

6 June 2023



Town Planning and Project Services

Chief Executive Officer
Douglas Shire Council
64-66 Front Street
MOSSMAN QLD 4873

Via email: enquiries@douglas.qld.gov.au

RE: DEVELOPMENT APPLICATION FOR RECONFIGURATION OF A LOT (1 LOT INTO 2 LOTS) OVER LAND AT 2-28 SOUTH ARM DRIVE, WONGA BEACH, MORE FORMALLY DESCRIBED AS LOT 1 ON SP292103

Aspire Town Planning and Project Services act on behalf of on behalf of Vittorio Giuseppe Scomazzon (the 'Applicant' and the 'Land Owner') in relation to the above described Development Application. On behalf of the Applicant, please accept this correspondence and the accompanying attachments as a properly made Development Application pursuant to Sections 50 and 51 of the *Planning Act 2016* seeking a Development Permit for the Reconfiguration of a Lot (1 Lot into 2 Lots).

Please find enclosed the following documentation associated with this Development Application:

- Duly completed DA Form 1 (Attachment 1);
- Land Owner's Consent (Attachment 2); and
- Town Planning Report (Attachment 3).

In accordance with the Building, Planning and Plumbing Fees and Charges Schedule 2022/23, the proposed development attracts an Application Fee of \$1,466.00. The relevant fee will be paid directly by the Applicant at Council's Administration Building in Front Street, Mossman.

Thank you for your time in considering the attached Development Application. If you wish to inspect the property or have any further queries, please contact the undersigned.

Regards,

Daniel Favier
Senior Town Planner
ASPIRE Town Planning and Project Services

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Attachment I

Duly completed DA Form I

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)	Vittorio Giuseppe Scomazzon
Contact name (only applicable for companies)	c/- Daniel Favier T/A Aspire Town Planning and Project Services
Postal address (P.O. Box or street address)	PO Box 1040
Suburb	Mossman
State	QLD
Postcode	4873
Country	Australia
Contact number	0418 826 560
Email address (non-mandatory)	admin@aspireqld.com
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	2022-03-47 – Scomazzon – 2-28 South Arm Drive, Wonga Beach

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
		2-28	South Arm Drive	Wonga Beach
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	1	SP292103	Douglas Shire
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)
c)	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: <input type="text"/>	

☐ 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: <input type="text"/>	

3.3) Additional premises

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

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

<input checked="" type="checkbox"/> In or adjacent to a water body or watercourse or in or above an aquifer	
Name of water body, watercourse or aquifer:	Name unknown
<input type="checkbox"/> On strategic port land under the <i>Transport Infrastructure Act 1994</i>	
Lot on plan description of strategic port land:	
Name of port authority for the lot:	
<input checked="" type="checkbox"/> In a tidal area	

Name of local government for the tidal area <i>(if applicable)</i> :	Douglas Shire Council
Name of port authority for tidal area <i>(if applicable)</i> :	
<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>	
Name of airport:	
<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>	
EMR site identification:	
<input type="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? *(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 1 Lot into 2 Lots

e) Relevant plans

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

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

6.2) Provide details about the second development aspect

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

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

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

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

c) What is the level of assessment?

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

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

e) Relevant plans

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

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

6.3) Additional aspects of development

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

Section 2 – Further development details**7) Does the proposed development application involve any of the following?**

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

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use

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

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:
				Rural Residential / Rural
Number of lots created				1 / 1

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 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 checked="" type="checkbox"/> Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)	
<input type="checkbox"/> Yes – specify number of new lots:	
<input type="checkbox"/> No	
14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)	

PART 4 – ASSESSMENT MANAGER DETAILS

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

PART 5 – REFERRAL DETAILS

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

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

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

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

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

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

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

<input type="checkbox"/> Heritage places – Local heritage places
Matters requiring referral to the 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
<p>Note: By not agreeing to accept an information request I, the applicant, acknowledge:</p> <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. <p>Further advice about information requests is contained in the DA Forms Guide.</p>

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 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)

- ☐ 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:	
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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	

Attachment 2

Land Owner's Consent

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

I,
Vittorio Giuseppe Scomazzon

as owner of the premises identified as follows:

2-28 South Arm Drive, Wonga Beach and more formally described as Lot 1 on SP292103

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

Daniel Favier T/A Aspire Town Planning and Project Services

on the premises described above for:

Development Application for the Reconfiguration of a Lot (1 Lot into 2 Lots)

Signature:

V. G. Scomazzon

Date:

6-6-2023

Attachment 3

Town Planning Report



Town Planning Report

2-28 SOUTH ARM DRIVE, WONGA BEACH

6 June 2023

ASPIRE Town Planning and Project Services

Authored by: Daniel Favier

Executive Summary

Aspire Town Planning and Project Services act on behalf of on behalf of Vittorio Giuseppe Scomazzon (the 'Applicant' and the 'Land Owner') in relation to the following described Development Application.

This Development Application is for the Reconfiguration of a Lot (1 Lot into 2 Lots), over land at 2-28 South Arm Drive, Wonga Beach, more formally described as Lot 1 on SP292103 (the 'site').

The purpose of the Development Application is primarily for land management purposes and enable the ongoing retention of land within the Applicant's family due to a history within the area and strong family association with the land.

Under the Douglas Shire Planning Scheme 2018 V1.0 (the 'planning scheme'), the site has split zoning. The portion of the site containing the Dwelling House and ancillary buildings and dams on the corner of Vixies Road and South Arm Drive is included within the Rural Residential Zone. The other portion of the site is included in the Rural Zone. Under the respective Tables of Assessment, the proposed development is identified as Code Assessable.

This Town Planning Report includes a comprehensive assessment of the proposed development against the relevant Local and State Government Assessment Benchmarks. The information provided in this report, and accompanying attachments, demonstrates that the proposed development achieves compliance with the applicable provisions of the relevant Local and State Government Assessment Benchmarks and is presented to Douglas Shire Council ('Council') for approval. It would be appreciated if Council could provide 'without prejudice' draft conditions for review prior to the issue of a Decision Notice.

1.0 Summary

Table 1: Application Summary.

Street Address	2-28 South Arm Drive, Wonga Beach
Lot and Plan	Lot 1 on SP292103
Land Owner	Vittorio Guiseppe Scmazzon See Attachment 1
Size	100.8ha
Road Frontages	<ul style="list-style-type: none"> - Approximately 162m to Vixies Road - Approximately 300m to South Arm Drive - Approximately 22m to unnamed road intersecting with and midway along South Arm Drive - Approximately 23 m to another unnamed road intersecting with and at the northern end of South Arm Drive
Easements, Encumbrances and Interests	Nil
Administration Advice	There is a Vegetation Notice registered against the title however this relates to a previous subdivision and does not preclude the proposed development. See Attachment 1 .
Environmental and Contaminated Land Register	To the best of knowledge, without undertaking a formal search, the site is not listed
Current Approved Use	Dwelling House and ancillary structures
Proposal	Reconfiguration of a Lot (1 Lot into 2 Lots)
Approvals Sought	Development Permit
Level of Assessment	Code Assessable
Planning Scheme Zone	Split zoning: <ul style="list-style-type: none"> - Part Rural Residential - Part Rural
Regional Plan Designation	Regional Landscape and Rural Production Area
State Planning Policy	Appropriately reflected within the Planning Scheme
State Development Assessment Provisions	Nil
Referral	SARA due to Reconfiguration of a Lot within a Coastal Management District (Schedule 10, Part 17, Division 3 Table 5 of the <i>Planning Regulation 2017</i>)
Planning Regulation 2016 Schedule 12A Assessment Benchmarks for Particular Reconfiguring a Lot	Not applicable to the assessment of the proposed development as the reconfiguration does not include construction or extension of a road.

2.0 Site Description

The land at 2-28 South Arm Drive, Wonga Beach is irregular in shape with a total area of 100.8ha. Current improvements on the land include a Dwelling House, ancillary buildings, dams and orchids. The balance of the land is largely vegetated and contains tidal lands and a tributary leading to the Daintree River main channel.

The land has road frontages to Vixies Road and South Arm Drive. The land also has frontage to an unnamed gazetted road stub which provides access to an existing private boat ramp and a further unnamed gazetted road stub towards the northern end of South Arm Drive.

Surrounding the site generally:

- to the north is uninhabited, vegetated and tidal land;
- to the east is existing rural lifestyle land developed with individual Dwelling Houses and ancillary buildings. Further east along Vixies Road is the Daintree Beach Resort (formerly the Pinnacle Village Holiday Park);
- to the south is other farming land; and
- to the west is the Daintree Saltwater Barramundi Fish Farm, other farming land and tidal vegetated areas.



Image 1: Subject Site (source: QLD Globe, 2023)

3.0 Proposal

This Development Application Seeks approval for a Development Permit for the Reconfiguration of a Lot (1 Lot into 2 Lots) over land at 2-28 South Arm Drive, Wonga Beach, more formally described as Lot 1 on SP292103.

