

**OUR REF:** doc#1019444

22 June 2021

Chief Executive Officer  
Douglas Shire Council  
PO Box 723  
MOSSMAN, QLD 4873

Attention: Assessment Manager

**RE: DEVELOPMENT APPLICATION FOR RECONFIGURING A LOT (BOUNDARY REALIGNMENT AND EASEMENT FOR ACCESS AND SERVICES) OVER LAND FORMALLY DESCRIBED AS LOT 1 ON RP738986, LOT 2 ON RP738987 AND LOT 2 ON SR462**

The Douglas Shire Council (DSC) Property Services presents a Development Application for Reconfiguring a Lot (Boundary Realignment and Easement for Access and Services over land formally described as Lot 1 on RP738986, Lot 2 on RP738987 and Lot 2 on SR462.

In support of the above, described Development Application, please refer to enclosed:

- Attachment 1: DA Form 1 duly completed by Douglas Shire Council;
- Attachment 2: Land Owners Consent;
- Attachment 3: Proposed Plan of Survey;
- Attachment 4: Form 9 and 20 Easement E and G Agreement;
- Attachment 5: Form 9 and 20 Easement F Agreement;
- Attachment 6: Form 10 Surrender of Easement B; and
- Attachment 7: Form 10 Surrender of Easement C.

Given the nature of the project, to support necessary water infrastructure, it is respectfully requested that the Development Application Fee is waived.

We trust the attached information satisfies Douglas Shire Council's requirements, however should you wish to discuss further or require further information please do not hesitate to contact the undersigned either via telephone 07 4099 944 or email [grabiell.nucifora@douglas.qld.gov.au](mailto:grabiell.nucifora@douglas.qld.gov.au).

Yours faithfully

Gabriel Nucifora  
Project Manager (Project Office)

## Proposal Description

The proposed development is to accommodate a design completed by Cardno that connects the existing reservoir into the existing water main network on Bonnie Doon Road. The original 2 concrete water reservoirs were constructed some time ago and were filled with water to preserve the integrity of these structures, however these were not connected into the main water network at the time. The history is not certain, however it is understood there may have been a trigger point in time where this connection would be constructed by the original Developer of Ocean Breeze Estate. However due to circumstances this did not occur.

The proposed boundary realignment will more accurately contain the two water reservoirs and ancillary structures and also allow for the configuration of the pipe network to flow more efficiently. For example, on approach to EMT B the proposed boundary takes a tapered turn which would allow for 2 x 45 degree pipe bends be used instead of a 90 degree bend, this would allow improved water flow taking into consideration the loading pressure that the pipe will be subject to on a daily basis. The proposed layout will also contribute to pipe longevity.

The new pipeline will be buried within the proposed easement boundaries. The access track will be maintained by Council and will remain unsealed at this stage.

A copy of the proposal plan is included at Attachment 3.

## Site and Planning Information

Key site information is provided in Table 1 below:

**Table 1: Site Information**

<b>Real Property Description</b>	Lot 1 on RP738986	Lot 2 on RP738987 / Lot 2 on SR462
<b>Address</b>	Bonnie Doon Road, Bonnie Doon	461 Bonnie Doon Road, Bonnie Doon
<b>Land Area</b>	0.1629ha	157.9120ha
<b>Land Owners</b>	Douglas Shire Council	Douglas John and Anthea Jane Crees
<b>Douglas Shire Planning Scheme Zone</b>	Special Purpose	Rural
<b>Douglas Shire Planning Scheme Overlays</b>	Bushfire Hazard – Very High Potential Bushfire Intensity	Bushfire Hazard – Very High, High and Medium Potential Bushfire Intensity. Potential Impact Buffer
	Hillslopes – Area affected by Hillslopes	Hillslopes – Area affected by Hillslopes
	Landscape Values – High Landscape Values	Landscape Values – High and Medium Landscape Values
	Potential Landslide	Potential Landslide
		Natural Areas – MSES Wildlife Habitat, Regulated Vegetation (Of Concern Regional Ecosystem), Regulated Vegetation Intersecting a Watercourse
		Flood and Stormtide Inundation – Floodplain Assessment and Stormtide Medium Hazard

## **Planning Scheme Zone Discussion**

Whilst the relevant zonings have been observed it is submitted that the proposed development is to support necessary water supply infrastructure and is consistent with the Special Purpose Zone Code. Also, the proposed development is not an inconsistent use, nor does it detract from the purpose of the Rural Zone Code. On this basis, a detailed assessment has not been carried out against the Special Purpose Zone Code or the Rural Zone Code.

The proposed development is Code Assessable.

## **Planning Scheme Overlay Discussion**

The relevant Overlays have been reviewed in the preparation of the Development Application and a summary of assessment is provided below. A detailed assessment against these codes has not been documented.

- Bushfire Hazard Overlay: The water reservoir infrastructure largely exists in place. The proposed development is intended to accurately contain existing infrastructure on title and provide a more efficient access and pipeline route. The proposed development does not exacerbate existing risk to people or property.
- Hillslopes Hazard Overlay: The alignment of services and access track has been engineered to minimise any impact on hillslopes.
- Landscape Values Overlay: The water reservoirs exist in place now and are part of the existing landscape. The proposed development is merely to support the connection of the reservoirs to the mains water network. The access track generally exists and will remain unsealed.
- Potential Landslip Overlay: The alignment of services and access track is limited generally to the existing disturbed areas / access track to minimise any impact on potential landslip areas.
- Natural Areas Overlay: The water reservoirs exist in place now and are part of the existing landscape. The proposed development is merely to support the connection of the reservoirs to the mains water network. The access track generally exists and will remain unsealed.
- Flood and Stormtide Inundation Overlay: The proposed development is not going to exacerbate Flood and Stormtide Inundation risk.

