

20 September 2022



Town Planning and Project Services

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

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

**RE: DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (1 LOT INTO 2 LOTS)
OVER LAND ON MOSSMAN GORGE ROAD, MOSSMAN GORGE, MORE FORMALLY
DESCRIBED AS LOT 6 ON SP212661**

Aspire Town Planning and Project Services act on behalf of Douglas Shire Council (the 'Applicant') in relation to the above described Development Application. The registered landowner, Mango Park Canefarming COY Pty Ltd, have given written consent to the lodgement of this Development Application.

On behalf of the Applicant, please accept this correspondence and the accompanying attachments as a properly made Development Application pursuant to Sections 50 and 51 of the *Planning Act 2016* seeking a Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots).

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

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

Noting that this Development Application is made on behalf of Douglas Shire Council we seek direction whether an Application Fee is applicable in this instance. Please advise if a fee is applicable and we will coordinate necessary actions.

Thank you for your time in considering the attached Development Application.

Regards,

Daniel Favier
Senior Town Planner
ASPIRE Town Planning and Project Services

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ABN. 79 851 193 691

Attachment I

Duly completed DA Form I

DA Form 1 – Development application details

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

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

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

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

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

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

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

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

PART 1 – APPLICANT DETAILS

| 1) Applicant details | |
|--|--|
| Applicant name(s) <i>(individual or company full name)</i> | Douglas Shire Council Services |
| Contact name <i>(only applicable for companies)</i> | c/- Daniel Favier T/A Aspire Town Planning and Project |
| Postal address <i>(P.O. Box or street address)</i> | PO Box 1040 |
| Suburb | Mossman |
| State | Queensland |
| Postcode | 4873 |
| Country | Australia |
| Contact number | 0418 826 560 |
| 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> | 2023-06-66 – Douglas Shire Council – Lot 6 Gorge Road, Mossman Gorge |

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 |
| | | | Mossman Gorge Road | Mossman Gorge |
| | Postcode | Lot No. | Plan Type and Number (e.g. RP, SP) | Local Government Area(s) |
| | 4873 | 6 | SP212661 | Douglas Shire Council |
| b) | Unit No. | Street No. | Street Name and Type | Suburb |
| | | | | |
| | Postcode | Lot No. | Plan Type and Number (e.g. RP, SP) | Local Government Area(s) |
| | | | | |

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

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

- Coordinates of premises by longitude and latitude

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

- Coordinates of premises by easting and northing

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

3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- In a tidal area

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

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

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

Name of airport:

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

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

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

No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

| |
|---|
| 6.1) Provide details about the first development aspect |
| a) What is the type of development? <i>(tick only one box)</i> |
| <input type="checkbox"/> Material change of use <input checked="" type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work |
| b) What is the approval type? <i>(tick only one box)</i> |
| <input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval |
| c) What is the level of assessment? |
| <input checked="" type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i> |
| d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i> |
| Reconfiguration of a Lot (1 Lot into 2 Lots) |
| e) Relevant plans <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms guide: Relevant plans.</i> |
| <input checked="" type="checkbox"/> Relevant plans of the proposed development are attached to the development application |
| 6.2) Provide details about the second development aspect |
| a) What is the type of development? <i>(tick only one box)</i> |
| <input type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work |
| b) What is the approval type? <i>(tick only one box)</i> |
| <input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval |
| c) What is the level of assessment? |
| <input type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i> |
| d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i> |
| |
| e) Relevant plans <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i> |
| <input type="checkbox"/> Relevant plans of the proposed development are attached to the development application |
| 6.3) Additional aspects of development |
| <input type="checkbox"/> 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 |
| <input checked="" type="checkbox"/> 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? | |
|--|--|
| 1 | |

| 9.2) What is the nature of the lot reconfiguration? <i>(tick all applicable boxes)</i> | |
|--|--|
| <input checked="" 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: |
| | | | | 1 x Rural; 1 x Yalanji Cemetery |
| Number of lots created | | | | 2 Lots Total |

| 10.2) Will the subdivision be staged? | |
|---|--|
| <input type="checkbox"/> Yes – provide additional details below | |
| <input checked="" 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 | 8m | Approx. 330m | Access | Proposed Lot 2 |
| | | | | |

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
- Tidal works or works in a coastal management district
- Reconfiguring a lot in a coastal management district or for a canal
- Erosion prone area in a coastal management district
- Urban design
- Water-related development – taking or interfering with water
- Water-related development – removing quarry material (*from a watercourse or lake*)
- Water-related development – referable dams
- Water-related development – levees (*category 3 levees only*)
- Wetland protection area

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

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

| |
|---|
| <input type="checkbox"/> Heritage places – Local heritage places |
| Matters requiring referral to the Chief Executive of the distribution entity or transmission entity: <input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure |
| Matters requiring referral to: <ul style="list-style-type: none"> • The Chief Executive of the holder of the licence, if not an individual • The holder of the licence, if the holder of the licence is an individual <input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure |
| Matters requiring referral to the Brisbane City Council: <input type="checkbox"/> Ports – Brisbane core port land |
| Matters requiring referral to the Minister responsible for administering the 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"> • that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties • Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules. |
| <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 type="checkbox"/> Yes – provide details below or include details in a schedule to this development application <input checked="" type="checkbox"/> No | | | |
| List of approval/development application references | Reference number | Date | Assessment manager |
| <input type="checkbox"/> Approval <input type="checkbox"/> Development application | | | |
| <input type="checkbox"/> Approval <input type="checkbox"/> Development application | | | |

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

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

| 23) Further legislative requirements | | | |
|---|--|-------------------------|--|
| 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: | |
|-----------------------------|--|-----------|--|

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 | | | |

Attachment 2

Land Owner's Consent

[Empty box]

I, Donald Barry MURDAY

[Insert name in full.]

Director of the company mentioned below.

and I,

Joan Heather MURDAY
Company Secretary

[Insert name in full.]

[Insert position in full—i.e. another director, or a company secretary.]

Of

Mango Park Canefarming Coy Pty Ltd

the company being the owner of the premises identified as follows:

Gorge Road, Mossman Gorge and more formally described as Lot 6 on SP212661

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

Douglas Shire Council c/- Daniel Favier T/A Aspire Town Planning and Project Services

on the premises described above for:

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

Company Name and ACN: Mango Park Canefarming Coy Pty Ltd


.....
Signature of Director

24-08-2023
.....
Date


.....
Signature of Director/Secretary

10.08.2023
.....
Date

Attachment 3

Town Planning Report



Town Planning Report

LOT 6 MOSSMAN GORGE ROAD,
MOSSMAN GORGE

23 August 2023

ASPIRE Town Planning and Project Services

Authored by: Daniel Favier

**Ref: 2023-06-66 – Douglas Shire Council – Lot
6 Mossman Gorge Road, Mossman Gorge**

1.0 Introduction

This Town Planning Report accompanies a Development Application over land located on Mossman Gorge Road, Mossman Gorge, more formally described as Lot 6 on SP212661 (the “subject site”). The land is owned by Mango Park Canefarming COY Pty Ltd (the “Landowner”), however the Development Application is made by Douglas Shire Council (the “Applicant”).

The Development Application seeks to resolve an issue that has been ongoing for almost two decades. The purpose of the Development Application is to excise a portion of the subject site containing an Aboriginal Burial Ground (the “Yalanji Cemetery”) on a new separate title to facilitate the transfer of land from private ownership to the Bamanga Bubu Ngadimunku Aboriginal Corporation (the “BBN”). Particular details around the transfer of land have been negotiated and agreed between the Landowner and BBN.

