

Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts

Your reference:

Our reference: DA2022 023

Chief Executive Officer Douglas Shire Council Attn: Jenny Elphinstone PO Box 723 Mossman QLD 4873

Dear Jenny

DEVELOPMENT APPLICATION FOR MINOR CHANGE OF RECONFIGURATION OF A LOT (1 LOT INTO 19 LOTS) AT MOSSMAN GORGE ROAD, LOT 100 ON RP911412

The Remote Indigenous Land and Infrastructure Program Office (RILIPO) of the Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPCA) submit this Minor Change Development Application for Reconfiguration of a Lot for a 1 Lot into a 19 lot subdivision at Mossman Gorge Road, Lot 100 on RP911412.

This development is an existing development, and this application is made to Council as a consequence of a request by the Bamanga Bubu Ngadimunku INC (BBN) board on behalf of the Mossman Gorge community and in response to relevant conditions of the Development Permit Council Ref: ROL 2022_4857/1 (Doc ID 1099986) approved 29 July 2022.

If you require any further information or assistance in relation to this matter, please contact Gerhard Visser, Manager & Environmental Planning, RILIPO, on 0428 752 487 or gerhard.visser@dsdsatsip.qld.gov.au.

Yours sincerely

24/07/2023

Gerhard Visser

Program Manager, Town & Environmental Planning

Remote Indigenous Land and Infrastructure Program Office | Infrastructure and Coordination Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts

Enc.

DA2022_023 Minor Change Application

RILIPO

Remote Indigenous Land and Infrastructure Program Office



Planning Report Address

DA2022_023
Minor Change Application
Reconfiguring a lot
Lot 100 RP911412

July 2023



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1 Introduction

On behalf of the Bamanga Bubu Ngadimunku INC (BBN), the Remote Indigenous Land and Infrastructure Program Office (RILIPO) submit this Minor Amendment application for existing Development Permit Council Ref: ROL 2022_4857/1 (Doc ID 1099986) approved 29 July 2022 for the Reconfiguring of a Lot (1 into 19) at Mossman Gorge Road Mossman George Lot 100 RP911412 to develop the established residential subdivision.

A Certificate of Inspection and Witness No. 033 Ref: OP2417/2017 was issued by Douglas Shire Council on 10 October 2022 for this development see Appendix 5.

Payment of the infrastructure charge of \$45,347.73 issued to Council in association with this development was paid in May 2020. An additional infrastructure charge was paid on 15 June 2022. Refer Appendix 6.

BBN on behalf of the Mossman Gorge community requested minor changes to the deposited plan (DP316364) to reflect the wishes of the community and Development Permit Council Ref: ROL 2022_4857/1 (Doc ID 1099986) approved 29 July required minor changes to be undertaken to DP316364.

A Minor Amendment Decision Notice is thus required from the Douglas Shire Council as a Minor Amendment to an existing Development Approval which requires planning approval under the *Planning Act 2016*.

2 Application Details

| Proposed Development | Reconfiguration of a lot (1 Lot Into 19 Lots) in support of an established residential subdivision | |
|---------------------------|--|--|
| Approval Sought | Minor Amendment Development Approval for Reconfiguration of a Lot (1 Lot Into 19 Lots) | |
| Site Address | Mossman Gorge Road, Mossman | |
| Real Property Description | Lot 100 on RP911412 | |
| Site Area | 3.8870 Ha | |
| Land Owner | Bamanga Bubu Ngadimunku Inc | |
| Local Government | Douglas Shire Council | |
| Applicant | The Remote Indigenous Land and Infrastructure Program Office | |
| | (RILIPO) On Behalf of Bamanga Bubu Ngadimunku Inc (BBN) | |
| Contact Person | Gerhard Visser 4252 5106 | |

3 Elements of Application

| Level of Assessment | Code Assessable Development |
|-----------------------|--|
| Planning Scheme | Douglas Shire Council Planning Scheme 2018 |
| State Planning Policy | SPP 2017 |
| Regional Plan | FNQ Regional Plan |

| Zone | Low Density Residential Zone | |
|---------------------|--|--|
| Applicable Overlays | Low Medium Density Residential Zone | |
| Infrastructure | Fully serviced refer Final Works Acceptance – Gorge Road | |
| | Mossman dated 10 October 2022 Ref: OP2417/2017 (1114842) | |
| Applicable Codes | Low Medium Density Residential Zone Code | |
| Referrals | Nil | |

