

**Our Ref: M3-21**

15 April 2021

Chief Executive Officer  
Wujal Wujal Aboriginal Shire Council  
1 Hartwig Street  
**Wujal Wujal, QLD, 4895**  
info@wujal.qld.gov.au

Dear Sir/Madam,

**COMBINED DEVELOPMENT APPLICATION SEEKING A**  
**DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE – OUTDOOR SPORT & RECREATION FACILITY**  
**(SPLASH PARK)**  
**DEVELOPMENT PERMIT TO RECONFIGURE THE LOT – CREATING AN ACCESS EASEMENT TO LOT 112**  
**LOCATED AT - 112 & 113 LOUIS STREET, WUJAL WUJAL**  
**FORMALLY DESCRIBED AS - LOT 112 & LOT 113 ON SP263792**

We have been commissioned by the Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships who are the assessment managers on behalf of the Wujal Wujal Aboriginal Shire Council, in preparing and submitting the following combined development application which seeks a Development Permit for a Material Change of Use, and a Development Permit to Reconfigure the allotment under the Planning Act 2016 located at 112 & 113 Louis Street, Wujal Wujal to facilitate the development of an Outdoor Sports and Recreation Facility (Splash Park) along with the creation of a new access easement ensuring a legal point of access is provided to Lot 112 on SP263792.

The subject site is at 112 & 113 Louis Street, Wujal Wujal which is dedicated for recreational purposes with the PCYC building located on Lot 113, whilst Lot 112 is currently vacant and void of any facilities. The subject site is suitably located in the heart of the Wujal Wujal township within walking distance of all the surrounding residences, immediately adjacent to the PCYC centre. Overall, this development provides a suitable development solution for the site being that it is located within the Recreation and Open Space Zone.

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 *Wujal Wujal Aboriginal Shire Council Planning Scheme, 2013 (Alignment Amendment 17 September 2020)*.

Should there be any questions or queries in relation to the development application presented, we would appreciate if you could contact our office immediately. As always, we ask if all correspondence be also forwarded to our office via email.

Yours faithfully,



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

## **PLANNING REPORT**

### **COMBINED DEVELOPMENT APPLICATION**

**MATERIAL CHANGE OF USE – OUTDOOR RECREATION FACILITY (SPLASH PARK)  
RECONFIGURATION OF A LOT – CREATING AN ACCESS EASEMENT TO LOT 112**

#### **PROJECT LOCATION:**

SITUATED AT 112 & 113 LOUIS STREET, WUJAL WUJAL  
FORMALLY DESCRIBED AS LOT 112 & 113 ON SP263792

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<b>ASSESSMENT MANAGER:</b>	DEPARTMENT OF SENIORS, DISABILITY SERVICES AND ABORIGINAL AND TORRES STRAIT ISLANDER PARTNERSHIPS
<b>DEVELOPMENT TYPE:</b>	<b>COMBINED DEVELOPMENT APPLICATION:</b> DEVELOPMENT PERMIT – MATERIAL CHANGE OF USE (CODE ASSESSABLE) DEVELOPMENT PERMIT – RECONFIGURATION OF A LOT (CODE ASSESSABLE)
<b>PROPOSED WORKS:</b>	OUTDOOR SPORT & RECREATION FACILITY (SPLASH PARK) & CREATING AN ACCESS EASEMENT TO LOT 112
<b>REAL PROPERTY DESCRIPTION:</b>	LOT 112 & 113 ON SP263792
<b>LOCATION:</b>	112 & 113 LOUIS STREET, WUJAL WUJAL
<b>ZONE:</b>	RECREATION AND OPEN SPACE ZONE
<b>APPLICANT:</b>	DEPARTMENT OF SENIORS, DISABILITY SERVICES AND ABORIGINAL AND TORRES STRAIT ISLANDER PARTNERSHIPS (DSDSATSIP) WHO ARE THE ASSESSMENT MANAGERS ON BEHALF OF THE WUJAL WUJAL ABORIGINAL SHIRE COUNCIL C/- U&I TOWN PLAN
<b>OWNERS:</b>	WUJAL WUJAL ABORIGINAL SHIRE COUNCIL
<b>REFERRAL AGENCIES:</b>	NO REFERRALS APPLY TO THIS DEVELOPMENT APPLICATION.

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### **IMPORTANT NOTE**

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*This Report has been prepared for Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships who are the assessment managers on behalf of the Wujal Wujal Aboriginal Shire Council for the sole purpose of making a Combined Development Application seeking a Development Permit for a Material Change of Use & Reconfiguration of a Lot on land at 112 & 113 Louis Street, Wujal Wujal (over Lot 112 & 113 on SP263792) for the purpose of obtaining approval for an Outdoor Sports and Recreation Facility (Splash Park) along with the creation of a new access easement ensuring a legal point of access is provided to Lot 112 on SP263792.*

*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

This is a combined development application which is seeking a development permit for a Material Change of Use and to Reconfigure the allotment under the Planning Act 2016 located at 112 and 113 Louis Street, Wujal Wujal. The Material Change of Use component involves the development of an Outdoor Sports and Recreation Facility (Splash Park), along with a Reconfiguration of a Lot to create a legal point of access to Lot 112 via Lot 113. Accordingly, the permit will be approved subject to two (2) separate sets conditions of approval for each component of the development. Accordingly, and by way of this development application, the applicant is seeking specific approval to undertake the development as detailed in this planning report and approval of the plans.

The conclusion of this report is that all the requirements set by the assessment criteria can be met and that the strategic level policy outcomes sought by the planning scheme and any applicable State planning instruments can be achieved. It is the opinion of the applicant that once all the policy requirements have been considered by assessing authorities and equitably balanced with the site constraints and benefits of the proposal; the assessment process established under the Planning Act will result in the approval of this development application and the issuing of a development permit subject to conditions. This opinion is based on the level of strategic and analytical justification provided in support of the proposal and the decision-making requirements imposed on regulatory authorities under the Planning Act.

## 2.0 SITE DESCRIPTION



**Figure 1:** Aerial View of the Subject Land (© The State of Queensland, all rights reserved, 2020.)

The subject site is at 112 and 113 Louis Street, which is dedicated for recreational purposes with the PCYC building located on Lot 113, whilst Lot 112 is currently vacant and void of any facilities. The subject site is suitably located in the heart of the Wujal Wujal township within walking distance of all the surrounding residences. Overall, this development provides a suitable development solution for the site being that it is located within the Recreation and Open Space Zone.