The land has split zoning under the Douglas Shire Planning Scheme 2018 v1.0 comprising part Rural Residential Zone and part Rural Zone. It is proposed to divide the land generally where the land zoning changes from Rural Residential to Rural.

The proposed development includes:

- Proposed Lot 1 (4.45ha) zoned Rural Residential and containing the existing Dwelling House, ancillary buildings, dams and orchids; and
- Proposed Lot 2 (approximately 84ha) zoned Rural and containing the main vegetated portions of the site, tidal land and tidal tributary of the Daintree River.

Road access is maintained to both parcels.

The Applicant has a long history and association with this area of Wonga Beach. The Applicant is responsible for the original subdivision along South Arm Drive. Subsequently the Applicant and wider family have a strong connection to the land, including in particular the tidal tributary of the Daintree River which runs through the land. The proposed subdivision is for land management purposes only and allows the family to retain Proposed Lot 2 and maintain the ongoing connection and association with the land, in any event Proposed Lot 1 is sold outside of the family.

Further refer to the Proposed Plan of Reconfiguration included under **Attachment 2**.

4.0 Statutory Town Planning Framework

4.1 Planning Act 2016

The *Planning Act 2016* (the 'Planning Act') is the statutory instrument for the State of Queensland under which, amongst other matters, Development Applications are assessed by Local Governments. The Planning Act is supported by the *Planning Regulation 2017* (the 'Planning Regulation'). The following sections of this report discuss the parts of the Planning Act and Planning Regulation applicable to the assessment of a development application.

4.1.1 Approval and Development

Pursuant to Sections 49, 50 and 51 of the Planning Act, the Development Application seeks a Development Permit for Reconfiguration of a Lot (1 Lot into 2 Lots).

4.1.2 Application

The proposed development is:

- development that is located completely in a single local government area;
- development made assessable under a local categorising instrument; and
- for a Reconfiguration of a Lot,

In accordance with Section 48 of the Planning Act and Schedule 8, Table 2, Item 1 of the Planning Regulation, the development application is required to be made to the applicable Local Government, in this instance being Douglas Shire Council (the 'Council').

4.1.3 Referral

Section 54(2) of the Planning Act and Section 22 and Schedules 9 and 10 of the Planning Regulation provide for the identification of the jurisdiction of referral agencies, to which a copy of the development application must be provided. A review of the Planning Regulation confirms the following referral agencies are triggered via the State Assessment and Referral Agency:

- Department of Environment and Science.

A review of the DA Mapping confirms the that under the State Development Assessment Provisions the following State Codes apply to the assessment of the Development Application:

- State Code 8: Coastal Development and Tidal Works

Assessment against the above State Codes is included under **Attachment 3**.

4.1.4 Public Notification

Section 53(1) of the Planning Act provides that an applicant must give notice of a Development Application where any part is subject to Impact Assessment or where it is an application, which includes a variation request.

The Development Application is subject to Code Assessment and therefore Public Notification of the Development Application is not required.

4.1.5 Assessment Framework

As noted within this report, the proposed development triggers a Code Assessable Development Application. Section 45(3) of the *Planning Act* provides that:

“(3) A code assessment is an assessment that must be carried out only—

(a) against the assessment benchmarks in a categorising instrument for the development; and

(b) having regard to any matters prescribed by regulation for this paragraph.”

The Douglas Shire Planning Scheme 2018 v1.0 (the ‘Planning Scheme’), as the applicable local categorising instrument, is discussed in greater detail in the following sections of this report.

Section 26 of the *Planning Regulation* provides the following assessment benchmarks for the purposes of Section 45(3)(a) of the *Planning Act*:

“(1) For section 45(3)(a) of the Act, the code assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.

(2) Also, if the prescribed assessment manager is the local government, the code assessment must be carried out against the following assessment benchmarks—

(a) the assessment benchmarks stated in—

- (i) *the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
- (ii) *the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
- (iii) *any temporary State planning policy applying to the premises;*

(b) *if the local government is an infrastructure provider—the local government’s LGIP.*

(3) *However, an assessment manager may, in assessing development requiring code assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.”*

Section 27 of the *Planning Regulation* provides matters for the purposes of Section 45(3)(b) of the *Planning Act*:

“(1) *For section 45(3)(b) of the Act, the code assessment must be carried out having regard to—*

(a) *the matters stated in schedules 9 and 10 for the development; and*

...

(d) *if the prescribed assessment manager is a person other than the chief executive—*

(i) *the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*

(ii) *the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*

(iii) *for designated premises—the designation for the premises; and*

(e) *any temporary State planning policy applying to the premises; and*

(f) *any development approval for, and any lawful use of, the premises or adjacent premises; and*

(g) *the common material.*

(2) *However—*

- (a) *an assessment manager may, in assessing development requiring code assessment, consider a matter mentioned in subsection (1) only to the extent the assessment manager considers the matter is relevant to the development; and*
- (b) *if an assessment manager is required to carry out code assessment against assessment benchmarks in an instrument stated in subsection (1), this section does not require the assessment manager to also have regard to the assessment benchmarks.”*

The following sections of this report discuss the applicable assessment benchmarks and applicable matters in further detail.

4.2 Far North Queensland Regional Plan 2009-2031

The Far North Queensland Regional Plan 2009 - 2031 ('the Regional Plan') is intended to guide and manage the region's development and to address key regional environmental, social, economic and urban objectives. The site falls within the area to which the Regional Plan applies. The Regional Plan is identified in the Planning Scheme as being appropriately integrated in the scheme. The Regional Plan is therefore not applicable to the assessment of the development application.

4.3 State Planning Policy

The State Planning Policy ('the SPP') was released on 2 December 2013 and replaced all previous State Planning Policies. The SPP has since been revised, with new versions released on 2 July 2014, 29 April 2016 and 3 July 2017. The April 2016 version of the SPP is identified in the Planning Scheme as being appropriately integrated. Whilst the SPP has been amended since April 2016 version, it is considered that the policy content and outcomes contained within the SPP, to the extent they are relevant and applicable to the proposed development, have not been sufficiently amended to require the reconsideration of the SPP separately.

4.4 Temporary State Planning Policies

There are currently no temporary State Planning Policies in effect in Queensland.

4.5 Douglas Shire Planning Scheme 2018 v1.0

The Planning Scheme came into effect on 2 January 2018 and is the applicable planning scheme to the Douglas Local Government Area. It is noted that the Planning Scheme was drafted under the *Sustainable Planning Act 2009* ('the SPA'). The interpretation of the Planning Scheme with respect to the proposed development is therefore based on the transitional provisions of the Planning Act.

4.5.1 Zone

The land is split in terms of Rural Residential and Rural Zoning under the Planning Scheme. The following map extract illustrates this point of division (refer to Image 2).



Image 2: Site Zoning (source: Douglas Shire Planning Scheme Property Report, 2023)

4.5.2 Local Plan

There are no applicable Local Plans.

4.5.3 Overlays

Table 2: identifies the applicable Overlays.

Overlay	Sub-category
Acid Sulfate Soils	Acid Sulfate Soils (< 5m AHD)
Bushfire Hazard	Potential Impact Buffer High Potential Bushfire Intensity Medium Potential Bushfire Intensity
Coastal Environment	Coastal Management District Erosion Prone Area
Flood and Storm Tide Hazard	Medium Storm Tide Hazard High Storm Tide Hazard Flood Plain Assessment Overlay (Daintree River)
Landscape Values	High Landscape Values

	Medium Landscape Values
Natural Areas	MSES - Regulated Vegetation (Intersecting a Watercourse) MSES - High Ecological Value Waters (Watercourse) MSES - Wildlife Habitat MSES - Regulated Vegetation MSES - High Ecological Value Waters (Wetland) MSES - High Ecological Significance Wetlands
Transport Network	Collector Road Minor Rural Road

4.5.4 Category of Assessment

Pursuant to Part 5 of the Planning Scheme, a Development Application for a Reconfiguration of a Lot (1 Lot into 2 Lots) in the Rural Residential and Rural Zones is identified as Assessable Development, to which Code Assessment is applicable.

The category of assessment of the proposed development is not otherwise altered by the Planning Scheme.

4.5.5 Assessment Criteria

The following table identifies the Planning Scheme Codes that are applicable to the site and the considered relevancy to the assessment of the Development Application:

Table 3: Assessment Criteria.

Code	Relevance to Development Assessment
Rural Residential Zone Code	Yes. Further refer to Attachment 4 for the detailed assessment against the relevant assessment criteria.
Rural Zone Code	Yes. Further refer to Attachment 4 for the detailed assessment against the relevant assessment criteria.
Bushfire Hazard Code	No. The proposed development does not seek approval for new buildings or infrastructure. The proposed development does not increase bushfire risk to people or property.
Coastal Environment Code	Yes. Further refer to Attachment 4 for the detailed assessment against the relevant assessment criteria.
Flood and Storm Tide Hazard Code	No. The proposed development does not seek approval for new buildings or structures. It is submitted that the proposed development does increase flooding or storm tide risks.
Landscape Values Code	No. The proposed development does not seek approval for new buildings or structures. Furthermore, the proposed development does not include vegetation damage.

