

Smart eDA ID: 1347936820102

## Application Summary

### Details

**Created:** September 18, 2012

**Applicant:**

**Type of application:**



### Locations

**101SP186233**  
**63 FRONT ST, MOSSMAN 4873**  
 Cairns Regional Council  
 Total 1 location / 2.375 hectares

### Interested parties

Party / Role	Lodged / Referred Reference at #
<b>RPS (Cairns)</b> <a href="#">Applicant</a> <b>Cairns Regional Council</b> <a href="#">Assessment Manager</a> <ul style="list-style-type: none"> <li>Reconfiguring a lot</li> </ul>	October 16, 2012
<b>Dept. of Transport and Main Roads</b> <a href="#">Concurrence Agency</a> <ul style="list-style-type: none"> <li>Reconfiguring a lot on premises within 100m of a State-controlled road, or in part of a future State-controlled road</li> </ul>	

### IDAS forms

Name	Status	Last Modified
IDAS Form 1 - Application Details	Updated	25/09/2012
IDAS Form 7 - Reconfiguring a lot	Updated	19/09/2012
IDAS Checklist 1- Development assessment checklist	Updated	25/09/2012
IDAS Checklist 3 - Reconfiguring a lot	Updated	25/09/2012

### Other information

Description/From	Date
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**Development Application - RoL**

Applicant RPS (Cairns)

16 Oct 2012  
14:28:03

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**State Assessments**

Smart eDA

18 Sep 2012  
11:35:25

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#### Cairns Office

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Our Ref: PR115098/SDR/AF/L71324  
Date: 16 October 2012

Chief Executive Officer  
Cairns Regional Council  
PO Box 359  
CAIRNS QLD 4870  
Attn: Mr Neil Beck

#### Via: Mail (Smart eDA)

Dear Sir

**RE: APPLICATION FOR A DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT (1 LOT INTO 2) AND CREATION OF SHARED EASEMENTS FOR ACCESS OVER LAND AT 63 FRONT STREET, MOSSMAN (LOT 101 SP186233)**

RPS Australia East Pty Ltd have been engaged by Prime Constructions Pty Ltd ('the Applicant') to prepare and lodge the abovementioned Development Application on behalf of the landowners 'Town & Country Limited' to allow for the reconfiguration of the site (1 Lot into 2 Lots) and to progress with the registration of 'new' titles and reciprocal easements to reflect the current and future development intended for the land.

The application seeks a Development Permit for Reconfiguring a Lot to create proposed Lot 1 (9,827m<sup>2</sup>) and Easement X (1,024m<sup>2</sup>) and proposed Lot 2 (1.393Ha) and Easement Y (1,820m<sup>2</sup>) cancelling Lot 101 on SP186233.

In support of the application, please find **attached**:

- Completed IDAS Forms 1 & 7 and letter confirming Landowners Consent, attached as **Annexure A**;
- Proposal Plans (RPS Drawing PR115098-1B & PR115098-2B), attached as **Annexure B**; and
- Certificate of Title and Survey Plan for Lot 101 on SP186233 attached as **Annexure C**.

RPS is instructed by Prime Constructions Pty Ltd that the proposed subdivision represents the logical progression of the intended development strategy for the land between the landowners (Town and Country Limited) and the future tenants. The strategy seeks to establish 'new' titles that will accommodate future development of an integrated 'Commercial Centre'.

This application does not seek to confuse the current operations over the northern portion of the subject land and proposed activities envisaged by 'existing' approvals that remain in place over the balance of the site. The application does however plan for these activities to be completed in a co-ordinated manner accommodating existing and approved activities and though the detailed engineering and design phase.

This application is consistent with earlier pre-lodgement discussions with Council's Planning Department and seeks approval to facilitate the future development of this land.

## **Background to the Development Proposal**

RPS (Cairns) has completed a 'preliminary' review of the development history of the land based on available information and client interviews, we provide the following commentary dealing with the proposed subdivision (1 into 2) in support of the development:

- The land is situated at the southern end of the Mossman CBD (Town Centre) area along Front Street and is presently improved by an existing Woolworths supermarket and other specialist stores supplying services to the Mossman community and surrounding region. The balance of the subject allotment remains vacant and falls within an 'existing' approval for an expansion of commercial/retail activities.
- The former Douglas Shire Council considered and approved the 'concept' of an integrated style retail development over the entire site in 2007. The assessment was determined against the applicable regulatory framework in place at the time and included various contributions from other relevant state agencies (e.g. Department of Main Roads) that enables progress with the additional development works, subject to conditions;
- In 2009, the landowner (Town & Country Limited) sought approval from Cairns Regional Council for a 'minor change' to the existing development approval to reflect changes in the layout of the centre. The Council and other relevant state agencies considered and approved this request for an amended Decision Notice in May 2009;
- The landowner then sought confirmation from Council's development assessment department that other minor variations to the 'concept' design for the site were considered to be 'generally in accordance' with the approved development. Cairns Regional Council confirmed by way of letter on 20 October 2010 that the amended 'site plan' continues to reflect the approval and would be considered to satisfy the development outcomes sought by Council through the approvals.
- Lastly, due to the downturn in the economic conditions and opportunities for the development of the land to proceed between 2008 and 2010 the applicant requested an 'extension to the currency' for an additional four (4) years. Cairns Regional Council confirmed their acceptance of the approval to proceed up to and including 8 August 2015 in anticipation of changed market conditions and the opportunity to see this land developed for its intended purpose.

RPS Group is advised that various attempts have been made since receipt of the original approval to proceed with the expansion of 'Stage 2' onto the vacant southern portions of the site. This application for reconfiguration (1 Lot into 2 Lots) is made in the context of the overall development intended for the land and as a logical consequence of the commercial/contractual arrangements between the development proponent and the future tenants of this land.

It is submitted that the development seeks only to create two (2) separate titles and shared easements and should be undertaken with little concern other than to ensure that the linkages between the proposed allotments and the underlying approval for commercial/retail development are acknowledged in a way that would ensure that the land continues to facilitate an integrated style arrangement as the development of the site proceeds.

RPS has been engaged by Prime Constructions Pty Ltd to co-ordinate the town planning aspects of the requested subdivision approval which identifies the need to obtain separate title for the future development of this land as part of the initial stage. We commend the application for council's assessment and approval subject to reasonable and relevant conditions to affect the registration of the 'new' titles and the opportunity for the development to proceed.

