

Your Ref: MCUI 5470/2013 (8/8/1307)
Our Ref: J000081:MOS:KLG (RaL and Op Works Applications)
Date: 14 August 2014

Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Town Planning Strategic and Development Advice	
DOUGLAS SHIRE COUNCIL Received	
Name	
Document No.	
25 AUG 2014	
Attention	JE orig ✓
Information	

**Attention: Ms Donna Graham, Manager Development & Environment
Ms Jenny Elphinstone, Senior Planning Officer**

Dear Ms Graham and Ms Elphinstone,

RE: Application seeking Development Permit for Reconfiguration of a Lot (1 Lot into 19 Lots on Lot 100) and

Application seeking Development Permit for Operational Works (47 Lots and Services Improvements)

Being for Development at the Mossman Gorge Community on land located at Mossman Gorge Road, via Mossman more particularly described as Lot 152 on CPSR832 and Lot 100 on RP911412

Black & More Pty Ltd and Gilvear Planning Pty Ltd have been engaged by the Remote Indigenous Land and Infrastructure Office to provide engineering and town planning assistance for the above-described project.

Background

Under cover of letter dated 20 November 2013, a Development Application for Preliminary Approval to Over-Ride the Douglas Shire Planning Scheme was lodged for assessment. Responses to Information Requests issued by Council and the State were lodged on 20 March 2014. Public Notification commenced, and concluded on 23 May 2014.

Following discussion with Council Officers, Council's decision on the Application for Material Change of Use has been held in abeyance, with an extension on the decision-making period requested by the Applicant.

Further discussion with Council Officers has led to preparation and lodgement of:

1. An Application for Reconfiguration of a Lot (1 Lot into 19 Lots on Lot 100); and
2. An Application for Operational Works for services and improvements within the Mossman Gorge Community.

Development Proposed

Reconfiguration is proposed to enable creation of freehold or long-term leasehold allotments on Lot 100. Subdivision of Lot 152 is via separate, Land Act processes.

Operational Works approval is required to enable construction of upgrades and improvements to existing infrastructure on both Lot 100 and Lot 152, prior to this infrastructure being handed to Council.

Application Material

Following recent discussions regarding the project, we provide the following Reconfiguration application material for Council's consideration.

Enclosed please find:

1. IDAS Form 1;
2. IDAS Form 7;
3. Planning Report prepared by Gilvear Planning including supporting information.

The following Operational Works application material is also provided for Council's consideration:

1. IDAS Form 1;
2. IDAS Form 6;
3. IDAS Form 11;
4. Operational Works Drawings and supporting information prepared by Black & More.

A cheque in the sum of \$35,217.78, being Council's application fees for the Applications as submitted is **enclosed**.

Conclusion

I look forward to receiving Council's confirmation of receipt of this material at your earliest.
Should additional information be required, please do not hesitate to call or email.

Kind regards,

A handwritten signature in black ink, appearing to read 'K. Gilvear', enclosed within a large, loopy oval shape.

Kristy Gilvear
Director / Town Planner
Gilvear Planning Pty Ltd

Far North Queensland Office:

Email: kristy@gilvearplanning.com.au
Telephone: 0448 897 991
Postal: PO Box 228
BABINDA QLD 4861

IDAS form 1—Application details

(Sustainable Planning Act 2009 version 4.1 effective 4 July 2014)

This form must be used for **ALL** development applications.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:

- complete this form (*IDAS form 1—Application details*)
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* (SPA) or the Sustainable Planning Regulation 2009.

This form and any other IDAS form relevant to your application must be used for development applications 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*. Whenever a planning scheme is mentioned, take it to mean land use plan for the strategic port land, Brisbane core port land or airport land.

PLEASE NOTE: This form is not required to accompany requests for compliance assessment.

This form can also be completed online using MyDAS at www.dsdiq.gov.au/MyDAS

Mandatory requirements

Applicant details (Note: the applicant is the person responsible for making the application and need not be the owner of the land. The applicant is responsible for ensuring the information provided on all IDAS application forms is correct. Any development permit or preliminary approval that may be issued as a consequence of this application will be issued to the applicant.)

Name/s (individual or company name in full)

Department of Aboriginal and Torres Strait Islander and
Multicultural Affairs (Remote Indigenous Land and
Infrastructure Program Office)

For companies, contact name

C/- Kristy Gilvear, Gilvear Planning Pty Ltd

Postal address

PO Box 228

Suburb BABINDA

State QLD

Postcode

4861

Country AUSTRALIA

Contact phone number

0448 897 991

Mobile number (non-mandatory requirement)

0448 897 991

Fax number (non-mandatory requirement)

Email address (non-mandatory requirement)

kristy

@gilvearplanning.com.au

Applicant's reference number (non-mandatory requirement)

J000081:MOS:KLG (RaL)

1. What is the nature of the development proposed and what type of approval is being sought?

Table A—Aspect 1 of the application (If there are additional aspects to the application please list in Table B—Aspect 2.)

- a) What is the nature of the development? (Please only tick one box.)
- ☐ Material change of use ☒ Reconfiguring a lot ☐ Building work ☐ Operational work
- b) What is the approval type? (Please only tick one box.)
- ☐ Preliminary approval under s241 of SPA ☐ Preliminary approval under s241 and s242 of SPA ☒ Development permit
- c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)
-
- d) What is the level of assessment? (Please only tick one box.)
- ☐ Impact assessment ☐ Code assessment

Table B—Aspect 2 of the application (If there are additional aspects to the application please list in Table C—Additional aspects of the application.)

- a) What is the nature of development? (Please only tick one box.)
- ☐ Material change of use ☐ Reconfiguring a lot ☐ Building work ☐ Operational work
- b) What is the approval type? (Please only tick one box.)
- ☐ Preliminary approval under s241 of SPA ☐ Preliminary approval under s241 and s242 of SPA ☐ Development permit
- c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)
- Development Permit for Reconfiguration of a Lot (1 Lot into 19 Lots)
- d) What is the level of assessment?
- ☐ Impact assessment ☒ Code assessment

Table C—Additional aspects of the application (If there are additional aspects to the application please list in a separate table on an extra page and attach to this form.)

- ☐ Refer attached schedule ☐ Not required

2. Location of the premises (Complete Table D and/or Table E as applicable. Identify each lot in a separate row.)

Table D—Street address and lot on plan for the premises or street address and lot on plan for the land adjoining or adjacent to the premises (Note: this table is to be used for applications involving taking or interfering with water). (Attach a separate schedule if there is insufficient space in this table.)

☒ Street address **and** lot on plan (All lots must be listed.)

☐ Street address **and** lot on plan for the land adjoining or adjacent to the premises (Appropriate for development in water but adjoining or adjacent to land, e.g. jetty, pontoon. All lots must be listed.)

Street address					Lot on plan description		Local government area (e.g. Logan, Cairns)
Lot	Unit no.	Street no.	Street name and official suburb/ locality name	Post-code	Lot no.	Plan type and plan no.	
i)			Mossman Gorge Road, Mossman		100	RP911412	Douglas
ii)							
iii)							

Planning scheme details (If the premises involves multiple zones, clearly identify the relevant zone/s for each lot in a separate row in the below table. Non-mandatory)

Lot	Applicable zone / precinct	Applicable local plan / precinct	Applicable overlay/s
i)	Refer Planning Report	Refer Planning Report	Refer Planning Report
ii)			
iii)			

Table E—Premises coordinates (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.) (Attach a separate schedule if there is insufficient space in this table.)

Coordinates (Note: place each set of coordinates in a separate row)				Zone reference	Datum	Local government area (if applicable)
Easting	Northing	Latitude	Longitude			
					<input type="checkbox"/> GDA94 <input type="checkbox"/> WGS84 <input type="checkbox"/> other	

3. Total area of the premises on which the development is proposed (indicate square metres)

3.887ha / 38,870sq m

4. Current use/s of the premises (e.g. vacant land, house, apartment building, cane farm etc.)

Mossman Gorge Community (Dwellings, services, associated facilities)

5. Are there any current approvals (e.g. a preliminary approval) associated with this application? (Non-mandatory requirement)

☒ No ☐ Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)

6. Is owner's consent required for this application? (Refer to notes at the end of this form for more information.)

☐ No
☒ Yes—complete either Table F, Table G or Table H as applicable

Table F

Name of owner/s of the land	
I/We, the above-mentioned owner/s of the land, consent to the making of this application.	
Signature of owner/s of the land	
Date	

Table G

Name of owner/s of the land	Refer Report
<input checked="" type="checkbox"/> The owner's written consent is attached or will be provided separately to the assessment manager.	

Table H

Name of owner/s of the land	
<input type="checkbox"/> By making this application, I, the applicant, declare that the owner has given written consent to the making of the application.	

7. Identify if any of the following apply to the premises (Tick applicable box/es.)

- ☒ Adjacent to a water body, watercourse or aquifer (e.g. creek, river, lake, canal)—complete Table I
- ☐ On strategic port land under the *Transport Infrastructure Act 1994*—complete Table J
- ☐ In a tidal water area—complete Table K
- ☐ On Brisbane core port land under the *Transport Infrastructure Act 1994* (No table requires completion.)
- ☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008* (no table requires completion)
- ☐ Listed on either the Contaminated Land Register (CLR) or the Environmental Management Register (EMR) under the *Environmental Protection Act 1994* (no table requires completion)

Table I

Name of water body, watercourse or aquifer
Mossman River

Table J	
Lot on plan description for strategic port land	Port authority for the lot

Table K	
Name of local government for the tidal area (if applicable)	Port authority for the tidal area (if applicable)

8. Are there any existing easements on the premises? (e.g. for vehicular access, electricity, overland flow, water etc)

☒ No ☐ Yes—ensure the type, location and dimension of each easement is included in the plans submitted

9. Does the proposal include new building work or operational work on the premises? (Including any services)

☐ No ☒ Yes—ensure the nature, location and dimension of proposed works are included in plans submitted

10. Is the payment of a portable long service leave levy applicable to this application? (Refer to notes at the end of this form for more information.)

☒ No—go to question 12 ☐ Yes

11. Has the portable long service leave levy been paid? (Refer to notes at the end of this form for more information.)

☐ No
☐ Yes—complete Table L and submit with this application the yellow local government/private certifier's copy of the receipted QLeave form

Table L		
Amount paid	Date paid (dd/mm/yy)	QLeave project number (6 digit number starting with A, B, E, L or P)

12. Has the local government agreed to apply a superseded planning scheme to this application under section 96 of the *Sustainable Planning Act 2009*?

☒ No
☐ Yes—please provide details below

Name of local government	Date of written notice given by local government (dd/mm/yy)	Reference number of written notice given by local government (if applicable)

- 13. List below all of the forms and supporting information that accompany this application** (Include all IDAS forms, checklists, mandatory supporting information etc. that will be submitted as part of this application. Note: this question does not apply for applications made online using MyDAS)

Description of attachment or title of attachment	Method of lodgement to assessment manager
Planning Report with annexures	Over the counter

14. Applicant's declaration

- ☒ By making this application, I declare that all information in this application is true and correct (Note: it is unlawful to provide false or misleading information)

Notes for completing this form

- Section 261 of the *Sustainable Planning Act 2009* prescribes when an application is a properly-made application. Note, the assessment manager has discretion to accept an application as properly made despite any non-compliance with the requirement to provide mandatory supporting information under section 260(1)(c) of the *Sustainable Planning Act 2009*

Applicant details

- Where the applicant is not a natural person, ensure the applicant entity is a real legal entity.

Question 1

- Schedule 3 of the Sustainable Planning Regulation 2009 identifies assessable development and the type of assessment. Where schedule 3 identifies assessable development as "various aspects of development" the applicant must identify each aspect of the development on Tables A, B and C respectively and as required.

Question 6

- Section 263 of the *Sustainable Planning Act 2009* sets out when the consent of the owner of the land is required for an application. Section 260(1)(e) of the *Sustainable Planning Act 2009* provides that if the owner's consent is required under section 263, then an application must contain, or be accompanied by, the written consent of the owner, or include a declaration by the applicant that the owner has given written consent to the making of the application. If a development application relates to a state resource, the application is not required to be supported by evidence of an allocation or entitlement to a state resource. However, where the state is the owner of the subject land, the written consent of the state, as landowner, may be required. Allocation or entitlement to the state resource is a separate process and will need to be obtained before development commences.

Question 7

- If the premises is listed on either the Contaminated Land Register (CLR) or the Environmental Management Register (EMR) under the *Environmental Protection Act 1994* it may be necessary to seek compliance assessment. Schedule 18 of the Sustainable Planning Regulation 2009 identifies where compliance assessment is required.

Question 11

- The *Building and Construction Industry (Portable Long Service Leave) Act 1991* prescribes when the portable long service leave levy is payable.
- The portable long service leave levy amount and other prescribed percentages and rates for calculating the levy are prescribed in the Building and Construction Industry (Portable Long Service Leave) Regulation 2002.

Question 12

- The portable long service leave levy need not be paid when the application is made, but the *Building and Construction Industry (Portable Long Service Leave) Act 1991* requires the levy to be paid before a development permit is issued.
- Building and construction industry notification and payment forms are available from any Queensland post office or agency, on request from QLeave, or can be completed on the QLeave website at www.qleave.qld.gov.au. For further information contact QLeave on 1800 803 481 or visit www.qleave.qld.gov.au.

Privacy—The information collected in this form will be used by the Department of State Development, Infrastructure and Planning (DSDIP), assessment manager, referral agency and/or building certifier in accordance with the processing and assessment of your application. Your personal details should not be disclosed for a purpose outside of the IDAS process or the provisions about public access to planning and development information in the *Sustainable Planning Act 2009*, except where required by legislation (including the *Right to Information Act 2009*) or as required by Parliament. This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

OFFICE USE ONLY

Date received

Reference numbers

NOTIFICATION OF ENGAGEMENT OF A PRIVATE CERTIFIER

To

Council. I have been engaged as the private certifier for the building work referred to in this application

Date of engagement	Name	BSA Certification license number	Building classification/s

QLEAVE NOTIFICATION AND PAYMENT (For completion by assessment manager or private certifier if applicable.)

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

The *Sustainable Planning Act 2009* is administered by the Department of State Development, Infrastructure and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.

Company owner's consent to the making of a development application
under the *Sustainable Planning Act 2009*

I, _____
Director of the below mentioned company and

I, Acting Chairperson Matthew Gibson

_____ Bamanga Bubu Ngadimunku Inc
of _____

as owner of premises identified as follows:

Lot 100 on RP911412 (Mossman Gorge Community, Mossman Gorge Road, Mossman)

consent to the making of a development application under the *Sustainable Planning Act 2009* by

Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (Remote Indigenous Land and
Infrastructure Program Office)

on the premises described above for the purposes of

Reconfiguration of a Lot and Operational Works

x [Signature] _____ [signature of Director]
signed on the Tuesday day of 27th 20 14

_____ [signature of Director/company secretary]
signed on the _____ day of _____ 20 _____

Company seal *(if used)*



IDAS form 7—Reconfiguring a lot

(Sustainable Planning Act 2009 version 3.0 effective 1 July 2013)

This form must be used for development applications or requests for compliance assessment for reconfiguring a lot.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:

- complete *IDAS form 1—Application details*
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

For requests for compliance assessment, you must:

- complete IDAS form 32—Compliance assessment
- Provide any mandatory supporting information identified on the forms as being required to accompany your request

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* (SPA) or the Sustainable Planning Regulation 2009.

This form can also be completed online using MyDAS at www.dsdip.qld.gov.au/MyDAS

Mandatory requirements

1. What is the total number of existing lots making up the premises?

2. What is the nature of the lot reconfiguration? (Tick all applicable boxes.)

- ☐ subdivision—complete questions 3–6 and 11
- ☐ boundary realignment—complete questions 8, 9 and 11
- ☐ creating an easement giving access to a lot from a constructed road—complete questions 10 and 11
- ☐ dividing land into parts by agreement—please provide details below and complete questions 7 and 11

3. Within the subdivision, what is the number of additional lots being created and their intended final use?

Intended final use of new lots	Residential	Commercial	Industrial	Other—specify
Number of additional lots created				

4. What type of approval is being sought for the subdivision?

- ☐ Development permit
- ☐ Preliminary approval
- ☐ Compliance permit

5. Are there any current approvals associated with this subdivision application or request?
(E.g. material change of use.)

☐ No ☐ Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)

6. Does the proposal involve multiple stages?

☐ No—complete Table A ☐ Yes—complete Table B

Table A

- a) What is the total length of any new road to be constructed? (metres)
- b) What is the total area of land to be contributed for community purposes? (square metres)
- c) Does the proposal involve the construction of a canal or artificial waterway?
☐ No ☐ Yes
- d) Does the proposal involve operational work for the building of a retaining wall?
☐ No ☐ Yes

Table B—complete a new Table B for every stage if the application involves more than one stage

- a) What is the proposed estate name? (if known and if applicable)
- b) What stage in the development does this table refer to?
- c) If a development permit is being sought for this stage, will the development permit result in additional residential lots?
☐ No ☐ Yes—specify the total number
- d) What is the total area of land for this stage? (square metres)
- e) What is the total length of any new road to be constructed at this stage? (metres)
- f) What is the total area of land to be contributed for community purposes at this stage? (square metres)
- g) Does the proposal involve the construction of a canal or artificial waterway?
☐ No ☐ Yes
- h) Does the proposal involve operational work for the building of a retaining wall?
☐ No ☐ Yes

7. Lease/agreement details—how many parts are being created and what is their intended final use?

Intended final use of new parts	Residential	Commercial	Industrial	Other—specify
Number of additional parts created				

8. What are the current and proposed dimensions following the boundary realignment for each lot forming the premises?

Current lot			Proposed lot		
Lot plan description	Area (square metres)	Length of road frontage	Lot number	Area (square metres)	Length of road frontage

9. What is the reason for the boundary realignment?

--

10. What are the dimensions and nature of the proposed easement? (If there are more than two easements proposed please list in a separate table on an extra page and attach to this form.)

Width (m)	Length (m)	Purpose of the easement (e.g. pedestrian access)?	What land is benefitted by the easement?

Mandatory supporting information

11. Confirm that the following mandatory supporting information accompanies this application or request

Mandatory supporting information	Confirmation of lodgement	Method of lodgement
All applications and requests for reconfiguring a lot		
<p>Site plans drawn to an appropriate scale (1:100, 1:200 or 1:500 are the recommended scales) which show the following:</p> <ul style="list-style-type: none"> the location and site area of the land to which the application or request relates (relevant land) the north point the boundaries of the relevant land any road frontages of the relevant land, including the name of the road the contours and natural ground levels of the relevant land the location of any existing buildings or structures on the relevant land the allotment layout showing existing lots, any proposed lots (including the dimensions of those lots), existing or proposed road reserves, building envelopes and existing or proposed open space (note: numbering is required for all lots) any drainage features over the relevant land, including any watercourse, creek, dam, waterhole or spring and any land subject to a flood with an annual exceedance probability of 1% any existing or proposed easements on the relevant land and their function all existing and proposed roads and access points on the relevant land any existing or proposed car parking areas on the relevant land the location of any proposed retaining walls on the relevant land and their height the location of any stormwater detention on the relevant land the location and dimension of any land dedicated for community 	<input type="checkbox"/> Confirmed	

purposes <ul style="list-style-type: none"> the final intended use of any new lots. 		
For a development application – A statement about how the proposed development addresses the local government's planning scheme and any other planning documents relevant to the application. For a request for compliance assessment – A statement about how the proposed development addresses the matters or things against which the request must be assessed.	<input type="checkbox"/> Confirmed	
A statement addressing the relevant part(s) of the State Development Assessment Provisions (SDAP).	<input type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	
For an application involving assessable development in a wild river area		
Documentation that: <ul style="list-style-type: none"> describes how the development to which the application relates is not prohibited development and demonstrates how the proposed development will meet the requirements set out in the relevant wild river declaration and any applicable code mentioned in the relevant wild river declaration under the <i>Wild Rivers Act 2005</i>. 	<input type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	
A map showing the proposed location of the development in relation to any nominated waterways under the <i>Wild Rivers Act 2005</i> and wild river management areas. (a map may be produced digitally at www.ehp.qld.gov.au/wildrivers/wildrivers-map.php). Wild river management area means any of the following areas under the <i>Wild Rivers Act 2005</i> : <ul style="list-style-type: none"> special floodplain management area preservation area high preservation area floodplain management area subartesian management area designated urban area. Editor's note: A floodplain management area, subartesian management area or designated urban area may be over all or part of a high preservation area or preservation area. A subartesian management area or designated urban area may be over all or part of a special floodplain management area.	<input type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	

Notes for completing this form

- For supporting information requirements for requests for compliance assessment, please refer to the relevant matters for which compliance assessment will be carried out against. To avoid an action notice, it is recommended that you provide as much of the mandatory information listed in this form as possible.

Privacy—Please refer to your assessment manager, referral agency and/or building certifier for further details on the use of information recorded in this form.

OFFICE USE ONLY

Date received

Reference numbers

The *Sustainable Planning Act 2009* is administered by the Department of State Development, Infrastructure and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agency.

Department of State Development, Infrastructure and Planning

PO Box 15009 City East Qld 4002

tel 13 QGOV (13 74 68)

info@dsdip.qld.gov.au

www.dsdip.qld.gov.au

IDAS form 7—Reconfiguring a lot
Version 3.0—1 July 2013

Planning Report

**Application for Development Permits for
Reconfiguration of a Lot (1 Lot into 19 Lots)**

Site: Mossman Gorge Road, via Mossman

Real Property Description: Lot 100 on RP911412

**Prepared For: Remote Indigenous Land and Infrastructure
Program Office**

August 2014

Ref:- J000081:MOS:KLG (RaL)

Important Note

Apart from fair dealing for the purposes of private study, research, criticism, or review as permitted under the Copyright Act, no part of this Report may be reproduced by any process without the written consent of Gilvear Planning Pty Ltd ('Gilvear Planning').

