



Our ref: 103-2021/27092021OWP

27 September, 2021

Chief Executive Officer
Douglas Shire Council
PO Box 723,
Mossman Q 4873

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Attn: Rebecca Taranto
Development and Environmental Compliance Officer
Environment & Planning, Douglas Shire Council
via email: rebecca.taranto@douglas.qld.gov.au
enquiries@douglas.qld.gov.au

Subject Development Application for Operational Works
Access Road to Aquafarm on Lots 203 & 204 SP264765

Dear Rebecca

I refer to Council's Enforcement Notice dated 21 September, 2021 and to previous correspondence and conversations with Council's planning officers concerning preparation of a Development Application for Operational Works for upgrading of the access road to Lot 203 on SP264765 and Lot 204 on SP264765 (the Premises).

The Development Application has been prepared and is attached. As requested, the application addresses all aspects of Condition 10 of the Development Approval CA 1044_2015 dated 16 June, 2016 within the accompanying engineering assessment report.

If there is any further information to assist Council in determining the matter, please contact this office.

Yours faithfully

Peter Dutailis
Director
FIE Aust, CPEng, NER, RPEQ, MEIANZ

Engineering Assessment Report for Killaloe Acquafarm Access Road Operational Works Permit Application

Prepared by:

RECS Consulting Engineers
& Building Design

PO Box 894

PORT DOUGLAS QLD 4877

Phone (07) 4099 6010

Email admin@recs.net.au

ABN 95 081 197 006

Prepared for:



Gold Coast Marine Aquaculture
Marks Rd, Woongoolba, QLD 4207

RECS 103-2021 - R1
September, 2021

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1.0 INTRODUCTION

At the request of Gold Coast Marine Aquaculture RECS Consulting Engineers & Building Design (RECS Pty Ltd) has undertaken a engineering inspection and assessment report in support of an Operations Works Permit Application to Douglas Shire Council for the upgrading of the access road to the development.

The Operational Works Permit application is in response to a Show Cause Notice dated 27 July, 2021. Conditions 5 & 10 requires that a development Approval be obtained from Council to permit Operational Works to upgrade the access road to the Premises.

The works have been constructed without a development approval. RECS have been requested to supply sufficient information to Council to obtain compliance and development approval for the works.

Given the above, the aims of the engineering assessment generally comprised the following:

- . Review the DSC Minor Change Decision Notice CA 1044/2015
- . Review the overall profile of the road.
- . Review the supporting documentation for the works
- . Evaluate the subsurface conditions at the site.
- . Comment on the current stability of the site.
- . Review and certification of the pavement design
- . Document as constructed design drawings.
- . RPEQ certification of the as constructed works.

2.0 FIELDWORK

Douglas Partners undertook fieldwork on 7 January 2021 and comprised the following:

- . A walkover survey.
- . 8 test pits (TPs). TPs 1-5 along existing road. TPs 6-8 adjoining cane paddock
- . Drop cone penetrometer (DCP) tests on each test pit
- . Pocket penetrometer (PP) test on cohesive materials
- . Geological mapping of the materials observed within the existing batter.

Additional fieldwork was carried out by the Principal Engineer from RECS Consulting Engineers on 14 August and 9 September, 2021.

3.0 RESULTS OF FIELD INVESTIGATION

3.1 Pavement Investigation

TP	Depth	Material	W (%)	CBR	Plasticity (%)			
					LL	PL	PI	LS
1	0-0.3	Roadbase	4.8	40	19.2	15.4	3.8	1.4
2	0-0.25	Roadbase	30	28	21.0	15.4	5.6	2.2
3	0-0.25	Roadbase	7	17	24.0	17.2	6.8	3.0
4	0-0.25	Roadbase	7.1	19	22.0	17.4	4.6	2.2
5	0-0.3	Roadbase	5.9	17	24.0	17.4	6.6	2.8
6	0-0.5	Clayey Silt	19.7	7				
7	0-0.5	Clayey Silt	17.3	13				
8	0-0.5	Clayey Silt	16.2	13				

Ref - Douglas Partners 77733.01 R.001 Rev 0 Feb 2021

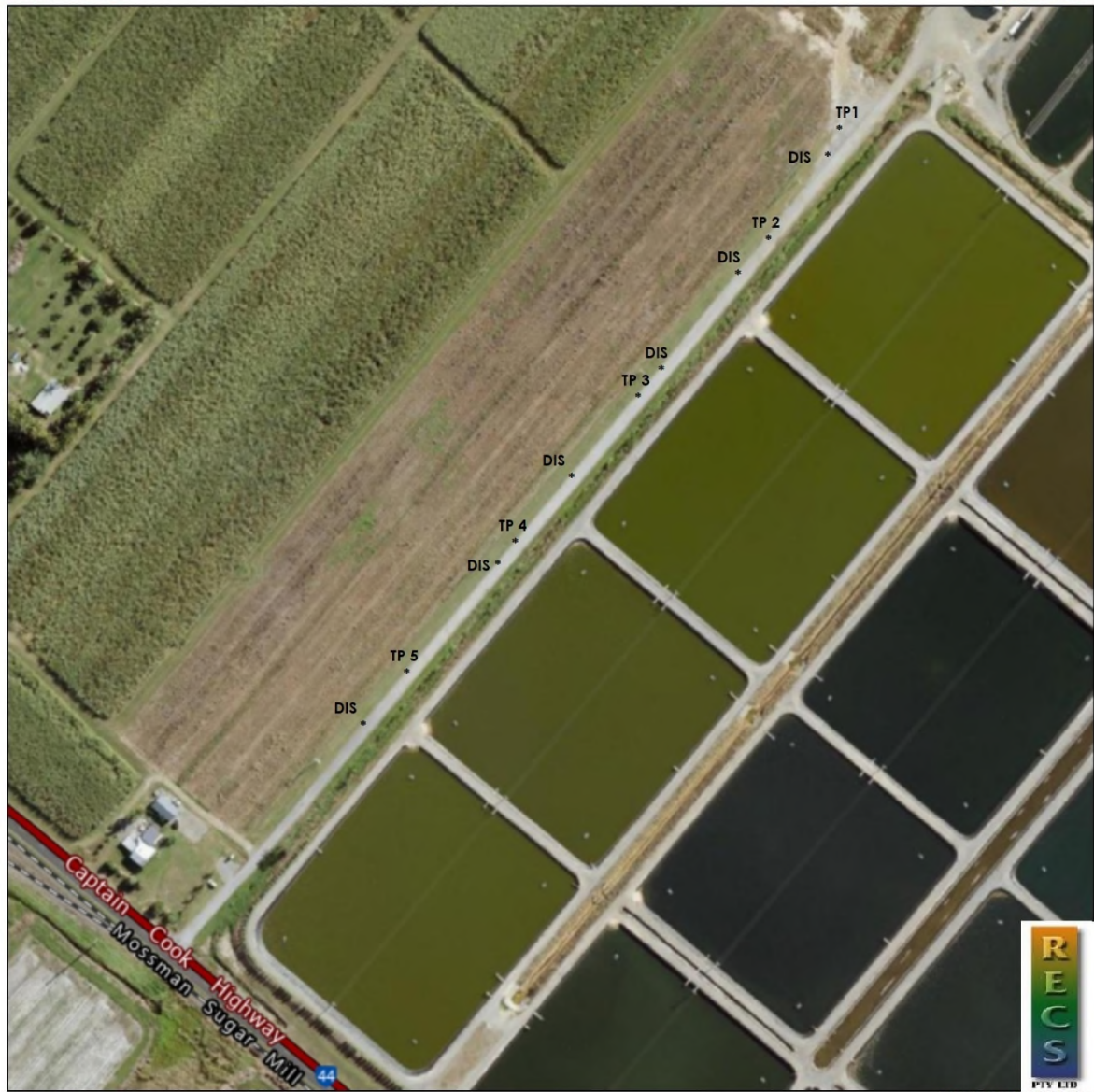
Existing road pavement materials depth is 250mm to 300mm depth. Material quality is variable generally consistent with a type 3.4 - 3.5 pavement material. Considered suitable as a select layer (sub-base) for an access road.

