

YOUR REF: seda Gorge Rd Mossman
OUR REF: 43.2013.5470

17 June 2014

Department of Aboriginal, Torres Strait Islander and Multicultural Affairs
C/ Gilvear Planning Pty Ltd
PO BOX 228
BABINDA QLD 4861

Dear Madam

**RE : DEVELOPMENT APPLICATION TO VARY THE EFFECT OF THE 2008
DOUGLAS SHIRE PLANNING SCHEME ON LAND ON LOT 100 ON
RP911412 AND LOT 152 ON SR832**

Council refers to the above application and draws your attention to the following matters.

Land Included In Application

Land over which the application has been made over on Lot 100 on RP 911412 and Lot 152 on SR832. The detail of the application also includes the Lots A and B on PLN 805. The application is fundamentally flawed as it does not include this land and these additional lots were not included in the public notification. It is recommended the application be re-lodged and include all land.

Nature Of Application

It is understood the intent of the application is to enable the free-holding of individual lots and to enable the Gorge community to pursue normal residential and community activities without the necessity of further approvals.

The proposed development includes amendments to the Planning Scheme that are beyond the scope of affecting the Gorge community land and have impacts to the whole of the Shire. For example the proposed amendments to the Planning Scheme desired environmental outcomes. Any such changes would need to include the whole of the Shire lands in the application. Council Officers will not support any such amendments.

Significant concern is raised with the proposed "Township" Planning Area and the associated Table of Assessment which includes all uses at a minimal assessment level of code assessment. There are a number of uses that would be extremely inappropriate if established in this community. The lack of applicability of land use, general and overlay codes also raises significant concerns, as does the use of expressions and terms that are not defined by the Scheme. Again such changes affect the whole of the Scheme and would be normally encompassed by a Planning Scheme amendment.

The current form of the application is not supported by Council Officers.

Should a further application be lodged it is recommended that it encompass a map of all land included in the application and the use of existing types of Planning Areas, land uses and scheme codes together with a Table of Assessment if necessary for minor variation to activities normally associated with developed urban areas.

Council will consider transferring fees paid to date (in part or full) to a new application depending on the nature, content and standard of any new application.

Other

The above information is provided on a without prejudice basis. The determination of an application is a matter for Council to resolve.

Please advise Council should you seek the continued assessment of the application in its current form. Should you wish to further discuss this matter please contact Jenny Elphinstone on direct telephone (07) 4099 9482.

Yours faithfully



Donna Graham
Manager Development and Environment