



Town Planning and Project Services

29 April 2024

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

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

Attn: Jenny Elphinstone

RE: RESPONSE TO ACTION NOTICE AND COMBINED APPLICATION FOR A CHANGE APPLICATION (MINOR CHANGE) OVER LAND AT 292 SYNDICATE ROAD, MIALLO, MORE FORMALLY DESCRIBED AS LOT 112 ON NI 57666 AND RECONFIGURING A LOT (ACCESS EASEMENT) OVER 279 SYNDICATE ROAD, MIALLO AND MORE FORMALLY DESCRIBED AS LOT 5 ON RP731070 IN FAVOUR OF LAND AT 292 SYNDICATE ROAD, MIALLO, MORE FORMALLY DESCRIBED AS LOT 112 ON NI 57666

Aspire Town Planning and Project Services act on behalf of on behalf of Young Street (No. 137) Pty Ltd A.C.N. 060 017 665 (the 'Applicant' and the 'Land Owner' of 292 Syndicate Road, Miallo) in relation to the above described matter.

In response to the Council's Action Notice dated 19 April 2024, Council ref: CA 2024_5594/1 (Doc ID 1223150), we advise:

1. The application material has been updated to include a Combined Application for a Change Application (Minor Change) and Development Permit for Reconfiguring a Lot (Access Easement).
2. The relevant Application Fee is calculated to be **\$1,419.00**, comprising \$358.00 for the Change Application (Minor Change) component, plus \$1,061.00 for the Reconfiguring a Lot component, under the Douglas Shire Council Fees and Charges Schedule for Years 2023/2024 has been paid. The receipt of payment has been issued to Council separately via email.
3. Owners Consent has been received for aspects of the application concerning 279 Syndicate Road, Miallo and is included under Attachment 2.

On behalf of the Land Owner, please accept the accompanying documentation supporting a Change Application (Minor Change), pursuant to Section 78 of the *Planning Act 2016* (the 'Act') which seeks approval to extend the existing Dwelling House. The application seeks to amend the existing Development Permit for a Material Change of Use (Dwelling House) granted by Douglas Shire Council on the 17 November 2000 (Council Ref: Application

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No. 045/00). The purpose of the Change Application (Minor Change) is to facilitate additional Bures discussed in further detail herein.

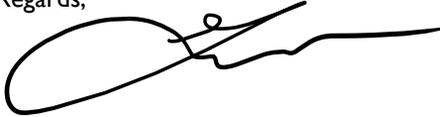
Furthermore on behalf of the Applicant, please accept the accompanying attachments also as a properly made Development Application pursuant to Sections 50 and 51 of the *Planning Act 2016* seeking a Development Permit for Reconfiguring a Lot (Access Easement).

As such please find enclosed the following documentation associated with this Development Application:

- Duly completed DA Form 1 and 5 (Attachment 1);
- Land Owner Consent (Attachment 2); and
- Town Planning Report (Attachment 3).

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,

A handwritten signature in black ink, appearing to read 'Daniel Favier', with a long horizontal stroke extending to the right.

Daniel Favier

Senior Town Planner

ASPIRE Town Planning and Project Services



ASPIRE

Town Planning and Project Services

Attachment I

Duly completed DA Form I and 5

DA Form 1 – Development application details

Approved form (version 1.4 effective 15 December 2023) 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) <i>(individual or company full name)</i>	Young Street (No. 137) Pty Ltd A.C.N. 060 017 665
Contact name <i>(only applicable for companies)</i>	c/- Daniel Favier T/A Aspire Town Planning and Project Services
Postal address <i>(P.O. Box or street address)</i>	PO Box 1040
Suburb	Mossman
State	QLD
Postcode	4873
Country	Australia
Contact number	0418826560
Email address <i>(non-mandatory)</i>	admin@aspireqld.com
Mobile number <i>(non-mandatory)</i>	
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	2023-03-48 – Young Street (No. 137) - 292 Syndicate Road, Miallo

2) Owner's consent

2.1) Is written consent of the owner required for this development application?

- Yes – the written consent of the owner(s) is attached to this development application
 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
		292	Syndicate Road	Miallo
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	112	N157666	Douglas
b)	Unit No.	Street No.	Street Name and Type	Suburb
		279	Syndicate Road	Miallo
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	5	RP731070	Douglas

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

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

- Coordinates of premises by longitude and latitude

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

- Coordinates of premises by easting and northing

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

3.3) Additional premises

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

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

In or adjacent to a water body or watercourse or in or above an aquifer
 Name of water body, watercourse or aquifer: Saltwater Creek

On strategic port land under the *Transport Infrastructure Act 1994*
 Lot on plan description of strategic port land:
 Name of port authority for the lot:

In a tidal area
 Name of local government for the tidal area (if applicable):
 Name of port authority for tidal area (if applicable):

On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*
 Name of airport:

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

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

Yes – All easement locations, types and dimensions are included in plans submitted with this development application

No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

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

Material change of use Reconfiguring a lot Operational work Building work

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

Development permit Preliminary approval Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment Impact assessment *(requires public notification)*

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

Extension of an existing Access Easement burdening Lot 5 on RP731070 in favour of Lot 112 on N157666

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 <i>(include each definition in a new row)</i>	Number of dwelling units <i>(if applicable)</i>	Gross floor area (m ²) <i>(if applicable)</i>

8.2) Does the proposed use involve the use of existing buildings on the premises?	
<input type="checkbox"/> Yes	
<input type="checkbox"/> No	

Division 2 – Reconfiguring a lot

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

9.1) What is the total number of existing lots making up the premises?	
Two	

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

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

10.2) Will the subdivision be staged?	
<input type="checkbox"/> Yes – provide additional details below	
<input type="checkbox"/> 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
Proposed	16m	19m	Access and Services	Lot 112 on N157666

Division 3 – Operational work

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

14.1) What is the nature of the operational work?

<input type="checkbox"/> Road work	<input type="checkbox"/> Stormwater	<input type="checkbox"/> Water infrastructure
<input type="checkbox"/> Drainage work	<input type="checkbox"/> Earthworks	<input type="checkbox"/> Sewage infrastructure
<input type="checkbox"/> Landscaping	<input type="checkbox"/> Signage	<input type="checkbox"/> Clearing vegetation
<input type="checkbox"/> Other – please specify: _____		

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

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

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application <input type="checkbox"/> I do not agree to accept an information request for this development application
Note: <i>By not agreeing to accept an information request I, the applicant, acknowledge:</i> <ul style="list-style-type: none"> • <i>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</i> • <i>Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</i> <i>Further advice about information requests is contained in the DA Forms Guide.</i>

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)			
<input checked="" type="checkbox"/> Yes – provide details below or include details in a schedule to this development application <input type="checkbox"/> No			
List of approval/development application references	Reference number	Date	Assessment manager
<input checked="" type="checkbox"/> Approval <input type="checkbox"/> Development application	MCU 045/00	17 November 2000	Douglas Shire Council
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

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

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

23) Further legislative requirements			
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 <i>Environmental Protection Act 1994</i> ?			
<input type="checkbox"/> Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below <input checked="" type="checkbox"/> No <i>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.</i>			
Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			
<input type="checkbox"/> Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.			
Hazardous chemical facilities			
23.2) Is this development application for a hazardous chemical facility ?			
<input type="checkbox"/> Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application <input checked="" type="checkbox"/> No <i>Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.</i>			

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			
<i>Note: For completion by assessment manager if applicable</i>			
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			

3.2) Coordinates of premises <i>(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)</i>				
Note: Place each set of coordinates in a separate row.				
<input type="checkbox"/> Coordinates of premises by longitude and latitude				
Longitude(s)	Latitude(s)	Datum		Local Government Area(s) <i>(if applicable)</i>
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other: <input type="text"/>		
<input type="checkbox"/> Coordinates of premises by easting and northing				
Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) <i>(if applicable)</i>
		<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				
<input type="checkbox"/> Additional premises are relevant to the original development approval and the details of these premises have been attached in a schedule to this application <input checked="" type="checkbox"/> Not required				

PART 3 – RESPONSIBLE ENTITY DETAILS

4) Identify the responsible entity that will be assessing this change application
Note: see section 78(3) of the Planning Act 2016
Douglas Shire Council

PART 4 – CHANGE DETAILS

5) Provide details of the existing development approval subject to this change application			
Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	MCU 045/00	17 November 2000	Douglas Shire Council
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

6) Type of change proposed
6.1) Provide a brief description of the changes proposed to the development approval <i>(e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):</i>
Construction of 3 additional Bures.
6.2) What type of change does this application propose?
<input checked="" type="checkbox"/> Minor change application – proceed to Part 5 <input type="checkbox"/> Other change application – proceed to Part 6

PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS

7) Are there any affected entities for this change application		
<input checked="" type="checkbox"/> No – proceed to Part 7 <input type="checkbox"/> Yes – list all affected entities below and proceed to Part 7 Note: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.		
Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS

Note: To complete this part it will be necessary for you to complete parts of DA Form 1 – Development application details and in some instances parts of DA Form 2 – Building work details, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>.