Natural Areas Code	No. The proposed development is for land management purposes only and does not result in any physical works which would impact upon the natural environment.
Transport Network Code	No. The proposed development will not impact on the existing transport network.
Access, Parking and Services Code	No. Both proposed lots are afforded gazetted road access. No changes are proposed to the existing access arrangements.
Environmental Performance Code	No. Given the nature of the proposed development, it does not give rise to concerns regarding lighting, noise, airborne emissions, odours, waste material storage, sensitive land uses, stormwater quality or pest plants.
Filling and Excavation Code	No. The proposed development is for land management purposes only and does not involve any earthworks.
Infrastructure Works Code	No. Proposed Lot 1 which contains the exiting Dwelling House is appropriately serviced and no alterations in this regard are proposed. The purpose of the proposed development is for land management purposes. It is not intended to provide any further services to Proposed Lot 2.
Landscaping Code	No. Given the nature of the proposed development, provision of additional landscaping is not proposed nor considered relevant.
Reconfiguring a Lot Code	Yes. Further refer to Attachment 4 for the detailed assessment against the relevant assessment criteria.
Vegetation Management Code	No. The proposed development is for land management purposes only and does not require vegetation removal.

5.0 Conclusion

This Report accompanies an application by Vittorio Giuseppe Scmazzon, seeking a Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots) over land at 2-28 South Arm Drive, Wonga Beach, more formally described as Lot 1 on SP292103.

The purpose of the Development Application is primarily for land management purposes and enable the ongoing retention of land within the Applicant's family due to a history within the area and strong family association with the land.

This application is lodged pursuant to sections 49, 50 and 51 of the Planning Act.

Assessment of the proposed development against the applicable planning framework has been undertaken in order to assess potential impacts and compliance of the proposed development with the relevant assessment criteria. The information provided in this Report (and accompanying attachments) demonstrates that the proposed development largely complies with the applicable provisions of the relevant planning framework; where conflicts exist, suitable alternative solutions are provided to support approval of the development application.

If Council requires any further information, either formally or informally, throughout the assessment of the Development Application please contact Aspire Town Planning and Project Services. Prior to the determination of the Development Application it would be greatly appreciated if Council could provide a suite of Draft Conditions to facilitate discussion and reach a mutually favourable outcome.

Attachment 1

Certificate of Title

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	51103289	Search Date:	05/06/2023 03:24
Date Title Created:	21/07/2017	Request No:	44630680
Previous Title:	50631221		

ESTATE AND LAND

Estate in Fee Simple

LOT 1 SURVEY PLAN 292103

Local Government: DOUGLAS

REGISTERED OWNER

Dealing No: 720215133 18/08/2020

VITTORIO GIUSEPPE SCOMAZZON

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 21085168 (POR 348)

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status
714056921	VEG NOTICE VEGETATION MANAGEMENT ACT 1999	12/09/2011 11:24	CURRENT

UNREGISTERED DEALINGS

NIL

** End of Current Title Search **

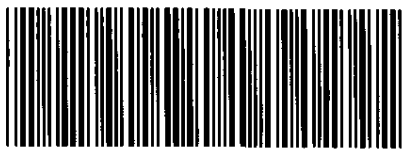
QUEENSLAND LAND REGISTRY

Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

FORM 14 Version 4

Page 1 of 3



714056921

Duty Imprint

NO FEE

12/09/2011 11:24

TE VMN

Privacy Statement

Collection of this information is authorised by the Land Title Act 1994, the Land Act 1994 and the Water Act 2000 and is used to maintain the publicly Searchable registers in the land registry and the water register. For more Information about privacy in DERM, see the department's website.

1. Nature of Request

Vegetation Management Notice under the
"Vegetation Management Act 1999"

Lodger Kattina Ernst (07)40484730

Department of Environment and Resource
Management
C/- Vegetation Management,
PO Box 156
Mareeba Qld 4880

Lodger Code

400

2. Lot on Plan Description

Lot 1 Survey Plan 188690

County

Solander

Parish

Whyanbeel

Title Reference

50631221

3. Registered Proprietor/State Lessee

Vittorio Guiseppe Scornazzon

4. Interest

Estate in Fee Simple

5. Applicant

Department of Environment and Resource Management, Mareeba

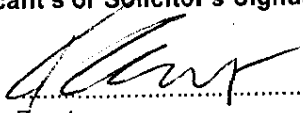
6. Request

I hereby request that: the Registrar of Titles note on the above mentioned Title an Administrative Advice that Referral Agency Development Approval No 2009/006550 for vegetation clearing has been issued pursuant to Section 70B of the "Vegetation Management Act 1999". Conditions are contained as per schedule.

7. Execution by applicant**Execution Date**

09/09/2011

Applicant's or Solicitor's Signature


Kattina Ernst
Delegate for the Director General,
Department of Environment and Resource Management

.....
Note: A Solicitor is required to print full name if signing on behalf of the Applicant

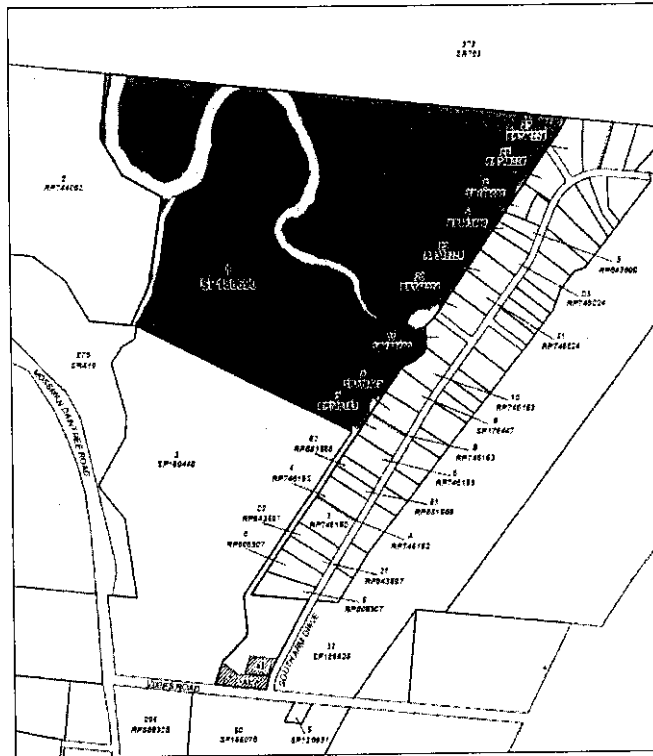
Title Reference 50631221

2. Lot on Plan Description	County	Parish	Title Reference
Lot 1 Survey Plan 188690	Solander	Whyanbeel	50631221

The chief executive of the Department of Environment and Resource Management (DERM) directs the assessment manager to include the following conditions in any development approval given for the above mentioned application—

- 2.1. Clearing as a result of the reconfiguration of Lot 1 on SP188690 must be limited to clearing that could be done as per the *Vegetation Management (Regrowth Clearing Moratorium) Act 2009*, Modified Schedule 8, 1A (d)—prior to the Reconfiguring a Lot application being approved; and
- 2.2. The reconfiguration of lot 1 SP188690 from one lot into three lots—including establishment of infrastructure and allotment boundaries—must be done in a way that is generally consistent with Areas A.1 and A.2 on Referral Agency Response Plan 2009/006550 and this plan forms part of the referral agency response.
- 2.3. This referral agency response to the reconfiguration of Lot 1 on SP188690 does not authorise the clearing of any remnant vegetation on lot 1 SP188690.
- 2.4. Any future clearing of remnant vegetation will require a development approval, unless the clearing of remnant vegetation is exempt under Schedule 8 of the *Integrated Planning Act 1997*

Title Reference 50631221



1:7500 @ A3 size
0 100 200 300 400 500 600 700 m
Projection: UTM (MGA Zone 55) Datum: GDA94

Note: Responsibility for locating boundaries of the RARP area rests solely with the proponent and is not a guarantee of accuracy. A failure of service or a reference point showing these areas can be made available by NRM upon request.

The boundary boundaries shown on this plan are APPROXIMATE ONLY. They are NOT a secure representation of the legal boundaries.

Note: This plan must be read in conjunction with Referral Agency Response 2009/006550

LEGEND [] Subject title [] Areas A1 and A2 [] Reinforced Vegetation		Referral Agency Response (Vegetation) Plan Plan of Areas A1 and A2 in Lot 1 on SP188690		 Queensland GOVERNMENT
CENTRE MARBESA LOCALITY OF WONGA		REGION: NORTH LOCAL GOVT: CANNES		
Map Reference: 7004		Preparation: ECOSYSTEM & NRM team		RARP 2009/006550 Sheet 1 of 1
File Reference: WBA000705		Preparation: (see above) Date: 04 Sept 2009		

Attachment 2

Proposed Plan of Reconfiguration

Prepared by Terra Modus

Attachment 3

Statement of Code Compliance Against the Relevant State Development Codes

State code 8: Coastal development and tidal works

State Development Assessment Provisions Guidance Material: State code 8: Coastal Development and tidal works provides direction on how to address this code.

