

22 January 2025

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 (BOUNDARY REALIGNMENT) OF LAND ON WHYANBEEL ROAD, WHYANBEEL, MORE FORMALLY DESCRIBED AS LOT 3 ON RP727385 AND LOT 4 ON RP808140

Aspire Town Planning and Project Services has been engaged to act on behalf of John Coughlan (the 'Applicant' and 'Land Owner'). The proposed development seeks approval for a boundary realignment between two properties to enhance amenity and agricultural viability of both subject lots.

The proposed development seeks to resolve a number of issues between the two parcels including, establish practical road frontage, enhance privacy and amenity, support agricultural activities, support animal husbandry and preserve environmental values, as further described within the attached Planning Report.

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 (Boundary Realignment).

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

- Duly completed DA Form 1 (Attachment 1); and
- Town Planning Report (Attachment 2).

The relevant Application Fee is calculated to be \$1,061.00 under the Douglas Shire Council Fees and Charges Schedule for Years 2024/2025. We respectfully request that Council provides either a payment link or invoice to facilitate payment of the application fee directly by the Applicant.

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

Regards,

A handwritten signature in black ink, consisting of a large, loopy initial 'D' followed by a series of connected, wavy lines that extend to the right.

Daniel Favier

Senior Town Planner

ASPIRE Town Planning and Project Services



Town Planning and Project Services

Attachment I

Duly completed DA Form I

DA Form 1 – Development application details

Approved form (version 1.6 effective 2 August 2024) made under section 282 of the Planning Act 2016.

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

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

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

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

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

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

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

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	John Coughlan
Contact name (only applicable for companies)	c/- Daniel Favier T/A Aspire Town Planning and Project Services
Postal address (P.O. Box or street address)	PO Box 1040
Suburb	Mossman
State	QLD
Postcode	4873
Country	Australia
Contact number	0418 826 560
Email address (non-mandatory)	admin@aspireqld.com
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	2025-01-02 - Coughlan - Whyanbeel Road, Whyanbeel

1.1) Home-based business

☐ Personal details to remain private in accordance with section 264(6) of *Planning Act 2016*

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
		364	Whyanbeel Road	Whyanbeel
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	3	RP727385	Douglas
b)	Unit No.	Street No.	Street Name and Type	Suburb
			Whyanbeel Road	Whyanbeel
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	4	RP808140	Douglas

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

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

- ☐ Coordinates of premises by longitude and latitude

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

- ☐ Coordinates of premises by easting and northing

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

3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer: Whyanbeel Creek

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

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

Name of port authority for tidal area (if applicable)

<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>
Name of airport: <input type="text"/>
<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification: <input type="text"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

5) Are there any existing easements over the premises?

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

- ☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- ☒ No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

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

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

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

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

c) What is the level of assessment?

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

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

Boundary Realignment

e) Relevant plans

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

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

6.2) Provide details about the second development aspect

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

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

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

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

c) What is the level of assessment?

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

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

e) Relevant plans

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

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

6.3) Additional aspects of development

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

6.4) Is the application for State facilitated development?

- ☐ Yes - Has a notice of declaration been given by the Minister?
- ☒ No

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

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

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use

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

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

- ☐ Yes
- ☐ No

8.3) Does the proposed development relate to temporary accepted development under the Planning Regulation?

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

Provide a general description of the temporary accepted development	Specify the stated period dates under the Planning Regulation

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?

2

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

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

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

10.2) Will the subdivision be staged?	
<input type="checkbox"/> Yes – provide additional details below <input type="checkbox"/> No	
How many stages will the works include?	
What stage(s) will this development application apply to?	

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

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)
Lot 3 on RP727385	77,140	Proposed Lot 3	95,870
Lot 4 on RP808140	55,330	Proposed Lot 4	36,600
12.2) What is the reason for the boundary realignment?			
The proposal aims to improve the overall residential amenity of both lots by optimising their layout and functionality while also enhancing opportunities for animal husbandry and agricultural activities. By facilitating a more efficient use of land, the proposal supports sustainable rural living, promotes better land management practices, and allows for a broader range of agricultural uses that align with the characteristics and potential of the site.			

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)				
Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

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

14.1) What is the nature of the operational work?	
<input type="checkbox"/> Road work <input type="checkbox"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)	
<input type="checkbox"/> Yes – specify number of new lots:	
<input type="checkbox"/> No	

14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)

\$

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application

Douglas Shire Council

16) Has the local government agreed to apply a superseded planning scheme for this development application?

- ☐ Yes – a copy of the decision notice is attached to this development application
- ☐ The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- ☒ No

PART 5 – REFERRAL DETAILS

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

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

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

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

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

- ☐ SEQ northern inter-urban break – community activity
- ☐ SEQ northern inter-urban break – indoor recreation
- ☐ SEQ northern inter-urban break – urban activity
- ☐ SEQ northern inter-urban break – combined use
- ☐ Tidal works or works in a coastal management district
- ☐ Reconfiguring a lot in a coastal management district or for a canal
- ☐ Erosion prone area in a coastal management district
- ☐ Urban design
- ☐ Water-related development – taking or interfering with water
- ☐ Water-related development – removing quarry material *(from a watercourse or lake)*
- ☐ Water-related development – referable dams
- ☐ Water-related development – levees *(category 3 levees only)*
- ☐ Wetland protection area

Matters requiring referral to the local government:

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

Matters requiring referral to the Chief Executive of the distribution entity or transmission entity:

- ☐ Infrastructure-related referrals – Electricity infrastructure

Matters requiring referral to:

- 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
- ☐ Infrastructure-related referrals – Oil and gas infrastructure

Matters requiring referral to the Brisbane City Council:

- ☐ Ports – Brisbane core port land

Matters requiring referral to the Minister responsible for administering the Transport Infrastructure Act 1994:

- ☐ Ports – Brisbane core port land *(where inconsistent with the Brisbane port LUP for transport reasons)*
- ☐ Ports – Strategic port land

Matters requiring referral to the relevant port operator, if applicant is not port operator:

- ☐ Ports – Land within Port of Brisbane's port limits *(below high-water mark)*

Matters requiring referral to the Chief Executive of the relevant port authority:

- ☐ Ports – Land within limits of another port *(below high-water mark)*

Matters requiring referral to the Gold Coast Waterways Authority:

- ☐ Tidal works or work in a coastal management district *(in Gold Coast waters)*

Matters requiring referral to the Queensland Fire and Emergency Service:

- ☐ Tidal works or work in a coastal management district *(involving a marina (more than six vessel berths))*

18) Has any referral agency provided a referral response for this development application?

- ☐ Yes – referral response(s) received and listed below are attached to this development application
- ☒ 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 *(if applicable)*.

PART 6 – INFORMATION REQUEST

19) Information request under the DA Rules

☒ I agree to receive an information request if determined necessary for this development application

☐ I do not agree to accept an information request for this development application

Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- 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 under Chapter 1 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules or
- Part 2 under Chapter 2 of the DA Rules will still apply if the application is for state facilitated development

Further advice about information requests is contained in the [DA Forms Guide](#).