**Site Photo:** Looking south towards the Splash Park (adjacent to Lot 39 on SP263792)  
(photo taken by U&i Town Plan 2021)

A site summary is provided below:

**Table 2.0: Site summary**

<b>Street address:</b>	112 & 113 Louis Street, Wujal Wujal
<b>Real property description:</b>	Lot 112 & 113 on SP263792
<b>Local government area</b>	Wujal Wujal Shire Council
<b>Site area:</b>	Lot 112: 2,444m <sup>2</sup> Lot 113: 4,951 m <sup>2</sup>
<b>Zone:</b>	Recreation and Open Space Zone
<b>Current use:</b>	Lot 112: Vacant Land. Lot 113: PCYC Wujal Wujal
<b>Road frontage:</b>	Lot 112: ~28.5m to Louis Street Lot 113: ~87m to Louis Street, and 54m to Kotzur Street
<b>Adjacent uses:</b>	Residential dwelling to the north. My Pathways to the East. Dual Occupancy developments to the south and west of the site.
<b>Topography / Vegetation:</b>	The subject site is vacant and predominantly void of any significant vegetation. The site being lot 112 contains significant drainage infrastructure that takes the water from north to south around lot 113



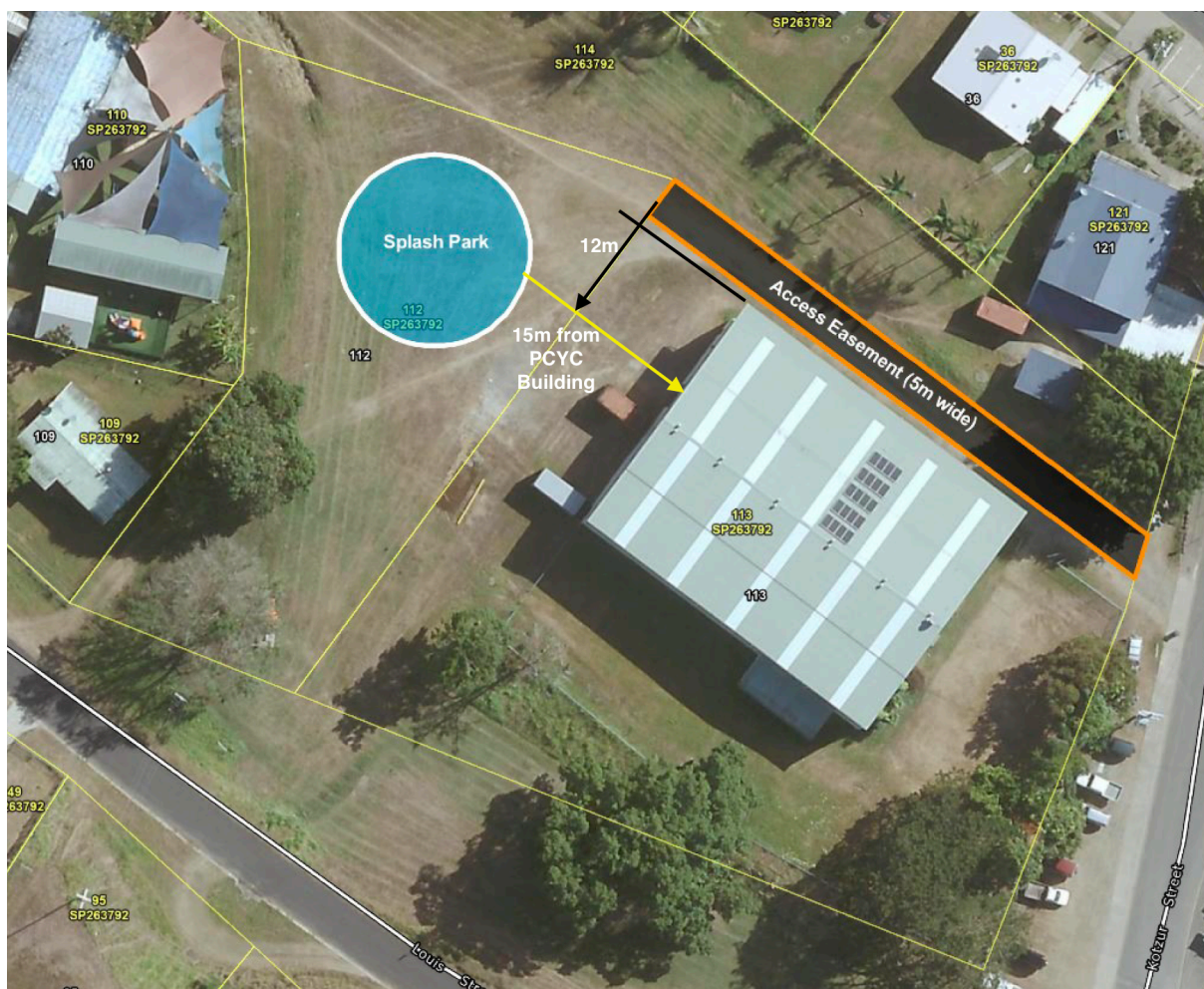
	<i>and across the road at Kotzur Street. Accordingly, the site slopes towards this predominant drainage feature from the north eastern corner of the site towards the western boundary where the drain is located.</i>
<b>Easements:</b>	<i>No existing easements exist on the site.</i>



**Figure 2: Site Locality** (© The State of Queensland, all rights reserved, 2020.)

### 3.0 DEVELOPMENT PROPOSAL

This is a combined development application seeking two (2) separate development permits, one being for a Material Change of Use to approve the Outdoor Sports and Recreation Facility (Splash Park) over lot 112 on SP263792, and the other being to Reconfigure the allotment to create an access easement over Lot 113 on SP263792 to provide access to Lot 112 on SP263792 under the Planning Act 2016 located at 112 & 113 Louis Street, Wujal Wujal. Accordingly, and by way of this combined development application, the applicant is seeking specific approval to undertake the development as detailed in this planning report and approval of the plans.

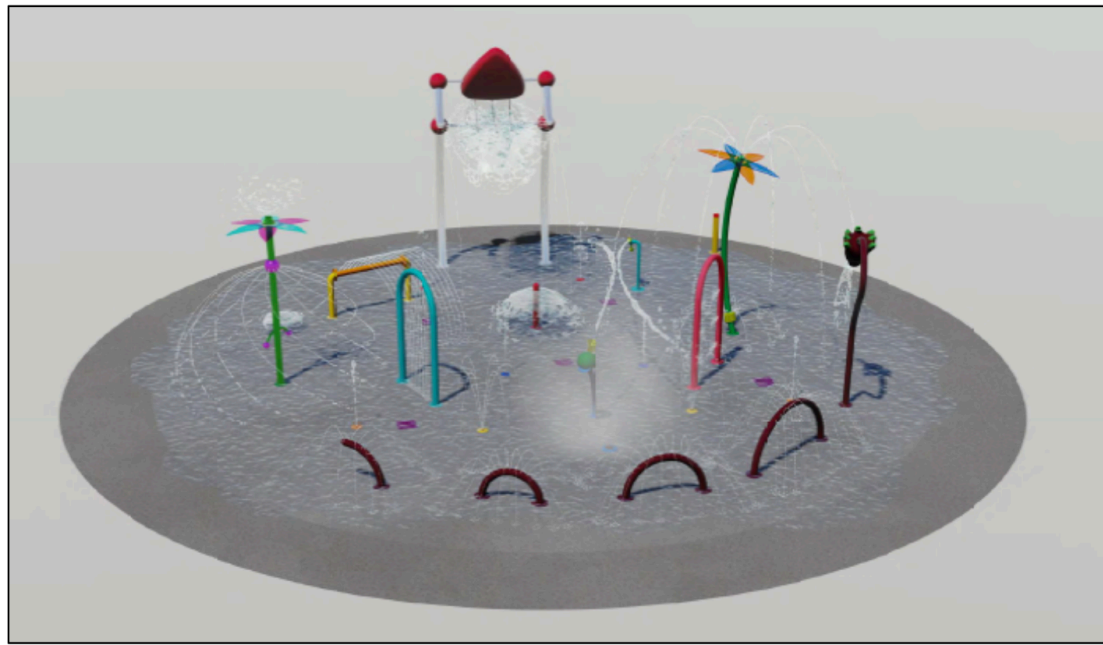


**Figure 3: Extract from Site Plan – MCU (Splash Park) & ROL (Access Easement)**  
(Prepared by U&I Town Plan)

See *Appendix 3: Development Plans* for further detail.