Table 8.1: All development

Performance outcomes	Response
Development in the erosion prone area	
<p>PO1 Development is only permitted in the erosion prone area where it:</p> <ol style="list-style-type: none"> is one of the following types of development: <ol style="list-style-type: none"> coastal-dependent development; or temporary, readily relocatable or able to be abandoned; or essential community infrastructure; or redevelopment of an existing permanent building or structure that cannot be relocated or abandoned; and cannot feasibly be located elsewhere; or is located landward of: <ol style="list-style-type: none"> a fit for purpose revetment; or a proposed revetment that is consistent with: <ol style="list-style-type: none"> an agreement with a local government; or the alignment of adjacent lawful revetments; or is on a lot less than 2000m² where a coastal building line is present. 	<p>Complies.</p> <p>The proposed development is not for a physical structure or infrastructure within the Erosion Prone Area.</p> <p>The purpose of the Development Application is primarily for land management purposes and enable the ongoing retention of land within the Applicant's family due to a history within the area and strong family association with the land.</p> <p>The proposed development will not physically impact on the Erosion Prone Area.</p> <p>The alignment of the proposed new boundary has been selected based on discussions with Douglas Shire Council and aligns with where the land zoning under the Planning Scheme changes from Rural Residential to Rural. Due to the Planning Scheme limitations and environmental constraints burdening the land, it is submitted that it is not feasible or practical to reconfigure the land in any other way.</p>
<p>PO2 Development (other than coastal protection work) in the erosion prone area:</p> <ol style="list-style-type: none"> does not adversely impact coastal processes; and ensures that the protective function of landforms and vegetation is maintained. <p>Note: In considering reconfiguring a lot applications, the State may require land in the erosion prone area to be surrendered to the State for coastal management purposes under the <i>Coastal Protection and Management Act 1995</i>.</p> <p>Where the planning chief executive receives a copy of a land surrender requirement or proposed land surrender notice under the <i>Coastal Protection and Management Act 1995</i>, this must be considered in assessing the application.</p>	<p>Complies.</p> <p>As stated above the proposed development does not cause any physical impact to coastal process as no physical works are proposed. Existing landforms and vegetation are maintained under the proposal.</p>
<p>PO3 Development is sited, designed and constructed to limit the risk of impacts of coastal erosion to an acceptable level by:</p> <ol style="list-style-type: none"> locating development outside the erosion prone area; or 	<p>Complies.</p> <p>The proposed development does not generate risks of coastal erosion.</p>

Performance outcomes	Response
2. mitigating or otherwise accommodating the risks posed by coastal erosion .	
PO4 Development in the erosion prone area does not significantly increase the risk or impacts to people and property from coastal erosion .	Complies. The proposed development does not increase risk to people or property of coastal erosion.
PO5 Development (other than coastal protection work) in the erosion prone area does not directly or indirectly increase the severity of coastal erosion either on or off the site.	Complies. No physical works are proposed that could increase the severity of coastal erosion.
PO6 In erosion prone areas where a coastal building line is present, building work is located landward of the coastal building line unless coastal protection work has been constructed to protect the development.	Not Applicable.
Artificial waterways	
PO7 Development of artificial waterways , canals and dry-land marinas conserves coastal resources by: 1. ensuring changes to water flows, water levels and sediment movement do not adversely impact the natural waterway to which it is connected; 2. demonstrating appropriate storage, treatment and disposal of dredged material for the life of the development.	Not Applicable.
Coastal protection work	
PO8 Works for beach nourishment minimises adverse impacts on coastal processes .	Not Applicable.
PO9 Works for beach nourishment do not increase the severity of erosion on adjacent land.	Not Applicable.
PO10 Erosion control structures (excluding revetments) are only constructed where there is an imminent threat to significant buildings or infrastructure , and there is no feasible option for either: 1. beach nourishment ; or 2. relocation or abandonment of structures.	Not Applicable.
PO11 Erosion control structures (revetments only) are only constructed where: 1. there is an imminent threat to significant buildings or infrastructure , and there is no feasible option for either: a. beach nourishment ; or b. relocation or abandonment of structures; or 2. the development: a. is in a consistent alignment with adjacent lawful revetments; or b. is consistent with an agreement with a local government that a revetment is appropriate in the proposed location.	Not Applicable.

Performance outcomes	Response
PO12 Erosion control structures minimise interference with coastal processes and reduce the severity of erosion on adjacent land.	Not Applicable.
Water quality	
PO13 Development: <ol style="list-style-type: none"> 1. maintains or enhances environmental values of receiving waters; 2. achieves the water quality objectives of Queensland waters; 3. avoids the release of prescribed water contaminants to tidal waters. 	Complies. By the nature of the proposed development it will not diminish environmental values of receiving waters, impact on water quality objectives and result in the release of prescribed water contaminants.
Public use of and access to State coastal land	
PO14 Development maintains or enhances public use of and access to and along State coastal land (except where this is contrary to the protection of coastal resources or public safety).	Not Applicable.
PO15 Private marine development does not reduce public use of and access to State coastal land and ensures that works: <ol style="list-style-type: none"> 1. are used for marine access purposes only; 2. minimise the use of State coastal land; 3. are designed to accommodate the berthing of one vessel only per waterfront residence; 4. do not interfere with access between navigable waterways and adjacent properties. 	Not Applicable.
PO16 Development does not reduce public use of and access to State coastal land and ensures that erosion control structures , intended to protect a freehold or leasehold (not State land) premises, are wholly located within the lot: <ol style="list-style-type: none"> 1. except where impeded by significant buildings or infrastructure that cannot be removed or relocated; or 2. for revetments the development is: <ol style="list-style-type: none"> a. in a consistent alignment with adjacent lawful revetments; or b. consistent with an agreement with a local government that a revetment is appropriate in the proposed location. 	Not Applicable.
Matters of state environmental significance	
PO17 Development is designed and sited to: <ol style="list-style-type: none"> 1. avoid impacts on matters of state environmental significance; or 2. minimise and mitigate impacts on matters of state environmental significance after demonstrating avoidance is not reasonably possible; and 3. provide an offset if, after demonstrating all reasonable avoidance, minimisation and mitigation measures are undertaken, the development results in an acceptable significant residual impact on a matter of state environmental significance. <p>Statutory note: For Brisbane core port land, an offset may only be applied to development on land identified as E1 Conservation/Buffer, E2 Open Space or Buffer/Investigation in the Brisbane Port LUP precinct plan.</p>	Complies. By the nature of the proposed development, it will not cause impact on matters of state environmental significance.

Table 8.2: All operational work

Performance outcomes	Response
Private marine development	
PO18 Private marine development is designed and constructed to maintain existing waterway banks in their natural state and not require: 1. coastal protection work ; 2. shoreline or riverbank hardening; 3. dredging for marine access purposes .	Not Applicable.
Disposal of solid waste or dredged material from artificial waterways	
PO19 Solid waste from land and dredged material from artificial waterways is not disposed of in tidal water unless it is for beneficial reuse .	Not Applicable.
Disposal of dredged material other than from artificial waterways	
PO20 Dredged material is returned to tidal water where the material is needed to maintain coastal processes and sediment volume.	Not Applicable.
PO21 Where the dredged material is not needed to maintain coastal processes and sediment volume, the quantity of dredged material disposed to tidal water is minimised through beneficial reuse or disposal on land.	Not Applicable.
All dredging and any disposal of dredged material in tidal water	
PO22 Dredging or disposal of dredged material in tidal waters does not adversely impact on coastal processes and coastal resources .	Not Applicable.
Reclamation	
PO23 Development does not involve reclamation of land below tidal water , other than for the purposes of: 1. coastal-dependent development, public marine development or essential community infrastructure ; or 2. strategic ports, priority ports, boat harbours or strategic airports and aviation facilities, in accordance with a statutory land use plan or master plan; or 3. coastal protection work or work necessary to protect coastal resources or coastal processes .	Not Applicable.

Table 8.3: Operational work for tidal works which is not assessed by local government

Performance outcomes	Acceptable outcomes	Response
PO24 Tidal works are sited and designed to operate safely during and following a defined storm tide event .	AO24.1 Tidal work is designed and located in accordance with the Guideline: Building and engineering standards for tidal works, Department of Environment and Heritage Protection, 2017.	Not Applicable.

Attachment 4

Statement of Code Compliance Against the Planning Scheme

6.2.10 Rural zone code

6.2.10.1 Application

- (1) This code applies to assessing development in the Industry zone.
- (2) When using this code, reference should be made to Part 5.