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)

☐ Yes – provide details below or include details in a schedule to this development application

☒ No

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

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

☐ Yes – a copy of the receipted QLeave form is attached to this development application

☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid

☒ Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

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

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

☐ Yes – show cause or enforcement notice is attached

☒ No

23) Further legislative requirements

Environmentally relevant activities

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

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

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

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

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

Hazardous chemical facilities

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

- ☐ Yes – *Form 536: Notification of a facility exceeding 10% of schedule 15 threshold* is attached to this development application
- ☒ No

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

Clearing native vegetation

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

- ☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)
- ☒ No

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

Environmental offsets

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

- ☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter
- ☒ No

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

Koala habitat in SEQ Region

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

- ☐ Yes – the development application involves premises in the koala habitat area in the koala priority area
- ☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area
- ☒ No

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

DA templates are available from planning.statedevelopment.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 planning.statedevelopment.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 Resources at www.resources.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, Science and Innovation at www.desi.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.resources.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.desi.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.desi.qld.gov.au for information requirements regarding development of Queensland heritage places. For a heritage place that has cultural heritage significance as a local heritage place and a Queensland heritage place, provisions are in place under the Planning Act 2016 that limit a local categorising instrument from including an assessment benchmark about the effect or impact of, development on the stated cultural heritage significance of that place. See guidance materials at www.planning.statedevelopment.qld.gov.au for information regarding assessment of Queensland heritage places.

Name of the heritage place:		Place ID:	
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Decision under section 62 of the Transport Infrastructure Act 1994

23.14) 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

23.15) 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.statedevelopment.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	<input checked="" type="checkbox"/> 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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with the development application	<input checked="" type="checkbox"/> Yes
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 .	
Relevant plans of the development are attached to this development application	<input checked="" type="checkbox"/> Yes
Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans .	
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

25) Applicant declaration

- ☒ By making this development application, I declare that all information in this development application is true and correct
- ☒ Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*

Note: It is unlawful to intentionally provide false or misleading information.

Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, Planning Regulation 2017 and the DA Rules except where:

- such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the Planning Regulation 2017, and the access rules made under the *Planning Act 2016* and Planning Regulation 2017; or
- required by other legislation (including the *Right to Information Act 2009*); or
- otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

PART 9 – FOR COMPLETION OF THE ASSESSMENT MANAGER – FOR OFFICE USE ONLY

Date received: Reference number(s):

Notification of engagement of alternative assessment manager

Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	
Relevant licence number(s) of chosen assessment manager	

QLeave notification and payment

Note: For completion by assessment manager if applicable

Description of the work	
QLeave project number	
Amount paid (\$)	Date paid (dd/mm/yy)
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	



Town Planning and Project Services

Attachment 2

Town Planning Report



Town Planning Report

RECONFIGURING A LOT (BOUNDARY REALIGNMENT)

WHYANBEEL ROAD, WHYANBEEL

22 January 2025

ASPIRE Town Planning and Project Services

Authored by: Daniel Favier

Ref: 2025-01-02 - Coughlan - Whyanbeel Road, Whyanbeel

This Town Planning Report is intended for the exclusive use of our Client "John Coughlan" and is provided for informational purposes only. The information contained herein has been prepared based on sources and data believed to be reliable and accurate at the time of preparation. However, Aspire Town Planning and Project Services does not warrant the accuracy, completeness, or currency of the information and disclaims any responsibility for any errors or omissions, or for any loss or damage incurred by any party as a result of reliance on this information.

The conclusions and recommendations contained in this report are based on our professional judgment and interpretation of the current planning policies and regulations. It is important to note that planning regulations and policies are subject to change, and this report should not be construed as a guarantee of any future planning outcomes.

This report is confidential and may not be disclosed, reproduced, or distributed to any third party without the prior written consent of Aspire Town Planning and Project Services. Unauthorised use or distribution of this report is strictly prohibited.

Executive Summary

Aspire Town Planning and Project Services has been engaged to represent John Coughlan (the 'Applicant' and 'Landowner'), who has inherited the land from the late Manuel Humberto Porras-Perez. The Title Certificate has not yet been updated to reflect this transfer of ownership. This Development Application seeks approval for a Development Permit for Reconfiguring a Lot (Boundary Realignment) over land at Whyanbeel Road, Whyanbeel, formally described as Lot 3 on RP727385 and Lot 4 on RP808140 (the 'subject sites').

The proposal seeks to improve the overall residential amenity of both lots by optimising their layout and functionality while also enhancing opportunities for animal husbandry and agricultural activities. By facilitating a more efficient use of land, the proposal supports sustainable rural living, promotes better land management practices, and allows for a broader range of agricultural uses that align with the characteristics and potential of the site.

In accordance with the Douglas Shire Planning Scheme 2018 v1 (the 'Planning Scheme'), the subject sites are situated within the Rural Zone, where a Development Application for Reconfiguring a Lot (Boundary Realignment) is Code Assessable and requires a Development Application for a Development Permit to Douglas Shire Council.

This Town Planning Report provides a detailed assessment of the proposed development against the relevant Local Government Assessment Benchmarks, demonstrating that the proposal achieves compliance with the provisions of the planning scheme. All supporting documentation, including relevant plans, have been provided as attachments to this submission.

We respectfully request that the Douglas Shire Council consider issuing 'without prejudice' draft conditions for review prior to the formal release of a Decision Notice, to facilitate an efficient approval process and ensure that all parties are aligned regarding the requirements for development.

1.0 Summary

Table 1: Application Summary.

Street Address	364 Whyanbeel Road, Whyanbeel	Whyanbeel Road, Whyanbeel
Lot and Plan	Lot 3 on RP727385	Lot 4 on RP808140
Land Owner	Manuel Humberto Porras-Perez <i>See Attachment 1 – Certificate of Title</i>	
Size	7.714ha or 77,140m ²	5.534ha or 55,340m ²
Road Frontages	Approximately 50m to Whyanbeel Road	Approximately 223m to Whyanbeel Road
Easements	Nil	
Other Relevant Encumbrances	Nil	
Current Use	Dwelling House and intensive horticulture	Intensive horticulture and horse paddocks
Proposal	Boundary Realignment	
Approvals Sought	Development Permit	
Level of Assessment	Code	
Planning Scheme Zone	Rural Zone	
Local Plan	Nil	
Regional Plan Designation	Regional Landscape and Rural Production Area	
State Planning Policy	Appropriately integrated within the Planning Scheme	
State Development Assessment Provisions	Not applicable	
Referral	Not applicable	

2.0 Site Description

The subject site comprises two parcels of land located at Whyanbeel Road, Whyanbeel, formally described as Lot 3 on RP727385 and Lot 4 on RP808140. The site is situated within the Douglas Shire and is approximately 8km north west from Mossman, a key service centre for the surrounding rural and agricultural areas, see Image 1. The site is located within an established rural landscape, characterised by agricultural operations, open grazing land, and low-density rural residential properties.

The sites benefits from direct frontage to Whyanbeel Road, which connects to the broader regional road network, providing convenient access to nearby towns and essential services.

Lot 3 on RP727385 is irregular in shape and contains a Dwelling House surrounded by a mix of domestic landscaping. The remainder of the site is predominantly covered by natural vegetation. The topography varies from gently undulating to steep, with the most significant slopes occurring toward the center of the lot. Historically, the site has been used for the operation of a nursery. Access to the site is constrained, and the side boundary of Lot 4 on RP808140 is located just 7m from the existing Dwelling House.

Although Lot 3 on RP727385 has frontage to Whyanbeel Road, this does not offer practical access. Access to Lot 3 on RP727385 is currently provided via Lot 4 on RP808140, however no formal easement or access arrangement is in place. This informal access is solely facilitated by the fact that both lots are under common ownership. The absence of a formal access agreement presents potential constraints on future land use and development, highlighting the need for appropriate legal mechanisms to secure ongoing access rights.

Lot 4 on RP808140 is more regular in shape and primarily cleared, supporting established agricultural activities, including horse paddocks and associated structures. The lot also contains areas of native vegetation, which extend along the northern and western boundaries, contributing to the site's ecological value and rural character.

