

APPLICATION FOR A DEVELOPMENT PERMIT
RECONFIGURING A LOT – ONE LOT INTO TWO LOTS

on behalf of
Body Corporate for Niramaya Luxury Villas and Spa Residential Community Titles
Scheme 34781

at
Bale Drive, Port Douglas

on
Lot 900 on SP207598





CONTENTS

1.0 INTRODUCTION	3
2.0 THE SUBJECT SITE	4
3.0 THE PROPOSAL	5
4.0 RELEVANT LEGISLATION	8
4.1 COMMONWEALTH LEGISLATION	
4.2 THE PLANNING ACT 2016	
4.3 STATE ASSESSMENT AND REFERRALS	
4.4 STATE PLANNING POLICY	
4.5 ASSESSMENT MANAGER AND PLANNING SCHEME	
4.6 PUBLIC NOTIFICATION	
5.0 THE PLANNING FRAMEWORK.....	9
5.1 THE DOUGLAS SHIRE PLANNING SCHEME 2018	
5.2 PLANNING SCHEME DESIGNATION	
5.3 LEVEL OF ASSESSMENT, ASSESSABLE BENCHMARKS AND APPLICABLE CODES	
5.4 ZONE CODE PROVISIONS	
5.5 LOCAL PLAN CODE PROVISIONS	
5.6 DEVELOPMENT CODES	
5.7 OVERLAY CODES	
6.0 CONCLUSION	13

APPENDICES

Appendix A:	DA Form 1
Appendix B:	Certificate of Title
Appendix C:	SmartMap
Appendix D:	Planning Scheme Codes Assessment
Appendix E:	Reconfiguration Plans prepared by Brazier Motti



1.0 INTRODUCTION

This town planning report has been prepared on behalf of the Applicant, Body Corporate for Niramaya Luxury Villas and Spa Residential Community Titles Scheme 34781, in support of a development application seeking a Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots) of the land near Bale Drive, Port Douglas, formally described as Lot 900 on SP207598.

The proposal results in the reconfiguration of a lot into two parcels for management purposes. The proposal is considered appropriate for the site considering the current use of the subject land and features of surrounding parcels.

To assist in Council's determination of this development application, this planning report covers the following matters:

- Section 2:- Subject site description.
- Section 3:- A detailed description of the development proposal.
- Section 4:- A review of the relevant legislation provisions.
- Section 5:- An assessment of the proposal against the relevant code provisions of the Douglas Shire Planning Scheme 2018.
- Section 6:- Conclusion.

The development application is made in accordance with section 51 of the Planning Act 2016 and contains the mandatory supporting information specified in the applicable DA form, included in **Appendix A**. As the applicant is the landowner, landowner's consent is not required. The application is subject to code assessment, therefore public notification is not required.



2.0 THE SUBJECT SITE

The subject site is located near Bale Drive, Port Douglas and is contained within the Tourist Accommodation Zone. The subject land is a lot within the Niramaya Luxury Villas and Spa, and contains the Gym and Spa facility for the complex.

Figure 1 below shows the parcel relevant to the proposal.



Figure 1: Queensland Globe Aerial image of the subject site

The site is connected to all essential infrastructure utilities including reticulated water, electricity and telecommunications.



3.0 THE PROPOSAL

Approval of the Development Application will authorise a Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots) as identified within the proposal plan in **Appendix E**. Figure 2 provides an excerpt of the reconfiguration plan.



Figure 2: Proposed Plan of Reconfiguration. Source: Brazier Motti.

Proposed Lots 900 and 907 are to contain areas of 32m² and 1,788m² respectively.

Titling and ownership of the Niramaya Luxury Villas and Spa is managed via a layered arrangement under the Body Corporate and Community Management Act comprising a Principal Scheme and a Residential Scheme. At present, the subject land is contained and managed within the Principal



Scheme, however it is owned by the Residential Scheme. It is now proposed to transfer management of the facilities within the subject land to the Residential Scheme.

The complication with the transfer is that the Principal Scheme is itself a community title scheme, and a community title scheme must consist of at least two lots and common property. Currently, the Principal Scheme only contains two lots. Therefore, a simple transfer of the whole of the subject land is not possible, as such would mean that the Principal Scheme would not satisfy the structural requirements of the Body Corporate and Community Management Act.

The proposed reconfiguration is therefore required for management purposes to assist with transferring management of the Gym and Spa facilities from the Principal Scheme to the Residential Scheme whilst leaving a new Lot 900 within the Principal Scheme.

The area included within proposed Lot 900 will continue to be utilised as a landscaping buffer between the existing tennis court and southern residential buildings. It is acknowledged that under the Douglas Shire Council Planning Scheme 2018, a minimum lot size of 1,000m² is nominated for the Tourist Accommodation Zone, and the proposed Lot 900 does not meet this requirement. To ensure that proposed Lot 900 is continued to only be used for landscaping purposes, a Covenant restricting use of the whole of the lot is proposed as part of the reconfiguration. The Covenant over Lot 900 will prohibit any future development within the parcel and assist in overcoming the noncompliance with the minimum lot size nominated in the Planning Scheme. *Figure 3* contains an excerpt of the proposed plan of reconfiguration, showing the resulting Lot 900 and Covenant.

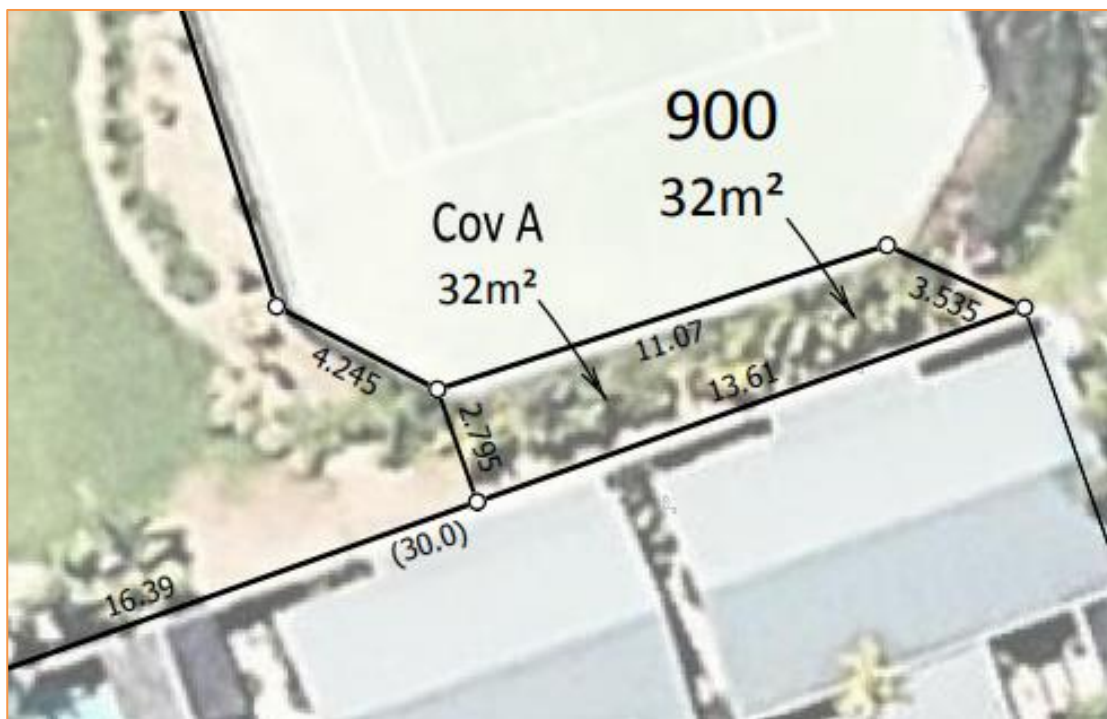


Figure 3: Propose Lot 900. Source: Brazier Motti.