The proposed development is assessable development for which a Code Assessable Development Application is required to be made to Douglas Shire Council.

This Town Planning Report documents the proposed development and provides a comprehensive assessment of the proposed development against the applicable Statutory Town Planning Framework. The report consists of the following chapters:

- Section 2 describes the site over which the development application is made;
- Section 3 summarises the proposed development, which is further documented in the proposal plans provided as Attachment 2 – Proposal Plan to this report;
- Section 4 documents the Statutory Town Planning Framework applicable to the assessment of the Development Application; and

For the purposes of Section 51 of the *Planning Act 2016* a completed copy of DA Form 1 and the written consent of the owner of the land over which the development application is made (the site) is provided within the Cover Letter.

2.0 Site Details and Characteristics

2.1 Site Details

The site details are outlined in **Table 1** below.

| Table 1 – Site Details | |
|-------------------------------|---|
| Address | Mossman Gorge Road, Mossman Gorge |
| Real Property Description | Lot 6 on SP212661 |
| Applicant | Douglas Shire Council c/- Daniel Favier T/A Aspire Town Planning and Project Services |
| Registered Owners | Mango Park Canefarming COY Pty Ltd Refer to Attachment 1 – Certificate of Title |
| Easements | Nil |
| Contaminated Land | To the best of knowledge, the site is not listed on the Environmental Management Register or the Contaminated Land Register |
| Local Government | Douglas Shire Council |
| Existing Use | Part Rural (Agricultural) / Part Yalanji Cemetery |
| Site Area | 30.708ha |
| Road Frontages | Mossman Gorge Road |
| Water Supply | Existing. No new services proposed. |
| Sewerage | Existing. No new services proposed. |
| Stormwater | Existing. No new services proposed. |
| Electricity | Existing. No new services proposed. |
| Telecommunications | Existing. No new services proposed. |

1.1 Site Context

The subject site is situated within the locality of Mossman Gorge, approximately 2.5km south west from the Mossman Township (direct line).

The subject site is presently used for agricultural purposes, however contains an area in the south western corner of approximately 9,900m² that has been used as an Aboriginal Burial Ground.

Notable surrounding features and land uses, includes:

- The Mossman River to the west and north;
- Douglas Shire Council land used for stockpiling and storage more commonly known as Drumsara to the east;
- Also to the east the site borders an unformed gazetted road and the Mossman Sugar Mill Railway; and
- The Mossman Gorge Cultural Centre to the south.

An aerial image of the site is provided below at **Figure 1** below.



Figure 1 Subject Site – Indicated by white shading (Source: QLD Globe, 2023)

3.0 Proposed Development

The Development Application seeks to resolve an issue that has been ongoing for almost two decades. The purpose of the Development Application is to excise a portion of the subject site containing an Aboriginal Burial Ground (the “Yalanji Cemetery”) on a new separate title to facilitate the transfer of land from private ownership to the Bamanga Bubu Ngadimunku Aboriginal Corporation (the “BBN”). Particular details around the transfer of land have been negotiated and agreed between the Landowner and BBN.

It is understood from parties involved, that the subject has been surveyed numerous times however the new titles separating the two distinctive uses have not been created. Neither party is able to confirm why this is the case. We presume that possibly the registration of titles has previously stalled as a Development Permit for Reconfiguring the Lot is required. Based on review of Council’s Development Applications online portal, this has not been previously obtained.

Therefore, this Development Application seeks a Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots), resulting in:

- Proposed Lot 1 comprising an area of 28.718ha and containing the existing and ongoing agricultural uses. This lot is burdened by a proposed Access Easement which is 8m wide and runs parallel to the southern boundary from the Mossman Gorge Road through to Proposed Lot 2;
- Proposed Lot 2 comprises an area of 9,900m² containing the existing Yalanji Cemetery, plus an additional area of 10,000m² which is a nominal area for expansion of the cemetery.

The subject site contains mapped remnant vegetation. This mapping has been overlaid on the Proposal Plan along with a polygon indicating the extent of existing vegetation based on best aerial imagery. A copy of the Proposal Plan is included under **Attachment 2**. An extract of the Proposal Plan with regulated vegetation overlay is included below at **Figure 2**.

No physical works are required to facilitate the proposed development. The proposed Access Easement contains the existing access track to the Yalanji Cemetery. No vegetation clearing is required or proposed. No further services are required to be provided.

It is submitted that the proposed development does not compromise the agricultural viability of the Proposed Lot 1.

