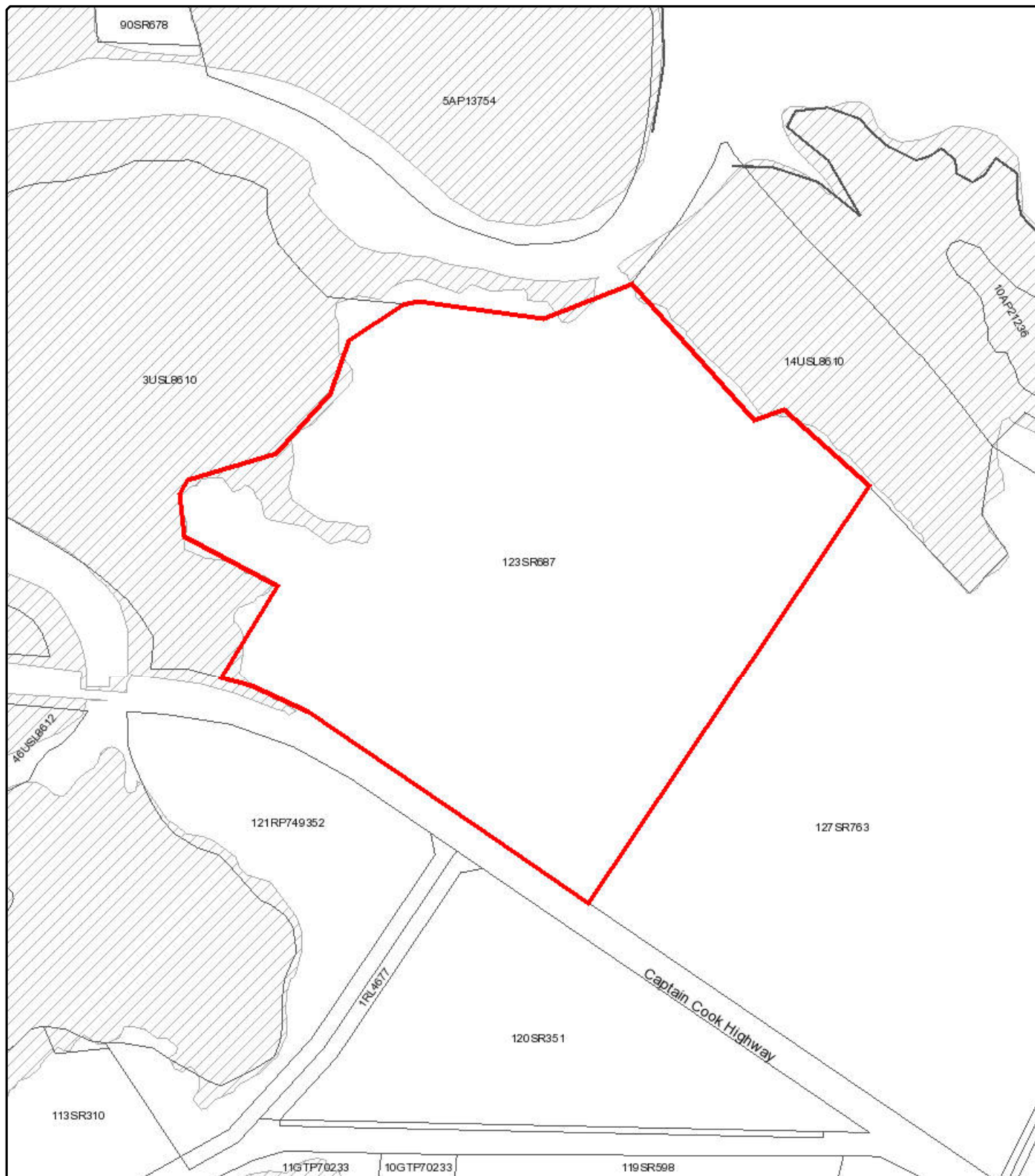
Queensland waterways for waterway
barrier works

- 1 - Low
- 2 - Moderate
- 3 - High
- 4 - Major

0 130 260 390 520
Metres

Disclaimer:

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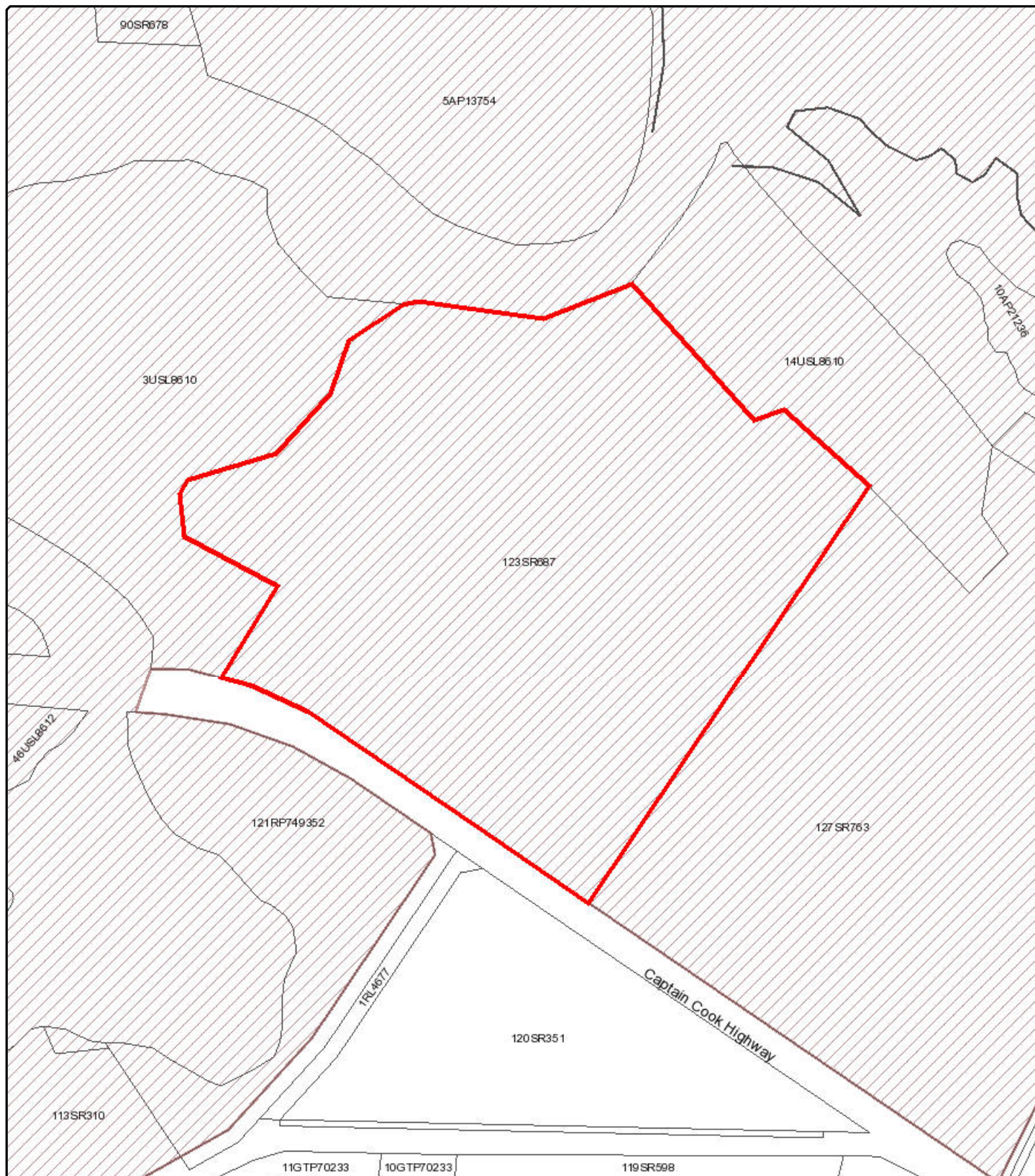
Regulated vegetation management map
(Category A and B extract)

-  Category A on the regulated vegetation management map
-  Category B on the regulated vegetation management map

0 130 260 390 520
Metres

Disclaimer:

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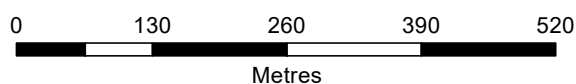
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Legend