Surrounding Land Uses:

- North: The site adjoins additional rural residential properties.
- East: The land to the east consists of agricultural properties used for sugar cane cultivation and areas of natural vegetation, contributing to the rural character of the locality.
- South: Directly south of the site, the land continues to be used for agricultural activities including cultivation of sugar cane. Also on rural residential uses.
- West: The western boundary adjoins Whyanbeel Creek and agricultural properties.

The surrounding locality is predominantly rural, with pockets of rural residential uses. The existing land uses align with the site's designation within the Rural Zone under the Douglas Shire Planning Scheme. The site's proximity to Mossman ensures access to essential services and markets, supporting its continued use for agricultural and rural activities.

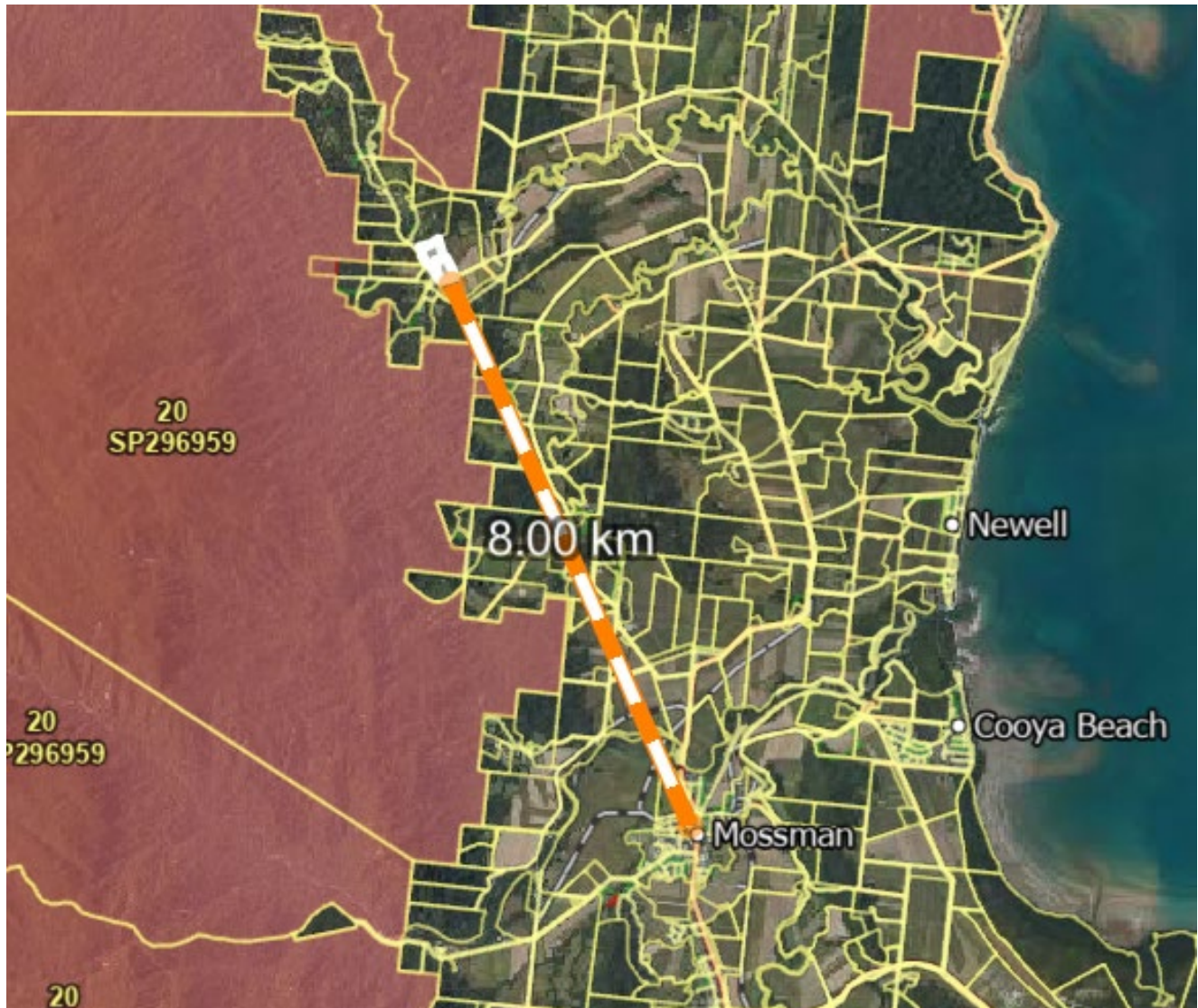


Image 1: Subject Site – Wider Locality Context (source: QLD Globe, 2025)



Image 2: Subject Site Overview (source: QLD Globe, 2025)

3.0 Proposal

This proposal seeks a Development Permit for Reconfiguring a Lot to facilitate a boundary realignment between the properties located at Whyanbeel Road, Whyanbeel, formally described as Lot 3 on RP727385 and Lot 4 on RP808140. The proposed reconfiguration will result in:

- Proposed Lot 3: 95,870m² (9.587 hectares)
- Proposed Lot 4: 36,600m² (3.66 hectares)

Refer to Image 3 below and also Attachment 2 – Proposal Plan.

The proposed development aims to improve the functionality and liveability of the subject site by enhancing the privacy and residential amenity of the existing Dwelling House on Lot 3, while also formalising practical and legally secured access to the lot. Additionally, the proposal seeks to optimise the productive use of the land by creating opportunities for intensive horticultural activities on Lot 3, ensuring its ongoing agricultural viability. At the same time, the development will maintain and support the rural and agricultural productivity of Lot 4, preserving its existing land use while allowing for sustainable and complementary agricultural operations across both lots.



Image 3: Proposal Plan Extract

In summary, the proposed development seeks to:

1. Establish Practical Road Frontage

- Ensure Proposed Lot 3 has direct and practical road frontage, eliminating reliance on Lot 4 for access.

2. Enhance Privacy and Amenity

- Provide an appropriate buffer between the existing Dwelling House on Lot 3 and the eastern boundary to secure privacy and enhance residential amenity.

3. Support Agricultural Activities

- Consolidate the existing intensive horticulture initiatives within Lot 4 and incorporate additional cleared areas within Proposed Lot 3 to enable future expansion of use of Lot 3 in alignment with the Rural Zone objectives.

4. Accommodate Animal Husbandry

- Incorporate additional cleared land within Proposed Lot 3 to facilitate the keeping of horses and other compatible uses.
- The new common boundary generally follows existing fence lines.

5. Preserve Environmental Values

- Contain all remnant vegetation within Proposed Lot 3 to maintain the integrity of the ecosystem and eliminate the existing exempt clearing. The proposed new common boundary is setback approximately 28m to 33.5m from the vegetation canopy line.

The proposed boundary realignment is considered a logical and responsible outcome that balances practical use of the land with planning requirements. Specifically:

- Proposed Lot 3 is more appropriately sized to accommodate existing intensive horticulture uses and animal husbandry uses.
- Proposed Lot 4 remains appropriately sized to accommodate potential residential use, intensive horticulture activities, or animal husbandry consistent with the Rural Zone.
- The realignment resolves current issues associated with access, privacy, and amenity, ensuring a better outcome should either lot be sold individually.

While the resultant lots will be less than the minimum 40 hectares specified within the Rural Zone, the proposal aligns with the intent and purpose of the zone by facilitating rural living, agricultural pursuits, and environmental preservation.

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 (Boundary Realignment).