## **Development Code Discussion**

The relevant Development Codes have been reviewed in the preparation of the Development Application and a summary of assessment is provided below. A detailed assessment against these codes has not been documented.

- Reconfiguring a Lot Code: No additional lots are created and the boundary re-alignment is an insignificant variation to the existing lot sizes and lot configuration.
- Filling and Excavation Code: The proposed development in itself does not require filling and excavation works, although subsequent works are required to facilitate the installation of new water mains, these works will be undertaken by Douglas Shire Council.
- Infrastructure Works Code: The proposed development supports installation of new water infrastructure.
- Landscaping Code: Given the nature of the propose development no new landscaping is proposed.
- Vegetation Management Code: Minimal vegetation damage will occur as the proposed pipeline generally follows the existing access track.

## State Interests

A review of Schedule 10 of the *Planning Regulation 2017* indicates that the proposed development triggers referral to the State Assessment and Referral Agency, under:

- Part 3 Clearing Native Vegetation, Division 4, Table 2.

The affected area is mapped as a category B area containing Of Concern and Least Concern Regional Ecosystems and Essential Habitat. Clearing that will result from the proposed development and clearing that will become exempt clearing works under Schedule 21 of the Planning Regulation 2017 includes clearing for a 10m wide fire management line on either side of the proposed new lot boundaries.

The development footprint impacts the following features/vegetation types:

- Category B area containing of concern and least concern regional ecosystems, and
- Essential habitat as shown on the essential habitat map for the Southern Cassowary.

The mapped regional ecosystems on the subject site are:

- 7.11.18 (of concern, mid-dense structure)
- 7.11.5 (least concern, mid-dense structure).

An assessment of the proposal against the following State Development Assessment Provisions – State Code 16: Native Vegetation Clearing will be provided under separate cover:

- Table 16.2.2 (PO1-PO4) and
- Table 16.2.3 (PO7, PO11, PO16, PO20, PO22-PO24 and PO27)

## Conclusion

The proposed development seeks to realign boundaries to facilitate necessary water infrastructure, including the connection of the existing water reservoirs at Bonnie Doon to the reticulated water network. It is submitted that the proposed development is unlikely to have any significant impacts upon infrastructure, environment or community that cannot be addressed through the imposition of reasonable and relevant conditions.

On this basis it has been determined that the proposal is compliant with relevant 'Acceptable Solution' and/or 'Performance Criteria' provided in the Planning Scheme and approval is sought subject to reasonable and relevant conditions.

## **Attachment 1**

**DA Form 1 duly completed by Douglas Shire Council**

## **Attachment 2**

### **Land Owners Consent**

## **Attachment 3**

### **Proposed Plan of Survey**

# 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)	Douglas Shire Council (People and Community Services)
Contact name (only applicable for companies)	Gabriel Nucifora
Postal address (P.O. Box or street address)	PO Box 723
Suburb	Mossman
State	QLD
Postcode	4873
Country	Australia
Contact number	07 4099 9524
Email address (non-mandatory)	<a href="mailto:Gabriel.Nucifora@douglas.qld.gov.au">Gabriel.Nucifora@douglas.qld.gov.au</a>
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	

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



Queensland  
Government

## 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
			Bonnie Doon Road	Bonnie Doon
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	1	RP738986	Douglas
b)	Unit No.	Street No.	Street Name and Type	Suburb
		461	Bonnie Doon Road	Bonnie Doon
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	2	RP738987	Douglas
c)	Unit No.	Street No.	Street Name and Type	Suburb
			Bonnie Doon Road	Bonnie Doon
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	2	SR462	Douglas

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

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

☐ Coordinates of premises by longitude and latitude

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

☐ Coordinates of premises by easting and northing

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

#### 3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:	Unknown waterway and South Mossman River
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☐ 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 <i>(if applicable)</i> :	
Name of port authority for tidal area <i>(if applicable)</i> :	
<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>	
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)*:

Reconfiguring a Lot (Boundary Realignment) and Easement (Access and Services)

e) Relevant plans

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

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

#### 6.2) Provide details about the second development aspect

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

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

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

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

c) What is the level of assessment?

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

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

e) Relevant plans

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

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

### 6.3) Additional aspects of development

- ☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
- ☒ Not required

## Section 2 – Further development details

### 7) Does the proposed development application involve any of the following?

Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input checked="" type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

### Division 1 – Material change of use

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

#### 8.1) Describe the proposed material change of use

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

#### 8.2) Does the proposed use involve the use of existing buildings on the premises?

☐ Yes

☐ 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?

Three

#### 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 checked="" 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?

☐ Yes – provide additional details below

☐ 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> )
Lot 2 on RP738987	1,579,124	Lot 2 on SP318409	1,579,124
Lot 2 on SR462	203,490	unchanged	unchanged
Lot 1 on RP738986	1,629	Lot 1 on SP318409	1,629

12.2) What is the reason for the boundary realignment?

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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	Varies	varies	Access and services	Lot 1 on SP318409

## Division 3 – Operational work

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

14.1) What is the nature of the operational work?