## 2.0 Site Information

### 1.1 Site Details

<b>Address:</b>	63 Front Street, Mossman 4873
<b>Real Property Description:</b>	Lot 101 on SP186233
<b>Site Area:</b>	2.375 Hectares
<b>Local Government Area:</b>	Cairns Regional Council
<b>Statutory Designation:</b>	Urban Footprint (FNQ2031) Regional Plan
<b>Land Owner/s:</b>	Town & Country Limited Refer to Certificate of Title attached as <b>Annexure C</b>

### 1.2 Planning Context

The planning context of the site includes:

<b>Planning Scheme:</b>	Douglas Shire Planning Scheme 2008
<b>Planning Scheme Designation</b>	Mossman and Environs Locality Commercial Planning Area 'Town Centre' Designation Plot Ratio – High Scale (Town Centre)
<b>Applicable Codes:</b>	<p>The application is Reconfiguration of a Lot and is Code Assessable against the Planning Scheme and incurs assessment against the following codes:</p> <ul style="list-style-type: none"> <li>▪ Mossman and Environs Locality Code</li> <li>▪ Commercial Planning Area Code</li> <li>▪ Acid Sulphate Soils Code</li> <li>▪ Natural Hazards Code</li> <li>▪ Reconfiguration of a Lot code</li> </ul> <p>An assessment against the relevant codes has been undertaken and comments addressing particular issues relevant to the project are included at Section 5 of this report.</p>

### 1.3 Site Characteristics

Key site characteristics include:

<b>Topography:</b>	The subject land (Lot 101 SP186233) is relatively flat and has frontage to Front Street, Mossman.
<b>Vegetation:</b>	Nil
<b>Waterways:</b>	Nil
<b>Referable Areas:</b>	The land fronts a State Controlled Road (Front Street, Mossman) and will trigger referral to the Department of Transport and Main Roads (DTMR) for consideration and review.
<b>Services:</b>	The subject land is currently afforded access to all existing Council infrastructure and services.  The proposal will be conditioned to require any augmentation to comply with Council's requirements and connections to each of the proposed allotments.
<b>Road frontages and length:</b>	244 metres to Front Street  Refer to the proposed Reconfiguration of a Lot (Drawing PR115098-1B and PR115098-2B) attached as <b>Annexure B</b> .
<b>Existing uses:</b>	Commercial/Retail development on northern portion of the land generally reflected as Proposed Lot 1.

### 1.4 Surrounding Land Uses



Figure 1: Aerial Image of Lot 101 SP186233

## 2.0 Application Details

### 2.1 General Matters

<b>Aspects of Development Sought:</b>	Development Permit for Reconfiguration of a Lot (1 Lot into 2 Lots)
<b>Applicant:</b>	Prime Constructions Pty Ltd C/- RPS Group
<b>Contact:</b>	Mr Stuart Ricketts RPS Australia East Pty Ltd PO Box 1949 CAIRNS QLD 4870 (07) 4031 1336 (ph) (07) 4031 2942 (fax)
<b>Local Government Authority:</b>	Cairns Regional Council

## 3.0 Proposal

### 3.1 Proposal Detail

The applicant has commissioned RPS Group to co-ordinate an application for the proposed subdivision of the land (1 Lot into 2 Lots plus easements) and advises that the registration of separate titles represents the logical progression towards the ‘approved’ expansion of the commercial/retail activities across the site.

We understand that a commercial arrangement between the landowner and future tenants requires as part of contractual obligations separate titles along with ‘shared’ access easements must first be obtained with the integrated development of the land. A separate title is therefore necessary which will allow for actions consistent with the earlier landuse approvals.

Existing structures and operations will be contained within Lot 1 (9,827m<sup>2</sup>) with the remaining vacant areas of the site to be included in Lot 2 (1.393Ha). The subdivision is reflected on the **enclosed** proposal plans PR115098-1 and PR115098-2 showing the “approved” development of the site in context with the proposed boundaries and shared easement arrangements.

The intention once titles have been registered and the construction works completed (bonded) is to operate the future development as an ‘integrated’ commercial/retail capacity which is reflective of the existing approvals. It is also anticipated that reciprocal easements for shared services and internal carpark/access will be adopted over both ‘newly’ formed titles once the initial phase of the project commences to initiate future works. This application seeks Council’s support to facilitate the development of this land for its intended purpose. The proposed development demonstrates consistency with the planning intent and design requirements applicable to the land to allow this application to be approved subject to reasonable development conditions. The applicant and landowner acknowledge subsequent works will be triggered to obtain Council’s endorsement of the Survey Plan such as connection to infrastructure networks and headworks.

## 4.0 Legislative Requirements

### 4.1 Sustainable Planning Act 2009 (SPA)

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

#### 4.1.1 Confirmation That Development is Not Prohibited

The proposed *development* is not prohibited. This has been established by considering all relevant instruments which can provide prohibitions under SPA including:

- Schedule 1 of the *Sustainable Planning Act 2009* (Section 234).

#### 4.1.2 Assessable Development

The development proposed by this application is “assessable development” pursuant to Schedule 3 of the *Sustainable Planning Regulation 2009*, which states that “assessable development” includes a “*Reconfiguration of a Lot under the Land Title Act 1994*”.

#### 4.1.3 Assessment Manager

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

#### 4.1.4 Level of Assessment

The table below summarises the assessable development subject of this application and the relevant level of assessment for each aspect of development.

Aspect of Development	Planning Instrument that determines Level of Assessment	Level of Assessment
Development Permit for ‘Reconfiguring of a Lot’	Douglas Shire Planning Scheme 2008	Code

There are no inconsistencies in the level of assessment between planning instruments for the proposed development, therefore this application is subject to ‘code assessment’.

#### 4.1.5 Statutory Considerations for Assessable Development

As the development is subject to ‘code assessment’, the relevant considerations of the Assessment Manager in making the decision pursuant to Sections 313, 324 and 326 of the *Sustainable Planning Act 2009* have been assessed at Section 5 of this Planning Report.

#### 4.1.6 Regional Plan

The land is subject to the regulatory provisions applicable to the FNQ2031 Regional Plan.

#### 4.1.7 Referral Agencies

A review of Schedule 7 of the *Sustainable Planning Regulations 2009* indicates that the following State Agency referrals are triggered by the proposal:

- **Department of Transport & Main Road** as a **Concurrence Agency** for consideration of the proposal in relation to land that is contiguous to a State Controlled Road.



## 5.0 Statutory Planning Assessment

### 5.1 State Planning Policies

State Planning Policies are relevant to the assessment of this application where they are not appropriately reflected in either a Regional Plan or Planning Scheme relevant to the site, as per Section 313(d) of SPA.

No concern or apparent conflict has been identified between the proposed development seeking to subdivide the subject land to affect two (2) new titles and any State Planning Policies.

### 5.2 State Agency Assessment

We note that the application triggers referral to Department of Transport & Main Roads (DTMR) as a 'Concurrence' Agency under Schedule 7 Table 2 Item 2 of the *Sustainable Planning Regulations 2009*. The development 'concept' envisaged for the site has been the subject to earlier assessment and conditions imposed by DTMR relating to access location, advertising, lighting requirements and visual treatments.