4 The Proposal

The Remote Indigenous Land and Infrastructure Program Office (RILIPO) has been requested by the Bamanga Bubu Ngadimunku INC (BBN) to assist in the preparation and lodgment of a Minor Amendment application for existing Development Permit Council Ref: ROL 2022_4857/1 (Doc ID 1099986) approved 29 July 2022 for the Reconfiguring of a Lot (1 into 19) at Mossman Gorge Road Mossman Gorge Community on Lot 100 RP911412 to develop the now established residential subdivision and is inclusive of the following:

| Table 1 Proposal Mino | r Change: Reconfiguring Lot 100 RP911412 | Comments |
|--|--|---|
| BBN Request – layout | changes | |
| Description Three (3) Walkways between lots 23/24, 29/30 & 35/36 | Retained as walkways registered as Private Community land held by BBN. | Require Minor Amendment to DN ROL 2022_4857/1 (Doc ID 1099986). The walkways will either be retained as Lot 100 or registered with a new Lot number. |
| Areas between lots 24, 25 to 33 & 35 | To be registered as Private Community land held by BBN | Require Minor Amendment to DN ROL 2022_4857/1 (Doc ID 1099986). The 2 areas will be retained as Lot 100, linked with a vinculum on the SP. |

| Table 1 Prop | oosal Minor Change: Reconfiguring Lot 100 RP911412 | Comments |
|--|---|---|
| DSC - condi | tions | |
| | condition of approval DN ROL 2022_4857/1 (Doc ID either Noted, Agreed to or form part of this Minor Change | |
| Condition Number | Details | |
| 3 Street Hierarchy | For the development the following street hierarchy is applied: a. Lund Street and Bamabubu Street are access streets; b. Jankaji Close, Manjal Close, Walkarr Close are access places; and c. the extension of Lund Street / new Close past the Bamabubu Street exit is an access place. extension Construct a concrete driveway or other approved surface | Noted |
| Access to Hatchet or Battleaxe Lots | to battle-axe Lot 40 extending the full length of the access leg from the T-head intersection adjacent, with a Standard Cross-over in accordance with Council Standard Drawing S1015B. Construction of the concrete driveway must be in accordance with Council Standard Drawing S1110. All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey. | Require Minor Amendment to DN ROL 2022_4857/1 (Doc ID 1099986). A new Private Road (BBN Registered) is proposed to be developed from Lund Street to Lot 53 providing access to Lots 40 and 53 (Both lots is BBN community land not to be transferred to a 3 rd party. |
| 10 Service Conduits | Provide service conduits to Lot 40 adjacent to the driveway together with associated access pits if necessary, to extend from the front boundary to the end of the access driveway. All works must be carried out to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey. | Services conduits will be provided in the Private Road to Lot 40. |
| 24 Access Easement | Create a reciprocal Access Easement to allow vehicle access and on-site manoeuvring for lots 39, 40, 41 and 53, to the requirements and satisfaction of the Chief Executive Officer. A copy of the easement documents must be submitted to Council for the approval of Council's solicitors at no cost to Council. The approved easement documents must be submitted at the same time as seeking approval and dating of the Plan of Survey and must be lodged and registered with the Department of Natural Resources and Mines in conjunction with the Plan of Survey. | Easements will be registered as per condition upon SP registration. |
| 25 | Sewer Easement/s | LIND ST |
| Advice Number | Details | |
| 3 | Neither Lot 53 or Lot 42 are accepted as Park or considered as Park. | Noted, Lots 42 & 53 will be registered in the name of BBN. |
| | | |

| Table 1 Propos | sal Minor Change: Reconfiguring Lot 100 RP911412 | Comments |
|---------------------|--|---|
| | hat the following conditions be removed (Struck Through) Change Decision Notice as they have been complied with. | The condition listed has been complied with as per final works acceptance certificate from DSC. |
| Condition Number | Details | Final Works Acceptance – Gorge Road Mossman |
| 4 (a to k) | Amended Design - Street Layout and Design | OP2417/2017 (1114842) dated |
| 5 (a to d) | Traffic Assessment | 10 October 2022. |
| 6 (a to i) | Drainage Study of Site | |
| 7 | Existing Creek and Drainage Systems | |
| 8 | Lawful Point of Discharge | |
| 11 (a to d) | Street Lighting | |
| 12 (a to g) | Water Supply and Sewerage Infrastructure Plan | |
| 13 (a, b) | Water Supply and Sewerage Works (External) | |
| 14 (a to c) | Water Supply and Sewerage Works (Internal) | |
| 15 | Inspection of Sewers | |
| 16 | Vegetation Clearing | |
| 17 | Wildlife | |
| 18 | Parkland Protection | |
| 19 | Weed Management | |
| 20 | Demolish Structures | |
| 21 | Stockpiling and Transportation of Fill Material | |
| 22 | Dust emissions | |
| 23 | Storage of Machinery and Plant | |
| 25 | Sewer Easement/s | |
| 26 (a) | Existing Services | |
| 27 | Electricity Supply | |
| Advice 5, 6 | Infrastructure Charges | Infrastructure Charges has been paid receipts 121540 & 845207. |
| | | |

5 Assessment Framework

5.1 Planning Act 2016

This section provides an overview of the assessment framework and legislative context of the application under the provisions of the *Planning Act 2016* and the *Planning Regulation 2017*.