Following completion of the reconfiguration, it is proposed to convert the new Lot 907 (which will then be within the Residential Scheme) to Common Property of the Residential Scheme. Other existing lots 904 and 905 on SP165909 and Lot 802 on SP165908 are also proposed to be converted to Common Property of the Residential Scheme at that time as well. It is noted however, that the action to convert these lots to Common Property does not require the Planning Body Approval under the Land Title Act Section 50 (1) (h) (iii), as it is the registration of a plan of subdivision which is for an action under the Body Corporate and Community Management Act, chapter 2, part 3, division 2 for the incorporation of a lot with common property, within the meaning of that Act.



4.0 RELEVANT LEGISLATION

4.1 COMMONWEALTH LEGISLATION

The application is not subject to assessment against Commonwealth legislation. It is not anticipated that development of this land will trigger assessment against the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC), as it is not anticipated that the development will significantly impact upon a matter of national environmental significance. The proposal is merely the conversion of the existing student accommodation to multiple dwelling units in an identified urban area.

4.2 THE PLANNING ACT 2016

The Planning Act 2016 provides the framework for coordinating local, regional and state planning. Given the nature of the development, the application requires assessment against this legislation.

4.3 STATE ASSESSMENT AND REFERRALS

The development does not require referral to the State.

4.4 STATE PLANNING POLICY

In accordance with section 2.1 – State Planning Policy of the planning scheme, the Minister has identified that all aspects of the SPP have been integrated into the planning scheme. Hence, for the purposes of this development, we consider that assessment of the proposal against the provisions of the SPP is not required, and all relevant matters will be dealt with under the provisions of the planning scheme.

4.5 FAR NORTH QUEENSLAND REGIONAL PLAN

The subject site is located within an urban area identified in the FNQ Regional Plan and the proposed development is consistent with the outcomes of the FNQ Regional Plan.

4.6 ASSESSMENT MANAGER AND PLANNING SCHEME

Douglas Shire Council is nominated as the assessment manager for the application. The applicable planning scheme is the Douglas Shire Planning Scheme 2018.

4.7 PUBLIC NOTIFICATION

The proposed development on the subject site does not require public notification under the provisions of the Planning Act 2016.



5.0 THE PLANNING FRAMEWORK

5.1 THE DOUGLAS SHIRE PLANNING SCHEME 2018

The planning scheme seeks to achieve outcomes through the identification of a number of overall outcomes, performance outcomes and acceptable solutions. Land identified within the planning scheme is divided into a number of zones. Zones are further identified within individual precincts and local plans. The planning scheme further identifies numerous overlay codes.

5.2 PLANNING SCHEME DESIGNATIONS

In accordance with the Douglas Shire Planning Scheme 2018, the site is subject to the designations listed in Table 3. These designations will assist in determining which Tables of Assessment are applicable to the proposed development on the subject site and therefore assist in the determination of the Category of assessment and the codes applicable to the proposed development.

Planning Scheme Designation

<i>Type of Designation</i>	<i>Designation and Applicability</i>
Zone	Tourist Accommodation Zone
Local Plan	Port Douglas/Craigie Local Plan
Acid Sulphate Soils Overlay	Identified as containing land at >5m AHD
Flood and Storm Tide Inundation Hazard Overlay	Medium Storm Tide Hazard High Storm Tide Hazard 100 Year ARI – Mosman and Port Douglas Flood Studies
Transport Network Overlay	Identified abutting Major Transport Corridor Buffer Area

5.3 LEVEL OF ASSESSMENT, ASSESSABLE BENCHMARKS AND APPLICABLE CODES

The subject site is designated within the *Tourist Accommodation Zone* and is identified on three (3) overlays. The relevant table of assessment within the Douglas Shire Planning Scheme (2018) (Table 5.6.n) identifies the Reconfiguration of a Lot as Assessable Development and is Code Assessable.

Furthermore, the Assessment Tables identify that an application for the Reconfiguration of a Lot requires assessment against the planning scheme and hence the following Codes:

- Tourist Accommodation Zone Code
- Port Douglas/Craigie Local Plan Code
- Acid Sulphate Soils Overlay Code
- Flood and Storm Tide Inundation Hazard Overlay Code
- Transport Network Overlay Code
- Reconfiguring a Lot Code
- Access, Parking and Servicing Code
- Environmental Performance Code



- Filling and Excavation Code
- Infrastructure Works Code
- Landscaping Code
- Vegetation Management Code

A complete assessment of the proposal against the relevant provisions of the applicable Codes is discussed below:

5.4 ZONE CODE PROVISIONS

5.4.1 Tourist Accommodation Zone Code

In accordance with the Douglas Shire Planning Scheme 2018 the site is contained within the Tourist Accommodation Zone Code, where the Reconfiguration of a Lot is Code Assessable.

Response

A detailed assessment against the zone code is provided in **Appendix D**.

5.5 LOCAL PLAN CODE PROVISIONS

5.5.1 Port Douglas/Craiglie Local Plan Code

In accordance with the Douglas Shire Planning Scheme 2018 the site is located within the Port Douglas/Craiglie Local Plan Area.

Response

The proposal constitutes the reconfiguration of a lot (one lot into two lots) for management purposes. The reconfiguration does not require any changes to the physical characteristics or use of the subject land. The purpose of the Port Douglas/Craiglie Local Plan Code is to facilitate development that contains tropical built form and protects the natural environment, whilst providing a platform for investment and prosperity. The proposed reconfiguration is of a management purpose only, and incorporates a Covenant to restrict future development of the resulting small lot. The reconfiguration is seen to provide a negligible effect on the use and surrounding parcels, and maintains the established amenity of the surrounding area, while supporting the ongoing function of the Niramaya Luxury Villas and Spa. A detailed assessment against the Local Plan Code is not considered necessary for a proposal of this nature.

5.6 OVERLAY CODES

5.6.1 Acid Sulphate Soils Overlay

In accordance with the Douglas Shire Planning Scheme 2018 the development requires assessment against the Acid Sulfate Soils Overlay Code.

Response

The proposal constitutes the reconfiguration of a lot (one lot into two lots) for management purposes. No physical changes to the site are proposed to facilitate the reconfiguration. The proposed development is considered compliant with the Acid Sulphate Soils Overlay Code. No acid sulphate soils will be disturbed, therefore a detailed assessment against the code is not considered necessary for a proposal of this nature.



5.6.2 Flood and Storm Tide Inundation Hazard Overlay

In accordance with the Douglas Shire Planning Scheme 2018 the development requires assessment against the Flood and Storm Tide Inundation Hazard Overlay.