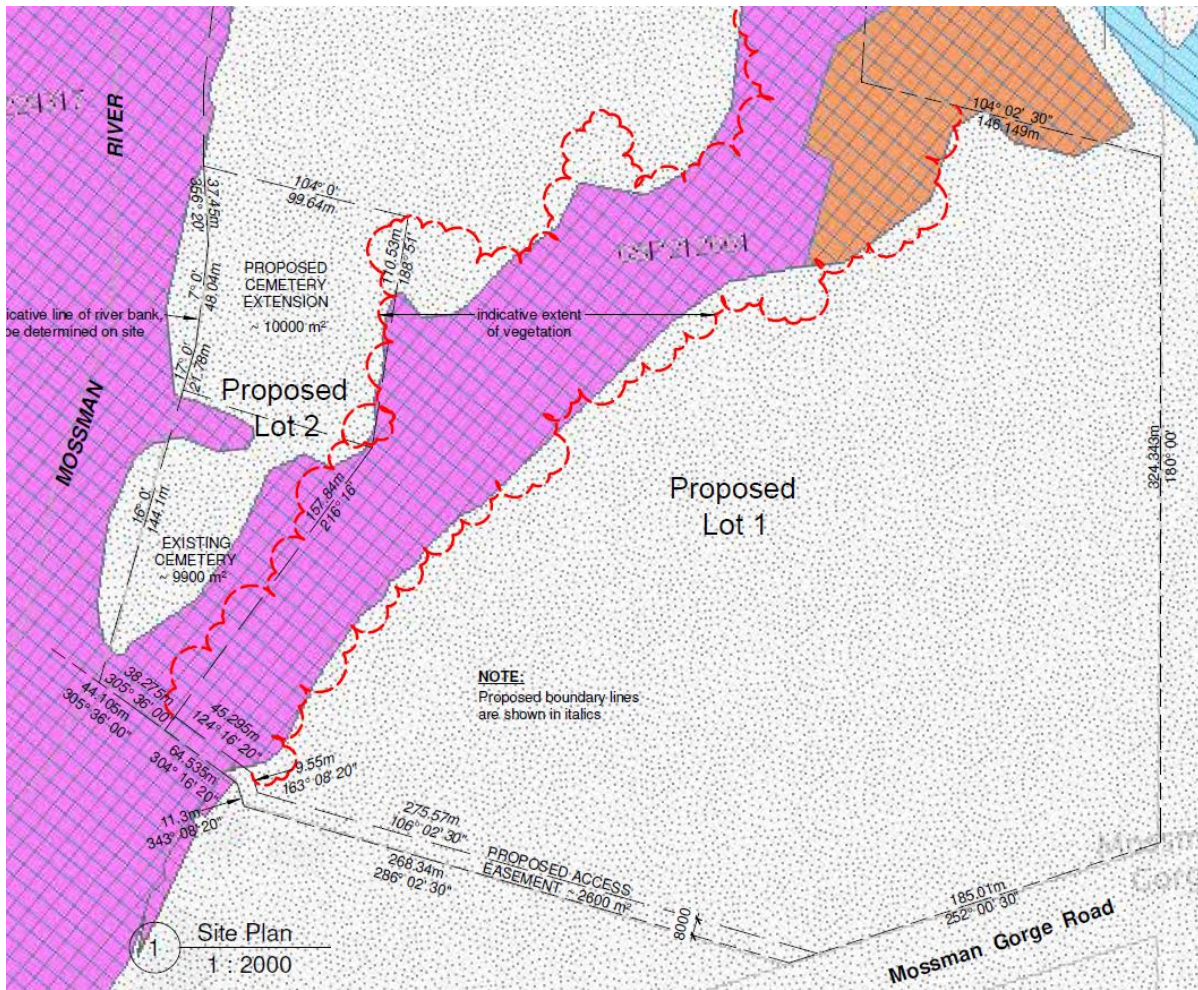


Figure 2 – Extract of the Proposal Plan

4.0 Statutory Town Planning Framework

4.1 Planning Act 2016

The *Planning Act 2016* ('the Planning Act') is the statutory instrument for the State of Queensland under which, amongst other matters, development applications are assessed by local governments. The Planning Act is supported by the *Planning Regulation 2017* ('the Planning Regulation').

The following sections of this report discuss the parts of the Planning Act and Planning Regulation applicable to the assessment of a development application.

4.1.1 *Approval and Development*

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

4.1.2 *Application*

The proposed development is:

- Development which is located completely in a single local government area; and
- Is development made assessable under a local categorising instrument.

In accordance with Section 48 of the Planning Act, the development application is required to be made to the applicable local government, in this instance being Douglas Shire Council ('Council').

4.1.3 *Referral*

Sections 54 and 55 of the Planning Act and Schedule 10 of the Planning Regulation, require and provide for the identification of referral agencies of which a development application requires referral and to which a copy of the development application must be provided.

The following SARA DA Mapping Overlays are applicable to the site:

- Native Vegetation Clearing
 - Category B on the regulated vegetation management map
 - Category A or B area containing endangered regional ecosystem
 - Coastal bioregions and sub-regions
 - Essential habitat

4.1.4 Public Notification

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

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

4.1.5 Assessment Framework

As discussed in this report, a Code Assessable development application is required in this instance. 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 Council Planning Scheme 2018 v1.0 (‘the Planning Scheme’), as the applicable local categorising instrument, is discussed in greater throughout 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 Schedules 9 and 10 of the Planning Regulation 2017

Given the proposed development application is for Reconfiguring a Lot and the site is greater than 25 hectares in area and results in a lot less than 5 hectares and would create accepted Operational Work, the Development Application triggers referral to the State Assessment and Referral Agency pursuant to Schedule 10, Part 3, Division 4, Table 2 of the Planning Regulation.

The proposed development has been assessed against the State Code: Native Vegetation Clearing, refer to **Attachment 4**.

4.3 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 Minister has identified that the Planning Scheme, specifically the strategic framework, appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies in the planning scheme area.

4.4 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.

4.5 Temporary State Planning Policies

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

4.6 Schedule 12A Planning Regulation

Schedule 12A of the Planning Regulation does not apply as the Development Application does not seek to create new road.

4.7 Douglas Shire Council Planning Scheme 2018 v1.0

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

Planning Scheme with respect to the proposed development is therefore based on the transitional provisions of the Planning Act.

4.7.1 Zone

The subject site is located within the Rural Zone. The proposed development seeks to excise a portion of the site currently used as the Yalanji Cemetery. The area that is proposed to be excised is located immediately north of the Mossman Gorge Cultural Centre and is partially vegetated. The proposed development does not result in the fragmentation of agricultural land.

Given the historical use of this portion of land, it does not present any agricultural value.

A buffer area is proposed to allow the expansion of the Yalanji Cemetery and facilitate the ongoing agricultural use of Proposed Lot 1. The proposal does not generate any issues of reverse amenity.

The development is proposed under unique circumstances and achieves a valuable and necessary social and cultural outcome.

Under the circumstances it is submitted that the proposed development is consistent with the Purpose and Overall Outcomes of the Rural Zone.

4.7.2 Local Plan

The site is not included within an area to which a local plan applies under the Planning Scheme.

4.7.3 Overlays

The following Overlays are applicable to the subject site:

- Acid Sulfate Soils (5-20m AHD);
- Bushfire Hazard (Potential Impact Buffer; Medium Potential Bushfire Intensity);
- Flood and Storm Tide Hazard (100 Year ARI – Mossman and Port Douglas Flood Studies; Floodplain Assessment Overlay (Mossman River));
- Landscape Value (High Landscape Value; Medium Landscape Value);
- Potential Landslide Hazard (High and Medium Hazard Risk);
- Natural Areas (MSES Regulated Vegetation (Intersecting a Watercourse); MSES – Wildlife Habitat; MSES Regulated Vegetation); and
- Transport Network (Iconic Recreational Route; Collector Road; Unformed Road).

The proposed development has been assessed against each of the above referenced Overlays and it is noted that, the proposed development:

- Does not involve earthworks that could potentially disturb potential or actual acid sulfate soils;

- Does not increase the risk of bushfire occurrence or severity, or risk to persons or property;
- Does not increase the risk of flooding inundation of the subject site or adjoining properties, or risk to persons;
- Does not propose vegetation clearing or structures which would compromise the scenic landscape;
- Does not propose structures or earthworks that would exacerbate landslide risk;
- Does not propose vegetation clearing or any other works that would impact on natural areas; and
- Is not of a scale which would likely compromise the safety and function of the transport network.

Therefore a full documented assessment of the identified Overlay Codes is not included within this Development Application.

4.7.4 Categories of Development and Level of Assessment

The subject site is located within the Rural Zone. The Development Application is identified as Assessable Development, to which Code Assessment is applicable.

This category of development and assessment is not varied by any applicable overlay.

4.7.5 Applicable Codes

The following Planning Scheme codes are identified as being applicable and relevant to the assessment of the proposed development:

- Rural Zone Code;
- Access and Parking Code; and
- Reconfiguring a Lot Code.

The other identified codes within the Planning Scheme Table 5.6.J – Rural Zone are not considered applicable considering the nature and circumstances under which the Development Application is made.

A documented assessment against the above referenced relevant codes is included under **Attachment 3**.

5.0 Conclusion

This Town Planning Report accompanies a Development Application over land located on Mossman Gorge Road, Mossman Gorge, more formally described as Lot 6 on SP212661, seeking a Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots)).

The information provided in this report, and accompanying appendices, demonstrates that the proposed development achieves compliance with the applicable provisions of the statutory town planning framework.

Accordingly, it is recommended the Development Application be supported on the following grounds:

- The proposed Reconfiguration of a Lot is proposed under unique circumstances and achieves a valuable and necessary social and cultural outcomes, whilst maintaining the integrity of the and ongoing viability of the existing agricultural aspects;
- The proposed Reconfiguration of a Lot is sympathetic to the natural environment and does not result in vegetation clearing or other environmental damage;
- The proposed Reconfiguration of a Lot is subject to Code Assessment and compliance has been demonstrated against the relevant Planning Scheme Assessment Benchmarks.
- The proposal generally complies and/or can be conditioned to comply with the relevant Planning Scheme Assessment Benchmarks.