The Development Assessment Form 1 is a single uniform system for development assessment for code assessable development, which enables relevant state agencies to have input in the assessment process. The system provides for all State social, environmental and economic matters relevant to a development application to be addressed at one time; DA Form 1 is attached (see **Appendix 1**).

5.2 State Assessment Referral Agency (SARA)

This application **does not** trigger referral to SARA as no Native Vegetation Clearing (Regulated vegetation management map Category A and B) is proposed as a part of the Minor Change application.

5.3 Regional Plan

The proposed development is consistent with the outcomes of the FNQ Regional Plan.

5.4 Local Government Planning Scheme

The application is located within Douglas Shire Council local government area. An assessment of the proposed Minor Change against the provisions of the Douglas Shire Planning Scheme is contained in this application (refer to **Appendix 1**).

5.5 Assessable Development

Under the *Planning Act 2016* 'development' includes Minor Change to existing approval. The development proposed by this application includes development that is made assessable under Chapter 3, Section 44 and 45 of the Planning Act (in accordance with Part 4, Division 1, Section 20 of the *Planning Regulation 2017*).

5.6 Assessment Manager

The assessment manager for this application is the Douglas Shire Council as determined by Chapter 3, Part 2, Section 48 of the *Planning Act 2016*, and Section 21 and Schedule 8, Table 2, Column 2 of the *Planning Regulation 2017*.

5.7 Assessment

The development is subject to <u>Code Assessment</u>. The relevant considerations of the assessment manager in making a decision pursuant to Chapter 3, Part 3 of the Planning Act, and Part 4, Division 4, Subdivision 1 of the *Planning Regulation 2017*, have been assessed in this planning report.

In accordance with section 5.5 of the Planning Scheme, this development application requires assessment against the Low Medium Density Residential Zone Code.

Assessment of the development against the above code have been completed in support of the proposed subdivision and are included as **Appendix 1**.

5.8 Public Notification

This application **does not** require public notification as it is code assessable development.

6 Statutory Planning Assessment

6.1 Overview

This section assesses the application against relevant statutory planning provisions.

6.2 Planning Act 2016

The proposed Minor Change to is defined as 'assessable development' under the *Planning Act* 2016 and development approval is therefore required. The Planning Scheme defines the proposed Minor Change for the Reconfiguring of a Lot activity as being subject to **Code Assessment**.

As prescribed in Chapter 3, Part 1, Section 45 of the *Planning Act 2016*, Code Assessable development applications are required to address all relevant benchmarks outlined in the Act and Regulation.

6.3 State Planning Policy (SPP)

The Queensland State Planning Policy (SPP) has been incorporated within the Douglas Shire Planning Scheme 2018. The proposed development is consistent with the outcomes of the SPP.

6.4 Local Planning Assessment

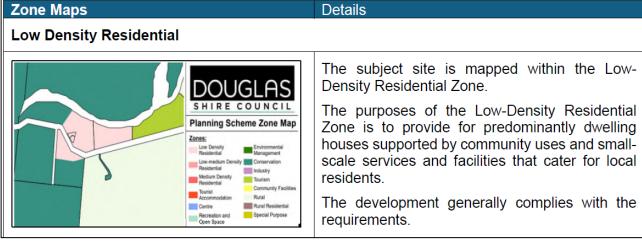
Douglas Shire Council is responsible for the administration and application of the Planning Scheme which supports coordinated development within the Local Government area. In accordance with the Planning Scheme, a Minor Change to an existing Reconfiguring a Lot Development Permit triggers a 'code' assessable development application.

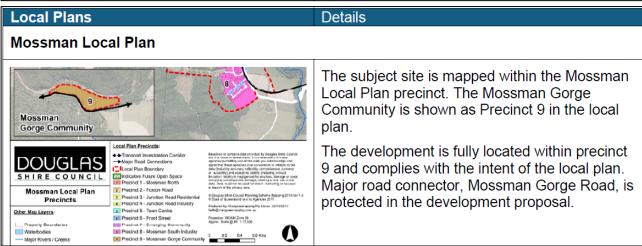
7 Planning Scheme

This section assesses the application against zoning and overlay provisions relevant to the site.