Response

The proposal constitutes the reconfiguration of a lot (one lot into two lots) for management purposes. No physical changes to the site, nor the intensification of the existing use will occur, therefore the behaviour of flood and storm tide waters will remain unchanged. A covenant will be implemented over the small proposed Lot 900 to ensure that no future development takes place, altering the potential risks of natural flooding hazards to people and property. The development is seen to comply with the Flood and Storm Tide Hazard Overlay Code. A detailed assessment against the code is not considered necessary for a proposal of this nature.

5.6.3 Transport Network Overlay

In accordance with the Douglas Shire Planning Scheme 2018 the development requires assessment against the Transport Network Overlay Code.

Response

The proposal constitutes the reconfiguration of a lot (one lot into two lots) for management purposes. Only a small section of the site is affected by the Major Transport Corridor Buffer area. The proposed reconfiguration will not result in an increased demand for transport infrastructure, or place undue pressure on the existing transport network. A detailed assessment against the code is not considered necessary for a proposal of this nature.

5.7 DEVELOPMENT CODES

5.7.1 Reconfiguring a Lot Code

In accordance with the Douglas Shire Planning Scheme 2018 table of assessment the development requires assessment against the Reconfiguring a Lot Code.

Response

A detailed assessment against the code is located in **Appendix D**.

5.7.2 Access, Parking and Service Code

In accordance with the Douglas Shire Planning Scheme 2018 table of assessment the development requires assessment against the Access, Parking and Service Code.

Response

The proposal constitutes the reconfiguration of a lot (one lot into two lots) for management purposes. Proposed Lot 900 is to contain an area of 32m², with proposed Lot 907 to contain 1,788m². Both lots are to function as existing, with no physical changes proposed to either parcel. Proposed Lot 907 is to contain existing commercial uses (including the Gym and Spa), and will continue to be serviced by car parking, access and services areas within neighbouring Lot 0 on SP165909. Proposed Lot 900 will contain only landscaping, and will be encumbered by a covenant to restrict development within the parcel, hence no need for access, parking or service facilities. The reconfiguration does not create heightened demand or pressure on any access, parking or service facilities. A detailed assessment against the code is therefore not considered necessary for a management reconfiguration of this nature.



5.7.3 Environmental Performance Code

In accordance with the Douglas Shire Planning Scheme 2018 table of assessment the development requires assessment against the Environmental Performance Code.

Response

The proposal constitutes the reconfiguration of a lot (one lot into two lots) for management purposes. No physical changes, or changes to the use of either parcel will occur, with proposed Lot 907 to contain the Gym and Spa, and Lot 900 containing a landscaping buffer. The reconfiguration does not have the potential to cause any impacts on the amenity of the surrounding lots, and will not produce any nuisance of lighting, odour, airborne particles or noise. Given the reconfiguration does not constitute a potential change in use or intensify any existing use, a detailed assessment against the code is therefore not considered necessary.

5.7.4 Filling and Excavation Code

In accordance with the Douglas Shire Planning Scheme 2018 table of assessment the development requires assessment against the Filling and Excavation Code.

Response

The proposal constitutes the reconfiguration of a lot (one lot into two lots) for management purposes. No filling or excavation is required to facilitate the reconfiguration. A detailed assessment against the code is therefore not considered necessary for a proposal of this nature.

5.7.5 Infrastructure Works Code

In accordance with the Douglas Shire Planning Scheme 2018 table of assessment the development requires assessment against the Infrastructure Works Code.

Response

The proposal constitutes the reconfiguration of a lot (one lot into two lots) for management purposes. The reconfiguration does not propose any physical or use changes to the site. Both proposed lots contain existing infrastructure, with the Gym and Spa in proposed Lot 907 retaining all existing connections to Council's reticulated water, wastewater and drainage networks. Lot 907 will retain connections to Electricity and Telecommunications, with Lot 900 containing existing water infrastructure for the purposes of landscaping. No footpaths or roads are proposed for construction to facilitate the reconfiguration. A detailed assessment against the code is therefore not considered necessary for a proposal of this nature.

5.7.6 Landscaping Code

In accordance with the Douglas Shire Planning Scheme 2018 table of assessment the development requires assessment against the Landscaping Code.

Response

The proposal constitutes the reconfiguration of a lot (one lot into two lots) for management purposes. The subject land contains established, extensive landscaping that contributes positively to the overall landscape character of the Port Douglas region and maintains a high level of aesthetic quality. All existing landscaping is functional, durable and does not interfere with utility service protection or encourage the growth of weed species. Given no changes to landscaping are proposed, a detailed assessment against the code is not considered necessary.



5.7.7 Vegetation Management Code

In accordance with the Douglas Shire Planning Scheme 2018 table of assessment the development requires assessment against the Vegetation Management Code.

Response

The proposal constitutes the reconfiguration of a lot (one lot into two lots) for management purposes. No vegetation is proposed for removal from the subject land to facilitate the reconfiguration. A detailed assessment of the code is therefore not considered necessary for a proposal of this nature.

6.0 CONCLUSION

This proposal details a development application to Douglas Shire Council seeking a Development Permit for the Reconfiguration of a Lot (1 Lot into 2 Lots) of the land at Port Douglas Drive, Port Douglas, otherwise described as Lot 900 on SP207598.

In summary, the proposed development is recommended for approval based on the following reasons:

- The proposed reconfiguration will facilitate enhanced management of the subject land;
- The proposed reconfiguration is for management purposes to allow for the efficient transfer of land to Common Property under the Residential Scheme;
- Physical works are not required on site to facilitate the reconfiguration (including council services, access or infrastructure);
- The proposed reconfiguration responds appropriately to the characteristics of the site, locating the small lot in an area containing only landscaping;
- Both lots align with zone boundaries;
- The reconfiguration does not encourage any development or land use considered incompatible with the Tourist Accommodation Zone; and
- Sufficient justification has been provided to overcome any conflicts with the Planning Scheme.

Given the above facts and circumstances presented in this report, we recommend that Council approve the development subject to reasonable and relevant conditions.

APPENDIX A

brazier motti



DA Form 1 – Development application details

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

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

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

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

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

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

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

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

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Body Corporate for Niramaya Luxury Villas and Spa Residential Community Titles Scheme 34781 c/- Brazier Motti
Contact name (only applicable for companies)	
Postal address (P.O. Box or street address)	PO Box 1185
Suburb	Cairns
State	QLD
Postcode	4870
Country	Australia
Contact number	4054 0400
Email address (non-mandatory)	Cns.planning@braziermotti.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	31042-014-01

2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input checked="" type="checkbox"/> No – proceed to 3)	

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see [DA Forms Guide: Relevant plans](#).

3.1) Street address and lot on plan

- ☐ Street address **AND** lot on plan (all lots must be listed), **or**
☐ Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon. All lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
			Bale Drive	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	900	SP207598	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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

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

- ☐ Coordinates of premises by longitude and latitude

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

- ☐ Coordinates of premises by easting and northing

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

3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

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

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

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

Name of airport:

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

5) Are there any existing easements over the premises?

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

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

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

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

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

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

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

c) What is the level of assessment?

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

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

Reconfiguring a Lot (1 Lot into 2 Lots)

e) Relevant plans

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

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

6.2) Provide details about the second development aspect

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

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

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

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

c) What is the level of assessment?