It is understood from pavement density test results that a 100 – 120mm layer type 2.2 – 2.3 was used to overlay and widen the road.

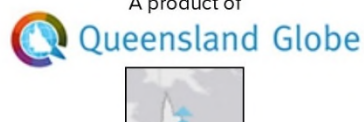
Minimum effective pavement depth is 350mm.

16°30'2"S 145°26'10"E

16°30'2"S 145°26'26"E



16°30'18"S 145°26'10"E



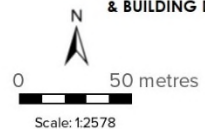
A product of

Legend located on next page

TP - Test Pit. Approx Location

DIS - Compaction Test

RECS CONSULTING ENGINEERS & BUILDING DESIGN



Testing locations along Access Road

3.2 Subsurface Conditions

Material test results indicate the subgrade condition are moist silty clays. Subgrade CBRs 7 – 13.

A table drain is immediately south of the roadway channelling waters from CCH stormwater cross drainage west to east.

BMT WBM report states:

In summary, the flood impact results for the proposed overall site development demonstrate that that no adverse offsite impacts are predicted to occur for the range of ARI flood events.

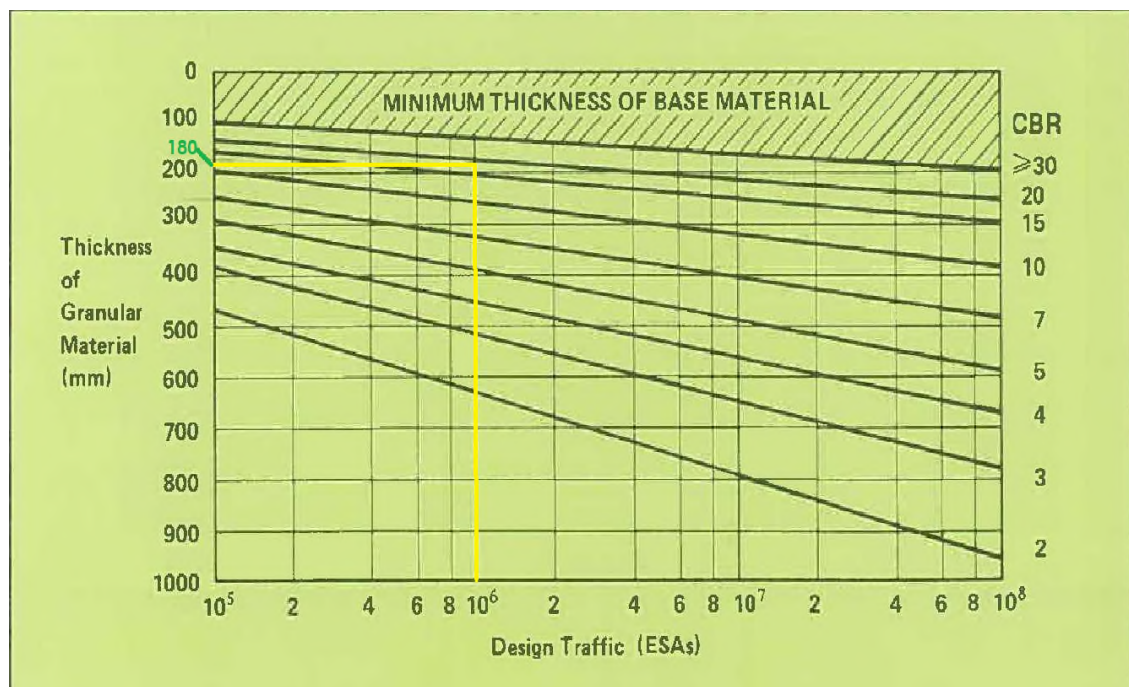
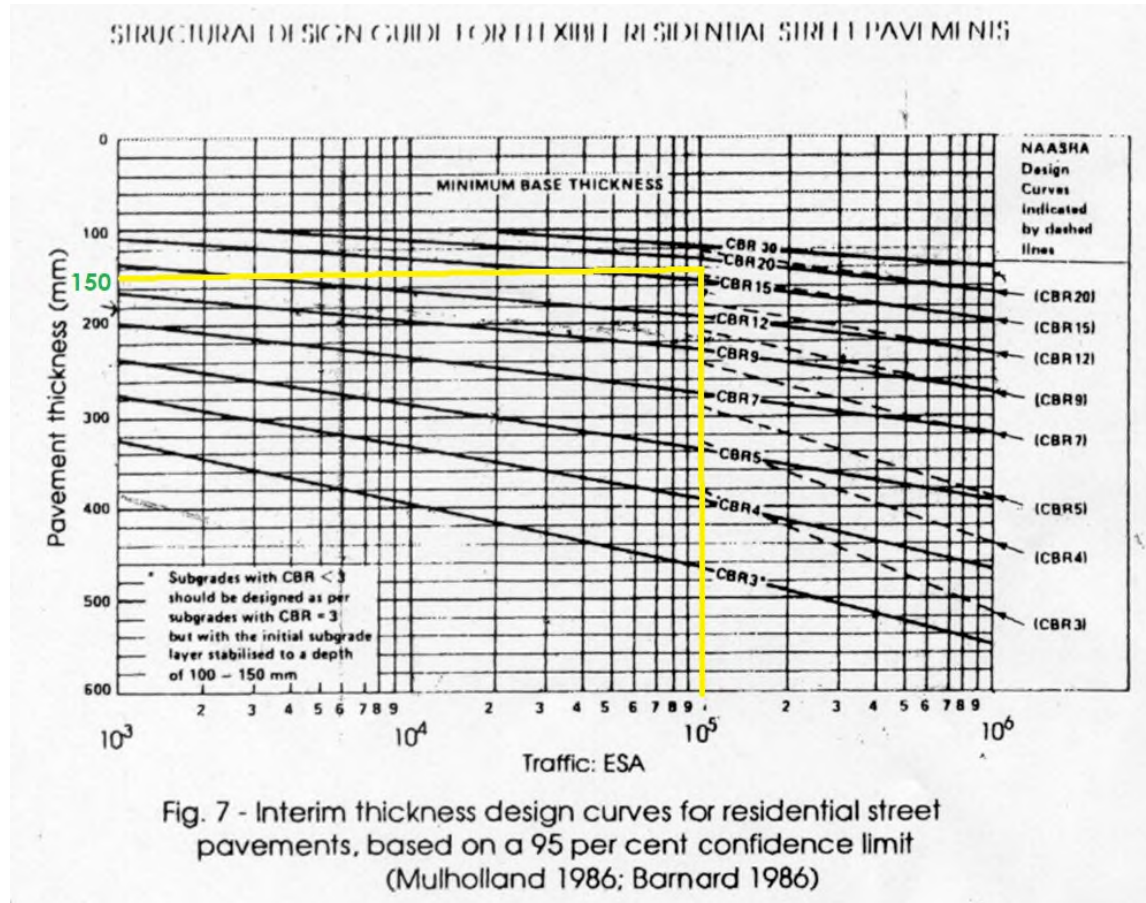
Complies with condition 10c of the Decision Notice.