6.2.10.2 Purpose

- (1) The purpose of the Rural zone code is to provide for:
 - (a) provide for rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities;
 - (b) provide opportunities for non-rural uses, such as ancillary tourism activities that are compatible with agriculture, the environmental features, and landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purposes;
 - (c) protect or manage significant natural resources and processes to maintain the capacity for primary production.
- (2) The local government purpose of the code is to:
 - (a) implement the policy direction set in the Strategic Framework, in particular:
 - (i) Theme 2 : Environment and landscape values, Element 3.5.5 – Scenic amenity.
 - (ii) Theme 3 : Natural resource management, Element 3.6.2 – Land and catchment management, Element 3.6.3 Primary production, forestry and fisheries, Element 3.6.4 – Resource extraction.
 - (iii) Theme 5 Economy, Element 3.8.2 – Economic growth and diversification, Element 3.8.4 – Primary production.
 - (iv) Theme 6 : Infrastructure and transport, Element 3.9.4 – Transport.
 - (b) recognise the primacy of rural production, in particular sugar cultivation, and other farming practices in rural areas;
 - (c) provide protection to areas of ecological significance and scenic amenity significance where present.
- (3) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Areas for use for primary production are conserved and fragmentation is avoided.
 - (b) Development embraces sustainable land management practices and contributes to the amenity and landscape of the area.
 - (c) Adverse impacts of land use, both on-site and on adjoining areas, are avoided and any unavoidable impacts are minimised through location, design, operation and management.
 - (d) Areas of remnant and riparian vegetation are retained or rehabilitated.

Criteria for assessment**Table 6.2.10.3.a – Rural zone code assessable development**

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
PO1 The height of buildings is compatible with the rural character of the area and must not detrimentally impact on visual landscape amenity.	AO1.1 Dwelling houses are not more than 8.5 metres in height. Note – Height is inclusive of roof height. AO1.2 Rural farm sheds and other rural structures are not more than 10 metres in height.	Not Applicable. No new buildings are proposed.
Setbacks		
PO2 Buildings and structures are setback to maintain the rural character of the area and achieve separation from buildings on adjoining properties.	AO2 Buildings are setback not less than: (a) 40 metres from the property boundary and a State-controlled road; (b) 25 metres from the property boundary adjoining Cape Tribulation Road; (c) 20 metres from the boundary with any other road; (d) 6 metres from side and rear property boundaries.	Not Applicable. No new buildings are proposed. Furthermore, the proposed boundary does not result in creation of an existing building encroachment.
PO3 Buildings/structures are designed to maintain the rural character of the area.	AO3 White and shining metallic finishes are avoided on external surfaces of buildings.	Not Applicable. No new buildings are proposed.
For assessable development		
PO4 The establishment of uses is consistent with the outcomes sought for the Rural zone and protects the zone from the intrusion of inconsistent uses.	AO4 Uses identified in Table 6.2.10.3.b are not established in the Rural zone.	Complies. It is submitted that the proposed Reconfiguration is consistent with the outcomes sought under the zone.

Performance outcomes	Acceptable outcomes	Applicant response
P05 Uses and other development include those that: (a) promote rural activities such as agriculture, rural enterprises and small scale industries that serve rural activities; or (b) promote low impact tourist activities based on the appreciation of the rural character, landscape and rural activities; or (c) are compatible with rural activities.	A05 No acceptable outcomes are prescribed.	Complies. It is submitted that the proposed development does not compromise the purpose of the Rural Zone. The development results in the division of the land at the point where the site comprises split zoning. Proposed Lot 2 is largely vegetated and yields little rural value. The balance Rural Residential Zoned land, Proposed Lot 1, is cleared and is large enough that it may be used for small scale rural enterprises.
P06 Existing native vegetation along watercourses and in, or adjacent to areas of environmental value, or areas of remnant vegetation of value is protected.	A06 No acceptable outcomes are prescribed.	Complies. No vegetation damage or removal is proposed.
P07 The minimum lot size is 40 hectares, unless (a) the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments to resolve encroachments); or (b) the reconfiguration is limited to one additional lot to accommodate: (i) Telecommunications facility; (ii) Utility installation.	A07 No acceptable outcomes are prescribed.	Complies. Proposed Lot 2, containing the Rural Zoned portion of land will be in the order of 84ha.

Table 6.2.10.3.b - Inconsistent uses within the Rural zone.

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

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

6.2.11 Rural residential zone code

6.2.11.1 Application

- (1) This code applies to assessing development in the Rural residential zone.
- (2) When using this code, reference should be made to Part 5.

6.2.11.2 Purpose

- (1) The purpose of the Rural residential zone code is to provide for rural residential development on large lots where infrastructure and services may not be provided on the basis that the intensity of development within the zone is dispersed.
- (2) The local government purpose of the code is to:
 - (a) implement the policy direction set in the Strategic Framework, in particular:
 - (i) Theme 1 : Settlement pattern, Element 3.4.6 – Rural residential areas, Element 3.4.7 – Mitigation of hazards.
 - (ii) Theme 2 : Environment and landscape values, Element 3.5.5 – Scenic amenity.
 - (iii) Theme 6 : Infrastructure and transport, Element 3.9.2 – Energy, Element 3.9.3 – Water and waste management.
 - (b) provide for dwellings on lots generally larger than 4000m²;
 - (c) provide protection to areas of ecological significance and scenic amenity significance where present.
- (3) The purpose of the code will be achieved through the following overall outcomes:
 - (a) Development is predominantly for detached dwelling houses on large lots catering for hobby-farm living requiring limited infrastructure and services.
 - (b) Development preserves the environmental, scenic amenity and topographical features of the land by integrating an appropriate scale of residential activities among these features.
 - (c) Development provides a high level of residential amenity.
 - (d) Development provides for the safe use of on-site wastewater treatment systems for effluent disposal with systems designed for varied soil type, slopes and prolonged periods of wet weather.

Editor's note - Reticulated sewerage is not generally available and is not required to be provided.

Criteria for assessment**Table 6.2.11.3.a – Rural residential zone code – assessable development**

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
P01 The height of buildings is compatible with the rural residential character of the area and must not detrimentally impact on visual landscape amenity.	A01 Dwelling houses are not more than 8.5 metres and two storeys in height. Note – Height is inclusive of roof height.	Not Applicable. No new buildings are proposed.
P02 Buildings and structures are setback to maintain the rural residential character of the area and achieve separation from buildings on adjoining properties.	A02 Buildings are setback not less than: (a) 40 metres from a property adjoining a State-controlled road; (b) a minimum of 25 metres from the property boundary adjoining Cape Tribulation Road; (c) 20 metres from front boundaries; (d) 6 metres from side and rear property boundaries.	Not Applicable. No new buildings are proposed. Furthermore, the proposed boundary does not result in creation of an existing building encroachment.
P03 Building scale is compatible with the rural residential character of the area and must not detrimentally impact on visual landscape amenity.	A03.1 The maximum building footprint of all buildings and structures (including outbuildings) contained on a lot does not exceed 500m ² . A03.2 An outbuilding used for purposes ancillary to a dwelling house has maximum site coverage not greater than 20% of the total building footprint specified in A03.1 above.	Not Applicable. No new buildings are proposed.
P04 Buildings/structures are designed to maintain the rural residential character of the area.	A04 White and shining metallic finishes are avoided on external surfaces of buildings.	Not Applicable. No new buildings are proposed.



Performance outcomes	Acceptable outcomes	Applicant response
For assessable development		
P05 The establishment of uses is consistent with the outcomes sought for the Rural residential zone and protects the zone from the intrusion of inconsistent uses.	A05 Uses identified in Table 6.2.11.3.b are not established in the Rural residential zone.	Complies. It is submitted that the proposed Reconfiguration is consistent with the outcomes sought under the zone.
P06 Existing native vegetation along watercourses and, in or adjacent to areas of environmental value, or areas of remnant vegetation of value is protected.	A06 No acceptable outcomes are prescribed.	Complies. No vegetation damage or removal is proposed.
P07 Development is located, designed, operated and managed to respond to the characteristics, features and constraints of the site and surrounds. Note- planning scheme policy – site assessments provides guidance on identifying the characteristics, features and constraints of a site and its surrounds.	A07 No acceptable outcomes are prescribed.	Complies. The proposed reconfiguration aligns with the division between zoning on the land.
P08 Development does not adversely impact on the Rural residential character and amenity of the area in terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts.	A08 No acceptable outcomes are prescribed.	Complies. Given the nature of the proposed development it is not expected to adversely impact on the Rural residential character and amenity of the area in terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts
P09 New lots contain a minimum area of 4000m ² , incorporating: (a) a minimum of contiguous area of 2000m ² exclusive of 1 in 6 (16.6%) gradients, with a minimum dimension of 20 metres; (b) sufficient area to cater for on-site waste water management systems.	A09 No acceptable solutions are prescribed.	Complies. Proposed Lot 1, containing the Rural Residential Zoned portion of land will be in the order of 4.45ha.