This Report has been prepared for the Remote Indigenous Land and Infrastructure Program Office, for the sole purpose of making a Development Application as described. This report is strictly limited to the purpose, and facts and circumstances stated within. It is not to be utilized for any other purpose, use, matter or application.

Gilvear Planning has made certain assumptions in the preparation of this report, including:

- a. That all information and documents provided to us by the Client or as a result of a specific search or enquiry were complete, accurate and up to date;
- b. That information obtained as a result of a search of a government register or database is complete and accurate.

Gilvear Planning is not aware of any particular fact or circumstance which would render these assumptions incorrect, as at the date of preparation of the Report.

While every effort has been made to ensure accuracy, Gilvear Planning does not accept any responsibility in relation to any financial or business decisions made by parties other than those for whom the original report was prepared for and/or provided to. If a party other than the Client uses or relies upon facts, circumstances and / or content of this Report without consent of Gilvear Planning, Gilvear Planning disclaims all risk and the other party assumes such risk and releases and indemnifies and agrees to keep indemnified Gilvear Planning from any loss, damage, claim or liability arising directly or indirectly from the use of or reliance on this report.

Signed on behalf of

Gilvear Planning Pty Ltd

A handwritten signature in blue ink, appearing to be 'H. G.', is written over a light blue rectangular background.

12 August 2014

Director

Date

Copy Number: 1 FINAL

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1.0 Introduction

This report has been prepared in support of a Development Application to Douglas Shire Council, seeking a Development Permit for the Reconfiguration of a Lot to create 19 Freehold or long term leasehold lots.

The application relates to land located at Mossman Gorge Road, via Mossman more particularly described as Lot 100 on RP911412 ('the site').

The report is provided for the Remote Indigenous Land and Infrastructure Program Office ('the Applicant').

The site is improved by a number of residential and community buildings and infrastructure. This approval is sought to enable subdivision of the site to create individual titles and / or long term leases, creation of roads for residents within the site.

Following an assessment of the site, its surrounds and the proposed use, it is submitted that the development proposed is generally consistent with the intent and objectives of the relevant scheme, the Douglas Shire Planning Scheme. Whilst non-compliant with a number of development code objectives, it is submitted that the nature of uses on site, which have been in existence for approximately 50 – 60 years, provide 'existing lawful non-conforming use rights' enabling the subsequent reconfiguration to be considered appropriate in the circumstances.

In addition, the need to develop a variety of tenure, housing and community aspirations and options for the residents of indigenous communities, including the Mossman Gorge community, is recognized and encouraged by higher order planning instruments, including the Far North Queensland Regional Plan.

2.0 Site Description

2.1 Real Property and Site Description

The site is located to the west of Mossman, and have been developed and utilized for a range of residential and community purposes for some years.

Additional detail regarding the site, encumbrances and improvements is provided below.

Real Property Description	Site Area	Encumbrances	Improvements
Lot 100 on RP911412	3.887ha	Caveat No 702541298 registered as security for funding arrangement (secured for Aboriginal and Torres Strait Islander Commission)	Dwellings, outbuildings, access ways, water, wastewater disposal systems

An aerial image for the site and surrounds is provided below.



Plate 1: Aerial Image (courtesy Google Imagery 2013)

A title search for the site is provided in **Annexure 1** for reference.

On the basis of information available, it is not anticipated that the site is subject to any listing on the Environmental Management Register in regard to site contamination (actual or potential). Searches of the Queensland Environmental Management Register in this regard have not been undertaken.

2.2 Current Development and History of Uses

A brief summary of the development history of the site is provided below:

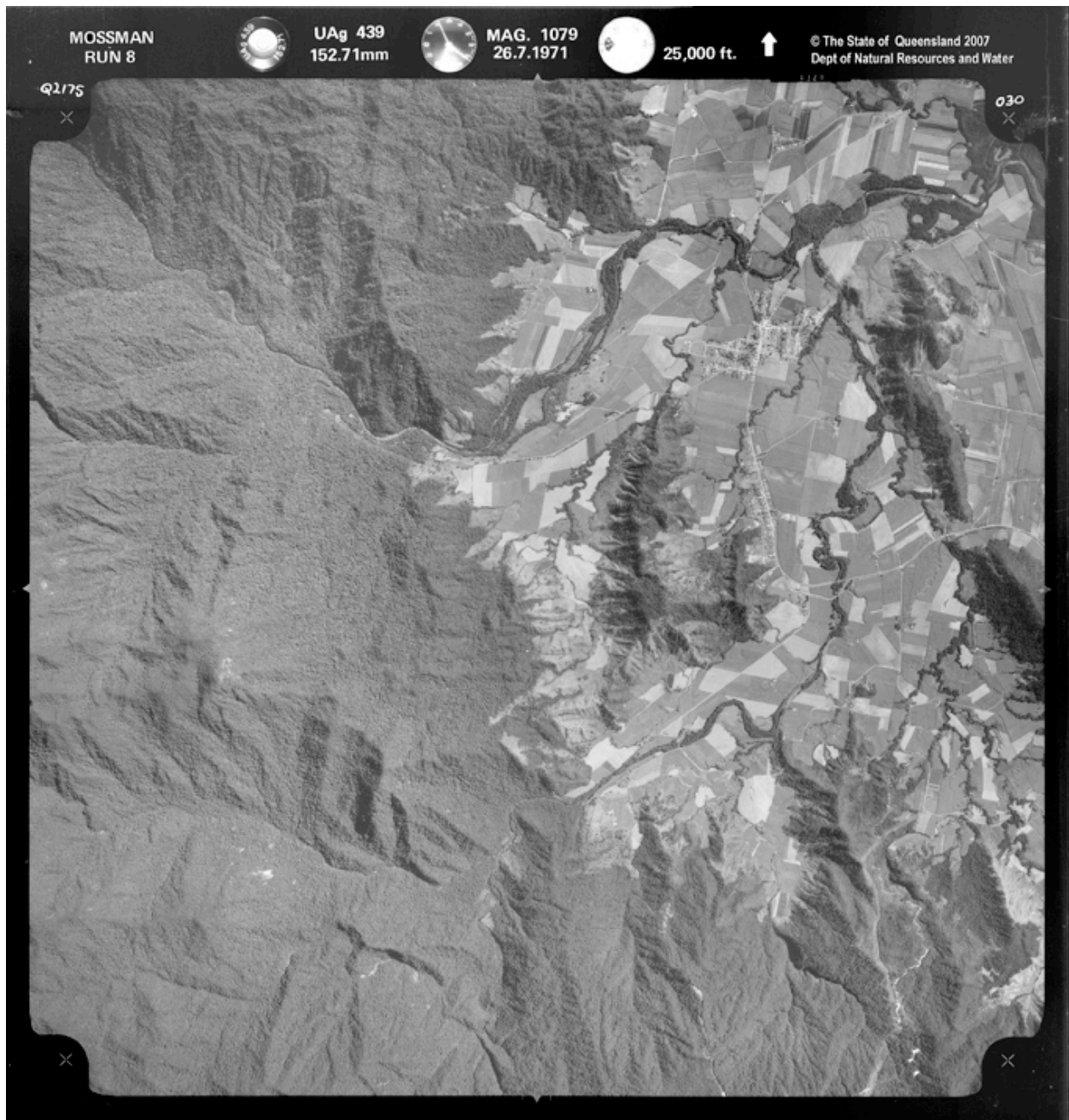
- Aerial Image 1 below, taken in 1955, indicates commencement of development on the adjoining Reserve lot (see extract for detail);





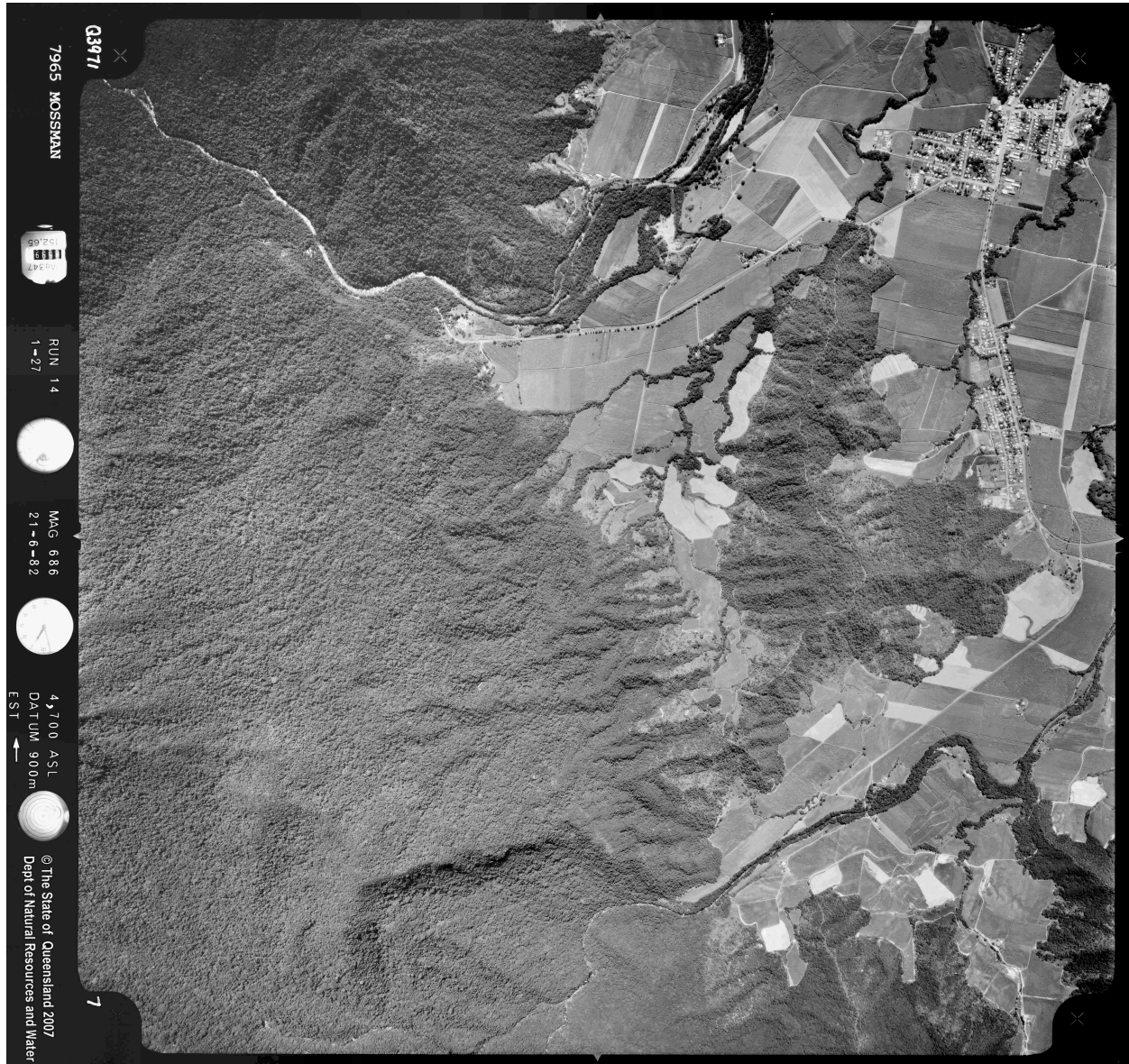
Aerial Image 1 and Extract: 1955 (Courtesy DNRM 2014)

- The adjoining Reserve lot was dedicated as a Reserve in 1969 (see Title Search within **Annexure 1**);
- Aerial imagery in 1971 indicates commencement of some work on the adjoining Reserve lot (see Aerial Image 2 below);



Aerial Image 2: 1971 (Courtesy DNRM 2014)

- Imagery from 1982 (see Aerial Image 3 below) indicates further work undertaken on the adjoining Reserve lot;



Aerial Image 3: 1982 (Courtesy DNRM 2014)

- In October 1997, the site was transferred for community purposes (see Title Search at **Annexure 1**);
- As constructed plans for the site, prepared by the then-C&B Group in 1998, illustrate development progression on the site. These plans are included for reference within **Annexure 2** to this Report.
- Since the late 1990's, development has included improvements to infrastructure, associated services for the community (government and medical services) and building work for community housing.

The site has clear existing use rights, dating back to the late 1960's / early 1970's with commencement of activity on the adjoining reserve lot, and activities on site since its initial establishment have been consistent with the purposes for which the community was initially established.

3.0 Proposed Development

3.1 Reconfiguration of a Lot on the Freehold Lot

The Application seeks a Development Permit to facilitate subdivision of the site to create 19 lots.

Subdivision will create freehold or long-term leasehold allotments.

Reconfiguration as proposed across both the site and the adjoining Reserve lot is illustrated on proposal plans included for reference at **Annexure 2** to this Report. It is noted that subdivision on the adjoining Reserve lot is being undertaken pursuant to the Land Act. Council comment on this subdivision is understood to have been sought.

3.2 Lot Characteristics

Whilst the Reconfiguration application only relates to the site, it is noted the Operational Works application affects the broader site. Individual lot characteristics for lots proposed is provided below for reference.

Please note: Lot characteristics will be confirmed. Lot numbers may be refined prior to lodgement of a survey plan for Council endorsement. Indicative information only at this stage.

Lot Number	Area (m ²)	Road Frontage (m) (minimum)	Depth (m) (minimum)	Easement/s
21	539	15.714	15.485	Nil
22	533	21.938	17.673	Nil
23	924	17.462	24.63	Nil
24	1343	31.948	21.471	Nil
25	902	24.878	24.878	Nil
27	914	26.907	28 (est)	Nil
29	1318	29.432	22.983	Nil
30	1486	30.292	40.792	Nil
32	998	26.327	26.327	Nil
33	849	27.209	27.209	Nil
35	1386	33.363	26 (est)	Nil

Lot Number	Area (m ²)	Road Frontage (m) (minimum)	Depth (m) (minimum)	Easement/s
36	981	19.502	25.252	Nil
37	618	24.909	25.252	Nil
38	605	16.18	33.276	Nil
39	2091	32.401	30.45	Nil
40	2041	8.899	36.313	Nil
41	1409	31	25	Nil
42	7835	176.938	10 (est)	Nil
53	5026	2.411	Varies	Nil

At this stage, it is anticipated that Lots 42 and 53 will be community park and / or Council reserve.

Approximately 403m of road reserve (existing, constructed roads) are proposed to be dedicated via draft SP267815.

The proposed reserve width for Jankaji Close is approximately 10.5m. Lund Street reserve varies in width, from 15.2m to 16.6m at the intersection with Walkarr Close, to 8m at its narrowest point near proposed Lot 41. Manjal Close has a proposed reserve width of approximately 10.5m, as does Walkarr Close. The proposed 'new' Close on the eastern end of the site, providing access to Lots 39, 40 and 41, has a proposed reserve width of 8.899m at its narrowest point.

4.0 State Legislative and Policy Considerations

4.1 State Legislation

In Queensland, and relevant to this particular site, development is regulated by a number of acts and requirements, including:

- *Sustainable Planning Act 2009*
 - *Sustainable Planning Regulation 2009*
- *Vegetation Management Act 1999*
 - *Vegetation Management Regulation 2000*
- *Environmental Protection Act 1994*
- *Queensland Heritage Act*

Detail regarding the impact of this legislation on the proposed development is provided below for reference.

4.1.1 Sustainable Planning Act 2009 (SPA)

This section provides an overview of the legislative context of the application under the provisions of the *Sustainable Planning Act 2009*.

4.1.1.1 Confirmation that Development is not Prohibited

The proposed development is not prohibited. This has been established by considering all relevant instruments which can provide prohibitions under SPA including Schedule 1 of the *Sustainable Planning Act 2009*.

4.1.1.2 Assessable Development

The development proposed by this application includes development that is made assessable under the Douglas Shire Planning Scheme and the *Sustainable Planning Act 2009*.

4.1.1.3 Assessment Manager

The Assessment Manager for this development application is Douglas Shire Council as determined by Schedule 6 of the *Sustainable Planning Regulations 2009*.

4.1.1.4 Level of Assessment

Following review of the provisions of the *Sustainable Planning Act 2009* and the Douglas Shire Planning Scheme, it is considered that the application is subject to Code Assessment.

4.1.1.5 Referral Agencies

Following a review of the proposed development, the site, its location and readily identifiable constraints, it is not anticipated that referral is required.

In terms of vegetation mapped on site, it is noted that referral is not required as the site is only 3.887ha in size (refer Sch 7, Table 2, Item 4).

Please note: Referrals were considered with reference to the SP Regulations as in force on 4 July 2014.

4.1.1.6 State Resource

The proposal is on freehold land. No State consent is necessary.

4.1.1.7 State Planning Regulatory Provisions

There are no relevant or current State Planning Regulatory Provisions applicable to development proposed or to the site.

4.1.1.8 Far North Queensland Regional Plan 2009 - 2031

The site is within the urban footprint of Far North Queensland Regional Plan and does not require detailed assessment against the provisions contained in the policy. However, it is noted that:

- Section 3.8 within the Plan confirms a range of objectives for Strengthening Indigenous Communities, including:

“Regional planning processes recognize and facilitate the need to increase indigenous economic and housing opportunities.”

- Section 3.8.1 also confirms that: *“The special requirements of Indigenous people wishing to live on land held in trust is considered as part of the development of local land use planning frameworks.”*

It is also noted that projects of the nature of that currently proposed are consistent with stated Queensland Government priorities, confirmed within the Plan, that being:

“strengthening Indigenous communities..... through a number of initiatives focusing on normalizing housing arrangements to improve prosperity and quality of life.”

The Plan recognizes opportunities within indigenous communities through recognition of ‘urbanised’ uses on same through inclusion within the Urban Footprint designation in Plan mapping. The objective of this designation is to *“allow for further subdivision of large lots, thus facilitating the creation of individual titles for existing and proposed housing in the future.”*

It is apparent that the proposed development is consistent with these objectives and intents.

4.1.1.9 State Planning Policy

On 2 December 2013, the Queensland Government introduced the Single State Planning Policy, effective on and from that date. The Single SPP was amended in July 2014.

Relevantly, Part B of the Single SPP confirms that it applies to *“assessment of a development application mentioned in Part E, to the extent the SPP has not been identified in the planning scheme as being appropriately integrated in the planning scheme”*. Given the recent release of the Single SPP, it has not been integrated within the Douglas Shire Planning Scheme. It is therefore necessary to consider the application of the Single SPP to this proposal.

Part E in the Single SPP includes a range of “Interim Development Assessment Requirements”, which will “ensure that state interests are appropriately considered by local government when assessing development applications where the local government planning scheme has not yet appropriately integrated the state interests in the SPP.”

The application or effect of the Interim Development Assessment Requirements does not alter levels of assessment that would otherwise apply to the development in question (per Single SPP, Part E, p44).

The following table considers each Interim Development Assessment Requirement, and provides commentary on its application or otherwise.

State Interest	Trigger for Assessment	Comment
Liveable Communities	Development in an urban area with common property for infrastructure / services	Not applicable: The project is not within an urban area.
Mining and Extractive Resources	Development within KRA, within a separation area for a KRA or affected by a relevant Transport Route	Not applicable: The project is not located on a site designated as a KRA, nor a route for transport, nor within a separation area.
Biodiversity	Development where land is mapped as containing or being affected by a matter of state environmental significance	Applicable: Whilst the site is mapped as containing vegetation of state significance, it is noted that clearing of same is not proposed. Existing clearing opportunities based on historical uses remove specific requirement for additional clearing under these applications. In addition, development as proposed is unlikely to have any 'significant adverse impacts' on matters of state environmental significance. Further comment is therefore considered unnecessary.
Coastal Environment	Development on land in a Coastal Management District	Not applicable: The site is not within a Coastal Management District.
Water Quality	Development for urban purposes meeting certain thresholds, and / or involving ASS in designated areas	Applicable: Management of water quality and potential ASS issues can be via reasonable / relevant conditions imposed on the Operational Works

State Interest	Trigger for Assessment	Comment
		application lodged.
Emissions and Hazardous Activities	Development for a sensitive land use located wholly or partly within a management area	Not applicable: Development proposed is for a sensitive land use, however, is not located within a management area.
Natural Hazards, Risk and Resilience	Development on land within a flood, bushfire, landslide or coastal hazard area	Not applicable: Development proposed is not located within area mapped as being subject to or containing natural hazards. Further, and / or in the alternative, development does not proposed major intensification of urban uses on the site.
State Transport Infrastructure	Development on land located within 400m of a public passenger transport facility and with a site area greater than 5,000sq m	Not applicable: The site is not located within 400 m of a public passenger transport facility (current or future).
Strategic Airports and Aviation Facilities	Development on land within an area impacted by a strategic airport or aviation facility	Not applicable: The site is not on land within an area affected by a strategic airport or aviation facility designation.

5.0 Local Planning Scheme and Policy Considerations

5.1 Planning Scheme

Planning requirements affecting the site at a more local level are confirmed within the Douglas Shire Planning Scheme ('the Scheme').

Within the Scheme, the site is afforded the following designations:

Lot 100 on RP911412	Locality	Rural Areas and Rural Settlements
	Planning Area	Rural
	Overlays	Low Risk Hazard (Natural Hazards Overlay)
	Level of assessment	Reconfiguration of a Lot – Code Assessable

As has been noted in a range of discussions with Council Officers, the proposed Reconfiguration is non-compliant with a number of code requirements, as particularized within the Code Compliance assessment at Annexure 3. However, despite this non-compliance, it is submitted the Reconfiguration as proposed is appropriate having regard to:

1. Reconfiguration being in an existing community;
2. Sites being established as fit for purpose via existing uses.

5.2.2 Planning Area and Code Compliance

The Rural Areas and Rural Settlements Locality Table of Assessment confirms the following codes are applicable:

Rural Areas and Rural Settlements Locality Code

Conservation Planning Area Code (Lot 152)

Rural Planning Area Code (Lot 100)

Natural Areas and Scenic Amenity Code

Reconfiguration of a Lot Code

Filling and Excavation Code

Landscaping Code

A consideration of the proposed development as against that Code has been undertaken, and is included for reference in **Annexure 3**.