4.1.2 Application

The proposed development is:

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

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

4.1.3 Referral

Section 54(2) of the Planning Act and Section 22 and Schedules 9 and 10 of the Planning Regulation provide for the identification of the jurisdiction of referral agencies, to which a copy of the development application must be provided. A review of the Planning Regulation confirms that there are no relevant referral agencies to the Development Application.

The site contains regulated vegetation, however the proposed boundary realignment does not establish any new clearing exemptions. The proposed common boundary is setback between 20m-33.5m from the mapped regulated vegetation.

4.1.4 Public Notification

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

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

4.1.5 Assessment Framework

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

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

- (a) against the assessment benchmarks in a categorising instrument for the development; and*
- (b) having regard to any matters prescribed by regulation for this paragraph.”*

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

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

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

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

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

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

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

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

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

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

...

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

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

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

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

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

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

(g) the common material.

(2) However—

(a) an assessment manager may, in assessing development requiring code assessment, consider a matter mentioned in subsection (1) only to the extent the assessment manager considers the matter is relevant to the development; and

(b) if an assessment manager is required to carry out code assessment against assessment benchmarks in an instrument stated in subsection (1), this section does not require the assessment manager to also have regard to the assessment benchmarks.”

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

4.2 Far North Queensland Regional Plan 2009-2031

The Far North Queensland Regional Plan 2009 – 2031 ('the Regional Plan') is intended to guide and manage the region's development and to address key regional environmental, social, economic and urban objectives. The site falls within the area to which the Regional Plan applies. The Regional Plan is identified in the Planning Scheme as being appropriately integrated in the scheme and therefore not assessed in any further detail in this Development Application.

4.3 State Planning Policy

The State Planning Policy ('the SPP') was released on 2 December 2013 and replaced all previous State Planning Policies. The SPP has since been revised, with new versions released on 2 July 2014, 29 April 2016 and 3 July 2017. The April 2016 version of the SPP is identified in the Planning Scheme as being appropriately integrated. Whilst the SPP has been amended since April 2016 version, it is considered that the policy content and outcomes contained within the SPP, to the extent they are relevant and

applicable to the proposed development, have not been sufficiently amended to require the reconsideration of the SPP separately.

4.4 Temporary State Planning Policies

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

4.5 Douglas Shire Planning Scheme 2018 v1

The Douglas Region Planning Scheme 2016 v1 (the 'planning scheme') is the current version of the planning scheme.

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

4.5.1 Zone

The subject sites are located within the Rural Zone. The purpose of land within this zone is to:

“(a) provide for rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities;

- (b) provide opportunities for non-rural uses, such as ancillary tourism activities that are compatible with agriculture, the environmental features, and landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purposes;*
- (c) protect or manage significant natural resources and processes to maintain the capacity for primary production.”*

Assessment Comment:

It is submitted that the proposed development aligns with the purpose of the zone in that:

- The proposed reconfiguration maintains and improves the land’s capacity for ongoing rural activities by ensuring that any new lot retains a viable area and access for primary production. The reconfiguration does not fragment productive rural land in a manner that would compromise existing or future agricultural opportunities. Instead, it facilitates efficient land management while aligning with the broader intent of supporting rural uses.
- The proposed lot layout is designed to be compatible with the existing rural character and surrounding land uses. It does not introduce urban-style development or uses that would conflict with agricultural operations. If tourism or other ancillary uses are considered in the future, they would be required to align with the rural zoning intent and not detract from primary production activities or environmental values.
- The reconfiguration has been designed to respect natural features, including any existing watercourses, vegetation, and topographical constraints. It ensures that productive land remains available for agricultural purposes and does not result in the loss or degradation of significant rural resources. The proposed new common boundary is appropriately setback from the existing Dwelling House to provide greater privacy and amenity and to safeguard the long-term sustainability of the site’s agricultural function.

In summary, the proposed reconfiguration aligns with the Rural Zone purpose by maintaining the land’s primary production capacity, ensuring compatibility with rural character, and protecting significant natural resources.

A full assessment of the proposed development against the Rural Zone Code is included within *Attachment 3 – Code Assessment*.

4.5.2 Overlays

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

Overlay		Sub-category	Applicability and Compliance Assessment
Acid Soils	Sulfate	Acid Sulfate Soils (5-20m AHD)	The proposed development does not involve earthworks which will disturb Acid Sulfate Soils. The proposed development therefore achieves compliance with the code. No further detailed assessment is included in this report.

Flood and Storm Tide Hazard	Floodplain Assessment Overlay (Daintree River)	The proposed development involves a boundary realignment only and does not introduce any increased risk to people or property. On the contrary, it enhances the existing situation by providing practical and lawful access to the existing Dwelling House. As a result, the proposal complies with the applicable code. Given the nature of the development and its minimal impact, no further detailed assessment is provided in this report.
Hillslopes	Areas Affected by Hillslopes	The proposed development does not involve works within the hillslope areas which would conflict with the Overlay. The proposed development therefore achieves compliance with the code. No further detailed assessment is included in this report.
Landscape Values	High landscape values Medium Landscape Value	The proposed development does not earthworks or vegetation clearing or physical works which would compromise landscape values. The proposed development therefore achieves compliance with the code. No further detailed assessment is included in this report.
Potential Landslide Hazard	Landslide Hazard (High & Medium Hazard Risk)	The proposed development does not involve works within the potential landslip areas. The proposed development therefore achieves compliance with the code. No further detailed assessment is included in this report.
Natural Areas	MSES - Regulated Vegetation (Intersecting a Watercourse) MSES - Wildlife Habitat MSES - Regulated Vegetation	<p>The proposed boundary realignment consolidates the natural site attributes within Proposed Lot 3, ensuring that environmentally significant areas are preserved in a single parcel. This approach enhances ecological integrity and supports the long-term protection of native vegetation and habitat values.</p> <p>Additionally, the realignment removes existing clearing exemptions related to boundary setbacks and fire protection, thereby safeguarding remnant vegetation and reducing the potential for incremental clearing over time. By rationalising the lot configuration, the proposal minimises fragmentation of natural resources and ensures that any future land use or development aligns with best-practice environmental management.</p> <p>Furthermore, the proposed reconfiguration maintains the rural productivity of the land by ensuring that remaining areas continue to support agricultural activities without unnecessary encumbrances. This balance between environmental conservation and rural land use is consistent with the intent of the Rural Zone and broader planning objectives for sustainable land management.</p>

		The proposed development therefore achieves compliance with the code. No further detailed assessment is included in this report.
Transport Network	Major Rural Road	<p>The proposed development does not generate any additional demand on the road network. It is submitted that the development will not impact on the safe and efficient function of the existing road network.</p> <p>The proposed development therefore achieves compliance with the code. No further detailed assessment is included in this report.</p>

4.5.3 Assessment Criteria

As determined by Table 5.6.J under the planning scheme, and subsequent to discussion under s4.5.2 of this report, the following Planning Scheme Codes are applicable in the assessment of the Development Application:

Zone Code

- Rural Zone Code

Local Area Plan Code

- Nil

Overlay Codes

- Refer to discussion under s4.5.2 of this report.

