



**Stantec Australia Pty Ltd**  
15 Scott Street  
Parramatta Park  
Cairns QLD 4870  
AUSTRALIA  
ABN 17 007 820 322

19 February 2024

**Chief Executive Officer**

Douglas Shire Council  
64-66 Front Street  
MOSSMAN QLD 4873

Attn: Neil Beck, Team Leader Planning

**Development Application for Reconfiguring a Lot (Boundary Realignment) over land at 16 & 18 Captain Cook Highway, Wangetti, more formally described as Lots 201 & 202 on W8662**

Stantec Australia Pty Ltd act on behalf of Joshua James Hollands and Rosemary Hollands (the 'Applicant' and 'Land Owner of Lot 201') and in Mark Ronald Hollands (the 'Applicant' and 'Land Owner of Lot 202') and collectively referred to here forth as the 'Applicants' and 'Land Owners') in relation to the above mentioned Development Application. Collectively the

On behalf of the Applicants, and pursuant to section 51 of the *Planning Act 2016* ('the Act') we submit the abovementioned Development Application. The application seeks approval for a Development Permit for Reconfiguring a Lot (Boundary Realignment).

Please find enclosed the following documentation associated with this Development Application:

- DA Form 1 – Development Application Details (Attachment 1);
- Searches (Current Certificates of Title and Easement Documents) (Attachment 2);
- Town Planning Report (Attachment 3);
- Plan of Proposed Reconfiguration (Attachment 4); and
- Statement of Code Compliance (Attachment 5).

In accordance with Douglas Shire Council's 2023/24 Fees and Charges Schedule, the relevant application fee is calculated to be \$1,061.00. We kindly request that Douglas Shire Council confirm the applicable application fee and provides an Invoice via email.

If you have any queries regarding the development application, please contact the undersigned.

Regards,

**STANTEC AUSTRALIA PTY LTD**

**Toby Chester**

Senior Survey Manager  
Phone: +61 7 4020 8944  
toby.chester@stantec.com

# Attachment 1

## DA Form 1 – Development Application Details

# DA Form 1 – Development application details

Approved form (version 1.4 effective 15 December 2023) made under section 282 of the Planning Act 2016.

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

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

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

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

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

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

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

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Joshua James Hollands and Rosemary Hollands and Mark Ronald Hollands
Contact name (only applicable for companies)	c/- Toby Chester, Stantec Australia Pty Ltd
Postal address (P.O. Box or street address)	15 Scott Street
Suburb	Parramatta Park
State	QLD
Postcode	4873
Country	Australia
Contact number	07 4034 0500
Email address (non-mandatory)	<a href="mailto:toby.chester@stantec.com">toby.chester@stantec.com</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 type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input checked="" type="checkbox"/> No – proceed to 3)	

## PART 2 – LOCATION DETAILS

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

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

#### 3.1) Street address and lot on plan

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		16	Captain Cook Highway	Wangetti
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	201	W8662	Douglas Shire
b)	Unit No.	Street No.	Street Name and Type	Suburb
		18	Captain Cook Highway	Wangetti
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	202	W8662	Douglas Shire

#### 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

<input type="checkbox"/> In or adjacent to a water body or watercourse or in or above an aquifer	
Name of water body, watercourse or aquifer:	
<input type="checkbox"/> On strategic port land under the <i>Transport Infrastructure Act 1994</i>	
Lot on plan description of strategic port land:	
Name of port authority for the lot:	
<input type="checkbox"/> In a tidal area	
Name of local government for the tidal area (if applicable):	
Name of port authority for tidal area (if applicable):	
<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="text"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

**5) Are there any existing easements over the premises?**

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

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

## PART 3 – DEVELOPMENT DETAILS

### Section 1 – Aspects of development

**6.1) Provide details about the first development aspect**

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

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

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

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

c) What is the level of assessment?

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

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

Boundary Realignment to resolve building encroachments.