8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?
<input type="checkbox"/> No <input type="checkbox"/> Yes

9) Development details
9.1) Is there any change to the type of development, approval type, or level of assessment in this change application?
<input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 – Development application details as these sections relate to the new or changed aspects of development are provided with this application.
9.2) Does the change application involve building work?
<input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Building work details) of DA Form 2 – Building work details as it relates to the change application is provided with this application.

10) Referral details – Does the change application require referral for any referral requirements?
Note: The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change.
<input type="checkbox"/> No <input type="checkbox"/> Yes – the completed Part 5 (Referral details) of DA Form 1 – Development application details as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the Referral checklist for building work is also completed.

11) Information request under Part 3 of the DA Rules
<input type="checkbox"/> I agree to receive an information request if determined necessary for this change application <input type="checkbox"/> I do not agree to accept an information request for this change application
Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties
 - Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.
- Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

12) Further details

- Part 7 of *DA Form 1 – Development application details* is completed as if the change application was a development application and is provided with this application.

PART 7 – CHECKLIST AND APPLICANT DECLARATION

13) Change application checklist

I have identified the:

- responsible entity in 4); and
- for a minor change, any affected entities; and Yes
- for an other change all relevant referral requirement(s) in 10)

Note: See the *Planning Regulation 2017* for referral requirements

- For an other change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application Yes Not applicable

- For an other change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application Yes Not applicable

- Supporting information addressing any applicable assessment benchmarks is attached to this application Yes
- Note:** This includes any templates provided under 23.6 and 23.7 of *DA Form 1 – Development application details* that are relevant as a result of the change application, a planning report and any technical reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning report template](#).

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

14) Applicant declaration

- By making this change application, I declare that all information in this change 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 responsible entity and any relevant affected entity or referral agency for the change 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 responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change 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 8 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

QLeave notification and payment			
<i>Note: For completion by assessment manager if applicable</i>			
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			



ASPIRE

Town Planning and Project Services

Attachment 2

Land Owner Consent

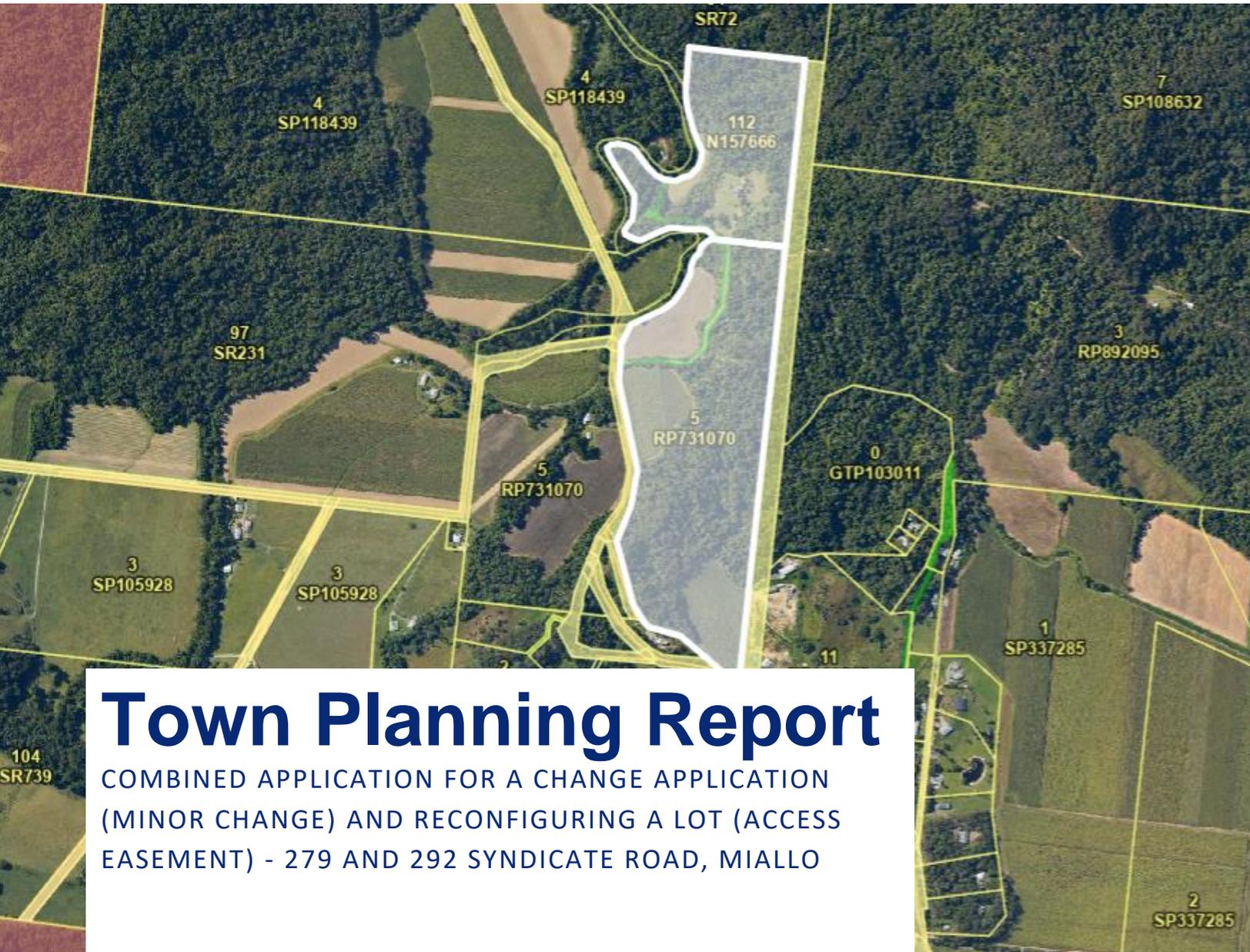
*Supplied Separately Due to Document
Security Restrictions*



Town Planning and Project Services

Attachment 3

Town Planning Report



Town Planning Report

COMBINED APPLICATION FOR A CHANGE APPLICATION
(MINOR CHANGE) AND RECONFIGURING A LOT (ACCESS
EASEMENT) - 279 AND 292 SYNDICATE ROAD, MIALLO

29 April 2024

ASPIRE Town Planning and Project Services

Authored by: Daniel Favier

Ref: 2023-03-48 – Young Street (No. 137) - 292

Syndicate Road, Miallo

Executive Summary

Aspire Town Planning and Project Services has been engaged and act on behalf Young Street (No. 137) Pty Ltd A.C.N. 060 017 665 (the 'Applicant' and the 'Land Owner' of 292 Syndicate Road, Miallo).

This Combined Development Application is for a Change Application (Minor Change), specifically for the Extension to an existing Dwelling House, over land at 292 Syndicate Road, Miallo, more formally described as Lot 112 on N157666 (the 'subject site') and a Development Permit for Reconfiguring a Lot (Access Easement) over land at 279 Syndicate Road, more formally described as Lot 5 on RP731070 (the 'neighbouring site'). The subject site contains an existing Dwelling House which is proposed to be extended. The neighbouring site contains the existing driveway access which is under an existing access easement, however the easement needs to be rectified as there is a slight misalignment and does not fully contain the actual driveway. No vegetation clearing or earthworks, other than minor earthworks to prepare the building pads is required to facilitate the development.