Development Codes

- Infrastructure Works Code
- Reconfiguring a Lot Code

Technically the proposed development triggers assessment against the following other Development Codes, including the Access, Parking and Servicing Code, Environmental Performance Code, Filling and Excavation Code, Landscaping Code and Vegetation Management Code. Whilst we have undertaken an assessment of the proposed development, a detailed documented assessment is not included within

this report as the matters raised within the codes do not apply to the proposed development. In support of this position we note:

- The proposed development establishes lawful and practical road access for both lots. The existing crossover will continue to service Proposed Lot 3. A new crossover will be required to Proposed Lot 4 and may be appropriately conditioned.
- The proposed development does not generate any environmental performance issues, as it involves a boundary realignment only, with no changes to land use, intensification of activities, or additional infrastructure that could impact the surrounding environment. The realignment does not result in any vegetation clearing, earthworks, or modifications to existing watercourses, thereby ensuring that natural ecological processes remain undisturbed. Furthermore, the proposal does not introduce any new sources of emissions, pollutants, or environmental risks that could affect soil, water, or air quality. By maintaining the existing land use and ensuring that all regulatory requirements are met, the development aligns with best-practice environmental management principles. The proposal also upholds the intent of the Rural Zone by protecting the site's natural attributes and ensuring ongoing compatibility with the surrounding landscape.
- The proposed development does not propose any filling and excavation works.
- No further planting or removal of existing landscaping is proposed.
- No vegetation clearing or damage is proposed.

A detailed assessment against the other relevant assessment criteria is provided in ***Attachment 3 – Code Assessment***.

5.0 Conclusion

Aspire Town Planning and Project Services have been engaged and act on behalf of John Coughlan, the ('Applicant' and the 'Land Owner'). This Development Application seeks approval for a Development Permit for Reconfiguring a Lot (Boundary Realignment) over land Whyanbeel Road, Whyanbeel, formally described as Lot 3 on RP727385 and Lot 4 on RP808140.

The proposal seeks to improve the overall residential amenity of both lots by optimising their layout and functionality while also enhancing opportunities for animal husbandry and agricultural activities. By facilitating a more efficient use of land, the proposal supports sustainable rural living, promotes better land management practices, and allows for a broader range of agricultural uses that align with the characteristics and potential of the site.

Under the Douglas Shire Council Planning Scheme 2018 v1, the subject sites fall within the Rural Zone, where ordinarily the proposed development would be Code Assessable and requires a Development Application to Douglas Shire Council as the Assessment Manager.

This Town Planning Report demonstrates compliance with relevant assessment benchmarks of the planning scheme. Supporting documents, including plans, are attached. We respectfully request the Council consider issuing 'without prejudice' draft conditions for review prior to issuing the formal Decision Notice to streamline the approval process and ensure alignment among all parties.

Attachment 1

Certificate of Title

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	20995048	Search Date:	17/01/2025 05:17
Date Title Created:	26/08/1975	Request No:	50593496
Previous Title:	20297078		

ESTATE AND LAND

Estate in Fee Simple

LOT 3 REGISTERED PLAN 727385
Local Government: DOUGLAS

REGISTERED OWNER

Dealing No: 706121355 15/11/2002
MANUEL HEIMBERTO PORRAS-PEREZ

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20284130 (POR 299)
2. MORTGAGE No 706121358 15/11/2002 at 09:20
AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED A.C.N. 005
357 522
3. MORTGAGE No 713075528 23/02/2010 at 13:05
AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED A.B.N. 11
005 357 522
4. MORTGAGE No 723563296 27/09/2024 at 10:18
REGIONAL INVESTMENT CORPORATION

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	21519158	Search Date:	17/01/2025 05:17
Date Title Created:	08/01/1993	Request No:	50593496
Previous Title:	20297078, 20814217, 20814218		

ESTATE AND LAND

Estate in Fee Simple

LOT 4 REGISTERED PLAN 808140

Local Government: DOUGLAS

REGISTERED OWNER

Dealing No: 713075526 23/02/2010

MANUEL HUMBERTO PORRAS - PEREZ

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20284130 (POR 299)
2. MORTGAGE No 713075527 23/02/2010 at 13:05
AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED A.B.N. 11
005 357 522
3. MORTGAGE No 723563295 27/09/2024 at 10:18
REGIONAL INVESTMENT CORPORATION

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

Attachment 2

Proposal Plan

Proposed Plan of Reconfiguration (Boundary Realignment)

John Coughlan

16°23'20"S 145°20'10"E

16°23'20"S 145°20'40"E



Legend located on next page



Scale: 1:2800

Printed at: A3

Print date: 17/1/2025

Not suitable for accurate measurement.

Projection: Web Mercator EPSG 102100 (3857)

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

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Queensland Government

Department of Natural Resources and Mines, Manufacturing, and Regional and Rural Development

Attachment 3

Code Assessment

6.2.10 Rural zone code

6.2.10.1 Application

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

6.2.10.2 Purpose

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

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

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

Performance outcomes	Acceptable outcomes	Applicant response
PO5 Uses and other development include those that: (a) promote rural activities such as agriculture, rural enterprises and small scale industries that serve rural activities; or (b) promote low impact tourist activities based on the appreciation of the rural character, landscape and rural activities; or (c) are compatible with rural activities.	AO5 No acceptable outcomes are prescribed.	Complies with PO5. It is submitted that the proposed development does not compromise the purpose of the Rural Zone. The proposal aims to improve the overall residential amenity of both lots by optimising their layout and functionality while also enhancing opportunities for animal husbandry and agricultural activities. By facilitating a more efficient use of land, the proposal supports sustainable rural living, promotes better land management practices, and allows for a broader range of agricultural uses that align with the characteristics and potential of the site. Further refer to the Town Planning Report for supporting compliance.
PO6 Existing native vegetation along watercourses and in, or adjacent to areas of environmental value, or areas of remnant vegetation of value is protected.	AO6 No acceptable outcomes are prescribed.	Complies with PO6. No vegetation damage or removal is proposed. The new common boundary is setback from the existing mapped remnant vegetation and therefore removes existing exempt clearing rights and maintains the existing environmental values.
PO7 The minimum lot size is 40 hectares, unless (a) the lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments to resolve encroachments); or (b) the reconfiguration is limited to one additional lot to accommodate: (i) Telecommunications facility; (ii) Utility installation.	AO7 No acceptable outcomes are prescribed.	Complies with PO7. The proposed development involves a boundary realignment between two existing lots, both of which are currently below the minimum 40-hectare lot size requirement. The development is proposed to enhance the functionality and usability of both properties.



Performance outcomes	Acceptable outcomes	Applicant response
		<p>A key benefit of the proposal is the increased separation between the existing Dwelling House and the common boundary, significantly improving privacy, residential amenity, and land use flexibility. This adjustment ensures a more practical and logical layout that better reflects the way the land is currently used.</p> <p>In addition, the realignment resolves an existing access constraint affecting Lot 3 by formalising a lawful access arrangement via the existing driveway on Lot 4. This improves site accessibility, eliminates potential disputes over informal access, and ensures compliance with legal access requirements.</p> <p>Furthermore, the revised lot configuration supports the ongoing viability of rural land uses by optimising land management opportunities. By consolidating natural site attributes and improving access arrangements, the proposal aligns with the intent of the Rural Zone, which seeks to maintain and enhance primary production activities while protecting rural character and environmental values.</p> <p>Overall, the proposed boundary realignment represents a logical and beneficial outcome that improves both the functionality and compliance of the lots while upholding the planning objectives for the area.</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 intended use taking into account environmental features and site constraints;
 - (c) road networks provide connectivity that is integrated with adjoining existing or planned development while also catering for the safe and efficient access for pedestrians, cyclists and for public transport;
 - (d) lots are arranged to front all streets and parkland such that development enhances personal safety, traffic safety, property safety and security; and contributes to streetscape and open space quality;
 - (e) development does not diminish environmental and scenic values, and where relevant, maintains and enhances public access and use of natural areas, rivers, dams, creeks and the foreshore, in a way that protects natural resources;
 - (f) people and property are not placed at risk from natural hazards;
 - (g) a range of functional parkland, including local and district parks, major areas of parkland with a region-wide focus and open space links are available for the use and enjoyment of residents and visitors to the region;
 - (h) the appropriate standard of infrastructure is provided.