In relation to the proposed development (1 into 2), we provide the following comments:

- The subject land current displays a frontage of approximately 244 metres to the State Controlled road;
- Existing access points are available which operates for commercial/retail purposes. The existing access will be maintained as the location of 'continuing access' to Lot 1;
- In relation to Lot 2, the frontage of this land to the State Controlled Road (Front Street) is intended to be 143.5 metres. The location of any potential access to the site is to be consistent with the earlier and continuing approval for expansion of commercial/retail activities on the land. The development conditions imposed by DTMR in relation to the future development of this land include an access location along the southern side boundary which is expected to be the point of access to proposed Lot 2.
- We anticipate a condition of approval from DTMR indicating this to be the "permitted" access point to Lot 2

DTMR previously provided conditions of approval in 2007 that would see this vacant portion of the site developed for expansion of commercial activities. This application does not envisage any additional traffic resulting from the creation of this lot that has not already been considered under earlier assessment.

The underlying 'approved' development design has been reflected on the submitted ROL plan (RPS Drawing PR115098-02) and it is suggested that DTMR can approve the reconfiguration with requirements for the 'permitted road access location' to be consistent with the earlier assessment. Other aspects such as landscaping, possible land dedication and the limitation of advertising devices on the subject frontage will be managed under the earlier approvals framework.

If it is determined that a change to the future development of this land is appropriate or the land subsequently changes ownership then it is subject to statutory approvals that the development of this land will require re-assessment and review.

## 5.3 Council Assessment

### 5.3.1 Council's Planning Scheme (Douglas Scheme 2008)

Council's Planning Scheme includes provisions that are used to determine the suitability of subdivision within the scheme area. RPS has conducted a review and notes the following:

- The land is situated in the Mossman and Environs Locality;
- The land is included within the 'Commercial' Planning Area Designation; and
- The land is included within the identified 'Town Centre' Designation;

A brief commentary against the relevant code provisions applicable to the proposed development and to the subject land is provided below for consideration:

#### **Mossman & Environs Locality Code**

The Mossman & Environs Locality Code is intended to achieve the outcomes identified in the 'purpose' of the code. In relation to this particular development proposal, we note that the project is consistent with the following identified outcomes:

- (a) Consolidate Mossman and the major administrative, commercial and industrial centre of the Shire;
- (b) Retain and enhance the built form and main street character of the Town Centre;

Overall, compliance with the code is considered to be straightforward and a detailed assessment of the code has not been considered necessary as the request to create two (2) separate titles will not present a negative impact of the future development outcomes sought by the Planning Scheme. Though for completeness the following items have been considered relevant to the assessment by Council:

- The 2 'new' allotments are each capable of being connected to existing and available urban services by underground connection, where possible;
- The creation of allotments (9,827m<sup>2</sup> and 1.393Ha) continues to provide for the future development of the land consistent with intent prescribed by the Planning Scheme for the Town centre designation and the Mossman Locality;

The development is NOT in conflict with the code.

#### **Commercial Planning Area Code**

Similar to the above, this proposal seeks to facilitate titles for commercial/retail development consistent with existing approvals. In relation to compliance with the particular code provisions the following items are considered relevant to Council's consideration:

- The development seeks Council's approval to separate 'existing' commercial development from the vacant land intended for the 'proposed' retail expansion. It is primarily related to the contractual and commercial arrangements between parties that require separate titles and progress with the construction of the 'approved' landuse.
- The proposal seeks to create two (2) new lots of 9,827m<sup>2</sup> and 1.393Ha which will continue to accommodate future development and maintain the 'purpose' of the 'Commercial' Planning Area Code;

- Ultimately, it is the landowner's intention that the integrated development of this site can still proceed with various reciprocal easements in relation to shared carparking, access to services etc. However, in the meantime, each of the proposed allotments will be developed in a manner that would ensure Council has sufficient control during the subdivision phase requiring individual connections to essential services and access to each allotment.

The proposal is consistent with the intent and provisions of the 'Commercial' Planning Area code and can be conditioned to suitably ensure that the land can continue to be developed for its intended purpose.

### **Reconfiguration of a Lot Code**

The proposal seeks to establish two (2) new titles over the land that are consistent with the 'approved' use and are intended to meet with contractual agreements between parties that would see the development progress. The overall benefit to the township and to the wider community will be evident through additional employment opportunities, various business and wider choice for residents in relation to commercial/retail option.

In relation to compliance with the particular code provisions, the following items are considered relevant to Council's consideration:

- Lots are of sufficient size and dimensions for their intended purpose;
- Lots are far in excess of the 800m<sup>2</sup> identified as the 'acceptable solution' for the 'Commercial' Planning Area designation;
- No additional road is proposed;
- Connection of each of the proposed allotments to urban services can be completed and these will be the subject of later approvals by Council prior to the commencement of on-site works and the ultimate endorsement of the plan of subdivision.
- The development is capable of ensuring the flow of internal stormwater to a 'lawful point of discharge';
- Easement A over Lot 1 is proposed aligning with the existing access points for the shopping facility and will be maintained through the subdivision providing lawful access to Lot 2. Similarly, the location of Easement B on Lot 2 will secure future access to Lot 1 for service/delivery vehicles.

The development is NOT in conflict with the code.

### **Overlay Codes**

We note that the land also triggers the following overlay codes:

- Acid Sulphate Soils Code;
- Natural Hazards Code.

A review of the various provisions of these codes has been undertaken and it is submitted that the Reconfiguration of a Lot (1 into 2) does not involve any activities or outcomes that would offend the purpose or objectives prescribed by the Planning Scheme.

## **Key Planning Issues**

### 'Approved Development (Shopping Facilities and Business Facilities)

Continuing approvals remain over the land for an expansion of the commercial/retail development of the land up to August 2015. RPS believes that the subdivision is reasonably straight forward and is entirely consistent with the development provisions that affect the subject land.

This assessment however will be completed in the context of maintaining the ability for the approved expansion of the commercial/retail activities as part of an integrated style shopping facility. It will be necessary to contemplate possible development impacts resulting from the subdivision where conflicts have the potential to arise and negatively impact of future activities. While this application is considered separate under the statutory assessment provisions of the SPA and under the Douglas Planning Scheme 2008, RPS has sought to consider some of these potential development issues in the context of the commercial/retail 'concept' progressing on completion of the subdivision works.