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

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

e) Relevant plans

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

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

6.3) Additional aspects of development

- ☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application

- ☒ Not required

Section 2 – Further development details

7) Does the proposed development application involve any of the following?	
Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input checked="" type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)
8.2) Does the proposed use involve the use of existing buildings on the premises?			
<input type="checkbox"/> Yes			
<input type="checkbox"/> No			

Division 2 – Reconfiguring a lot

Note: This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?	
1	
9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)	
<input checked="" type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13))

10) Subdivision				
10.1) For this development, how many lots are being created and what is the intended use of those lots:				
Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
				Tourist Accommodation
Number of lots created				2
10.2) Will the subdivision be staged?				
<input type="checkbox"/> Yes – provide additional details below				
<input checked="" type="checkbox"/> No				
How many stages will the works include?				
What stage(s) will this development application apply to?				

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?

Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment

12.1) What are the current and proposed areas for each lot comprising the premises?

Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)

12.2) What is the reason for the boundary realignment?

--

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)

Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

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

14.1) What is the nature of the operational work?

<input type="checkbox"/> Road work	<input type="checkbox"/> Stormwater	<input type="checkbox"/> Water infrastructure
<input type="checkbox"/> Drainage work	<input type="checkbox"/> Earthworks	<input type="checkbox"/> Sewage infrastructure
<input type="checkbox"/> Landscaping	<input type="checkbox"/> Signage	<input type="checkbox"/> Clearing vegetation
<input type="checkbox"/> Other – please specify: _____		

14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)

<input type="checkbox"/> Yes – specify number of new lots: _____
<input type="checkbox"/> No

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

\$ _____

PART 4 – ASSESSMENT MANAGER DETAILS

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

Douglas Shire Council

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

<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application
<input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
<input checked="" type="checkbox"/> No

PART 5 – REFERRAL DETAILS

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

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

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

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

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure-related referrals – designated premises
- ☐ Infrastructure-related referrals – state transport infrastructure
- ☐ Infrastructure-related referrals – State transport corridor and future State transport corridor
- ☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure-related referrals – near a state-controlled road intersection
- ☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- ☐ Koala habitat in SEQ region – key resource areas
- ☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- ☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
- ☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
- ☐ Ports – Brisbane core port land – hazardous chemical facility
- ☐ Ports – Brisbane core port land – taking or interfering with water
- ☐ Ports – Brisbane core port land – referable dams
- ☐ Ports – Brisbane core port land – fisheries
- ☐ Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- ☐ SEQ development area
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
- ☐ Tidal works or works in a coastal management district
- ☐ Reconfiguring a lot in a coastal management district or for a canal
- ☐ Erosion prone area in a coastal management district
- ☐ Urban design
- ☐ Water-related development – taking or interfering with water
- ☐ Water-related development – removing quarry material (*from a watercourse or lake*)
- ☐ Water-related development – referable dams
- ☐ Water-related development – levees (*category 3 levees only*)
- ☐ Wetland protection area

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

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

<input type="checkbox"/> Heritage places – Local heritage places
Matters requiring referral to the Chief Executive of the distribution entity or transmission entity:
<input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure
Matters requiring referral to:
<ul style="list-style-type: none"> • The Chief Executive of the holder of the licence, if not an individual • The holder of the licence, if the holder of the licence is an individual
<input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council:
<input type="checkbox"/> Ports – Brisbane core port land
Matters requiring referral to the Minister responsible for administering the <i>Transport Infrastructure Act 1994</i>:
<input type="checkbox"/> Ports – Brisbane core port land <i>(where inconsistent with the Brisbane port LUP for transport reasons)</i>
<input type="checkbox"/> Ports – Strategic port land
Matters requiring referral to the relevant port operator , if applicant is not port operator:
<input type="checkbox"/> Ports – Land within Port of Brisbane's port limits <i>(below high-water mark)</i>
Matters requiring referral to the Chief Executive of the relevant port authority:
<input type="checkbox"/> Ports – Land within limits of another port <i>(below high-water mark)</i>
Matters requiring referral to the Gold Coast Waterways Authority:
<input type="checkbox"/> Tidal works or work in a coastal management district <i>(in Gold Coast waters)</i>
Matters requiring referral to the Queensland Fire and Emergency Service:
<input type="checkbox"/> Tidal works or work in a coastal management district <i>(involving a marina (more than six vessel berths))</i>

18) Has any referral agency provided a referral response for this development application?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application		
<input checked="" type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application <i>(if applicable)</i> .		

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application
<input type="checkbox"/> I do not agree to accept an information request for this development application
Note: By not agreeing to accept an information request I, the applicant, acknowledge: <ul style="list-style-type: none"> • that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties • Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules. Further advice about information requests is contained in the DA Forms Guide .

PART 7 – FURTHER DETAILS

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

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

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

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

- ☐ Yes – a copy of the receipted QLeave form is attached to this development application
☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid
☒ Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

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

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

- ☐ Yes – show cause or enforcement notice is attached
☒ No

23) Further legislative requirements

Environmentally relevant activities

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

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

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

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

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

Hazardous chemical facilities

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

- ☐ Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application
☒ No

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

Clearing native vegetation

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

☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

☒ No

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

Environmental offsets

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

☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter

☒ No

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

Koala habitat in SEQ Region

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

☐ Yes – the development application involves premises in the koala habitat area in the koala priority area

☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area

☒ No

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

Water resources

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the Water Act 2000?**

☐ Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

☒ No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au for further information.

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

Waterway barrier works

23.7) Does this application involve **waterway barrier works?**

☐ Yes – the relevant template is completed and attached to this development application

☒ No

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

Marine activities

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants?**

☐ Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*

☒ No

Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000*?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
☒ No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
☒ No

Note: Contact the Department of Environment and Science at www.des.qld.gov.au for further information.

Referable dams

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the Water Supply Act)?

- ☐ Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the Water Supply Act is attached to this development application
☒ No

Note: See guidance materials at www.dnrme.qld.gov.au for further information.

Tidal work or development within a coastal management district

23.12) Does this development application involve **tidal work or development in a coastal management district**?

- ☐ Yes – the following is included with this development application:
- ☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
 - ☐ A certificate of title
- ☒ No

Note: See guidance materials at www.des.qld.gov.au for further information.

Queensland and local heritage places

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

- ☐ Yes – details of the heritage place are provided in the table below
☒ No

Note: See guidance materials at www.des.qld.gov.au for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
-----------------------------	--	-----------	--

Brothels

23.14) Does this development application involve a **material change of use for a brothel**?

- ☐ Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*
☒ No

Decision under section 62 of the Transport Infrastructure Act 1994

23.15) Does this development application involve new or changed access to a state-controlled road?

- ☐ Yes – this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
☒ No

Walkable neighbourhoods assessment benchmarks under Schedule 12A of the Planning Regulation

23.16) Does this development application involve reconfiguring a lot into 2 or more lots in certain residential zones (except rural residential zones), where at least one road is created or extended?

☐ Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered

☒ No

Note: See guidance materials at www.planning.dsdmip.qld.gov.au for further information.

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17

☒ Yes

Note: See the Planning Regulation 2017 for referral requirements

If building work is associated with the proposed development, Parts 4 to 6 of [DA Form 2 – Building work details](#) have been completed and attached to this development application

☐ Yes

☒ Not applicable

Supporting information addressing any applicable assessment benchmarks is with the development application

Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see [DA Forms Guide: Planning Report Template](#).