We therefore recommend that Council favourably consider the proposed development and approve the Development Application, subject to reasonable and relevant conditions.

Attachment 1

Certificate of Title

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

| | |
|---------------------------------------|--------------------------------------|
| Title Reference: 50721832 | Search Date: 04/07/2023 09:12 |
| Date Title Created: 28/05/2008 | Request No: 44937485 |
| Previous Title: 50192321 | |

ESTATE AND LAND

Estate in Fee Simple

LOT 6 SURVEY PLAN 212661

Local Government: DOUGLAS

REGISTERED OWNER

Dealing No: 711677037 27/05/2008

MANGO PARK CANEFARMING COY PTY LTD

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20081168 (POR 198)

ADMINISTRATIVE ADVICES

| Dealing | Type | Lodgement Date | Status |
|-----------|---|------------------|---------|
| 709682433 | ACCESS RIGHT SUGAR INDUSTRY ACT 1999 | 15/06/2006 12:28 | CURRENT |

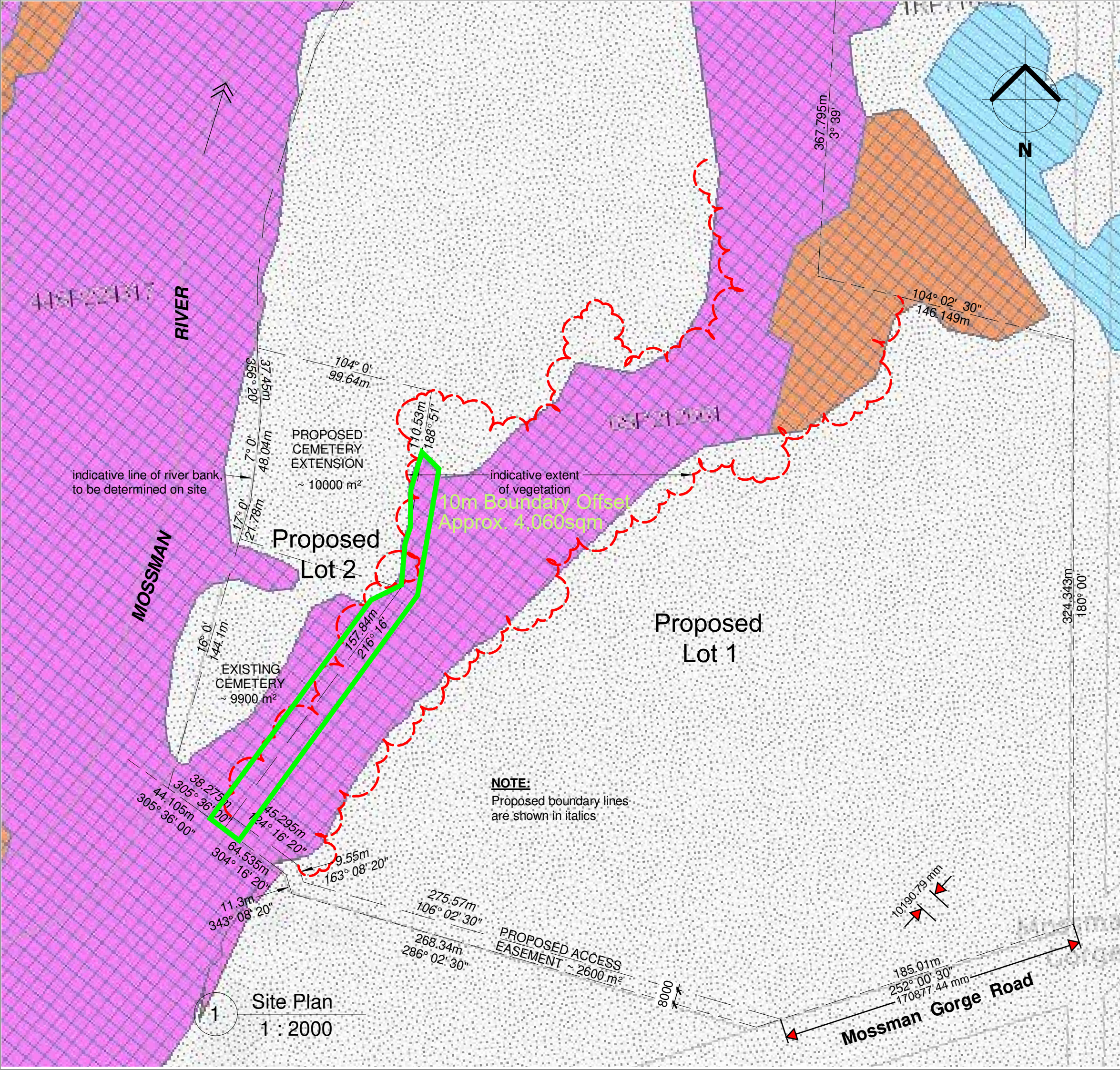
UNREGISTERED DEALINGS

NIL

** End of Current Title Search **

Attachment 2

Proposal Plan



| REV | DATE | DESCRIPTION |
|-----|------|-------------|
| | | |

GREG SKYRING
Design and DRAFTING Pty. Ltd.
 Lic Under QBASA Act 1991 - No 1040371
 Phone/Fax: (07) 40982061
 Mobile: 0419212652
 Email: greg@skyringdesign.com.au

PROJECT
 Proposed Reconfiguration of a Lot L6 SP212661, Mossman Gorge Road, MOSSMAN GORGE

PLAN TITLE
 Site Plan

CLIENT
 Douglas Shire Council

| | | | |
|---------------------------|--------------------------|--------------------------|---------------------------|
| SCALES 1 : 2000 | WIND CLASS N/A | PLAN NO 107-23 | SHEET NO 1 of 1 |
| | | REV. | |

Attachment 3

Statement of Code Compliance

Planning Scheme

6.2.10 Rural zone code

6.2.10.1 Application

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

6.2.10.2 Purpose

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

Criteria for assessment

Table 6.2.10.3.a – Rural zone code assessable development

| Performance outcomes | Acceptable outcomes | Applicant response |
|--|---|---|
| For self-assessable and assessable development | | |
| <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.</p> <p>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>Not Applicable. No new buildings or structures are proposed.</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:</p> <ul style="list-style-type: none"> (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>Not Applicable. No new buildings or structures are proposed.</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>Not Applicable. No new buildings are proposed.</p> |
| 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>Not Applicable. The Development Application is to support the reconfiguration of the land not a Material Change of Use.</p> |

| Performance outcomes | Acceptable outcomes | Applicant response |
|---|--|---|
| <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. It is submitted that the proposed development does not compromise the purpose of the Rural Zone. The proposed development seeks to resolve an issue that has extended almost two decades. The proposed development will facilitate a small area of 1.99ha to be excised from the parent parcel to accommodate the Yalanji Cemetery transfer from private ownership to BBN. The proposal has significant social and cultural benefits and is a necessary development.</p> <p>The balance of the site will continue to be used for agricultural purposes.</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>Proposed Alternative Solution. The Development Application seeks to resolve a historical issue where the Yalanji Cemetery is located on private land. Reconfiguration of the site is required to facilitate transfer of the Yalanji Cemetery to the BBN. Approximately 1.99ha (Proposed Lot 2). Details around the transfer of the land have been agreed between the Landowner and the BBN.</p> |

| Performance outcomes | Acceptable outcomes | Applicant response |
|----------------------|---------------------|--|
| | | <p>The balance parcel is 28.718ha and is sufficiently sized to ensure ongoing agricultural viability of the land.</p> <p>There is an overriding social and cultural benefit which justifies the need for the development. This is a necessary development to ensure appropriate ownership over the Yalanji Cemetery.</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.