We provide the following comments:

#### **Proposed Lot 1**

- Proposed Lot 1 following completion of the subdivision is capable of operating in compliance with Council's Planning Scheme requirements for 'Shopping Facilities'. Such as:
  - » Existing retail spaces requires 91 carparking spaces (135 are evident in Lot 1);
  - » Existing access and infrastructure connections will be wholly included in Lot 1;
  - » Setbacks, Site Cover, Landscaping etc are to be maintained by the landowner as part of continuing operations.
- No additional filling/excavation works or construction works are anticipated in Lot 1 as a result of this development;

#### **Proposed Lot 2**

- The development proposed for Lot 2 can be undertaken consistent with the existing approvals for the land and where necessary modifications to the design can be accommodated subject to obtaining the necessary authority from Council and other relevant authorities.
- Prior to the endorsement of the plan of survey, Council has the opportunities to require written evidence from service authorities confirming individual connection to services to each of the proposed allotments ; and
- All existing encumbrances on title such as leasing of existing buildings/tenancies will be wholly contained within proposed Lot 1 which is reflective of the 'existing' development. Where necessary legal arrangements will be made with tenants to reflect the change in the title structure for the land maintaining these agreements.

## 6.0 Conclusions and Recommendations

This submission has been prepared by RPS (Cairns) on behalf of the principal development consultants (Prime Constructions Pty Ltd) to address the statutory approvals requirements under SPA 2009 and to facilitate assessment and approval by Council of a proposal that would result in the creation of separate titles cancelling Lot 101 on SP186233.

The submission has sought to acknowledge the existence of a Development Permit that continues to apply to the land and is intended to facilitate the expansion of commercial/retail development for 'Shopping Facilities and Business Facilities'. The development of this land has been demonstrated to be consistent with the overall intent of the Planning Scheme and the creation of two (2) separate titles can be undertaken in a manner that would allow flexibility and progress on the overall development concept for the land.

The individual titles can be provided with connection to all available infrastructure and services consistent with the expectations and requirements of Council and normally associated with the subdivision of land under Council's Development Manual.

The submission concludes that the proposed development is unlikely to have any significant impacts on the infrastructure, environment or community of the surrounding area that cannot be adequately controlled through the use of reasonable and relevant conditions. We therefore commend the development for Council approval. We trust this information is sufficient for your purposes; however should you require any further details or clarification, please do not hesitate to contact the undersigned.

Yours sincerely

**RPS**



Stuart Ricketts  
Principal – Senior Planner

Enc: **Annexure A** IDAS Forms  
**Annexure B** Proposal Plans (PR115098-1B & PR115098-2B)  
**Annexure C** Certificate of Title and Survey Plan



# **Annexure A**

## **IDAS Forms**



# Application Details - IDAS form 1

(Sustainable Planning Act 2009 version 1.0 effective 18 December 2009)

You **MUST** complete **ALL** questions unless the form indicates otherwise. Incomplete forms or forms without all necessary information and documentation will result in your application not being a properly made application.

For all development applications, you must:

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

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

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

**Please note:** If there is more than one applicant, provide additional applicant details by clicking the "Add another applicant" button below.

<b>Name/s (individual or company name in full)</b>	Town & Country Limited
<b>For companies, contact name</b>	C/- RPS (Cairns)
<b>Postal address</b>	PO Box 1949 Cairns QLD 4870
<b>Contact phone number</b>	(07) 4031 1336
<b>Mobile number (non-mandatory)</b>	
<b>Fax number (non-mandatory)</b>	
<b>e-mail address (non-mandatory)</b>	stuart.ricketts@rpsgroup.com.au

## 1. What is the nature of development proposed? (tick all applicable boxes)

- material change of use of premises
- building work
- operational work
- reconfiguring a lot

**2. What type of approval is being sought?**

- development permit  
 preliminary approval  
 both - provide details below

**3. Is the application for a mobile and temporary environmentally relevant activity (ERA)?**

- No  
 Yes - complete table A and then go to question 5

**4. Location of the premises** (complete table B and/or table C as applicable. Identify each lot in a separate row)**Table B** - street address/lot for the premises or street address/lot on plan for the land adjoining or adjacent to the premises

	Street Address				Lot on plan description		Local government area (e.g. Logan, Cairns)
	Unit No.	Street No.	Street name and official suburb/locality name	Post code	Lot No.	Plan type and plan no.	
1		63	FRONT ST MOSSMAN	4873	101	SP186233	Cairns Regional Council

Street address / lot on plan

Street address / lot on plan for the land adjoining or adjacent to the premises (appropriate for development in water e.g. jetty, pontoon)

**Table C** - premises coordinates (appropriate for development in remote areas, over part of a lot or in water e.g. channel dredging in Moreton Bay)

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

**5. Total area of the premises on which the development is proposed** (indicate hectares or m<sup>2</sup>)

23,750 m<sup>2</sup>

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

1	existing commercial use plus vacant portion- (Subdivision 1 into 2)
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**7. Provide a brief description of the proposal** (e.g. six unit apartment building, 30 lot residential subdivision etc.)

Subdivision - 1 Lot into 2 Lots





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

- No  
 Yes - complete either table D, table E or table F as applicable

**Table D (note: do not complete this table if lodging the application on-line using Smart eDA)**

Name of owner/s of the land

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

Signature of owner/s of the land

Date

**Table E**

Name of owner/s of the land

Town & Country Limited

- The owner's written consent is attached or will be provided separately to the assessment manager

**Table F**

Name of owner/s of the land

- By making this application, I, the applicant, declare that the owner has given written consent to the making of the application.

**9. Does the application involve a state resource?** (e.g. the application involves state land, or taking quarry materials. Refer to the notes at the end of this form for more information)

- No  Yes - complete table G

**10. Identify if any of the following apply to the premises** (tick applicable box/es)

- adjacent to a water body, watercourse or aquifer (e.g creek, river, lake, canal) - complete table H  
 on strategic port land under the *Transport Infrastructure Act 1994* - complete table I  
 in a tidal water area - complete table J

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

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



**12. Does the proposal include new building work or operational work on the premises?** (including any services)

No  Yes - ensure the nature, location and dimensions of proposed works are included in plans submitted

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

No - Go to question 15  Yes

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

No  
 Yes - provide details below

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

	Description of attachment or title of attachment	Method of lodgement to assessment manager
1		

**17. Applicant's declaration**

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



## Notes for completing this form

### Question 8:

- Section 263 of the *Sustainable Planning Act 2009* sets out when the consent of the owner of the land is required for an application. Section 260(1)(e) of the *Sustainable Planning Act 2009* provides that if the owner's consent is required under section 263, then an application must contain, or be accompanied by, the written consent of the owner, or include a declaration by the applicant that the owner has given written consent to the making of the application.
- Owner's consent is not required for a mobile and temporary ERA.

### Question 9:

- Section 264 of the *Sustainable Planning Act 2009* provides that if a development involves a state resource, a regulation may require the application to be supported by certain evidence prescribed under the regulation. Schedule 14 of the *Sustainable Planning Regulation 2009* prescribes the state resources for which evidence is required to be given, and the evidence required, to support the application.