Lot 100 is located in the Low Medium Density Residential Zone Code within the Douglas Shire Planning Scheme 2018. The purpose of the Low Medium Density Residential Zone Code is to provide for predominantly dwelling houses supported by community uses and small-scale services and facilities that cater for local residents.

The Assessment of the development against each of the specific planning benchmarks for development is provided in accordance with this application (**Appendix 1**).





8 Planning Scheme Overlays

This section assesses the application against various statutory planning provisions relevant to the subject site.

This development proposal is subject to assessment against the following Overlays:

| Overlay Maps | Details |
|------------------------------|--|
| Acid Sulfate Soils | The subject site is not mapped within the overlay. No Acid Sufate Soils was uncovered during construction. |
| Hillslopes | The subject site is not mapped within the overlay. |
| Places of Local Significance | The subject site is not mapped within the overlay. |
| Bushfire Hazard | The subject site is not mapped within the overlays. |
| Coastal Processes | The subject site is not mapped within the overlays. |
| Hillslopes | The subject site is not mapped within the overlays. |

9 Conclusion

This submission supports an application on behalf of the Bamanga Bubu Ngadimunku INC for a Minor Amendment to the existing Development Permit Council Ref: ROL 2022_4857/1 (Doc ID 1099986) approved 29 July 2022 for the Reconfiguring of a Lot (1 into 19) at Mossman Gorge Road Mossman George Lot 100 RP911412 to develop the now established residential subdivision.

In summary, it is considered that this application is consistent with the Douglas Shire Planning Scheme 2018.

The proposed development (Minor Change) is unlikely to have any significant impacts on the infrastructure, environment or the community of the surrounding area that cannot be adequately controlled through the use of reasonable and relevant conditions. Also refer to the Final Works Acceptance – Gorge Road Mossman dated 10 October 2022 Ref: OP2417/2017 (1114842).

We therefore commend the development to Council for approval.

10 References

- 1. Douglas Shire Planning Scheme 2018
- 2. FNQ Regional Plan
- 3. Planning Act 2016
- 4. Planning Regulation 2017

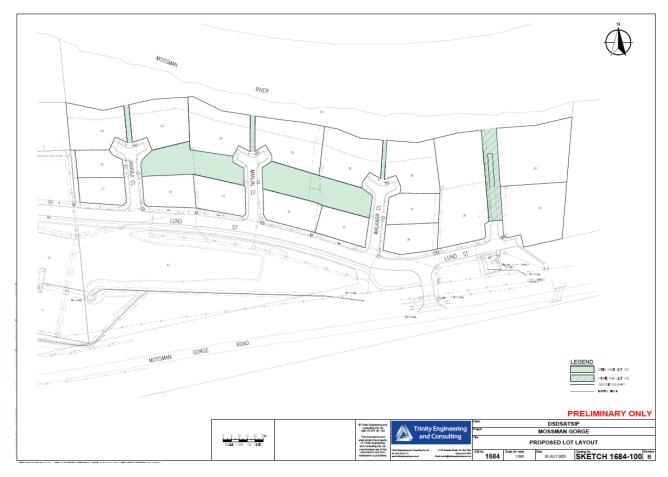
Appendix 1: Code Assessment

| Low Medium Density Residential Z | one Code | |
|---|---|---|
| Performance outcomes outcomes | Acceptable | |
| For self-assessable and assessable de | velopment | |
| PO1 The height of all buildings and structures must be in keeping with the residential character of the area. | AO1 Buildings and structures are not more than 8.5 metres and two storeys in height. Note – Height is inclusive of the roof height. | Achieved Building heights do not exceed 8.5 metres and two storeys in height. |
| For assessable development | | |
| PO2 The establishment of uses is consistent with the outcomes sought for the Low density residential zone and protects the zone from the intrusion of inconsistent uses. | AO2 Uses identified in Table 6.2.2.3.b are not established in the Low density residential zone. | Achieved The use is for residential purposes and does not include uses listed in Table 6.2.2.3b. |
| PO3 The setback of buildings and structures: (a) maintains the amenity of adjoining lots and the residential character of the area; (b) achieves separation from neighbouring buildings and frontages. | AO3 No acceptable outcomes are prescribed. | Achieved The setbacks can be considered to maintain the amenity of the adjoining lot and residential character and achieve separation in that part of the proposal intends to expand an existing communal area and retain the existing boundary as per fencing that currently exists for each of the proposed lots. |
| PO4 Development is located, designed, operated and managed to respond to the natural characteristics, features and constraints of the site and surrounds. Note – Planning scheme policy – Site assessments provides guidance on identifying the characteristics and features and constraints of a site and its surrounds. | AO4 No acceptable outcomes are prescribed. | Achieved The lots are located, designed, operated and managed to respond to the natural characteristics, features and constraints of the site and surrounds with safe and efficient access to the surrounding areas. |
| PO5 Development does not adversely affect the residential character and amenity of the area in terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts. | AO5 No acceptable outcomes are prescribed. | Achieved The lots are for residential use and are not likely to adversely affect the residential character and amenity of the area in terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts. |
| PO7 New lots have a minimum road frontage of 15 metres. | AO7 No acceptable outcomes are prescribed. | Achieved The designs is reflective of the existing dwellings and fenced areas. |
| PO8 New lots contain a 20m x 15m rectangle. | AO10 No acceptable outcomes are prescribed | Achieved All new lots contain a 20m x 15m area. |