Coastal management district

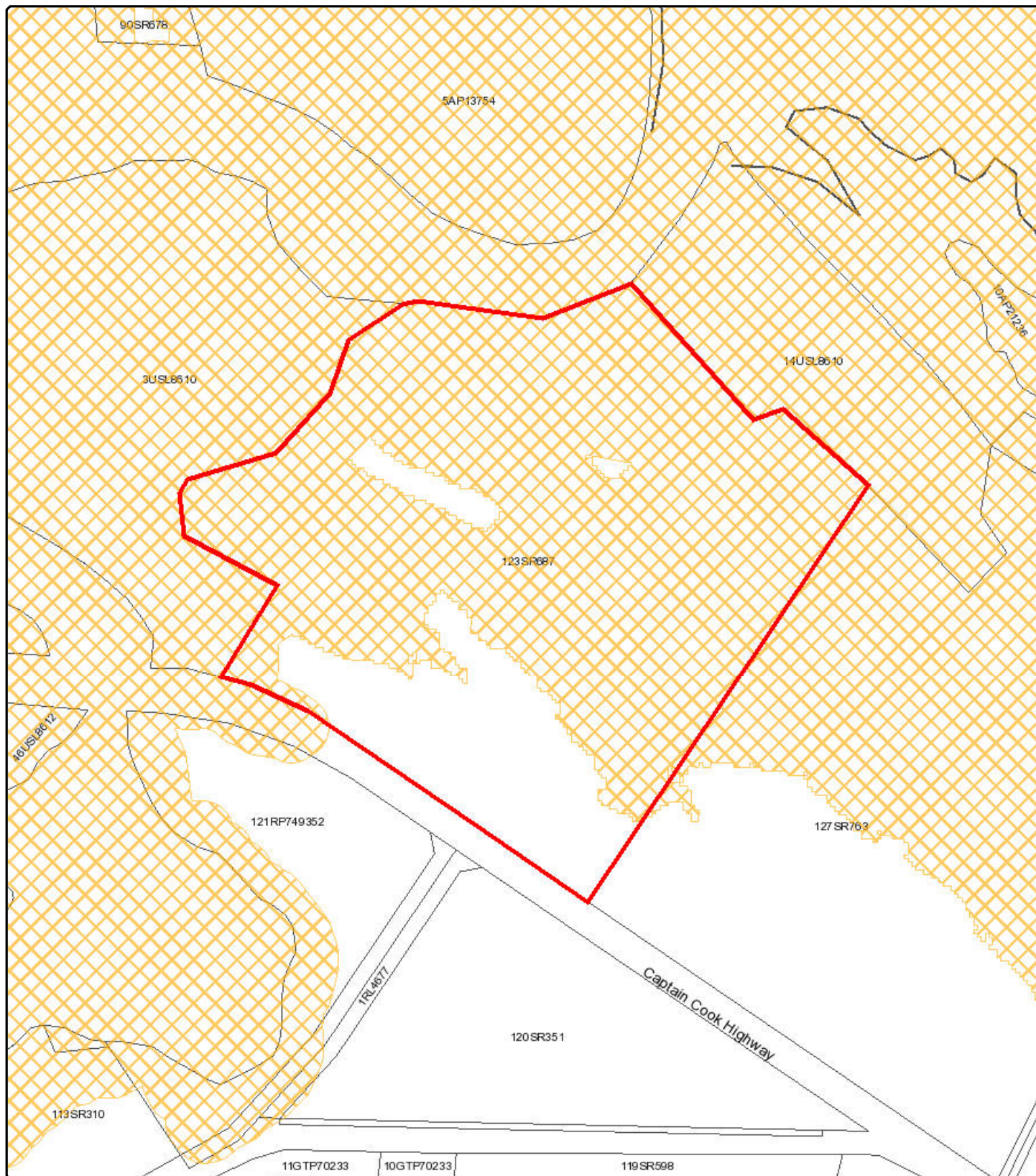


Coastal management district



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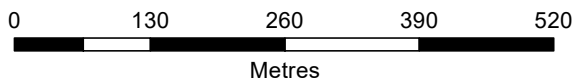
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Legend

Coastal area - erosion prone area



Coastal area - erosion prone area



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Coastal area - medium storm tide inundation area



Coastal area - medium storm tide inundation area

0 130 260 390 520
Metres

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Coastal area - high storm tide inundation area