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

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

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

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

\$ _____
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## PART 4 – ASSESSMENT MANAGER DETAILS

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

Douglas Shire Council

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

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

## PART 5 – REFERRAL DETAILS

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

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

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

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

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

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

- ☐ Airport land

<input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA has been devolved to local government)</i> <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

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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	

Dealing Number



OFFICE USE ONLY

Privacy Statement

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

1. **Dealing number of easement being surrendered**  
601118579

**Lodger** (Name, address, E-mail & phone number) **Lodger Code**  
Douglas Shire Council  
64-66 Front Street, Mossman QLD 4873  
enquiries@douglas.qld.gov.au  
07 4099 9444

2. <b>Description of Easement/Lot on Plan</b>	<b>Title Reference</b>
Servient Tenement (burdened land) EASEMENTS B ON RP 738986 IN LOT 2 ON SR 462	50727961
*Dominant Tenement (benefited land) Not applicable	

3. <b>Grantor</b>	4. <b>Grantee</b>
DOUGLAS JOHN CREES AND ANTHEA JANE CREES	DOUGLAS SHIRE COUNCIL

5. **Surrender/Execution**

**\*Partial Surrender**

The Grantee surrenders the easement in item 1 so that the easement is extinguished so far as the easement relates to: part of the Servient Tenement.

**Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994**

.....signature

.....full name

.....qualification

**Witnessing Officer**

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

/ /  
**Execution Date**

.....  
**Grantor's Signature**  
Douglas John Crees

.....signature

.....full name

.....qualification

**Witnessing Officer**

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

/ /  
**Execution Date**

.....  
**Grantor's Signature**  
Anthea Jane Crees

**Douglas Shire Council**

.....signature

..... full name

.....qualification

**Witnessing Officer**

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

/ /  
**Execution Date**

.....  
**Grantee's Signature**  
CEO - Mark Stoermer

Dealing Number



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1. Dealing number of easement being surrendered 601118579	Lodger (Name, address, E-mail & phone number) Douglas Shire Council 64-66 Front Street, Mossman QLD 4873 enquiries@douglas.qld.gov.au 07 4099 9444	Lodger Code
2. Description of Easement/Lot on Plan Servient Tenement (burdened land) EASEMENT C ON RP 738986 IN LOT 2 RP 738987 *Dominant Tenement (benefited land) Not applicable	Title Reference 21310127	
3. Grantor DOUGLAS JOHN CREES AND ANTHEA JANE CREES	4. Grantee DOUGLAS SHIRE COUNCIL	

5. Surrender/Execution

\*Partial Surrender

The Grantee surrenders the easement in item 1 so that the easement is extinguished so far as the easement relates to: part of the Servient Tenement.

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

.....signature .....full name .....qualification	/ / Execution Date	..... Grantor's Signature Douglas John Crees
Witnessing Officer (Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)		
.....signature .....full name .....qualification	/ / Execution Date	..... Grantor's Signature Anthea Jane Crees
Witnessing Officer (Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)		
.....signature .....full name .....qualification	/ / Execution Date	..... Grantee's Signature CEO - Mark Stoermer
Witnessing Officer (Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)		

Douglas Shire Council

Dealing Number



## OFFICE USE ONLY

### Privacy Statement

Collection of information from this form is authorised by legislation and is used to maintain publicly searchable records. For more information see the Department's website.

<b>1. Grantor</b> DOUGLAS JOHN CREES ANTHEA JANE CREES	<b>Lodger</b> (Name, address, E-mail & phone number) Douglas Shire Council 64-66 Front Street, Mossman QLD 4873 enquiries@douglas.qld.gov.au 07 4099 9444	<b>Lodger Code</b>
<b>2. Description of Easement/Lot on Plan</b> Servient Tenement (burdened land) Easement E and G in Lot 2 on SP 318409  Dominant Tenement (benefited land) LOT 1 ON SP 318409		<b>Title Reference</b> 21310127 (New Title to be issued)  21306022 (New Title to be issued)
<b>3. Interest being burdened</b> Fee Simple	<b>#4. Interest being benefited</b> FEE SIMPLE	
<b>5. Grantee</b> Given names DOUGLAS SHIRE COUNCIL	Surname/Company name and number (include tenancy if more than one)	
<b>6. Consideration</b> \$1.00	<b>7. Purpose of easement</b> See attached schedule	

### 8. Grant/Execution

The Grantor for the above consideration grants to the Grantee the easement over the servient tenement for the purpose stated in item 7 and the Grantor and Grantee covenant with each other in terms of: the attached schedule.

**Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994**

.....signature  
.....full name  
.....qualification

#### Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

/ /  
Execution Date

.....  
**Grantor's Signature**  
Douglas John Crees

.....signature  
.....full name  
.....qualification

#### Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

/ /  
Execution Date

.....  
**Grantor's Signature**  
Anthea Jane Crees

.....signature  
.....full name  
.....qualification

#### Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

/ /  
Execution Date

.....  
**Grantee's Signature**  
CEO - Mark Stoermer

Douglas Shire Council

**Title Reference [21310127 (New Title to be issued) ]**

This is the Schedule referred to in Easement dated the                      day of                      2021