3.3 Design Traffic

FNQROC Design Manual D3 Road Pavements Versions 11/19 table D3.1

Rural road <250 vehicles per day. CVs 5%. ESA/CV 1.0%. Minimum ESA 1×10^5

4.0 PAVEMENT DESIGN



Ref Austroads 2017

Adopted pavement depth is greater than the minimum specified depths. Complies with condition 10b of the Decision Notice

4.1 Compaction Test Results

Sample #	Material Type	Variation from OMC	D%
T12387	2.3 Base	-1%	100
T12388	2.3 Base	-1%	99
T12438	2.2 Base	-3.5%	103
T12439	2.2 Base	-4.5%	105.5
T12440	2.2 Base	-3.5%	102
T12441	2.2 Base	-4.5%	100.5

Ref Earth Test Report 368*21 1/1

4.2 Wearing Surface

The road pavement wearing surface is a 6m wide 14/7 bitumen seal 1.6/1.1 l/m² 90/180m²/m³ refer FGF Bitumen Spray Record Delivery Docket #3285. Complies with condition 10d of the Decision Notice



14/7 bitumen seal surface texture

5.0 TRAFFIC GENERATION

It is understood that during standard operations, 6 light vehicles per day access the property. 1 CV per week for feed supply. 1CV per week for waste removal. 2 CV per week for product transport.

At peak operating days 10-15 lights vehicles per day may access the property. No increase in CV movements.

Traffic figures are consistent with the adopted design traffic.

Provision has been made for vehicles to turn around at the end of the roadway without entering the property. Complies with condition 10e of the Decision Notice.



Turning area at entrance to property

6.0 RISK ASSESSMENT

A risk assessment has been undertaken and is attached in Appendix E.

Specifically with regard to:

- Operation of the road in dry conditions – The road geometry is a straight alignment on a level grade. Adequate sight distance is available. Lane widths are 3.0m. The road formation is delineated with REGPs. Traffic volumes < 50 vpd. It is recommended that Council consider the road speed is signposted at 60 kph. The access road is considered suitable and similar to a number of local road throughout rural North Queensland.
- Operation of the road in typical rainfall conditions - The road geometry is a straight alignment on a level grade. Adequate sight distance is available. Lane widths are 3.0m. The road formation is delineated with REGPs. Traffic volumes < 50 vpd. It is recommended that Council consider the road speed is signposted at 60 kph and increase delineation with REGPs. The access road is considered suitable and similar to a number of local road throughout rural North Queensland.

- Operation of the road in flood conditions - The road geometry is a straight alignment on a level grade. Adequate sight distance is available. Lane widths are 3.0m. The road formation is delineated with REGPs. Traffic volumes < 50 vpd. It is recommended that Council consider the road speed is signposted at 60 kph and increase delineation with REGPs. BMT WBM report indicates minor flood levels <0.1m over the road. The access road is considered suitable and similar to a number of local road throughout rural North Queensland.

Complies with condition 10g (typo) of the Decision Notice

7.0 SUMMARY

It is our view that the road has been constructed generally in accordance with condition 10 of the DSC Minor Change Decision Notice CA 1044_2015, FNQROC development manual and Mortons Urban Solutions Drawing 307-01-091.

The road pavement design is consistent with engineering design principles and consistent with the rural road FNQROC development design manual.

The road pavement wearing surface is a 14/7 bitumen seal.

In accordance with clause 6.1 of the enforcement notice a Development Application for Operational Works is attached in Appendix C.

It is our view that the application is satisfactory subject to Council's reasonable assessment conditions.

Please contact this office if further information is necessary.



Principal Engineer
RPEQ FIE Aust CPEng NER
Senior Road Safety Auditor

Appendix A

Douglas Shire Council Correspondence

Show Cause Notice dated 27 July, 2021

Enforcement Notice dated 21 September, 2021

ENQUIRIES: Rebecca Taranto
OUR REF: Doc ID: 1026596

Administration Office
64 - 66 Front St Mossman
P 07 4099 9444
F 07 4098 2902

27 July 2021

Herbst Investments Pty Ltd
C/-Gold Coast Marine Aquaculture Pty Ltd
148 Marks Rd
Woongoolba QLD 4207

Dear Owner

SHOW CAUSE FOR: Contravening a development approval and carrying out assessable development without permit – Operational Works- road upgrade, on Council owned road reserve (Old Ferry Road) providing access to; 6458 Captain Cook Highway, Killaloe. Formally described as Lot 203 on SP264765 and Lot 204 on SP264765.

As the Owner of 6458 Captain Cook Highway, Killaloe, also described as Lot 203 on SP264765 and Lot 204 on SP264765 (*the Premises*), please find enclosed a Show Cause Notice regarding Operational Works-upgrade of the access road to the above-mentioned Premises.

As a result of a complaint/s relating to the upgrade of the access road Council undertook an investigation into the matter.