5.3 Infrastructure Servicing and Charges

Charges for access to and impact upon public infrastructure may be payable to Council for development proposed on the site at the time of any reconfiguration of a lot. Infrastructure classes for which charges may be payable include:

- Wastewater / sewer
- Water supply
- Stormwater Drainage / Quality
- Open Space

As the site is not located within existing Infrastructure Planning Areas, it is anticipated that Infrastructure upgrades and charges may need to be confirmed within an Infrastructure Agreement.

6.0 Summary and Conclusions

This report has been prepared in support of a Development Application to Douglas Shire Council, seeking a Development Permit for the Reconfiguration of a Lot to create 19 Freehold or long term leasehold lots.

The application relates to land located at Mossman Gorge Road, via Mossman more particularly described as Lot 100 on RP911412 ('the site').

The report is provided for the Remote Indigenous Land and Infrastructure Program Office ('the Applicant').

The site is improved by a number of residential and community buildings and infrastructure. This approval is sought to enable subdivision of the site to create individual titles and / or long term leases, creation of roads for residents within the site.

Following an assessment of the site, its surrounds and the proposed use, it is submitted that the development proposed is generally consistent with the intent and objectives of the relevant scheme, the Douglas Shire Planning Scheme. Whilst non-compliant with a number of development code objectives, it is submitted that the nature of uses on site, which have been in existence for approximately 50 – 60 years, provide 'existing lawful non-conforming use rights' enabling the subsequent reconfiguration to be considered appropriate in the circumstances.

In addition, the need to develop a variety of tenure, housing and community aspirations and options for the residents of indigenous communities, including the Mossman Gorge community, is recognized and encouraged by higher order planning instruments, including the Far North Queensland Regional Plan.

ANNEXURE 1: Title Searches

CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 16712029

Search Date: 07/08/2013 11:09

Title Reference: 50192320

Date Created: 22/10/1997

Previous Title: 21098177

REGISTERED OWNER

Dealing No: 702309903 31/10/1997

BAMANGA BUBU NGADIMUNKU INC

ESTATE AND LAND

Estate in Fee Simple

LOT 100 REGISTERED PLAN 911412

County of SOLANDER

Parish of VICTORY

Local Government: CAIRNS

EASEMENTS, ENCUMBRANCES AND INTERESTS

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

2. CAVEAT No 702541298 04/03/1998 at 15:32
ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - Yes 12/03/2008 711495087 Certificate No. 1

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (DEPT OF NATURAL RESOURCES AND MINES) [2013]
Requested By: D APPLICATIONS CITEC CONFIRM

CURRENT RESERVE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 16712028

Search Date: 07/08/2013 11:09

Title Reference: 49011023

Date GAZETTED: 12/02/1916

PAGE: 722

Opening Ref: RES 1505

Purpose: ABORIGINAL INHABITANTS OF STATE

Sub-Purpose:

Local Name: GEORGE RESERVE

Address: MOSSMAN RIVER GORGE

County (R) No: R81 SOLANDER

File Ref: RES 1505

TRUSTEES

THE STATE OF QUEENSLAND (REPRESENTED BY DEPARTMENT OF
COMMUNITIES) Gazetted on 13/09/1969 Page 64

LAND DESCRIPTION

LOT 152 CROWN PLAN SR832 GAZETTED ON 21/03/1987 PAGE 1211
County of SOLANDER Parish of VICTORY
Local Government: CAIRNS

Area: 26.983000 Ha. (SURVEYED)

EASEMENTS AND ENCUMBRANCES

ADMINISTRATIVE ADVICES - NIL

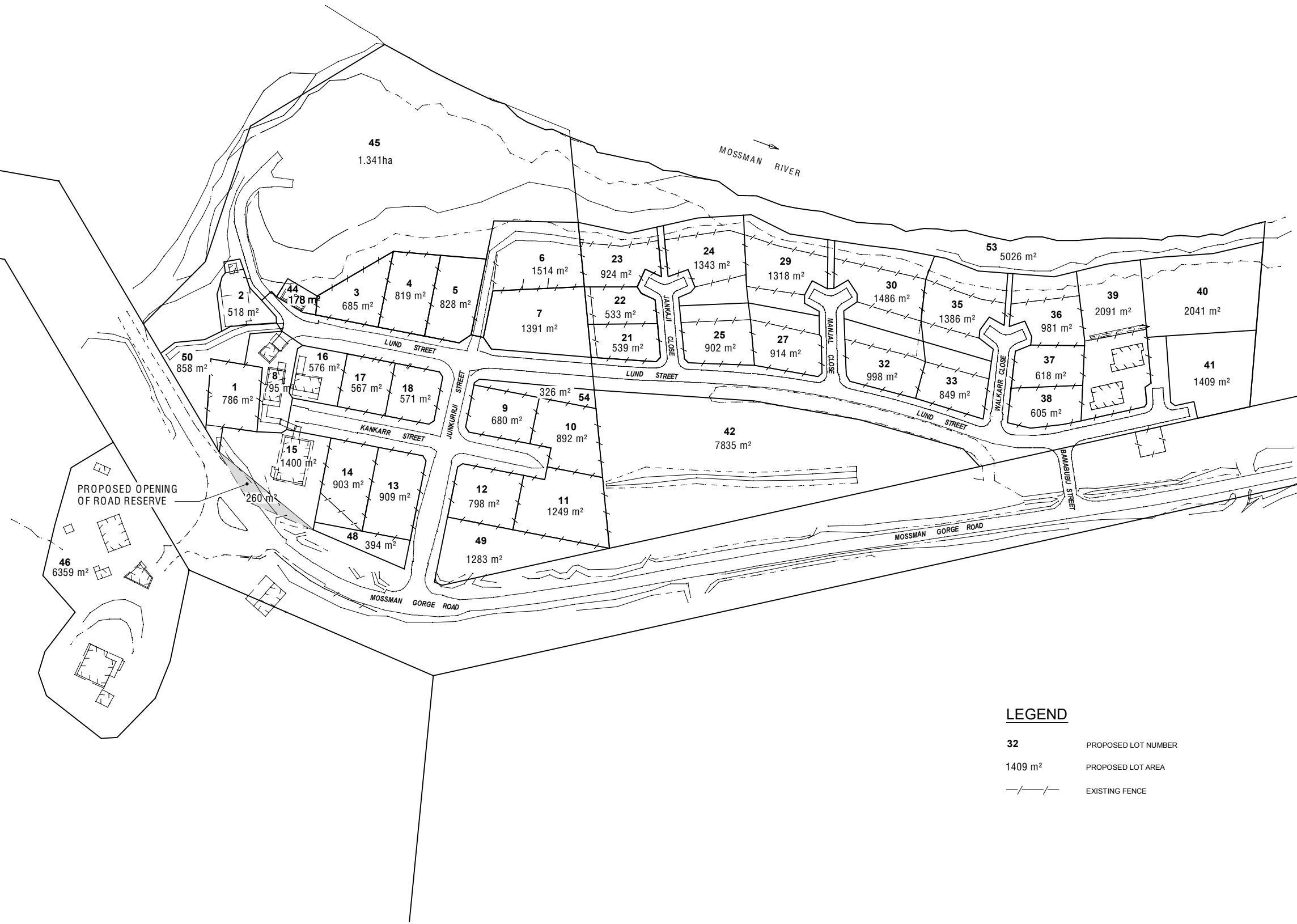
UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

** End of Current Reserve Search **

COPYRIGHT THE STATE OF QUEENSLAND (DEPT OF NATURAL RESOURCES AND MINES) [2013]
Requested By: D APPLICATIONS CITEC CONFIRM

ANNEXURE 2: Proposal Plans



LEGEND

- 32** PROPOSED LOT NUMBER
- 1409 m² PROPOSED LOT AREA
- / — / — EXISTING FENCE

PRELIMINARY ONLY

0 10 20 30 40 50m
SCALE 1:1000 (A1 SIZE)

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Email black.more@blackm.com
Internet www.blackm.com

**DATSIMA
MOSSMAN GORGE COMMUNITY UPGRADES**

PROPOSED LOT LAYOUT

SKETCH 7019-1

Date	Project Number	Revision
18 MARCH 2014	7019	B
Drawing Size	Scale (A1 size)	
A1	1:1000	

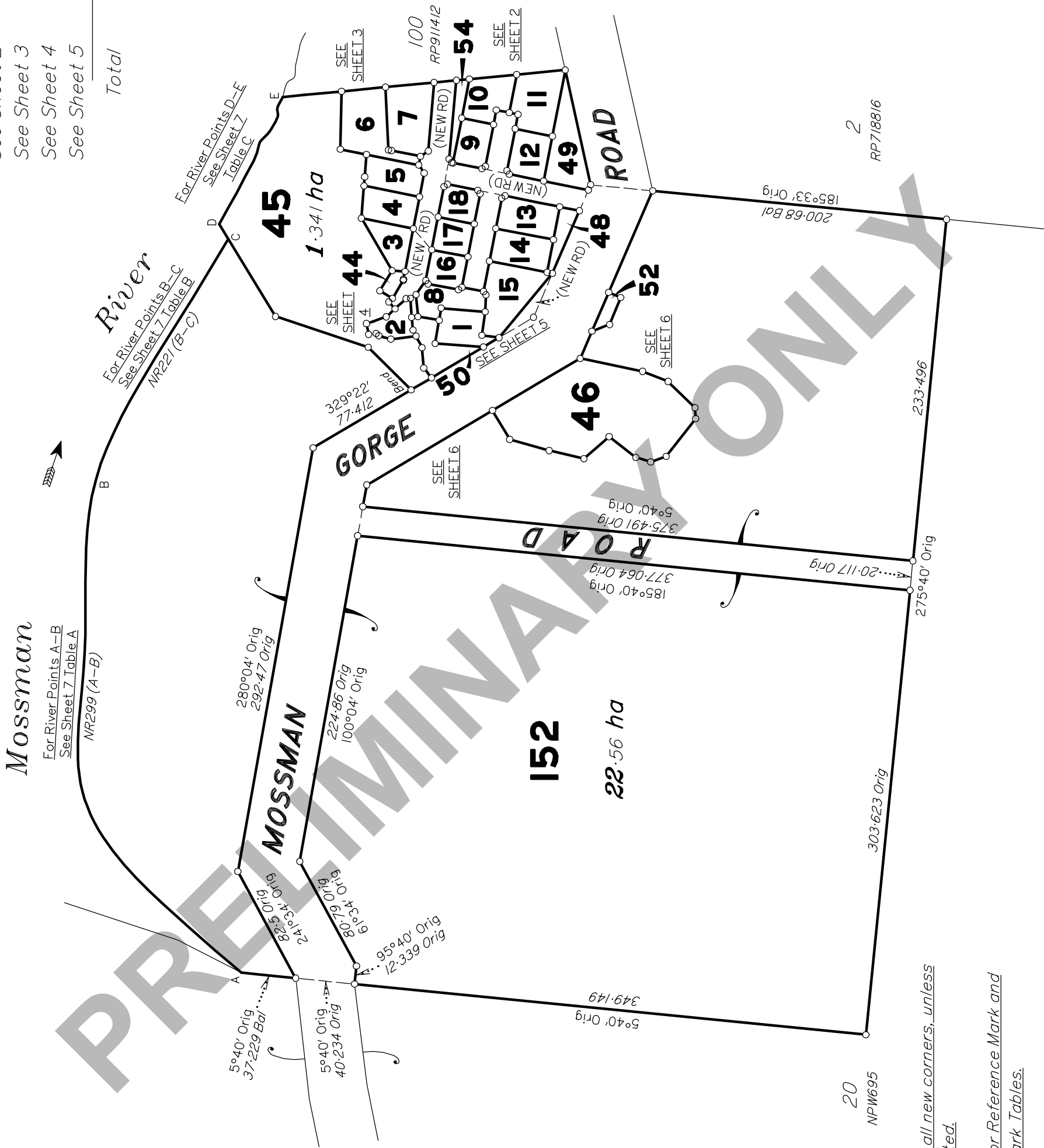




SURVEY PLAN

Area of New Road

See Sheet 2	2052 m ²
See Sheet 3	1661 m ²
See Sheet 4	650 m ²
See Sheet 5	1265 m ²
Total	5628 m ²



Scale 1:3000 - Lengths are in Metres.



Peg placed at all new corners, unless otherwise stated.

See Sheet 7 for Reference Mark and Permanent Mark Tables.

Original information compiled from SR832, NR299 & NR221 in the Department of Natural Resources and Mines.

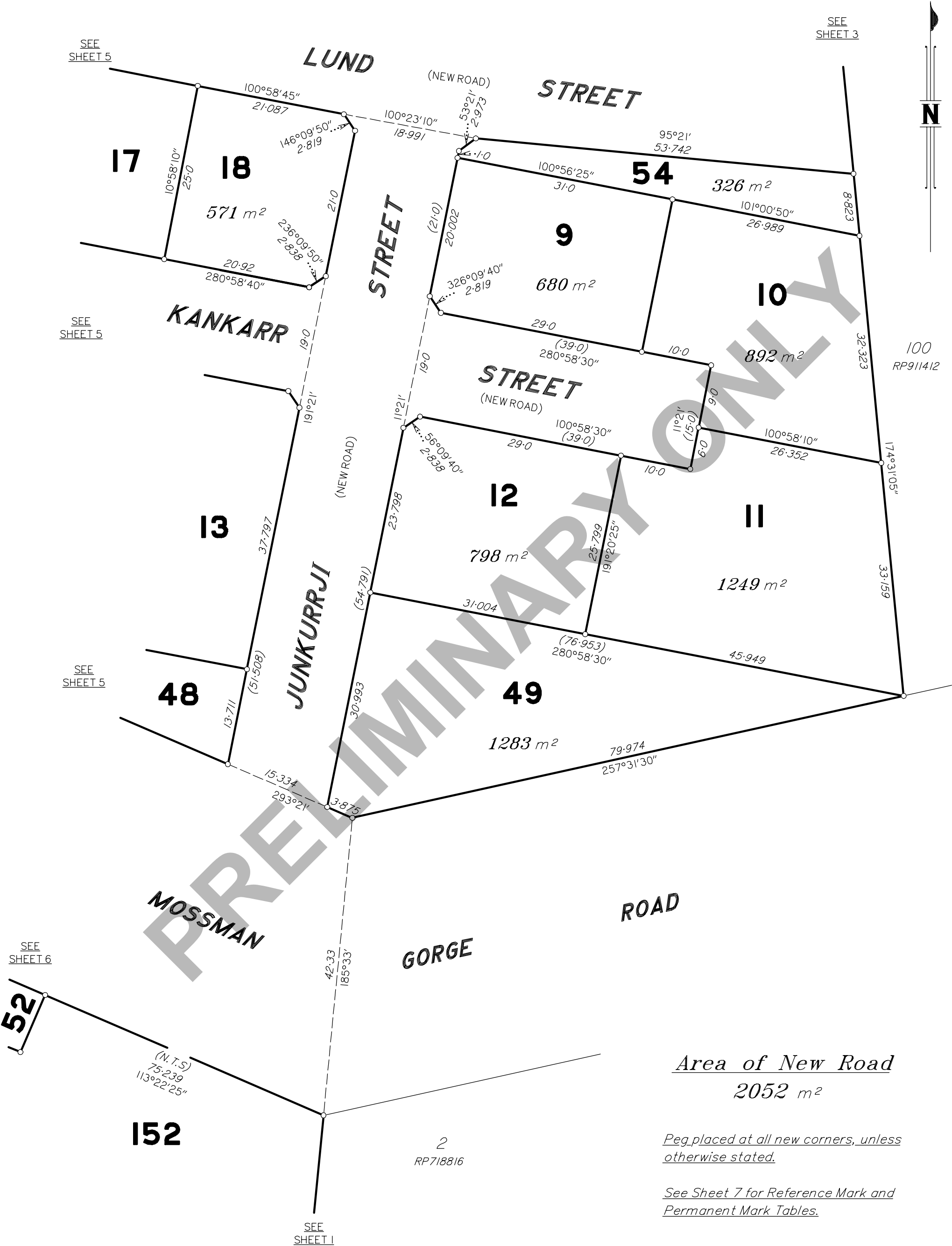
RPS Australia East Pty Ltd (ACN 140 292 762) hereby certify that the land comprised in this plan was surveyed by the corporation, by _____ surveying _____, for whose work the corporation accepts responsibility, under the supervision of Stephen James REDGWELL, cadastral surveyor, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on __/03/2014.

Authorised Delegate

Date

0 50mm 100mm 150mm State copyright reserved.	
Plan of Lots 1-18, 44-46, 48-50, 52, 54 & 152 <i>Cancelling Lot 152 on SR832</i>	
LOCAL GOVERNMENT: <i>DOUGLAS SHIRE COUNCIL</i>	LOCALITY: <i>MOSSMAN GORGE</i>
Meridian: <i>MGA Zone 55</i>	Survey Records: <i>No</i>
Scale: 1:3000	
Format: STANDARD	
SP267810	

[illegible]



*Peg placed at all new corners, unless
otherwise stated.*

*See Sheet 7 for Reference Mark and
Permanent Mark Tables.*

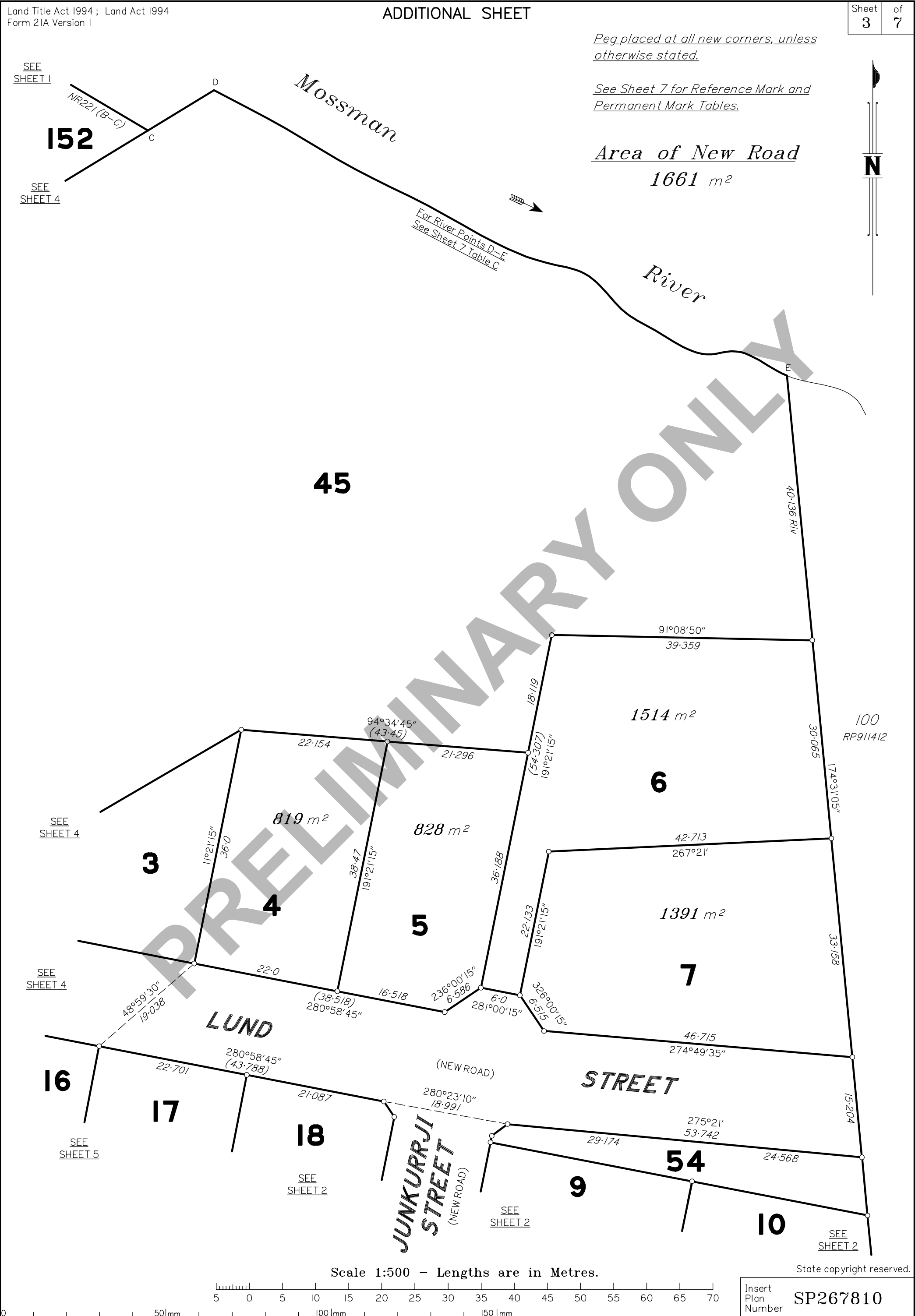
Area of New Road
1661 m²



SEE
SHEET 1

SEE
SHEET 4

For River Points D-E
See Sheet 7 Table C



Peg placed at all new corners, unless otherwise stated.

See Sheet 7 for Reference Mark and Permanent Mark Tables.