The three proposed new Bures are within the vicinity of the existing Bures and comprise a single bedroom with Ensuite.

Under the Douglas Shire Planning Scheme 2018 V1.0 (the 'planning scheme'), the subject site and neighbouring site are included within the Rural Zone where the proposed Reconfiguring a Lot is Code Assessable.

This Town Planning Report includes a comprehensive assessment of the proposed development against the relevant Local 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 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	292 Syndicate Road, Miallo	279 Syndicate Road, Miallo
Lot and Plan	Lot 112 on N157666	Lot 5 on RP731070
Land Owner <i>See Attachment 1 – Certificate of Title</i>	Young Street (No. 137) Pty Ltd A.C.N. 060 017 665	John Saunders Pollock Barbara Christine Noakes Donald Charles Pollock
Size	103,190m ² (10.3190ha)	386,410m ² (38.641ha)
Road Frontages	390m (approx.) gazetted unformed road to the east	Various frontages to gazetted unformed road to the east and frontage to syndicate road to the south and west
Easements <i>See Attachment 1 – Certificate of Title</i>	Easement No 601239353 Burdening the land to Lot 112 on N157666 over Easement A on RP862639 Easement No 601239354 Benefiting the land over Easement B on RP862639	Easement No 601239353 Benefiting the land over Easement A on RP862639 Easement No 601239354 Burdening the land to Lot 5 on RP 731070 Over Easement B on RP862639 Easement No 700134528 Burdening the land to Lot 75 on NR220 over Easement C on RP865390
Proposal	Change Application (Minor Change)	Reconfiguring a Lot (Access Easement)
Approvals Sought	Change Decision Notice	Development Permit
Level of Assessment	Code	
Planning Scheme Zone	Rural	
Local Plan	Nil	
Regional Plan Designation	Regional Landscape and Rural Production Area	
State Planning Policy	Appropriately integrated within the Planning Scheme	
State Development Assessment Provisions	Not applicable	
Referral	Not applicable	

2.0 Site Description

Image 1 below illustrates the location of the subject site and neighbouring site in the context of the wider locality. The subject site and neighbouring site are located approximately 4.43km north west of the Mossman Township and accessed via Syndicate Road.

The subject site contains an existing cleared are of 1.15ha approximately around the Dwelling House. The existing Dwelling House comprises four separate Bures. The Proposed Outdoor Dining and Pool Deck and Bure 1 are not currently built, however are approved buildings under an earlier Development Permit for a Dwelling House (Council ref: MCU 045/00, dated 17 November 2000) and are intended to be constructed. The subject site has existing water supply, onsite wastewater treatment, electricity and telecommunications. Access is gained via an existing driveway through the neighbouring site.

The neighbouring site contains three separate cane paddocks. The balance of the site is vegetated. An existing cleared single lane driveway provides access through to the subject site. There are no other known improvements to the land.

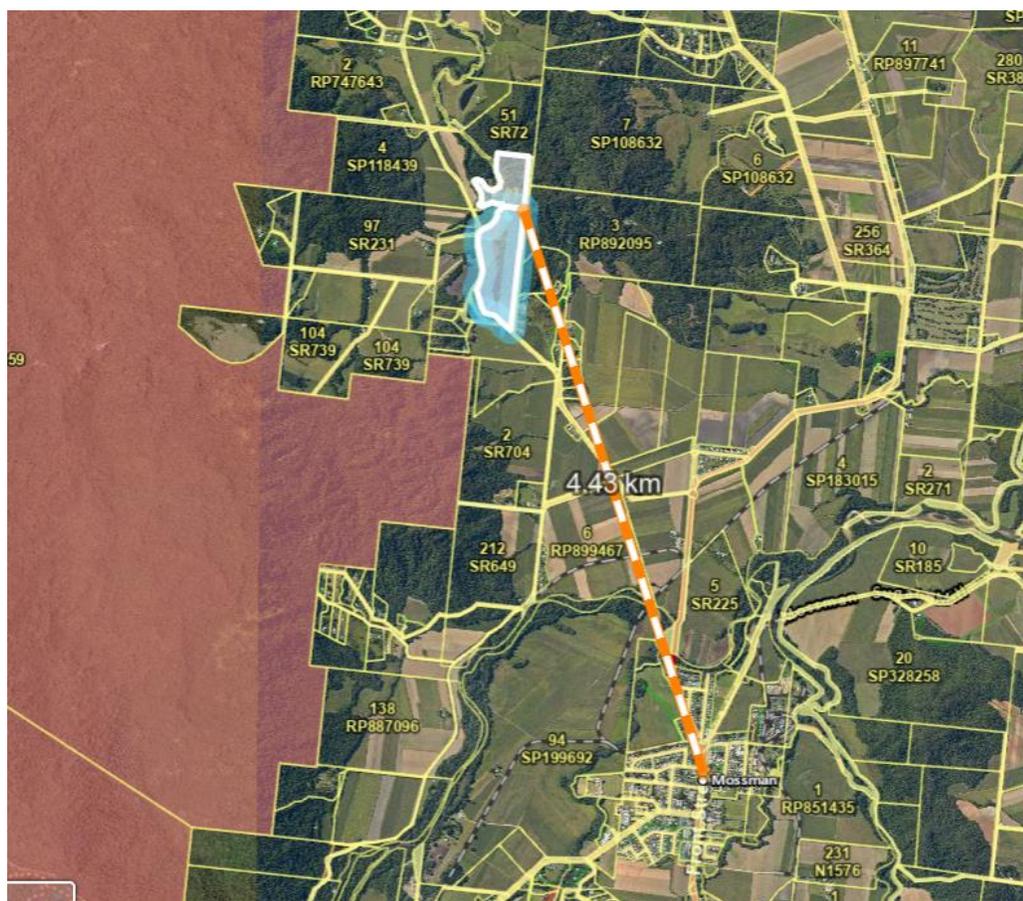


Image 1: Subject Site (source: QLD Globe, 2024)

3.0 Change Application (Minor Change)

3.1 Background and Proposal Description

On the 17 November 2000 Douglas Shire Council granted a Development Permit for a Material Change of Use (Dwelling House) (Application No. 045/00). The development was constructed in accordance with the Development Permit, except for the Outdoor Dining and Pool Deck and the southern most Bure which were not built. For completeness, these structures are nominated on the Proposal Plans included under **Attachment 2**, as Proposed Outdoor Dining and Pool Deck and Existing Bure 1. The Applicant intends to build these approved structures in addition to three new Bures (Bure 6, 7 and 8) as detailed within the Proposal Plans under **Attachment 2**.

The proposed Bures are consistent in terms of design with the other existing Bures. These structures are 6m x 6m and contain a single bedroom, walk in robe and ensuite. Existing Bure 3 nominated on the proposal plans contains the central dining and living area.

Further refer to the Proposal Plans included under **Attachment 2**.

3.2 Planning Context

The property is located within the Rural Zone of the Douglas Shire Council Planning Scheme 2018 v1.0 and the land use is defined as a Dwelling House.

The following Overlays relate to the property:

- Acid Sulphate Soils Overlay (5-20m AHD);
- Bushfire Hazard Overlay (Very High Potential Bushfire Intensity; Potential Impact Buffer);
- Flood and Storm Tide Hazard Overlay (Floodplain Assessment Overlay Daintree River);
- Hillslopes Overlay (Areas affected by Hillslopes);
- Landscape Values Overlay (High Landscape Values);
- Potential Landslide Hazard Overlay (High and Medium Hazard Risk); and
- Natural Areas Overlay (MSES Regulated Vegetation, Regulated Vegetation (Intersecting a Watercourse) and Wildlife Habitat).

Within the Rural Zone of the Douglas Shire Council Planning Scheme 2018 v1.0 a Dwelling House is Self Assessable.