Conditions of Development Approval C1044/2015 dated 16 Jun 2016, required that a separate Development Approval be obtained from Council to permit the Operational Works-road upgrade. Council records indicate that no permits have been issued that permit Operational Works. Therefore, Council reasonably believes that the development directly contravenes the Planning Scheme and section 163 and section 164 of the *Planning Act 2016*.

You are invited to show cause as to why an Enforcement Notice should not be issued to you pursuant to section 163 and section 164 of the *Planning Act 2016*.

Any representations about the show cause are to be provided in writing. If you have any questions please do not hesitate to contact Rebecca Taranto on (07) 4099 9444.

Yours faithfully



Paul Hoyer
Manager Environment and Planning

Show Cause Notice

1. Authorising legislation	Planning Act 2016 <i>Section 167</i>
2. Recipient Name and address	Herbst Investments Pty Ltd C/-Gold Coast Marine Aquaculture (GCMA) Pty Ltd 148 Marks Rd Woongoolba QLD 4207
3. Date	27/07/2021
4. Premises	Lot 203 on SP264765 and Lot 204 on SP264765
5. Authorising power/description of offence	<p>This Show Cause Notice is given to you pursuant to section 167 of the <i>Planning Act 2016 (Act)</i>. You are invited to show cause why an Enforcement Notice under section 168 of the Act should not be given to you.</p> <p>Douglas Shire Council (Council) reasonably believes that you have committed a development offence by contravening section 163 and section 164 of the Act.</p> <p>Section 163 of the Act states as follows:</p> <p>163 Carrying out assessable development without permit</p> <p>(1) <i>A person must not carry out assessable development, unless all necessary development permits are in effect for the development.</i></p> <p>Maximum penalty-</p> <p>(a) <i>If the assessable development is on a Queensland heritage place or local heritage place – 17,000 penalty units; or</i></p> <p>(b) <i>Otherwise - 4500 penalty unit (\$600,525)".</i></p> <p>(2) <i>However, subsection (1) does not apply to development carried out-</i></p> <p>(a) <i>under section 29(10)(a); or</i></p> <p>(b) <i>in accordance with an exemption certificate under section 46; or</i></p> <p>(c) <i>under section 88(3).</i></p> <p>Section 164 of the Act states as follows:</p> <p>164 Compliance with development approval</p> <p>(1) <i>A person must not contravene a development approval.</i></p> <p>Maximum penalty – 4500 penalty units (\$600,525).</p>
6. Fact and circumstances	<p>The facts and circumstances that form the basis of the Council's belief that an Enforcement Notice should be given to you are set out below:</p> <ol style="list-style-type: none"> A title search indicates that on 27 July 2021, you (Herbst Investments) are the registered owner of 6458 Captain Cook Highway, Killaloe, being described as Lot 203 on SP264765, and Lot 204 on SP264765 (Premises). Lot 203 on SP264765 has an area of 115 hectares and Lot 204 on SP264765 has an area of 86 hectares. Both Lots have frontage to Captain Cook Highway, Killaloe.


	<ol style="list-style-type: none"> 3. Under the <i>2018 Douglas Shire Planning Scheme</i> (the Planning Scheme), the Premises is located within the Rural zone. Within this zone, Operational Work on a local government road is code assessable development. 4. Council received complaints in relation to the sealing of the access road. 5. Upon investigating the complaints, Council gathered information that supports the allegations including: <ol style="list-style-type: none"> (a) Photographic images that show the access road to the Premises has been upgraded. 6. Council has record of the following planning considerations; <ol style="list-style-type: none"> (a) 16 June 2016 –Development Approval CA 1044_2015 for Reconfiguring a Lot (Boundary Realignment), Material Change of Use (Extension of Aquaculture Facility and Caretakers Residence) and Operational Works (Bulk Earthworks). Decision Notice internal reference number (Doc ID:1009800). (b) 28 April 2021-Minor Change to Condition 20 (Landscaping) of Development Approval CA 1044_2015 dated 16 June 2016. 7. Condition 5 and Condition 10 of Development Approval CA 1044_2015 dated 16 June 2016 requires that a Development Approval be obtained from Council to permit Operational Works-upgrading of the access road to the Premises. 8. Council records indicate that no existing development approvals have been issued that permit Operational Works- upgrade of the access road. 9. On this basis Council reasonably believes you have committed a development offence contrary to the Planning Act 2016 section 163, which states that; <p><i>A person must not carry out assessable development, unless all necessary development permits are in effect for the development.</i></p> 10. The maximum penalty for contravening section 163 of the <i>Planning Act 2016</i> is 4,500 penalty units (\$600,525). 11. On this basis Council reasonably believes you have committed a development offence contrary to the Planning Act 2016 section 164, which states that; <p><i>A person must not contravene a development approval.</i></p> 12. The maximum penalty for contravening section 164 of the <i>Planning Act 2016</i> is 4,500 penalty units (\$600,525). 13. For these reasons, Council believes that an Enforcement Notice should be given to you.
<p>6. Representations may be made</p>	<p>You may make representations to the Council about this Show Cause Notice.</p> <p>If you choose to make representations, they must be in writing and posted to the following address:</p> <p>Chief Executive Officer Douglas Shire Council PO Box 723 MOSSMAN QLD 4873</p> <p>Representations must be received by Council by no later than 5pm on 5 September 2021. Council is not obliged to consider any representations received after this time.</p> <p>An Enforcement Notice under section 168 of the Act may be given to you if you do not show cause within the time required under this notice, or if Council believes that an Enforcement Notice is still appropriate after consideration of all representations made by you within the required timeframe.</p> <p>Failure to comply with an Enforcement Notice is an offence under section 168(5) of the Act. The maximum penalty for contravening an Enforcement Notice is 4,500 penalty units (\$600,525).</p>

7. Signatory	<div data-bbox="443 197 635 358"></div> <div data-bbox="443 405 833 470"><hr/><p><i>Paul Hoyer</i> <i>Manager Environment and Planning</i></p></div> <div data-bbox="443 517 727 627"><p>Contact Officer: Phone No: 07 4099 9531 Doc ID: 1026596</p></div>
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Enforcement Notice