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. | Alternative Solution. The Development Application seeks to resolve a historical issue where the Yalanji Cemetery is located on private land. Reconfiguration of the site is required to facilitate transfer of the Yalanji Cemetery to the |



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| | | <p>BBN. Approximately 1.99ha (Proposed Lot 2). Details around the transfer of the land have been agreed between the Landowner and the BBN.</p> <p>The balance parcel is 28.718ha and is sufficiently sized to ensure ongoing agricultural viability of the land.</p> <p>There is an overriding social and cultural benefit which justifies the need for the development. This is a necessary development to ensure appropriate ownership over the Yalanji Cemetery.</p> |
| <p>PO2 New lots are generally rectangular in shape with functional areas for land uses intended by the zone.</p> | <p>AO2 Boundary angles are not less than 45 degrees.</p> | <p>Alternative Solution. The new boundary achieves angles of not less than 45 degrees, except for where the proposed Access Easement adjoins the Mossman Gorge Road. The proposed lot layout respects the natural site constraints and does not impact upon the intended independent function of the proposed lots.</p> |
| <p>PO3 Lots have legal and practical access to a public road.</p> | <p>AO3 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. Lawful access to Proposed Lot 2 will be gained from the Mossman Gorge Road via an 8m wide easement which runs parallel to the southern boundary of Proposed Lot 1.</p> |
| <p>PO4 Development responds appropriately to its local context, natural systems and site features.</p> | <p>AO4 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. The proposed boundaries are located based on practical land requirements to contain the Yalanji Cemetery and buffer/expansion area. However, it is noted that no vegetation clearing or alteration of waterways / drainage paths is proposed under the Development Application, nor is this likely to be required to facilitate the independent function of each proposed Lot.</p> <p>The proposed development made upon social and cultural grounds, specifically to ensure the Yalanji Cemetery is transferred from Private Ownership to</p> |

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| | | the BBN. |
| <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>AO5 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 the resulting lots.</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>AO6 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>Complies. The proposed development does not create any issues with respect to existing buildings and setbacks.</p> |



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| <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>Complies. Proposed Lot 2 could be regarded as a rear lot. The lot itself is regular in shape and has been sized specifically to accommodate the practical land requirements to ensure appropriate use and management of the site. Proposed Lot 2 is accessed via an 8m wide access easement from the Mossman George Road. The existing headland road provides vehicle access to the Proposed Lot 2.</p> |
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| Performance outcomes | Acceptable outcomes | |
|--|---|-------------------------------|
| Structure plans | | |
| <p>Additional requirements for:</p> <p>(a) a site which is more than 5,000m² in any of the Residential zones; or</p> <p>within these zones, and</p> <p>(b) creates 10 or more lots; or</p> <p>(c) involves the creation of new roads and/or public use land.</p> <p>or</p> <p>(d) For a material change of use involving:</p> <p>(i) preliminary approval to vary the effect of the planning scheme;</p> <p>(ii) establishing alternative Zones to the planning scheme.</p> <p>Note - This part is to be read in conjunction with the other parts of the code</p> | | |
| <p>PO8</p> <p>A structure plan is prepared to ensure that neighbourhood design, block and lot layout, street network and the location and provision on any open space recognises previous planning for the area and its surroundings, and integrates appropriately into its surroundings.</p> | <p>AO8.1</p> <p>Neighbourhood design, lot and street layout, and open space provides for, and integrates with, any:</p> <p>(a) approved structure plan;</p> <p>(b) the surrounding pattern of existing or approved subdivision.</p> <p>Note - Planning scheme policy SC14– Structure planning provides guidance on meeting the performance outcomes.</p> <p>AO8.2</p> <p>Neighbourhood design, lot and street layouts enable future connection and integration with adjoining undeveloped land.</p> | <p>Not Applicable.</p> |

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| <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: (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> <p>AO9.2 Where a cul-de-sac street is used, it: (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> <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> | | |



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| <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.



 Lots orientated to front and overlook park to provide casual surveillance.

Consistent design solution - high total number of lots complying with the acceptable outcomes.

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| Private subdivisions (gated communities) | | |
| PO15 Private subdivisions (gated communities) do not compromise the establishment of connected and integrated infrastructure and open space networks. | PO15 No acceptable outcomes are prescribed. | Not Applicable. |
| Additional requirements for reconfiguration involving the creation of public streets or roads | | |
| PO16 The function of new roads is clearly identified and legible and provides integration, safety and convenience for all users. | AO16 No acceptable outcomes are prescribed. Note - The design and construction standards are set out in Planning scheme policy SC5 – FNQROC Regional Development Manual, with reference to the specifications set out in Sections D1 and D3. | Not Applicable. |
| PO17 Street design supports an urban form that creates walkable neighbourhoods. Street design: (a) is appropriate to the function(s) of the street; (b) meets the needs of users and gives priority to the needs of vulnerable users. | AO17 No acceptable outcomes are prescribed. | Not Applicable. |
| Public transport network | | |



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| <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>Complies. Pest plants are managed as result of agricultural activities on Proposed Lot 1. Given the nature of the proposed development this is not likely to result in infestation or spread of pest plants.</p> |

9.4 Other development codes

9.4.1 Access, parking and servicing code

9.4.1.1 Application

- (1) This code applies to assessing:
 - (a) operational work which requires a compliance assessment as a condition of a development permit; or
 - (b) a material change of use or reconfiguring a lot if:
 - (i) self-assessable or assessable development where this code is identified in the assessment criteria column of the table of assessment;
 - (ii) impact assessable development, to the extent relevant.
- (2) When using this code, reference should be made to Part 5.

9.4.1.2 Purpose

- (1) The purpose of the Access, parking and servicing code is to assess the suitability of access, parking and associated servicing aspects of a development.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) sufficient vehicle parking is provided on-site to cater for all types of vehicular traffic accessing and parking on-site, including staff, guests, patrons, residents and short term delivery vehicles;
 - (b) sufficient bicycle parking and end of trip facilities are provided on-site to cater for customer and service staff;
 - (c) on-site parking is provided so as to be accessible and convenient, particularly for any short term uses;
 - (d) development provides walking and cycle routes through the site which link the development to the external walking and cycling network;
 - (e) the provision of on-site parking, loading / unloading facilities and the provision of access to the site do not impact on the efficient function of street network or on the area in which the development is located;
 - (f) new vehicular access points are safely located and are not in conflict with the preferred ultimate streetscape character and local character and do not unduly disrupt any current or future on-street parking arrangements.