☒ Yes

Relevant plans of the development are attached to this development application

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

☒ Yes

The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)

☐ Yes

☒ Not applicable

25) Applicant declaration

☒ By making this development application, I declare that all information in this development application is true and correct

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

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

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

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

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

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

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

Date received: Reference number(s):

Notification of engagement of alternative assessment manager

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

QLeave notification and payment

Note: For completion by assessment manager if applicable

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

APPENDIX B

brazier motti



Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	50867756	Search Date:	16/01/2023 14:48
Date Title Created:	14/12/2011	Request No:	43314486
Previous Title:	50586291		

ESTATE AND LAND

Estate in Fee Simple

LOT 900 SURVEY PLAN 207598

Local Government: DOUGLAS

COMMUNITY MANAGEMENT STATEMENT 34779

REGISTERED OWNER

Dealing No: 721636456 22/04/2022

BODY CORPORATE FOR NIRAMAYA LUXURY VILLAS AND SPA
RESIDENTIAL COMMUNITY TITLES SCHEME 34781

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 21141044 (POR 109)
Deed of Grant No. 21141045 (POR 109)
Deed of Grant No. 21141046 (POR 109)
Deed of Grant No. 21141047 (POR 109)
Deed of Grant No. 21141048 (POR 109)
2. LEASE No 716568635 19/06/2015 at 14:43
NAPOLEAN SERVICES PTY LTD A.C.N. 150 538 819 TRUSTEE
UNDER INSTRUMENT 716568635
OF PART OF LEVEL A (LEASE BA AND BD TO BI) AND
PART OF LEVEL B (LEASE BB, BC AND BJ)
TERM: 12/05/2015 TO 11/05/2020 OPTION 5 YEARS
3. TRANSFER No 717554765 05/10/2016 at 09:54
LEASE: 716568635
NIRAMAYA MANAGEMENT PTY LTD A.C.N. 612 361 538 TRUSTEE
UNDER INSTRUMENT 717554765
4. MORTGAGE No 717556402 05/10/2016 at 11:56
WESTPAC BANKING CORPORATION A.B.N. 33 007 457 141
over
LEASE: 716568635
5. AMENDMENT OF LEASE No 721636457 22/04/2022 at 11:37
LEASE: 716568635
TERM: 12/05/2015 TO 11/05/2025 OPTION 5 YEARS

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

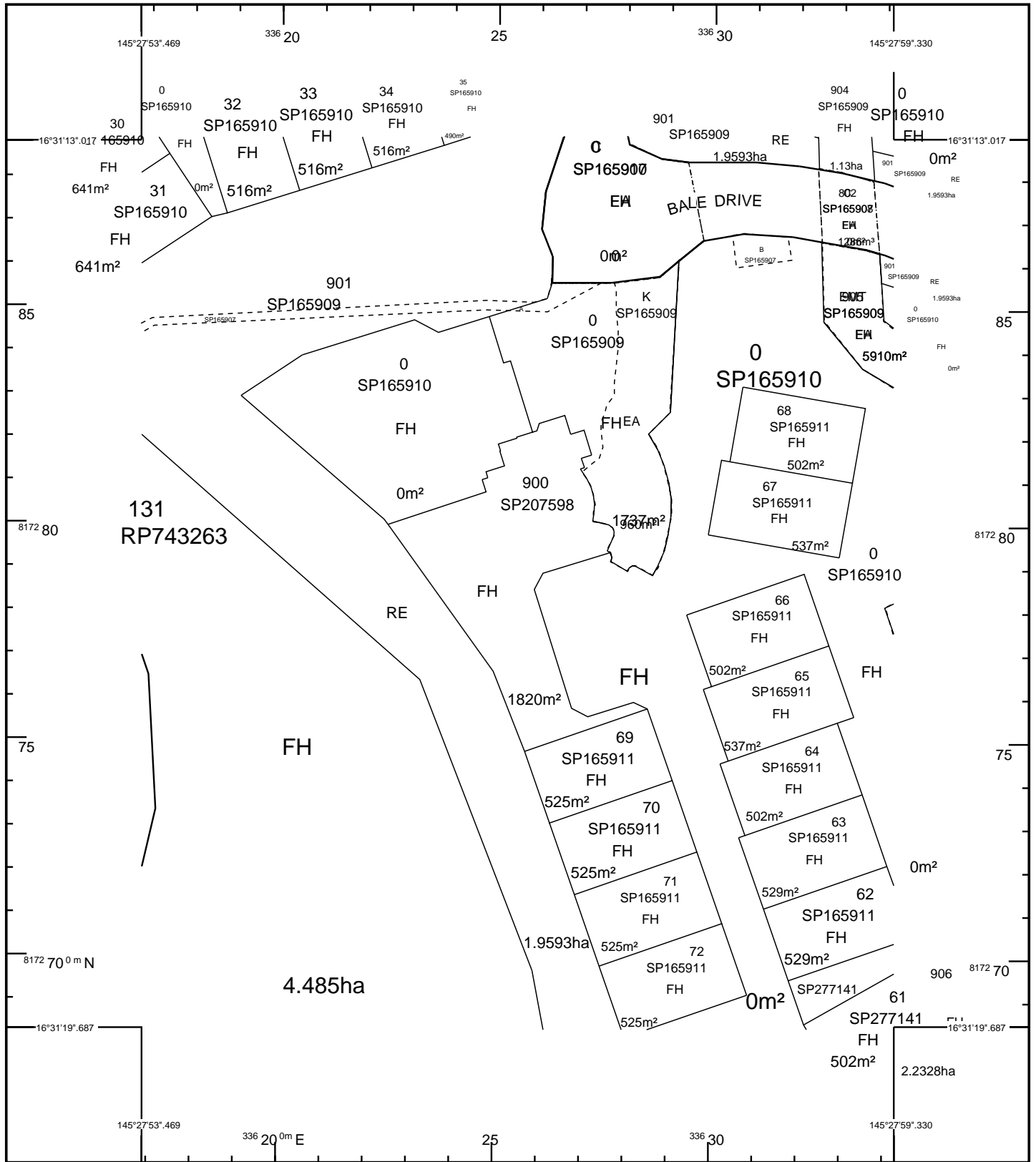
Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

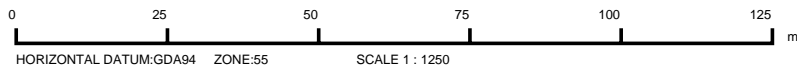
APPENDIX C

brazier motti

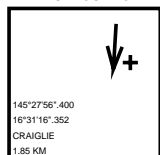




STANDARD MAP NUMBER
7964-11142



MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB	
Lot/Plan	900/SP207598
Area/Volume	1820m ²
Tenure	FREEHOLD
Local Government	DOUGLAS SHIRE
Locality	PORT DOUGLAS
Segment/Parcel	36779/431

CLIENT SERVICE STANDARDS

PRINTED 08/02/2023

DCDB 07/02/2023

Users of the information recorded in this document (the Information) accept all responsibility and risk associated with the use of the Information and should seek independent professional advice in relation to dealings with property.

Despite Department of Resources best efforts, RESOURCES makes no representations or warranties in relation to the Information, and, to the extent permitted by law, exclude or limit all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect and consequential costs, losses, damages and expenses incurred in any way (including but not limited to that arising from negligence) in connection with any use of or reliance on the Information.