The proposed development is appropriately designed to complement the Recreation and Open Space zoning of the area. A legal point of access to Lot 112 will be provided via the newly surveyed five (5) metre wide access easement over lot 113 on SP263792.





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### 3.1 Development Definition

#### Material Change of Use – Part 1

The proposal is described as a “Material Change of Use” under the Planning Act and planning scheme. The proposal is defined under the Planning Act as follows:

***material change of use, of premises, means any of the following that a regulation made under [section 284\(2\)\(a\)](#) does not prescribe to be minor change of use—***

- (a) *the start of a new use of the premises;*
- (b) *the re-establishment on the premises of a use that has been abandoned;*
- (c) *a material increase in the intensity or scale of the use of the premises.*

### 3.2 Outdoor Sport and Recreation

The proposed use that you are seeking to establish for the site is either defined under the Wujal Wujal Aboriginal Shire Council Planning Scheme 2013 as the following:

Use	Definition	Examples include	Does not include the following examples
outdoor sport and recreation	<p>Premises used for a recreation or sport activity that is carried on outside a building and requires areas of open space and may include ancillary works necessary for safety and sustainability.</p> <p>The use may include ancillary food and drink outlet(s) and the provision of ancillary facilities or amenities conducted indoors such as changing rooms and storage facilities.</p>	driving range, golf course, swimming pool, tennis courts, football ground, cricket oval	major sport, recreation and entertainment facility, motor sport, park, community use

#### Reconfiguration of a Lot – Part 2

The second aspect of the development is defined under the act a reconfiguration of a lot. 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 subject site is zoned within the ‘Recreation and Open Space Zone’ under Wujal Wujal Aboriginal Shire Council Planning Scheme 2013, where the tables of assessment lists the ‘Material Change of Use – Outdoor Sport and Recreation’ and ‘Reconfiguration of a Lot – Access Easement’ as **Code Assessable**.

## **4.0 PLANNING JUSTIFICATION**

This is a combined development application seeking two (2) separate development permits, one being for a Material Change of Use to approve the Outdoor Sports and Recreation Facility (Splash Park) over lot 112 on SP263792, and the other being to Reconfigure the allotment to create an access easement over Lot 113 on SP263792 to provide access to Lot 112 on SP263792 under the Planning Act 2016 located at 112 & 113 Louis Street, Wujal Wujal. The proposal is considered to satisfy the requirements set by the applicable assessment benchmarks from the planning scheme, specifically the Recreation and Open Space Zone Code. Accordingly, and by way of this combined development application, the applicant is seeking specific approval to undertake the development as detailed in this planning report and approval of the plans.

### **4.1 Wujal Wujal Aboriginal Shire Council Planning Scheme 2013 (Alignment Amendment 17 September 2020)**

A direct assessment against the assessment benchmarks has been completed and is contained the following sections of this report. The section of the report provides an assessment against the applicable codes and policies from the planning scheme and SDAPs. The justification provides assessing authorities with the surety that the applicable policy outcomes have been addressed and that the development application can be approved.

Given that the application is code assessable, the application is required to be assessed against only the relevant codes within the planning scheme where applicable to the development. In particular, the following sections of the planning scheme are considered relevant to this development:

- Recreation and Open Space Zone Code

Accordingly, an assessment of the proposed development against the above listed codes has been completed. Where the requirements of an Acceptable Outcome were impractical or inappropriate to address, the Performance Outcome was addressed and satisfied. By satisfying the requirements of the Performance Outcomes, the overall “Purpose” of the code was inherently satisfied, as was the Strategic Framework for the

planning scheme. In terms of the assessment documented in this report, should any part of the development not comply with any sections of the codes, the relevant sections will be adequately referenced and addressed in further detail to ensure compliance has been achieved.

#### **4.1.1 Recreation and Open Space Zone Code**

### **6.2.2 Recreation and open space zone code**

#### **6.2.2.1 Purpose**

- (1) The purpose of the recreation and open space zone code is to provide for a range of sporting, recreation, leisure, cultural and educational activities.

The zone provides for local, district and regional scale parks that serve the recreation needs of residents and visitors and may include areas for conservation.

Areas within the zone such as parks, playing fields and playgrounds, are generally accessible to the public; however, access may be limited in certain areas and at certain times.

Where required to meet community needs development may include built structures, such as shelters, amenity facilities, picnic tables, clubhouses, gymnasiums, public swimming pools and tennis courts, and other infrastructure to support the activities, provide safe access and support the management of these essential built structures.

- (2) The local government purpose for the Recreation and Open Space Zone is to provide opportunities for active and passive play and recreation throughout Wujal Wujal.

#### **6.2.2.2 Overall Outcomes**

- (1) The purpose of the code will be achieved through the following overall outcomes:
  - (a) Areas are provided for active sport and recreation to meet community needs, including playing fields, outdoor cultural facilities, educational activities, public swimming pools and outdoor courts.
  - (b) Opportunities for sporting clubs using playing fields to establish club facilities are facilitated.
  - (c) Open space is accessible to the general public for a range of outdoor sport and recreation activities.
  - (d) A range of functional and accessible open spaces, including local parks and linkages, are available for the use and enjoyment of residents and visitors.
  - (e) Development is supported by the necessary transport infrastructure which is designed to provide and promote safe and walking and cycling facilities.
  - (f) Ancillary structures and buildings such as shelters, amenity facilities, picnic tables and playgrounds are provided where necessary.
  - (g) Where sport and recreation areas include natural habitats such as bushland, wetlands or waterways, or act as a buffer between natural and developed areas adverse impacts on ecological values are avoided or minimised.



- (h) Stormwater, wastewater and overland flow created by development is managed to protect the water quality of creeks, gullies, natural drainage paths, waterways, wetlands and other drainage areas important to the ecological functioning of Wujal Wujal.
- (i) Sport and recreation areas are planned and designed to enhance community liveability, scenic amenity and provide a retreat from developed areas.
- (j) The use of sport and recreation areas does not affect the amenity of adjacent areas particularly residential areas.
- (k) Small scale, low impact tourism accommodation is encouraged to avoid the need to establish on high quality residential land.
- (l) Development avoids or mitigates the risks of flooding, bushfire, landslide and coastal hazards.

#### Editor's Note:

##### Relationship with the building assessment provisions

For the building assessment provisions, the bushfire hazard area shown in this planning scheme in Overlay Map SC 2.4.2 is also designated to be the bushfire prone area for the Building Code of Australia or

#### Statement of Compliance:

The Material Change of Use component of this development with the Outdoor Sports and Recreation Facility being the Splash Park meets all the purpose and overall outcomes within the relevant zone code, in that it provides a much needed recreation facility that will encourage active and passive play and leisure for the residents within the Wujal Wujal township and visiting areas.