9.4.1.3 Criteria for assessment

Table 9.4.1.3.a – Access, parking and servicing code – assessable development

| Performance outcomes | Acceptable outcomes | Applicant Response |
|--|---|--|
| For self-assessable and assessable development | | |
| <p>PO1 Sufficient on-site car parking is provided to cater for the amount and type of vehicle traffic expected to be generated by the use or uses of the site, having particular regard to:</p> <ul style="list-style-type: none"> (a) the desired character of the area; (b) the nature of the particular use and its specific characteristics and scale; (c) the number of employees and the likely number of visitors to the site; (d) the level of local accessibility; (e) the nature and frequency of any public transport serving the area; (f) whether or not the use involves the retention of an existing building and the previous requirements for car parking for the building (g) whether or not the use involves a heritage building or place of local significance; (h) whether or not the proposed use involves the retention of significant vegetation. | <p>AO1.1 The minimum number of on-site vehicle parking spaces is not less than the number prescribed in Table 9.4.1.3.b for that particular use or uses.</p> <p>Note - Where the number of spaces calculated from the table is not a whole number, the number of spaces provided is the next highest whole number.</p> <p>AO1.2 Car parking spaces are freely available for the parking of vehicles at all times and are not used for external storage purposes, the display of products or rented/sub-leased.</p> <p>AO1.3 Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking.</p> <p>AO1.4 For parking areas exceeding 50 spaces parking, is provided for recreational vehicles as a substitute for ordinary vehicle parking to a maximum of 5% of total ordinary vehicle parking rate.</p> | <p>Alternative Solution Parking is not required for Proposed Lot 1 as this will continue to be used for rural / agricultural purposes. No formalised parking is proposed to be provided to Proposed Lot 2. The existing use will continue to function as it presently does so.</p> <p>Not Applicable</p> <p>Not Applicable</p> <p>Not Applicable</p> |
| <p>PO2 Vehicle parking areas are designed and constructed in accordance with relevant standards.</p> | <p>AO2 Vehicle parking areas are designed and constructed in accordance with Australian Standard:</p> <ul style="list-style-type: none"> (a) AS2890.1; (b) AS2890.3; (c) AS2890.6. | <p>Alternative Solution Parking is not required for Proposed Lot 1 as this will continue to be used for rural / agricultural purposes. No formalised parking is proposed to be provided to Proposed Lot 2. The existing use will continue to function as it presently does so.</p> |



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| <p>PO3 Access points are designed and constructed:</p> <ul style="list-style-type: none"> (a) to operate safely and efficiently; (b) to accommodate the anticipated type and volume of vehicles (c) to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate; (d) so that they do not impede traffic or pedestrian movement on the adjacent road area; (e) so that they do not adversely impact upon existing intersections or future road or intersection improvements; (f) so that they do not adversely impact current and future on-street parking arrangements; (g) so that they do not adversely impact on existing services within the road reserve adjacent to the site; (h) so that they do not involve ramping, cutting of the adjoining road reserve or any built structures (other than what may be necessary to cross over a stormwater channel). | <p>AO3.1 Access is limited to one access cross over per site and is an access point located, designed and constructed in accordance with:</p> <ul style="list-style-type: none"> (a) Australian Standard AS2890.1; (b) Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers. <p>AO3.2 Access, including driveways or access crossovers:</p> <ul style="list-style-type: none"> (a) are not placed over an existing: <ul style="list-style-type: none"> (i) telecommunications pit; (ii) stormwater kerb inlet; (iii) sewer utility hole; (iv) water valve or hydrant. (b) are designed to accommodate any adjacent footpath; (c) adhere to minimum sight distance requirements in accordance with AS2980.1. <p>AO3.3 Driveways are:</p> <ul style="list-style-type: none"> (a) designed to follow as closely as possible to the existing contours, but are no steeper than the gradients outlined in Planning scheme policy SC6.5 – FNQROC Regional Development Manual; (b) constructed such that where there is a grade shift to 1 in 4 (25%), there is an area with a grade of no more than 1 in 6 (16.6%) prior to this area, for a distance of at least 5 metres; (c) on gradients greater than 1 in 6 (16.6%) driveways are constructed to ensure the cross-fall of the driveway is one way and directed into the hill, for vehicle safety and drainage purposes; | <p>May be Conditioned to Comply It would be generally reasonable and acceptable if Council were to condition the requirement for a constructed crossover.</p> <p>Will Comply</p> <p>Generally Complies No changes are proposed to either Lots 1 or 2. Access to Lot 2 is via an existing headland road which is considered suitable for the intended purpose. If Council requires a greater driveway standard to be provided, it reasonable and acceptable to condition this requirement.</p> |
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| | <p>(d) constructed such that the transitional change in grade from the road to the lot is fully contained within the lot and not within the road reserve;</p> <p>(e) designed to include all necessary associated drainage that intercepts and directs storm water runoff to the storm water drainage system.</p> <p>AO3.4 Surface construction materials are consistent with the current or intended future streetscape or character of the area and contrast with the surface construction materials of any adjacent footpath.</p> | <p>Alternative Solution The existing driveway to Proposed Lot 2 is intended to remain a headland track. It is considered that the driveway is suitable for the intended purpose.</p> |
| <p>PO4 Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes.</p> | <p>AO4 The number of on-site wheel chair accessible car parking spaces complies with the rates specified in AS2890 Parking Facilities.</p> | <p>Not Applicable</p> |
| <p>PO5 Access for people with disabilities is provided to the building from the parking area and from the street.</p> | <p>AO5 Access for people with disabilities is provided in accordance with the relevant Australian Standard.</p> | <p>Not Applicable</p> |
| <p>PO6 Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development.</p> | <p>AO6 The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b.</p> | <p>Not Applicable</p> |

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| <p>PO7 Development provides secure and convenient bicycle parking which:</p> <ul style="list-style-type: none"> (a) for visitors is obvious and located close to the building's main entrance; (b) for employees is conveniently located to provide secure and convenient access between the bicycle storage area, end-of-trip facilities and the main area of the building; (c) is easily and safely accessible from outside the site. | <p>AO7.1 Development provides bicycle parking spaces for employees which are co-located with end-of-trip facilities (shower cubicles and lockers);</p> <p>AO7.2 Development ensures that the location of visitor bicycle parking is discernible either by direct view or using signs from the street.</p> <p>AO7.3 Development provides visitor bicycle parking which does not impede pedestrian movement.</p> | <p>Not Applicable</p> <p>Not Applicable</p> <p>Not Applicable</p> |
| <p>PO8 Development provides walking and cycle routes through the site which:</p> <ul style="list-style-type: none"> (a) link to the external network and pedestrian and cyclist destinations such as schools, shopping centres, open space, public transport stations, shops and local activity centres along the safest, most direct and convenient routes; (b) encourage walking and cycling; (c) ensure pedestrian and cyclist safety. | <p>AO8 Development provides walking and cycle routes which are constructed on the carriageway or through the site to:</p> <ul style="list-style-type: none"> (a) create a walking or cycle route along the full frontage of the site; (b) connect to public transport and existing cycle and walking routes at the frontage or boundary of the site. | <p>Not Applicable</p> |
| <p>PO9 Access, internal circulation and on-site parking for service vehicles are designed and constructed:</p> <ul style="list-style-type: none"> (a) in accordance with relevant standards; | <p>AO9.1 Access driveways, vehicle manoeuvring and on-site parking for service vehicles are designed and constructed in accordance with AS2890.1 and</p> | <p>Not Applicable</p> |

| | | |
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| <p>(b) so that they do not interfere with the amenity of the surrounding area;</p> <p>(c) so that they allow for the safe and convenient movement of pedestrians, cyclists and other vehicles.</p> | <p>AS2890.2.</p> <p>AO9.2 Service and loading areas are contained fully within the site.</p> <p>AO9.3 The movement of service vehicles and service operations are designed so they:</p> <ul style="list-style-type: none"> (a) do not impede access to parking spaces; (b) do not impede vehicle or pedestrian traffic movement. | <p>Not applicable The development does not require service and loading areas.</p> |
| <p>PO10 Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.</p> | <p>AO10.1 Development provides adequate area on-site for vehicle queuing to accommodate the demand generated by the development where drive through facilities or drop-off/pick-up services are proposed as part of the use, including, but not limited to, the following land uses:</p> <ul style="list-style-type: none"> (a) car wash; (b) child care centre; (c) educational establishment where for a school; (d) food and drink outlet, where including a drive-through facility; (e) hardware and trade supplies, where including a drive-through facility; (f) hotel, where including a drive-through facility; (g) service station. <p>AO10.2 Queuing and set-down areas are designed and constructed in accordance with AS2890.1.</p> | <p>Generally Complies Sufficient areas are informally available for vehicle queuing, circulating and passing.</p> |