For further information on SmartMap products visit
<https://www.qld.gov.au/housing/buying-owning-home/property-land-valuations/smartmaps>

SmartMap

An External Product of
SmartMap Information Services

Based upon an extraction from the
Digital Cadastral Data Base



**Queensland
Government**

(c) The State of Queensland,
(Department of Resources) 2023.



APPENDIX D

brazier motti



Tourist accommodation zone code

Application

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

Purpose

- (1) The purpose of the Tourist accommodation zone code is to provide for short-term accommodation supported by community uses and small-scale services and facilities in locations where there are tourist attractions.
- (2) The local government purpose of the code is to:
 - (a) implement the policy direction set in the Strategic Framework, in particular:
 - (i) Theme 4 : Strong communities and identity, Element 3.7.4 – Sense of place, community and identity.
 - (ii) Theme 5 – Economy. Element 3.8.2 – Economic growth and diversification, Element 3.8.2 – Tourism.
 - (b) provide for tourist accommodation development to establish in areas close to commercial and recreational services and facilities.
- (3) The purpose of the code will be achieved through the following overall outcomes:
 - (a) A range of accommodation activities, with an emphasis on short-term accommodation is established at a scale and density to service tourist needs.
 - (b) Tourist development is of an appropriate scale and achieves an attractive built form which incorporates the character and natural attributes of the site and the surrounding area as integral features of the theme and design of the development.
 - (c) Development facilitates opportunities for establishing tourist facilities and services within, or adjacent to, tourist accommodation to complement the tourist accommodation and enhance the attractiveness of tourist areas.
 - (d) Development is designed to take into account the tropical climate by incorporating appropriate architectural elements and design features.
 - (e) Landscaping of tourist development is of a high quality and contributes to the visual dominance of tropical vegetation and the local streetscape.
 - (f) Community facilities, open space and recreational areas and appropriate infrastructure to support the needs of the local community are provided.

Criteria for assessment

Table Error! No text of specified style in document..a – Tourist accommodation zone code – assessable development

Performance outcomes		Acceptable outcomes	
For self-assessable and assessable development			
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 13.5 metres and 3 storeys in height. Note – Height is inclusive of roof height.	Not Applicable No new buildings or structures are included in the proposal.	
Setbacks (other than for a dwelling house)			
PO1 Buildings are setback to: (a) maintain the character and amenity of the area;	AO1 Buildings are setback: (a) a minimum of 6 metres from the main street frontage;	Not Applicable No new buildings or structures are included in the proposal.	

Performance outcomes		Acceptable outcomes
achieve separation from neighbouring buildings and from road frontages.		a minimum of 4 metres from any secondary street frontage; 4.5 metres from a rear boundary; 2 metres from a side or an average of half of the height of the building at the side setback, whichever is the greater.
Site coverage (other than for a dwelling house)		
PO2 The site coverage of all buildings does not result in a built form that is bulky or visually obtrusive.	AO2 The site coverage of any building is limited to 50%	Not Applicable No new buildings or structures are included in the proposal.
Building proportions and scale (other than for a dwelling house)		
PO3 The proportions and scale of any development are in character with the area and local streetscape.	<p>AO3.1 The overall length of a building does not exceed 30 metres and the overall length of any continuous wall does not exceed 15 metres.</p> <p>AO3.2 Balconies, patios and similar spaces are not enclosed or capable of being enclosed and used as a habitable room.</p> <p>AO3.3 Balconies, patios and similar spaces are designed to be open and light weight in appearance with a maximum of 20% of the façade being fully enclosed.</p> <p>AO3.4 Roof forms, materials and colours of buildings enhance the amenity of the street and locality, including: (a) the roofs of buildings are light coloured and non-reflecting; white and shining metallic finishes are avoided on external surfaces in prominent view. Note – The building incorporates building design features and architectural elements detailed in Planning scheme policy SC 6.2 – Building design and architectural elements.</p>	Not Applicable No new buildings or structures are included in the proposal.
Landscaping (other than for a dwelling house)		

Performance outcomes	Acceptable outcomes	
<p>PO4 Landscape planting is provided for the recreational amenity of residents/guests and incorporates dominant tropical vegetation which enhances the streetscape and the amenity of the area.</p>	<p>AO4.1 A minimum of 35% of the site is provided as open space and recreation area with a minimum of 30% of this total; area provided for landscape planting.</p> <p>AO4.2 Within the frontage setback area, a minimum width of 2 metres of landscape area includes a minimum 75% dense planting.</p> <p>AO4.3 Within the side and rear setback areas, a minimum width of 1.5 metres of landscape area includes 75% dense planting.</p>	<p>Complies AO4.1 Both proposed Lots 900 and 907 contain a minimum of 35% open space and landscape planting. Proposed Lot 900 will be comprised of 100% landscaping.</p> <p>Complies AO4.2 All landscaping will remain as existing. Adequate landscaping is provided within both the proposed lots and Niramaya site.</p> <p>Complies AO4.3 All landscaping will remain as existing. Adequate landscaping is provided within both the proposed lots and Niramaya site.</p>
For assessable development		
<p>PO5 The establishment of uses is consistent with the outcomes sought for the Tourist accommodation zone and protects the zone from the intrusion of inconsistent uses.</p>	<p>AO5 Inconsistent uses as identified in Table Error! No text of specified style in document..b are not established in the Tourist accommodation zone.</p>	<p>Not Applicable The proposal is for the reconfiguration of a lot.</p>
<p>PO6 Development is located, designed, operated and managed to respond to the characteristics, features and constraints of the site and surrounds.</p> <p>Note – Planning scheme policy – Site assessments provides guidance on identifying the characteristics, features and constraints of a site and its surrounds.</p>	<p>AO6 No acceptable outcomes are prescribed.</p>	<p>Complies PO6 The proposal constitutes the reconfiguration of a lot (1 lot into 2 lots) for management purposes. The reconfiguration design proposes location of the small Lot (900) between the existing southern buildings and tennis court. A covenant will be implemented over the small lot to restrict future development. The reconfiguration will not cause any physical changes to the site.</p>
<p>PO7 Development does not adversely affect the tropical, tourist and residential character and amenity of the area in terms of traffic, noise, dust, odour, lighting or other</p>	<p>AO7 No acceptable outcomes are prescribed.</p>	<p>Complies PO7 The proposal constitutes the reconfiguration of a lot (1 lot into 2 lots) for management purposes. The development does not encourage further development of the site,</p>

Performance outcomes	Acceptable outcomes	
physical or environmental impacts.		increase pressure on existing infrastructure or introduce further traffic, noise, dust, odour or lighting. The reconfiguration is considered appropriate for management purposes.
PO8 Any loading/unloading areas, servicing areas and outdoor storage areas are screened from public view or adjacent sensitive uses.	AO8 Outdoor loading/unloading, servicing and storage areas are sited or screened so they are: (a) not visible from any off-site public place; not located adjacent to premises used for sensitive uses.	Not Applicable The proposal is for the reconfiguration of a lot.
PO9 Tourist developments include recreational and ancillary services and facilities for the enjoyment of guests.	<p>AO9.1 Development which includes accommodation for tourists incorporates a mix of the following recreational and ancillary services and facilities: (a) swimming pools; tennis courts; barbecue areas; outdoor lounging / recreation areas; restaurants / bars; tourist-focussed shopping; tour booking office; spa / health clubs.</p> <p>AO9.2 Any commercial services or facilities incorporated into a tourist development are small scale and predominantly service in-house guests only.</p> <p>AO9.3 Where a commercial service or facility offers services to persons over and above in-house guests, the commercial component provides on-site car parking for 50% of the floor area available for use in accordance with the relevant requirements of the Parking and access code.</p>	Not Applicable The proposal is for the reconfiguration of a lot.
PO10 New lots contain a minimum area of 1000m ² .	AO10 No acceptable outcomes are prescribed.	Alternative Solution Provided PO10 The proposal constitutes the reconfiguration of a lot (1 lot into 2 lots) for management