Performance outcomes	Acceptable outcomes	Applicant response
Note – Acceptable on-site waste disposal is to be demonstrated in a report prepared by a suitably qualified professional.		
PO10 New lots have a minimum road frontage of 30 metres.	AO10 No acceptable outcomes are prescribed.	Complies.
PO11 New lots contain a 40 metre x 50 metre rectangle.	AO11 No acceptable outcomes are prescribed.	Complies.

Tab:e 6.2.11.3.b - Inconsistent uses within the Rural residential zone

Inconsistent uses		
<ul style="list-style-type: none"> • Adult store • Air services • Agricultural supplies store • Bar • Brothel • Bulk landscape supplies • Car wash • Cemetery • Community care centre • Community residence • Crematorium • Club • Detention facility • Dual occupancy • Educational establishment • Food and drink outlet • Funeral parlour • Garden centre • Hardware and trade supplies • Health care services • High impact industry • Hospital 	<ul style="list-style-type: none"> • Indoor sport and recreation • Intensive animal industry • Intensive horticulture • Low impact industry • Major electricity infrastructure • Major sport, recreation and entertainment facility • Marine industry • Market • Medium impact industry • Motor sport facility • Multiple dwelling • Nightclub entertainment facility • Non-resident workforce accommodation • Office • Outdoor sales • Outstation • Parking station • Outdoor sport and recreation • Parking station • Permanent plantation • Place of worship 	<ul style="list-style-type: none"> • Port services • Relocatable home park • Renewable energy facility • Research and technology industry • Residential care facility • Resort complex • Retirement facility • Rooming accommodation • Rural industry • Rural workers accommodation • Service industry • Service Station • Shop • Shopping centre • Short-term accommodation • Showroom • Special industry • Theatre • Tourist attraction • Tourist park • Transport depot • Warehouse,



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

8.2.3 Coastal environment overlay code

8.2.3.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Coastal environment overlay, if:
 - (a) self assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.
- (2) Land in the Coastal hazard overlay is identified on the Coastal environment overlay map in Schedule 2 and includes the following sub-categories:
 - (a) Coastal management district sub-category;
 - (b) Erosion prone area sub-category.
- (3) When using this code, reference should be made to Part 5.

8.2.3.2 Purpose

- (1) The purpose of the Coastal environment overlay code is to:
 - (a) implement the policy direction in the Strategic Framework, in particular:
 - (i) Theme 1 Settlement pattern: Element 3.4.7 Mitigation of hazards;
 - (ii) Theme 2 Environment and landscape values: Element 3.5.4 Coastal zones;
 - (iii) Theme 3 Natural resource management: Element 3.6.2 Land and catchment management.
 - (b) enable an assessment of whether development is suitable on land within the Coastal processes sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) facilitate the protection of both coastal processes and coastal resources;
 - (b) facilitating coastal dependent development on the foreshore over other development;
 - (c) public access to the foreshore protects public safety;
 - (d) maintain the erosion prone area as a development free buffer zone (other than for coastal dependent, temporary or relocatable development);
 - (e) require redevelopment of existing permanent buildings or structures in an erosion prone area to avoid coastal erosion risks, manage coastal erosion risks through a strategy of planned retreat or mitigate coastal erosion risks;

- (f) require development to maintain or enhance natural processes and the protective function of landforms and vegetation that can mitigate risks associated with coastal erosion;
- (g) locate and design community infrastructure to maintain the required level of functionality during and immediately after a coastal hazard event.

Criteria for assessment

Table 8.2.3.3.a – Coastal environment overlay code – self-assessable and assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
PO1 No works other than coastal protection works extend seaward of the coastal building line.	AO1.1 Development (including all buildings and other permanent structures such as swimming pools and retaining walls) does not extend seaward of a coastal building line. Note – Coastal building lines are declared under the Coastal Protection and Management Act 1995 and are administered by the State Department of Environment and Heritage Protection. AO1.2 Coastal protection works are only undertaken as a last resort where coastal erosion presents an immediate threat to public safety or existing buildings or structures and the property cannot be relocated or abandoned. AO1.3 Coastal protection works are as far landward as practicable on the lot containing the property to the maximum extent reasonable. AO1.4 Coastal protection work mitigates any increase in the coastal hazard.	Not Applicable. The proposed development does not involve building works or coastal protection works.



Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable and assessable development		
PO2 Where a coastal building line does not exist on a lot fronting the coast or a reserve adjoining the coast, development is setback to maintain the amenity and use of the coastal resource.	AO2 Where a coastal building line does not exist on a lot fronting the coast or a reserve adjoining the coast, development (including all buildings and structures such as swimming pools) and retaining walls are set back not less than 6 metres from the seaward boundary of the lot.	Not Applicable. The proposed development is for land management purposes only. No building works or structures are proposed.
For assessable development		
Erosion prone areas		
PO3 Development identifies erosion prone areas (coastal hazards).	AO3 No acceptable outcomes are prescribed.	Complies. The development proposes a new boundary through an area identified as an Erosion Prone Area. However no physical building or earthworks are required to facilitate the proposed development.
PO4 Erosion prone areas are free from development to allow for natural coastal processes.	AO4.1 Development is not located within the Erosion prone area, unless it can be demonstrated that the development is for: (a) community infrastructure where no suitable alternative location or site exists for this infrastructure; or (b) development that reflects the preferred development outcomes in accordance with the zoning of the site (i.e. in the Low density residential zone, a dwelling house is a preferred development outcome in accordance with the zoning of the site)	Complies. The development proposes a new boundary through an area identified as an Erosion Prone Area. However no physical building or earthworks are required to facilitate the proposed development. The proposed new boundary has been determined to differentiate between the split zoning which exists over the site.
	AO4.2	Complies. No changes are proposed to existing buildings and structures.



Performance outcomes	Acceptable outcomes	Applicant response
	<p>Development involving existing permanent buildings and structures within an erosion prone area does not increase in intensity of its use by:</p> <ul style="list-style-type: none"> (a) adding additional buildings or structures; or (b) incorporating a land use that will result in an increase in the number of people or employees occupying the site. 	
Coastal management districts		
<p>PO5 Natural processes and protective functions of landforms and vegetation are maintained.</p>	<p>PO5.1 Development within the coastal management district:</p> <ul style="list-style-type: none"> (a) maintains vegetation on coastal land forms where its removal or damage may: <ul style="list-style-type: none"> (i) destabilise the area and increase the potential for coastal erosion, or (ii) interrupt the natural sediment trapping processes or dune or land building processes; (b) maintains sediment volumes of dunes and near-shore coastal landforms, or where a reduction in sediment volumes cannot be avoided, increased risks to development from coastal erosion are mitigated by location, design and construction and operating standards; (c) minimises the need for erosion control structures or riverine hardening through location, design and construction standards; (d) maintains physical coastal processes outside the development footprint for the development, including longshore transport of sediment along the coast; (e) reduces the risk of shoreline erosion for areas adjacent to the development footprint to the maximum extent feasible in the case of erosion control structures. 	<p>Complies. The proposed development is for land management purposes only. No physical building works or earthworks or vegetation damage or clearing is proposed.</p>



Performance outcomes	Acceptable outcomes	Applicant response
	<p>PO5.2 Where development proposes the construction of an erosion control structure:</p> <ul style="list-style-type: none"> (a) it is demonstrated that it is the only feasible option for protecting permanent structures from coastal erosion; and (b) those permanent structures cannot be abandoned or relocated in the event of coastal erosion occurring <p>PO5.3 Development involving reclamation:</p> <ul style="list-style-type: none"> (a) does not alter, or otherwise minimises impacts on, the physical characteristics of a waterway or the seabed near the reclamation, including flow regimes, hydrodynamic forces, tidal water and riverbank stability; (b) is located outside active sediment transport area, or otherwise maintains sediment transport processes as close as possible to their natural state; (c) ensures activities associated with the operation of the development maintain the structure and condition of vegetation communities and avoid wind and water run-off erosion. 	<p>Not Applicable.</p> <p>Not Applicable.</p>
<p>PO6 Development avoids or minimises adverse impacts on coastal resources and their values to the maximum extent reasonable.</p>	<p>AO6.1 Coastal protection work that is in the form of beach nourishment uses methods of placement suitable for the location that do not interfere with the long-term use of the locality, or natural values within or neighbouring the proposed placement site.</p> <p>And</p>	<p>Not Applicable.</p>



Performance outcomes	Acceptable outcomes	Applicant response
	<p>AO6.2 Marine development is located and designed to expand on or redevelop existing marine infrastructure unless it is demonstrated that it is not practicable to co-locate the development with existing marine infrastructure;</p> <p>and</p> <p>AO6.3 Measures are incorporated as part of siting and design of the development to maintain or enhance water quality to achieve the environmental values and water quality objectives outlined in the Environmental Protection (Water) Policy 2009.</p> <p>and</p> <p>AO6.4 Development avoids the disturbance of acid sulfate soils, or where it is demonstrated that this is not possible, the disturbance of acid sulfate soils is carefully managed to minimise and mitigate the adverse effects of disturbance on coastal resources.</p> <p>and</p> <p>AO6.4 Design and siting of development protects and retains identified ecological values and underlying ecosystem processes within the development site to the greatest extent practicable.</p>	



Performance outcomes	Acceptable outcomes	Applicant response
P07 Development is to maintain access to and along the foreshore for general public access.	A07.1 Development provides for regular access points for pedestrians including approved walking tracks, boardwalks and viewing platforms. and A07.2 Development provides for regular access points for vehicles including approved roads and tracks. or A07.3 Development demonstrates an alternative solution to achieve an equivalent standard of performance.	Not Applicable.
P08 Public access to the coast is appropriately located, designed and operated.	A08.1 Development maintains or enhances public access to the coast. or A08.2 Development is located adjacent to state coastal land or tidal water and minimises and offsets any loss of access to and along the foreshore within 500 metres. or A08.3 Development adjacent to state coastal land or tidal water demonstrates an alternative solution to achieve an equivalent standard and quality of access	Not Applicable.



