

Our Ref: R3/24

25 March 2024

Chief Executive Officer
Cook Shire Council
10 Furneaux Street
Cooktown, QLD, 4895

Attention: Planning Department

Dear Sir/Madam,

**DEVELOPMENT APPLICATION SEEKING A DEVELOPMENT PERMIT
RECONFIGURATION OF A LOT – BOUNDARY REALIGNMENT
LOCATED AT 252 POISON CREEK ROAD, COOKTOWN
FORMALLY DESCRIBED AS LOT 31 & 32 ON BK808310**

We act on behalf of our client, G. Scott & L. Hanley in preparing and submitting the following development application which seeks a Development Permit to Reconfigure the subject allotment under the *Planning Act 2016*, located at 252 Poison Creek Road, Cooktown to facilitate the boundary realignment.

The subject land is described as Lot 31 & 32 on BK808310, located at 252 Poison Creek Road, Cooktown, and covers a total area of 27.10 hectares. Lot 31 on BK808310 has an approval for an Extractive Industry use approved in August 2004 (file ref: DA/1085). This use will remain on the land being proposed Lot 1. The site is currently utilised as a large rural lifestyle allotment with an existing dwelling and associated outbuildings located within proposed lot 2. The property is zoned Rural where the proposed subdivision triggers a **code assessable** development application.

By way of this development application, the applicant is seeking specific approval to undertake the development as detailed within the attached planning report and approval of the plans. The report will include a complete assessment of the proposed development against the relevant assessment benchmarks within the Cook Shire Planning Scheme 2017.

In terms of application fees, the current fees and charges schedule stipulates that the application fee for the proposed reconfiguration is **\$780.00**. Please contact our office on 0411 344 110 to process the payment over the phone. Should there be any questions or queries in relation to the development application presented, please contact our office immediately. We also ask if possible that all correspondence be sent to our office electronically via email.

Yours faithfully,



Ramon Samanes
Director, U&i Town Plan
Bachelor of Applied Science, Majoring in Environmental and Urban Planning



PLANNING REPORT
DEVELOPMENT APPLICATION
RECONFIGURATION OF A LOT - BOUNDARY REALIGNMENT

PROJECT LOCATION:

SITUATED AT 252 POISON CREEK ROAD, COOKTOWN
FORMALLY DESCRIBED AS: LOT 31 & 32 ON BK808310

Prepared by Ramon Samanes
DIRECTOR OF U&I TOWN PLAN

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APPLICATION SUMMARY

ASSESSMENT MANAGER:	COOK SHIRE COUNCIL, PLANNING DEPARTMENT
DEVELOPMENT TYPE:	DEVELOPMENT PERMIT – RECONFIGURE A LOT
PROPOSED WORKS:	BOUNDARY REALIGNMENT
REAL PROPERTY DESCRIPTION:	LOT 31 & 32 ON BK808310 (FREEHOLD)
LOCATION:	252 POISON CREEK ROAD, COOKTOWN
ZONE:	RURAL ZONE
AREA:	27.10 HECTARES
APPLICANT:	G. SCOTT & L. HANLEY C/- U&I TOWN PLAN
ASSESSMENT CRITERIA:	RECONFIGURATION OF A LOT (CODE ASSESSABLE)
REFERRAL AGENCIES:	NO REFERRALS APPLY TO THIS DEVELOPMENT

IMPORTANT NOTE

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This Report has been prepared for G. Scott & L. Hanley for the sole purpose of making a Development Application seeking a Development Permit to Reconfigure the Lot on land at 252 Poison Creek Road, Cooktown (over lot 31 & 32 on BK808310) to realign the boundaries. This report is strictly limited to the purpose, and facts and circumstances stated within. It is not to be utilised for any other purpose, use, matter or application.

U&i Town Plan has made certain assumptions in the preparation of this report, including:

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

U&i Town Plan is not aware of any particular fact or circumstance, which would render these assumptions incorrect, as at the date of preparation of the Report. While every effort has been made to ensure accuracy, U&i Town Plan does not accept any responsibility in relation to any financial or business decisions made by parties' other than those for whom the original report was prepared for and/or provided to. If a party other than the Client uses or relies upon facts, circumstances and/or content of this Report without consent of U&i Town Plan, U&i Town Plan disclaims all risk and the other party assumes such risk and releases and indemnifies and agrees to keep indemnified U&i Town Plan from any loss, damage, claim or liability arising directly or indirectly from the use of or reliance on this report.

1.0 EXECUTIVE SUMMARY

G. Scott & L. Hanley (the ‘Applicant’) seek the required development approval from the Cook Shire Council (‘Council’) for the proposed reconfiguration of their lot located at 252 Poison Creek Road, Cooktown for the purposes of obtaining approval to reconfigure the property and realign the boundaries.

The subject land is located within the Rural Zone and the proposed subdivision triggers a reconfiguration of a lot development application to be submitted to Council for assessment and approval. Upon review of the Cook Shire Planning Scheme 2017 – Version 2.0 (planning scheme) the relevant tables of assessment confirm the application is subject to Code Assessment. Accordingly, this application seeks the following approval:

- **Development Permit to Reconfigure a Lot – Boundary Realignment**

This report has been undertaken to:

- Examine the physical characteristics of the subject land and appropriateness in relation to the proposed development;
- Present the proposed layout and orientation of the proposed subdivision;
- Address all applicable statutory requirements triggered through the *Planning Act 2016* (PA) and the Planning Scheme; and
- Provide commentary on the identified key planning issues and offer reasonable alternative solutions as a means of establishing sound planning grounds in support of the proposed development, where required.

In summary, the proposed reconfiguration of the allotment does not with the minimum lot dimensions specified for the Rural Zone, however it meets the outcomes sought for ‘Rural Lifestyle Allotments’ and is encouraged under the existing planning frameworks that are applicable to the site. Furthermore, the development is generally compliant with the Planning Scheme. There may some departures away from a handful of the ‘deemed to comply’ Acceptable Outcomes, although where these departures have been identified, a detailed assessment has been provided to justify and demonstrate that, based on sound planning grounds, compliance with the corresponding Performance Outcomes can still be achieved.

Accordingly, we now submit this application to Council for assessment and trust that it suitably addresses all the statutory requirements under the Planning Scheme to allow favourable consideration through the application of reasonable and relevant development conditions.

2.0 SITE DESCRIPTION

The subject land is described as Lot 31 & 32 on BK808310, located at 252 Poison Creek Road, Cooktown. The sites are currently utilised as rural lifestyle allotments with a dwelling and associated outbuildings located on Proposed Lot 2, whilst proposed Lot 1 remains vacant with no significant improvements on the site. Lot 31 on BK808310 has an approval for an Extractive Industry use approved in August 2004 (file ref: DA/1085). This use will remain on the land being proposed Lot 1. The proposed allotments are consistent with the established rural lifestyle character in the immediate and surrounding area. Various similar reconfigurations have occurred in the surrounding rural area, and this proposal is in line with that established precedence.