9.4.7.3 Criteria for assessment

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

Performance outcomes	Acceptable outcomes	Applicant response
General lot design standards		
PO1 Lots comply with the lot reconfiguration outcomes of the applicable Zone code in Part 5.	AO1 No acceptable outcomes are prescribed.	Complies with PO1. The proposed development involves a boundary realignment between two existing lots, both of which are currently below the minimum 40-hectare lot size requirement.



		<p>The development is proposed to enhance the functionality and usability of both properties.</p> <p>A key benefit of the proposal is the increased separation between the existing Dwelling House and the common boundary, significantly improving privacy, residential amenity, and land use flexibility. This adjustment ensures a more practical and logical layout that better reflects the way the land is currently used.</p> <p>In addition, the realignment resolves an existing access constraint affecting Lot 3 by formalising a lawful access arrangement via the existing driveway on Lot 4. This improves site accessibility, eliminates potential disputes over informal access, and ensures compliance with legal access requirements.</p> <p>Furthermore, the revised lot configuration supports the ongoing viability of rural land uses by optimising land management opportunities. By consolidating natural site attributes and improving access arrangements, the proposal aligns with the intent of the Rural Zone, which seeks to maintain and enhance primary production activities while protecting rural character and environmental values.</p> <p>Overall, the proposed boundary realignment represents a logical and beneficial outcome that improves both the functionality and compliance of the lots while upholding the planning objectives for the area.</p>
PO2 New lots are generally rectangular in shape with functional areas for land uses intended by the zone.	AO2 Boundary angles are not less than 45 degrees.	Complies with PO2. The new lots are configured according to existing site conditions and constraints and are appropriate given the zone.



<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 with AO3. The realignment resolves an existing access constraint affecting Lot 3 by formalising a lawful access arrangement via the existing driveway on Lot 4. This improves site accessibility, eliminates potential disputes over informal access, and ensures compliance with legal access requirements.</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 with AO4. The proposed boundary realignment contains existing natural site features to Proposed Lot 3. It is submitted that the development will have no effect on natural systems and site features.</p>
<p>PO5 New lots which have the capability of being further reconfigured into smaller lots at a later date are designed to not compromise ultimate development outcomes permitted in the relevant zone.</p>	<p>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 with AO6. The proposed development improves the setback of the existing Dwelling House to the existing side boundary.</p>



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



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



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

AO14

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

AO14.1

Urban parkland is regular in shape.

AO14.2

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

AO14.3

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

AO14.4

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

AO14.5


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



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

Not Applicable.



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

Private subdivisions (gated communities)

PO15

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

PO15

No acceptable outcomes are prescribed.

Not Applicable.

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

PO16

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

AO16

No acceptable outcomes are prescribed.

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

Not Applicable.

PO17

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

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

AO17

No acceptable outcomes are prescribed.

Not Applicable.

Public transport network



<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 with PO19. Pest plants are managed as result of current site management practices.</p>

9.4.5 Infrastructure works code

9.4.5.1 Application

- (1) This code applies to assessing:
 - (a) operational work which requires an assessment as a condition of a development permit or is assessable development if this code is identified in the assessment criteria column of a table of assessment;
 - (b) a material change of use or reconfiguring a lot if:
 - (i) 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.

Note – The Filling and excavation code applies to operational work for filling and excavation.

- (2) When using this code, reference should be made to Part 5.

9.4.5.2 Purpose

- (1) The purpose of the Infrastructure works code is to ensure that development is safely and efficiently serviced by, and connected to, infrastructure.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) the standards of water supply, waste water treatment and disposal, stormwater drainage, local electricity supply, telecommunications, footpaths and road construction meet the needs of development and are safe and efficient;
 - (b) development maintains high environmental standards;
 - (c) development is located, designed, constructed and managed to avoid or minimise impacts arising from altered stormwater quality or flow, wastewater discharge, and the creation of non-tidal artificial waterways;
 - (d) the integrity of existing infrastructure is maintained;
 - (e) development does not detract from environmental values or the desired character and amenity of an area.

9.4.5.3 Criteria for assessment

Table 9.4.5.3.a – Infrastructure works code –assessable development

Performance outcomes		Acceptable outcomes	Applicant response
For self-assessable and assessable development			
Works on a local government road			
<p>PO1</p> <p>Works on a local government road do not adversely impact on footpaths or existing infrastructure within the road verge and maintain the flow, safety and efficiency of pedestrians, cyclists and vehicles.</p>	<p>AO1.1</p> <p>Footpaths/pathways are located in the road verge and are provided for the hierarchy of the road and located and designed and constructed in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.</p> <p>AO1.2</p> <p>Kerb ramp crossovers are constructed in accordance with Planning scheme policy SC 5 – FNQROC Regional Development Manual.</p> <p>AO1.3</p> <p>New pipes, cables, conduits or other similar infrastructure required to cross existing footpaths:</p> <p>(a) are installed via trenchless methods; or</p> <p>(b) where footpath infrastructure is removed to install infrastructure, the new section of footpath is installed to the standard detailed</p>	<p>Not Applicable.</p>	



	<p>in the Planning scheme policy SC5 – FNQROC Regional Development Manual, and is not less than a 1.2 metre section.</p> <p>AO1.4 Where existing footpaths are damaged as a result of development, footpaths are reinstated ensuring:</p> <ul style="list-style-type: none"> (a) similar surface finishes are used; (b) there is no change in level at joins of new and existing sections; (c) new sections are matched to existing in terms of dimension and reinforcement. <p>Note – Figure 9.4.5.3.a provides guidance on meeting the outcomes.</p> <p>AO1.5 Decks, verandahs, stairs, posts and other structures located in the road reserve do not restrict or impede pedestrian movement on footpaths or change the level of the road verges.</p>	
Accessibility structures		
<p>PO2 Development is designed to ensure it is accessible for people of all abilities and accessibility features do not impact on the efficient and safe use of footpaths.</p> <p>Note – Accessibility features are those features required to ensure access to premises is provided for people of all abilities and include ramps and lifts.</p>	<p>AO2.1 Accessibility structures are not located within the road reserve.</p> <p>AO2.2 Accessibility structures are designed in accordance with AS1428.3.</p> <p>AO2.3 When retrofitting accessibility features in existing buildings, all structures and changes in grade are contained within the boundaries of the lot and not within the road reserve.</p>	Not Applicable.
Water supply		

**PO3**

An adequate, safe and reliable supply of potable, fire fighting and general use water is provided.

AO3.1

The premises is connected to Council's reticulated water supply system in accordance with the Design Guidelines set out in Section D6 of the Planning scheme policy SC5 – FNQROC Regional Development Manual;

or

AO3.2

Where a reticulated water supply system is not available to the premises, on site water storage tank/s with a minimum capacity of 10,000 litres of stored water, with a minimum 7,500 litre tank, with the balance from other sources (e.g. accessible swimming pool, dam etc.) and access to the tank/s for fire trucks is provided for each new house or other development. Tank/s are to be fitted with a 50mm ball valve with a camlock fitting and installed and connected prior to occupation of the house and sited to be visually unobtrusive.

Complies with AO3.1

A water meter for Lot 4 is located adjacent the south eastern corner of the site. A separate meter is provided within existing Lot 3.