The original Dwelling House was assessed and approved under a superseded Planning Scheme. The proposed additional Bures trigger a Change Application (Minor Change). The following sections of this report includes an assessment in regards to the proposed Change Application (Minor Change).

3.3 Minor Change Test

By way of definition under the Act, a ‘Minor Change’, means a change that:

“...
“

(b) for a development approval—

(i) would not result in substantially different development; and

(ii) if a development application for the development, including the change, were made when the change application is made would not cause—

(A) the inclusion of prohibited development in the application; or

(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or

(C) referral to extra referral agencies, other than to the chief executive; or

(D) a referral agency, in assessing the application under section 55(2), to assess the application against, or have regard to, a matter, other than a matter the referral agency must have assessed the application against, or had regard to, when the application was made; or

(E) public notification if public notification was not required for the development application.”

Assessment Comments

Whether the development triggers ‘Substantially Different Development’ is assessed in the following section of this report, however in response to the other above Minor Change criteria, it is submitted that the:

- The proposed Change would not cause prohibited development;
- If a development application were made, including the proposed Change, it would not trigger referral to a referral agency;
- The proposed Change does not trigger additional referral agencies; and
- If a development application were made, including the proposed Change, it would not trigger Public Notification.

3.4 Substantially Different Development Test

The Development Assessment Rules V1.3 offer guidance in relation to assessing whether a proposed Change results in Substantially Different Development:

“A change may be considered to result in a substantially different development if any of the following apply to the proposed change:

(a) involves a new use; or

*(b) results in the application applying to a new parcel of land; or
(c) dramatically changes the built form in terms of scale, bulk and appearance; or
(d) changes the ability of the proposed development to operate as intended; or
(e) removes a component that is integral to the operation of the development; or
(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or
(g) introduces new impacts or increase the severity of known impacts; or
(h) removes an incentive or offset component that would have balanced a negative impact of the development; or
(i) impacts on infrastructure provisions.”*

Assessment Comments

It is submitted that the proposed Change will not result in Substantially Different Development, in particular:

- The Change does not seek approval for a new use, rather extension to an existing use;
- The Change does not introduce a new parcel of land;
- The Change results in an increase of 108m² in building gross floor area. Overall the building footprint and height is consistent with other Dwelling Houses;
- The Change does not affect the ability of the development to operate as intended;
- The Change does not remove an integral component of the development;
- The Change does not impact traffic flow or the transport network;
- The Change does not introduce new impacts or increase severity of known impacts;
- The Change does not remove an incentive or offset; and
- The Change will not impact on infrastructure provisions.

3.5 Assessing Change Applications for Minor Change

In consideration of the above tests, it is submitted that the proposed Change is a Minor Change.

In assessing Change Applications for Minor Change, s82 of the Act prescribes:

“... the responsible entity must consider—

- (a) the information the applicant included with the application; and*
- (b) if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved; and*
- (c) any pre-request response notice or response notice given in relation to the change application; and*
- (d) if the responsible entity is, under section 78A(3), the Minister—all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and*

(da) if paragraph (d) does not apply—all matters the responsible entity would or may assess against or have regard to, if the change application were a development application; and (e) another matter that the responsible entity considers relevant.”

Assessment Comments

The original Development Application was Code Assessable. A new Development Application would be Self Assessable, however due to the proposed design and layout of the development and the effect of the relevant Overlays, the level of assessment would revert to Code Assessable. Public Notification would not apply.

The application would be assessable against the Rural Zone Code, Dwelling House Code, Hillslope Overlay Code, Parking, Access and Servicing Code, Filling and Excavation Code and Vegetation Management Code. A detailed documented assessment against only the Rural Zone Code and the Hillslopes Overlay Code is included under **Attachment 3**.

With respect to the other applicable codes a detailed documented assessment is not included with the application material on the grounds the proposed development does not raise any conflicts with the codes.

The proposed Bures have been sited a minimum 20m from the mapped regulated vegetation in order to avoid triggering Exempt Clearing Work and referral to the State Assessment and Referral Agency.

4.0 Reconfiguring a Lot (Access Easement)

4.1 Proposal Description

The Development Application further seeks approval for a Development Permit for Reconfiguring a Lot (Access Easement) over the neighbouring site. Existing Easement A on RP862639 currently provides lawful access to the site however there is a misalignment between the and easement, see highlighted area in **Image 2** below. The application seeks to formally resolve this issue.



Image 2: Extract from Proposal Plan

Key issues:

- The physical driveway through the neighbouring site is existing and no vegetation clearing is required. No upgrade to the road alignment or surface is proposed. The driveway has appropriately served the site since before the establishment of the original Dwelling House at 292 Syndicate Road.
- The proposed Reconfiguration of a Lot (Access Easement) seeks to resolve a current misalignment between the existing physical driveway within the neighbouring site and the

existing Access Easement. This aspect of development does not generate any new impacts or issues.

4.2 Statutory Town Planning Framework

4.2.1 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.

4.2.1.1 Approval and Development

Pursuant to Sections 49, 50 and 51 of the Planning Act, the Development Application seeks a Development Permit for Reconfiguring a Lot (Access Easement).

4.2.1.2 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 Reconfiguring 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').

4.2.1.3 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 that there are no relevant referral agencies to the Development Application.

4.2.1.4 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.

4.2.1.5 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, 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.

4.2.2 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 and therefore not assessed in any further detail in this Development Application.

4.2.3 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.

4.2.4 Temporary State Planning Policies

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

4.2.5 Douglas Shire Planning Scheme 2018 v1.0

The 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.

The proposed development for Reconfiguring a Lot is identified as Code Assessable development within the Rural Zone.

The following sections include an assessment against the relevant sections of the Planning Scheme.

4.2.5.1 Zone

The subject site and neighbouring site are located within the Rural Zone. The purpose of this zone is to:

“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. It is submitted that the proposed development for a single Multiple Dwelling (and existing short term accommodation rights) directly aligns with the purpose of the zone.”

The proposed Reconfiguration of a Lot (Access Easement) over the neighbouring site, does not impact upon the function or continued use of the land for agricultural purposes.

It is submitted that the proposed development is consistent with the purpose of the Rural Zone. A full documented assessment is not included with the application material.

4.2.5.2 Overlays

Table 2: identifies the applicable Overlays to the site generally.

Overlay	Sub-category	Initial Assessment Comment
Acid Sulphate Soils	5-20m AHD	<p>The proposed development does not include works which are likely to disturb Acid Sulphate Soils.</p> <p>No conflict with the code is identified and therefore a full documented assessment against the code is not included within this report.</p>

Bushfire Hazard	Potential Impact Buffer Very High Bushfire Intensity High Potential Bushfire Intensity	The driveway to the subject site is existing and not impacted by the mapped hazard. No conflict with the code is identified and therefore a full documented assessment against the code is not included within this report.
Flood and Storm Tide Hazard	Flood Plain Assessment Overlay (Mossman River and Daintree River)	The driveway within the neighbouring site is partially affected by the mapped hazard, however this is existing and no new works are proposed for the driveway. No conflict with the code is identified and therefore a full documented assessment against the code is not included within this report.
Hillslopes	Area Affected by Hillslope	The driveway within the neighbouring site is partially affected by the mapped hazard, however this is existing and no new works are proposed for the driveway. This aspect of development does not raise conflict with the code. The proposed Bures are located within the Hillslope of the mapped hazard area. Further detailed assessment of this aspect of development is included under Attachment 3 .
Landscape Values	Landscape Value – High Landscape Values – Medium	The proposed Reconfiguration of a Lot relates to the correction of a misaligned Access Easement over an existing driveway. This aspect of development does not raise conflict with the code. Therefore a full documented assessment against the code is not included within this report.
Potential Landslide Hazard	Landslide Hazard – High and Medium Hazard Risk	No works are proposed to the existing driveway through the neighbouring site. No conflicts with the code are noted and therefore a full documented assessment against the code is not included within this report.