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 DA Form 2 – Building work details

### 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?			
<input type="checkbox"/> Yes			
<input type="checkbox"/> No			

### Division 2 – Reconfiguring a lot

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

9.1) What is the total number of existing lots making up the premises?	
Two	
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 type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13))

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

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

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )
Lot 201 on W8662	1,098	Proposed Lot 1	985
Lot 202 on W8662	1,085	Proposed Lot 2	1,198
12.2) What is the reason for the boundary realignment?			
Resolve historical building encroachment.			

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
Existing	Approx. 5.3m – 0m	Approx. 41.62m	Right of Way (Building Encroachment)	Lot 202 on W8662
Existing	Approx. 4.3m – 0.5m	Approx. 40.27m	Right of Way (Building Encroachment)	Lot 203 on W8662

### Division 3 – Operational work

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

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

## PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application
Douglas Shire Council
16) Has the local government agreed to apply a superseded planning scheme for this development application?
<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application <input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached <input checked="" type="checkbox"/> No

## PART 5 – REFERRAL DETAILS

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

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

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

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

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



<input type="checkbox"/> Water-related development –levees ( <i>category 3 levees only</i> ) <input type="checkbox"/> Wetland protection area
<b>Matters requiring referral to the local government:</b> <input type="checkbox"/> 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
<b>Matters requiring referral to the Chief Executive of the distribution entity or transmission entity:</b> <input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure
<b>Matters requiring referral to:</b> <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
<b>Matters requiring referral to the Brisbane City Council:</b> <input type="checkbox"/> Ports – Brisbane core port land
<b>Matters requiring referral to the 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
<b>Matters requiring referral to the relevant port operator, if applicant is not port operator:</b> <input type="checkbox"/> Ports – Land within Port of Brisbane's port limits ( <i>below high-water mark</i> )
<b>Matters requiring referral to the Chief Executive of the relevant port authority:</b> <input type="checkbox"/> Ports – Land within limits of another port ( <i>below high-water mark</i> )
<b>Matters requiring referral to the Gold Coast Waterways Authority:</b> <input type="checkbox"/> Tidal works or work in a coastal management district ( <i>in Gold Coast waters</i> )
<b>Matters requiring referral to the 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 type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application ( <i>if applicable</i> ).		

## PART 6 – INFORMATION REQUEST

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

## PART 7 – FURTHER DETAILS

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

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

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

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

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

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

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

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

### 23) Further legislative requirements

#### **Environmentally relevant activities**

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

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

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

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

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

#### **Hazardous chemical facilities**

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

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

**Note:** See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information about hazardous chemical notifications.

### **Clearing native vegetation**

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

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

☒ No

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

### **Environmental offsets**

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

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

☒ No

**Note:** The environmental offset section of the Queensland Government's website can be accessed at [www.qld.gov.au](http://www.qld.gov.au) for further information on environmental offsets.

### **Koala habitat in SEQ Region**

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

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

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

☒ No

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

### **Water resources**

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

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

☒ No

**Note:** Contact the Department of Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) for further information.

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

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

### **Waterway barrier works**

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

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

☒ No

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

### **Marine activities**

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

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

☒ No

**Note:** See guidance materials at [www.daf.qld.gov.au](http://www.daf.qld.gov.au) for further information.

### **Quarry materials from a watercourse or lake**

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

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

**Note:** Contact the Department of Natural Resources, Mines and Energy at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) and [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

### **Quarry materials from land under tidal waters**

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

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

**Note:** Contact the Department of Environment and Science at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Referable dams**

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

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

**Note:** See guidance materials at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au) for further information.

### **Tidal work or development within a coastal management district**

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

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

**Note:** See guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for further information.

### **Queensland and local heritage places**

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

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

**Note:** See guidance materials at [www.des.qld.gov.au](http://www.des.qld.gov.au) for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
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### **Brothels**

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

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

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

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

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

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

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

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

☒ No

**Note:** See guidance materials at [www.planning.dsdmip.qld.gov.au](http://www.planning.dsdmip.qld.gov.au) for further information.