#### ASSESSMENT BENCHMARKS

6.2.2.3 Criteria for Assessment		Proposal Justification
Performance outcomes	Acceptable outcomes	
<b>Cultural Heritage</b>		
PO1 Development is located, designed and operated to ensure that any impacts on land with known cultural values can be appropriately managed in collaboration with Traditional Owners.	<p>AO1.1 Development is not undertaken on land with known cultural values (including both physical artefacts and historical significance);</p> <p>AO1.2 Where a place of significance is identified and cannot be avoided, development should recognise and promote the place, where appropriate and with approval from relevant traditional owners.</p> <div style="border: 1px solid black; border-radius: 10px; padding: 10px; margin-top: 10px;"> <p><b>Editors Note :</b> Refer to the provisions of the <i>Aboriginal Cultural Heritage Act 2003</i> duty of care guidelines and <i>Queensland Cultural Heritage Act 1992</i> for responsibilities for accidental discoveries and requirements for Cultural Heritage Management Plan (if required)</p> </div>	<p><i>The development is located and designed in an area zone for recreation and open space activities. DSDSATSIP have not indicated that the site contains any cultural significance, and therefore it is assumed compliance with the relevant provisions is achieved.</i></p> <p><b>Satisfied.</b></p>

Active and Healthy Spaces		<i>The proposed Splash Park complies with the relevant provisions is that it is co-located with the PCYC facility, and the childcare / day care centre located adjacent to the site. This ensure casual surveillance of the area and meeting the principles of CPTED. In a site meeting with the Wujal Wujal Director of Building (Victor Mills) it was expressed that the council is currently applying for additional grants / funding for future improvements to the park in terms of shading for sun protection.</i>
PO2 Active public parks and recreational spaces are provided that enhance opportunities for community interaction, meets recreational needs and have appropriate equipment, furniture, sun and safety protection that enhances amenity and useability.	AO2.1 Parks and recreational spaces which provide active areas for children's recreation are co-located with other community facilities to promote casual surveillance of the area;	
	AO2.2 The following equipment is included in all active spaces: (a) art features and play equipment; (b) seating; (c) shelters and sun protection; and (d) water taps/bubbles;	
	AO2.3 Parks and recreational spaces are designed in accordance with the principles of CPTED;	
PO3 Spaces are connected together by a network of continuous safe, shared pedestrian and cycling facilities.	No Acceptable outcome is prescribed.	
		<b>Satisfied.</b>
Built Form		<i>The development is appropriately sited on Lot 112 in a location that ensures the privacy and amenity of adjoining properties is protected.</i>
PO4 Development is appropriately sited to ensure privacy and amenity of adjoining properties and public spaces.	AO4 All development is setback at least: (a) 25m from nearest residential dwelling; (b) 6m from road boundary; (c) 4m from side or rear boundaries.	
PO5 Building height respects the low-scale character of the area.	AO5 Building height is not to exceed 8.5m above natural ground.	
		<b>Satisfied.</b>
PO6 Any lighting associated with sports and recreational facilities is limited in duration and setback from adjoining residences to reduce nuisance.	AO6 No Acceptable outcome is prescribed.	<i>No specific details have been provided in the project brief in relation to lighting. In any case, should lighting be proposed it must be limited in terms of its duration to turn off before a reasonable time in the evening. A condition of approval to control this aspect may</i>

		<p><i>be applied to ensure lighting is turned off at 10pm.</i></p> <p><b>Satisfied.</b></p>
<p><b>PO7</b> Development is located, designed and operated to avoid impacts upon environmentally sensitive areas including vegetation, wetlands and coastal areas including:</p> <ul style="list-style-type: none"> <li>(a) managing nutrient and sediment runoff (permeable and non permeable);</li> <li>(b) maintaining terrestrial and aquatic habitat areas; and</li> <li>(c) reducing point source and secondary source pollution from development.</li> </ul>	<p><b>AO7.1</b> Except for marine industry uses, buildings and structures are designed and located in areas not subject to flooding where possible, or designed with floor levels above nominated height of RL6.5 AHD;</p> <p><b>AO7.2</b> No development is located within areas shown as:</p> <ul style="list-style-type: none"> <li>(a) Coastal Hazard areas shown on Map SC2.4.7 - Environmentally Sensitive Areas (Coastal) Overlay Map;</li> <li>(b) Wetland Management Area shown on Map SC2.4.5 - Environmentally Sensitive Area (Wetlands) Overlay Map.</li> </ul>	<p><i>The development is located outside of the coastal hazard areas, wetland management areas. As such, the development has been suitably located to avoid any impacts on various natural and coastal areas.</i></p> <p><b>Satisfied.</b></p>
<p><b>PO8</b> Development is designed, constructed and operated so that stormwater and wastewater is treated to a suitable quality to protect the natural environment.</p>	<p><b>AO8.1</b> Stormwater drainage is designed, constructed and operated in accordance with a stormwater management plan that shows how development will:</p> <ul style="list-style-type: none"> <li>(a) avoid releasing dirty wastewater into our waterways, creeks, wetlands and lagoons; or</li> <li>(b) provide other solutions where release cannot be avoided to re-used, recycle, recover and treat stormwater before leaving the site; and</li> <li>(b) meet the requirements provided in <i>Part H, Appendix 2, Table A</i> of the State Planning Policy.</li> </ul> <p><b>AO8.2</b> Wastewater is designed, constructed and operated in accordance with a wastewater management plan that shows how development will:</p> <ul style="list-style-type: none"> <li>(a) avoid releasing dirty wastewater into our waterways, creeks, wetlands and lagoons; or</li> <li>(b) provide other solutions where release cannot be avoided to re-used, recycle, recover and treat wastewater before leaving the site.</li> </ul> <p><b>AO8.3</b> An Erosion and Sediment Control Plan is provided that addresses the design objectives provided in <i>Part H, Appendix 2, Table A</i> of the State Planning Policy.</p>	<p><i>The proposed development is located within the Recreation and Open Space Zone which includes a significant drainage feature running along the western edge of the property boundary. The development is designed and located to ensure that it does not impact on the function of this drainage corridor, and no impacts associated with wastewater are anticipated as a result of this development, as the water from the park will most likely be recycled and/or discharged into the local sewerage reticulation system.</i></p> <p><b>Satisfied.</b></p>

Natural Hazards		
<p><b>PO9</b> Development is located and designed to avoid or mitigate risk of flood, bushfire and coastal hazards.</p> <p><b>Editor's note:</b> A site based assessment may ground-truth the extent of hazard and risk and the suitability of the risk treatment. Such assessments should be undertaken by a suitably qualified professional using an accepted methodology.</p>	<p><b>AO9</b> Buildings are not constructed within the identified Flood Risk Area shown on Map SC2.4.3 - Natural Hazard (Flood) Overlay Map or a Coastal Hazard Area shown on Map SC2.4.7 – Environmentally Sensitive Area (Coastal) Overlay Map.</p> <p><b>AO9.2</b> Buildings, structures and lots are not constructed on land with a slope of 15% or greater as shown on Map SC2.4.1 - Natural Hazard (Landslide) Overlay Map.</p> <p><b>AO9.3</b> Vulnerable uses such as hospitals, education facilities, child care facilities and aged care facilities are not located, or expanded, within bushfire prone areas as shown on Map SC2.4.2 – Natural Hazard (Bushfire) Overlay Map.</p>	<p><i>Not applicable to this development as there are no identified flood risk areas mapped for the site.</i></p> <p><b>Satisfied.</b></p>
<p><b>PO10</b> Development is located and designed to ensure proposed buildings or building envelopes a radiant heat level of 29kW/m<sup>2</sup> at the edge of the building or envelope respectively.</p> <p>The radiant heat level is achieved by separation unless this is not practically achievable.</p> <p><b>Editor's note:</b> Building works are assessed against the provisions of Australian Standard 3959 when undertaken in a declared Bushfire Prone Area. In those areas included on the Bushfire hazard overlay map, this assessment is also to occur at the planning stage, ie. at the stage the development application is lodged with the Council, so as to ensure that the proposed building or building envelope on the site can achieve a tolerable level of risk.</p>	<p><b>AO10</b> Buildings or building envelopes are separated from hazardous vegetation by a distance that achieves a radiant heat level of 29kW/m<sup>2</sup> at the edge of the building or envelope respectively.</p> <p><b>Editor's note:</b> Separation distances may be achieved by existing cleared developed areas external to the site or other land whose tenure or use ensures it will retain a low level of hazard.</p>	<p><i>The subject site is mapped as being within a 'potential impact buffer'. The proposal is for a Splash Water Park and is connected to reticulated water so there is no particular risk associated with bushfires that could damage the relevant infrastructure. Should council have concerns with bushfires, they may wish to install a fire hydrant within lot 112 to address this concern.</i></p> <p><b>Satisfied.</b></p>