Performance outcomes	Acceptable outcomes	
		<p>purposes. The reconfiguration proposes Lots 900 and 907, containing respective areas of 32m² and 1,788m². The purpose in reconfiguring the lots (as discussed in Section 3.0 of the Planning Report) is to allow lot 907 to be transferred to Residential Scheme of the layered Community Titles arrangement and ultimately Lot 907 will be allocated as Common Property of that scheme. Lot 900 is required to ensure the Principal Scheme still contains two lots is in its Community Title Scheme and therefore satisfying the structural arrangements of the Body Corporate and Community Management Act. The reconfiguration is purely for management purposes and is not considered to impact negatively upon the purpose or intent of the Tourist Accommodation Zone. The proposed covenant will ensure that Lot 900 cannot be used for any other purpose other than for the open space that it currently provides in the Niramaya Luxury Villas and Spa complex and therefore ensures that the issues of noncompliance with the minimum expected lot area and dimensions are overcome.</p>
PO11 New lots have a minimum road frontage of 20 metres.	AO11 No acceptable outcomes are prescribed.	Not Applicable The subject parcel is not located adjacent to a road.
PO12 New lots contain a 25 metre x 20 metre rectangle.	AO12 No acceptable outcomes are prescribed.	Alternative Solution Provided PO12 Refer response provided for PO10.

Table Error! No text of specified style in document..b — Inconsistent uses within the Tourist accommodation zone

Inconsistent uses		
<ul style="list-style-type: none"> • Adult store • Agricultural supplies store • Air services • Animal husbandry • Animal keeping • Aquaculture 	<ul style="list-style-type: none"> • Intensive horticulture • Landing • Low impact industry • Major electricity infrastructure 	<ul style="list-style-type: none"> • Permanent plantation • Port services • Renewable energy facility • Roadside stall • Rural industry

<ul style="list-style-type: none"> • Brothel • Bulk landscape supplies • Cropping • Detention facility • Extractive industry • Funeral parlour • Garden centre • Hardware and trade supplies • Health care services • High impact industry • Indoor sport and recreation • Intensive animal industry 	<ul style="list-style-type: none"> • Major sport, recreation and entertainment facility • Marine industry • Market • Medium impact industry • Motor sport facility • Nightclub entertainment facility • Office • Outdoor sales • Outdoor sport and recreation • Outstation • Park • Parking station 	<ul style="list-style-type: none"> • Rural workers accommodation • Service station • Shopping centre • Showroom • Special industry • Substation • Theatre • Transport depot • Veterinary services • Warehouse • Wholesale nursery • Winery
--	---	--

Note – This table does not imply that all other uses not listed in the table are automatically consistent uses within the zone. Assessable development must still demonstrate consistency through the assessment process.

Reconfiguring a lot code

Application

- (1) This code applies to assessing reconfiguring a lot if:
 - (a) assessable development where the code is an applicable code identified in the assessment criteria column of a table of assessment;
 - (b) impact assessable development, to the extent relevant.
- (2) When using this code, reference should be made to Part 5.

Purpose

- (1) The purpose of the Reconfiguring a lot code is to regulate development for reconfiguring a lot.
- (2) The purpose of the code will be achieved through the following overall outcomes:
 - (a) development results in a well-designed pattern of streets supporting walkable communities;
 - (b) lots have sufficient areas, dimensions and shapes to be suitable for their intended use taking into account environmental features and site constraints;
 - (c) road networks provide connectivity that is integrated with adjoining existing or planned development while also catering for the safe and efficient access for pedestrians, cyclists and for public transport;
 - (d) lots are arranged to front all streets and parkland such that development enhances personal safety, traffic safety, property safety and security; and contributes to streetscape and open space quality;
 - (e) development does not diminish environmental and scenic values, and where relevant, maintains and enhances public access and use of natural areas, rivers, dams, creeks and the foreshore, in a way that protects natural resources;
 - (f) people and property are not placed at risk from natural hazards;
 - (g) a range of functional parkland, including local and district parks, major areas of parkland with a region-wide focus and open space links are available for the use and enjoyment of residents and visitors to the region;
 - (h) the appropriate standard of infrastructure is provided.

Criteria for assessment

Table Error! No text of specified style in document..a – Reconfiguring a lot code – assessable development




Performance outcomes	Acceptable outcomes	Response
General lot design standards		
P01 Lots comply with the lot reconfiguration outcomes of the applicable Zone code in Part 5.	A01 No acceptable outcomes are prescribed.	Alternative Solution Provided P01 Refer response provided for P010 in the assessment against the Tourist accommodation zone code.
P02 New lots are generally rectangular in shape with functional areas for land uses intended by the zone.	A02 Boundary angles are not less than 45 degrees.	Complies A02 All boundary angles are more than 45 degrees.
P03 Lots have legal and practical access to a public road.	A03 Each lot is provided with: (a) direct access to a gazetted road reserve; or access to a gazetted road via a formal access	Complies A03 Lot 907 will continue to gain access via the road and parking area within neighbouring Lot 0 on SP165909.

Performance outcomes	Acceptable outcomes	Response
	arrangement registered on the title.	
P04 Development responds appropriately to its local context, natural systems and site features.	AO4 Existing site features such as: (a) significant vegetation and trees; waterways and drainage paths; vistas and vantage points are retained and/or are incorporated into open space, road reserves, near to lot boundaries or as common property.	Complies AO4 All vegetation and landscaping will remain in place throughout the reconfiguration.
P05 New lots which have the capability of being further reconfigured into smaller lots at a later date are designed to not compromise ultimate development outcomes permitted in the relevant zone.	AO5 The ability to further reconfigure land at a later date is demonstrated by submitting a concept plan that meets the planning scheme requirements for the applicable Zone.	Not Applicable The land is not proposed to be reconfigured further.
P06 Where existing buildings or structures are to be retained, development results in: (a) boundaries that offer regular lot shapes and usable spaces; existing improvements complying with current building and amenity standards in relation to boundary setbacks. Note - This may require buildings or structures to be modified, relocated or demolished to meet setback standards, resolve encroachments and the like.	AO6 Development ensures setbacks between existing buildings or structures and proposed boundaries satisfy relevant building standards or zone code requirements, whichever is the greater.	Complies AO6 The proposed lot boundaries do not create any encroachment between buildings.
P07 Where rear lots are proposed, development: (a) provides a high standard of amenity for residents and other users of the site and adjoining properties; positively contributes to the character of adjoining properties and the area; does not adversely affect the safety and efficiency of the road from which access is gained.	AO7.1 Where rear lots are to be established: (a) the rear lot is generally rectangular in shape, avoiding contrived sharp boundary angles; no more than 6 lots directly adjoin the rear lot; no more than one rear lot occurs behind the road frontage lot; no more than two access strips to rear lots directly adjoin each other; access strips are located only on one side of the road frontage lot.	Not Applicable