### Question 13:

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

### Question 14:

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

**Privacy** -the information collected in this form will be used by the Department of Infrastructure and Planning (DIP) in accordance with the processing and assessment of your application. Your personal details will not be disclosed for a purpose outside of the IDAS process, except where required by legislation (including the *Right to Information Act 2009*) or as required by Parliament. This information may be stored in a departmental database. The information collected will be retained as required by the *Public Records Act 2002*.

## OFFICE USE ONLY

Date received

Reference numbers

## NOTIFICATION OF ENGAGEMENT OF A PRIVATE CERTIFIER

To:

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

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



**QLEAVE NOTIFICATION AND PAYMENT** (for completion by assessment manager or private certifier if applicable)

	Description of the work	QLeave Project Number	Amount paid (\$)	Date paid	Date received form sighted by assessment manager	Name of officer who sighted the form
1						

The *Sustainable Planning Act 2009* (SPA) is administered by the Department of Infrastructure and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agencies.



# Reconfiguring a lot - IDAS form 7

(Sustainable Planning Act 2009 version 1.0 effective 18 December 2009)

This form must be completed for development applications for reconfiguring a lot.

You **MUST** complete **ALL** questions unless the form indicates otherwise. Incomplete forms or forms without all necessary information and documentation will result in your application not being a properly made application.

For all development applications, you must:

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

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

This form can also be used for development on strategic port land under the *Transport Infrastructure Act 1994*.

<b>1. What is the total number of existing lots making up the premises?</b>	1
---	---

<b>2. What is the nature of the lot reconfiguration?</b> (tick applicable box/es)
---

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

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

Intended final use of new lots	Residential	Commercial	Industrial	Other (Specify) _____
Number of additional of lots created		1		

<b>4. What type of approval is being sought for the subdivision?</b>
--

- preliminary approval
- development permit
- both

<b>5. Are there any current approvals associated with this subdivision application?</b> (e.g. material change of use)
---

- No
- Yes - provide details below

<b>6. Does the proposal involve multiple stages?</b>
--

- No - complete Table A       Yes - complete Table B



**Table A**

What is the total length of any new road to be constructed?

Nil

What is the total area of land to be contributed for community purposes?

Nil

Does the proposal involve the construction of a canal or other artificial waterway?

No       Yes

Does the proposal involve operational work for the building of a retaining wall?

No       Yes

**11. Confirm that the following mandatory information accompanies this application**

Mandatory supporting information	Confirmation of lodgement	Method of lodgement
<p>site plans drawn to scale (1:100, 1:200 or 1:500 are the recommended scales) which show the following:</p> <ul style="list-style-type: none"> <li>• the location and site area of the land to which the application relates (<b>relevant land</b>)</li> <li>• the north point</li> <li>• the boundaries of the relevant land</li> <li>• any road frontages of the relevant land, including the name of the road</li> <li>• the contours and natural ground levels of the relevant land</li> <li>• the location of any existing buildings or structures on the relevant land</li> <li>• the allotment layout showing existing lots, any proposed lots (including the dimensions of those lots), existing or proposed road reserves, building envelopes and existing or proposed open space (note: numbering is required for all lots)</li> <li>• any drainage features over the relevant land, including any watercourse, creek, dam, waterhole or spring and any land subject to a Q100 flood event</li> <li>• any existing or proposed easements on the relevant land and their function</li> <li>• all existing and proposed roads and access points on the relevant land</li> <li>• any existing or proposed car parking areas on the relevant land</li> <li>• the location of any proposed retaining walls on the relevant land and their height</li> <li>• the location of any stormwater detention on the relevant land</li> <li>• the location and dimension of any land dedicated for community purposes</li> <li>• the final intended use of any new lots</li> </ul>	<p><input checked="" type="checkbox"/> confirmed</p>	<p>electronic (Smart eDA)</p>
<p>a statement about how the proposed development addresses the local government's planning schemes and any other planning documents relevant to the application</p>	<p><input checked="" type="checkbox"/> confirmed</p>	<p>electronic (Smart eDA)</p>

**Notes for completing this form:**

- This form can also be used for reconfiguring a lot against the land use plan for Cairns airport land or Mackay airport land. Whenever a planning scheme is mentioned, take it to mean land use plan for the airport land

**Privacy - please refer to your local council for further details on the use of information recorded in this form.**



---

**OFFICE USE ONLY**

Date Received

Reference Numbers

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

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

I, Debbie-Anne Bender [insert name in full]  
Director of the below mentioned company and


**TOWN AND COUNTRY LIMITED**  
of \_\_\_\_\_ [insert name of company]

as owner of premises identified as follows:

**Lot 1 on SP186233**

consent to the making of a development application under the *Sustainable Planning Act 2009* on the  
premises described above for the purposes of

**RECONFIGURATION OF A LOT (1 INTO 2)**

 [signature of Director]