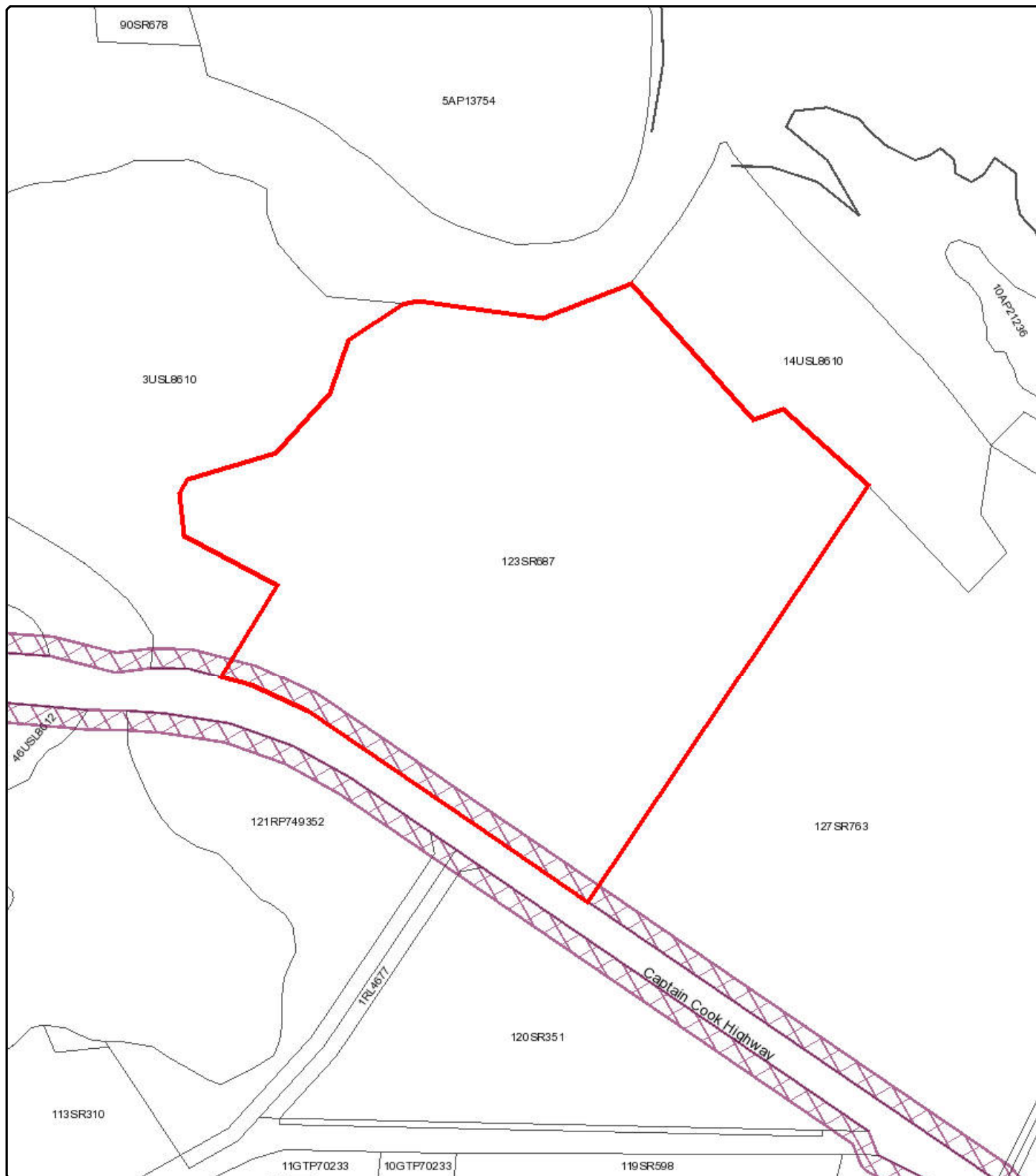


Coastal area - high storm tide inundation
area

0 130 260 390 520
Metres

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Area within 25m of a State-controlled road