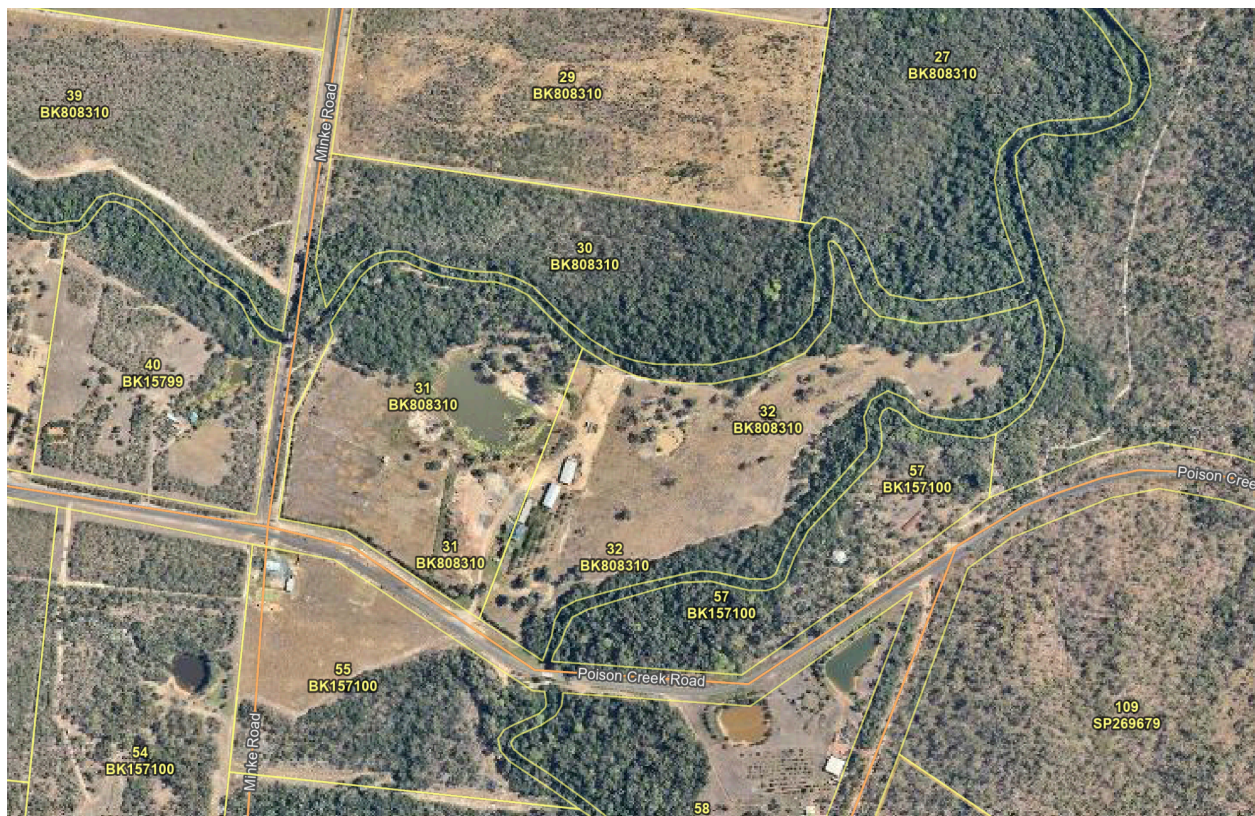


Figure 1: Site Location

A site summary is provided below:

Table 2.0: Site summary

Property Address:	252 Poison Creek Road, Cooktown
Real property description:	Lot 31 & 32 on BK808310
Local government area	Cook Shire Council
Tenure:	Freehold
Site area:	27.10 hectares
Zone:	Rural Zone
Current use:	Rural lifestyle allotment with an existing dwelling and associated outbuildings on proposed lot 2. Lot 31 on BK808310 has an approval

	<i>for an Extractive Industry use approved in August 2004 (file ref: DA/1085). This use will remain on the land being proposed Lot 1.</i>
Road frontage:	<i>Along Poison Creek Road & Minke Road</i>
Adjacent uses:	<i>Rural Lifestyle Allotments</i>
Topography:	<i>The site is relatively flat with a gentle slope north to south.</i>
Vegetation:	<i>The site is predominately cleared through the middle of the property, with regulated vegetation around the perimeter where the creeks and drains wrap around the sites. The riparian vegetation is identified as 'of least concern' regional ecosystem. The proposed realignment of the boundary is setback over 10m from the vegetation, therefore avoiding referral to SARA as no further clearing exemptions are created.</i>
Existing infrastructure:	<i>Existing dwelling and associated outbuildings as illustrated on the plans with the aerial imagery, located on proposed lot 2, including the existing access crossover and driveway. Proposed lot 1 has a Dam with no other infrastructure in place. There is also the Extractive Industry approval on proposed lot 1 (file ref: DA/1085).</i>

3.0 DEVELOPMENT PROPOSAL

3.1 General Description

The Applicant seeks the required development approval from the Cook Shire Council ('Council') for the proposed reconfiguration of the Lot 31 & 32 on BK808310, at 252 Poison Creek Road, Cooktown for the purposes of obtaining approval to reconfigure the property and realign the boundaries. Accordingly, this application seeks the following approval:

- **Development Permit to Reconfigure a Lot – Boundary Realignment**

3.2 Proposal Details

This development application is seeking a development permit to Reconfigure the allotment formally described as Lot 31 & 32 on BK808310, at 252 Poison Creek Road, Cooktown for the purposes of obtaining approval to reconfigure the property and realign the boundaries. The proposed lot layout and configuration is illustrated in figure 2. The proposed development maintains the existing rural lifestyle properties whilst rectifying the issues currently with the boundary separation and encroachment issues with the built form on proposed Lot 2. The proposed realignment provides suitable buffers and separation distances between the boundary and the buildings, and also ensures the existing access driveway and crossover is secured for Proposed Lot 2.

Proposed Lot 1 has no structures of significance, and can accommodate a dwelling and associated buildings in future. In terms of access, there is a new crossover location proposed along Minke Road as it

is much safer, and traffic moves a lot slower than on Poison Creek Road. The location has been carefully selected to optimise visibility and sight lines, whilst still being setback far enough away from the intersection with Poison Creek, so as to no cause an impacts or conflicts.