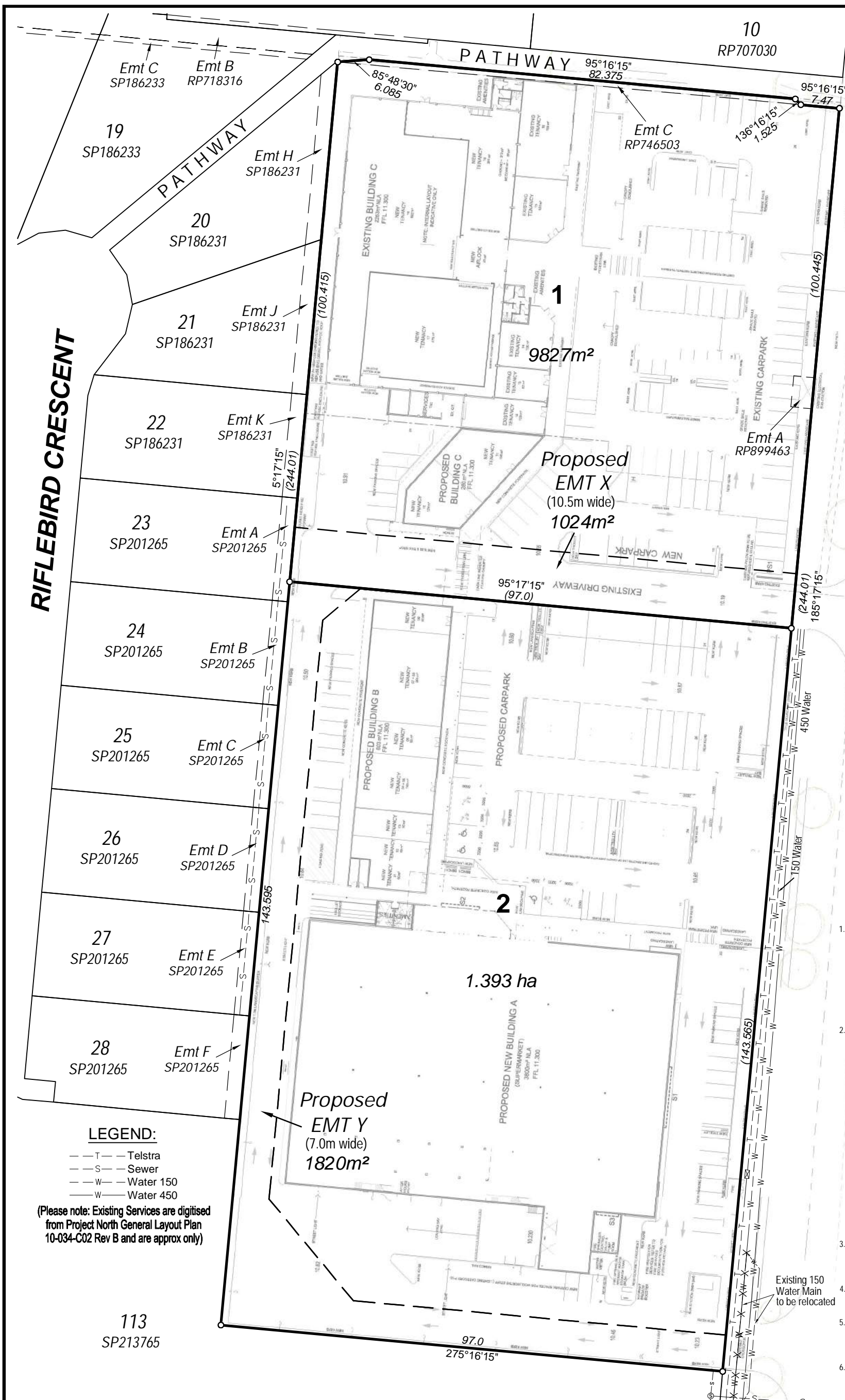
signed on the 18<sup>th</sup> day of September 20 12





**Annexure B**  
**Proposal Plans**



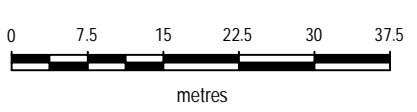


- IMPORTANT NOTE**
- This plan was prepared for the sole purposes of the client for the specific purpose of accompanying an application to the Cairns Regional Council for a reconfiguration of a lot described on this plan. This plan is strictly limited to the Purpose and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter. The plan is presented without the assumption of a duty of care to any other person (other than the Client) ("Third Party") and may not be relied on by Third Party.
  - RPS Australia East Pty Ltd will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incidental to:
    - Third Party publishing, using or relying on the plan;
    - RPS Australia East Pty Ltd relying on information provided to it by the Client or a Third Party where the information is incorrect, incomplete, inaccurate, out-of-date or unreasonable;
    - any inaccuracies or other faults with information or data sourced from a Third Party;
    - RPS Australia East Pty Ltd relying on surface indicators that are incorrect or inaccurate;
    - the Client or any Third Party not verifying information in this plan where recommended by RPS Australia East Pty Ltd;
    - lodgement of this plan with any local authority against the recommendation of RPS Australia East Pty Ltd;
    - the accuracy, reliability, suitability or completeness of any approximations or estimates made or referred to by RPS Australia East Pty Ltd in this plan.
  - Without limiting paragraph 1 or 2 above, this plan may not be copied, distributed, or reproduced by any process unless this note is clearly displayed on the plan.
  - Scale shown is correct for the original plan and any copies of this plan should be verified by checking against the bar scale.
  - The dimensions, area, size and location of improvements, flood information (if shown) and number of lots shown on this plan are approximate only and may vary.
  - Cadastral boundaries are obtained by title dimensions and/or digitising from existing cadastral maps. These boundaries have not been verified and are approximate only.

**LEGEND:**

- T--- Telstra
- S--- Sewer
- W--- Water 150
- W--- Water 450

(Please note: Existing Services are digitised from Project North General Layout Plan 10-034-C02 Rev B and are approx only)



SCALE 1:750 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A3)

AMENDMENTS	
A: KJB: 09/10/12: Add proposed Emts X & Y	
B: KJB: 15/10/12: Amend proposed Emts X & Y	
CAD REF PR115098-2B.DWG	

PROJECT MANAGER	
S Ricketts	
SURVEYED	
COMPILED	
KJB	21/09/12
SHEET 1	SHEET SIZE
OF	A3
SHEETS 1	

**TOWN & COUNTRY**

**RECONFIGURATION OF A LOT**  
Plan of Lots 1 & 2 & Proposed Emts X & Y  
Cancelling Lot 101 on SP186233  
With DA & Existing Services Overlay  
Front Street, Mossman

	RPS Australia East Pty Ltd ACN 140 292 762		
	135 Abbott St PO Box 1949 CAIRNS QLD 4870		
	T	+61 7 4031 1336	
F	+61 7 4031 2942		
W	rpsgroup.com.au		
SCALE	DATE	DRAWING NO.	ISSUE
1:750	15/10/12	PR115098-2	B



## **Annexure C**

### **Certificate of Title and Survey Plan**

CURRENT TITLE SEARCH  
NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 4535352

Search Date: 28/07/2008 15:07

Title Reference: 50624256

Date Created: 31/08/2006

Previous Title: 50087173

REGISTERED OWNER

Dealing No: 709810380 28/07/2006

TOWN &amp; COUNTRY LIMITED

ESTATE AND LAND

Estate in Fee Simple

LOT 101 SURVEY PLAN 186233

County of SOLANDER

Parish of VICTORY

Local Government: CAIRNS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20104049 (POR 2)
2. EASEMENT IN GROSS No 601420351 (T362312K) 10/08/1988  
BURDENING TH ELAND  
TO COUNCIL OF THE SHIRE OF DOUGLAS  
OVER EASEMENT C ON RP746503
3. EASEMENT IN GROSS No 701439485 15/07/1996 at 14:33  
burdening the land to  
FAR NORTH QUEENSLAND ELECTRICITY CORPORATION  
over  
EASEMENT A ON RP 899463
4. LEASE No 702844225 17/08/1998 at 12:29  
WOOLWORTHS (Q'LAND) PTY LIMITED A.C.N. 000 034 819  
OVER PART OF THE GROUND AND MAZZANINE FLOOR OF THE BUILDING
5. TRANSFER No 707243315 28/11/2003 at 10:02  
LEASE: 702844225  
WOOLWORTHS LIMITED A.C.N. 000 014 675
6. LEASE No 708813976 12/07/2005 at 10:50  
DAS INVESTMENT HOLDINGS PTY LTD A.C.N. 112 694 318 TRUSTEE  
UNDER INSTRUMENT 708813976  
OF PART OF THE GROUND FLOOR
7. MORTGAGE No 708814011 12/07/2005 at 10:55  
SUNCORP-METWAY LTD A.B.N. 66 010 831 722  
over  
LEASE: 708813976