Table 9.4.1.3.b – Access, parking and servicing requirements

Note – Where the number of spaces is not a whole number, the number of spaces to be provided is the next highest whole number.

Note – Where the proposed development involves one or more land use, the minimum number of spaces for the proposed development will be calculated using the minimum number of spaces specified for each land use component.

Attachment 4

Statement of Code Compliance

State Code 16: Native Vegetation Clearing

State code 16: Native vegetation clearing

State Development Assessment Provisions guideline - State Code 16: Clearing native vegetation. This guideline provides direction on how to address State Code 16 below.

Please note: It is only necessary to provide a response to the performance outcomes relevant to the clearing purpose(s). Table 16.1 below specifies which tables of performance outcomes are relevant for each clearing purpose. Tables that are not relevant to your clearing purpose can be left blank or deleted.

As an example, only Table 16.2 and Table 16.15 are relevant for a development application for operational works that involves managing thickened vegetation. The remaining tables may be deleted.

Table 16.1: Relevant code provisions for each type of development

| Clearing purpose | Relevant provisions | Applicability |
|--|----------------------------|--|
| Material change of use and / or reconfiguring a lot and / or operational work | | |
| Public safety, relevant infrastructure activities and / or consequential development of IPA approval | Table 16.2 and Table 16.3 | Not Applicable |
| Extractive industry | Table 16.2 and Table 16.4 | Not Applicable |
| Coordinated project (agriculture) | Table 16.2 and Table 16.5 | Not Applicable |
| Coordinated project (extractive industry) | Table 16.2 and Table 16.6 | Not Applicable |
| Coordinated project (all other purposes) | Table 16.2 and Table 16.7 | Not Applicable |
| Material change of use and / or reconfiguring a lot for all other purposes | Table 16.2 and Table 16.8 | Applicable, refer to assessment below. |
| Material change of use and / or reconfiguring a lot for which there will be no clearing as a result of the material change of use or reconfiguring a lot | Table 16.9 | Not Applicable |
| Material change of use and / or reconfiguring a lot for which clearing is limited to clearing that could be done as exempt clearing work for the purpose of the development prior to the material change of use or reconfiguring a lot application being approved | Table 16.2 and Table 16.10 | Not Applicable |
| Operational work | | |
| Necessary environmental clearing | Table 16.2 and Table 16.11 | Not Applicable |
| Control non-native plants or declared pests | Table 16.2 and Table 16.12 | Not Applicable |
| Encroachment | Table 16.2 and Table 16.13 | Not Applicable |
| Fodder harvesting | Table 16.2 and Table 16.14 | Not Applicable |
| Managing thickened vegetation | Table 16.2 and Table 16.15 | Not Applicable |

Table 16.2: General

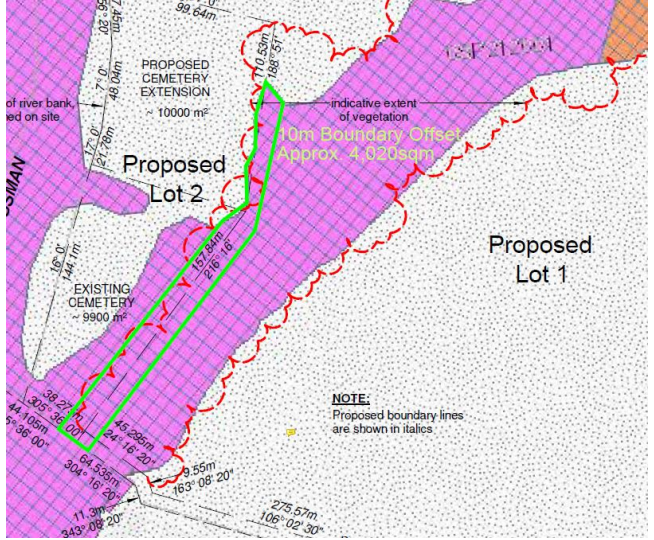
| Performance outcomes | Acceptable outcomes | Response |
|---|--------------------------------------|--|
| PO1 Clearing of vegetation is consistent with any notice requiring compliance on the land subject to the development application, unless a better environmental outcome can be achieved. | No acceptable outcome is prescribed. | Complies with Purpose Statement No vegetation clearing is proposed. The proposed development results in exempt clearing, however the boundary locations have been identified based around containing the existing Yalanji Cemetery and expansion area, whilst maintain the agricultural viability of the balance land. Approval for the development is sought on the grounds of social and cultural benefit. |
| PO2 Clearing of vegetation is consistent with vegetation management requirements for particular regulated areas unless a better environmental outcome can be achieved. | No acceptable outcome is prescribed. | Refer to comments above. |
| PO3 Clearing of vegetation in a legally secured offset area : 1. is consistent with the offset delivery plan; or 2. is consistent with an agreement for the offset area on the land subject to the development application; or 3. only occurs if an additional offset is provided. | No acceptable outcome is prescribed. | Refer to comments above. |

Table 16.8: Material change of use and / or reconfiguring a lot for all other purposes

| Performance outcomes | Acceptable outcomes | Response |
|--|--------------------------------------|---|
| Clearing avoids and minimises impacts | | |
| PO80 Clearing of vegetation and adverse impacts of clearing vegetation do not occur unless the application has demonstrated that the clearing and the adverse impacts of clearing have been: 1. reasonably avoided; or 2. reasonably minimised where it cannot be reasonably avoided. | No acceptable outcome is prescribed. | Complies with PO80 No vegetation clearing is proposed. The proposed development results in exempt clearing, however the boundary locations have been identified based around containing the existing Yalanji Cemetery and expansion area, whilst maintain the agricultural viability of the balance land. Approval for the development is sought on the grounds of social and cultural benefit. |