Performance outcomes	Acceptable outcomes	Applicant response
<p>PO9 Development adjacent to state coastal land or tidal water is located, designed and operated to:</p> <ul style="list-style-type: none"> (a) maintain existing access to and along the foreshore; (b) minimise any loss of access to and along the foreshore, or (c) offset any loss of access to and along the foreshore by providing for enhanced alternative access in the general location. 	<p>AO9.1 Development adjacent to state coastal land or tidal water:</p> <ul style="list-style-type: none"> (a) demonstrates that restrictions to public access are necessary for: <ul style="list-style-type: none"> (i) the safe and secure operation of development; (ii) the maintenance of coastal landforms and coastal habitat; or (b) maintains public access (including public access infrastructure that has been approved by the local government or relevant authority) through the site to the foreshore for: <ul style="list-style-type: none"> (i) pedestrians via access points including approved walking tracks, boardwalks and viewing platforms; (ii) vehicles via access points including approved roads or tracks. <p>AO9.2 Development adjacent to state coastal land or tidal water:</p> <ul style="list-style-type: none"> (a) is located and designed to: <ul style="list-style-type: none"> (i) allow safe unimpeded access to, over, under or around built infrastructure located on, over or along the foreshore, for example through the provision of esplanades or easement corridors to preserve future access; (ii) ensure emergency vehicles can access the area near the development. <p>or</p>	<p>Not Applicable. The site is private freehold land and does not presently support public access to tidal waters, nor does the Applicant intend to provide public access.</p>



Performance outcomes	Acceptable outcomes	Applicant response
	<p>(b) minimises and offsets any loss of access to and along the foreshore within 500m of existing access points and development is located and designed to:</p> <p>(i) allow safe unimpeded access to, over, under or around built infrastructure located on, over or along the foreshore, and</p> <p>(ii) ensure emergency vehicles can access the area near the development.</p>	
<p>AO10 Development that involves reconfiguring a lot for urban purposes adjacent to the coast is designed to ensure public access to the coast in consideration of public access demand from a whole-of-community basis and the maintenance of coastal landforms and coastal habitat.</p>	<p>AO10.1 Development complies if consideration of public access demand from a whole-of-community basis and the maintenance of coastal landforms and coastal habitat is undertaken.</p> <p>or</p> <p>AO10.2 Development demonstrates an alternative solution to achieve an equivalent standard and quality of access.</p>	<p>Not Applicable. The site is private freehold land and does not presently support public access to tidal waters, nor does the Applicant intend to provide public access.</p>
<p>PO11 Development maintains public access to State coastal land by avoiding private marine development attaching to, or extending across, non-tidal State coastal land.</p>	<p>AO11 Private marine access structures and other structures such as decks or boardwalks for private use do not attach to or extend across State coastal land that is situated above high water mark</p>	<p>Not Applicable.</p>
<p>PO12 Development in connection with an artificial waterway enhances public access to coastal waters.</p>	<p>AO12 The artificial waterway avoids intersecting with or connection to inundated land or leased land where the passage, use or movement of vessels in water on the land could be restricted or prohibited by the registered proprietor of the inundated land or leased land.</p>	<p>Not Applicable.</p>



Performance outcomes	Acceptable outcomes	Applicant response
Coastal landscapes, views and vistas		
PO13 Development maintains and / or enhances natural coastal landscapes, views and vistas.	AO13 No acceptable outcomes are prescribed.	Complies. The proposed development will not impact coastal landscapes, views or vistas.
PO14 Coastal settlements are consolidated through the concentration of development within the existing urban areas through infill and conserving the natural state of the coastal area outside existing urban areas.	AO14 No acceptable outcomes are prescribed.	Not Applicable.
Private marine development		
PO15 Private marine development is to avoid attaching to, or extending across, non-tidal State coastal land.	AO15 Private marine development and other structures such as decks or boardwalks for private use do not attach to, or extend across, State coastal land that is situated above high water mark. Note – For occupation permits or allocations of State land, refer to the <i>Land Act 1994</i> .	Not Applicable.
PO16 The location and design of private marine development does not adversely affect the safety of members of the public access to the foreshore.	AO16 Private marine development does not involve the erection or placement of any physical barrier preventing existing access, along a public access way to the foreshores.	Not Applicable.
PO17 Private marine development is of a height and scale and size compatible with the character and amenity of the location.	AO17 Private marine development has regard to: (a) the height, scale and size of the natural features of the immediate surroundings and locality; (b) the height, scale and size of existing buildings or other structures in the immediate surroundings and the locality;	Not Applicable.



Performance outcomes	Acceptable outcomes	Applicant response
	<p>(c) if the relevant planning scheme states that desired height, scale or size of buildings or other structures in the immediate surroundings or locality – the stated desired height, scale or size.</p> <p>Note – The prescribed tidal works code in the <i>Coastal Protection and Management Regulation 2003</i> outlines design and construction requirements that must be complied with.</p>	
PO18 Private marine development avoids adverse impacts on coastal landforms and coastal processes.	AO18 Private marine development does not require the construction of coastal protection works, shoreline or riverbank hardening or dredging for marine access.	Not Applicable.
For dry land marinas and artificial waterways		
PO19 Dry land marinas and artificial waterways: <ul style="list-style-type: none"> (a) avoid impacts on coastal resources; (b) do not contribute to the degradation of water quality; (c) do not increase the risk of flooding; (d) do not result in the degradation or loss of MSES; (e) do not result in an adverse change to the tidal prism of the natural waterway to which development is connected. (f) does not involve reclamation of tidal land other than for the purpose of: <ul style="list-style-type: none"> (i) coastal dependent development, public marine development; or (i) community infrastructure, where there is no feasible alternative; or 	AO19 No acceptable solutions are prescribed.	Not Applicable.



Performance outcomes	Acceptable outcomes	Applicant response
(iii) strategic ports, boat harbours or strategic airports and aviation facilities in accordance with a statutory land use plan; or (iv) coastal protection works or works necessary to protect coastal resources and processes.		

9.4.7 Reconfiguring a lot code

9.4.7.1 Application

- (1) This code applies to assessing reconfiguring a lot if:
 - (a) assessable development where the code is an applicable code identified in the assessment criteria column of a table of assessment;
 - (b) impact assessable development, to the extent relevant.
- (2) When using this code, reference should be made to Part 5.

9.4.7.2 Purpose

- (1) The purpose of the Reconfiguring a lot code is to regulate development for reconfiguring a lot.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development results in a well-designed pattern of streets supporting walkable communities;
 - (b) lots have sufficient areas, dimensions and shapes to be suitable for their intended use taking into account environmental features and site constraints;
 - (c) road networks provide connectivity that is integrated with adjoining existing or planned development while also catering for the safe and efficient access for pedestrians, cyclists and for public transport;
 - (d) lots are arranged to front all streets and parkland such that development enhances personal safety, traffic safety, property safety and security; and contributes to streetscape and open space quality;
 - (e) development does not diminish environmental and scenic values, and where relevant, maintains and enhances public access and use of natural areas, rivers, dams, creeks and the foreshore, in a way that protects natural resources;
 - (f) people and property are not placed at risk from natural hazards;
 - (g) a range of functional parkland, including local and district parks, major areas of parkland with a region-wide focus and open space links are available for the use and enjoyment of residents and visitors to the region;
 - (h) the appropriate standard of infrastructure is provided.

9.4.7.3 Criteria for assessment

Table 9.4.7.3.a – Reconfiguring a lot code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
General lot design standards		
PO1 Lots comply with the lot reconfiguration outcomes of the applicable Zone code in Part 5.	AO1 No acceptable outcomes are prescribed.	Complies. The proposed lots achieve the minimum lot areas prescribed under the Rural Zone and Rural Residential Zone Codes.