Page 1/2

CURRENT TITLE SEARCH  
NATURAL RESOURCES AND WATER, QUEENSLAND

Request No: 4535352

Search Date: 28/07/2008 15:07

Title Reference: 50624256

Date Created: 31/08/2006

EASEMENTS, ENCUMBRANCES AND INTERESTS

8. LEASE No 709214333 13/12/2005 at 15:14  
SUN VIDEO PTY LTD A.B.N. 33 010 324 071  
OF PART OF THE GROUND FLOOR [SHOP 4]  
TERM: 01.03.2005 TO 28.02.2014 OPTION THREE YEARS

ADMINISTRATIVE ADVICES - NIL  
UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*

COPYRIGHT THE STATE OF QUEENSLAND (NATURAL RESOURCES AND WATER) [2008]  
Requested By: D APPLICATIONS ABR

Land Title Act 1994 ; Land Act 1994  
Form 21 Version 2

SURVEY PLAN

Sheet 1 of 2

TRAVERSES

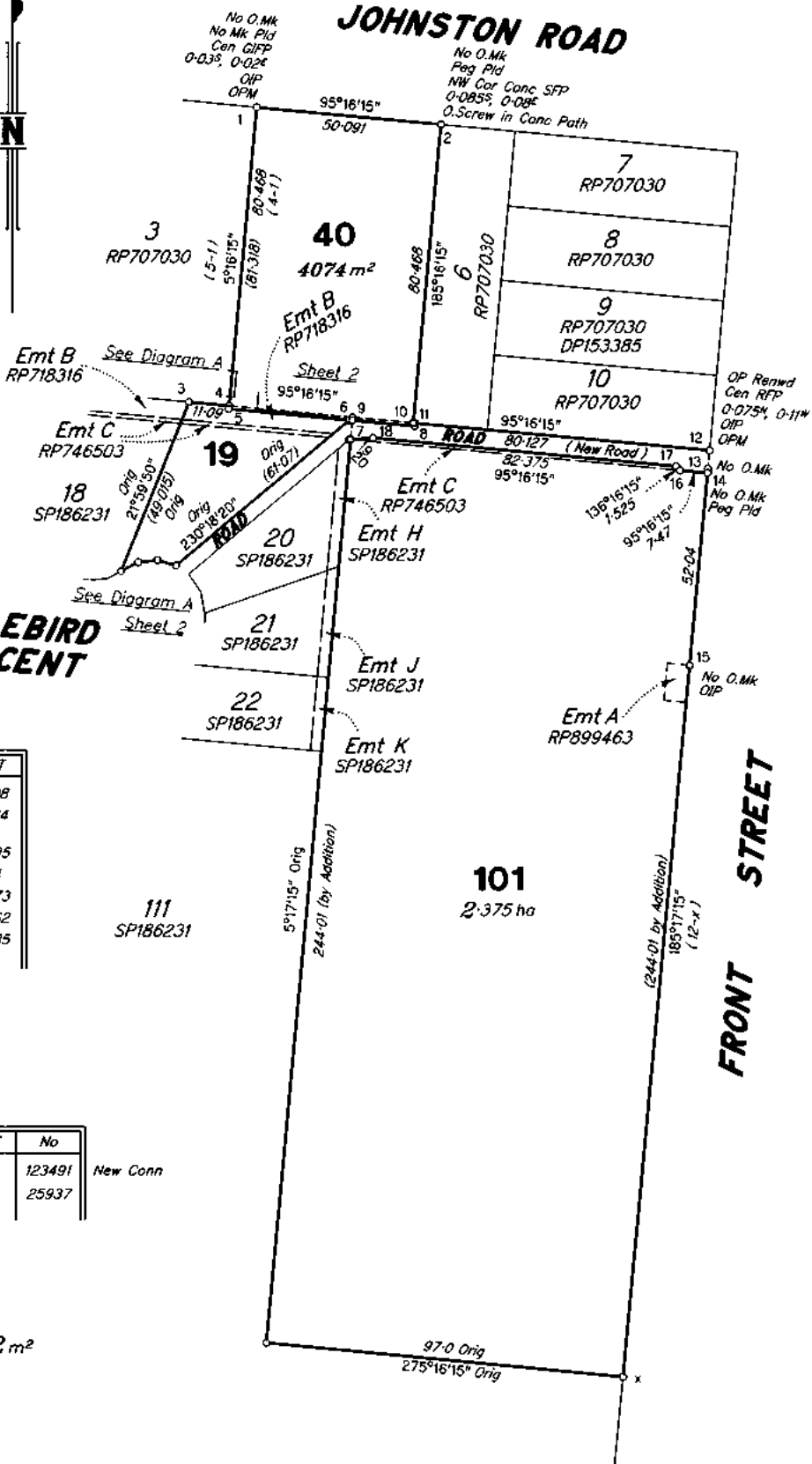
LINE	BEARING	DISTANCE
4-9	95°16'15"	33.568
7-19	185°17'15"	5.15
9-7	185°17'15"	0.85
9-10	95°16'15"	16.523
12-13	185°17'15"	4.878
12-14	185°17'15"	6.0



JOHNSTON ROAD

RIFLEBIRD CRESCENT

FRONT STREET



Peg placed at all new corners unless shown otherwise.

Original information compiled from SP186231 in the Department of Natural Resources and Mines.

REFERENCE MARKS

STN	TO	ORIGIN	BEARING	DIST
1	OIP	17/SP186231	98°42'15"	1.008
2	O.Screw in Conc Path	18/SP186231	349°36"	4.184
7	Screw in M/H		222°22'30"	4.695
9	OIP	10/RP891901	168°25'15"	5.4
12	OIP	22/SP186231	102°37"	2.973
14	Screw in M/H		47°44"	6.262
15	OIP	2/RP899463	39°21'55"	2.385

PERMANENT MARKS

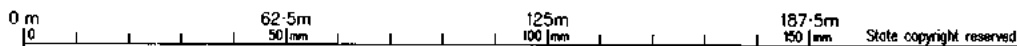
PM	ORIGIN	BEARING	DISTANCE	No
1-OPM	8/SP150474	277°38'15"	151.561	123491
12-OPM	SR513	103°52'15"	37.35	25937

New Conn

Area of New Road

(7-8-11-12-14-16-17-18-19-7) ..... 482 m²

BRAZIER MOTTI PTY. LTD. ACN 066 411 041 hereby certify that the land comprised in the plan was surveyed by the corporation by Graeme Leigh Johnstone, Surveying Graduate, for whose work the corporation accepts responsibility under the supervision of John Max Dyer, Cadastral Surveyor, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 28/10/ 2005.