## PART 8 – CHECKLIST AND APPLICANT DECLARATION

### 24) Development application checklist

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

☒ Yes

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

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

☐ Yes

☒ Not applicable

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

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

☒ Yes

Relevant plans of the development are attached to this development application

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

☒ Yes

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

☐ Yes

☒ Not applicable

### 25) Applicant declaration

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

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

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

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

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

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

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

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

Date received: Reference number(s):

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

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

## Attachment 2

# Current Certificates of Title and Easement Document

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>20645056</b>	<b>Search Date:</b>	13/02/2024 08:51
<b>Date Title Created:</b>	13/06/1963	<b>Request No:</b>	47067060
<b>Creating Dealing:</b>			

**ESTATE AND LAND**

Estate in Fee Simple

LOT 201 CROWN PLAN W8662  
Local Government: DOUGLAS

**REGISTERED OWNER****INTEREST**

Dealing No: 721926991 24/08/2022

JOSHUA JAMES HOLLANDS  
ROSEMARY HOLLANDS

1/2  
1/2

AS TENANTS IN COMMON

**EASEMENTS, ENCUMBRANCES AND INTERESTS**

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20645056 (ALLOT 1 SEC 2)
2. MORTGAGE No 721926992 24/08/2022 at 15:53  
AUSTRALIA AND NEW ZEALAND BANKING GROUP LIMITED A.C.N. 005  
357 522
3. EASEMENT No 722052815 21/10/2022 at 10:22  
burdening the land to  
LOT 202 ON CP W8662 OVER  
EASEMENT A ON SP328268

**ADMINISTRATIVE ADVICES**

NIL

**UNREGISTERED DEALINGS**

NIL

Caution - Charges do not necessarily appear in order of priority

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



Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

<b>Title Reference:</b>	<b>20985241</b>	<b>Search Date:</b>	13/02/2024 08:51
<b>Date Title Created:</b>	23/04/1975	<b>Request No:</b>	47067060
<b>Previous Title:</b>	20744105, 20744106		

**ESTATE AND LAND**

Estate in Fee Simple

LOT 202 CROWN PLAN W8662  
Local Government: DOUGLAS

**REGISTERED OWNER**

Dealing No: 722534251 12/06/2023

MARK RONALD HOLLANDS

**EASEMENTS, ENCUMBRANCES AND INTERESTS**

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20735117 (ALLOT 2 SEC 2)
2. EASEMENT No 722052815 21/10/2022 at 10:22  
benefiting the land over  
EASEMENT A ON SP328268
3. EASEMENT No 722052816 21/10/2022 at 10:22  
burdening the land to  
LOT 203 ON CP W8662 OVER  
EASEMENT B ON SP328268

**ADMINISTRATIVE ADVICES**

NIL

**UNREGISTERED DEALINGS**

NIL

Caution - Charges do not necessarily appear in order of priority

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

QUEENSLAND TITLES REGISTRY  
Land Title Act 1994 and Land Act 1994

## EASEMENT

FORM 9 Version 4

Page 1 of 5

722052815

EL 600 \$208.83

21/10/2022 10:22:23

Dealing Number

OFFICE USE ONLY

This form is authorised by legislation and is  
able records. For more information see

the Department's website.

## 1. Grantor

JOSHUA JAMES HOLLANDS and

ROSE-MARIE HOLLANDS

in ROSEMARY

## Lodger (Name, address, E-mail &amp; phone number)

Preston Law

P.O. Box 707N

North Cairns QLD 4870

Email: info@prestonlaw.com.au

Ph: 07 4052 0700

Ref: MRS:222350

## Lodger

Code

789

## 2. Description of Easement/Lot on Plan

Servient Tenement (burdened land)

Easement A in Lot 201 Crown Plan W8662  
on SP 328268

#Dominant Tenement (benefited land)

Lot 202 Crown Plan W8662

# insert "Not applicable" if easement in gross

## Title Reference

-20985241

20645056 in

20780110

20985241 in

## 3. Interest being burdened

Fee Simple

## #4. Interest being benefited

Fee Simple

# insert "Not applicable" if easement in gross

## 5. Grantee

Given names

Surname/Company name and number

(include tenancy if more than one)