1. Authorising legislation	Planning Act 2016 Section 167
2. Recipient Name and address	Herbst Investments Pty Ltd C/-Gold Coast Marine Aquaculture (GCMA) Pty Ltd 148 Marks Rd Woongoolba QLD 4207
3. Date	21 September 2021
4. Premises	Lot 203 on SP264765 and Lot 204 on SP264765 (<i>the Premises</i>)
5. Authorising power/ description of offence	<p>This Enforcement Notice is given to you pursuant to section 167 of the <i>Planning Act 2016 (Act)</i>. You are invited to show cause why an Enforcement Notice under section 168 of the Act should not be given to you.</p> <p>Douglas Shire Council (Council) reasonably believes that you have committed a development offence by contravening section 163 and 164 of the Act.</p> <p>Section 163 and 164 of the Act states as follows:</p> <p style="text-align: center;">163 Carrying out assessable development without permit</p> <p>(1) <i>A person must not carry out assessable development, unless all necessary development permits are in effect for the development.</i></p> <p>Maximum penalty-</p> <p>(a) <i>If the assessable development is on a Queensland heritage place or local heritage place – 17,000 penalty units; or</i></p> <p>(b) <i>Otherwise - 4500 penalty unit (\$600,525)".</i></p> <p>(2) <i>However, subsection (1) does not apply to development carried out-</i></p> <p>(a) <i>under section 29(10)(a); or</i></p> <p>(b) <i>in accordance with an exemption certificate under section 46; or</i></p> <p>(c) <i>under section 88(3).</i></p> <p style="text-align: center;">164 Compliance with development approval</p> <p>(1) <i>A person must not contravene a development approval.</i></p> <p>Maximum penalty – 4500 penalty units (\$600,525).</p>
6. Purpose of Notice	<p>You are required to comply with the requirements of this Enforcement notice within the following time periods after the giving of this Enforcement Notice to you. The requirements are as follows:</p> <ol style="list-style-type: none"> 1. Submit to Council a properly made Development Application for Operational Works- upgrading of the access road to the Premises by 30 October 2021. 2. The submitted application must address all aspects of Condition 10 of Development Approval CA 1044_2015 dated 16 June 2016.
7. Facts and Circumstances	<p>The facts and circumstances that form the basis of the Council's belief that an Enforcement Notice should be given to you are set out below:</p> <ol style="list-style-type: none"> 1. A title search indicates that on 27 July 2021, you (Herbst Investments) are the registered owner of 6458 Captain Cook Highway, Killaloe, being described as Lot 203 on SP264765, and Lot 204 on SP264765 (Premises). 2. Lot 203 on SP264765 has an area of 115 hectares and Lot 204 on SP264765 has an area of 86 hectares. Both Lots have frontage to Captain Cook Highway, Killaloe.

	<p>3. Under the <i>2018 Douglas Shire Planning Scheme</i> (the Planning Scheme), the Premises is located within the Rural zone. Within this zone, Operational Work on a local government road is code assessable development.</p> <p>4. Council received complaints in relation to the sealing of the access road.</p> <p>5. Upon investigating the complaints, Council gathered information that supports the allegations including:</p> <p style="padding-left: 40px;">(a) Photographic images that show the access road to the Premises has been upgraded.</p> <p>6. Council has record of the following planning considerations.</p> <p style="padding-left: 40px;">(a) 16 June 2016 –Development Approval CA 1044_2015 for Reconfiguring a Lot (Boundary Realignment), Material Change of Use (Extension of Aquaculture Facility and Caretakers Residence) and Operational Works (Bulk Earthworks). Decision Notice internal reference number (Doc ID:1009800).</p> <p style="padding-left: 40px;">(b) 28 April 2021-Minor Change to Condition 20 (Landscaping) of Development Approval CA 1044_2015 dated 16 June 2016.</p> <p>7. Condition 5 and Condition 10 of Development Approval CA 1044_2015 dated 16 June 2016 requires that a Development Approval be obtained from Council to permit Operational Works-upgrading of the access road to the Premises.</p> <p>8. Council records indicate that no existing development approvals have been issued that permit Operational Works- upgrade of the access road.</p> <p>9. On this basis the Council reasonably believes you have committed a development offence in contravention of section 163 of the Act, which relevantly states that;</p> <p style="padding-left: 40px;">(1) <i>A person must not carry out assessable development, unless all necessary development permits are in effect for the development.</i></p> <p>10. The maximum penalty for contravening section 163 of the <i>Planning Act 2016</i> is 4,500 penalty units (\$600,525).</p> <p>11. On this basis the Council reasonably believes you have committed a development offence in contravention of section 164 of the Act, which relevantly states that;</p> <p style="padding-left: 40px;">(1) <i>A person must not contravene a development approval.</i></p> <p>12. The maximum penalty for contravening section 164 of the <i>Planning Act 2016</i> is 4,500 penalty units (\$600,525).</p> <p>13. A Show Cause notice was given to you on 27 July 2021 which Council advised you of its belief that an Enforcement Notice should be given to you and inviting you to show cause by making written representations as to why an Enforcement Notice should not be given to you.</p> <p>14. Council received a written response to the Show Cause Notice on 1 September 2021. The written response stated:</p> <p style="padding-left: 40px;"><i>"Firstly, please accept my apologies on behalf of GCMA regarding this situation. It has arisen both through an administrative oversight and a major time frame constraint whereby actions were, in hindsight, taken too quickly"</i> and</p> <p style="padding-left: 40px;"><i>"I have discussed this notice with your Rebecca Taranto and from those discussions have proceeded accordingly"</i> and</p> <p style="padding-left: 40px;"><i>We have appointed RECS to take over the matter on our behalf. RECS have undertaken discussions with Council planning officers on progressing this matter towards compliance"</i> and</p> <p style="padding-left: 40px;"><i>"It is expected that a mutual solution could be reached within 30 business days".</i></p>
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<p>8. Consequences of non-compliance</p>	<p>Failure to comply with an Enforcement Notice is an offence under section 168(5) of the Act. The maximum penalty for contravening an Enforcement Notice is 4,500 penalty units (\$600,525).</p> <p>Council may take action to commence a prosecution or other proceedings for an offence under the Act at any time.</p> <p>Council may also choose to issue you with a penalty infringement notice (PIN) under the <i>State Penalties Enforcement Act 1999</i> for contravening the Enforcement Notice.</p>
<p>9. Appeal Rights</p>	<p>Pursuant to section 229 and Schedule 1 of the Act, you may appeal the giving of this Enforcement Notice to the Planning and Environment Court or a tribunal.</p> <p>The appeal must be started within 20 business days after this Enforcement Notice is given to you.</p> <p>Copies of section 229 and Schedule 1 of the Act are enclosed. Those sections deal with your right to appeal against this Enforcement Notice.</p> <p>Should you wish to lodge an appeal, it is recommended you seek independent legal advice.</p>
<p>10. Signatory</p>	 <hr data-bbox="427 947 895 952"/> <p>Paul Hoyer Manager Environment and Planning</p> <p>Contact Officer: Rebecca Taranto Phone No: 07 4099 9444 Ref: Doc ID: 1036583</p>

- (2) The person is taken to have engaged in the representative's conduct, unless the person proves the person could not have prevented the conduct by exercising reasonable diligence.