Treatment and disposal of effluent		
<p>PO4 Provision is made for the treatment and disposal of effluent to ensure that there are no adverse impacts on water quality and no adverse ecological impacts as a result of the system or as a result of increasing the cumulative effect of systems in the locality.</p>	<p>AO4.1 The site is connected to Council's sewerage system and the extension of or connection to the sewerage system is designed and constructed in accordance with the Design Guidelines set out in Section D7 of the Planning scheme policy SC5 – FNQROC Regional Development Manual;</p> <p>or</p> <p>AO4.2 Where not in a sewerage scheme area, the proposed disposal system meets the requirements of Section 33 of the <i>Environmental Protection Policy (Water) 1997</i> and the proposed on site effluent disposal system is designed in accordance with the <i>Plumbing and Drainage Act (2002)</i>.</p>	<p>Complies with AO4.2 The existing Dwelling House on Lot 3 is connected to an existing onsite waste water treatment system. No changes are proposed.</p>
Stormwater quality		
<p>PO5 Development is planned, designed, constructed and operated to avoid or minimise adverse impacts on stormwater quality in natural and developed catchments by:</p> <ul style="list-style-type: none"> (a) achieving stormwater quality objectives; (b) protecting water environmental values; (c) maintaining waterway hydrology. 	<p>AO5.1 A connection is provided from the premises to Council's drainage system;</p> <p>or</p> <p>AO5.2 An underground drainage system is constructed to convey stormwater from the premises to Council's drainage system in accordance with the Design Guidelines set out in Sections D4 and D5 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.</p>	<p>Alternative solution The site drains naturally. No change to the site drainage is proposed.</p>

**AO5.3**

A stormwater quality management plan is prepared, and provides for achievable stormwater quality treatment measures meeting design objectives listed in Table 9.4.5.3.b and Table 9.4.5.3.c, reflecting land use constraints, such as:

- (a) erosive, dispersive and/or saline soil types;
- (b) landscape features (including landform);
- (c) acid sulfate soil and management of nutrients of concern;
- (d) rainfall erosivity.

AO5.4

Erosion and sediment control practices are designed, installed, constructed, monitored, maintained, and carried out in accordance with an erosion and sediment control plan.

AO5.5

Development incorporates stormwater flow control measures to achieve the design objectives set out in Table 9.4.5.3.b and Table 9.4.5.3.c, including management of frequent flows, peak flows, and construction phase hydrological impacts.

Note – Planning scheme policy SC5 – FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the *Environmental Protection Act 1994*.

Note – During construction phases of development, contractors and builders are to have



	consideration in their work methods and site preparation for their environmental duty to protect stormwater quality.	
Non-tidal artificial waterways		
PO6 Development involving non-tidal artificial waterways is planned, designed, constructed and operated to: <ul style="list-style-type: none"> (a) protect water environmental values; (b) be compatible with the land use constraints for the site for protecting water environmental values; (c) be compatible with existing tidal and non-tidal waterways; (d) perform a function in addition to stormwater management; (e) achieve water quality objectives. 	AO6.1 Development involving non-tidal artificial waterways ensures: <ul style="list-style-type: none"> (a) environmental values in downstream waterways are protected; (b) any ground water recharge areas are not affected; (c) the location of the waterway incorporates low lying areas of the catchment connected to an existing waterway; (d) existing areas of ponded water are included. AO6.2 Non-tidal artificial waterways are located: <ul style="list-style-type: none"> (a) outside natural wetlands and any associated buffer areas; (b) to minimise disturbing soils or sediments; (c) to avoid altering the natural hydrologic regime in acid sulfate soil and nutrient hazardous areas. AO6.3 Non-tidal artificial waterways located adjacent to, or connected to a tidal waterway by means of a weir, lock, pumping system or similar ensures: <ul style="list-style-type: none"> (a) there is sufficient flushing or a tidal range of >0.3 m; or (b) any tidal flow alteration does not adversely impact on the tidal waterway; or 	Not Applicable.



	<p>(c) there is no introduction of salt water into freshwater environments.</p> <p>AO6.4 Non-tidal artificial waterways are designed and managed for any of the following end-use purposes:</p> <p>(a) amenity (including aesthetics), landscaping or recreation; or</p> <p>(b) flood management, in accordance with a drainage catchment management plan; or</p> <p>(c) stormwater harvesting plan as part of an integrated water cycle management plan; or aquatic habitat.</p> <p>AO6.5 The end-use purpose of the non-tidal artificial waterway is designed and operated in a way that protects water environmental values.</p> <p>AO6.6 Monitoring and maintenance programs adaptively manage water quality to achieve relevant water quality objectives downstream of the waterway.</p> <p>AO6.7 (d) Aquatic weeds are managed to achieve a low percentage of coverage of the water surface area, and pests and vectors are managed through design and maintenance.</p>	
Wastewater discharge		



<p>P07 Discharge of wastewater to waterways, or off site:</p> <ul style="list-style-type: none"> (a) meets best practice environmental management; (b) is treated to: <ul style="list-style-type: none"> (i) meet water quality objectives for its receiving waters; (ii) avoid adverse impact on ecosystem health or waterway health; (iii) maintain ecological processes, riparian vegetation and waterway integrity; (iv) offset impacts on high ecological value waters. 	<p>AO7.1 A wastewater management plan is prepared and addresses:</p> <ul style="list-style-type: none"> (a) wastewater type; (b) climatic conditions; (c) water quality objectives; (d) best practice environmental management. <p>AO7.2 The waste water management plan is managed in accordance with a waste management hierarchy that:</p> <ul style="list-style-type: none"> (a) avoids wastewater discharge to waterways; or (b) if wastewater discharge cannot practicably be avoided, minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and ground water. <p>AO7.3 Wastewater discharge is managed to avoid or minimise the release of nutrients of concern so as to minimise the occurrence, frequency and intensity of algal blooms.</p> <p>AO7.4 Development in coastal catchments avoids or minimises and appropriately manages soil disturbance or altering natural hydrology and:</p> <ul style="list-style-type: none"> (a) avoids lowering ground water levels where potential or actual acid sulfate soils are present; (b) manages wastewater so that: <ul style="list-style-type: none"> (i) the pH of any wastewater 	<p>Not Applicable.</p>
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	<p>discharges is maintained between 6.5 and 8.5 to avoid mobilisation of acid, iron, aluminium and other metals;</p> <p>(ii) holding times of neutralised wastewater ensures the flocculation and removal of any dissolved iron prior to release;</p> <p>visible iron floc is not present in any discharge;</p> <p>(iv) precipitated iron floc is contained and disposed of;</p> <p>(iii) wastewater and precipitates that cannot be contained and treated for discharge on site are removed and disposed of through trade waste or another lawful method.</p>	
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Electricity supply		
PO8 Development is provided with a source of power that will meet its energy needs.	AO8.1 A connection is provided from the premises to the electricity distribution network; or AO8.2 The premises is connected to the electricity distribution network in accordance with the Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional Development Manual. Note - Areas north of the Daintree River have a different standard.	Complies with AO8.1. Proposed Lot 3 is connected to mains electricity supply. Overhead supply is available adjacent the road frontage and facilitates future connection to Proposed Lot 4.
PO9 Development incorporating pad-mount electricity infrastructure does not cause an adverse impact on amenity.	AO9.1 Pad-mount electricity infrastructure is: (a) not located in land for open space or sport and recreation purposes; (b) screened from view by landscaping or fencing; (c) accessible for maintenance. AO9.2 Pad-mount electricity infrastructure within a building, in a Town Centre is designed and located to enable an active street frontage. Note – Pad-mounts in buildings in activity centres should not be located on the street frontage.	Not Applicable.
Telecommunications		
PO10 Development is connected to a telecommunications service approved by the relevant telecommunication regulatory authority.	AO10 The development is connected to telecommunications infrastructure in accordance with the standards of the relevant regulatory authority.	Complies Proposed Lot 3 is connected to telecommunications. Future connection to Proposed Lot 4 is available.