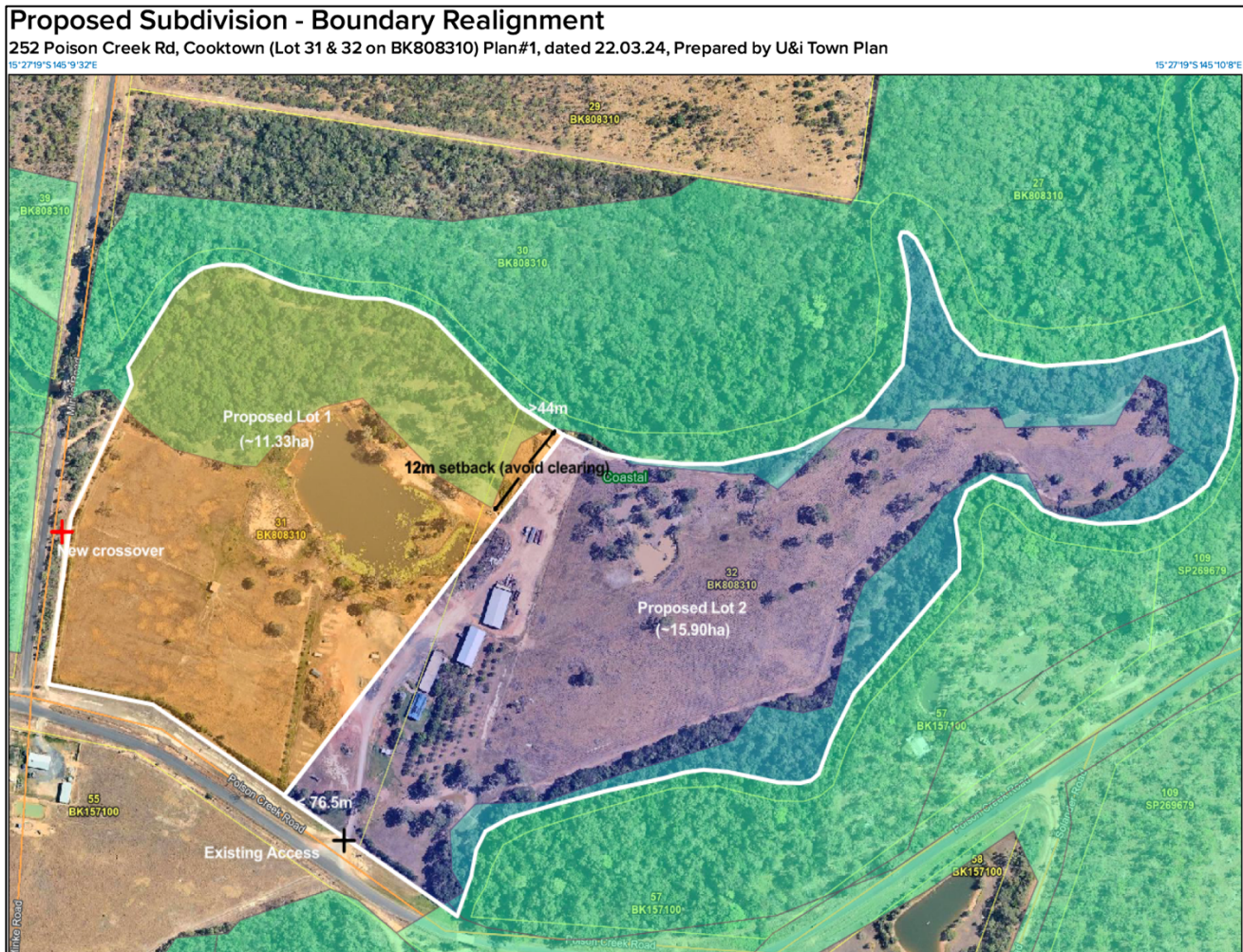


Figure 2: Development Plan – Lot Layout and Configuration.

The proposed reconfiguration seeks to realign the boundaries currently described as proposed lots 1 through to 2. The proposed areas of these allotments are provided in the table below:

Lot No.	Existing Lot Area	Proposed Lot Area
1	11.73ha	~11.33ha
2	15.37ha	~15.90ha

In terms of the zoning of the property, the subject site is designated within the 'Rural Zone' under the Cook Shire Planning Scheme 2017. An insert of the subject property and the relevant zoning from the Cook Shire Planning Scheme is provided in figure 3 below.



Figure 3: Planning Scheme Zoning Map – Rural Zone (light green)

In terms of the minimum lot size and dimensions for the various zones under the planning scheme, we wish to provide the following table from the planning scheme.

Schedule 1— Minimum Lot Dimensions

Zone	Minimum Area ^(a)	Minimum road frontage	Maximum depth to frontage ratio
Low density residential zone	800m ²	20m	NA
Medium density residential zone	800m ²	20m	NA
Centre zone	400m ²	10m	NA
Industry zone	1,000m ²	20m	NA
Rural zone	100ha	100m	5:1
Rural residential zone	2,000m ² where reticulated water is available	40m	3:1
	4,000m ² where reticulated water is not available		
Township zone	800m ²	20m	NA
All other circumstances (including community titles scheme in any zone)	Not specified	Not specified	Not specified

(a) For rear allotments, the minimum area excludes the area of the proposed access way.

It is advised that typically the minimum lot size within the rural zone is 100ha. However, it is noted that the planning scheme does allow the creation of ‘Rural Lifestyle Allotments’ under section 3.4.1.1.

3.4.1.1 Specific outcomes

Specific outcomes for land use in Cook Shire include:

- (1) Increased residential density on serviced lots close to town centres, with minimal impact on amenity and character, will be supported.
- (2) **OM6 - Future Urban Expansion Overlay Maps** recognises areas where long-term expansion of the town may occur and the land is protected from subdivision or changes of use that may jeopardise the logical pattern of growth and efficient infrastructure delivery. Further subdivision of these lands must demonstrate community need for urban expansion.
- (3) Rural-based tourism will be supported at an appropriate scale that contributes to the viability of the primary rural use and without sterilising existing or future commercial operations in the region.
- (4) Freehold land in the Lakeland area and west of Coen on Merapah, Holroyd River and Kendall River Stations is identified on **OM8 – Rural Land Use Overlay Map** and contains agricultural land as a commercial arable precinct. It is Council’s intent to prevent land uses in this area that would alienate existing and potential commercial cropping values. Conversely it intends to encourage land uses integral to support commercial farming;
- (5) Opportunities exist to create rural lifestyle allotments down to 4ha in areas of the shire close to services and facilities and with appropriate access to such services and facilities. Such allotments provide for small-scale horticultural and tropical fruit enterprises as well as housing choice in a natural setting.

Rural Lifestyle Allotments	
<p>PO12 Reconfiguring a lot in the Rural Zone results in Rural Lifestyle Lots that:</p> <ul style="list-style-type: none"> (a) Are in reasonable proximity to services and facilities such as health, education and retail opportunities; (b) Have frontage to a road and access to a road network that complies with the rural roads design criteria in the FNQROC Development Manual; (c) Protects rural activities and extractive industry from encroachment by sensitive land uses; (d) Will not impact transport/supply chains critical to rural production, rural industry and extractive industry; (e) Have a sustainable level of impact on the natural environment having regard to water supply and water quality effluent disposal, potential erosion and natural habitat. (f) Provide a high level of residential and scenic amenity and safety from risk of natural 	<p>No Acceptable Outcome specified.</p> <p>Note – as contemplated in section 3.4.1.1 of the scheme, Council will consider proposals for Rural Lifestyle Allotments down to 4ha in size, where compliance with the Performance Outcome is demonstrated.</p>

The proposed development seeks to realign the boundaries with the average lot size being 13.55 hectares, below the minimum 100 hectares prescribed under the Reconfiguring a Lots Code for Rural allotments. While we recognise that these allotments are below the minimum lot size, it is also reinforced that the properties are existing and the proposal is simply seeking to shift the boundaries to rectify setbacks and buffers from the internal boundary, whilst also securing the access crossover and driveway which service the existing dwelling and outbuildings on proposed Lot 2.

The development achieves compliance with the strategic framework outcomes for land use patterns, in that the development creates an additional rural lifestyle allotment in the area. It is considered that this development in these particular and unique circumstances, meets the performance outcomes and purpose statements outlined within the Rural Zone Code and Reconfiguring a Lot Code. As such, this development should be supported and recommended for approval, subject to reasonable and relevant conditions being imposed.

4.0 LEGISLATIVE REQUIREMENTS

4.1 Planning Act 2016

The proposed development is defined under the act as a Reconfiguration of a Lot under the *Planning Act 2016*. The extract of definition is provided as follows:

reconfiguring a lot means—

- (a) creating lots by subdividing another lot; or*
- (b) amalgamating 2 or more lots; or*
- (c) rearranging the boundaries of a lot by registering a plan of subdivision under the Land Act or Land Title Act; or*
- (d) dividing land into parts by agreement rendering different parts of a lot immediately available for separate disposition or separate occupation, other than by an agreement that is—*
 - (i) a lease for a term, including renewal options, not exceeding 10 years; or*
 - (ii) an agreement for the exclusive use of part of the common property for a community titles scheme under the Body Corporate and Community Management Act 1997 ; or*
- (e) creating an easement giving access to a lot from a constructed road.*

The proposed reconfiguration of a lot within the rural zone is listed as code assessable also referred to as assessable development. Hence the development is deemed to be “Assessable Development” pursuant to Section 44 of PA, which states that “Assessable development is development for which a development approval is required.”

4.2 Assessment Manager

The Assessment Manager for this development application is the Cook Shire Council, as determined by Schedule 8 of the Planning Regulations 2017 (PR).