Area of New Road
650 m²



SEE
SHEET 1

Mossman
River

NR221 (B-C)

C 11.675 Riv-Riv

SEE
SHEET 1

61.703 Riv

(73.378) Riv
58°39'45"

152

45

SEE
SHEET 1

SEE
SHEET 3

Bend
MOSSMAN GORGE
ROAD

2

44

3

4

50

8

16

17

SEE
SHEET 5

SEE
SHEET 5

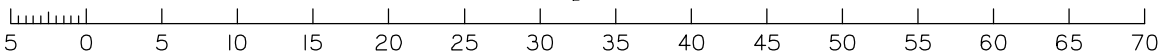
SEE
SHEET 5

SEE
SHEET 5

LUND
(NEW ROAD)

STREET

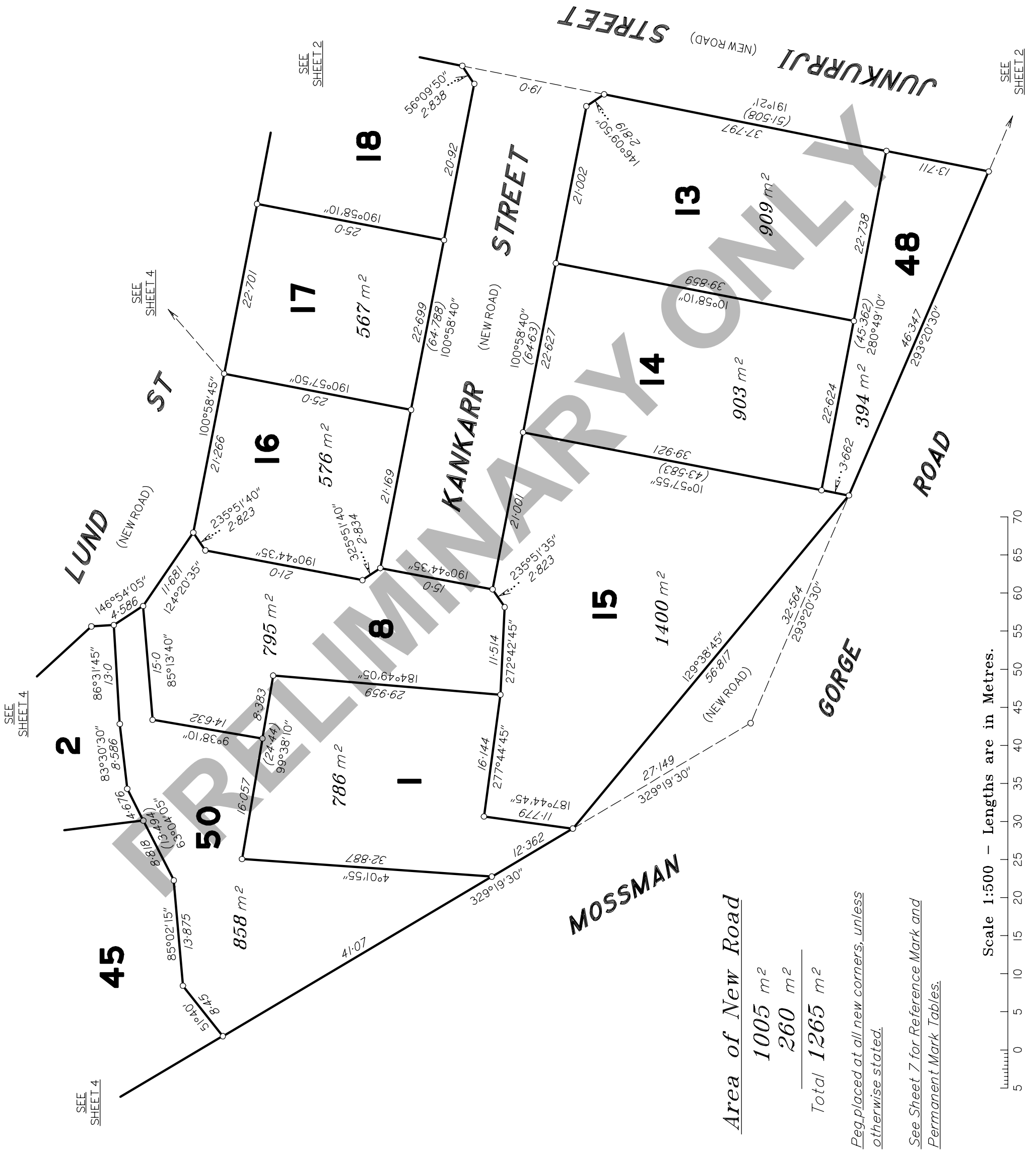
Scale 1:500 – Lengths are in Metres.



State copyright reserved.

Insert
Plan
Number

SP267810



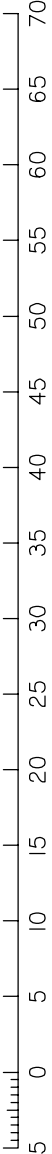
Area of New Road

1005 m ²
260 m ²
Total 1265 m ²

Peg placed at all new corners, unless otherwise stated.

See Sheet 7 for Reference Mark and Permanent Mark Tables.

Scale 1:500 – Lengths are in Metres.





SEE
SHEET 1

SEE
SHEET 1

R O A D

MOSSMAN

GORGE

R O A D

152

46

6359 m²

52

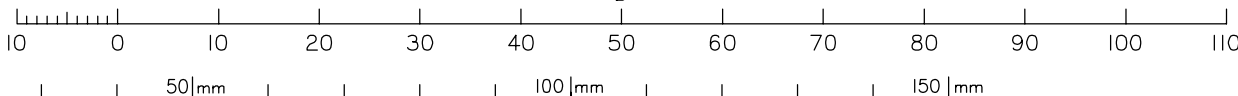
220 m²

SEE
SHEET 2

Peg placed at all new corners, unless
otherwise stated.

See Sheet 7 for Reference Mark and
Permanent Mark Tables.

Scale 1:750 – Lengths are in Metres.



State copyright reserved.

Insert Plan Number	SP267810
--------------------------	----------

River Points A–B

TABLE A

	<i>BEARING</i>	<i>DISTANCE</i>
<i>A</i>		

River Points B–C

<i>BEARING</i>	<i>DISTANCE</i>

[illegible]

REFERENCE MARKS				
STN	TO	ORIGIN	BEARING	DIST

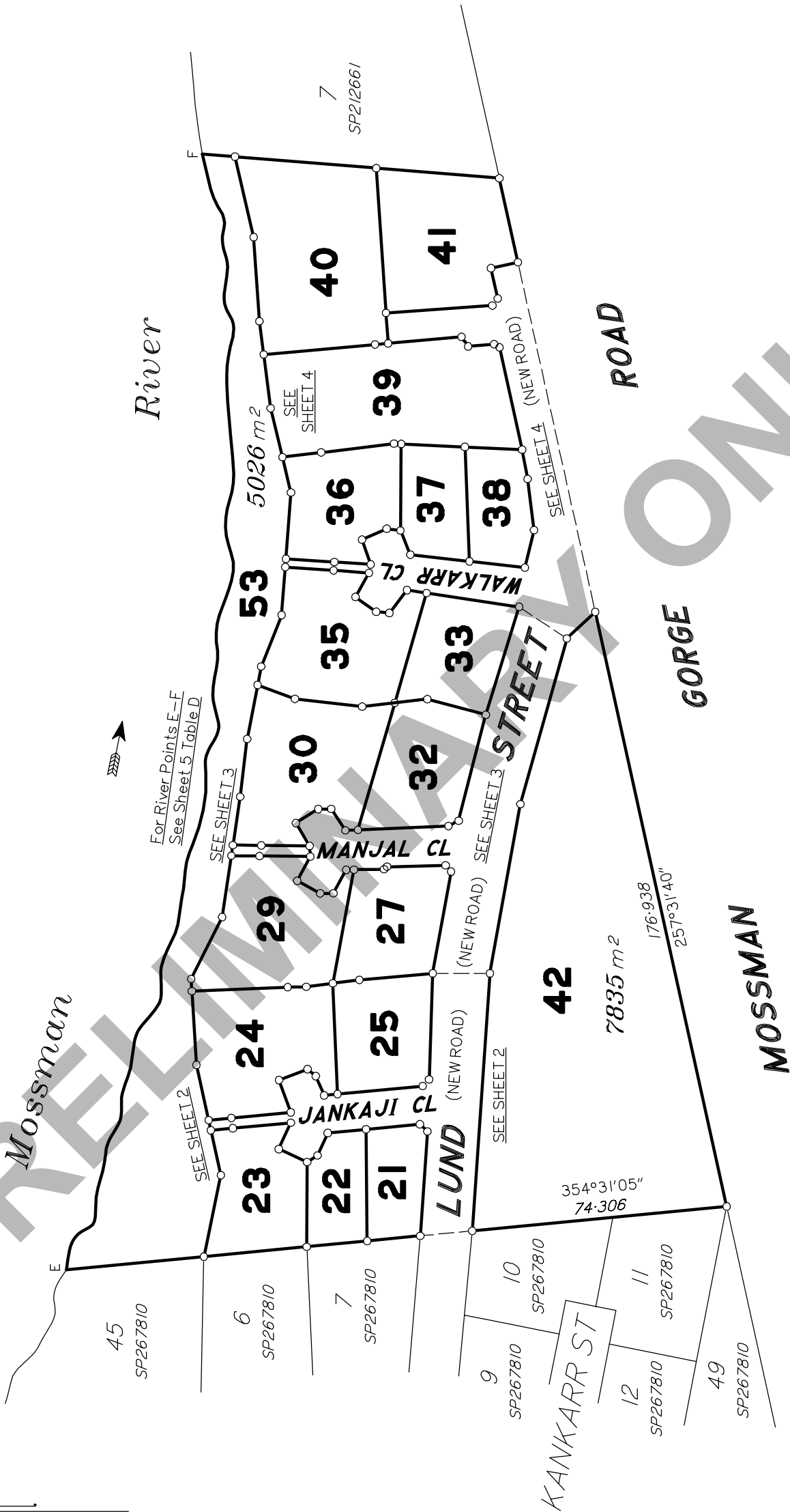
PERMANENT MARKS					
PM	ORIGIN	BEARING	DIST	NO	TYPE

Land Title Act 1994 ; Land Act 1994
Form 21 Version 3

SURVEY PLAN

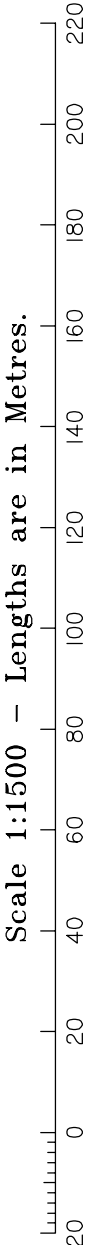
Sheet 1 of 5

Area of New Road	
See Sheet 2	1845 m ²
See Sheet 3	2416 m ²
See Sheet 4	2305 m ²
Total	6566 m ²



Peg placed at all new corners, unless otherwise stated.
See Sheet 5 for Reference Mark and Permanent Mark Tables.

Original information compiled from RP911412 in the Department of Natural Resources and Mines.



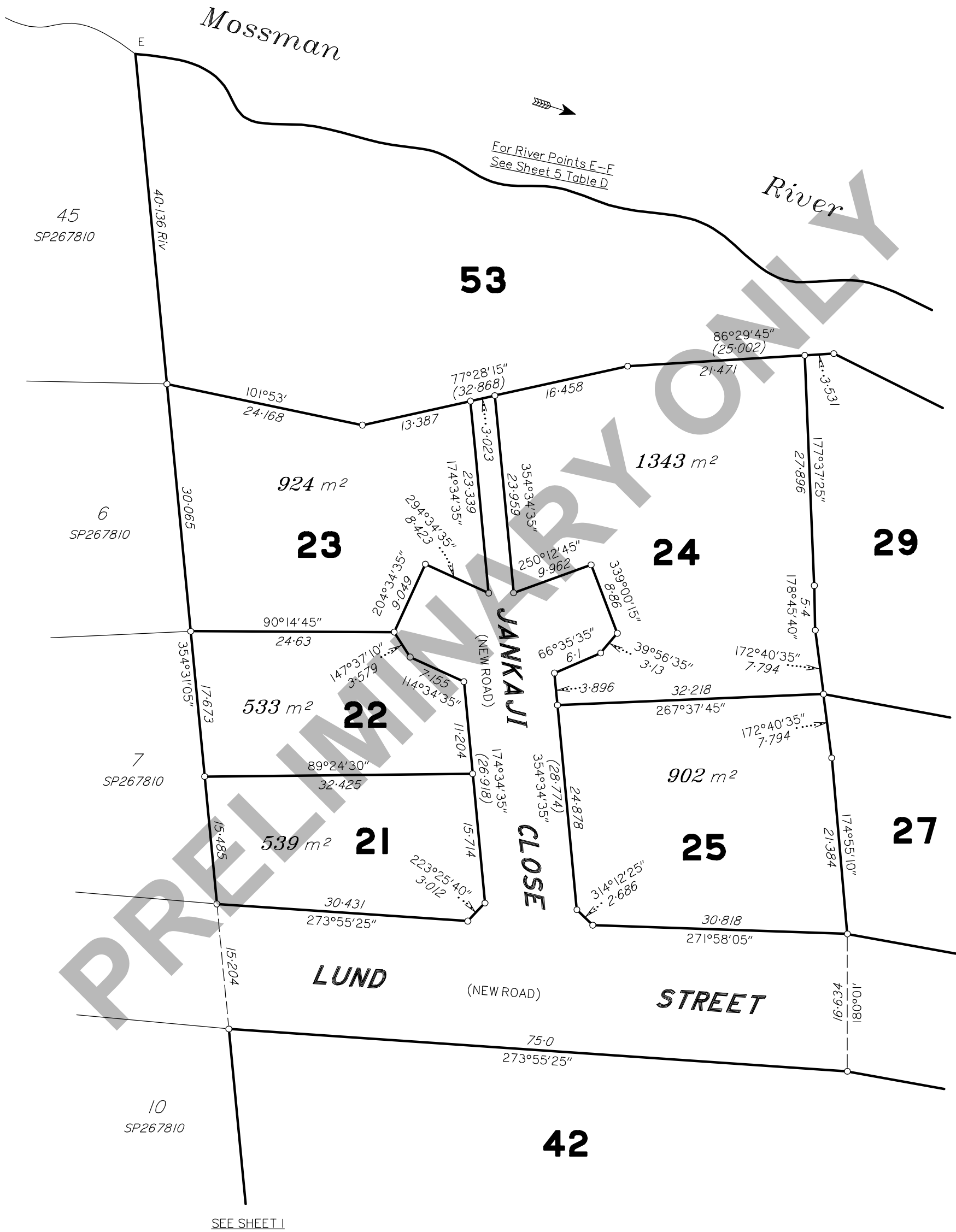
RPS Australia East Pty Ltd (ACN 140 292 762) hereby certify that the land comprised in this plan was surveyed by the corporation, by _____ surveying _____, for whose work the corporation accepts responsibility, under the supervision of Stephen James REDGWELL, cadastral surveyor, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on __/03/2014.

Authorised Delegate

Date

0 50mm 100mm 150mm State copyright reserved.	
Plan of Lots 21-25, 27, 29, 30, 32, 33, 35-42 & 53	
Cancelling Lot 100 on RP911412	
LOCAL GOVERNMENT: <i>DOUGLAS SHIRE COUNCIL</i>	LOCALITY: <i>MOSSMAN GORGE</i>
Meridian: <i>MGA Zone 55</i>	Survey Records: <i>No</i>
Scale: 1:1500	
Format: STANDARD	
SP267815	

[illegible]

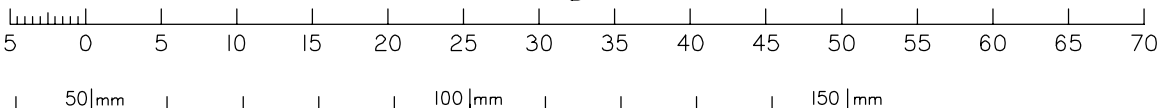


Peg placed at all new corners, unless otherwise stated.

See Sheet 5 for Reference Mark and Permanent Mark Tables.

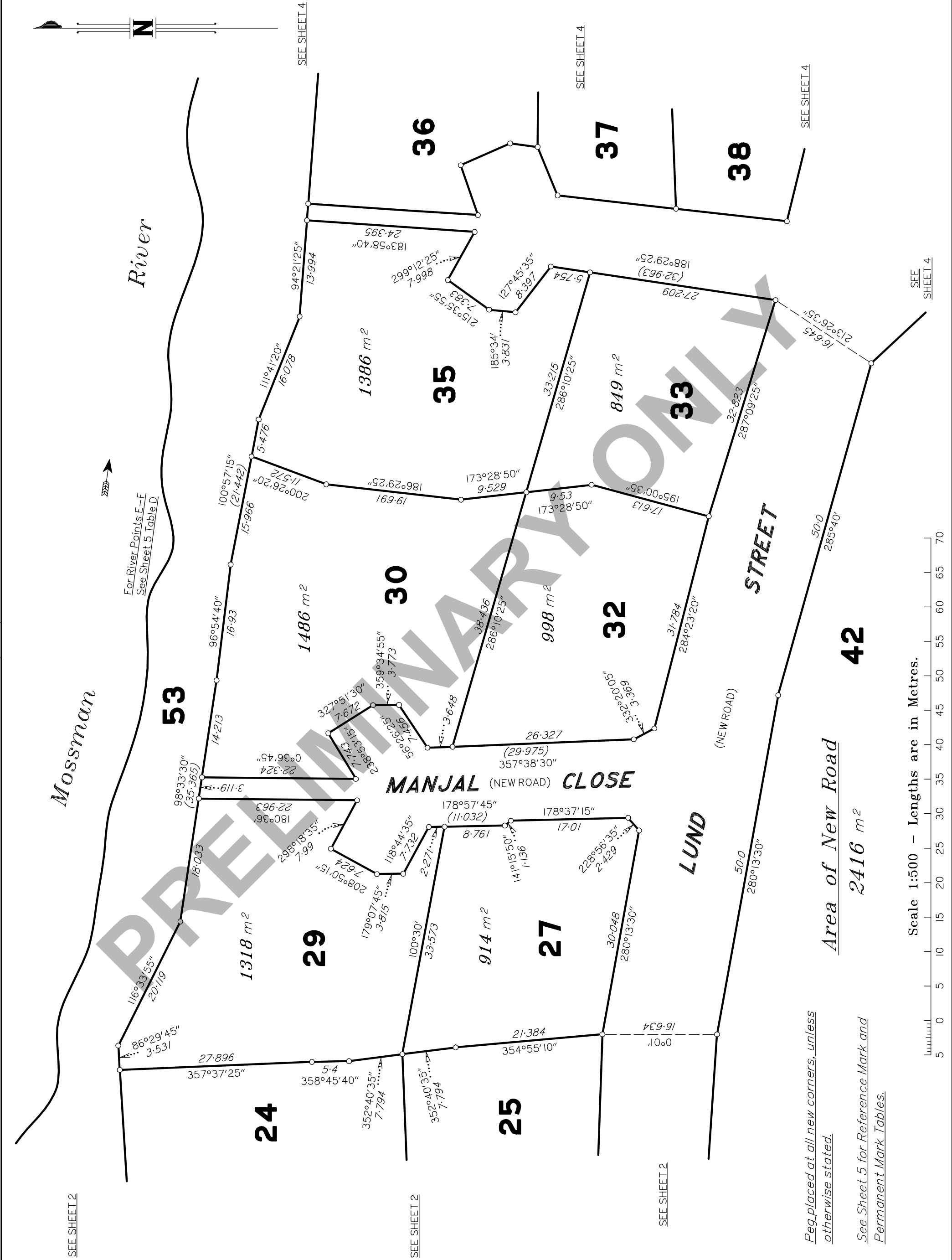
Area of New Road
1845 m²

Scale 1:500 – Lengths are in Metres.



State copyright reserved.

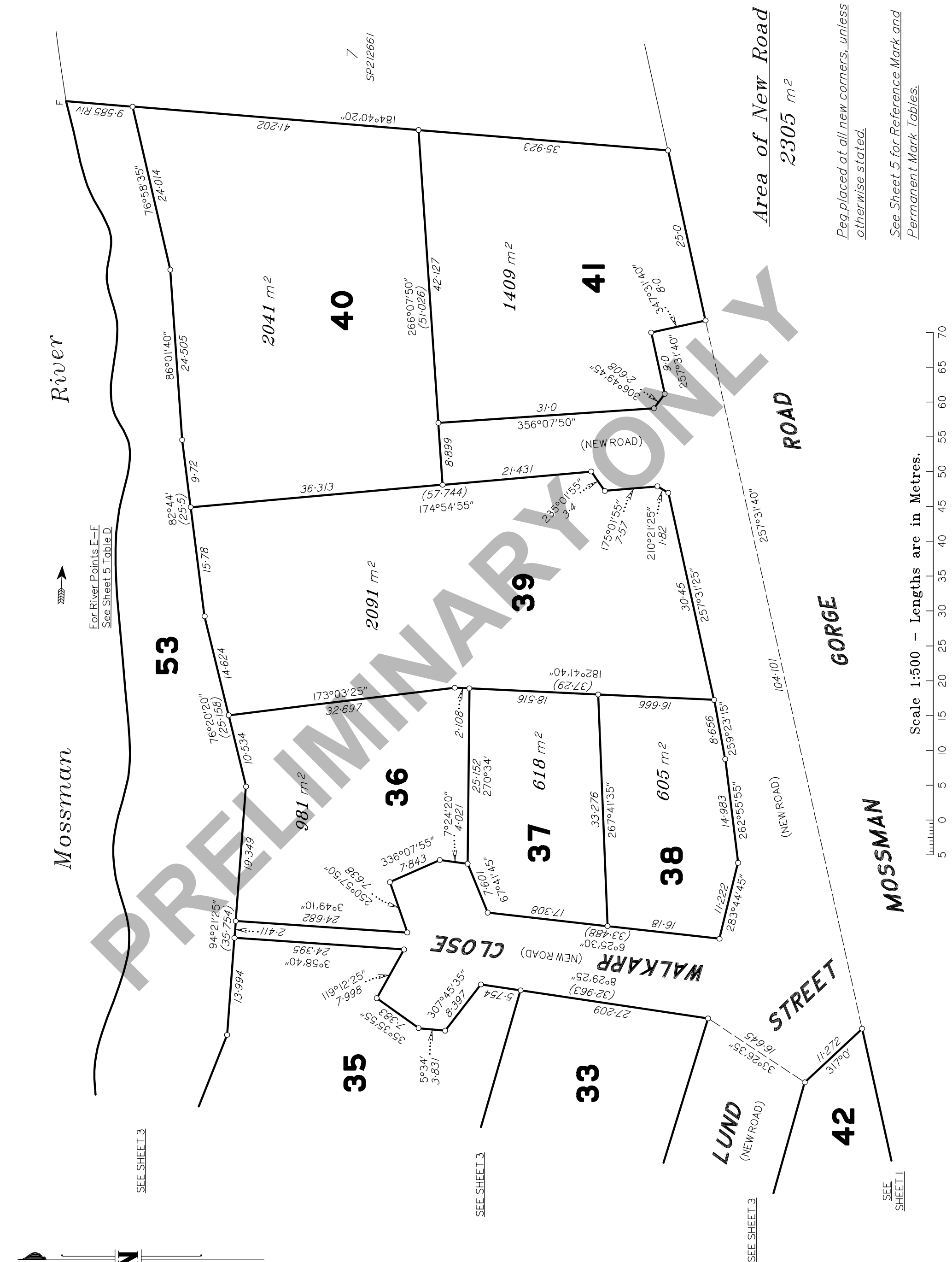
Insert Plan Number **SP267815**



Peg placed at all new corners, unless otherwise stated.