<p><b>PO11</b> Development outside the town water supply areas include on site water storage that is available for use for fire fighting.</p>	<p><b>AO11</b> A water tank is provided within 100m of each building (other than a class 10 building) which: (a) is of non flammable construction; (b) has a take off connection at a level that allows 5,000 litres to be left available for access by fire fighters; (c) includes shielding of tanks and pumps</p>	<p><i>The subject site is mapped as being within a 'potential impact buffer'. The proposal is for a Splash Water Park and is connected to reticulated water so there is no particular risk associated with bushfires that could damage the relevant infrastructure. Should council have concerns with bushfires, they may wish to install a fire hydrant within lot 112 to address this concern.</i></p> <p><b>Satisfied.</b></p>
<p><b>PO12</b> Emergency services and uses providing community support services are able to operate during and immediately after a bushfire hazard event.</p>	<p>No acceptable outcome is nominated</p>	
<p><b>PO13</b> Development involving hazardous materials manufactured or stored in bulk is not located in or near areas at risk of flooding or bushfire.</p>	<p><b>AO13</b> The manufacture or storage of hazardous material in bulk does not occur within or adjoining a flooding or bushfire hazard areas.</p>	
<p><b>Acid Sulfate Soils</b></p> <p><b>PO14</b> Development avoids the impacts associated with the disturbance of acid sulfate soils, so that (a) the environmental values, water quality objectives and ecological health of receiving waters is maintained or enhanced; (b) human health and safety is protected; and (c) buildings and infrastructure are not subject to accelerated corrosion.</p> <div style="border: 1px solid black; border-radius: 10px; padding: 10px; margin-top: 10px;"> <p><b>Note:</b> The applicant may be required to provide results of an on site acid sulfate soil investigation and an acid sulfate soil management plan to demonstrate compliance with the acceptable outcomes. This investigation must be undertaken in accordance with the State Planning Policy Guideline.</p> </div> <p><b>AO14.1</b> Development on land shown on Map SC2.4.4 – Environmentally Sensitive Area (Acid Sulfate Soils) Overlay Map does not: (a) involve excavating or removing soil and sediment identified as acid sulfate soils; (b) permanently or temporarily extract groundwater that results in the aeration of previously saturated acid sulfate soils; or (c) involve filling that results in: (i) actual acid sulfate soils being moved below the water table; and (ii) previously saturated acid sulfate soils being aerated.</p> <p><b>OR</b></p> <p><b>AO14.2</b> Where disturbance of acid sulfate soils cannot be avoided, development will: (a) neutralise existing acidity and prevent the generation of acid and metal contaminants; and (b) prevent the release of surface or groundwater flows containing acid and metal contaminants into the environment.</p>		<p><i>The subject site is mapped within the area where further reporting and investigations are triggered where works involves disturbing soils between 5m and 20m below ground. Given that the development does not involve extensive excavation or earthworks to this extent, it is considered that the development complies with the relevant provisions.</i></p> <p><b>Satisfied.</b></p>



Infrastructure and servicing		<i>The subject site is provided with all the necessary infrastructure associated with the proposed Splash Park including water, sewerage, stormwater drainage. The only element that does not currently existing is access and parking. To which the proposed Reconfiguration of a Lot component of the development seeks to provide a legal point of access via lot 113 on SP263792 to benefit Lot 112 on SP263792.</i>
PO15 All development is provided with infrastructure relevant for its purpose and includes: (a) water supply; (b) sewerage treatment; (c) stormwater drainage; (d) energy and telecommunications; (e) access and parking.	No Acceptable outcome is prescribed.	
Infrastructure and servicing		
PO16 Any use of the area for waterfront and marine industry is limited and only where necessarily required to facilitate business opportunities.	No Acceptable outcome is prescribed.	<b>Satisfied.</b>
Reconfiguration of a Lot		<i>The proposed Reconfiguration of a Lot (ROL) component of the development seeks to provide a legal point of access via an access easement over lot 113 on SP263792 to benefit Lot 112 on SP263792. This ROL is associated with the outdoor sports and recreation facility (splash park) which is part of this combined development application.</i>
PO17 Reconfiguration of a Lot is only undertaken where: (a) associated with a sport and recreation facility, to facilitate investment; or (b) to conserve an environmentally significant area.	No Acceptable outcome is prescribed.	

## 4.2 State Development Assessment Provisions

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.

As part of the preliminary assessment of this development application, we submitted a written request to the State Assessment Referral Agency (SARA) seeking clarification and confirmation that no referrals to SARA apply as part of the development application.

We received SARA's response via email dated 24 March 2021 (attached in appendix 4) advising that they had consulted with the Department of Agriculture and Fisheries (DAF) with respect to the mapped low risk waterway on Lot 112 on SP263792. DAF advises:

*"a desktop analysis of the waterway in question has determined that it is not considered to be a waterway providing for fish passage for the following reasons:*

- There is no evidence of an extended period of flow due to the steep topography immediately upstream of the site. Flow would likely not continue beyond the duration of a rain event;*
- There is no evidence of flow adequacy, due in part to lack of extended period of flow as a result of the short and steep upstream catchment, and;*
- It does not connect to upstream fish habitat, since the habitat immediately upstream of the site is on steep terrain. Future updates of the QWWBW spatial data layer will reflect this waterway determination."*

SARA agreed and advised that the location of the proposed splash park is outside of the currently mapped green waterway. As such the Planning Act 2016 trigger for operational work that is constructing or raising waterway barrier works would not apply for consequent works after the ROL and MCU have been endorsed, for the Lot 112 on SP263792.

Therefore it is concluded that the SDAP provisions do not apply to the assessment of this application.

## 4.3 Cape York Regional Plan 2014

The site is located within the 'Far North Queensland Regional Plan 2009-2031'. The Minister has identified that the FNQRP 2009- 2031 as it applies in the planning scheme area is appropriately reflected in the planning scheme. Hence, compliance with the FNQRP is demonstrated through the compliance with the Planning Scheme (refer to this report and attachments for demonstration of this compliance).

## 5.0 CONCLUSION

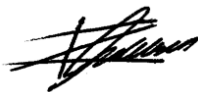
This application has been prepared by U&i Town Plan on behalf Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships who are the assessment managers on behalf of the Wujal Wujal Aboriginal Shire Council, in relation the combined development application which seeks a development permit for a Material Change of Use and to Reconfigure the allotment under the Planning Act 2016 located at 112 and 113 Louis Street, Wujal Wujal formally described as Lot 112 and 113 on SP263792. Accordingly, this application seeks the following approval:

- **Development Permit for a Material Change of Use – Outdoor Sport and Recreation Facility (Splash Park)**
- **Development Permit to Reconfigure a Lot – Creating an Access Easement to Lot 112**

The applicant strongly believes that an assessment of the common material forming part of this development application in accordance with the decision-making rules established under the Planning Act will result in the approval of the development application and the issuing of a development permit subject to conditions.