5.0 ASSESSMENT

The proposed development is identified as *code assessable* in the reconfiguration of a lot table of assessment. There are no other relevant components of the planning scheme or *Planning Regulations 2017* which affect the level of assessment for the development. The development application is subject to a bound assessment against the specifically identified assessment benchmarks from the planning instruments. The following assessment benchmarks are identified as being applicable to the assessment of the development application.

5.1 Assessment Benchmarks Pertaining to State Planning Instruments

State Planning Policy

There are no applicable components of the State planning policy.

Cape York Regional Plan

The Minister has identified that the planning scheme, specifically the strategic framework, appropriately advances the Cape York Regional Plan, as it applies in the planning scheme area. Hence, compliance with the CYRP is demonstrated through the compliance with the Cook Shire Planning Scheme.

State Development Assessment Provisions

Under Schedule 10 of the *Planning Regulation 2017*, the development application triggers referral agency assessment the State development assessment provisions.

State Planning Instruments	
Assessment Benchmarks:	No codes or referrals apply to the assessment of this development application.

5.2 Assessment Benchmarks Pertaining to Local Planning Instruments

5.2.1 Planning Scheme (Cook Shire Council Planning Scheme 2017 – Version 2)

The applicable planning scheme for the application is the Cook Shire Council Planning Scheme 2017 – Version 2, and there are no other identified applicable local planning instruments.

5.2.2 Applicable Codes

It is noted that the tables of assessment for Reconfiguring a Lot applies to all zones and states that all aspect of reconfiguring a lot require a code assessable development application to be submitted.

The development is therefore only subject to assessment against the following codes:

Planning Scheme	
Assessment Benchmarks:	<ul style="list-style-type: none"> • Rural Zone Code • Reconfiguring a Lot Code • Works, Services & Infrastructure Code • Bushfire Hazard Overlay Code • Biodiversity Overlay Code • Flood and Other Coastal Hazards Overlay Code

Assessment Benchmarks – Planning Scheme

The application has been assessed against each of the applicable components of the planning scheme and found to be:

- consistent with the strategic framework,
- compliant with the applicable codes,
- reflective of the land use intent for the rural zone.

Any pertinent issues arising from the assessment against the planning scheme are discussed below. For clarity, any codes or outcomes not discussed below are considered to be objectively satisfied.

5.2.3 Zone Codes

Rural Zone Code: Complies

- (1) *The purpose of the rural zone is to—*
 - (a) *provide for rural uses and activities; and*
 - (b) *provide for other uses and activities that are compatible with—*
 - (i) *existing and future rural uses and activities; and*
 - (ii) *the character and environmental features of the zone; and*
 - (c) *maintain the capacity of land for rural uses and activities by protecting and managing significant natural resources and processes.*

- (2) *The purpose of the code will be achieved through the following overall outcomes;*
 - (a) *Agricultural land is protected from fragmentation or alienation;*
 - (b) *Adequate infrastructure (particularly roads) is provided to service rural communities and support the rural economy;*
 - (c) *Intensive rural activities and aquaculture is separated from sensitive land uses to ensure they do not have a detrimental impact on the amenity of adjoining land;*
 - (d) *Existing extractive industries and known resource deposits are protected, and provide opportunities for new extractive industry operations. All new and existing operations are located and designed to mitigate environmental impacts;*
 - (e) *Appropriate forms of tourism-based activities and associated short term accommodation are supported where at an appropriate scale and impacts can be managed;*
 - (f) *Development in the Eastern Kuku Yalanji Local Plan is supported, including higher densities for rural zoned sites at Little Annan and South Mungumby (Precincts 4 and 5 of the Local Plan).*
 - (g) *Built form is consistent with the rural character, which is typically a single dwelling house and ancillary structures necessarily associated with the rural activity, such as sheds.*
 - (h) *Scenic landscape values and rural character are protected from the visual impacts of clearing, construction and intensive uses;*
 - (i) *Development maintains adequate separation from natural features such as prominent hills and ridges, creeks, gullies, waterways, wetlands so they are retained, managed and enhanced.*
 - (j) *Non-rural development is designed and located so it does not compromise the long-term use of the land for rural purposes.*

The proposed development seeks to realign the boundaries with the average lot size being 13.55 hectares, below the minimum 100 hectares prescribed under the Reconfiguring a Lots Code for Rural

allotments. While we recognise that these allotments are below the minimum lot size, it is also reinforced that the properties are existing and the proposal is simply seeking to shift the boundaries to rectify setbacks and buffers from the internal boundary, whilst also securing the access crossover and driveway which service the existing dwelling and outbuildings on proposed Lot 2.

The development achieves compliance with the strategic framework outcomes for land use patterns, in that the development creates an additional rural lifestyle allotment in the area. It is considered that this development in these particular and unique circumstances, meets the performance outcomes and purpose statements outlined within the Rural Zone Code and Reconfiguring a Lot Code. As such, this development should be supported and recommended for approval, subject to reasonable and relevant conditions being imposed.

5.2.4 Development Codes

Reconfiguring a Lot Code: Complies.

The purpose of the Reconfiguring a lot code is to ensure that land is:

- (a) arranged in a manner which is consistent with the intended scale and intensity of development within the area;*
- (b) provided with access to appropriate movement and open space networks; and*
- (c) contributes to housing diversity and accommodates a range of land uses.*

The purpose of the code will be achieved through the following overall outcomes:

- (a) Subdivision of land achieves the efficient use of land and the efficient provision of infrastructure and transport services;*
- (b) Lots are of a suitable size and shape for the intended or potential use having regard to the purpose and overall outcomes of the relevant zone or precinct.*
- (c) Subdivision of land creates lots with sufficient area and dimensions to accommodate the ultimate use, meet user requirements, protect environmental features and account for site constraints;*
- (d) A range and mix of lot sizes is provided to facilitate a variety of industry and housing types;*
- (e) Subdivision design incorporates a road network that provides connectivity and circulation for vehicles and provide safe and efficient access for pedestrians, cyclists and public transport;*
- (f) Subdivision design provides opportunities for walking and cycling for recreation and as alternative methods of travel;*
- (g) Subdivision of land provides and integrates a range of functional parkland, including local and district parks and open space links for the use and enjoyment of the residents of the locality and the shire;*
- (h) Subdivision of land contributes to an open space network that achieves connectivity along riparian corridors and between areas with conservation values;*

- (i) Subdivision within the Rural zone maintains rural landholdings in viable parcels;
- (j) Land in historical townships is not reconfigured to be used for urban purposes; and
- (k) Residential subdivision and greenfield development is designed to consider and respect:
 - (i) topography;
 - (ii) climate responsive design and solar orientation;
 - (iii) efficient and sustainable infrastructure provision;
 - (iv) environmental values;
 - (v) water sensitive urban design;
 - (vi) good quality agricultural land; and
 - (vii) the character and scale of surrounding development.

Schedule 1— Minimum Lot Dimensions

Zone	Minimum Area ^(a)	Minimum road frontage	Maximum depth to frontage ratio
Low density residential zone	800m ²	20m	NA
Medium density residential zone	800m ²	20m	NA
Centre zone	400m ²	10m	NA
Industry zone	1,000m ²	20m	NA
Rural zone	100ha	100m	5:1
Rural residential zone	2,000m ² where reticulated water is available	40m	3:1
	4,000m ² where reticulated water is not available		
Township zone	800m ²	20m	NA
All other circumstances (including community titles scheme in any zone)	Not specified	Not specified	Not specified

(a) For rear allotments, the minimum area excludes the area of the proposed access way.

The proposed development seeks to realign the boundaries with the average lot size being 13.55 hectares, below the minimum 100 hectares prescribed under the Reconfiguring a Lots Code for Rural allotments. While we recognise that these allotments are below the minimum lot size, it is also reinforced that the properties are existing and the proposal is simply seeking to shift the boundaries to rectify setbacks and buffers from the internal boundary, whilst also securing the access crossover and driveway which service the existing dwelling and outbuildings on proposed Lot 2.