Performance outcomes	Acceptable outcomes	Response
	<p>A07.2 Access strips to the rear lot have a minimum width dimension of: (a) 4.0 metres in Residential Zones. 8.0 metres in Industrial Zones category. 5.0 metres in all other Zones.</p> <p>Note - Rear lots are generally not appropriate in non-Residential or non-Rural zones.</p> <p>A07.3 Access strips are provided with a sealed pavement of sufficient width to cater for the intended traffic, but no less than: (a) 3.0 metres in Residential Zone. 6.0 metres in an Industrial Zone. 3.5 metres in any other Zone.</p>	
Structure plans		
<p>Additional requirements for: (a) a site which is more than 5,000m² in any of the Residential zones; or</p> <p>within these zones, and creates 10 or more lots; or involves the creation of new roads and/or public use land.</p> <p>or</p> <p>For a material change of use involving: (i) preliminary approval to vary the effect of the planning scheme; establishing alternative Zones to the planning scheme.</p> <p>Note - This part is to be read in conjunction with the other parts of the code</p>		
<p>PO8 A structure plan is prepared to ensure that neighbourhood design, block and lot layout, street network and the location</p>	<p>A08.1 Neighbourhood design, lot and street layout, and open space provides for, and integrates with, any:</p>	<p>Not Applicable</p>

Performance outcomes	Acceptable outcomes	Response
and provision on any open space recognises previous planning for the area and its surroundings, and integrates appropriately into its surroundings.	<p>(a) approved structure plan; the surrounding pattern of existing or approved subdivision.</p> <p>Note - Planning scheme policy SC14—Structure planning provides guidance on meeting the performance outcomes.</p> <p>AO8.2 Neighbourhood design, lot and street layouts enable future connection and integration with adjoining undeveloped land.</p>	
<p>PO9 Neighbourhood design results in a connected network of walkable streets providing an easy choice of routes within and surrounding the neighbourhood.</p>	<p>AO9.1 Development does not establish cul-de-sac streets unless: (a) cul-de-sacs are a feature of the existing pattern of development in the area; there is a physical feature or incompatible zone change that dictates the need to use a cul-de-sac streets.</p> <p>AO9.2 Where a cul-de-sac street is used, it: (a) is designed to be no longer than 150 metres in length; is designed so that the end of the cul-de-sac is visible from its entrance; provides connections from the top of the cul-de-sac to other streets for pedestrians and cyclists, where appropriate.</p> <p>AO9.3 No more than 6 lots have access to the turning circle or turning-tee at the end of a cul-de-sac street.</p>	Not Applicable
<p>PO10 Neighbourhood design supports diverse housing choices through block sizes and lot design. In developing areas, significant changes in lot size and frontage occur at the rear of lots rather than on opposite sides of a street.</p>	<p>PO10 No acceptable outcomes are prescribed.</p>	Not Applicable
<p>PO11 Provision of physical and social infrastructure in</p>	<p>AO11.1</p>	Not Applicable

Performance outcomes	Acceptable outcomes	Response
<p>developing residential neighbourhoods is facilitated through the orderly and sequential development of land.</p> <p>Note - Part 4 – Local government infrastructure plan may identify specific levels of infrastructure to be provided within development sites.</p>	<p>New development adjoins adjacent existing or approved urban development.</p> <p>AO11.2 New development is not established beyond the identified Local government infrastructure plan area.</p>	
Urban parkland and environmental open space		
<p>PO12 Where appropriate development maintains and enhances public access and use of natural areas, rivers, dams, creeks and the foreshore.</p>	<p>AO12 No acceptable outcomes are prescribed.</p>	Not Applicable
<p>PO13 Development provides land to: (a) meet the recreation needs of the community; provide an amenity commensurate with the structure of neighbourhoods and land uses in the vicinity; and adjacent to open space areas; provide for green corridors and linkages.</p>	<p>AO13 No acceptable outcomes are prescribed.</p> <p>Note - Part 4 – Priority infrastructure plan and Planning scheme policy SC14 – Structure Plans provides guidance in providing open space and recreation land.</p>	Not Applicable
<p>AO14 Lot size, dimensions, frontage and orientation permits buildings to be established that will facilitate casual surveillance to urban parkland and environmental open space.</p>	<p>AO14.1 Urban parkland is regular in shape.</p> <p>AO14.2 At least 75% of the urban parkland's frontage is provided as road.</p> <p>AO14.3 Urban parkland and environmental open space areas are positioned to be capable of being overlooked by surrounding development.</p> <p>AO14.4 Surrounding lots are orientated so that facades will front and overlook the urban parkland and environmental open space.</p> <p>AO14.5</p>	Not Applicable

Performance outcomes	Acceptable outcomes	Response
	<p>The number of lots that back onto, or are side-orientated to the urban parkland and environmental open space is minimised.</p>  <p>Inconsistent design solution - low total number of lots complying with the acceptable outcomes.</p>  <p> Lots orientated to front and overlook park to provide casual surveillance.</p> <p>Consistent design solution - high total number of lots complying with the acceptable outcomes.</p>	
Private subdivisions (gated communities)		
PO15 Private subdivisions (gated communities) do not compromise the establishment of connected and integrated infrastructure and open space networks.	PO15 No acceptable outcomes are prescribed.	Not Applicable
Additional requirements for reconfiguration involving the creation of public streets or roads		
PO16 The function of new roads is clearly identified and legible and provides integration, safety and convenience for all users.	AO16 No acceptable outcomes are prescribed. Note - The design and construction standards are set out in Planning scheme policy SC5 – FNQROC Regional Development Manual, with reference to the specifications set out in Sections D1 and D3.	Not Applicable
PO17 Street design supports an urban form that creates	AO17 No acceptable outcomes are prescribed.	Not Applicable

Performance outcomes	Acceptable outcomes	Response
walkable neighbourhoods. Street design: (a) is appropriate to the function(s) of the street; meets the needs of users and gives priority to the needs of vulnerable users.		
Public transport network		
PO18 Development provides a street pattern that caters for the extension of public transport routes and infrastructure including safe pedestrian pick-up and set-down up facilities.	AO18 No acceptable outcomes are prescribed.	Not Applicable
Pest plants		
PO19 Development activities and sites provide for the removal of all pest plants and implement ongoing measures to ensure that pest plants do not reinfest the site or nearby sites. Editor's note - This does not remove or replace all land owner's obligations or responsibilities under the Land Protection (Pest and Stock Route Management) Act 2002.	AO19 Pest plants detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person prior to earthworks commencing. Note - A declaration from an appropriately qualified person validates the land being free from pest plants. Declared pest plants include locally declared and State declared pest plants.	Not Applicable

APPENDIX E

brazier motti





**PROPOSED
RECONFIGURATION (STAGE 1)**
Lots 900, 907 & Covenant A in Lot 900
Cancelling Lot 900 on SP207598

Locality of Port Douglas
Douglas Shire Council

Date: 6/02/2023	
Scale: 1:250	A3
Drawn: WCHO	
Job No: 31042/014-01	
Plan No:	31042/061 B

braziermotti.com.au

SURVEYING
TOWNPLANNING
PROJECTMANAGEMENT
MAPPING&GIS



This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approvals.

braziermotti