The proposal is consistent with the “Purpose” of the Recreation and Open Space Zone and the applicable State level policy. The proposal constitutes works and a use of the site in a manner that meets the strategic outcomes sought by the planning instruments and the expectations of the community. The conclusion of this report is that all the requirements set by the assessment benchmarks can be met and that the strategic level policy outcomes sought by the planning scheme for the site and locality can be achieved. The common material provided as part of this development application contains sufficient justification to establish compliance with the assessment benchmarks. It is the applicant’s opinion that the development application contains sufficient justification to warrant approval subject to reasonable and relevant conditions.

If you have any queries please do not hesitate to contact our office on 0411 344 110 or email us a [ramon@uitownplan.com.au](mailto:ramon@uitownplan.com.au).



**Ramon Samanes**

Director, U&i Town Plan

Bachelor of Applied Science, Majoring in Environmental and Urban Planning



## **APPENDIX 1: DA FORM 1 – DEVELOPMENT APPLICATION DETAILS**

# 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)	Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships – on behalf of; Wujal Wujal Aboriginal Shire Council c/- U&i Town Plan
Contact name (only applicable for companies)	Ramon Samanes
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)	<a href="mailto:ramon@uitownplan.com.au">ramon@uitownplan.com.au</a>
Mobile number (non-mandatory)	0411344110
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	M3/21

### 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
		Lot 112	Louis Street	Wujal Wujal
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4895	112	SP263792	Wujal Wujal Aboriginal Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
		Lot 113	Louis Street	Wujal Wujal
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4895	113	SP263792	Wujal Wujal Aboriginal Shire Council

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

**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):

Outdoor Sport and Recreation Facility (Splash Park)

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):

Reconfiguration of a Lot - access easement to Lot 112 via lot 113

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 checked="" 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 <sup>2</sup> ) (if applicable)
Splash Park	Outdoor Sport & Recreation Facility		
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?	
Two (2) existing allotments	
9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)	
<input type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input type="checkbox"/> Boundary realignment (complete 12))	<input checked="" type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13))

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

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

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )
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
Proposed	5m	~70m	Access Easement	Lot 112 on SP263792

### Division 3 – Operational work

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

14.1) What is the nature of the operational work?	
<input type="checkbox"/> Road work <input type="checkbox"/> Drainage work <input checked="" type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)	
<input type="checkbox"/> Yes – specify number of new lots:	
<input checked="" type="checkbox"/> No	
14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)	
\$unknown	

## PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application
Wujal Wujal Aboriginal 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 <b>Chief Executive of the distribution entity or transmission entity:</b> <input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure
Matters requiring referral to: <ul style="list-style-type: none"> <li>• The <b>Chief Executive of the holder of the licence</b>, if not an individual</li> <li>• The <b>holder of the licence</b>, if the holder of the licence is an individual</li> </ul> <input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure
Matters requiring referral to the <b>Brisbane City Council:</b> <input type="checkbox"/> Ports – Brisbane core port land
Matters requiring referral to the <b>Minister responsible for administering the Transport Infrastructure Act 1994:</b> <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 <b>relevant port operator</b> , 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 <b>Chief Executive of the relevant port authority:</b> <input type="checkbox"/> Ports – Land within limits of another port <i>(below high-water mark)</i>
Matters requiring referral to the <b>Gold Coast Waterways Authority:</b> <input type="checkbox"/> Tidal works or work in a coastal management district <i>(in Gold Coast waters)</i>
Matters requiring referral to the <b>Queensland Fire and Emergency Service:</b> <input type="checkbox"/> Tidal works or work in a coastal management district <i>(involving a marina (more than six vessel berths))</i>

<b>18) Has any referral agency provided a referral response for this development application?</b>		
<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

<b>19) Information request under Part 3 of the DA Rules</b>
<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
<b>Note:</b> By not agreeing to accept an information request I, the applicant, acknowledge:
<ul style="list-style-type: none"> <li>• 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</li> <li>• Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</li> </ul>
Further advice about information requests is contained in the <a href="#">DA Forms Guide</a> .



## 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](http://www.qld.gov.au). An ERA requires an environmental authority to operate. See [www.business.qld.gov.au](http://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](http://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](http://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](http://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](http://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](http://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](http://www.dnrme.qld.gov.au) and [www.business.qld.gov.au](http://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](http://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](http://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](http://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](http://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](http://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 2: OWNER'S CONSENT**

**Individual owner's consent for making a development application under the Planning Act 2016.**

Wujal Wujal Aboriginal Shire Council

as owners of the premises identified as:

Lot 112 on SP263792

Lot 113 on SP263792

consent to the making of a development application under the *Planning Act 2016* by:

Department of Seniors, Disability Services and Aboriginal and Torres Strait Islander Partnerships –  
on behalf of;

Wujal Wujal Aboriginal Shire Council

on the premises described above for:

Reconfiguring a Lot (lot 113) – Reconfiguration for an Access Easement providing access to Lot 112

Material Change of Use and Operational Works - (lot 112) – Material Change of Use for Outdoor Recreation Facility and Operational Works (Infrastructure)



*Stephen Wilton*

Chief Executive Officer

Wujal Wujal Aboriginal Shire Council

Date 08/04/2021

## **APPENDIX 3: DEVELOPMENT PLANS**



# Site Plan: Reconfiguration of a Lot - Access Easement & Splash Park

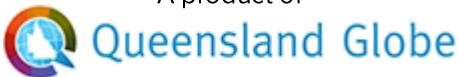
DSDSATSIP006 Wujal Wujal DA Sport/Rec (SPLASH PARK), Situated at Louis Street, Wujal Wujal