- (3) In this section—

conduct means an act or omission.

representative means—

- (a) of a corporation—an executive officer, employee or agent of the corporation; or
(b) of an individual—an employee or agent of the individual.

state of mind, of a person, includes the person's—

- (a) knowledge, intention, opinion, belief or purpose; and
(b) reasons for the intention, opinion, belief or purpose.

Chapter 6 Dispute resolution

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
- (a) matters that may be appealed to—
- (i) either a tribunal or the P&E Court; or
- (ii) only a tribunal; or
- (iii) only the P&E Court; and
- (b) the person—
- (i) who may appeal a matter (the *appellant*); and
- (ii) who is a respondent in an appeal of the matter; and

-
- (iii) who is a co-respondent in an appeal of the matter;
and
 - (iv) who may elect to be a co-respondent in an appeal
of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The *appeal period* is—
- (a) for an appeal by a building advisory agency—10
business days after a decision notice for the decision is
given to the agency; or
 - (b) for an appeal against a deemed refusal—at any time
after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under
chapter 7, part 4, to register premises or to renew the
registration of premises—20 business days after a notice
is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—
20 business days after the infrastructure charges notice
is given to the person; or
 - (e) for an appeal about a deemed approval of a development
application for which a decision notice has not been
given—30 business days after the applicant gives the
deemed approval notice to the assessment manager; or
 - (f) for an appeal relating to the *Plumbing and Drainage Act
2018*—
 - (i) for an appeal against an enforcement notice given
because of a belief mentioned in the *Plumbing and
Drainage Act 2018*, section 143(2)(a)(i), (b) or
(c)—5 business days after the day the notice is
given; or
 - (ii) for an appeal against a decision of a local
government or an inspector to give an action notice
under the *Plumbing and Drainage Act 2018*—5
business days after the notice is given; or

- (iii) otherwise—20 business days after the day the notice is given; or
- (g) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

Note—

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

230 Notice of appeal

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
 - (a) is in the approved form; and
 - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—

Schedule 1 Appeals

section 229

1 Appeal rights and parties to appeals

- (1) Table 1 states the matters that may be appealed to—
 - (a) the P&E court; or
 - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
 - (a) the refusal, or deemed refusal of a development application, for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (b) a provision of a development approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (c) if a development permit was applied for—the decision to give a preliminary approval for—
 - (i) a material change of use for a classified building; or
 - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
 - (d) a development condition if—
 - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and

- (ii) the building is, or is proposed to be, not more than 3 storeys; and
 - (iii) the proposed development is for not more than 60 sole-occupancy units; or
 - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
 - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
 - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
 - (h) a decision to give an enforcement notice—
 - (i) in relation to a matter under paragraphs (a) to (g); or
 - (ii) under the *Plumbing and Drainage Act 2018*; or
 - (i) an infrastructure charges notice; or
 - (j) the refusal, or deemed refusal, of a conversion application; or
 - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
- (a) for a matter in subsection (2)(a) to (d)—
 - (i) a development approval for which the development application required impact assessment; and
 - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
 - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.

- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
 - (a) column 1 states the appellant in the appeal; and
 - (b) column 2 states the respondent in the appeal; and
 - (c) column 3 states the co-respondent (if any) in the appeal; and
 - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—
storey see the Building Code, part A1.1.

Table 1
Appeals to the P&E Court and, for certain matters, to a tribunal

1. Development applications

For a development application other than an excluded application, an appeal may be made against—

- (a) the refusal of all or part of the development application; or
- (b) the deemed refusal of the development application; or
- (c) a provision of the development approval; or
- (d) if a development permit was applied for—the decision to give a preliminary approval.

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The assessment manager	If the appeal is about a concurrence agency's referral response—the concurrence agency	1 A concurrence agency that is not a co-respondent 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 Any eligible advice agency for the application 4 Any eligible submitter for the application
2. Change applications For a change application other than an excluded application, an appeal may be made against— (a) the responsible entity's decision on the change application; or (b) a deemed refusal of the change application.			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application 2 If a chosen assessment manager is the respondent—the prescribed assessment manager 3 A private certifier for the development application 4 Any eligible advice agency for the change application 5 Any eligible submitter for the change application
3. Extension applications For an extension application other than an extension application called in by the Minister, an appeal may be made against— (a) the assessment manager's decision on the extension application; or (b) a deemed refusal of the extension application.			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant 2 For a matter other than a deemed refusal of an extension application—a concurrence agency, other than the chief executive, for the application	The assessment manager	If a concurrence agency starts the appeal—the applicant	If a chosen assessment manager is the respondent—the prescribed assessment manager
<p>4. Infrastructure charges notices</p> <p>An appeal may be made against an infrastructure charges notice on 1 or more of the following grounds—</p> <p>(a) the notice involved an error relating to—</p> <p style="padding-left: 20px;">(i) the application of the relevant adopted charge; or</p> <p><i>Examples of errors in applying an adopted charge—</i></p> <ul style="list-style-type: none"> • the incorrect application of gross floor area for a non-residential development • applying an incorrect ‘use category’, under a regulation, to the development <p style="padding-left: 20px;">(ii) the working out of extra demand, for section 120; or</p> <p style="padding-left: 20px;">(iii) an offset or refund; or</p> <p>(b) there was no decision about an offset or refund; or</p> <p>(c) if the infrastructure charges notice states a refund will be given—the timing for giving the refund; or</p> <p>(d) for an appeal to the P&E Court—the amount of the charge is so unreasonable that no reasonable relevant local government could have imposed the amount.</p>			

Table 1 Appeals to the P&E Court and, for certain matters, to a tribunal			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the infrastructure charges notice	The local government that gave the infrastructure charges notice	—	—
5. Conversion applications An appeal may be made against— (a) the refusal of a conversion application; or (b) a deemed refusal of a conversion application.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant	The local government to which the conversion application was made	—	—
6. Enforcement notices An appeal may be made against the decision to give an enforcement notice.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The person given the enforcement notice	The enforcement authority	—	If the enforcement authority is not the local government for the premises in relation to which the offence is alleged to have happened—the local government

Table 2
Appeals to the P&E Court only

<p>1. Appeals from tribunal</p> <p>An appeal may be made against a decision of a tribunal, other than a decision under section 252, on the ground of—</p> <p>(a) an error or mistake in law on the part of the tribunal; or</p> <p>(b) jurisdictional error.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A party to the proceedings for the decision	The other party to the proceedings for the decision	—	—
<p>2. Eligible submitter appeals</p> <p>For a development application or change application other than an excluded application, an appeal may be made against the decision to approve the application, to the extent the decision relates to—</p> <p>(a) any part of the development application or change application that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	Another eligible submitter for the application