PO2 New lots are generally rectangular in shape with functional areas for land uses intended by the zone.	A02 Boundary angles are not less than 45 degrees.	Complies. The new boundary achieves angles of not less than 45 degrees.
PO3 Lots have legal and practical access to a public road.	A03 Each lot is provided with: (a) direct access to a gazetted road reserve; or (b) access to a gazetted road via a formal access arrangement registered on the title.	Complies. Proposed Lot 1 has access to Vixies Road and South Arm Drive. Proposed Lot 2 is accessed via an unnamed road which intersects midway along South Arm Drive and also a further unnamed road which intersects towards the northern end of South Arm Drive.
PO4 Development responds appropriately to its local context, natural systems and site features.	A04 Existing site features such as: (a) significant vegetation and trees; (b) waterways and drainage paths; (c) vistas and vantage points are retained and/or are incorporated into open space, road reserves, near to lot boundaries or as common property.	Complies. The proposed development is for land management purposes and does not result in disturbance of existing site features.
PO5 New lots which have the capability of being further reconfigured into smaller lots at a later date are designed to not compromise ultimate development outcomes permitted in the relevant zone.	A05 The ability to further reconfigure land at a later date is demonstrated by submitting a concept plan that meets the planning scheme requirements for the applicable Zone.	Complies. Proposed Lot 1 is of such a size it could be further reconfigured if desired. It is not intended that Lot 2 will be further subdivided.
PO6 Where existing buildings or structures are to be retained, development results in: (a) boundaries that offer regular lot shapes and usable spaces; (b) existing improvements complying with current building and amenity standards in relation to boundary setbacks. Note - This may require buildings or structures to be modified, relocated or demolished to meet setback standards, resolve encroachments and the like.	A06 Development ensures setbacks between existing buildings or structures and proposed boundaries satisfy relevant building standards or zone code requirements, whichever is the greater.	Complies. The proposed development does not create any issues with respect to existing buildings and setbacks.



<p>PO7 Where rear lots are proposed, development:</p> <ul style="list-style-type: none"> (a) provides a high standard of amenity for residents and other users of the site and adjoining properties; (b) positively contributes to the character of adjoining properties and the area; (c) does not adversely affect the safety and efficiency of the road from which access is gained. 	<p>A07.1 Where rear lots are to be established:</p> <ul style="list-style-type: none"> (a) the rear lot is generally rectangular in shape, avoiding contrived sharp boundary angles; (b) no more than 6 lots directly adjoin the rear lot; (c) no more than one rear lot occurs behind the road frontage lot; (d) no more than two access strips to rear lots directly adjoin each other; (e) access strips are located only on one side of the road frontage lot. <p>A07.2 Access strips to the rear lot have a minimum width dimension of:</p> <ul style="list-style-type: none"> (a) 4.0 metres in Residential Zones. (b) 8.0 metres in Industrial Zones category. (c) 5.0 metres in all other Zones. <p>Note - Rear lots are generally not appropriate in non-Residential or non-Rural zones.</p> <p>A07.3 Access strips are provided with a sealed pavement of sufficient width to cater for the intended traffic, but no less than:</p> <ul style="list-style-type: none"> (a) 3.0 metres in Residential Zone. (b) 6.0 metres in an Industrial Zone. (c) 3.5 metres in any other Zone. 	<p>Not Applicable.</p>
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Performance outcomes		Acceptable outcomes
Structure plans		
<p>Additional requirements for:</p> <p>(a) a site which is more than 5,000m² in any of the Residential zones; or</p> <p>within these zones, and</p> <p>(b) creates 10 or more lots; or</p> <p>(c) involves the creation of new roads and/or public use land.</p> <p>or</p> <p>(d) For a material change of use involving:</p> <p>(i) preliminary approval to vary the effect of the planning scheme;</p> <p>(ii) establishing alternative Zones to the planning scheme.</p> <p>Note - This part is to be read in conjunction with the other parts of the code</p>		
<p>PO8</p> <p>A structure plan is prepared to ensure that neighbourhood design, block and lot layout, street network and the location and provision on any open space recognises previous planning for the area and its surroundings, and integrates appropriately into its surroundings.</p>	<p>AO8.1</p> <p>Neighbourhood design, lot and street layout, and open space provides for, and integrates with, any:</p> <p>(a) approved structure plan;</p> <p>(b) the surrounding pattern of existing or approved subdivision.</p> <p>Note - Planning scheme policy SC14– Structure planning provides guidance on meeting the performance outcomes.</p> <p>AO8.2</p> <p>Neighbourhood design, lot and street layouts enable future connection and integration with adjoining undeveloped land.</p>	Not Applicable.



<p>PO9 Neighbourhood design results in a connected network of walkable streets providing an easy choice of routes within and surrounding the neighbourhood.</p>	<p>AO9.1 Development does not establish cul-de-sac streets unless:</p> <ul style="list-style-type: none"> (a) cul-de-sacs are a feature of the existing pattern of development in the area; (b) there is a physical feature or incompatible zone change that dictates the need to use a cul-de-sac streets. <p>AO9.2 Where a cul-de-sac street is used, it:</p> <ul style="list-style-type: none"> (a) is designed to be no longer than 150 metres in length; (b) is designed so that the end of the cul-de-sac is visible from its entrance; (c) provides connections from the top of the cul-de-sac to other streets for pedestrians and cyclists, where appropriate. <p>AO9.3 No more than 6 lots have access to the turning circle or turning-tee at the end of a cul-de-sac street.</p>	<p>Not Applicable.</p>
<p>PO10 Neighbourhood design supports diverse housing choices through block sizes and lot design. In developing areas, significant changes in lot size and frontage occur at the rear of lots rather than on opposite sides of a street.</p>	<p>PO10 No acceptable outcomes are prescribed.</p>	<p>Not Applicable.</p>
<p>PO11 Provision of physical and social infrastructure in developing residential neighbourhoods is facilitated through the orderly and sequential development of land.</p> <p>Note - Part 4 – Local government infrastructure plan may identify specific levels of infrastructure to be provided within development sites.</p>	<p>AO11.1 New development adjoins adjacent existing or approved urban development.</p> <p>AO11.2 New development is not established beyond the identified Local government infrastructure plan area.</p>	<p>Not Applicable.</p>
<p>Urban parkland and environmental open space</p>		



PO12 Where appropriate development maintains and enhances public access and use of natural areas, rivers, dams, creeks and the foreshore.	AO12 No acceptable outcomes are prescribed.	Not Applicable.
PO13 Development provides land to: (a) meet the recreation needs of the community; (b) provide an amenity commensurate with the structure of neighbourhoods and land uses in the vicinity; and adjacent to open space areas; (c) provide for green corridors and linkages.	AO13 No acceptable outcomes are prescribed. Note - Part 4 – Priority infrastructure plan and Planning scheme policy SC14 – Structure Plans provides guidance in providing open space and recreation land.	Not Applicable.

AO14

Lot size, dimensions, frontage and orientation permits buildings to be established that will facilitate casual surveillance to urban parkland and environmental open space.

AO14.1

Urban parkland is regular in shape.

AO14.2

At least 75% of the urban parkland's frontage is provided as road.

AO14.3

Urban parkland and environmental open space areas are positioned to be capable of being overlooked by surrounding development.

AO14.4

Surrounding lots are orientated so that facades will front and overlook the urban parkland and environmental open space.

AO14.5


The number of lots that back onto, or are side-orientated to the urban parkland and environmental open space is minimised.



Inconsistent design solution - low total number of lots complying with the acceptable outcomes.

Not Applicable.



 Lots orientated to front and overlook park to provide casual surveillance.
Consistent design solution - high total number of lots complying with the acceptable outcomes.

Private subdivisions (gated communities)

PO15

Private subdivisions (gated communities) do not compromise the establishment of connected and integrated infrastructure and open space networks.

PO15

No acceptable outcomes are prescribed.

Not Applicable.

Additional requirements for reconfiguration involving the creation of public streets or roads

PO16

The function of new roads is clearly identified and legible and provides integration, safety and convenience for all users.

AO16

No acceptable outcomes are prescribed.

Note - The design and construction standards are set out in Planning scheme policy SC5 – FNQROC Regional Development Manual, with reference to the specifications set out in Sections D1 and D3.

Not Applicable.

PO17

Street design supports an urban form that creates walkable neighbourhoods. Street design:

- (a) is appropriate to the function(s) of the street;
- (b) meets the needs of users and gives priority to the needs of vulnerable users.

AO17

No acceptable outcomes are prescribed.

Not Applicable.

Public transport network



PO18 Development provides a street pattern that caters for the extension of public transport routes and infrastructure including safe pedestrian pick-up and set-down up facilities.	AO18 No acceptable outcomes are prescribed.	Not Applicable.
Pest plants		
PO19 Development activities and sites provide for the removal of all pest plants and implement ongoing measures to ensure that pest plants do not reinfest the site or nearby sites. Editor's note - This does not remove or replace all land owner's obligations or responsibilities under the Land Protection (Pest and Stock Route Management) Act 2002.	AO19 Pest plants detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person prior to earthworks commencing. Note - A declaration from an appropriately qualified person validates the land being free from pest plants. Declared pest plants include locally declared and State declared pest plants.	Not Applicable.