15°56'42"S 145°19'2"E15°56'42"S 145°19'7"E



15°56'47"S 145°19'2"E15°56'47"S 145°19'7"E

A product of



Legend located on next page



0 10 metres

Scale: 1:550

Printed at: A3

Print date: 23/3/2021

Datum: Geocentric Datum of Australia 1994  
Projection: Web Mercator EPSG 102100

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



**Queensland  
Government**  
Department of Resources

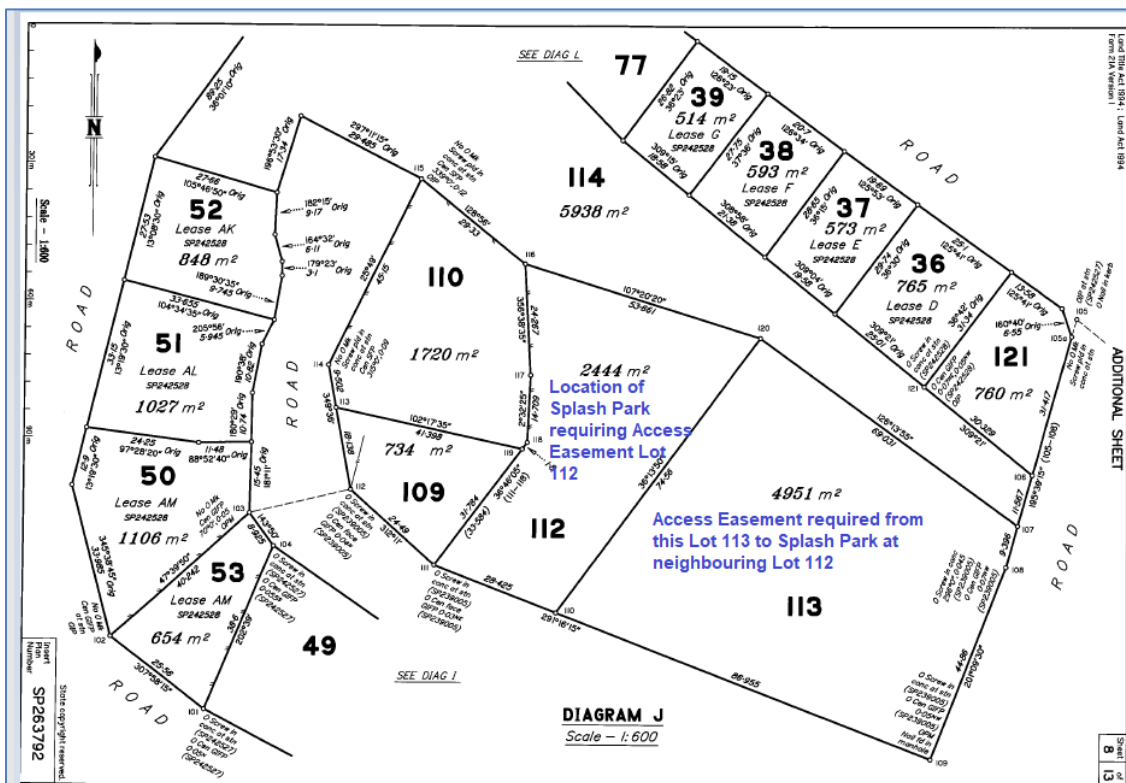
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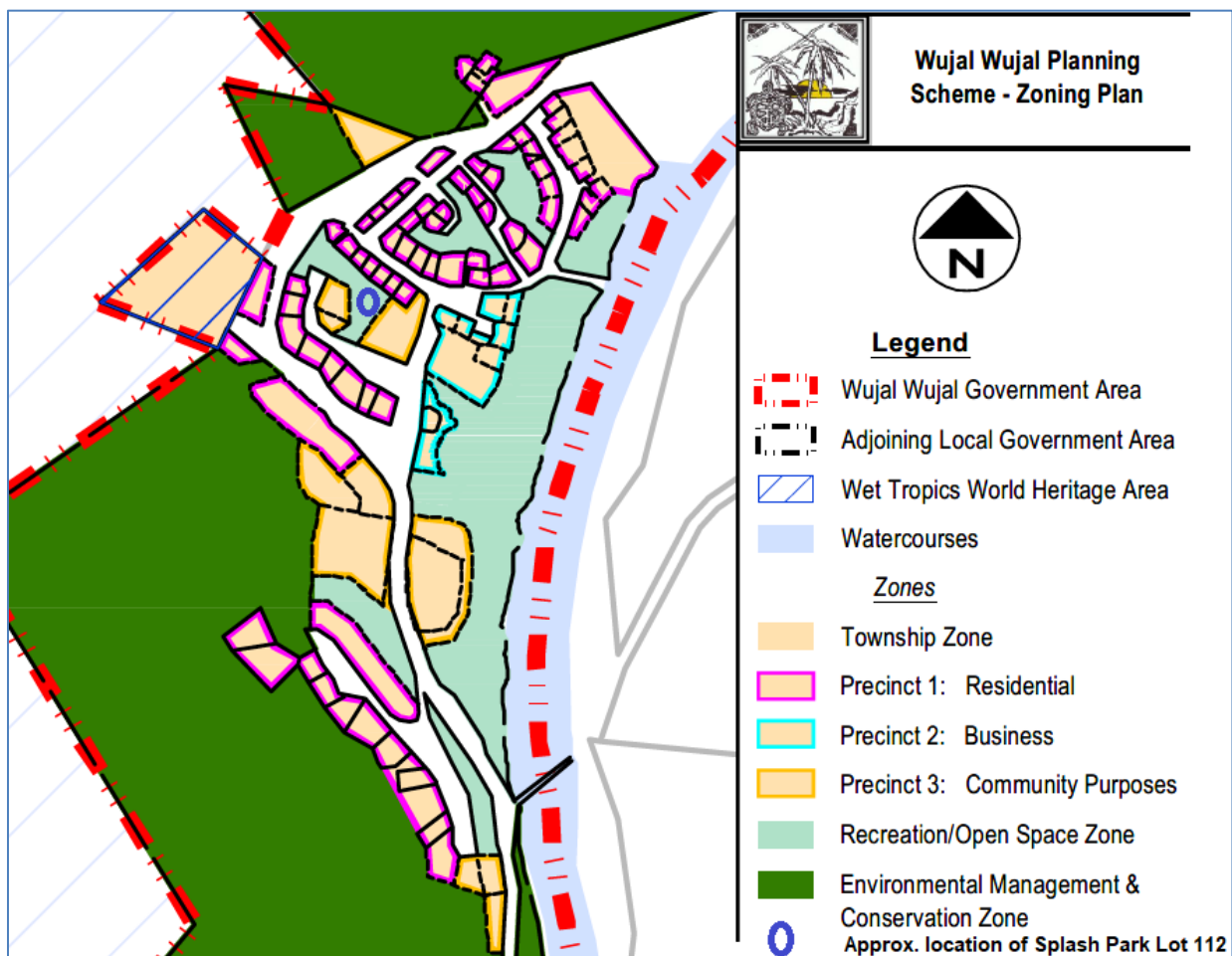