1. The Grantor will permit and grant to the Grantee an easement for the Grantee and successors in title the owners and occupiers for the time being of the Dominant Tenement (in common with the Grantor and all other persons having the like right) full and free right liberty and license from time to time and at all times hereafter for the Grantee its officers servants, agents, workmen, licensees and other persons authorised by the Grantee either generally or specifically in that behalf and either with or without vehicles plant equipment goods matters and things from time to time to enter into and upon the Servient Tenement and to pass and repass along over into out of and from the Servient Tenement for all purposes in about or in any manner whatsoever connected with the construction and maintenance and continuation of a water supply pipeline and all structures and works necessary incidental and ancillary to same for the use and benefit of the Dominant Tenement.
2. Without in any way limiting the purposes for which the Grantee may use the Servient Tenement the Grantee may by itself or by any corporations or persons from time to time and at all times at the discretion of the Grantee construct maintain install and utilise a water supply pipeline and all structures and works necessary incidental and ancillary to same and take all such earth soil and timber therefrom and generally do all such things whatsoever thereon as the Grantee may consider necessary or proper for the construction maintenance repair alteration utilization or working of the water supply pipeline and works or for any of the purposes of these presents at all reasonable times of the day and night and with or without trucks and other vehicles convey over through and along the Servient Tenement any goods materials and things of whatsoever description and any workmen or other persons whether employed by the Grantee or not. This clause is specifically subject to the Grantee making good any disturbance to the Servient Tenement and returning it, as soon as possible, to its condition before the works were undertaken.
3. The Grantee shall not be required to fence or contribute to the fencing of any part or parts of the boundaries of the Servient Tenement and the Grantee at any time or times during the continuance hereof or within a period of six months after the determination hereof may take up and remove the whole or any part or parts of the water supply pipeline and other works or part thereof.
4. The Grantor may utilise the Servient Tenement for the purpose of growing small crops provided however that in so utilising it shall not do suffer permit or omit to be done any act deed matter or thing whereby or by reason whereof the property of the Grantee shall at any time or from time to time be endangered damaged or otherwise prejudicially affected howsoever and in particular and without in any way limiting the generality thereof it shall not permit cause or allow any crop to be harvested with any plant machinery or implements which may come into or may be likely to come into contact with the water supply pipeline or other property of the Grantee.
5. The Grantor will not at any time build upon the Easement or any parts or use or permit the land to be used in ways to obstruct or interfere with the access of the Grantee for the proper and effective use of the Easement without the express permission of Grantee. At no time is vehicular access to the easement areas to be impeded by the growing of sugar cane or other crops.
6. The Grantee shall ensure that any damage caused by the Grantee by itself its servants agents or workmen to the Grantor's land shall be rectified at the expense of the Grantee.
7. Easement G will be maintained solely by the Grantee, the type of maintenance performed will act to keep area safe and accessible.
8. The maintenance responsibility of Easement E is subject to the following conditions:
  - a. The Grantee will attend to the mowing of the access way in accordance with the Grantee's maintenance department schedule.
  - b. Other forms of maintenance activities will not be undertaken by the Grantee except in the event of severe weather.
  - c. Should a severe weather event occur that results in physical disruption affecting the access the Grantee will contribute 50% of the costs to reinstate the access where necessary.
  - d. During the construction stage the Grantee will reinstate the access to a condition identified in the pre-construction phase.

**Title Reference** [21310127 (New Title to be issued) ]

9. All costs and expenses of and in connection with these presents and of an in connection with the necessary survey and plans and the registration and the stamping of these presents and of all other documents writings and things in relation to this Easement will be paid by the Grantee.
10. The consideration payable hereunder shall be paid by the Grantee to the Grantor upon the registration in the property office of these presents upon the relative instrument of title to the Grantor's land.
11. In the event the Grantor wishes to subdivide a portion of the land all costs and expenses of and in connection with these presents and of and in connection with the necessary survey and plans and the registration and the stamping of these presents and of all other documents writings and things in relation to this Easement will be paid by the Grantor.
12. Unless the contrary intention appears:

**"Dominant Tenement"** means the land described as such Item 2 of the Form 9 in this Easement and includes any part of that land having the benefit of this Easement;

**"Easement"** means the rights obtained from the Grantor by the Grantee including but not limited to the terms and conditions contained in this Schedule and the Form 9 to which this Schedule is annexed and includes all annexures thereto;

**"Grantee"** shall mean the Grantee named in Item 5 of the Form 9 in this Easement and includes the executors, administrators, successors in title and permitted assigns of the Grantee and persons authorised by the Grantee;

**"Grantor"** shall mean the Grantor named in Item 1 of the Form 9 in this Easement and includes the executors, administrators, successors in title and assigns of the Grantor;

**"Servient Tenement"** means the land described as such in Item 2 of the Form 9 in this Easement and includes any part of that land subject to the burden of this Easement.

References to a person include a corporation, partnership, incorporated association, body corporate, unincorporated body, instrumentality of the Crown and any statutory, public or local authority.

References to a corporation have the same meaning as in the *Corporations Act*.

References to any statute or statutory provision include all consolidations, re-enactments and substitutions thereof all as amended from time to time and the regulations, by-laws and orders for the time being in force thereunder.

Words importing any gender include all other genders.

Words importing the singular include the plural and vice versa.

This easement is governed by the law of Queensland.

Dealing Number



## OFFICE USE ONLY

### Privacy Statement

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<b>1. Grantor</b> DOUGLAS JOHN CREES ANTHEA JANE CREES	<b>Lodger</b> (Name, address, E-mail & phone number) Douglas Shire Council 64-66 Front Street, Mossman QLD 4873 enquiries@douglas.qld.gov.au 07 4099 9444	<b>Lodger Code</b>
--	---	--------------------

<b>2. Description of Easement/Lot on Plan</b> Servient Tenement (burdened land) Easement F on SP 318409 in Lot 2 on SR 462  Dominant Tenement (benefited land) LOT 1 ON SP 318409	<b>Title Reference</b>  50727961  21306022 (New Title to be Issued)
--	---

<b>3. Interest being burdened</b> Fee Simple	<b>#4. Interest being benefited</b> FEE SIMPLE
---	---

<b>5. Grantee</b> Given names DOUGLAS SHIRE COUNCIL	Surname/Company name and number (include tenancy if more than one)
--	---

<b>6. Consideration</b> \$1.00	<b>7. Purpose of easement</b> See attached schedule
-----------------------------------	--

### 8. Grant/Execution

The Grantor for the above consideration grants to the Grantee the easement over the servient tenement for the purpose stated in item 7 and the Grantor and Grantee covenant with each other in terms of: the attached schedule.

**Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994**

.....signature

.....full name

.....qualification

#### Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

/ /  
Execution Date

.....  
**Grantor's Signature**  
Douglas John Crees

.....signature

.....full name

.....qualification

#### Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

/ /  
Execution Date

.....  
**Grantor's Signature**  
Anthea Jane Crees

.....signature

.....full name

.....qualification

#### Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

/ /  
Execution Date

.....  
**Grantee's Signature**  
CEO - Mark Stoermer

**Title Reference [50727961]**

This is the Schedule referred to in Easement dated the                      day of                      2021

1. The Grantor will permit and grant to the Grantee an easement for the Grantee and successors in title the owners and occupiers for the time being of the Dominant Tenement (in common with the Grantor and all other persons having the like right) full and free right liberty and license from time to time and at all times hereafter for the Grantee its officers servants, agents, workmen, licensees and other persons authorised by the Grantee either generally or specifically in that behalf and either with or without vehicles plant equipment goods matters and things from time to time to enter into and upon the Servient Tenement and to pass and repass along over into out of and from the Servient Tenement for all purposes in about or in any manner whatsoever connected with the construction and maintenance and continuation of a water supply pipeline and all structures and works necessary incidental and ancillary to same for the use and benefit of the Dominant Tenement.
2. Without in any way limiting the purposes for which the Grantee may use the Servient Tenement the Grantee may by itself or by any corporations or persons from time to time and at all times at the discretion of the Grantee construct maintain install and utilise a water supply pipeline and all structures and works necessary incidental and ancillary to same and take all such earth soil and timber therefrom and generally do all such things whatsoever thereon as the Grantee may consider necessary or proper for the construction maintenance repair alteration utilization or working of the water supply pipeline and works or for any of the purposes of these presents at all reasonable times of the day and night and with or without trucks and other vehicles convey over through and along the Servient Tenement any goods materials and things of whatsoever description and any workmen or other persons whether employed by the Grantee or not. This clause is specifically subject to the Grantee making good any disturbance to the Servient Tenement and returning it, as soon as possible, to its condition before the works were undertaken.
3. The Grantee shall not be required to fence or contribute to the fencing of any part or parts of the boundaries of the Servient Tenement and the Grantee at any time or times during the continuance hereof or within a period of six months after the determination hereof may take up and remove the whole or any part or parts of the water supply pipeline and other works or part thereof.
4. The Grantor may utilise the Servient Tenement for the purpose of growing small crops provided however that in so utilising it shall not do suffer permit or omit to be done any act deed matter or thing whereby or by reason whereof the property of the Grantee shall at any time or from time to time be endangered damaged or otherwise prejudicially affected howsoever and in particular and without in any way limiting the generality thereof it shall not permit cause or allow any crop to be harvested with any plant machinery or implements which may come into or may be likely to come into contact with the water supply pipeline or other property of the Grantee.
5. The Grantor will not at any time build upon the Easement or any parts or use or permit the land to be used in ways to obstruct or interfere with the access of the Grantee for the proper and effective use of the Easement without the express permission of Grantee. At no time is vehicular access to the easement areas to be impeded by the growing of sugar cane or other crops.
6. The Grantee shall ensure that any damage caused by the Grantee by itself its servants agents or workmen to the Grantor's land shall be rectified at the expense of the Grantee.
7. The maintenance responsibility of Easement F is subject to the following conditions:
  - a. The Grantee will attend to the mowing of the access way in accordance with the Grantee's maintenance department schedule.
  - b. Other forms of maintenance activities will not be undertaken by the Grantee except in the event of severe weather.
  - c. Should a severe weather event occur that results in physical disruption affecting the access the Grantee will contribute 50% of the costs to reinstate the access where necessary.
  - d. During the construction stage the Grantee will reinstate the access to a condition identified in the pre-construction phase.
8. All costs and expenses of and in connection with these presents and of an in connection with the necessary survey and plans and the registration and the stamping of these presents and of all other documents writings and things in relation to this Easement will be paid by the Grantee.

Title Reference [50727961]

9. The consideration payable hereunder shall be paid by the Grantee to the Grantor upon the registration in the property office of these presents upon the relative instrument of title to the Grantor's land.
10. In the event the Grantor wishes to subdivide a portion of the land all costs and expenses of and in connection with these presents and of and in connection with the necessary survey and plans and the registration and the stamping of these presents and of all other documents writings and things in relation to this Easement will be paid by the Grantor.
11. Unless the contrary intention appears:

**"Dominant Tenement"** means the land described as such Item 2 of the Form 9 in this Easement and includes any part of that land having the benefit of this Easement;

**"Easement"** means the rights obtained from the Grantor by the Grantee including but not limited to the terms and conditions contained in this Schedule and the Form 9 to which this Schedule is annexed and includes all annexures thereto;

**"Grantee"** shall mean the Grantee named in Item 5 of the Form 9 in this Easement and includes the executors, administrators, successors in title and permitted assigns of the Grantee and persons authorised by the Grantee;

**"Grantor"** shall mean the Grantor named in Item 1 of the Form 9 in this Easement and includes the executors, administrators, successors in title and assigns of the Grantor;

**"Servient Tenement"** means the land described as such in Item 2 of the Form 9 in this Easement and includes any part of that land subject to the burden of this Easement.

References to a person include a corporation, partnership, incorporated association, body corporate, unincorporated body, instrumentality of the Crown and any statutory, public or local authority.