See Sheet 5 for Reference Mark and Permanent Mark Tables.

State copyright reserved.



State copyright reserved

Insert
Plan
Number

SP267815

River Points E–F

TABLE D

<i>BEARING</i>	<i>DISTANCE</i>

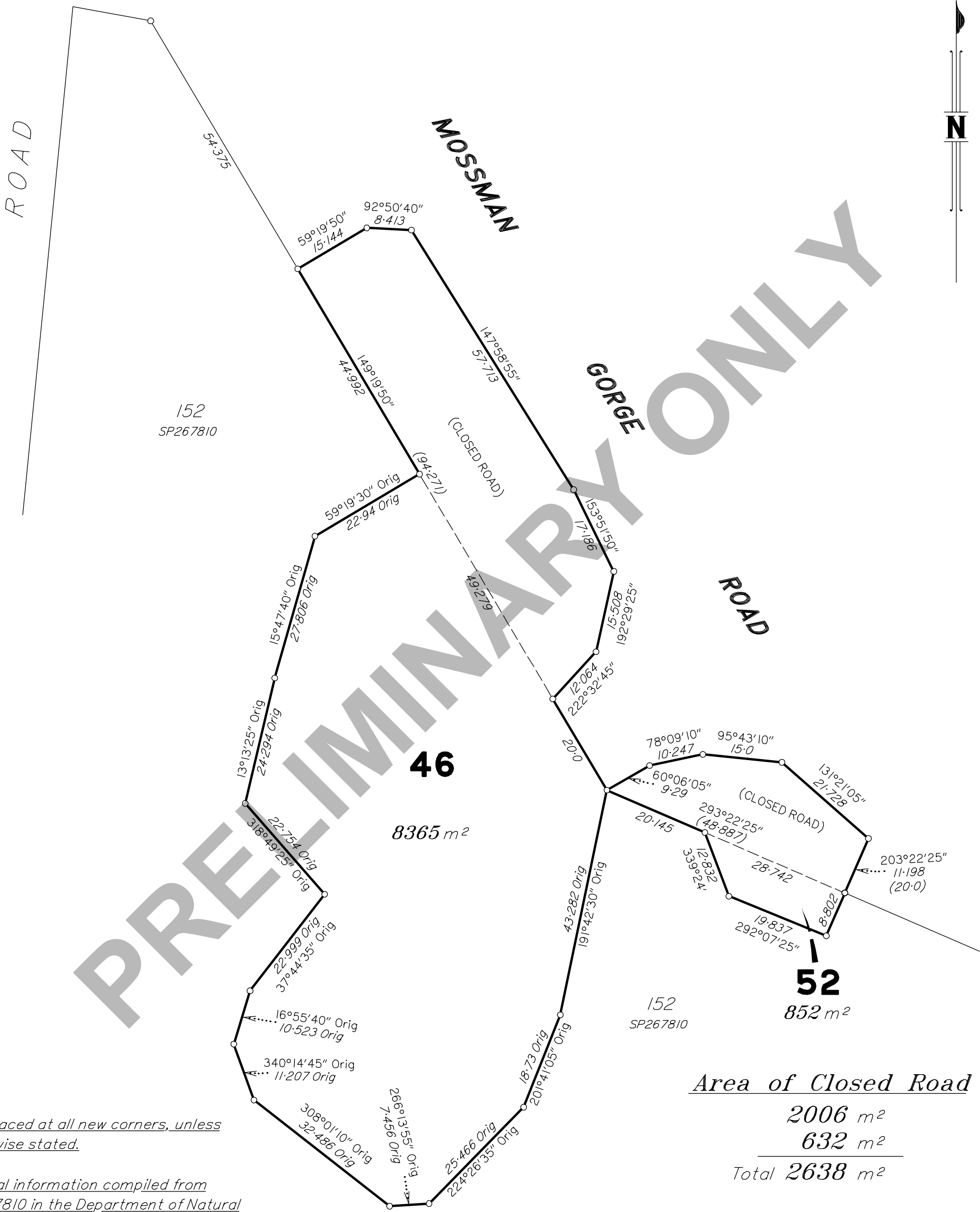
[illegible]

PERMANENT MARKS					
PM	ORIGIN	BEARING	DIST	NO	TYPE

Land Title Act 1994 ; Land Act 1994
Form 21 Version 3

SURVEY PLAN

Sheet
1
of
1

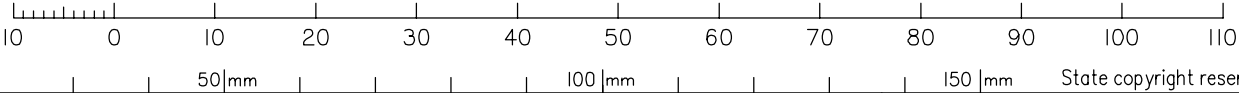


Peg placed at all new corners, unless otherwise stated.

Original information compiled from SP267810 in the Department of Natural Resources and Mines.

Area of Closed Road
2006 m²
632 m²
Total 2638 m²

Scale 1:750 - Lengths are in Metres.



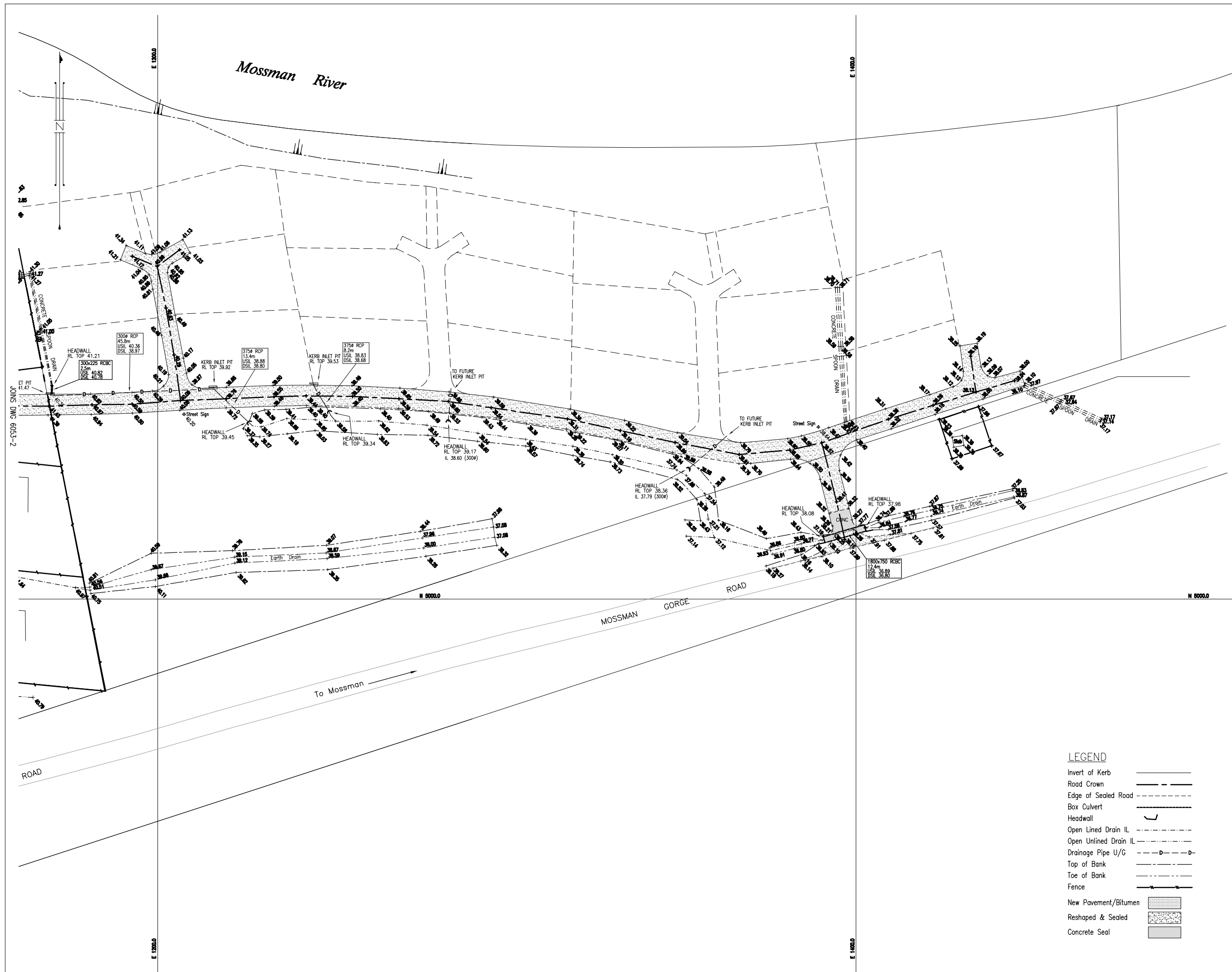
RPS Australia East Pty Ltd (ACN 140 292 762) hereby certify that the land comprised in this plan was surveyed by the corporation, by _____, surveying _____, for whose work the corporation accepts responsibility, under the supervision of Stephen James REDGWELL, cadastral surveyor, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on ___/03/2014.

Authorised Delegate

Date

Plan of Lots 46 & 52 <i>Cancelling Lots 46 & 52 on SP267810 & part of USL being Closed Road</i>		Scale: 1:750
		Format: STANDARD
LOCAL GOVERNMENT: <i>DOUGLAS SHIRE COUNCIL</i> LOCALITY: MOSSMAN GORGE		SP267816
Meridian: <i>MGA Zone 55</i>	Survey Records: <i>No</i>	

[illegible]



CERTIFICATION
We, C&B Consultants Pty Ltd certify that the locations, surface & invert levels of the infrastructure have been surveyed and are accurate.

.....Licensed Surveyor/
.....Director
.....Date

- DISCLAIMER**
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- (iii) This plan may not be photocopied unless this note is included.
- (iv) Levels & locations have been obtained for the purposes of as-constructed drawings. A complete detail survey should be undertaken before any design or construction work occurs.

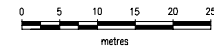
NOTES
Level Datum: AHD-D
Origin of Levels: OPM 100980
RL 9.392

Meridian: VIDE SR805

Origin of Coordinates: OPM 91667
E 1000
N 5000

All horizontal & vertical control and datum information has been taken from engineering drawing 9714/1 - Revision A.

Apart from As Constructed Drainage & Stormwater details, all information shown on this plan (including real property boundaries) has been taken from digital design data provided by McIntyre & Associates Consulting Engineers.



SCALE 1:500 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A1)

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C & B CONSULTANTS PTY LTD AEN 055 931 096

PROJECT MANAGER/SURVEYOR A. Solomon	CHECKED
DESIGNED	SURVEYED MF 6/5/98
DRAWN AMK 15/5/98	DRAFTING CHECKED

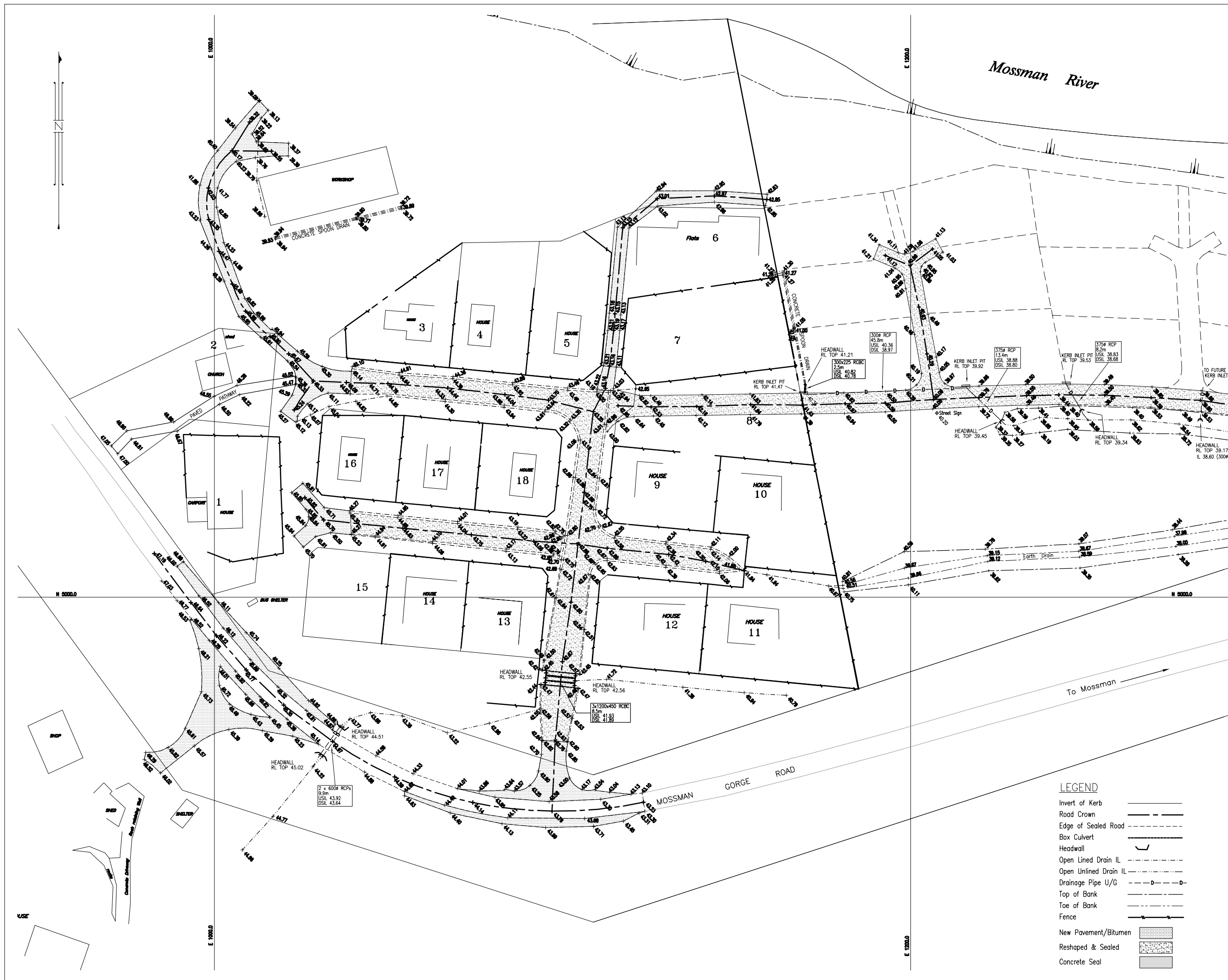
KENFROST PTY LTD

TITLE
**MOSSMAN GORGE
INFRASTRUCTURE
AS CONSTRUCTED SURVEY
ROADWORKS & DRAINAGE**

CAD 6053-2.DWG 605305 & 07PTS/STR	SCALE 1:500 (SEE SCALE BAR)
SHEET OF SHEETS 2 2	LEVEL DATUM AHD-D FIELD BK. 952/443 SHEET SIZE A1
DRAWING NO. 6053-3	AMENDED ISSUE

LEGEND

- Invert of Kerb
- Road Crown
- Edge of Sealed Road
- Box Culvert
- Headwall
- Open Lined Drain IL
- Open Unlined Drain IL
- Drainage Pipe U/G
- Top of Bank
- Toe of Bank
- Fence
- New Pavement/Bitumen
- Reshaped & Sealed
- Concrete Seal



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.....Licensed Surveyor/
Director
.....Date

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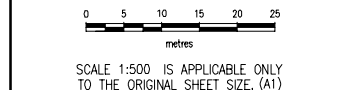
NOTES
Level Datum: AHD-D
Origin of Levels: OPM 100980
RL 9.392

Meridian: VIDE SR805

Origin of Coordinates: OPM 91667
E 1000
N 5000

All horizontal & vertical control and datum information has been taken from engineering drawing 9714/1 - Revision A.

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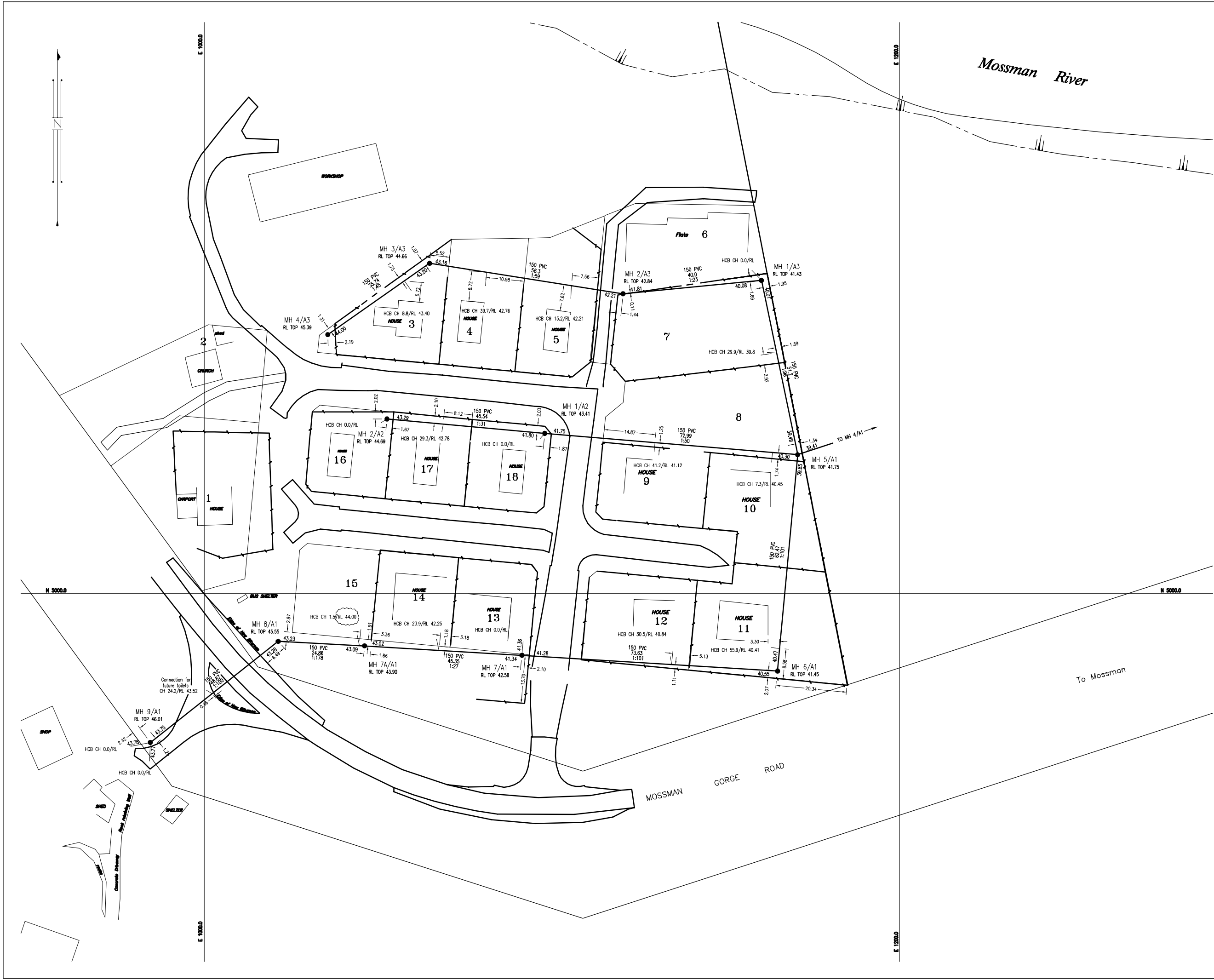
PROJECT MANAGER/SURVEYOR A. Solomon	CHECKED
DESIGNED	SURVEYED MF 6/5/98
DRAWN AMK 15/5/98	DRAFTING CHECKED

KENFROST PTY LTD
TITLE
**MOSSMAN GORGE
INFRASTRUCTURE
AS CONSTRUCTED SURVEY
ROADWORKS & DRAINAGE**

CAD 6053-2.DWG	SCALE 1:500 (SEE SCALE BAR)
605305 & 07PTS/STR	LEVEL DATUM AHD-D
SHEET 1 OF SHEETS 2	FIELD BK. 952/443
DRAWING NO. 6053-2	SHEET SIZE A1
	AMENDED ISSUE

LEGEND

Invert of Kerb	---
Road Crown	---
Edge of Sealed Road	---
Box Culvert	---
Headwall	---
Open Lined Drain IL	---
Open Unlined Drain IL	---
Drainage Pipe U/G	---
Top of Bank	---
Toe of Bank	---
Fence	---
New Pavement/Bitumen	---
Reshaped & Sealed	---
Concrete Seal	---



CERTIFICATION

We, C&B Consultants Pty Ltd certify that the locations, surface & invert levels of the sewer manholes have been surveyed and are accurate.