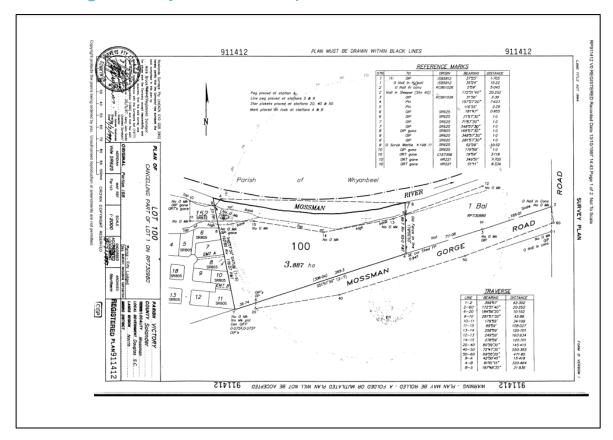
Appendix 2: Queensland Globe Map of Lot100

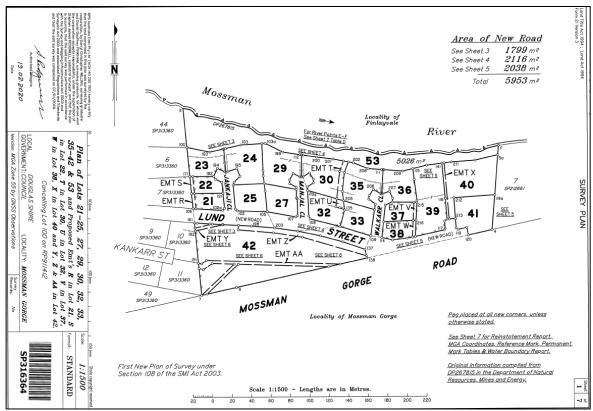


Appendix 3: Site Development Plan



Existing Survey Plan & Deposited Plan





Appendix 4: Title Search

INTERNAL CURRENT TITLE SEARCH

QUEENSLAND TITLES REGISTRY PTY LTD

Search Date: 29/11/2022 16:38 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 Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

- 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 Lodged at 15:32 on 04/03/1998 Recorded at 09:48 on 24/03/1998

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS

Dealing Type Lodgement Date Status Location 721995455 CHANGE NAME 26/09/2022 13:06 ABY BE-BE3 -

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

Appendix 5: Final Works Acceptance Certificate



| CERTIFICAT | DOUGLAS SHIRE COUNCIL THE OF INSPECTION AND WITNESS |
|---|--|
| This certificate registers | EVIDENCE THAT THE WORKS AS NOTED HEREIN HAVE BEEN INSPECTED AND / OR HIRE COUNCIL NOTED BELOW AND WERE FOUND TO BE SATISFACTORY. |
| Development Application R | eference Number: OP2417/2017 |
| Name: | Mossman Gorge Community |
| Location: | Gorge Road Mossman |
| Consulting Engineer: | Trinity Engineering & Consulting |
| Contractor: | LDI Constructions Pty Ltd |
| Final Works Accep (Please c) Works Being Inspected and Comments: | tance Inspection Early Sealing Inspection heck the appropriate Inspection being carried out) Road Works, Drainage Works, Earthworks, Water Infrastructure, Sewerage Infrastructure and Signage. |
| Officer Signature: | 41. |
| Name of Officer: | Neil Beck |
| Date of Inspection: | 3 May 2022 |
| | |

Appendix 6: Infrastructure Charges Receipts