References to a corporation have the same meaning as in the *Corporations Act*.

References to any statute or statutory provision include all consolidations, re-enactments and substitutions thereof all as amended from time to time and the regulations, by-laws and orders for the time being in force thereunder.

Words importing any gender include all other genders.

Words importing the singular include the plural and vice versa.

This easement is governed by the law of Queensland.

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

I, Douglas John Crees and Anthea Jane Crees

as owner of the premises identified as follows:

Bonnie Doon Road; Lot 2 on RP 738987 and Lot 2 on SR 462

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

Douglas Shire Council

on the premises described above for:

Reconfiguration of Lot (Boundary Realignment) and Easement for the purpose of access and install, maintain, utilise water infrastructure to accommodate the Cooya Reservoir Infrastructure Project.

*aj crees* 8/3/21.

[signature of owner and  
date signed]  
Douglas John Crees  
Anthea Jane Crees

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

I, Mark Stoermer – CEO of the Douglas Shire Council

as owner of the premises identified as follows:

Bonnie Doon Road; Lot 1 on RP 738986

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

Douglas Shire Council

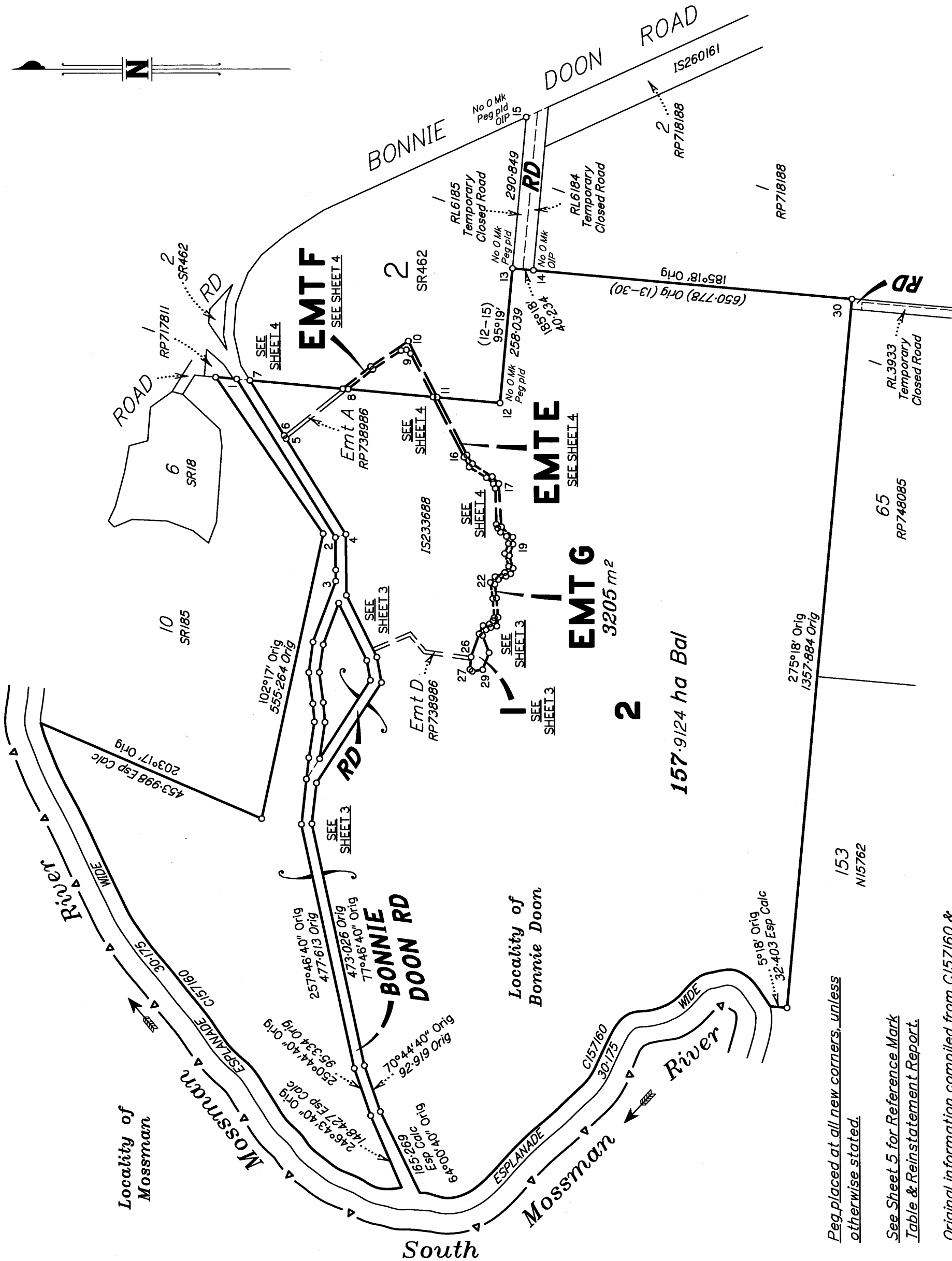
on the premises described above for:

Reconfiguration of Lot (boundary realignment) to accommodate the Cooya Reservoir Infrastructure Project.

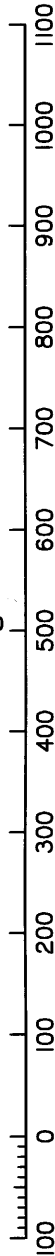


9/3/21

Mark Stoermer - CEO of the Douglas Shire Council



Scale 1:7500 - Lengths are in Metres.