The development achieves compliance with the strategic framework outcomes for land use patterns, in that the development creates an additional rural lifestyle allotment in the area. It is considered that this development in these particular and unique circumstances, meets the performance outcomes and purpose statements outlined within the Rural Zone Code and Reconfiguring a Lot Code. As such, this development should be supported and recommended for approval, subject to reasonable and relevant conditions being imposed.

Works, Services and Infrastructure code: No issues, subject to standard conditions of approval relating to the provision of infrastructure to the development.

In terms of the services provided as part of this development, we proposed the development be serviced in the following format:

- **Access:** The existing access crossover into proposed lot 2 will remain unchanged as part of this development. A new access crossover will be constructed as marked on the plans in accordance with the FNQROC development manual.
- **Water:** Existing water and services provided as part of the existing dwelling on proposed lot 2 will remain unchanged. In terms of water, it is proposed that the new dwelling on proposed lot 1 will be serviced by a suitably sized rainwater tank, being around 50,000 litres and will be required to be installed as part of the Development Application for Building Works.
- **Sewerage:** The existing dwelling on proposed lot 2 is serviced by existing infrastructure in place. The new dwelling on proposed lots 1 will be required to be design a suitable treatment system that will be provided as part of the Development Application for Building Works or Plumbing Works.
- **Power:** As conditioned on other rural type developments, we would anticipate a condition of approval to require power to be provided and demonstrated at the time of building approval. Technology allows properties of this rural nature to be serviced by off the grid power given the latest improvements in solar power and battery storage technology; and
- **Telecommunications:** Not considered applicable to this development as it is within the rural zone as there are various avenues available via the NBN for the site to be connected to the internet which is used to provide home phone services.

5.2.5 Overlay Codes

Bushfire Hazard Overlay Code: Complies

- (1) *The purpose of the Bushfire Hazard Overlay Code is to:*
 - (a) *Provide for the assessment of the suitability of development in the Bushfire Hazard Overlay area to ensure that risk to life, property, community, economic activity and the environment during bushfire events is minimised.*
 - (b) *Ensure that development does not increase the potential for bushfire damage on-site or to other property.*
- (2) *The purpose of the Bushfire Hazard Overlay Code will be achieved through the following overall outcomes:*
 - (a) *the development siting, layout, and access responds to the risk of the bushfire hazard and minimises risk to personal safety*

- (b) *the development is resilient to bushfire hazard events by ensuring siting and design accounts for the potential risks of bushfire hazards to property*
- (c) *the development supports, and does not unduly burden disaster management response or recovery capacity and capabilities*
- (d) *the development directly, indirectly and cumulatively avoids an unacceptable increase in severity of then bushfire hazard and does not significantly increase the potential for damage on the site or to other properties*
- (e) *development avoids the establishment or intensification of vulnerable uses in or near areas subject to bushfire hazard*
- (f) *the development avoids the release of hazardous materials as a result of a bushfire hazard event*
- (g) *impacts from bushfire mitigation treatments on natural processes and the protective function of landforms and/or vegetation are avoided or minimized.*



Figure 4: Planning Scheme Map – Bushfire Hazard Overlay Map

The subject land is mapped as containing areas around part of the perimeter that are considered ‘potential bushfire hazard area. The hazard mapping generally correlates with the vegetated areas, however it seems somewhat different in this instance.

The development may be conditioned to ensure the development considers the potential fire hazards that exist in the area. Fire management conditions may include built form controls to be provided at the time of future development applications for building works. This may be in the form of a suitably sized rainwater tank or other water source with a capacity of not less than 5,000 litres to be available for fire-fighting purposes.

Condition wording below provided to address the relevant fire hazard.

Bushfire Management

Any new dwelling erected on Lot 2 shall:

- *be sited in locations of lowest hazard within the lot;*
- *achieve setbacks from hazardous vegetation of 1.5 times the predominant mature canopy tree height or 20 metres, whichever is the greater; and*
- *be provided with a source of water for fire-fighting purposes of not less than 5,000 litres. This may be satisfied by the provision of an accessible dam, swimming pool or tank. In the case of a tank supply, delivery of the water should be provided through a 50mm male Camlock fitting. The outlet from the tank water supply or the dam/pool shall be located within an accessible position within 40 metres from the habitable buildings.*

Biodiversity Overlay Code: Complies

- (1) *The purpose of the Biodiversity overlay code is to protect biodiversity through:*
 - (a) *avoiding development within biodiversity areas;*
 - (b) *minimising the adverse impacts of development on biodiversity;*
 - (c) *management of pest and invasive species;*
 - (d) *strategic rehabilitation occurs through restoration of terrestrial and aquatic ecosystems;*
 - (e) *encourage expansion of habitat connectivity;*
 - (f) *minimise downstream impacts on biodiversity including fish habitats and the Great Barrier Reef.*
- (2) *The purpose of the code will be achieved through the following overall outcomes:*
 - (a) *Conservation, consolidation, connection and restoration of the network of lands with environmental significance.*
 - (b) *Protection and enhancement of waterways, wetlands and coastal environments with environmental significance and their hydrological value and water-cleaning functions.*
 - (c) *Avoidance of impacts to areas of environmental significance through the appropriate design and location development.*