PO11 Provision is made for future telecommunications services (e.g. fibre optic cable).	AO11 Conduits are provided in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.	
Road construction		
PO12 The road to the frontage of the premises is constructed to provide for the safe and efficient movement of: (a) pedestrians and cyclists to and from the site; (b) pedestrians and cyclists adjacent to the site; (c) vehicles on the road adjacent to the site; (d) vehicles to and from the site; (e) emergency vehicles.	AO12.1 The road to the frontage of the site is constructed in accordance with the Design Guidelines set out in Sections D1 and D3 of the Planning scheme policy SC5 – FNQROC Regional Development Manual, for the particular class of road, as identified in the road hierarchy. AO12.2 There is existing road, kerb and channel for the full road frontage of the site. AO12.3 Road access minimum clearances of 3.5 metres wide and 4.8 metres high are provided for the safe passage of emergency vehicles.	Complies with AO12.1. The road frontages are constructed.
Alterations and repairs to public utility services		
PO13 Infrastructure is integrated with, and efficiently extends, existing networks.	AO13 Development is designed to allow for efficient connection to existing infrastructure networks.	Not Applicable.



<p>PO14 Development and works do not affect the efficient functioning of public utility mains, services or installations.</p>	<p>AO14.1 Public utility mains, services and installations are not required to be altered or repaired as a result of the development;</p> <p>or</p> <p>AO14.2 Public utility mains, services and installations are altered or repaired in association with the works so that they continue to function and satisfy the relevant Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.</p>	<p>Not Applicable.</p>
<p>Construction management</p>		
<p>PO15 Work is undertaken in a manner which minimises adverse impacts on vegetation that is to be retained.</p>	<p>AO15 Works include, at a minimum:</p> <ul style="list-style-type: none"> (a) installation of protective fencing around retained vegetation during construction; (b) erection of advisory signage; (c) no disturbance, due to earthworks or storage of plant, materials and equipment, of ground level and soils below the canopy of any retained vegetation; (d) removal from the site of all declared noxious weeds. 	<p>Not Applicable. The development does not involve any construction activities.</p>
<p>PO16 Existing infrastructure is not damaged by construction activities.</p>	<p>AO16 Construction, alterations and any repairs to infrastructure is undertaken in accordance with the Planning scheme policy SC5 – FNQROC Regional Development Manual.</p> <p>Note - Construction, alterations and any repairs to State-controlled roads and rail corridors are undertaken in accordance with the Transport Infrastructure Act 1994.</p>	<p>Will comply and may be conditioned.</p>



Performance outcomes	Acceptable outcomes	Applicant response
For assessable development		
High speed telecommunication infrastructure		
PO17 Development provides infrastructure to facilitate the roll out of high speed telecommunications infrastructure.	AO17 No acceptable outcomes are prescribed.	Not Applicable.
Trade waste		
PO18 Where relevant, the development is capable of providing for the storage, collection treatment and disposal of trade waste such that: (a) off-site releases of contaminants do not occur; (b) the health and safety of people and the environment are protected; (c) the performance of the wastewater system is not put at risk.	AO18 No acceptable outcomes are prescribed.	Not Applicable.
Fire services in developments accessed by common private title		
PO19 Hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.	AO19.1 Residential streets and common access ways within a common private title places hydrants at intervals of no more than 120 metres and at each intersection. Hydrants may have a single outlet and be situated above or below ground. AO19.2 Commercial and industrial streets and access ways within a common private title serving commercial properties such as factories and warehouses and offices are provided with above or below ground fire hydrants located at not more than 90 metre intervals and at each intersection. Above ground fire hydrants have dual-valved outlets.	Not Applicable.



<p>PO20 Hydrants are suitable identified so that fire services can locate them at all hours.</p> <p>Note – Hydrants are identified as specified in the Department of Transport and Main Roads Technical Note: 'Identification of street hydrants for fire fighting purposes' available under 'Publications'.</p>	<p>AO20 No acceptable outcomes are prescribed.</p>	<p>Not Applicable.</p>
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Table 9.4.5.3.b – Stormwater management design objectives (Construction phase).

Issue	Design objectives
<p>Drainage control (Temporary drainage works)</p>	<ul style="list-style-type: none"> (a) Design life and design storm for temporary drainage works: <ul style="list-style-type: none"> (i) Disturbed open area for <12 months – 1 in 2 year ARI event; (ii) Disturbed open area for 12-24 months – 1 in 5 year ARI event; (iii) Disturbed open area for >24 months – 1 in 10 year ARI event. (b) Design capacity excludes minimum 150mm freeboard. (c) Temporary culvert crossing – minimum of 1 in 1-year ARI hydraulic capacity.
<p>Erosion control (Erosion control measures)</p>	<ul style="list-style-type: none"> (a) Minimise exposure of disturbed soils at any time. (b) Divert water run-off from undisturbed areas around disturbed areas. (c) Determine erosion risk rating using local rainfall erosivity, rainfall depth, soil loss rate or other acceptable methods. (d) Implement erosion control methods corresponding to identified erosion risk rating.
<p>Sediment control measures (sediment control measures, design storm for sediment control basins, Sediment basin dewatering)</p>	<ul style="list-style-type: none"> (a) Determine appropriate sediment control measures using: <ul style="list-style-type: none"> (i) potential soil loss rate; or (ii) monthly erosivity; or (iii) average monthly rainfall. (b) Collect and drain stormwater from disturbed soils to sediment basin for design storm event: <ul style="list-style-type: none"> (i) design storm for sediment basin sizing is 80th% five-day event or similar. (c) Site discharge during sediment basin dewatering: <ul style="list-style-type: none"> (i) TSS < 50mg/L TSS; (ii) Turbidity not > 10% receiving water's turbidity; (iii) pH 6.5-8.5.



Water quality (Litter and other waste, hydrocarbons and other contaminants)	(a) Avoid wind-blown litter; remove grass pollutants. (b) Ensure there is no visible oil or grease sheen on released waters. (c) Dispose of waste containing contaminants at authorised facilities.
Waterway stability and flood flow management (Changes to the natural hydraulics and hydrology)	(a) For peak flow for the 100% AEP event and 1% AEP event, use constructed sediment basins to attenuate the discharge rate of stormwater from the site.

Table 9.4.5.3.c – Stormwater management design objectives (post-construction phase)

Design objectives				Application
Minimum reductions in mean annual load from unmitigated development (%)				
Total suspended solids (TSS)	Total phosphorus (TP)	Total nitrogen (TN)	Gross pollutants >5mm	
80	60	40	90	Development for urban purposes Excludes development that is less than 25% pervious. In lieu of modelling, the default bio-retention treatment area to comply with load reduction targets of 1.5% of contributing catchment area.

Water stability management

(a) Limit peak 100% AEP event discharge within the receiving waterway to the pre-development peak 100% AEP event discharge.

Catchments contributing to un-lined receiving waterway. Degraded waterways may seek alternative discharge management objectives to achieve waterway stability.

For peak flow for the 100% AEP event, use co-located storages to attenuate site discharge rate of stormwater.

Figure 9.4.5.3.a – New footpath sections