RPS Australia East Pty Ltd (ACN 140 292 762) hereby certify that the land comprised in this plan was surveyed by the corporation, by Matthew James WILLING, surveying associate and Daniel Geoffrey PINKHAM, surveying graduate, for whose work the corporation accepts responsibility, under the supervision of Adrian Edward SOLOMON, 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 07/12/2020.

*A. Ridgeway*  
Authorised Delegate

19.1.2021

Date

0 50mm 100mm 150mm State copyright reserved.	
<b>Plan of Lots 1 &amp; 2 and Emt's E &amp; G in Lot 2</b>	
Cancelling Lot 1 on RP738986 & Lot 2 on RP738987 <b>and of Emt F in Lot 2 on SR462</b>	
LOCAL GOVERNMENT: DOUGLAS SHIRE	LOCALITY: BONNIE DOON
Meridian: MGA Zone 55 vide GNSS Observations	Survey Records: No
Scale: 1:7500	
Format: STANDARD	
SP318409	

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

(Dealing No.)

5. Lodged by

(Include address, phone number, reference, and Lodger Code)

**1. Certificate of Registered Owners or Lessees.**

✓ We DOUGLAS SHIRE COUNCIL  
DOUGLAS JOHN CREES 1/2 INTEREST  
ANTHEA JANE CREES 1/2 INTEREST  
AS TENANTS IN COMMON

(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~~

\* Rule out whichever is inapplicable

**2. Planning Body Approval.**

\*  
hereby approves this plan in accordance with the :  
%

Dated this ..... day of .....

..... #

..... #

\* Insert the name of the Planning Body.

# Insert designation of signatory or delegation

**3. Plans with Community Management Statement :**

CMS Number :

Name :

**4. References :**

Dept File :

Local Govt :

Surveyor : **PR146198**

**6. Existing**

Title Reference	Description	New Lots	Road	Secondary Interests
21306022	Lot 1 on RP738986	1 & 2	_____	_____
21310127	Lot 2 on RP738987	1 & 2	_____	_____
50727961	Lot 2 on SR462	_____	_____	Emt's E & G Emt F

**Created**

**ENCUMBRANCE EASEMENT ALLOCATIONS**

Easement	Lots to be Encumbered
601118579 (Emt A on RP738986)	2
601118579 (Emt D on RP738986)	1 & 2

**EXISTING ADMINISTRATIVE ADVICE ALLOCATIONS**

Administrative Advice	Lots to be Encumbered
709620603	2

Easement 601118579 to be partially surrendered  
(Emt's B & C on RP738986) prior to the registration of this plan.