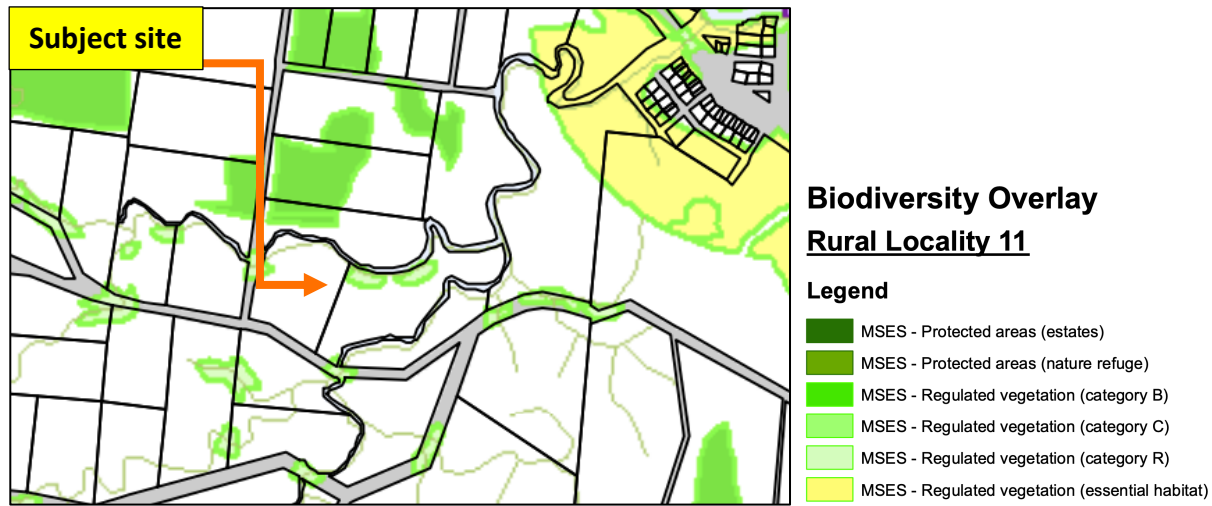


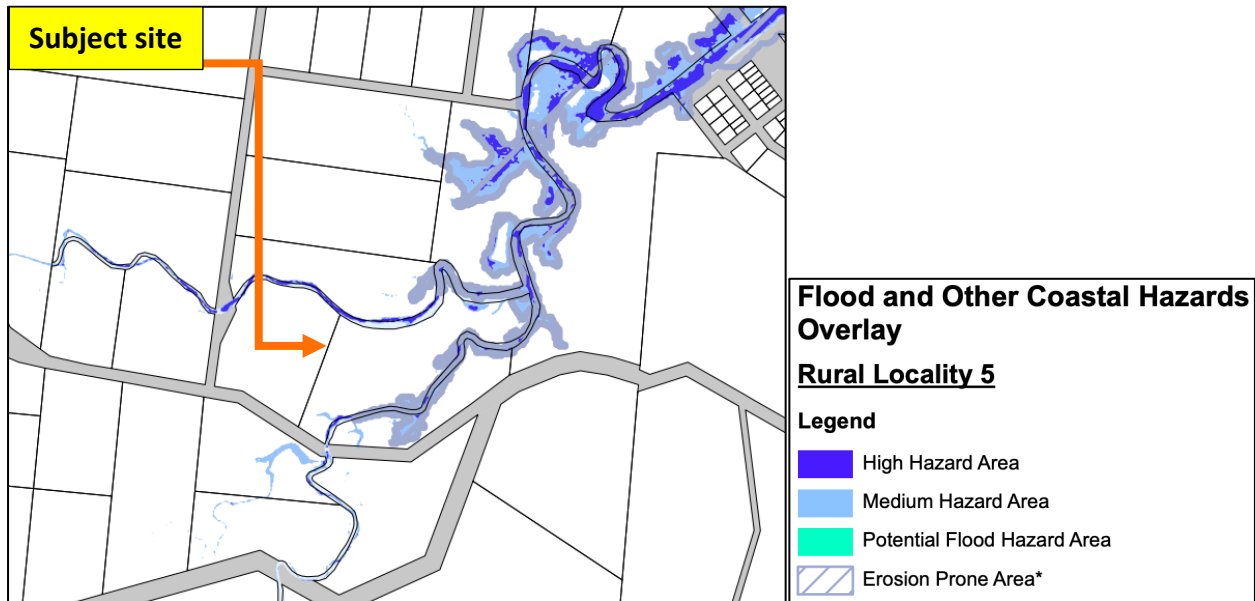
Figure 5: Planning Scheme Map – Biodiversity Overlay Map

The site is mapped as containing regrowth vegetation in areas which are cleared and haven't been vegetated within the Biodiversity Overlay Mapping. As such, no further assessment against this code is applicable to this development application. More importantly, the state mapping for regulated vegetation as illustrated on the site plan, illustrate that the proposed boundary realignment seek to reduce and avoid any vegetation clearing as part of this development. This is achieved by providing a setback from the boundary to the regulated vegetation of 12m, which results in no further clearing exemptions for fire breaks around the boundaries of all properties. As such, the proposed development achieves compliance and avoids any referrals for vegetation clearing.

Flood and Other Coastal Hazard Overlay Code

- (1) *The purpose of the Flood and other coastal hazards overlay code is to manage development in identified flood and erosion prone hazard areas so that risk to life, property, community and the environment from natural hazards is minimised, and to ensure that development does not increase the potential for flood damage on site or to other property and manages impacts on coastal processes.*
- (2) *The purpose of the code will be achieved through the following overall outcomes:*
 - (a) *development maintains the safety of people from flood events;*
 - (b) *development minimises the potential damage to property from flooding;*
 - (c) *development does not result in adverse impacts on the environment or the amenity of a location;*
 - (d) *development provides an evacuation path to enable the safe evacuation of people during a flood event or a place to provide the safe refuge of people during a flood event;*
 - (e) *development does not have an adverse impact on flood conveyance capacity, flood levels and velocities, floodplain storage capacity and drainage characteristics, taking into account the additional impacts of flood from cumulative impacts of development;*

- (f) development avoids the release of hazardous materials as a result of a natural hazard event;
- (g) development supports, and does not unduly burden disaster management response or recovery capacity and capabilities; and
- (h) adverse impacts on coastal processes and resources are avoided or minimized.



The subject land is mapped as containing a 'Medium Hazard Area' along the creek which runs along the south eastern boundary of proposed lot 2. In terms of the impacts on the new proposed allotments, it is evidences from the mapped areas, the any potential flowing is localised and the existing dwellings and infrastructure on proposed Lot 2 is adequately separated from the creek. As such, it is considered that the proposed development complies with the Flood and Other Coastal Hazards Overlay Code requirements and no further assessment is required.

6.0 EXTERNAL REFERRALS

The State Development Assessment Provisions (SDAP) set out the matters of interest to the state for development assessment. The SDAP identifies the matters of interest – where relevant they have been addressed by heading in this section. Where the State is a referral agency for a development application under the provisions, the state code applies. In this instance, the proposed boundary realignment has been configured to ensure the proposed development does not triggers referral for vegetation clearing under the Planning Regulations 2017.

7.0 PUBLIC NOTIFICATION

The application is code assessable and will not be subject to public notification.

8.0 CONCLUSION

This application has been prepared by U&i Town Plan on behalf G. Scott & L. Hanley who own Lot 31 & 32 on BK808310, located at 252 Poison Creek Road, Cooktown for the purposes of obtaining approval to reconfigure the property and facilitate a boundary realignment. Accordingly, this application seeks the following approval:

- **Development Permit to Reconfigure a Lot – Boundary Realignment**

This report has described the site and development, clearly set out the applicable statutory, legislative, and planning requirements associated with the development and sought to demonstrate not only the suitability of the development, but also its compliance with the Planning Scheme. In summary, the proposed reconfiguration of the lot within this zone is encouraged under the existing planning frameworks which are applicable to the site.

It is acknowledged and accepted that some of the elements of the development may depart from the Acceptable Measures reflected, in some of the applicable codes of the Planning Scheme. However, these departures are relatively minor and where such departures have been identified, a performance-based approach, based on sound planning grounds has been provided to demonstrate compliance with the corresponding Performance Outcome. Accordingly, we believe the development should be approved as proposed.

RECOMMENDATION

That this application seeking a development permit to Reconfigure the Lot to realign the boundaries 252 Poison Creek Road, Cooktown formally described as Lot 31 & 32 BK808310, be approved subject to conditions.

STATEMENT OF REASONS

Subject to the imposition of reasonable and relevant conditions, the development is able to comply with the following applicable assessment benchmarks against which the application was required to be assessed.

Applicable Assessment Benchmarks:

Planning Scheme	
Assessment Benchmarks:	<ul style="list-style-type: none"> • Rural Zone Code • Reconfiguring a Lot Code • Works, Services & Infrastructure Code • Bushfire Hazard Overlay Code • Biodiversity Overlay Code. • Flood and Other Coastal Hazards Overlay Code

State Planning Instruments	
Assessment Benchmarks:	<ul style="list-style-type: none">No codes or referrals apply to the assessment of this development application.

REASON FOR APPROVAL DESPITE NON-COMPLIANCE WITH ASSESSMENT BENCHMARKS

There were no areas of non-compliance with the assessment benchmarks, subject to the imposition of the reasonable and relevant conditions.

ATTACHMENT 1 – DA FORM 1 – DEVELOPMENT APPLICATION DETAILS

DA Form 1 – Development application details

Approved form (version 1.4 effective 15 December 2023) 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)	G. Scott & L. Hanley c/- U&i Town Plan
Contact name (only applicable for companies)	Ramon Samanes, Director
Postal address (P.O. Box or street address)	PO Box 426
Suburb	Cooktown
State	Qld
Postcode	4895
Country	Australia
Contact number	0411344110
Email address (non-mandatory)	ramon@uitownplan.com.au
Mobile number (non-mandatory)	0411344110
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	R3-24

2) Owner's consent

2.1) Is written consent of the owner required for this development application?