| Performance outcomes | Acceptable outcomes | Response |
|---|--|--|
| Clearing associated with wetlands | | |
| <p>PO81 Clearing of vegetation within a natural wetland and/or within 100 metres of the defining bank of a natural wetland maintains the composition, structure and function of any regional ecosystem associated with any natural wetland to protect all of the following:</p> <ol style="list-style-type: none"> 1. bank stability by protecting against bank erosion; 2. water quality by filtering sediments, nutrients and other pollutants; 3. aquatic habitat; 4. terrestrial habitat. | <p>AO81.1 Clearing does not occur in a natural wetland or within 100 metres of the defining bank of any natural wetland.</p> <p>OR</p> <p>AO81.2 Clearing within 100 metres of the defining bank of any natural wetland:</p> <ol style="list-style-type: none"> 1. does not occur within 10 metres of the defining bank of any natural wetland; and 2. does not exceed widths in reference table 1 in this code. | <p>Complies with AO81.1 The development does not result in exempt clearing work within 100m of a wetland.</p> |
| <p>PO82 Where clearing of vegetation in a regional ecosystem associated with a natural wetland does not maintain the composition, structure and function of the regional ecosystem, and cannot be avoided and has been mitigated, an offset is provided for any acceptable significant residual impact.</p> | <p>No acceptable outcome is prescribed.</p> | <p>Complies Refer to comments above.</p> |
| Clearing associated with watercourses and drainage features | | |
| <p>PO83 Clearing of vegetation within a watercourse and /or drainage feature and/or within the relevant distance (listed in reference table 2) of a watercourse and/or drainage feature, maintains the composition, structure and function of the regional ecosystem associated with the watercourse and/or drainage feature to protect all of the following:</p> <ol style="list-style-type: none"> 1. bank stability by protecting against bank erosion; 2. water quality by filtering sediments, nutrients and other pollutants; 3. aquatic habitat; 4. terrestrial habitat. | <p>AO83.1 Clearing does not occur in any of the following areas:</p> <ol style="list-style-type: none"> 1. inside the defining bank of a watercourse or drainage feature; and 2. within the relevant distance of the defining bank of any watercourse or drainage feature in reference table 2 of this code. <p>OR</p> <p>AO83.2 Clearing within any watercourse or drainage feature, or within the relevant distance of the defining bank of any watercourse or drainage feature in reference table 2 of this code:</p> <ol style="list-style-type: none"> 1. does not exceed the widths in table reference table 1 of this code; and | <p>Not Applicable</p> |

| Performance outcomes | Acceptable outcomes | Response |
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| | 2. does not occur within 10 metres of the defining bank , unless clearing is required into or across the watercourse or drainage feature . | |
| PO84 Where clearing of vegetation in a regional ecosystem associated with a watercourse and/or drainage feature does not maintain the composition, structure and function of the regional ecosystem , and cannot be avoided and has been mitigated, an offset is provided for any acceptable significant residual impact . | No acceptable outcome is prescribed. | Not Applicable |
| Connectivity | | |
| PO85 Regional ecosystems on the subject land and any adjacent land, retain sufficient vegetation to maintain: 1. ecological processes ; and 2. ensure the regional ecosystem remains in the landscape despite threatening processes . | AO85.1 Clearing occurs in accordance with reference table 3 in this code. | Complies with Purpose Statement No vegetation clearing is proposed. The proposed development results in exempt clearing, however the boundary locations have been identified based around containing the existing Yalanji Cemetery and expansion area, whilst maintain the agricultural viability of the balance land. Approval for the development is sought on the grounds of social and cultural benefit. |
| Soil erosion if the local government is not the assessment manager for the development application | | |
| PO86 Clearing does not result in accelerated soil erosion within or outside the land the subject of the development application. | AO86.1 Clearing only occurs if an erosion and sediment control plan is developed and implemented to prevent soil erosion and instability resulting from the clearing . | Not Applicable No clearing works are proposed. If exempt clearing works were to be undertaken, works would not result in soil erosion. |
| Salinity | | |
| PO87 Clearing within 100 metres of a salinity expression area does not contribute to or accelerate land degradation through either of the following: 1. waterlogging ; 2. the salinisation of groundwater , surface water or soil. | AO87.1 Clearing does not occur within 100 metres of a salinity expression area . | Complies with AO87.1 The site is not within 100m of a salinity expression area. |
| Conserving endangered and of concern regional ecosystems | | |
| PO88 Clearing of vegetation maintains the composition, structure and function of endangered regional ecosystems and/or of concern regional ecosystems . | AO88.1 Clearing does not occur in an endangered regional ecosystem or an of concern regional ecosystem . | Complies with AO88.3 The area of exempt clearing work is approximately 4,060m ² (see below figure) which is less than the prescribed area in Table 1. |

| Performance outcomes | Acceptable outcomes | Response |
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| | <p>OR</p> <p>AO88.2 Total clearing of endangered regional ecosystems and of concern regional ecosystems combined does not exceed the widths prescribed in reference table 1 of this code.</p> <p>OR</p> <p>AO88.3 Total clearing of endangered regional ecosystems and of concern regional ecosystems combined does not exceed areas prescribed in reference table 1 of this code.</p> |  |
| <p>PO89 Where clearing of vegetation in an endangered regional ecosystem or an of concern regional ecosystems does not maintain the composition, structure and function of the regional ecosystem, and cannot be avoided and has been mitigated, the cleared area:</p> <ol style="list-style-type: none"> 1. is rehabilitated; or 2. where the cleared area cannot be rehabilitated, an offset is provided for any acceptable significant residual impact. | <p>No acceptable outcome is prescribed.</p> | <p>Complies with Purpose Statement</p> <p>No vegetation clearing is proposed. The proposed development results in exempt clearing, however the boundary locations have been identified based around containing the existing Yalanji Cemetery and expansion area, whilst maintain the agricultural viability of the balance land. Approval for the development is sought on the grounds of social and cultural benefit.</p> |
| <p>Essential habitat excluding essential habitat for <i>Phascolarctos cinereus</i> (koalas) if development is assessable under Schedule 10, Part 10 of the Planning Regulation 2017</p> | | |
| <p>PO90 Clearing of vegetation in a regional ecosystem that is an area of essential habitat maintains the composition, structure and function of the regional ecosystem for each protected wildlife species individually.</p> | <p>AO90.1 Clearing does not occur in essential habitat.</p> <p>OR</p> <p>AO90.2 Clearing in essential habitat does not exceed the widths prescribed in reference table 1 of this code.</p> <p>OR</p> | <p>Complies with AO90.3</p> <p>Refer to compliance assessment against AO88.3</p> |

| Performance outcomes | Acceptable outcomes | Response |
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| | <p>AO90.3 Clearing in essential habitat does not exceed the areas prescribed in reference table 1 of this code.</p> | |
| <p>PO91 Where clearing of vegetation in a regional ecosystem that is an area of essential habitat does not maintain the composition, structure and function of the regional ecosystem, and cannot be avoided and has been mitigated, an offset is provided for any acceptable significant residual impact for each protected wildlife species individually.</p> | <p>No acceptable outcome is prescribed.</p> | <p>Complies Refer to assessment above.</p> |
| <p>Acid sulfate soils if the local government is not the assessment manager for the development application</p> | | |
| <p>PO92 Clearing does not result in, or accelerate, disturbance of acid sulfate soils or changes to the hydrology of the location that will result in either of the following:</p> <ol style="list-style-type: none"> 1. aeration of horizons containing iron sulphides; 2. mobilisation of acid or metals. | <p>AO92.1 Clearing does not occur in land zone 1, land zone 2 or land zone 3.</p> <p>OR</p> <p>AO92.2 Clearing in land zone 1, land zone 2 or land zone 3 in areas below the five metre Australian Height Datum only occurs where:</p> <ol style="list-style-type: none"> 1. mechanical clearing does not disturb the soil to a depth greater than 30 centimetres; and 2. acid sulfate soils are managed consistent with the Queensland Acid Sulfate Soil Technical Manual. | <p>Not Applicable</p> |