Natural Areas	MSES - Regulated Vegetation (Intersecting a Watercourse) MSES - Wildlife Habitat MSES - Regulated Vegetation	The proposed Reconfiguration of a Lot relates to the correction of a misaligned Access Easement over an existing driveway. This aspect of development does not raise conflict with the code. Therefore a full documented assessment against the code is not included within this report.
Road Hierarchy	Major Rural Road Minor Rural Road	The proposed Reconfiguration of a Lot relates to the correction of a misaligned Access Easement over an existing driveway. This aspect of development does not raise conflict with the code. Therefore a full documented assessment against the code is not included within this report.

4.2.5.4 Development Codes

Under the Rural Zone Tables of Assessment the following Development Codes are applicable to the assessment of the Development Application for Reconfiguring a Lot:

- Access, Servicing and Parking Code
- Environmental Performance Code
- Filling and Excavation Code
- Infrastructure Works Code
- Landscaping Code
- Vegetation Management Code
- Reconfiguring a Lot Code

Documented assessment against the Reconfiguring a Lot Code only is provided under **Attachment 3**.

Whilst the proposed development has been considered against the other applicable Development Codes, a full documented assessment is not included within the application material. Where applicable, the proposed development complies with the relevant Acceptable Outcomes.

The proposed development does not require any earthworks, vegetation clearing or alteration of the existing driveway.

5.0 Conclusion

This report accompanies a Combined Development Application is a Change Application (Minor Change) over land at 292 Syndicate Road, Miallo, more formally described as Lot 112 on N157666 and Reconfiguring a Lot (Access Easement) over land at 279 Syndicate Road, more formally described as Lot 5 on RP731070.

This application is lodged pursuant to sections 49, 50, 51 and 78 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 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: 50198435	Search Date: 20/02/2024 11:27
Date Title Created: 04/12/1997	Request No: 47142698
Previous Title: 21135044, 21135045	

ESTATE AND LAND

Estate in Fee Simple

LOT 112 CROWN PLAN N157666
Local Government: DOUGLAS**REGISTERED OWNER**

Dealing No: 720695422 01/04/2021

YOUNG STREET (NO. 137) PTY LTD A.C.N. 060 017 665 TRUSTEE
UNDER INSTRUMENT 720695422**EASEMENTS, ENCUMBRANCES AND INTERESTS**

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20945095 (POR 112V)
Deed of Grant No. 20945096 (POR 112V)
Deed of Grant No. 20945097 (POR 112V)
2. EASEMENT No 601239353 (T735913D) 21/01/1994
BENEFITING THE LAND
OVER EASEMENT A ON RP862639
3. EASEMENT No 601239354 (T735914F) 21/01/1994
BURDENING THE LAND
TO LOT 5 ON RP 731070
OVER EASEMENT B ON RP862639
4. EASEMENT No 700134528 28/07/1994 at 15:21
burdening the land to
LOT 75 ON PLAN NR220
OVER EASEMENT C ON RP 865390
5. MORTGAGE No 720787037 12/05/2021 at 15:29
NATIONAL AUSTRALIA BANK LIMITED A.C.N. 004 044 937

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference: 21054248	Search Date: 20/02/2024 11:27
Date Title Created: 20/09/1977	Request No: 47142698
Previous Title: 20743213	

ESTATE AND LAND

Estate in Fee Simple

LOT 5 REGISTERED PLAN 731070
Local Government: DOUGLAS

For exclusions / reservations for public purposes refer to Plan RP 731070

REGISTERED OWNER**INTEREST**

Dealing No: 713607483 03/12/2010

JOHN SAUNDERS POLLOCK
BARBARA CHRISTINE NOAKES
DONALD CHARLES POLLOCK

1/3
1/3
1/3

AS TENANTS IN COMMON

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20150038 (POR 109V)
2. EASEMENT No 601239353 (T735913D) 21/01/1994
BURDENING THE LAND
TO LOT 112 ON PLAN N157666
OVER EASEMENT A ON RP862639
3. EASEMENT No 601239354 (T735914F) 21/01/1994
BENEFITING THE LAND
OVER EASEMENT B ON RP862639

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

Attachment 2

Proposal Plans

WIND CLASSIFICATION - C2

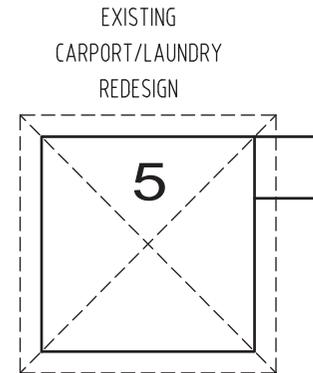
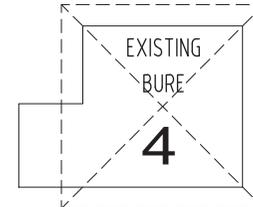
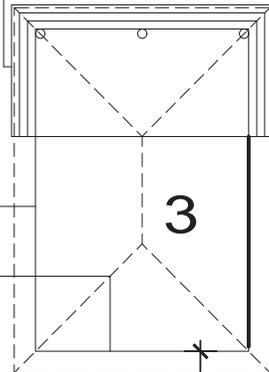
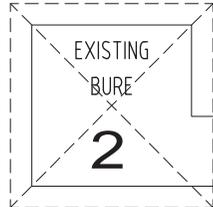
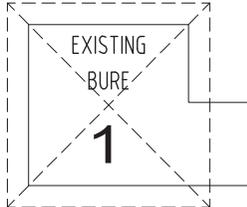
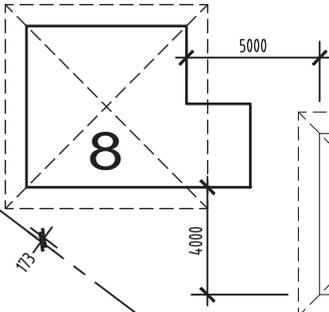
PROPOSED
OUTDOOR DINING
AND POOL DECK

EXISTING
POOL

GENERAL NOTES

- TIMBER MEMBER SIZES AND CONNECTIONS NOT SHOWN ON PLANS SHALL COMPLY WITH AS 1684.3
- ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE CURRENT S.A.A. CODES AND THE BY-LAWS AND ORDINANCES OF THE RELEVANT BUILDING AUTHORITY EXCEPT WHERE VARIED BY THE PROJECT SPECIFICATION.
- EXECUTION AND CONTROL TESTING OF EARTHWORKS AND ASSOCIATED SITE PREPARATION WORKS SHALL COMPLY WITH A.S. 3798.
- ALL DIMENSIONS SHOWN SHALL BE VERIFIED ON SITE
- IF ANY DISCREPANCY OCCURS ON THE ENGINEERS DRAWINGS THE CONTRACTOR SHALL ASSUME THE LARGER/GREATER. ANY DISCREPANCY SHALL BE REFERRED TO THE ENGINEER BEFORE PROCEEDING WITH ANY WORK. SUBSTITUTIONS MUST BE APPROVED BY THE ENGINEER.