Table 2
Appeals to the P&E Court only

<p>3. Eligible submitter and eligible advice agency appeals</p> <p>For a development application or change application other than an excluded application, an appeal may be made against a provision of the development approval, or a failure to include a provision in the development approval, to the extent the matter relates to—</p> <p>(a) any part of the development application or change application that required impact assessment; or</p> <p>(b) a variation request.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
<p>1 For a development application—an eligible submitter for the development application</p> <p>2 For a change application—an eligible submitter for the change application</p> <p>3 An eligible advice agency for the development application or change application</p>	<p>1 For a development application—the assessment manager</p> <p>2 For a change application—the responsible entity</p>	<p>1 The applicant</p> <p>2 If the appeal is about a concurrence agency's referral response—the concurrence agency</p>	<p>Another eligible submitter for the application</p>
<p>4. Compensation claims</p> <p>An appeal may be made against—</p> <p>(a) a decision under section 32 about a compensation claim; or</p> <p>(b) a decision under section 265 about a claim for compensation; or</p> <p>(c) a deemed refusal of a claim under paragraph (a) or (b).</p>			

Schedule 1

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person dissatisfied with the decision	The local government to which the claim was made	—	—
5. Registered premises An appeal may be made against a decision of the Minister under chapter 7, part 4.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 A person given a decision notice about the decision 2 If the decision is to register premises or renew the registration of premises—an owner or occupier of premises in the affected area for the registered premises who is dissatisfied with the decision	The Minister	—	If an owner or occupier starts the appeal—the owner of the registered premises
6. Local laws An appeal may be made against a decision of a local government, or conditions applied, under a local law about— (a) the use of premises, other than a use that is the natural and ordinary consequence of prohibited development; or (b) the erection of a building or other structure.			

Table 2 Appeals to the P&E Court only			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who— (a) applied for the decision; and (b) is dissatisfied with the decision or conditions.	The local government	—	—

Table 3 Appeals to a tribunal only			
1. Building advisory agency appeals An appeal may be made against giving a development approval for building work to the extent the building work required code assessment against the building assessment provisions.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A building advisory agency for the development application related to the approval	The assessment manager	The applicant	1 A concurrence agency for the development application related to the approval 2 A private certifier for the development application related to the approval

Table 3
Appeals to a tribunal only

2. Inspection of building work An appeal may be made against a decision of a building certifier or referral agency about the inspection of building work that is the subject of a building development approval under the Building Act.			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
The applicant for the development approval	The person who made the decision	—	—
3. Certain decisions under the Building Act and the <i>Plumbing and Drainage Act 2018</i> An appeal may be made against— <ul style="list-style-type: none"> (a) a decision under the Building Act, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act; or (b) a decision under the <i>Plumbing and Drainage Act 2018</i>, other than a decision made by the Queensland Building and Construction Commission, if an information notice about the decision was given or required to be given under that Act. 			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who received, or was entitled to receive, an information notice about the decision	The entity that made the decision	—	—
4. Local government failure to decide application under the Building Act An appeal may be made against a local government's failure to decide an application under the Building Act within the period required under that Act.			

Table 3
Appeals to a tribunal only

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive notice of the decision	The local government to which the application was made	—	—
<p>5. Failure to make a decision about an application or other matter under the <i>Plumbing and Drainage Act 2018</i></p> <p>An appeal may be made against a failure to make a decision under the <i>Plumbing and Drainage Act 2018</i>, other than a failure by the Queensland Building and Construction Commission to make a decision, within the period required under that Act, if an information notice about the decision was required to be given under that Act.</p>			
Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
A person who was entitled to receive an information notice about the decision	The entity that failed to make the decision	—	—

Appendix B

Owners Consent Correspondence
dated 17 September, 2021

Peter Dutailis

From: Nick Moore <nick.moore@gctigerprawns.com.au>
Sent: Friday, 17 September 2021 7:14 PM
To: Peter Dutailis
Subject: RE: RECS

Hi Peter

GCMA hereby grants consent to lodge the DA described below

Regards

Nick

Nick Moore
Executive Director



Gold Coast Marine Aquaculture
Marks Rd, Woongoolba, QLD 4207
Ph 07 55461361
www.gctigerprawns.com.au



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From: Peter Dutailis <peter@recs.net.au>
Sent: Friday, 17 September 2021 2:18 PM
To: Nick Moore <nick.moore@gctigerprawns.com.au>
Subject: RE: RECS

Hi Nick

Attached is Form 1 for the operational works permit to be lodged with Council

Would you pls provide your consent for the lodgement by return email as evidence of the owners consent to lodge the DA.

A fee will be charged by DSC for lodgement – amount unknown at this stage.

The form will be accompanied by an engineering assessment report (yet to be finalised and will be provided to you for review before lodgement)

Any problems pls call

Appendix C

Development Application for Operational Works

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)	Gold Coast Marine Aquaculture
Contact name (only applicable for companies)	Peter Dutailis
Postal address (P.O. Box or street address)	C/- RECS Consulting Engineers P O Box 894
Suburb	Port Douglas
State	QLD
Postcode	4877
Country	Australia
Contact number	4099 6010
Email address (non-mandatory)	peter@recs.net.au
Mobile number (non-mandatory)	0408 866 090
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	103-2021

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

PART 2 – LOCATION DETAILS

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

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

3.1) Street address and lot on plan

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
			Unnamed Access Road	Killaloe
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	204	SP264765	Douglas
b)	Unit No.	Street No.	Street Name and Type	Suburb
			Unnamed Access Road	Killaloe
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		203	SP264765	Douglas

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)
145.43812	16.50261	<input type="checkbox"/> WGS84 <input checked="" type="checkbox"/> GDA2020 <input type="checkbox"/> Other:	Douglas

☒ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
145° 26' 19" E	16° 30' 08" S	<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	Douglas

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

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? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input checked="" type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input checked="" type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
Construction of local access road on road reserve
e) Relevant plans
Note: <i>Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms guide: Relevant plans.</i>
<input checked="" type="checkbox"/> 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? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
e) Relevant plans
Note: <i>Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>
<input type="checkbox"/> Relevant plans of the proposed development are attached to the development application
6.3) Additional aspects of development

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

Section 2 – Further development details

7) Does the proposed development application involve any of the following?

Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)

8.2) Does the proposed use involve the use of existing buildings on the premises?

- ☐ Yes
- ☐ 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?

9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)

- | | |
|--|---|
| <input type="checkbox"/> Subdivision (complete 10)) | <input type="checkbox"/> Dividing land into parts by agreement (complete 11)) |
| <input type="checkbox"/> Boundary realignment (complete 12)) | <input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13)) |

10) Subdivision

10.1) For this development, how many lots are being created and what is the intended use of those lots:

Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

10.2) Will the subdivision be staged?