MARK

HOLLANDS

JOINT TENANTS

ROSE

HOLLANDS

## 6. Consideration

One Dollar (\$1.00)

## 7. Purpose of easement

Right of Way

## 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.

\* delete if not applicable

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

Signature

ELIZABETH LOUISE MICHAEL

JP QUAL  
Witnessing Officer

qualification

25/8/22  
Execution Date

Signature

ELIZABETH LOUISE MICHAEL full name

JP QUAL  
Witnessing Officer

qualification

25/8/22  
Execution Date

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

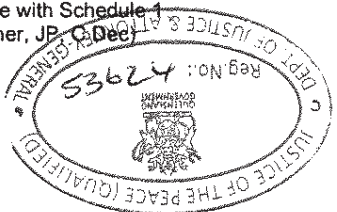
Z Hollands

Joshua James Hollands

R Hollands  
in Rosemary  
Rose Marie Hollands  
Grantor's Signature

Mark Hollands

R Hollands  
Rose Hollands  
Grantee's Signature



Title Reference 20645056 and 20985241

## 8. Grant/Execution

### 1. DEFINITIONS AND INTERPRETATION

#### 1.1. Definitions

The following words have these meanings in this easement unless the contrary intention appears:

**'Dominant Tenement'** means the land described as that in item 2 of the form 9 Easement, and each and every part of it (including any subdivided parts of it).

**'Grantee'** means the party described in item 5 of the form 9 Easement and includes successive registered proprietors of the Dominant Tenement from time to time and, where the context allows, includes the Grantee's agents, tenants, licensees and invitees.

**'Grantor'** means the party described in item 1 of the form 9 Easement and includes successive registered proprietors of the Servient Tenement from time to time and, where the context allows, includes the Grantor's servants, agents, licensees and invitees.

**'Loss'** includes claim, liability, damage, cost and expense.

**'Permitted Purpose'** means the right in common with the Grantor to access and use the Servient Tenement for right of way purposes.

#### 1.2. Interpretation

In this easement, unless the contrary intention appears:

- (a) a reference to this easement or another instrument includes any variation or replacement of either of them; and
- (b) a reference to a statute, ordinance, code or other law includes regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of any of them; and
- (c) the singular includes the plural and vice versa; and
- (d) the word person includes a firm, a body corporate, an unincorporated association or an authority; and
- (e) a reference to a person includes a reference to the person's executors, administrators, successors, substitutes (including, but not limited to, person taking by novation) and assigns; and
- (f) an agreement, representation or warranty on the part of or in favour of two or more persons binds or is for benefit of them jointly and severally.

Headings are inserted for convenience and do not affect the interpretation of this easement.

### 2. GRANT OF EASEMENT

#### 2.1. Easement for access

- (a) In consideration of the Grantee paying the Grantor the consideration in item 6 of the form 9 easement, the Grantor grants to the Grantee the non-exclusive right of way to use the surface of the Servient Tenement for the Permitted Purpose.
- (b) The Grantee may use the Servient Tenement pursuant to this easement.

**Title Reference 20645056 and 20985241**

**2.2. Grantor's own use of the Servient Tenement**

- (a) The rights granted under this easement are subject to the right of the Grantor and other persons lawfully entitled to use the Servient Tenement from time to time, to use or continue to use the Servient Tenement for any lawful purpose.
- (b) However, when using the Servient Tenement, the Grantor may not substantially interfere with the Grantee's use of the Servient Tenement for the Permitted Purpose.

**2.3. Grantee not liable to fence**

The Grantee shall not be required to fence or contribute to fencing of any part or parts of the boundaries of the Servient Tenement.

**2.4. No right to erect structures**

The Grantee may not erect any building or other structure on the Servient Tenement without the Grantor's prior written consent.