**9. 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

**10. Lodgement Fees :**

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

11. Insert  
Plan  
Number

**SP318409**

**7. Orig Grant Allocation :**

**8. Passed & Endorsed :**

By : **RPS Australia East Pty Ltd**

Date : **19. 1. 2021**

Signed : *S. Ridgway*

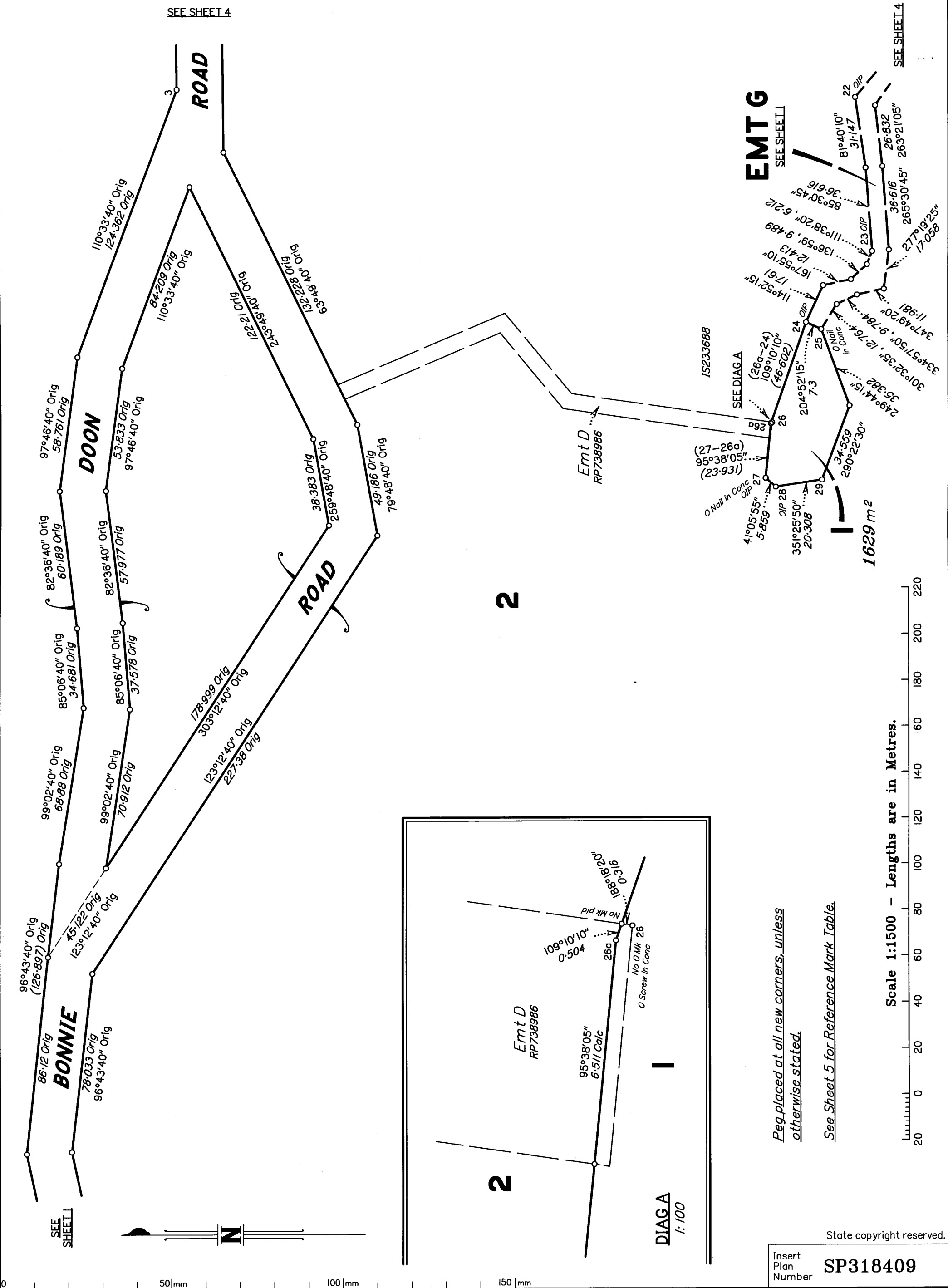
Designation : **Cadastral Surveyor**

1 & 2

Por 114

Lots

Orig





Reinstatement Report

Plans Searched: RP738986, RP738987, C157160, DP890709, SR461, SR130, IS233688, IS260161, SR462 & RP718188.

Datum of survey is from stations 1–2 fixed by OIP at station 1 & O Nail at station 2. This fix resulting in distance in agreement with DP890709 (0.005m excess from deed) and meridian difference of +5°19'20".

The boundary from stations 2–3 has been fixed by OIP at station 3 resulting in deed angle at station 2 and distance in agreement with DP890709 (0.005m excess from deed). This fix confirmed by good agreement to O Nail at station 2a.

Station 4 has been fixed by maintaining original secant connection (SR130) from station 2.

The boundary from stations 4 – 7 has been fixed by OIP at station 7 resulting in road frontage bearing parallel to Stations 2–1 and 0.035m excess from deed. This fix also resulting in original distance from stations 1–7 in agreement with RP738986 & SR462.

This fix resulting in disagreement to OIP's at stations 5 & 6. These differences originating from a different reinstatement of the road frontage alignment compared to RP738986.

The boundary from stations 15–13 fixed by OIP at station 15 & maintaining original MGA bearing from IS260161. It was identified that the OIP reference at station 14 has booking error on IS260161 where the true connection should be 263°03' rather than 203°03'. The distance from station 15–13 being in agreement with closing distance of road reserve on RP718188.

The boundaries from stations 12–13 has been fixed by maintaining bearing from stations 15–13 and holding deed angle at station 12 to station 7. This resulting in overall distance from stations 12–15 0.059m short from RP738986 and SR462. This fix also resulting in 0.687m excess from deed between stations 7 & 12 and angle up 0°01'20" at station 7. A close calculation of Lot 2 on SR462 identifies similar excess along this boundary confirming this reinstatement.

The reinstatement of original boundaries for Easements E, F & G and Lot 1 are based on connection to original reference marks from IS233688 & RP738986. The reinstatement identified a meridian difference of +0°02'10" from IS233688.

All other boundaries are compiled from original plans.

REFERENCE MARKS

STN	TO	ORIGIN	BEARING	DIST	
1	OIP	13x/RP738986	185°18'	1.5	
2	O GI Nail in Bit	12/DP890709	224°04'20"	4.415	
2	OIP Distd	12/DP890709	52°01'30"	10.826	New Ref
2a	O Nail in Conc	15/DP890709	131°57'20"	9.055	
3	OIP	27a/SR461	89°24'40"	1.006	
4	OIP gone	62a/RP738986	343°45'40"	3.0	
4	Pin		346°19'30"	3.952	
5	OIP	25/RP738986	321°37'25"	0.544	New Ref N&C
6	OIP	28/IS233688	358°20'	0.66	New Ref N&C
7	OIP (0.5 deep)	14x/RP738986	5°18'	1.006	
8	Pin		188°17'	1.183	
9	OIP	23/RP738986	102°46'30"	10.255	New Conn
10	O Nail in Hdwl	27/IS233688	333°43'10"	2.47	
10	OIP	27/IS233688	9°00'10"	5.913	
11	Pin		305°36'	0.927	
12	Pin		200°44'	12.73	
13	Pin		138°35'	0.864	
14	OIP	5/IS260161	263°03'	2.115	New Ref N&C
15	OIP	4/SR462	335°29'	1.006	
16	OIP	25/IS233688	220°53'	11.648	New Ref N&C
17	OIP	24/IS233688	38°36'30"	7.478	New Conn
18	OIP	23/IS233688	42°11'	6.019	New Conn
19	Screw in Hdwl		76°57'	3.424	
20	OIP	21/IS233688	80°07'	6.001	New Conn
21	O Nail in Hdwl	20/IS233688	99°45'	1.702	New Conn
22	OIP	18/IS233688	169°21'	4.66	New Conn
23	OIP	16/IS233688	118°56'	2.725	New Conn
24	OIP	31/IS233688	276°48'	10.602	New Conn
25	O Nail in Conc	30/IS233688	276°31'	10.415	New Conn
26	O Screw in Conc	7/IS233688	185°00'40"	6.53	
27	O Nail in Conc	8/IS233688	134°25'	6.784	New Conn
27	OIP	8/IS233688	109°07'	7.838	New Conn
28	OIP	4/RP738986	174°31'	7.4	New Conn
29	Pin		37°57'	4.276	