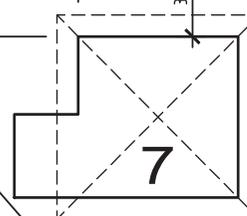
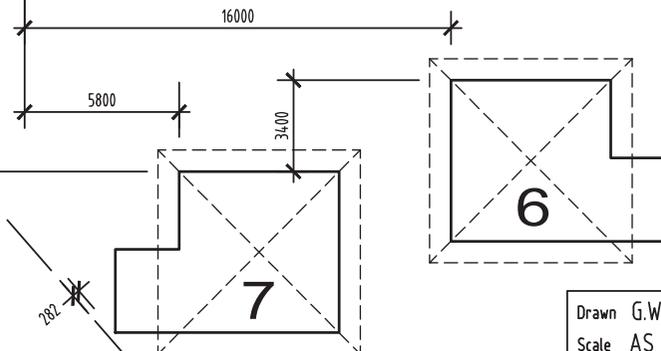
PROPOSED
NEW BURE



PROTECTED VEGETATION - 20m SETBACK LINE

23000

PROPOSED
NEW BURE



PROPOSED
NEW BURE

292

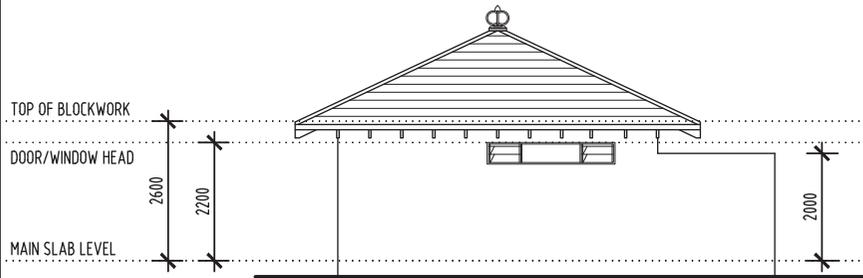
PARTIAL SITE PLAN
1:200

WIND CLASSIFICATION	MAXIMUM DESIGN GUST WIND SPEED (M/S)	
	PERMISSIBLE STRESS	LIMIT STATE
C1	41 (W41C)	50
C2	50 (W50C)	61
C3	60 (W60C)	74

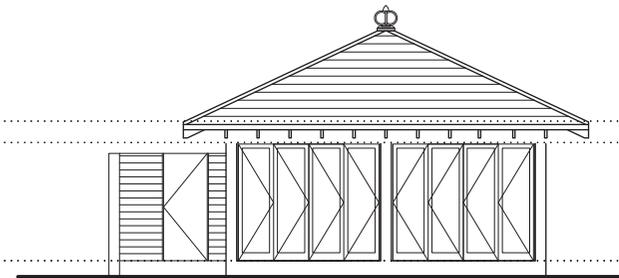
TERMITE CONTROL
ALL PRIMARY BUILDING ELEMENTS - TERMITE RESISTANT
REFERENCES:- AS 3660.1, AS 3660.2, AS 3660.3, AS 1684,
AS 1720, AS 2870, AS 4773 AND NASH STANDARD
PART 2 - DESIGN SOLUTIONS - SECTION B4.3

Drawn G.W.M. Job Number 24014
Scale AS SHOWN Sheet Number DA-1/2A
Date APRIL 2024 © Copyright Retained
Client:- MARSHALL DESIGN
Q.B.C.C. No. 63487
YOUNG STREET NO. 137 PTY. LTD. - 292 SYNDICATE ROAD, MIALLO.

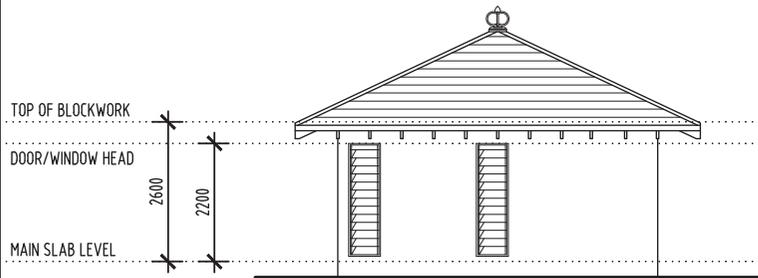
PROTECTED VEGETATION - 20m SETBACK LINE



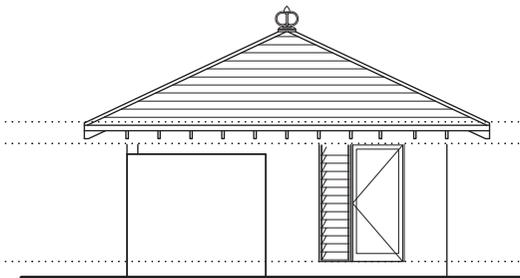
1 ELEVATION
1:100



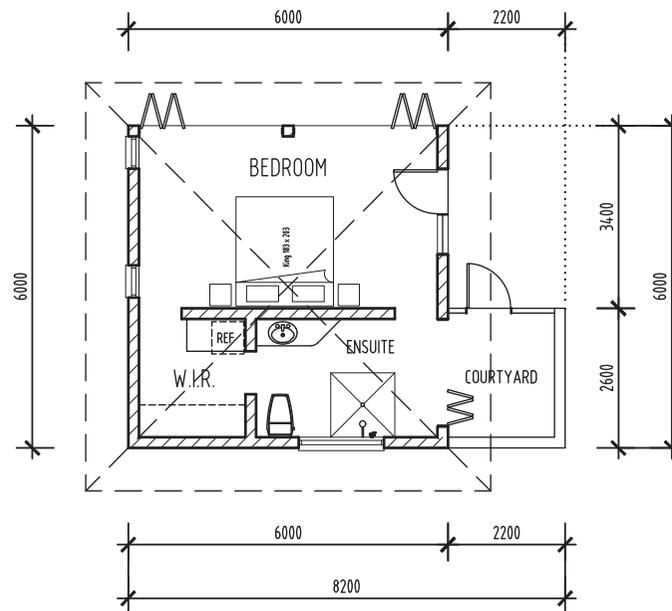
2 ELEVATION
1:100



3 ELEVATION
1:100



4 ELEVATION
1:100



TYPICAL NEW BURE FLOOR PLAN
1:100



CERTIFIED AS STRUCTURALLY ADEQUATE

KFB Engineers Civil & Structural
 1/38-42 Pease St, Cairns | PO Box 927, Cairns Q 4870
 P: 07 40320492 | F: 07 40320092 | E: mail@kfbeng.com.au

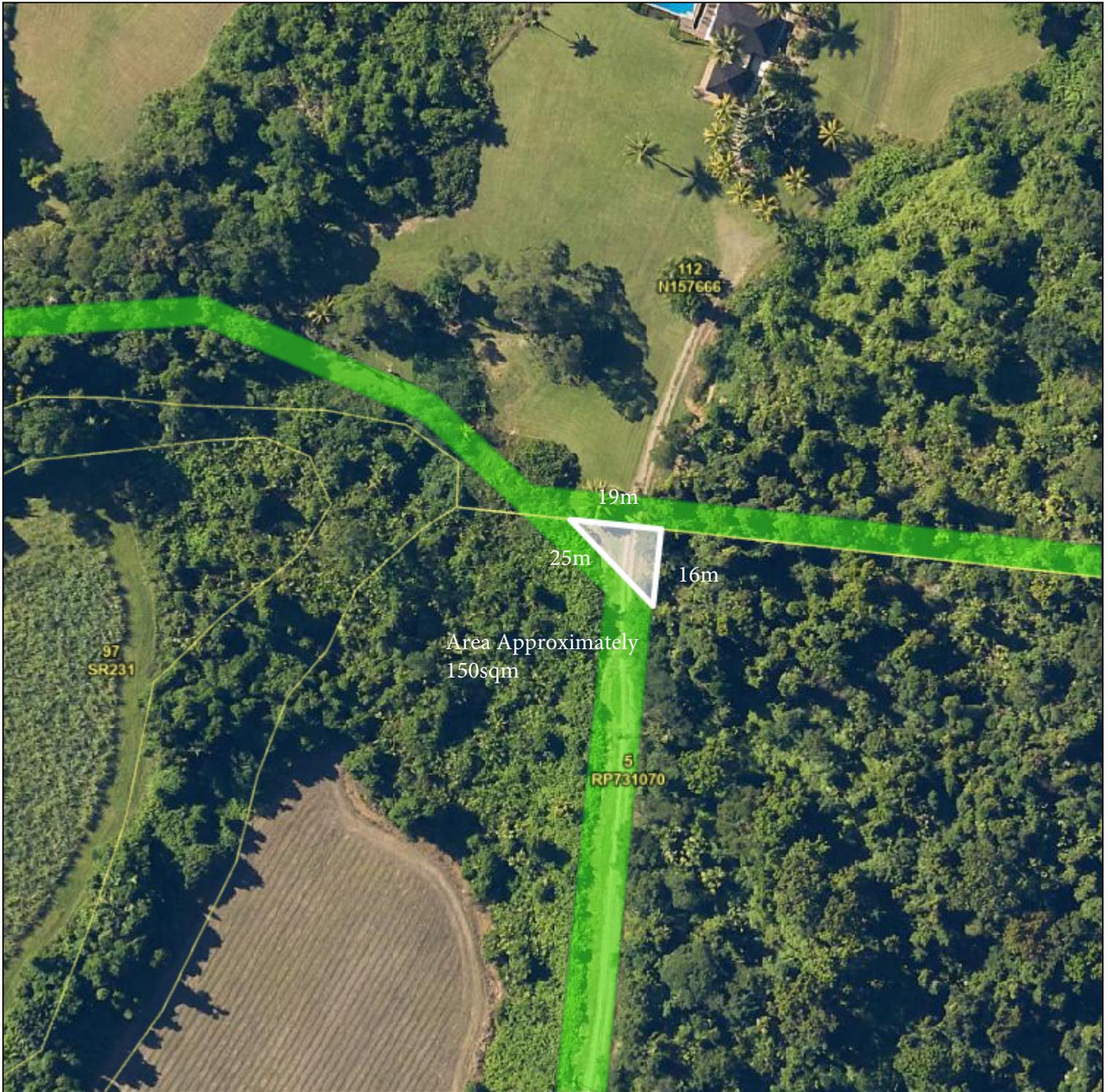
Date: 5/3/24 Signed:
 Job No: K-12488 RPEQ No: 5711