.....Licensed Surveyor/
Director
.....Date

DISCLAIMER

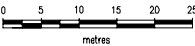
- (i) Type and size of mains, locations and levels of house connection branches and ends have been provided by the constructing contractor and have not been verified.
(ii) This plan has been prepared for the purpose of recording the infrastructure for the Cairns City Council and should not be used for any other purpose. This data should be verified before any design or construction is undertaken.
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(iv) This plan may not be photocopied unless this note is included.

NOTES

Level Datum: AHD-D
Origin of Levels: OPM 100980
RL 9.392

Meridian: VIDE SR805

Origin of Coordinates: OPM 91667
E 1000
N 5000



SCALE 1:500 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A1)

C&B
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DEVELOPMENT CONSULTANTS
ENVIRONMENTAL SERVICES
TOWN PLANNERS
SURVEYORS

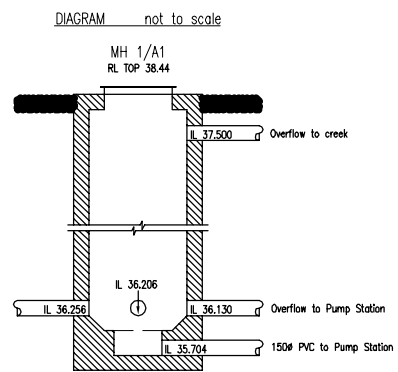
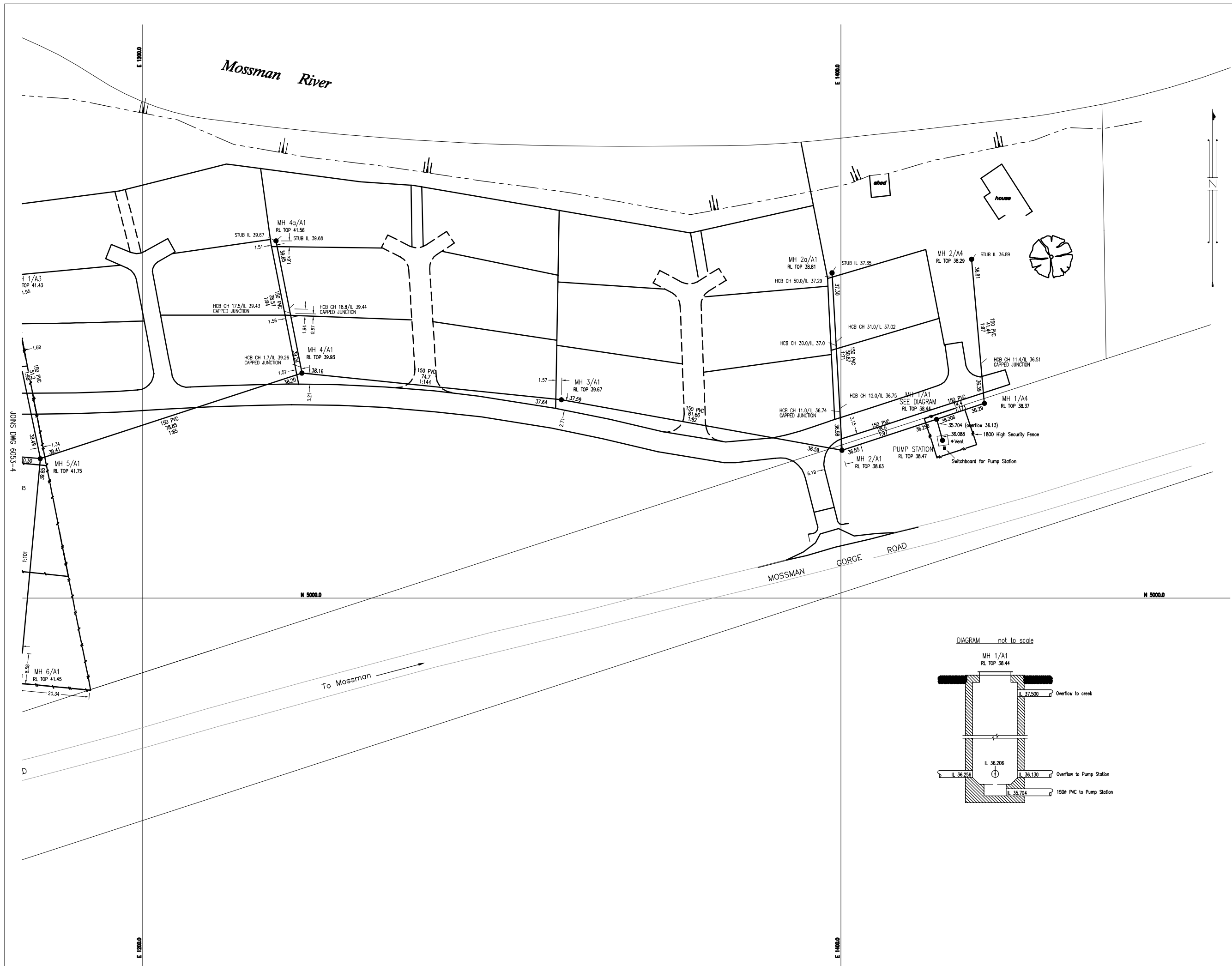
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E-MAIL: cairns@cbgroup.com.au
C & B CONSULTANTS PTY LTD ACN 055 931 096

PROJECT MANAGER/SURVEYOR A. Solomon.	CHECKED
DESIGNED	SURVEYED MF 4/3/98
DRAWN AMK 25/3/98	DRAFTING CHECKED

KENFROST PTY LTD

TITLE
MOSSMAN GORGE
INFRASTRUCTURE
AS CONSTRUCTED SURVEY
SEWERAGE

CAD 6053-3.DWG 605305.PTS/STR	SCALE 1:500 (SEE SCALE BAR)
SHEET OF SHEETS 1 1	LEVEL DATUM AHD-D
DRAWING NO. 6053-3	FIELD BK.
	SHEET SIZE A1
	AMENDED
	ISSUE



CERTIFICATION

We, C&B Consultants Pty Ltd certify that the locations, surface & invert levels of the sewer manholes have been surveyed and are accurate.

.....Licensed Surveyor/
Director
.....Director
.....Date

DISCLAIMER

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NOTES

Level Datum: AHD-D

Origin of Levels: OPM 100980
RL 9.392

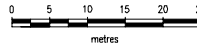
Meridian: VIDE SR805

Origin of Coordinates: OPM 91667
E 1000
N 5000

NOTE:- All invert levels of HCBs refer to the junction.
- HCB end locations are from design drawings only.

All horizontal & vertical control and datum information has been taken from engineering drawing 9714/1 - Revision A.

Apart from As- Constructed Sewerage details, all information shown on this plan (including real property boundaries) has been taken from digital design data provided by McIntyre & Associates Consulting Engineers.



SCALE 1:500 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A1)

AMENDMENT A: AMK 5/8/98
AMEND HCB POSITION NEAR MH 4/A1

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TOWN PLANNERS
SURVEYORS

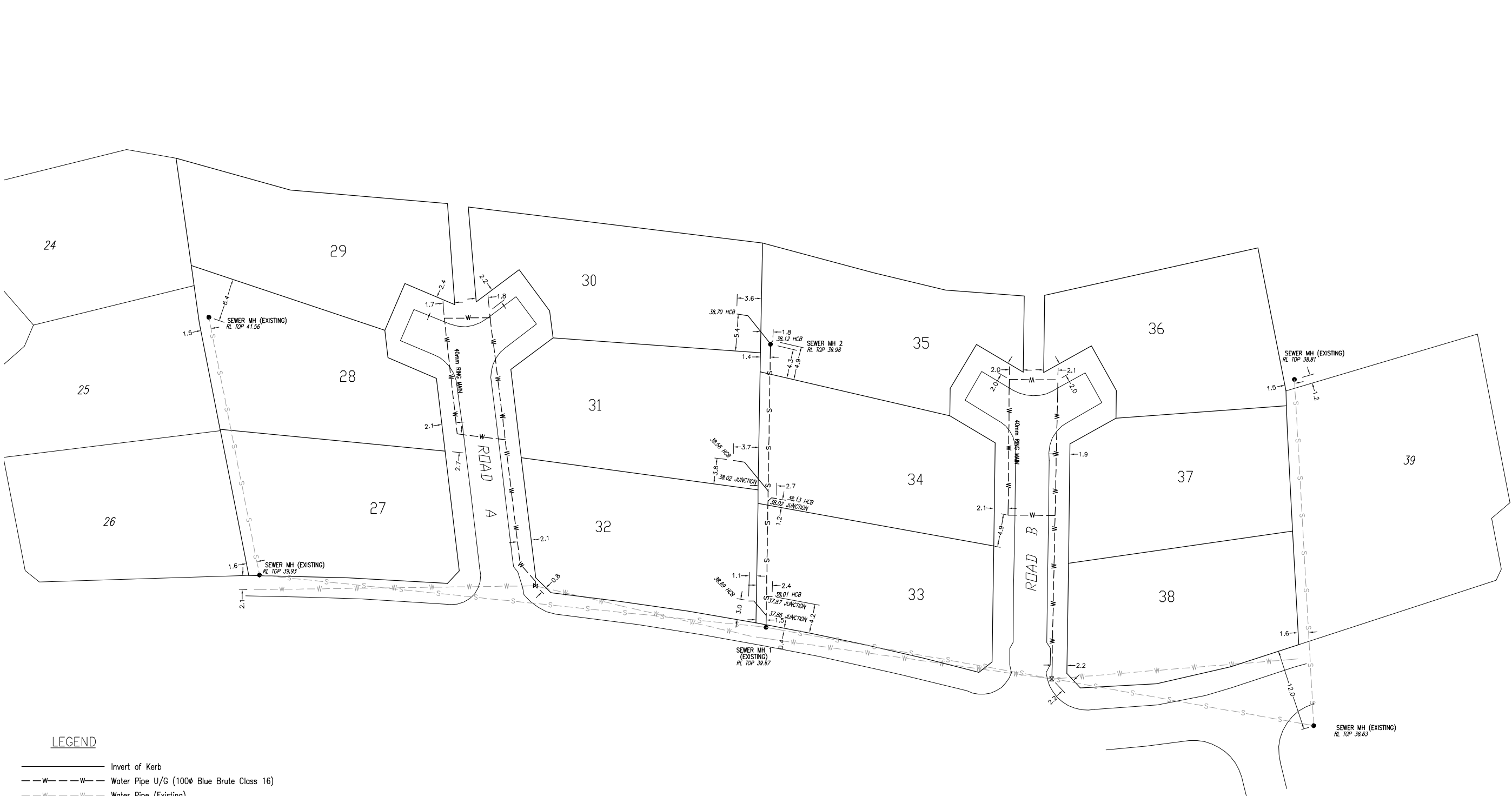
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E-MAIL: cairns@cbgroup.com.au
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PROJECT MANAGER/SURVEYOR A. Solomon.	CHECKED
DESIGNED	SURVEYED MF 6/5/98
DRAWN AMK 18/5/98	DRAFTING CHECKED

KENFROST PTY LTD

TITLE
MOSSMAN GORGE
INFRASTRUCTURE
AS CONSTRUCTED SURVEY
SEWERAGE

CAD 6053-4A.DWG 605305 & 07.PTS/STR	SCALE 1:500 (SEE SCALE BAR) LEVEL DATUM AHD-D FIELD BK. 952/443
SHEET 2 OF SHEETS 2	SHEET SIZE A1
DRAWING NO. 6053-5	AMENDED 5/8/98 ISSUE A



LEGEND

- Invert of Kerb
- W — W — Water Pipe U/G (1000 Blue Brute Class 16)
- — — — — Water Pipe (Existing)
- ⋈ Stop/Sluice Valve
- Fire Hydrant
- S — — — — Sewer Pipe U/G (1500 PVC)
- — — — — Sewer Pipe (Existing)
- Sewer Manhole
- House Connection Branch

CERTIFICATION

We, C&B Consultants Pty Ltd certify that the locations, surface & invert levels of the infrastructure have been surveyed and are accurate.

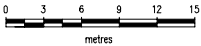
.....Licensed Surveyor/
Director
.....Date

IMPORTANT NOTE

- (i) This plan has been prepared for the purposes of recording the infrastructure for LDI CONSTRUCTIONS and should not be used for any other purpose. This data should be verified before any design or construction is undertaken.
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NOTES

Level Datum: AHD-D
Origin of Levels: OPM 91667
RL 46.178
Origin of Coordinates: OPM 91667
E 1000.000
N 5000.000
Meridian: Maunsell McIntyre Construction
Drawing 1500/1



SCALE 1:300 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE (A1)

PROJECT MANAGER/SURVEYOR D. JERICHO	DESIGNED
CHECKED	SURVEYED MGF 21/8/00
DRAWN AMK 11/9/00	FIELD BK. 74
DRAFTING CHECKED	LEVEL DATUM AHD-D
CAD 61651-1.DWG 165140P/S	SHEET SIZE A1
	SHEET OF 1
	SHEETS 1
	SCALE 1:300

LDI CONSTRUCTIONS

TITLE
STAGE 2
MOSSMAN GORGE INFRASTRUCTURE
AS CONSTRUCTED
WATER & SEWERAGE

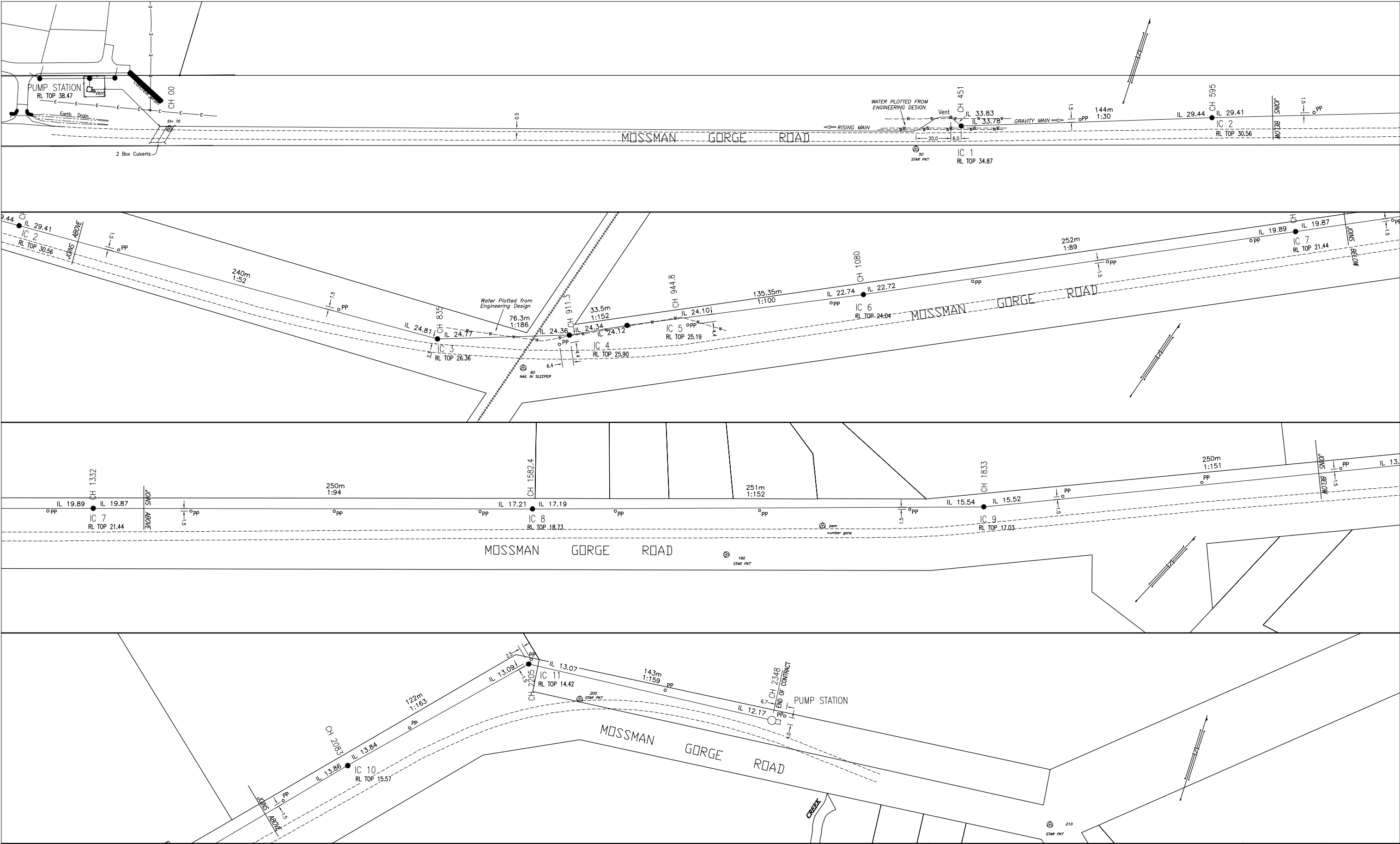
MOSSMAN OFFICE
Tel: (07) 4098 1148
Fax: (07) 4098 1144
PO Box 355
MOSSMAN QLD 4873
Mossman Pty Ltd

PROJECT MANAGEMENT
PLANNING
ENVIRONMENTAL SERVICES
SURVEYING

C&B CONSULTANTS PTY LTD
ACN 055 931 096

C&B GROUP

AMENDED
ISSUE
DRAWING NO.
61651-2



DISCLAIMER

(i) Type and size of mains, locations and invert levels have been provided by the constructing contractor and have not been verified.

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NOTES

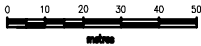
Level Datum: AHD-D
Origin of Levels: OPM 100980
RL 9.392

Meridian: VIDE SR805

Origin of Coordinates: OPM 91667
E 1000
N 5000

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SCALE 1:1000. IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A1)

AMENDMENT A: AMK 5/8/98
AMEND CHAINAGES, LENGTHS & GRADES IC2-IC6

CONSULTING GROUP

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PROJECT MANAGER/SURVEYOR A. SOLOMON	CHECKED
DESIGNED	SURVEYED

KENFROST PTY LTD

TITLE
MOSSMAN GORGE
INFRASTRUCTURE
AS CONSTRUCTED
SEWER RISING MAIN

CAD 5053-8A.DWG	SCALE 1:1000 (SEE SCALE BAR)
SHEET OF SHEETS 1	LEVEL DATUM AHD-D
DRAWING NO. 6053-8	FIELD BK.
	SHEET SIZE A1
	AMENDED 5/8/98
	ISSUE A

ANNEXURE 3: Douglas Shire Planning Scheme Code Compliance

Rural Areas and Rural Settlements Locality Code

An assessment of the Application in regard to compliance with the Purpose of the Code is provided below:

Purpose Statement: The purpose of this Code is to facilitate the achievement of the following outcomes for the Rural Areas and Rural Settlement Locality:	Comment
Retain rural areas for primary industry	<p>The proposed development, whilst located within the Rural Areas and Rural Settlements Locality, seeks only to formalize titles and tenure arrangements around existing buildings and infrastructure, established over a long period of time.</p> <p>It is submitted that any non-compliance, actual or perceived, with the Code and objectives of the Code is acceptable given existing uses and rights associated therewith across the site.</p>
Conserve the rural character and rural landscape elements as important and distinctive to the scenic value of the Shire	
Protect rural areas from encroachment by incompatible urban development	
Protect and conserve valuable riverine vegetation and systems in rural areas	
Retain the rural lifestyle opportunities and amenity of rural settlement areas with no further compromise to surrounding productive rural areas	
Ensure rural settlement areas remain unobtrusive and have no detrimental impact on the Scenic Amenity of surrounding rural areas	
Facilitate any future land use aspirations of the local Indigenous communities which are compatible with achieving the other planning outcomes for the Area	

An assessment of the Application in regard to Code Performance Criteria and Acceptable Solutions is provided below:

Performance Criteria	Acceptable Solutions	Comment / Compliance
General Requirements		
P1 Buildings and structures complement the Height of surrounding development and/or are subservient to the surrounding environment and are in keeping with the	A1.1 In all Planning Areas in this Locality the maximum Height of Buildings/structures is 6.5 metres and 2 Storeys. In addition, the roof or any ancillary roof features do not exceed a maximum Height of	<p>Not applicable</p> <p>New buildings are not proposed at this stage.</p>

Performance Criteria	Acceptable Solutions	Comment / Compliance
character of the Locality.	3.5 metres.	
<p>P2 Development is connected to all urban services or to sustainable on Site infrastructure services.</p>	<p>A2.1 Development is connected to available urban services by underground connections, wherever possible.</p> <p>AND/OR</p> <p>Contributions are paid when applicable in accordance with the requirements of Planning Scheme Policy No 11 – Water Supply and Sewerage Headworks and Works External Contributions.</p> <p>OR</p> <p>Water storage tank/s with a minimum capacity of not less than 30 000 litres to service the proposed use, including fire fighting capacity and Access to the tank/s for fire trucks. Tank/s to be fitted with a 50 mm ball valve with a camlock fitting and installed and connected prior to occupation and screened with Dense Planting.</p> <p>AND</p> <p>An environmentally acceptable and energy efficient power supply is constructed and connected prior to occupation and sited so as to be visually unobtrusive.</p> <p>AND</p> <p>On-site sewerage facilities are provided in accordance</p>	<p>Alternative Compliance</p> <p>Upgrades to existing infrastructure are proposed across the site.</p> <p>The site has access to urban infrastructure to an acceptable standard having regard to the nature of uses on site.</p>