- Yes – the written consent of the owner(s) is attached to this development application
 No – proceed to 3)

PART 2 – LOCATION DETAILS

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

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

3.1) Street address and lot on plan

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		252	Poison Creek Road	Cooktown
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4895	31 & 32	BK808310	Cook Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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

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

- Coordinates of premises by longitude and latitude

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

- Coordinates of premises by easting and northing

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

3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- In a tidal area

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

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

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

Name of airport:

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

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

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

No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect
a) What is the type of development? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input checked="" type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input checked="" type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
Reconfiguration of a Lot – boundary realignment
e) Relevant plans <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms guide: Relevant plans.</i>
<input type="checkbox"/> Relevant plans of the proposed development are attached to the development application
6.2) Provide details about the second development aspect
a) What is the type of development? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
e) Relevant plans <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>
<input type="checkbox"/> Relevant plans of the proposed development are attached to the development application
6.3) Additional aspects of development
<input type="checkbox"/> Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
<input checked="" type="checkbox"/> Not required

Section 2 – Further development details

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

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition <i>(include each definition in a new row)</i>	Number of dwelling units <i>(if applicable)</i>	Gross floor area (m ²) <i>(if applicable)</i>

8.2) Does the proposed use involve the use of existing buildings on the premises?	
<input type="checkbox"/> Yes	
<input type="checkbox"/> No	

Division 2 – Reconfiguring a lot

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

9.1) What is the total number of existing lots making up the premises?	
One (1) Existing Allotment	

9.2) What is the nature of the lot reconfiguration? <i>(tick all applicable boxes)</i>	
<input type="checkbox"/> Subdivision <i>(complete 10)</i>	
<input checked="" type="checkbox"/> Boundary realignment <i>(complete 12)</i>	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road <i>(complete 13)</i>

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

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	Lot on plan description	Area
Lot 31 on BK808310	11.73ha	1	11.33ha
Lot 32 on BK808310	15.37ha	2	15.90ha

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

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

<p>Matters requiring referral to the local government:</p> <p><input type="checkbox"/> Airport land</p> <p><input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA has been devolved to local government)</i></p> <p><input type="checkbox"/> Heritage places – Local heritage places</p>
<p>Matters requiring referral to the Chief Executive of the distribution entity or transmission entity:</p> <p><input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure</p>
<p>Matters requiring referral to:</p> <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 <p><input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure</p>
<p>Matters requiring referral to the Brisbane City Council:</p> <p><input type="checkbox"/> Ports – Brisbane core port land</p>
<p>Matters requiring referral to the Minister responsible for administering the <i>Transport Infrastructure Act 1994</i>:</p> <p><input type="checkbox"/> Ports – Brisbane core port land <i>(where inconsistent with the Brisbane port LUP for transport reasons)</i></p> <p><input type="checkbox"/> Ports – Strategic port land</p>
<p>Matters requiring referral to the relevant port operator, if applicant is not port operator:</p> <p><input type="checkbox"/> Ports – Land within Port of Brisbane’s port limits <i>(below high-water mark)</i></p>
<p>Matters requiring referral to the Chief Executive of the relevant port authority:</p> <p><input type="checkbox"/> Ports – Land within limits of another port <i>(below high-water mark)</i></p>
<p>Matters requiring referral to the Gold Coast Waterways Authority:</p> <p><input type="checkbox"/> Tidal works or work in a coastal management district <i>(in Gold Coast waters)</i></p>
<p>Matters requiring referral to the Queensland Fire and Emergency Service:</p> <p><input type="checkbox"/> Tidal works or work in a coastal management district <i>(involving a marina (more than six vessel berths))</i></p>

<p>18) Has any referral agency provided a referral response for this development application?</p> <p><input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application</p> <p><input checked="" type="checkbox"/> No</p>		
Referral requirement	Referral agency	Date of referral response
<p>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>.</p>		

PART 6 – INFORMATION REQUEST

<p>19) Information request under Part 3 of the DA Rules</p> <p><input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application</p> <p><input type="checkbox"/> I do not agree to accept an information request for this development application</p> <p>Note: <i>By not agreeing to accept an information request I, the applicant, acknowledge:</i></p> <ul style="list-style-type: none"> • <i>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</i> • <i>Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</i> <p><i>Further advice about information requests is contained in the DA Forms Guide.</i></p>

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			

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:	
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Brothels

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

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

Decision under section 62 of the *Transport Infrastructure Act 1994*

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

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

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

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

- Yes – Schedule 12A is applicable to the development application and the assessment benchmarks contained in schedule 12A have been considered
- No

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

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

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

Yes

Note: See the *Planning Regulation 2017* for referral requirements

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

Yes

Not applicable

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

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

Yes

Relevant plans of the development are attached to this development application

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

Yes

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

Yes

Not applicable

25) Applicant declaration

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

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

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

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

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

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

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

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

Date received: Reference number(s):

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

QLeave notification and payment			
<i>Note: For completion by assessment manager if applicable</i>			
Description of the work			
QLeave project number			
Amount paid (\$)		Date paid (dd/mm/yy)	
Date receipted form sighted by assessment manager			
Name of officer who sighted the form			

ATTACHMENT 2 – LANDOWNER’S CONSENT

CLIENT ACCEPTANCE FORM / OWNER'S CONSENT


(TO BE COMPLETED AND RETURNED)

PROJECT:	Reconfiguration of a Lot – Boundary Realignment
PROJECT ADDRESS:	252 POISON CREEK ROAD, COOKTOWN (LOT 31 & 32 ON BK808310)

Client Details

Client:	Glen Scott and Lindy Hanley	(enter client name) (primary contact)
Invoice Address:	971 Tagigan Rd. Wolvi QLD 4570	(enter invoice address)
Phone:	0438508852 - Lindy 0408181894 - Glen	(enter client phone)
Email:	admin@scottearthmoving.com	(enter client email)
Accounts Contact:	Lindy	(enter accounts email & phone)

Landowner Details

Landowner Name/s:	Glen R Scott & Lindy R Hanley	(enter landowner names) As shown on rates notice
Address:	252 Poison Creek Rd. Cooktown	(enter address)
All Owners Signatures:		(signatures from all landowners & Dated)

I / we, the party named below (the Client), confirm the commission of R&A Samanes Pty Ltd t/a U&i Town Plan (the Consultant), in relation to the project referenced above and accept all terms and conditions of the Quote and in particular confirm responsibility for payment of fees generated by this commission and payable to the Consultant strictly prior to lodgement of the Application and in other cases within 7 days of the date of invoice.

Signed:



Name:

Glen Scott and Lindy Hanley

Date:

21/03/2024

Please complete, sign and return to: ramon@uitownplan.com.au

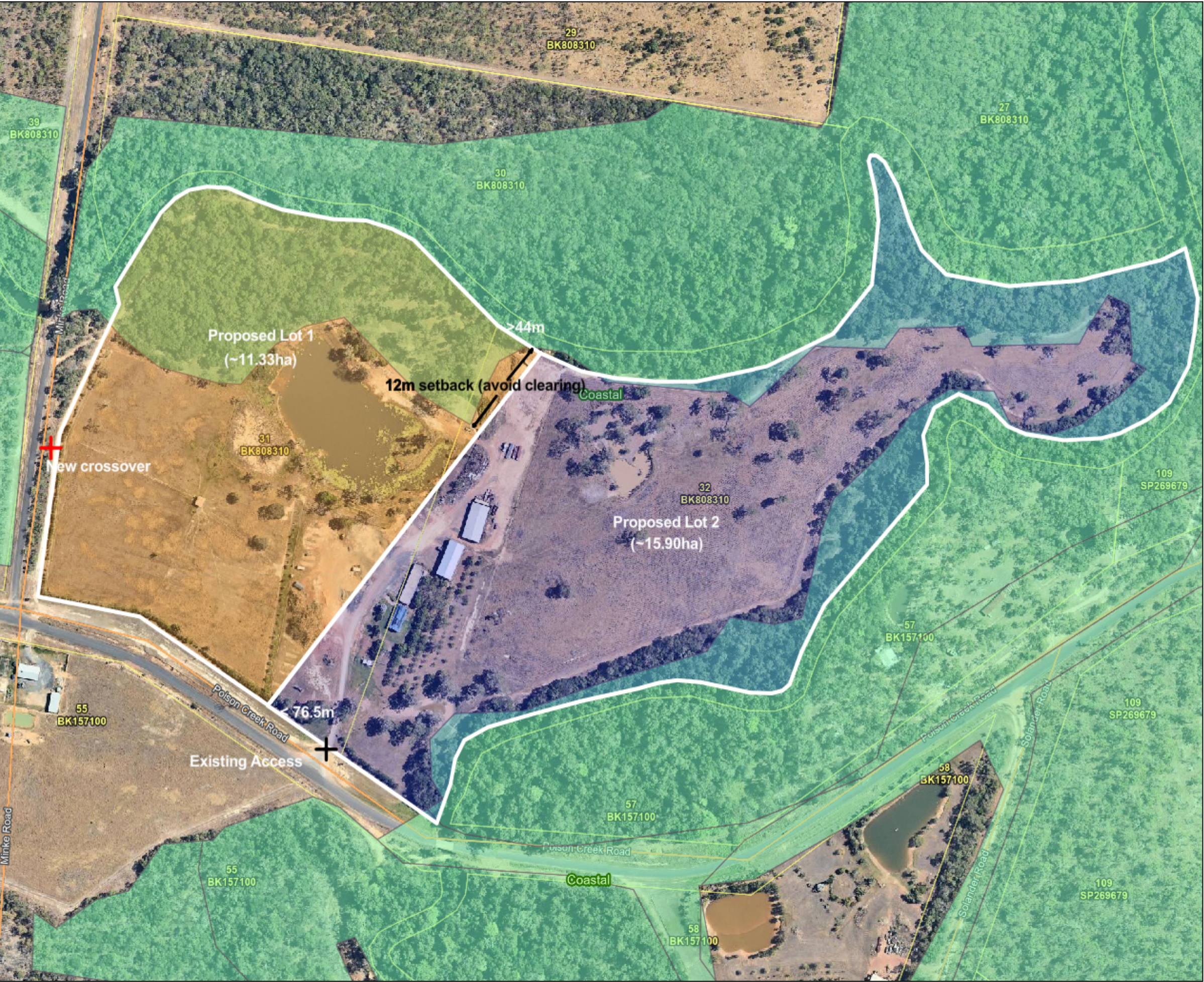
ATTACHMENT 3 – DEVELOPMENT PLANS

Proposed Subdivision - Boundary Realignment

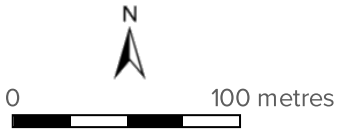
252 Poison Creek Rd, Cooktown (Lot 31 & 32 on BK808310) Plan#1, dated 22.03.24, Prepared by U&i Town Plan

15°27'19"S 145°9'32"E

15°27'19"S 145°10'8"E



Legend located on next page



Scale: 1:3271

Printed at: A3

Print date: 22/3/2024

Not suitable for accurate measurement.
Projection: Web Mercator EPSG 102100 (3857)

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

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15°27'45"S 145°9'32"E

15°27'45"S 145°10'8"E

ATTACHMENT 4 – FIRE HAZARD CHECKLIST

FIRE HAZARD ANALYSIS

The following analysis can be completed by the land owner to provide their own written summary of issues. If any clarification is required, please contact Council's Town Planning section on (07) 4069 5533.

Fuel type:

Comment: There is no vegetation other than around the perimeter along the riparian areas, with the majority of both lots cleared and containing grassed maintained areas.

Topographic features:

Comment: The site is surrounded by features which would limit the amount and extent of fire hazard relevant to the property. The site is relatively flat, with two (2) creeks around the perimeter of the properties which reduces the rate of spread.

Fire history:

Comment: No known history or fires over the property. As such, no further comment is required or considered warranted on this subject. We would argue that the vegetation would rarely burn given that it is mostly green all year round with the types of grass that exists on the property.

Proposed development:

Comment: There is almost 4ha of cleared available land on proposed lot 1 to accommodate a future dwelling. With significant space and area that will continue to be mowed and maintained to provide suitable buffers from future infrastructure. These elements coupled with a suitable source of water available at all times for fire fighting purposes is essential to protect any future improvements on proposed lot 1. As such, we would consider it to be a reasonable and relevant requirement to condition the development accordingly.

Damage potential:

Comment: Minimal damage potential given the buffers and areas maintained around the property. The key design element being that all new buildings located on proposed lot 1 will be suitably separated from any potential fire sources, and through regular mowing and maintenance around these area will ensure any potential fuel sources are removed therefore greatly reducing any potential risk or harm to infrastructure.

Protection measures

Comment: he key design element being that all new buildings located on proposed lot 1 will be suitably separated from any potential fire sources, and through regular mowing and maintenance around these area will ensure any potential fuel sources are removed therefore greatly reducing any potential risk or harm to infrastructure.

FIRE HAZARD ASSESSMENT CHECKLIST

Property Description - Lot 31 & 32 on BK808310

Property Address - 252 Poison Creek Road, Cooktown

Assessor name - Ramon Samanes, U&i Town Plan

Assessment date - 23.03.24

1. **FUEL AVAILABLE to sustain fire:**

Vegetation:	Open forest or woodland + Grass	5
	Tall, wet eucalypt forest Grassland	4
	Heath	3
	Acacia thickets	3
	Cropping, horticulture	2
	Rainforest and other types	1
Fuel Load:	VERY HIGH 15.1 t/ha +	5
	HIGH 10.1 - 15.0	4
	MODERATE 5.1 - 10.0	3
	LOW <u>2.1 -5.0</u>	2
	VERY LOW 0.1 - 2.0	1

SUB-TOTAL 5

5. HOUSING/BUILDING DENSITY:

VERY HIGH	(One house per 0.5ha.)	10
HIGH	(One house per 0.6 – 2ha.)	8
<u>MODERATE</u>	(One house per 2-10ha.)	6
LOW	(One house per 10-50ha.)	4
VERY LOW	(One house per 50ha. +)	2

6. DAMAGE POTENTIAL:

VERY HIGH	(Complete destruction possible)	10	<input type="checkbox"/>
HIGH	(Partial destruction, complete scorch)	8	<input type="checkbox"/>
<u>MODERATE</u>	(Some severe scorch)	5	<input type="checkbox"/>
<u>LOW</u>	(Minimal damage can occur)	2	<input type="checkbox"/>
VERY LOW	(No damage)	1	<input type="checkbox"/>

Summary of scores:

TOTAL SCORE: 25

CATEGORIES/RISK (please circle based on your score above):

VERY LOW	Score: 5 – 13
LOW	Score: 14 – 24
MODERATE	Score: 25 – 35
HIGH VERY	Score: 36 – 46
HIGH	Score: 47 – 55

Overall assessment: LOW bushfire hazard.

Comment: There is almost 4ha of cleared available land on proposed lot 1 to accommodate a future dwelling. With significant space and area that will continue to be mowed and maintained to provide suitable buffers from future infrastructure. These elements coupled with a suitable source of water available at all times for fire fighting purposes is essential to protect any future improvements on proposed lot 1. As such, we would consider it to be a reasonable and relevant requirement to condition the development accordingly.