Plan of Lots 19, 40 & 101  
Cancelling Lot 4 on RP890715,  
Lot 10 on RP891901 & Lot 19 on SP186231  
PARISH: **VICTORY** COUNTY: **Solander**  
Meridian: **MGA Vide SP186231** FINs: No

Scale: **1:1250**  
Format: **STANDARD**  
  
**SP186231**  
Plan Status:

**WARNING : Folded or Mutilated Plans will not be accepted.  
Plans may be rolled.  
Information may not be placed in the outer margins.**

**709810380**

CS 400 NT

\$452.80  
28/07/2006 13:45

Registered

s. Lodged by

**Rob Palethorpe Solicitor**  
P.O. Box 461  
**ROBT DOUGLAS @ 4877**  
129  
(Include address, phone number, reference, and Lodger Code)

1. Certificate of Registered Owners or Lessees:

f/We **MOSSMAN MEMORIAL BOWLS CLUB INCORPORATED,**  
**TOWN & COUNTRY LIMITED,**  
**HUGH CRAWFORD PTY LTD, BRIE BRIE ESTATE PTY LTD,**  
**G MUNTZ PTY LTD, D C WATSON PTY LTD.**

(Names in full)

\* as Registered Owners of this land agree to this plan and dedicate the Public Use Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

\* as Lessees of this land agree to this plan:

Signature of \* Registered Owners \* Lessees

*McDonald (K. McDonald) CHAIRPERSON MOSSMAN MEMORIAL BOWLS CLUB INC.*

*Kevin Kinne - SECRETARY MMBC.*

*Stuart Lovell  
Company Secretary  
Town & Country Ltd.*

*Hugh Crawford P/L  
Brie Brie Estate P/L } James Greig Watson - DIRECTOR  
G. Muntz P/L }  
D.C. Watson P/L } *Donald Andrew Watson - DIRECTOR**

\* Rule out whichever is inapplicable

2. Local Government Approval

\* DOUGLAS SHIRE COUNCIL  
hereby approves this plan in accordance with the :  
% INTEGRATED PLANNING ACT 1997

Dated this twenty-second day of February 2006

**DOUGLAS SHIRE COUNCIL**  
*[Signature]* #  
MAYOR  
*[Signature]* #  
CHIEF EXECUTIVE OFFICER

\* Insert the name of the Local Government. % Insert Integrated Planning Act 1997 or # Insert designation of signatory or delegation Local Government (Planning & Environment) Act 1990

3. Plans with Community Management Statement :

CMS Number :  
Name :

4. References :

Dept File :  
Local Govt :  
Surveyor : 31122/17-1

Existing			Created		
Title Reference	Lot	Plan	Lots	Emts	Road
50087173	10	RP891901	40 & 101	---	New Road
50129729	4	RP890715	40	---	---
50593128	19	SP186231	19 & 40	---	---

EXISTING MORTGAGE ALLOCATION

Mortgage	Lots Fully Encumbered	Lots Partially Encumbered
708590560	101	40
704918816		40
709084482	19	40

EXISTING EASEMENT ALLOCATION

Easement	Lots To Be Encumbered
601420351 EMT C on RP746503	19 & 101
601420352 EMT B on RP718316	19 & 40
701439485 EMT A on RP899463	101

Amendments by Brazier Motti Pty Ltd  
ACN 066 411 041.

David William Kirchner *[Signature]*  
Director  
25.08.2006

EXISTING EASEMENT (ROAD) ALLOCATION

Part of EMT C on RP746503	Absorbed By New Road
Part of EMT B on RP718316	Absorbed By New Road

All leases which were in the former Lot 10 on RP 891901, are now fully contained within Lot 101 on this plan.

Encroachment notice issued to the owner of Lot 3 on RP707030 in accordance with S19 of the Survey and Mapping Infrastructure Act 2004.

40	Por 2 and Lots 1 & 2 on RP723424.
19 & 101	Por 2
Lots	Orig

7. Portion Allocation :

8. Map Reference :

7965-23212

9. Locality :

MOSSMAN

10. Local Government :

DOUGLAS SHIRE COUNCIL

11. Passed & Endorsed :

By : Brazier Motti Pty Ltd  
Date : 25.1.06  
Signed : *[Signature]*  
Designation : LIAISON OFFICER

12. Building Format Plans only

I certify that :  
\* As far as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road;  
\* Part of the building shown on this plan encroaches onto adjoining\* lots and road

Cadastral Surveyor/Director \* Date  
\* Delete words not required

13. Lodgement Fees :

Survey Deposit \$ \_\_\_\_\_  
Lodgement \$ \_\_\_\_\_  
New Titles \$ \_\_\_\_\_  
Photocopy \$ \_\_\_\_\_  
Postage \$ \_\_\_\_\_  
TOTAL \$ \_\_\_\_\_

14. SP186233





Smart eDA ID: 1347936820102

## State assessments

**63 FRONT ST, MOSSMAN 4873**  
12 matters requiring further investigation.

### Department of Environment and Resource Management

<b>Acid Sulfate Soils</b> <a href="#">Acid Sulfate Soil Administration Boundaries</a>	Yes, MOSSMAN
<b>Coastal Management</b> <a href="#">Erosion Prone Areas</a>	Not available. Contact agency
<b>Contaminated Land</b> <a href="#">Contaminated Land</a>	Not available. <a href="#">Search DERM Register</a>
<b>Native Vegetation</b> <a href="#">Assessable Vegetation</a>	Not available. Contact agency
<b>Water</b> <a href="#">Sub Artesian Water Management Areas</a>	Yes, A3-104863
<b>Wetlands</b> <a href="#">Map of referable wetlands</a>	Yes
<b>Wild Rivers</b> <a href="#">Declared Wild River High Preservation Area</a>	Service down. Check later

### Department of Local Government and Planning

<b>Regional Plans</b> <a href="#">Far North Queensland Regional Plan 2009-2031</a>	Yes, Urban Footprint
---	----------------------

### Department of Transport and Main Roads

<b>Maritime Safety</b> <a href="#">Tidal Work</a>	Not available. Contact agency
<b>State-Controlled Roads</b> <a href="#">Contiguous to a State-controlled Road</a>	Yes

### Ergon

<b>Easements</b> <a href="#">Ergon High Voltage Cables 132kV</a> <a href="#">Ergon High Voltage Lines 132kV</a>	Service down. Check later Service down. Check later
---	--