- ☐ Yes – provide additional details below
- ☐ No

How many stages will the works include?	
What stage(s) will this development application apply to?	

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

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)
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 checked="" type="checkbox"/> Road work <input type="checkbox"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)	
<input type="checkbox"/> Yes – specify number of new lots:	
<input checked="" type="checkbox"/> No	
14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)	
\$50,000 estimated	

PART 4 – ASSESSMENT MANAGER DETAILS

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

PART 5 – REFERRAL DETAILS

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

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

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

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

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

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

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

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

18) Has any referral agency provided a referral response for this development application?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application		
<input 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)

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

List of approval/development application references	Reference number	Date	Assessment manager
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Development application	Ca 2015_1044	2015	DSC
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

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

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

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

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

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

23) Further legislative requirements

Environmentally relevant activities

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

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

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

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

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

Hazardous chemical facilities

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

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

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

Clearing native vegetation

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

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

☒ No

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

Environmental offsets

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

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

☒ No

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

Koala habitat in SEQ Region

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

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

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

☒ No

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

Water resources

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

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

☒ No

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

DA templates are available from <https://planning.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:	
-----------------------------	--	-----------	--

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 D

Drawings

Mortons Urban Solution 307-01-091

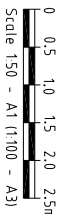
RECS Drawing 103 – 2021 SK01

R.P. DESCRIPTION

MOSSMAN FARR

CLIENT

GOLD COAST MARINE
AQUACULTURE



ISSUES	DATE
TENDER	
COUNCIL	23-07-15
CONSTRUCTION	

[illegible]

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ALL DRAWINGS ARE TO BE READ IN CONJUNCTION
WITH 001-NOTES AND 002-LEGEND

ASSOCIATED CONSULTANTS

D R A W I N G T I T L E

TYPICAL SECTIONS
SHEET 02



MORTONS
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Urban & Regional Planning
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DESIGNED RB	DRAWN RV
APPROVED <i>Dr. K. muthu</i>	REQD 4706
	DATE 24-06-15
DRAWING NUMBER	AMEND.

307-01-091

KEND

16°29'56"S 145°25'60"E



16°30'33"S 145°25'60"E

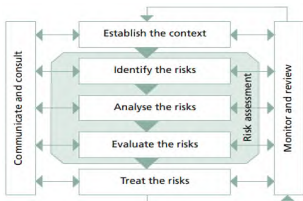
16°29'56"S 145°26'50"E



CONSULTING
ENGINEERS
103-2021 SK01

Appendix E

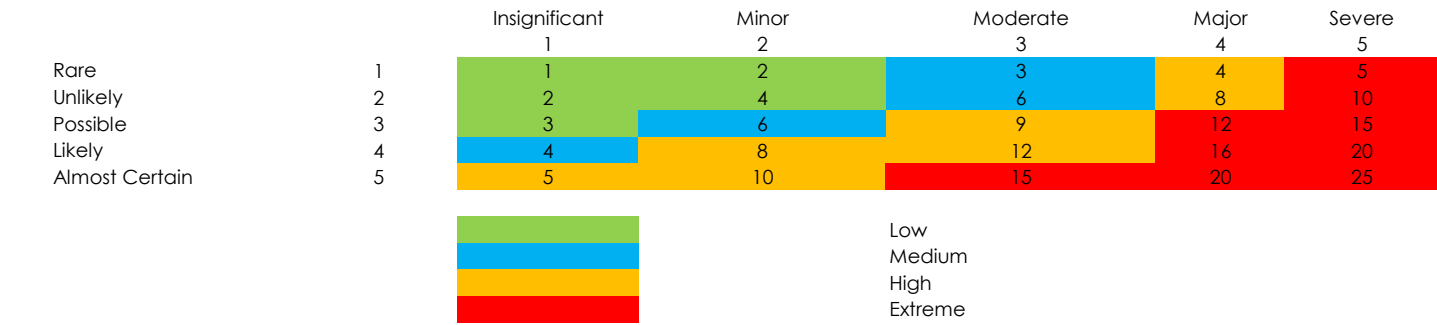
Risk Assessment



LIKELIHOOD		CONSEQUENCE	
5	Almost certain	5	Severe
4	Likely	4	Major
3	Possible	3	Moderate
2	Unlikely	2	Minor
1	Rare	1	Insignificant

RISK = Likelihood x Consequence

Hazard Information					Current Arrangement				Alternative Arrangement				Action			Comments / Notes
ID #	Hazard Description	Possible Cause	Persons Affected	Possible Consequences	Current Control Measures	Risk			Improvement Control Options	Risk			Action	Action by	Action Complete	
						Likelihood	Consequence	Risk		Likelihood	Consequence	Risk				
1	Design Speed	No formal design speed	Road user	Uncontrolled vehicle speed	Nil	3	3	H9	Install regulatory speed signage. Brief transport operators on speed limits.	2	2	L4				DSC to determine road speed limit
2	Visibility (Sight distance)	Inadequate visibility due to weather conditions	Road user	hazardous obstacle interactions	REGPs installed	2	2	L4	Decrease REGPs spacing	2	2	L4				
3	Larger than design vehicles using the road		Road user	Road blockage	Nil	2	2	L4	Brief transport operators on access	2	2	L4				Oversized vehicle entry on public road by TMR permit only
4	Flood water over road	Inadequate flood immunity	Road user	Saturated & damaged pavement	Drainage channel along road edge	3	3	H9	Restrict HV access during periods	2	2	L4				BMT WBM Flood Assessment Report indicates low levels of flood water during events.
5	Steep batters	Existing batter slopes	Road user	Errant vehicles in drains	REGPs installed	2	2	L4	Increase road delineation by design	2	2	L4				
6	Vertical drops at culvert headwalls	Existing culvert headwalls	Road user	Vehicles driving off steep slope	Delineated with REGPs	2	2	L4	Monitor incidents	2	2	L4				Culvert widening considered, if required.
7	Inadequate flood immunity	Existing road elevations	Road user	Saturated & damaged pavement	Drainage channel along road edge	3	3	H9	Restrict HV access during periods	2	2	L4				
8	Existing services overhead	Existing service pole elevations	Road user	Vehicles in contact with service cables	Service cables installed by service provider to current clearance standards	2	4	H8	Install rotamarkers on overhead	1	4	L4				Rotamarkers can be requested and installed by ERGON Mossman



Appendix F

Site Photographs



Captain Cook Highway stormwater structure immediately south of the property access road



Access road approach to Captain Cook Highway intersection



Private property access at intersection



Property access road alignment - westbound



Property access road alignment - eastbound



ERGON Transformer adjacent to CCH intersection