Performance Criteria		Acceptable Solutions	Comment / Compliance
		with the Onsite Sewerage Code	
P3	Landscaping of development Sites complements the existing rural character of the Locality.	<p>A3.1 Landscaping utilises predominantly native species and complies with the requirements of Planning Scheme Policy No 7 – Landscaping with particular emphasis on appropriate species for this Locality.</p> <p>AND</p> <p>A minimum of 60% of the total proposed species are endemic or native species.</p>	<p>Alternative Compliance</p> <p>Additional landscaping is not proposed, having regard to the established nature of uses on site.</p>
P4	Development Sites are provided with efficient and safe vehicle Access and manoeuvring areas on Site and to the Site, to an acceptable standard for the Locality.	A4.1 All Roads, driveways and manoeuvring areas on Site and adjacent to the Site are designed and maintained to comply with the specifications set out in the Planning Scheme Policy No 6 – FNQROC Development Manual.	<p>Alternative Compliance</p> <p>Road and access networks provide a suitable level of service given the nature of uses in existence on site.</p>
Protecting Rural / Rural Settlement Amenity – General			
P5	Industrial development in a rural area relies on or has a strong nexus with the primary rural activity undertaken on Site or in the surrounding area.	A5.1 Any industrial development is limited to rural industrial activities which, by necessity, are related to primary industries in the surrounding area and require a rural location and where an urban location is inappropriate.	<p>Not applicable:</p> <p>Industrial development is not proposed.</p>
P6	Any community facilities or service infrastructure located in a rural area or rural settlement areas are sited to protect the general amenity and the	A6.1 Community facilities are only sited in a rural area or a rural settlement area by necessity and where an urban location is inappropriate.	<p>Not applicable:</p> <p>Additional community facilities are not proposed.</p>

Performance Criteria	Acceptable Solutions	Comment / Compliance
visual amenity of the surrounding rural area/rural settlement area.		
	<p>A6.2 Community facilities are screened from adjacent Roads by landscape buffers of Dense Planting a minimum of 5 metres in width.</p> <p>AND</p> <p>All side and rear boundaries are provided with Dense Planting for a minimum width of 1.5 metres.</p>	
<p>P7 Rural settlement areas are visually unobtrusive in the rural landscape to protect the integrity of the rural areas as a dominant landscape element of high quality²¹.</p>	<p>A7.1 The old Rocky Point School Site is developed for residential purposes in accordance with the following:</p> <ul style="list-style-type: none"> reconfiguration is in accordance with the Rural Settlement Planning Area requirements specified in Table 1 of the Reconfiguring a Lot Code and all the relevant requirements of the Reconfiguring a Lot Code, taking account of the existing topography of the Site. <p>AND</p> <p>The remnant vegetation on the western boundary of the Site is dedicated as public park.</p>	<p>Not applicable:</p> <p>The site is not located at the Old Rocky Point School site.</p>
<p>P8 Areas at Rocky Point included in the Residential 1 Planning Area maintain the integrity of the dominant landscape</p>	<p>A8.1 The minimum lot size in this area is 3500 m².</p> <p>AND</p> <p>Any proposed</p>	<p>Not applicable</p> <p>The site is not located at Rocky Point.</p>

Performance Criteria	Acceptable Solutions	Comment / Compliance
qualities of the area and ensure safe Access onto Mossman-Daintree Road.	reconfiguration of existing lots in this area only occurs utilising the Access driveway servicing the existing lot, by including reciprocal Access easements over the existing Access driveway for any additional lots.	
	A8.2 Any new lots are included in a Designated Development Area (DDA) identified on the proposal plan of reconfiguration and ultimately, on the registered survey plan.	
	<p>A8.3 Development located within a Designated Development Area is sited where Clearing is limited to a maximum area of 800 m² of the Site or 4% Site Coverage of the Site, whichever is the lesser. (The 800m² area of Clearing does not include an access driveway.)</p> <p>OR, ALTERNATIVELY</p> <p>If a greater part of the Site is to be cleared, that part of a Site not cleared is to be included in a Conservation Covenant to protect the integrity of the natural environment.</p>	
	A8.4 Clearing is limited to the DDA and the DDA is sited on that part of the lot which is least constrained by slope, vegetation or Access constraints, and does not require extensive cut and fill and/or complex geotechnical solutions.	
	A8.5 The DDA is sited so that the development of a House	

Performance Criteria	Acceptable Solutions	Comment / Compliance
	<p>does not obstruct the views from any adjacent existing Houses.</p> <p>AND</p> <p>Ensures the new House is not visually prominent from adjacent public viewing points, such as Mossman-Daintree Road and Rocky Point.</p>	
<p>P9 Development of Lot 32 on RP 850495, Vixies Road, Wonga Beach is connected to urban services.</p>	<p>A9.1 Any future reconfiguration of Lot 32 on RP 850495 for Rural Settlement purposes only occurs in association with connection to reticulated sewerage and water supply servicing Wonga Beach.</p>	<p>Not applicable</p> <p>The development is not located on the site described.</p>
<p>P10 The development of part of Lots 10 and 11 on SP 132055 for residential purposes is undertaken to protect the environmental values of the site and the scenic amenity of the local area.</p>	<p>A10.1 Residential development occurs on the more gently sloping part of the site, elevated above the steep bank adjacent to Mossman-Daintree Road.</p> <p>AND</p> <p>The area appropriate for residential development is determined on the basis of contour and vegetation surveys of the site.</p> <p>AND</p> <p>Only one access point from the site to the State-Controlled Road is permitted.</p> <p>AND</p> <p>At reconfiguration stage a broad vegetation screen is provided along the elevated</p>	<p>Not applicable</p> <p>The development is not located on the site described.</p>

Performance Criteria	Acceptable Solutions	Comment / Compliance
	<p>frontage of the site to the Mossman-Daintree Road so that the residential development is screened from the road.</p> <p>AND</p> <p>The balance of the site is protected from clearing to maintain the forested mountain landscape and no further reconfiguration of the balance area occurs.</p>	
Protection of Scenic Amenity and Natural Values		
P11 Development does not adversely impact on areas of sensitive natural vegetation, foreshore areas, Watercourses and areas of tidal inundation which contribute to the Scenic Amenity and natural values of the Locality ²³ .	<p>A11.1 No Acceptable Solution.</p> <p>(Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No 10 – Reports and Information the Council May Request, for code and impact assessable development).</p>	<p>Alternative Compliance</p> <p>Development is already in existence on the site; the reconfiguration proposed merely seek to create tenure around existing dwellings / uses.</p>
Indigenous Interests		
P12 The land use aspirations in any Indigenous Land Use Agreement (ILUA) are acknowledged and facilitated.	A12.1 Development is consistent with any ILUA relating to the land and the relevant provisions of the Planning Scheme.	<p>Not applicable</p> <p>An ILUA is not in place nor affects the subject site.</p>

Conservation Planning Area Code

An assessment of the Application in regard to compliance with the Purpose of the Code is provided below:

Purpose Statement: The purpose of this Code is to facilitate the achievement of the following outcomes for the Conservation Planning Area:	Comment
Protect biological diversity, ecological integrity and scenic amenity	As noted previously, additional clearing / development intensification is not proposed. Rather, formalization of tenure arrangements is proposed. It is unlikely that additional exemptions in relation to clearing or other development opportunities will exist as a result of development proposed.
Ensure that any recreational or other uses of areas within the Planning Area that are in the control of the Crown or Council, such as Reserves, National Parks and the Wet Tropics World Heritage Area or areas adjacent to these areas, are consistent with the management plans of the controlling authority so that the conservation and scenic values of these areas are not adversely affected	
Ensure that any use of land in private ownership in the Planning Area does not affect the environmental, habitat, conservation or scenic values of that land or surrounding area	
Ensure that any low intensity facilities based on an appreciation of the natural environment or nature based recreation only establish when there is a demonstrated need and provided they will have a minimal impact on the environmental and scenic amenity values of the site or surrounding area.	

An assessment of the Application in regard to Code Performance Criteria and Acceptable Solutions is provided below:

Performance Criteria	Acceptable Solutions	Comment / Compliance
Consistent and Inconsistent Uses		
P1 The establishment of uses is consistent with the outcomes sought for the Conservation Planning Area.	A1.1 Uses identified as inconsistent uses in the Assessment Table are not established in the Conservation Planning Area. OR	Complies Inconsistent uses are not proposed.

Performance Criteria		Acceptable Solutions	Comment / Compliance
		In the four precincts included in the Conservation Planning Area in the Settlement Areas north of the Daintree River locality.	
Site Coverage			
P2	The Site Coverage of all Buildings does not have an adverse effect on the conservation or Scenic Amenity values of the Site and Buildings are subservient to the natural environment.	A2.1 Development is sited in an existing cleared area or in an area approved for Clearing under the Local Law – Vegetation Management but which is not cleared until a Building Permit is issued. Any Clearing is limited to a maximum area of 700 m ² and is sited clear of the High Bank of any Watercourse. (The 700 m ² area of new Clearing does not include an access driveway.)	Alternative compliance No additional clearing is proposed. Development (dwellings / buildings and infrastructure) already exists on site.
Building / Structure Setbacks			
P3	Buildings/structures are Setback from the boundaries of the Site so they are screened from view from the boundaries of adjoining properties and adjoining Roads and so that the Scenic Amenity values of the area are not adversely affected.	A3.1 Buildings are Setback not less than: <ul style="list-style-type: none"> a minimum of 40 metres from the Frontage of a State-Controlled Road; or a minimum of 25 metres from Cape Tribulation Road Frontage; or 20 metres from the Frontage to any other Road; and 10 metres from the side and rear boundaries. 	Alternative compliance New buildings / structures are not proposed.
P4	Buildings/structures are Setback from Watercourses and other sensitive areas to ensure the environmental values	No Acceptable Solution (Information that the Council may request to demonstrate compliance with the	Alternative compliance New buildings / structures are not proposed.

Performance Criteria	Acceptable Solutions	Comment / Compliance
of the area are not adversely affected.	Performance Criteria is outlined in Planning Scheme Policy No 10 – Reports and Information the Council May Request, for code and impact assessable development).	
Residential Density		
P5 Residential density of any development is very low to ensure that the conservation and Scenic Amenity values of the Site and the surrounding area are not adversely affected.	No Acceptable Solution (Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No 10 – Reports and Information the Council May Request, for code and impact assessable development).	Alternative compliance New buildings / structures are not proposed.
Landscaping		
P6 Landscaping incorporates endemic/native vegetation, is informal in character and complementary to the existing natural environment, provides screening and enhances the visual appearance of the development ³⁴ .	A6.1 For any development, the balance area of the Site not built upon must be landscaped/revegetated, predominantly with native vegetation and in accordance with the Plant Species Schedule in Planning Scheme Policy No 7 – Landscaping.	Alternative compliance New buildings / structures are not proposed. It is submitted additional landscaping is not necessary.
	A6.2 Landscaping must be informal in character.	Alternative compliance New buildings / structures are not proposed. It is submitted additional landscaping is not necessary.
	A6.3 At the time that a Site is developed for any purpose, the Road Frontage Setback areas are landscaped/revegetated so that 10 metres of the Setback	Alternative compliance New buildings / structures are not proposed. It is submitted additional landscaping is not necessary.

Performance Criteria	Acceptable Solutions	Comment / Compliance
	area immediately adjacent to any Road Frontage, where the minimum total Setback required is 20 metres or greater, is landscaped with Dense Planting.	
Environmental Values – General		
P7 Development does not adversely impact on the natural environment, natural vegetation or Watercourses.	No Acceptable Solution (Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No 10 – Reports and Information the Council May Request, for code and impact assessable development).	Alternative compliance No additional clearing is proposed. Development (dwellings / buildings and infrastructure) already exists on site. It is anticipated that impacts arising from the project will be minimal, if any.
P8 Development is complementary to the surrounding environment.	A8.1 Development harmonises with the surrounding environment, for example, through suspended, light weight construction on sloping Sites, which requires minimal excavation and fill.	Alternative compliance No additional clearing is proposed. Development (dwellings / buildings and infrastructure) already exists on site. It is anticipated that impacts arising from the project will be minimal, if any.
	A8.2 A Development is subservient to the natural landscape in scale and in the use of exterior colours and finishes.	Alternative compliance No additional clearing is proposed. Development (dwellings / buildings and infrastructure) already exists on site. It is anticipated that impacts arising from the project will be minimal, if any.
	A8.3 Any driveway or car park is constructed and maintained	Alternative compliance

Performance Criteria	Acceptable Solutions	Comment / Compliance
	<p>to:</p> <ul style="list-style-type: none"> - minimise erosion, particularly in the wet season; and - minimise cut and fill; - follow the natural contours of the Site; and - minimise vegetation Clearing. 	<p>No additional clearing is proposed. Development (dwellings / buildings and infrastructure) already exists on site.</p> <p>It is anticipated that impacts arising from the project will be minimal, if any.</p>
Sloping Sites		
<p>P9 Building/structures are designed and sited to be responsive to the constraints of sloping Sites.</p>	<p>A9.1 Building/structures are Erected on land with a maximum slope not exceeding 15%.</p> <p>OR</p> <p>Development proposed to be Erected on land with a maximum slope between 15% and 33% is accompanied by a Geotechnical Report prepared by a qualified engineer at development application stage.</p> <p>OR</p> <p>Development proposed to be Erected on land with a maximum slope above 33% is accompanied by a Specialist Geotechnical Report prepared by a qualified engineer at development application stage which includes sign- off that the Site can be stabilised.</p> <p>AND</p>	<p>Not applicable</p> <p>The site is not a sloping site. Buildings already exist on site.</p>

Performance Criteria	Acceptable Solutions	Comment / Compliance
	<p>Any Building/structures proposed to be Erected on land with a maximum slope above 15% are accompanied by an additional Geotechnical Report prepared by a qualified engineer at building application stage.</p> <p>(Information that the Council may request as part of the Geotechnical Report are outlined in Planning Scheme Policy No 10 – Reports and Information the Council May Request, for code and impact assessable development.)</p>	
<p>P10 The building style and construction methods used for development on sloping Sites are responsive to the Site constraints.</p>	<p>A10.1 A split level building form is utilised.</p>	<p>Refer above.</p>
	<p>A10.2 A single plane concrete slab is not utilised.</p>	<p>Refer above.</p>
	<p>A10.3 Any voids between the floor of the Building and Ground Level, or between outdoor decks and Ground Level, are screened from view by using lattice/batten screening and/or Landscaping.</p>	<p>Refer above.</p>
<p>P11 Development on sloping land minimises any impact on the landscape character of the surrounding area.</p>	<p>A11.1 Buildings/structures are sited below any ridgelines and are sited to avoid protruding above the surrounding tree level.</p>	<p>Refer above.</p>
<p>P12 Development on sloping land ensures that the quality and quantity of stormwater traversing the Site does not cause any</p>	<p>A12.1 All stormwater drainage discharges to a lawful point of discharge and does not adversely affect downstream, upstream, underground</p>	<p>Refer above.</p>

Performance Criteria	Acceptable Solutions	Comment / Compliance
detrimental impact to the natural environment or to any other Sites.	stream or adjacent properties.	
Sustainable Siting and Design of Houses on Sloping Sites		
P13 A House sited on hillside land is sited in an existing cleared area, or in an area approved for Clearing	A13.1 A House is sited in an existing cleared area or in an area approved for Clearing under the Local Law – Vegetation Management but which is not cleared until development occurs. The Clearing is limited to a maximum area of 700 m ² and is sited clear of the High Bank of any Watercourse. (The 700 m ² area of Clearing does not include an access driveway.)	Not applicable The site is not a sloping site.
	A13.2 The approved area for the Clearing of the House is not cleared until a Building Permit is issued.	Refer above.
P14 A House sited on hillside land is sited so that it is not clearly visible from any public Road.	A14.1 A House is Setback a minimum of 25 metres from Cape Tribulation Road or 20 metres from any other Road Frontage.	Refer above.
P15 A House sited on hillside land is sited and designed so that it is subservient to the surrounding natural environment.	A15.1 A House is effectively screened from view by existing native trees planted in designated Setback area/s, or by the planting of additional native trees endemic to the local area.	Refer above.
P16 The exterior finishes of a House complements the surrounding natural environment.	A16.1 The exterior finishes and colours of Building/s are non reflective and complement the colours of the surrounding vegetation and viewshed.	Refer above.

Performance Criteria	Acceptable Solutions	Comment / Compliance
<p>P17 A House is designed to be energy efficient and functional in a humid tropical rainforest environment.</p>	<p>A17.1 The development incorporates building design features and architectural elements detailed in Planning Scheme Policy No 2 – Building Design and Architectural Elements.</p>	<p>Refer above.</p>

Rural Planning Area Code

An assessment of the Application in regard to compliance with the Purpose of the Code is provided below:

Purpose Statement: The purpose of this Code is to facilitate the achievement of the following outcomes for the Rural Planning Area:	Comment
Conserve areas for use for primary production, particularly areas of GQAL	<p>Whilst Lot 100 is included within the Rural Planning Area, uses across the site are not rural in nature.</p> <p>The Application, whilst non-compliant with the purpose of the Code, is considered appropriate given the nature of existing uses.</p>
Facilitate the establishment of a wide range of agricultural and animal husbandry uses, together with other compatible primary production uses	
Facilitate the establishment of Farm Forestry in suitable locations	
Facilitate the establishment of Extractive industry operations, provided that the significant environmental impacts of such operations are contained within the Site	
Ensure existing Extractive Industry operations are protected from incompatible land uses establishing in close proximity	
Ensure that rural activities are protected from the intrusion of incompatible uses	

An assessment of the Application in regard to Code Performance Criteria and Acceptable Solutions is provided below:

Performance Criteria	Acceptable Solutions	Comment / Compliance
Consistent and Inconsistent Uses		
P1 The establishment of uses is consistent with the outcomes sought for the Rural Planning Area.	A1.1 Uses identified as inconsistent uses in the Assessment Table are not established in the Rural Planning Area.	Complies The use proposed is not inconsistent.
Good Quality Agricultural Land		
P2 GQAL is only used for agricultural uses and primary production purposes.	A2.1 Agricultural land is used for agricultural uses in accordance with the classifications of the Agricultural Land Classes	Alternative Compliance Whilst the site is included within the Rural Planning Area

Performance Criteria	Acceptable Solutions	Comment / Compliance
	identified in the Shire and the requirements of State Planning Policy 1/92 – development and the Conservation of Agricultural Land.	designation, uses established on the site are non-rural in nature. The proposed development will not alter the nature of uses already in existence.
Buffering Incompatible Uses		
P3 A buffer is provided to separate agricultural activities that create odour, excessive noise or use agricultural chemicals, (including Aquaculture and Intensive Animal Husbandry), from residential development.	A3.1 A buffer is provided in accordance with the requirements of State Planning Policy 1/92 and Planning Guidelines – Separating Agricultural and Residential Land Uses (DNR 1997).	Alternative Compliance It is submitted that buffering is not reasonable nor relevant given the length of time non-rural uses have been undertaken on site.
Building Structure Setbacks and Screening		
P4 Buildings/structures are Setback to: <ul style="list-style-type: none"> maintain the rural character of the area; and achieve separation from neighbouring Buildings and from Road Frontages. 	A4.1 Buildings/structures are Setback not less than: <ul style="list-style-type: none"> 40 metres from the property boundary adjoining a State-Controlled Road; or 25 metres from the property boundary adjoining the Cape Tribulation Road; or 20 metres from the property boundary fronting any other Road; and 6 metres from the side and rear property boundaries of the Site. 	Not applicable Buildings are not proposed.
P5 Rural activities north of the Daintree River are screened to protect the Scenic Amenity of the area.	A5.1 A 10 metre Setback on rural land adjacent to any Road Frontage north of the Daintree River including Dense Planting of the setback area.	Not applicable
Rural Character		

Performance Criteria	Acceptable Solutions	Comment / Compliance
P6 Buildings/structures are designed to maintain the rural character of the area.	A6.1 White and shining metallic finishes are avoided on external surfaces of Buildings located in prominent view.	Not applicable Buildings are not proposed.
Protecting and Enhancing Native Vegetation and Adjacent Environmentally Sensitive Area		
P7 Native vegetation existing along Watercourses and in or adjacent to areas of environmental value or areas of remnant vegetation of value is protected.	A7.1 No Acceptable Solution (Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No 10 – Report and Information the Council May Request, for code and impact assessable development).	Alternative Compliance Clearing of vegetation along the river is not proposed, nor considered a likely consequence of development.
Sloping Sites		
P8 Building/structures are designed and sited to be responsive to the constraints of sloping Sites.	A8.1 Building/structures are Erected on land with a maximum slope not exceeding 15%. OR Development proposed to be Erected on land with a maximum slope between 15% and 33% is accompanied by a Geotechnical Report prepared by a qualified engineer at development application stage. OR Development proposed to be Erected on land with a maximum slope above 33% is accompanied by a Specialist Geotechnical Report prepared by a	Not applicable The site is not a sloping site.