Drawn G.W.M. Job Number 24014
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 Date SEPT. 2023 © Copyright Retained
 Client: MARSHALL DESIGN
 Q.B.C.C. No. 63487
 YOUNG STREET NO. 137 PTY. LTD. - 292 SYNDICATE ROAD, MIALLO.

Proposed Access and Services Easement

16°25'18"S 145°21'31"E

16°25'18"S 145°21'38"E



16°25'25"S 145°21'31"E

16°25'25"S 145°21'38"E

A product of



Legend located on next page



Printed at: A4
Print date: 6/3/2024

Not suitable for accurate measurement.
Projection: Web Mercator EPSG 102100 (3857)

For more information, visit
<https://qldglobe.information.qld.gov.au/help-info/Contact-us.html>

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Attachment 3

Code Assessment

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.

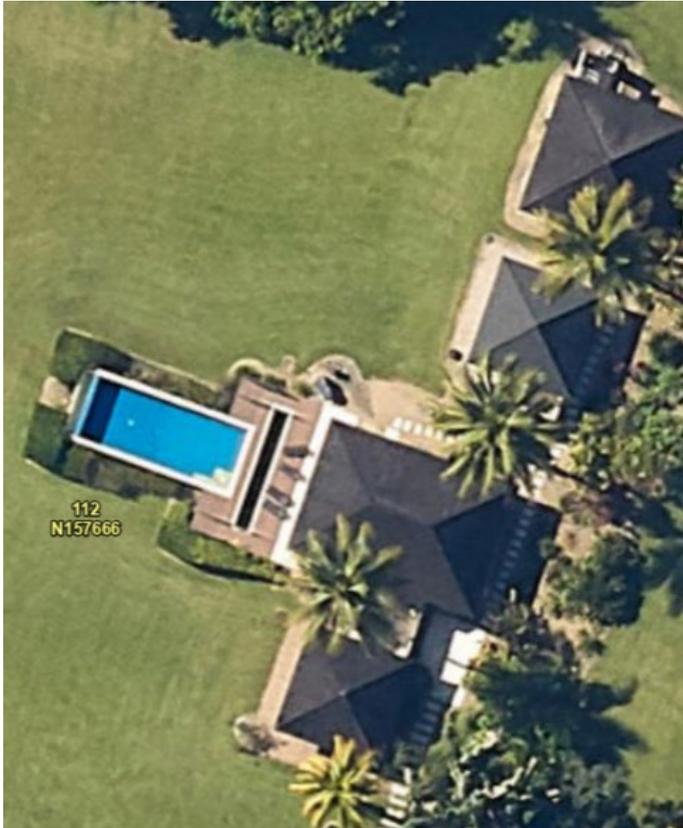
6.2.10.2 Purpose

- (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		
<p>PO1 The height of buildings is compatible with the rural character of the area and must not detrimentally impact on visual landscape amenity.</p>	<p>AO1.1 Dwelling houses are not more than 8.5 metres in height. Note – Height is inclusive of roof height.</p> <p>AO1.2 Rural farm sheds and other rural structures are not more than 10 metres in height.</p>	<p>Complies. The proposed Bures are single storey and less than 8.5m in height.</p>
Setbacks		
<p>PO2 Buildings and structures are setback to maintain the rural character of the area and achieve separation from buildings on adjoining properties.</p>	<p>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.</p>	<p>Complies. The proposed Bures are setback sufficiently within the property boundary.</p>
<p>PO3 Buildings/structures are designed to maintain the rural character of the area.</p>	<p>AO3 White and shining metallic finishes are avoided on external surfaces of buildings.</p>	<p>Complies. The proposed Bures are consistent in terms of design and material as the existing Bures. The wall finish is light coloured cement render as per the existing Bures, however the roof is finished in a dark grey tile which is also consistent with the existing Bures. The roof is non-reflective. See image below sourced from QldGlobe. The buildings are not visible</p>

Performance outcomes	Acceptable outcomes	Applicant response
		<p>from external public vantage points and do not impact on the rural character of the area.</p> 

Performance outcomes	Acceptable outcomes	Applicant response
For assessable development		
<p>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.</p>	<p>AO4 Uses identified in Table 6.2.10.3.b are not established in the Rural zone.</p>	<p>Complies. The Development Application is for the extension of an existing Dwelling House which is a consistent use within the Rural Zone.</p>
<p>PO5 Uses and other development include those that:</p> <ul style="list-style-type: none"> (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. 	<p>AO5 No acceptable outcomes are prescribed.</p>	<p>Complies. The Development Application is for the extension of an existing Dwelling House which is a consistent use within the Rural Zone.</p>
<p>PO6 Existing native vegetation along watercourses and in, or adjacent to areas of environmental value, or areas of remnant vegetation of value is protected.</p>	<p>AO6 No acceptable outcomes are prescribed.</p>	<p>Complies. No vegetation damage or removal is proposed.</p>
<p>PO7 The minimum lot size is 40 hectares, unless</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (i) Telecommunications facility; (ii) Utility installation. 	<p>AO7 No acceptable outcomes are prescribed.</p>	<p>Not Applicable.</p>

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.

8.2.5 Hillslopes overlay code

8.2.5.1 Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Hillslopes 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 Hillslopes overlay is identified on the Hillslopes overlay map in Schedule 2 and includes the following sub-categories:
 - (a) Hillslopes constraint sub-category.
- (3) When using this code, reference should be made to Part 5.

8.2.5.2 Purpose

- (1) The purpose of the Hillslopes 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 3.5.5 Scenic amenity.
 - (b) enable an assessment of whether development is suitable on land within the Hillslopes sub-categories.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development on hillslopes is safe, serviceable and accessible;
 - (b) the ecological values, landscape character and visual quality of the hillslopes are protected from development so as to retain the scenic backdrop to the region;
 - (c) Development on hillslopes is appropriate, having regard to the topographic constraints and environmental characteristics of the land;
 - (d) Development responds to the constraints of the site including gradient and slope stability;
 - (e) Works do not involve complex engineering solutions.