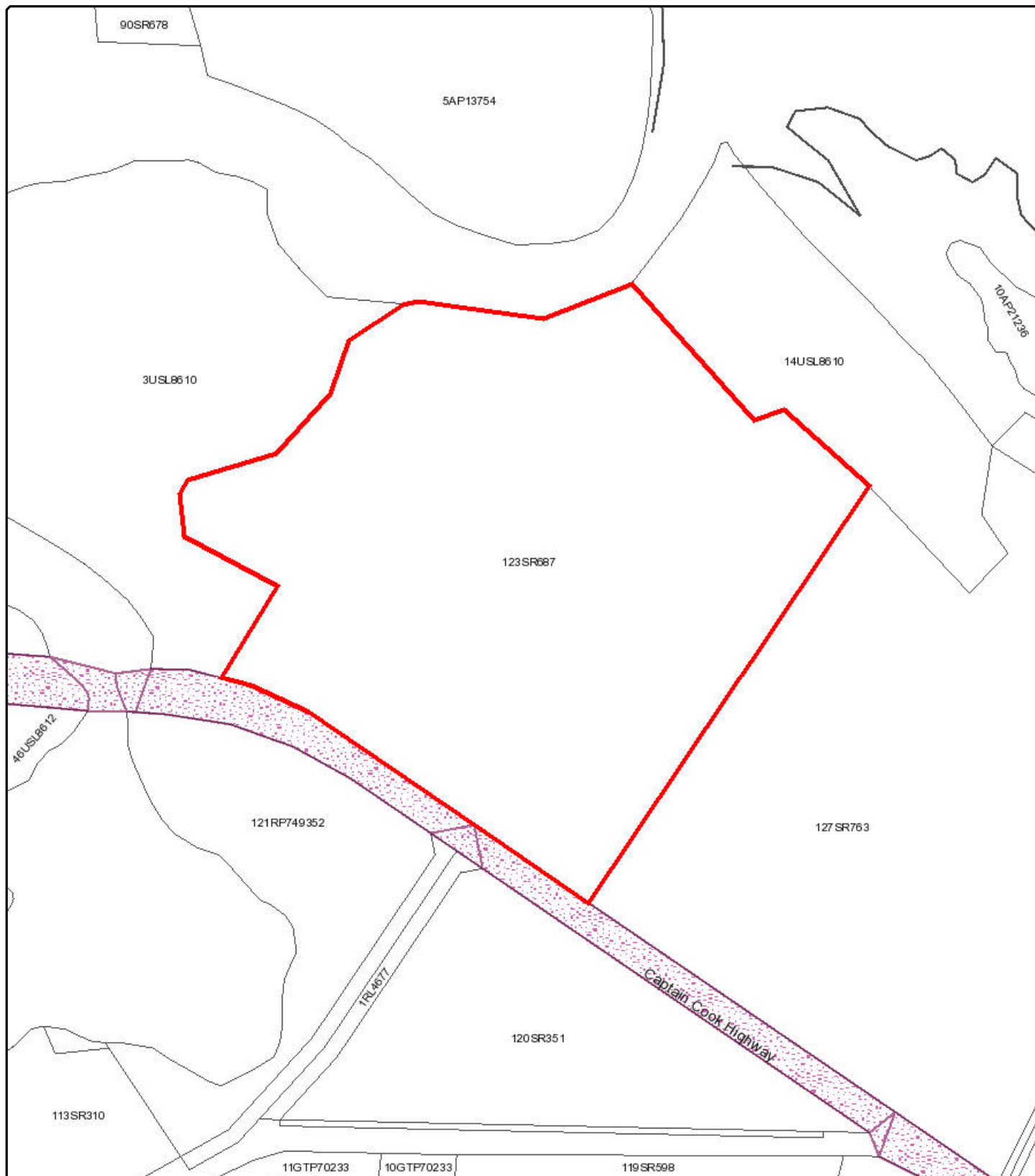


Area within 25m of a State-controlled road

0 130 260 390 520
Metres

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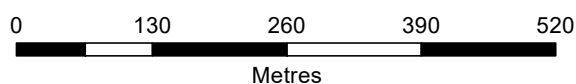
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Legend

State-controlled road



State-controlled road



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Appendix D

Architectural Report and Proposal Plans

Appendix E

Economic Assessment

Appendix F

Agricultural Land Class Assessment

Appendix G

Waterway Determination and Marine Plant Assessment Report

Appendix H

Environmental Assessment Report

Appendix I
Engineering Report

Appendix J

Golders Report

Appendix K

Flood Study

Appendix L

Landscape Design Report

Appendix M

Traffic Impact Assessment

Appendix N

Preliminary Electrical Review

Appendix O

Turbid Water Solutions Water Treatment Strategy

Appendix P

Council Pre-lodgement Request and Advice

Appendix Q

SARA Pre-lodgement Advice

Appendix R

Planning Scheme Code Responses

Appendix S

SDAP Code Responses