## Attachments

### Lot Survey Plan extract



## Zoning Scheme Extract – Recreation/Open Space

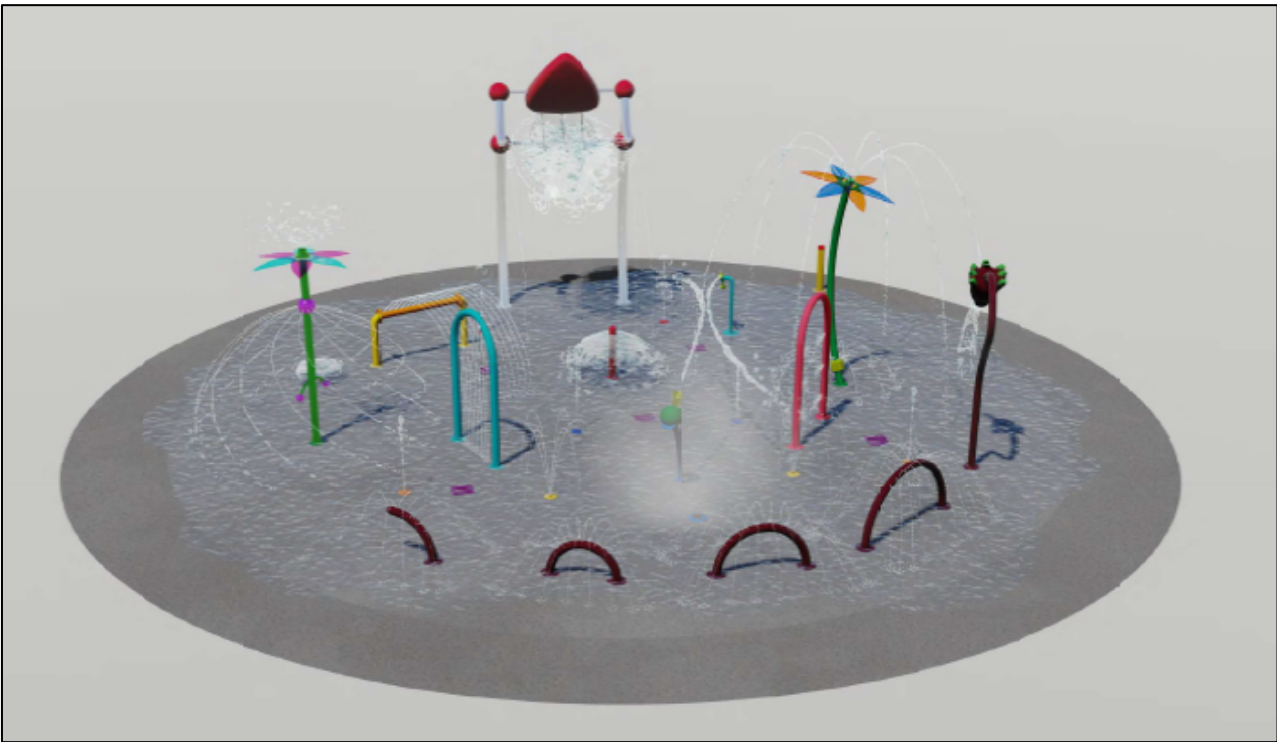
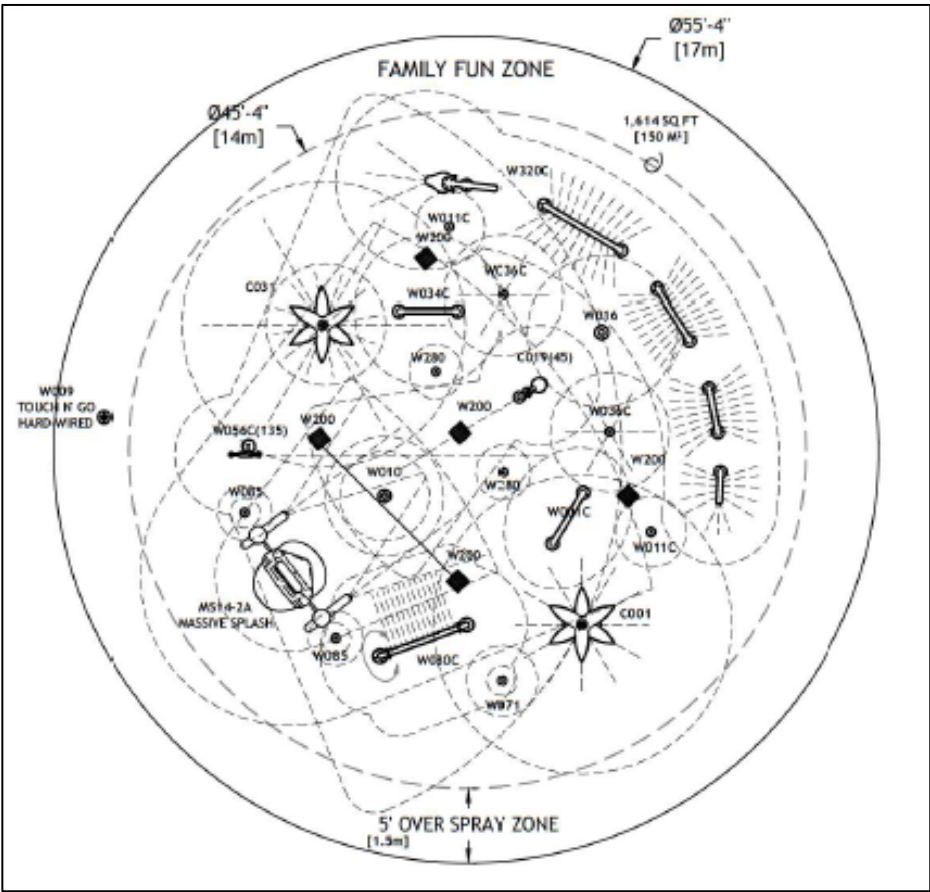


## Master Plan (Council Policy) extract





Wujal Wujal Splash Park



## **APPENDIX 4: SARA PRE-LODGE MENT ADVICE**

**Subject:** SARA referral - DSDSATSIP006 Wujal Wujal DA Sport/Rec (SPLASH PARK)  
**Date:** Wednesday, 24 March 2021 at 1:02:03 pm Australian Eastern Standard Time  
**From:** Joanne Manson  
**To:** Ramon Samanes  
**CC:** CairnsSARA  
**Attachments:** image001.png, image002.gif, image003.png, image004.png, image005.png, image006.png, State Mapping Report.pdf, Plans - Splash Park..pdf, Site Plan - ROL & MCU.pdf

Hi Ramon

SARA has consulted with the Department of Agriculture and Fisheries (DAF) with respect to the mapped low risk waterway on Lot 112 on SP263792.

DAF advises:

*"a desktop analysis of the waterway in question has determined that it is not considered to be a waterway providing for fish passage for the following reasons:*

- *There is no evidence of an extended period of flow due to the steep topography immediately upstream of the site. Flow would likely not continue beyond the duration of a rain event.*
  - *there is no evidence of flow adequacy, due in part to lack of extended period of flow as a result of the short and steep upstream catchment, and*
  - *it does not connect to upstream fish habitat, since the habitat immediately upstream of the site is on steep terrain.*
- Future updates of the QWWBW spatial data layer will reflect this waterway determination."*


SARA agrees that the location of the proposed splash park is outside of the currently mapped green waterway. As such the *Planning Act 2016 trigger* for operational work that is constructing or raising waterway barrier works would not apply for consequent works after the ROL and MCU have been endorsed, for the Lot 112 on SP263792.

Regards

Jo

Joanne Manson  
Principal Planning Officer  
**Planning and Development Services**  
**Department of State Development,**  
**Infrastructure, Local Government and Planning**

P 07 4037 3228

Microsoft Teams – [Meet Now](#) 

Ground Floor, Port Authority Building, Cnr Grafton & Hartley Streets,  
Cairns QLD 4870

PO Box 2358, Cairns QLD 4870

[dsdilgp.qld.gov.au](https://dsdilgp.qld.gov.au)

I acknowledge the traditional custodians of the lands and waters of Queensland. I offer my respect to elders past, present and emerging as we work towards a just, equitable and reconciled Australia.

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**From:** Ramon Samanes <ramon@uitownplan.com.au>  
**Sent:** Tuesday, 23 March 2021 9:37 AM  
**To:** Joanne Manson <Joanne.Manson@dsdmip.qld.gov.au>  
**Cc:** CairnsSARA <CairnsSARA@dsdmip.qld.gov.au>  
**Subject:** SARA referral - DSDSATSIP006 Wujal Wujal DA Sport/Rec (SPLASH PARK)

Hello Joanne,

We are acting on behalf of The Department of Seniors, Disability Services & Aboriginal & Torres Strait Islander Partnerships (DSDSATSIP) regarding the project **DSDSATSIP006** Wujal Wujal: Retrospective Development Application for Material Change of Use for Outdoor Sport and Recreation Facility (Splash Park) and Reconfiguration of a Lot for an Access Easement to Wujal Wujal Splash Park located at 112 Louis Street via neighbouring Lot 113 Louis Street, Wujal Wujal.

Attached is a copy of the plans provided as part of this development, along with the plan for the reconfiguration of the lot for the access easement component of the development.

As part of the works, we are required to confirm if any referrals apply as part of the development application. As such, we have completed a search online on the Development Assessment Mapping System, which shows a low order waterway running through the site. It has been confirmed that the park is located outside of the waterway to ensure that the waterway is not impeded as a result of this development. Accordingly, we consider that the works does not trigger referral under the regulations, and we are seeking confirmation from the department based on the information provided.

If you need me to submit the request online via MyDAS 2 let me know and I'll submit it through this evening when I get back to the office. Otherwise, I look forward to hearing from you shortly.

Kind regards,  
Ramon Samanes  
Director, U&i Town Plan



M: 0411 344 110

E: [ramon@uitownplan.com.au](mailto:ramon@uitownplan.com.au)

W: [www.uitownplan.com.au](http://www.uitownplan.com.au)

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