Criteria for assessment

Table 8.2.5.3.a – Hillslopes overlay code –assessable development

Performance outcomes	Acceptable outcomes	Applicant response
For self-assessable development		
<p>PO1 The landscape character and visual amenity quality of hillslopes areas is retained to protect the scenic backdrop to the region.</p>	<p>AO1.1 Development is located on parts of the site that are not within the Hillslopes constraint sub-category as shown on the Hillslopes overlay Maps contained in schedule 2.</p>	<p>Not Applicable.</p>
For assessable development		
<p>PO2 The landscape character and visual amenity quality of hillslopes areas is retained to protect the scenic backdrop to the region.</p>	<p>AO2.1 Development does not occur on land with a gradient in excess of 1 in 6 (16.6%)</p> <p>or</p> <p>AO2.2 Where development on land steeper than 1 in 6 (16.6%) cannot be avoided, development follows the natural contours of the site.</p> <p>AO2.3 Access ways and driveways are:</p> <ul style="list-style-type: none"> (a) constructed with surface materials that blend with the surrounding environment; (b) landscaped with dense planting to minimise the visual impact of the construction; (c) provided with erosion control measures immediately after construction. 	<p>Complies. The proposed new Bures are located within an existing generally levelled area of the site. Only minor earthworks are required to prepare the building pad.</p> <p>The proposed building is located below the skyline.</p> <p>No works are required for the driveway access. This is an existing single lane gravel driveway.</p> <p>No vegetation clearing or destruction is required.</p> <p>The proposed Bures are single storey and consistent in terms of design and material as the existing Bures. The wall finish is light coloured cement render as per the existing Bures, however the roof is finished in a dark grey tile which is also consistent with the existing Bures. The roof is non-reflective.</p>

Performance outcomes	Acceptable outcomes	Applicant response
	<p>AO2.4 The clearing or disturbance of vegetation is limited to clearing and disturbance that:</p> <ul style="list-style-type: none"> (a) is necessary for the construction of driveways; (b) is necessary to contain the proposed development; (c) minimises canopy clearing or disturbance; (d) minimises riparian clearing or disturbance. <p>AO2.5 On land with slopes greater than 1 in 6 (16.6%) or greater, alternative construction methods to concrete slab on ground are utilised (i.e. split level or post and beam constructed buildings that minimise modification to the natural terrain of the land).</p> <p>AO2.6 Development does not alter the sky line.</p> <p>AO2.7 Buildings and structures:</p> <ul style="list-style-type: none"> (a) are finished predominantly in the following exterior colours or surfaces: (b) moderately dark to darker shades of olive green, brown, green, blue, or charcoal; or (c) moderately dark to darker wood stains that blend with the colour and hues of the surrounding vegetation and landscape; (d) are not finished in the following exterior colours or surfaces: (e) pastel or terracotta colours, reds, yellows, shades of white or beige, or other bright colours that do not blend with the surrounding vegetation and landscape; (f) reflective surfaces. 	<p>It is noted that the buildings are located within the lower limits of the Hillslopes Overlay, screened by existing vegetation and not visible from public vantage points.</p>



Performance outcomes	Acceptable outcomes	Applicant response
	<p>AO2.8 Exterior colour schemes limit the use of white or other light colours to exterior trim and highlighting of architectural features</p> <p>AO2.9 Areas between the first floor (including outdoor deck areas) and ground level are screened from view.</p> <p>AO2.10 Recreational or ornamental features (including tennis courts, ponds or swimming pools) do not occur on land:</p> <ul style="list-style-type: none"> (a) with a gradient of 1 in 6 (16.6%) or more; (b) are designed to be sited and respond to the natural constraints of the land and require minimal earthworks 	
<p>PO3 Excavation or filling does not have an adverse impact on the amenity, safety, stability or function of the site or adjoining premises through:</p> <ul style="list-style-type: none"> (a) loss of privacy; (b) loss of access to sunlight; (c) intrusion of visual or overbearing impacts; (d) complex engineering solutions. 	<p>AO3 Excavation or fill:</p> <ul style="list-style-type: none"> (a) is not more than 1.2 metres in height for each batter or retaining wall; (b) is setback a minimum of 2 metres from property boundaries; (c) is stepped with a minimum 2 metre wide berm to incorporate landscaping in accordance with Planning scheme policy SC6.7 – Landscaping; (d) does not exceed a maximum of 3 batters and 3 berms (i.e. not greater than 3.6 metres in height) on any one lot. 	<p>Complies. Only minor earthworks are proposed to prepare the building pads.</p>

Performance outcomes	Acceptable outcomes	Applicant response
Lot reconfiguration		
<p>PO4 For development that involves reconfiguring a lot, lot layout and design is responsive to the natural constraints of the land and each lot is capable of being used for its intended purpose.</p>	<p>AO4.1 The frontage and depth of all lots is of sufficient width to:</p> <ul style="list-style-type: none"> (a) allow driveways to follow the natural contours of the site and not exceed a gradient of 1 in 6 (16.6%); (b) accommodate any changes in gradient between the road and lot within the lot boundary and not within the road reserve. <p>AO4.2 Development does not create new lots containing land of greater than 1 in 6 (16.6%), except where a rectangular area of land of lesser grade is contained within the new lots to accommodate the intended land use, with the balance left in its natural state to the greatest extent possible.</p> <p>Note – The size of rectangular areas is outlined within each zone code.</p> <p>AO4.3 Development does not alter ridgelines.</p> <p>AO4.4 Lots are designed to ensure rooflines of future buildings and structures do not protrude above a ridgeline.</p>	<p>Not Applicable.</p>

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 intend 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.	Not Applicable. The application is for an Access Easement only.



<p>PO2 New lots are generally rectangular in shape with functional areas for land uses intended by the zone.</p>	<p>A02 Boundary angles are not less than 45 degrees.</p>	<p>Not Applicable. The application is for an Access Easement only.</p>
<p>PO3 Lots have legal and practical access to a public road.</p>	<p>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.</p>	<p>Complies. The application seeks to resolved a misalignment between an existing Access Easement and existing driveway.</p>
<p>PO4 Development responds appropriately to its local context, natural systems and site features.</p>	<p>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.</p>	<p>Complies. There is no disturbance of site features.</p>
<p>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.</p>	<p>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.</p>	<p>Not Applicable. It is not intended to further reconfigure.</p>
<p>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.</p> <p>Note - This may require buildings or structures to be modified, relocated or demolished to meet setback standards, resolve encroachments and the like.</p>	<p>A06 Development ensures setbacks between existing buildings or structures and proposed boundaries satisfy relevant building standards or zone code requirements, whichever is the greater.</p>	<p>Not Applicable. The proposed development does not create any issues with respect to existing buildings and setbacks.</p>



<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>AO7.1 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>AO7.2 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>AO7.3 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	
<p>Structure plans</p> <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>	<p>Not Applicable.</p>



<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>		



<p>PO12 Where appropriate development maintains and enhances public access and use of natural areas, rivers, dams, creeks and the foreshore.</p>	<p>AO12 No acceptable outcomes are prescribed.</p>	<p>Not Applicable.</p>
<p>PO13 Development provides land to:</p> <ul style="list-style-type: none">(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.	<p>AO13 No acceptable outcomes are prescribed.</p> <p>Note - Part 4 – Priority infrastructure plan and Planning scheme policy SC14 – Structure Plans provides guidance in providing open space and recreation land.</p>	<p>Not Applicable.</p>

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.

	 <p> Lots orientated to front and overlook park to provide casual surveillance.</p> <p>Consistent design solution - high total number of lots complying with the acceptable outcomes.</p>	
Private subdivisions (gated communities)		
<p>PO15 Private subdivisions (gated communities) do not compromise the establishment of connected and integrated infrastructure and open space networks.</p>	<p>PO15 No acceptable outcomes are prescribed.</p>	<p>Not Applicable.</p>
Additional requirements for reconfiguration involving the creation of public streets or roads		
<p>PO16 The function of new roads is clearly identified and legible and provides integration, safety and convenience for all users.</p>	<p>AO16 No acceptable outcomes are prescribed.</p> <p>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.</p>	<p>Not Applicable.</p>
<p>PO17 Street design supports an urban form that creates walkable neighbourhoods. Street design:</p> <ul style="list-style-type: none"> (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. 	<p>AO17 No acceptable outcomes are prescribed.</p>	<p>Not Applicable.</p>
Public transport network		



<p>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.</p>	<p>AO18 No acceptable outcomes are prescribed.</p>	<p>Not Applicable.</p>
<p>Pest plants</p>		
<p>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.</p> <p>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.</p>	<p>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.</p> <p>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.</p>	<p>May be conditioned to Comply. Pest plants are managed onsite by the respective land owners.</p>