Performance Criteria	Acceptable Solutions	Comment / Compliance
	<p>qualified engineer at development application stage which includes signoff that the Site can be stabilised.</p> <p>AND</p> <p>Any Building/structures proposed to be Erected on land with a maximum slope above 15% are accompanied by an additional Geotechnical Report prepared by a qualified engineer at building application stage. (Information that the Council may request as part of the Geotechnical Report are outlined in Planning Scheme Policy No 10 – Reports and Information the Council May Request, for code and impact assessable development.)</p>	
P9 The building style and construction methods used for development on sloping Sites are responsive to the Site constraints.	A9.1 A split level building form is utilised.	<p>Not applicable</p> <p>The site is not a sloping site.</p>
	A9.2 A single plane concrete slab is not utilised.	<p>Not applicable</p> <p>The site is not a sloping site.</p>
	A9.3 Any voids between the floor of the Building and Ground Level, or between outdoor decks and Ground Level, are screened from view by using lattice/batten screening and/or Landscaping.	<p>Not applicable</p> <p>The site is not a sloping site.</p>
P10 Development on sloping sites minimizes any impact	A10.1 Buildings/structures are sited below any ridgelines and are	Not applicable

Performance Criteria	Acceptable Solutions	Comment / Compliance
on the landscape character of the surrounding area.	sited to avoid protruding above the surrounding tree level.	The site is not a sloping site.

Natural Areas and Scenic Amenity Code

An assessment of the Application in regard to compliance with the Purpose of the Code is provided below:

Purpose Statement: to ensure that areas of natural value / environmental significance and scenic amenity value throughout the Shire are retained and conserved in order to:	Comment
Maintain and improve landscape integrity and Scenic Amenity values	Additional clearing is not proposed, nor considered to be a likely consequence of development proposed, given the nature of existing uses on site. With maintenance of existing vegetated areas on site, it is anticipated that fauna and habitat linkages will not be detrimentally affected by the development proposed.
Retain areas in their natural state and protect them from inappropriate, visually obtrusive development	
Protect areas as valuable natural, environmental and scenic areas which are an asset to the Shire	
Maintain areas for their combination of landscape elements which create a dominant landscape character of the Shire	
Protect fauna habitat and linkages	
Maintain and improve the ecosystem functions of aquatic systems	
Maintain essential ecological processes	
Protect biodiversity	
Protect the unique environmental values of the Shire which are of international significance	

An assessment of the Application in regard to Code Performance Criteria and Acceptable Solutions is provided below:

Performance Criteria	Acceptable Solutions	Comment / Compliance
Development in Areas of Natural and Scenic Amenity Value		
P1 Where a development within a DDA triggers this	A1.1 Buildings/structures Access Roads/car parking,	Alternative Compliance

Performance Criteria	Acceptable Solutions	Comment / Compliance
Code, the natural and environmental values of the areas of Remnant V egetation and/or Watercourse/s are protected from inappropriate development.	infrastructure and landscape/recreation facilities are constructed within the DDA identified on a Site Plan drawn to scale.	Additional buildings / infrastructure are not proposed. Development seeks to formalize tenure around existing buildings.
	A1.2 Where internal Roads are required to service the development, the Roads are located within a DDA identified on a Site Plan drawn to scale. (Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No 8 – Natural Areas and Scenic Amenity and Planning Scheme Policy No 10 – Reports and Information the Council May Request, for code and impact assessable development).	Alternative Compliance Additional buildings / infrastructure are not proposed. Development seeks to formalize tenure around existing buildings.
P2 Development does not adversely impact on the natural and environmental values and Scenic Amenity of areas Remnant and/or identified V egetation Watercourse/s.	A2.1 Where development occurs, it is located on that part of the Site which poses the least threat to the natural and environmental values and Scenic Amenity, for example: - adjacent to existing development; - within an existing cleared area; - within a disturbed area with little potential for rehabilitation; - within an area close to an Access Road; - removed from an identified area of important habitat.	Alternative Compliance Additional buildings / infrastructure are not proposed. Development seeks to formalize tenure around existing buildings.
	A2.2 Development within the DDA is sited to minimise visual	Alternative Compliance

Performance Criteria	Acceptable Solutions	Comment / Compliance
	intrusion on the Site and the surrounding landscape.	Additional buildings / infrastructure are not proposed. Development seeks to formalize tenure around existing buildings.
	A2.3 No continuous boundary fence lines or barriers are Erected on an approved development Site within a DDA identified on a Site Plan drawn to scale.	Alternative Compliance Additional buildings / infrastructure are not proposed. Development seeks to formalize tenure around existing buildings.
	A2.4 Infrastructure, such as water mains, sewers, electricity and telecommunication services, is sited underground, wherever reasonable, to protect Scenic Amenity, and is located within a DDA on a Site Plan drawn to scale.	Alternative Compliance Additional buildings / infrastructure are not proposed. Development seeks to formalize tenure around existing buildings.
	A2.5 Internal Roads associated with the development are designed and constructed to achieve a low speed environment.	Alternative Compliance Additional buildings / infrastructure are not proposed. Development seeks to formalize tenure around existing buildings.
	A2.6 Roads and infrastructure services do not cross the Setback area/riparian corridor; or if this is not possible, the number of crossings is minimised.	Alternative Compliance Additional buildings / infrastructure are not proposed. Development seeks to formalize tenure around existing buildings.
	A2.7 Setback areas/riparian corridors are provided in accordance with A4.1, A4.2, A4.3 and A4.4 below; AND The lowest intensity of development occurs adjacent to any Setback area/riparian corridor, and in the case of	Alternative Compliance Additional buildings / infrastructure are not proposed. Development seeks to formalize tenure around existing buildings.

Performance Criteria		Acceptable Solutions	Comment / Compliance
		reconfiguration, larger lots are located adjacent to any Setback area/riparian corridor.	
		A2.8 There is no fragmentation or alienation of any Remnant Vegetation.	Alternative Compliance Additional buildings / infrastructure are not proposed. Development seeks to formalize tenure around existing buildings.
		A2.9 Any natural, environmental or Scenic Amenity value of any balance area outside the DDA is protected.	Alternative Compliance Additional buildings / infrastructure are not proposed. Development seeks to formalize tenure around existing buildings.
P3	Any development involving filling and excavation minimises detrimental impacts on any aquatic environment.	A3.1 No Acceptable Solution. (Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No 8 – Natural Areas and Scenic Amenity and Planning Scheme Policy No 10 – Reports and Information the Council May Request, for code and impact assessable development).	Alternative Compliance Additional buildings / infrastructure are not proposed. Development seeks to formalize tenure around existing buildings.
P4	Setback areas/riparian corridors adjacent to Watercourses are provided/maintained or re-established and revegetated with species endemic to the local area.	A4.1 For residential reconfiguration (Residential 1, Residential 2 or Rural Settlement Planning Area), Aquaculture, Tourist Activities, Industrial Activities and other large scale developments or development likely to have an impact on water quality of adjacent Watercourse/s any	Alternative Compliance Additional buildings / infrastructure are not proposed. Development seeks to formalize tenure around existing buildings.

Performance Criteria	Acceptable Solutions	Comment / Compliance
	degraded sections of the Setback area/riparian corridor are revegetated with endemic species typical of the riparian corridor in the area.	
	A4.2 Revegetation occurs in accordance with a Landscape Plan prepared by a suitably qualified professional in compliance with the requirements of Planning Scheme Policy No 8 – Natural Areas and Scenic Amenity, Landscaping Code and Planning Scheme Policy No 7 – Landscaping.	Alternative Compliance Additional buildings / infrastructure are not proposed. Development seeks to formalize tenure around existing buildings.
	A4.3 The minimum width of the Setback area/riparian corridor, measured out from the shoulder of each high bank, for the respective categories of Watercourses, where a riparian corridor of vegetation already exists is: Category 1 – Major Perennial Watercourse – 30 metres Category 2 – Perennial Watercourse – 20 metres Category 3 – Minor Perennial – 10 metres, AND buildings are sited clear of the Setback area/riparian corridor, in accordance with the relevant Setbacks outlined above.	Alternative Compliance Additional buildings / infrastructure are not proposed. Development seeks to formalize tenure around existing buildings.

Performance Criteria		Acceptable Solutions	Comment / Compliance
		<p>OR</p> <p>The minimum width of the Setback area/riparian corridor, measured out from the shoulder of each high bank, for the respective categories of Watercourses, where no riparian corridor of vegetation already exists is:</p> <p>Category 1 – Major Perennial Watercourse – 10 metres</p> <p>Category 2 – Perennial Watercourse – 5 metres</p> <p>Category 3 – Minor Perennial – 2.5 metres</p> <p>buildings are sited clear of the Setback area/riparian corridor, in accordance with the relevant Setbacks above.</p>	
		A4.4 Native vegetation within the Setback area/riparian corridor, other than identified noxious and environmental weeds, is retained.	<p>Alternative Compliance</p> <p>Additional buildings / infrastructure are not proposed. Development seeks to formalize tenure around existing buildings.</p>
Use of Setback Areas / Riparian Corridors			
P5	Any use of a Setback area/riparian corridor does not adversely affect the integrity of the Setback area/riparian corridor.	A5.1 Only low key, passive, low impact recreational facilities, including pedestrian and cycle paths or boardwalks, are located within the Setback area/riparian corridor.	<p>Alternative Compliance</p> <p>Additional buildings / infrastructure are not proposed. Development seeks to formalize tenure around existing buildings.</p>
		A5.2 The location of low key, passive, low impact recreational facilities, including pedestrian and	<p>Alternative Compliance</p> <p>Additional buildings / infrastructure are not proposed. Development</p>

Performance Criteria		Acceptable Solutions	Comment / Compliance
		cycle paths or boardwalks within the Setback area/riparian corridor, does not affect the connectivity function and landscape/environmental or Scenic Amenity values of the Setback area/riparian corridor.	seeks to formalize tenure around existing buildings.
Retaining and Protecting Highly Visible Areas			
P6	Any development sited wholly or partially on land with a slope greater than 15% protects the Scenic Amenity values of the land from inappropriate and visually prominent development.	A6.1 Land with a slope greater than 15% and including Remnant Vegetation remains undeveloped and in its natural state.	Alternative Compliance Additional buildings / infrastructure are not proposed. Development seeks to formalize tenure around existing buildings.
		A6.2 Any development remains unobtrusive and sited below the tree line and ridge line. (Information that the Council may request to demonstrate compliance with the Performance Criteria is outlined in Planning Scheme Policy No 8 – Natural Areas and Scenic Amenity and Planning Scheme Policy No 10 – Reports and Information the Council May Request, for code and impact assessable development).	Alternative Compliance Additional buildings / infrastructure are not proposed. Development seeks to formalize tenure around existing buildings,

Reconfiguration of a Lot Code

An assessment of the Application in regard to compliance with the Purpose of the Code is provided below:

Purpose Statement: To ensure that:	Comment
Lots are suitable for their intended purpose	<p>Whilst the reconfiguration and works proposed result in lots of unusual configuration and orientation, it is submitted that given the nature of existing uses on the site, the reconfiguration is appropriate regardless.</p> <p>In addition, the proposed reconfiguration will assist in the achievement of a range of social and community objectives, both for residents within the Mossman Gorge community, and for the broader Shire.</p>
The environmental and scenic values of the shire are maintained	
Lot reconfiguration in the Rural Planning Area and Rural Settlement Planning Area does not result in the fragmentation or alienation of GQAL	
Lot reconfiguration of land achieves good urban design outcomes	
<p>Lot reconfiguration in the urban areas of the site facilitates:</p> <ul style="list-style-type: none"> • The efficient use of land • Safe, convenient and attractive neighbourhoods and functional industrial or commercial areas • The efficient provision of infrastructure; • The efficient provision of transport services; • The provision of public open space, landscaping and recreational area for outdoor recreation and community activities; • Opportunities for walking and cycling for recreation and as alternative methods of travel. 	

An assessment of the Application in regard to Code Performance Criteria and Acceptable Solutions is provided below:

Performance Criteria		Acceptable Solutions	Comment / Compliance
Area and Dimension of Lots			
P1	Lots are of sufficient area and dimensions to meet the requirements of the users and accommodate the form of development likely to be constructed in the respective Planning Areas, together with the open space, Landscaping, Access and car parking associated with the particular form of development.	A1.1 Lots comply with the area and dimensions identified for lots in the respective Planning Areas in Table 1.	Alternative Compliance: Lots within the community are non-compliant with minimum lot sizes and dimensions, given the lots are proposed to accommodate existing buildings and infrastructure, it is submitted that non-compliance in this instance is acceptable.
Rural Planning Area			
P2	Lots are of an appropriate size and configuration to sustain the utility and productive capacity of the land for rural purposes, and to reduce potential for impacts on the natural environment by facilitating opportunities for the implementation of improved land management practices and through provision of safe and adequate water supply and sewage disposal.	A2.1 Lot boundaries relate to natural features such as ridges or other catchment boundaries, drainage lines or flood flows, or remnant stands of vegetation.	Alternative Compliance: Lots within the community are non-compliant with minimum lot sizes and dimensions, given the lots are proposed to accommodate existing buildings and infrastructure, it is submitted that non-compliance in this instance is acceptable.
		A2.2 Lots comply with the area and dimensions identified for Lots in the Rural Planning Area in Table 1, above.	Refer above.

Performance Criteria		Acceptable Solutions	Comment / Compliance
		A2.3 Designated Development Areas are identified on any lots exceeding a maximum slope of 15% and are registered on title.	Refer above.
Rural Settlement Planning Area			
Not applicable			
Residential 1 Planning Area			
Not applicable			
Commercial / Industrial Planning Area			
Not applicable			
Infrastructure for local communities			
P7	Provision is made for open space that: <ul style="list-style-type: none"> • meets the recreational needs of residents and visitors to the Shire; • provides a diverse range of settings; • creates effective linkages with other areas of open space and natural areas; and • contributes to the visual and Scenic Amenity of the Shire. 	A7.1 An area of 10% of the land to be reconfigured is provided as open space in accordance with Planning Scheme Policy No 9 – Open Space Contributions. OR A contribution is paid in lieu of an area being designated for open space in accordance with Planning Scheme Policy No 9 – Open Space Contributions OR A combination of the above, as agreed to by Council.	Alternative Compliance Community infrastructure to service residents in the community already exists. The proposed works and reconfiguration merely seek to formalize tenure throughout the community. Infrastructure contributions for community infrastructure are therefore submitted to be unreasonable in these circumstances.
P8	Informal Parks and Sporting Parks are provided and sited to meet the needs of local residents in the Shire.	A8.1 Informal Parks are provided at the ratio of 2 hectares per 1000 persons with a minimum size of Informal Parks being 0.5 – 1 hectare (Local Parks) and 3 – 5 hectares (District Parks).	Alternative Compliance Community infrastructure to service residents in the community already exists. The proposed works and reconfiguration merely seek to

Performance Criteria		Acceptable Solutions	Comment / Compliance
		<p>AND</p> <p>Sporting Parks are provided at the ratio of 2 hectares per 1000 persons with a minimum size of Sporting Parks being 1.2 – 2 hectares (Local Parks) and 5 hectares (District Parks).</p>	formalize tenure throughout the community.
Road Network			
P9	<p>The Road network:</p> <ul style="list-style-type: none"> • is integrated and consistent with the existing and proposed local Road network; • is legible and retains existing features, views, topography and vegetation; • is convenient and safe for local residents; • facilitates walking and cycling within the neighbourhood; and • is compatible with the intended role of the State-Controlled Road and does not prejudice traffic safety or efficiency. 	<p>A9.1 Roads are designed and constructed in accordance with the specifications set out in Planning Scheme Policy No 6 – FNQROC Development Manual.</p> <p>A9.2 The Road network takes into consideration the natural and cultural features of the Site, existing vegetation, Watercourses and contours.</p> <p>A9.3 The Road network is designed to reduce traffic speeds and volumes on local streets in residential areas to facilitate parking and manoeuvring and to integrate with the existing and proposed pedestrian and bicycle paths network.</p> <p>A9.4 Direct Access is not provided to a State-Controlled Road where legal and practical Access from another Road is possible.</p> <p>A9.5 Where the created allotments have Frontage to more than one Road, Access to the individual allotments is from the lower</p>	<p>Alternative Compliance:</p> <p>No additional road is proposed for the subject development. Rather, access of an existing network, constructed at an earlier date, and proposed for minor upgrade / maintenance, is appropriate.</p>

Performance Criteria		Acceptable Solutions	Comment / Compliance
		order Road.	
P10	The Road network for industrial/commercial reconfigurations ensures convenient movement and Access for vehicles, particularly heavy vehicles, without affecting the amenity of residential neighbourhoods.	<p>A10.1 Roads are designed and constructed in accordance with the specifications set out in Planning Scheme Policy No 6 –FNQROC Development Manual.</p> <p>A10.2 Industrial/commercial traffic is able to Access a major Road without intruding into a residential neighbourhood.</p>	Not applicable
Pedestrian and Cycle Network			
P11	Networks of pedestrian and bicycle paths are provided in safe and convenient locations.	<p>A11.1 Safe and convenient walking and cycling networks are provided to link residential areas to schools, community facilities, parks and public transport, Tourist attractions, commercial and industrial areas.</p> <p>A11.2 The pedestrian and bicycle path network is constructed in accordance with the specifications set out in Planning Scheme Policy No 6 – FNQROC Development Manual.</p> <p>A11.3 Lighting for bicycle paths is provided in accordance with the relevant Australian Standards.</p>	<p>Alternative Compliance:</p> <p>No additional pedestrian or cycle networks are proposed for the subject development. Rather, access of an existing network, constructed at an earlier date, and proposed for minor upgrade / maintenance, is appropriate.</p>
Stormwater Drainage			
P12	<p>Stormwater runoff is contained and managed so that it does not adversely affect:</p> <ul style="list-style-type: none"> • natural Watercourses; 	A12.1 Stormwater drainage is designed and constructed in accordance with the specifications set out in Planning Scheme Policy No 6 – FNQROC Development Manual.	<p>Alternative Compliance:</p> <p>Access to networks is already available. Upgrades / maintenance to those networks is proposed.</p>

Performance Criteria		Acceptable Solutions	Comment / Compliance
<ul style="list-style-type: none"> • surface or underground water quality; or • the built environment either upstream or downstream of the Site. 			
Water Supply			
P13	An adequate, safe and reliable supply of potable water is provided.	<p>A13.1 Where in a water supply area, each new lot is connected to Council's reticulated water supply system.</p> <p>AND</p> <p>The extension of and connection to the reticulated water supply system is designed and constructed in accordance with the specifications set out in Planning Scheme Policy No 6 – FNQROC Development Manual.</p> <p>A13.2 A contribution is paid in accordance with Planning Scheme Policy No 11 – Water Supply and Sewerage Headworks and Works External Contributions.</p>	<p>Alternative Compliance:</p> <p>Access to networks is already available. Upgrades / maintenance to those networks is proposed.</p>
Treatment and Supply of Effluent			
P14	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>A14.1 Each new lot is connected to Council's sewerage system.</p> <p>AND</p> <p>The extension of and connection to the sewerage system is designed and constructed in accordance with the specifications set out in Planning Scheme Policy No 6 – FNQROC</p>	<p>Alternative Compliance:</p> <p>Access to networks is already available. Upgrades / maintenance to those networks is proposed.</p>

Performance Criteria		Acceptable Solutions	Comment / Compliance
		<p>Development Manual.</p> <p>OR</p> <p>Where the Site is not in a sewerage scheme area, the proposed disposal system meets the requirements of relevant Sections of the Environmental Protection Policy (Water) 1997.</p> <p>AND</p> <p>The proposed on Site effluent disposal system is located on and contained within the lot in accordance with the Standard Sewage Law.</p> <p>A14.2 A contribution is paid in accordance with Planning Scheme Policy No 11 – Water Supply and Sewerage Headworks and Works External Contributions</p>	
Residential Development – Standard Format Plan with Common Property			
Not applicable			
Boundary Realignment			
Not applicable			
Energy Efficiency			
P22	The road and lot layout facilitates the siting and design of buildings to conserve non-renewable energy sources and assists in orientation and design appropriate for the local tropical conditions.	A22.1 No Acceptable Solution	<p>Alternative Compliance:</p> <p>Access to networks is already available. Upgrades / maintenance to those networks is proposed.</p> <p>To impose a requirement for compliance with this requirement is considered unreasonable in the</p>

Performance Criteria		Acceptable Solutions	Comment / Compliance
			circumstances.
P23	<p>The road and lot layout minimises fossil fuel use by:</p> <ul style="list-style-type: none"> • reducing the need for and length of local vehicle trips, • maximising public transport effectiveness, • encouraging walking and cycling, and • provision of appropriate street landscaping 	A23.1 No acceptable solution.	<p>Alternative Compliance:</p> <p>Access to networks is already available. Upgrades / maintenance to those networks is proposed.</p> <p>To impose a requirement for compliance with this requirement is considered unreasonable in the circumstances.</p>

Filling and Excavation Code

An assessment of the Application in regard to compliance with the Purpose of the Code is provided below:

Purpose Statement: to ensure that filling and excavation do not:	Comment
Affect visual/scenic amenity values of the Shire	Major filling and excavation is not proposed. Rather, upgrades to existing infrastructure and networks are proposed. Compliance with the objectives of the Filling and Excavation code is considered achievable in these circumstances.
Cause flooding and drainage problems	
Impact upon the environment of an area	
Cause land instability	
Adversely impact upon utility services	

Detailed assessment of the code requirements has not been undertaken in these circumstances.

Landscaping Code

An assessment of the Application in regard to compliance with the Purpose of the Code is provided below:

Purpose Statement:	Comment
Ensure that new Landscaping incorporates plants which encourage Biodiversity	
Maintain and strengthen the tropical and native landscape character of the Shire through high quality landscape works	
Create attractive streetscapes and public spaces through landscape design and the use of street trees and shade trees	
Ensure that native species incorporated into Landscaping, as a means of providing continuity between developed and undeveloped areas	
Ensure that existing vegetation on Site is retained, protected during works and integrated with the built environment	
Ensure preferred plant species are selected in accordance with the Plant Species Schedule in Planning Scheme Policy No 7 – Landscaping	
Ensure that Landscaping screens buildings to reduce their bulk and to enhance the landscape character of the Shire	

Having regard to the nature of development proposed, and the applications under consideration by Council, detailed assessment of the code has not been undertaken.