**2.5. Application for consent to erect structures**

With any application to the Grantor to erect a building or other structure on the Servient Tenement the Grantee must submit plans of the proposed works for approval by the Grantor prior to undertaking any works.

**3. EASEMENT TO RUN WITH THE LAND**

This easement is intended to run with the Servient Tenement and to:

- (a) benefit and bind the Grantor and every successive registered proprietor of the Servient Tenement; and
- (b) benefit and bind the Grantee and every successive registered proprietor of the Dominant Tenement.

**4. EXERCISING RIGHTS**

**4.1. Exercise of rights**

The Grantee must ensure that, in exercising its rights under this easement, it does so in a way that:

- (a) causes as little disruption and inconvenience as possible to the use and occupation of the Servient Tenement by the Grantor including the Grantor's servants, agents, licensees and invitees; and
- (b) causes as little damage as possible to the Servient Tenement (including all improvements, fixtures, chattels, landscaping, paving, kerbs and flora within the Servient Tenement) and if damage is caused, promptly fix the damage; and
- (c) does not result in support being withdrawn from the foundations of any buildings, structures or other improvements on the Servient Tenement; and
- (d) complies with all applicable laws.

**4.2. Reinstatement**

The Grantee must promptly reinstate any part of the Servient Tenement damaged or altered because of something done by the Grantee or a contractor, servant or agent of the Grantee to the state and condition that the Servient Tenement was in before the Grantee gained access to the Servient Tenement.



**Title Reference 20645056 and 20985241**

**5. COSTS AND STAMP DUTY**

The Grantor and Grantee must pay their own legal costs of the preparation, completion and stamping of this easement. The Grantee must pay all stamp duty and registration fees on this easement.

**6. INDEMNITY AND INSURANCES**

6.1. The Grantee indemnifies the Grantor against any Loss suffered or incurred by the Grantor arising from or in consequence of the use of the Servient Tenement by the Grantee or any of its employees, agents, or contractors, including but not limited to:

- (a) damage to the Servient Tenement, except fair wear and tear; and
- (b) damage to any property of the Grantor or any other person; and
- (c) injury to any person on or near the Servient Tenement; and
- (d) Loss suffered by any other persons lawfully entitled to use the Servient Tenement from time to time, arising directly or indirectly as a consequence of the act or omission of the Grantee, its employees, agents or contractors.

6.2. If the Grantee uses the Servient Tenement under this easement, the Grantee must first effect, and keep current, a public liability insurance policy in the names of the Grantor and the Grantee as separate insureds for an amount no less than \$20,000,000 (or another higher amount as reasonably determined by the Grantor from time to time), in respect of:

- (a) loss of life or of bodily injury to any person; and
- (b) loss or damage to property (other than the property of the Grantee),

occurring on the Servient Tenement or occurring adjacent to the Servient Tenement as a result of the act or omission of the Grantee, and other persons authorised by the Grantee. The Grantee must give evidence of the existence and currency of that policy to the Grantor upon the reasonable request of the Grantor.

**7. USE**

7.1. When the Servient Tenement is not being used by the Grantee, the Grantee must return the Servient Tenement to its normal condition.

7.2. The Grantee must keep the Servient Tenement clean and tidy and in good and substantial repair and condition.

7.3. The Grantee must comply with all laws in relation to its use of the Servient Tenement for the Permitted Purpose.

**8. GST**

8.1. Unless otherwise expressly stated, sums payable or consideration to be provided under or in accordance with this easement are exclusive of GST.

8.2. If any party:

- (a) is liable to pay GST on any supply made by it under this easement; and
- (b) agrees to issue a valid tax invoice to the recipient within 7 days of the date of the supply.

then the recipient agrees to pay to the supplier an additional amount equal to the consideration payable for the supply multiplied by the prevailing GST rate.

**Title Reference 20645056 and 20985241**

- 8.3. Notwithstanding any other provision in this easement to the contrary, this clause 8 have the definitions provided in *A New Tax System (Goods and Services Tax) Act 1999 (Cwth)* and the related imposition Acts or the Commonwealth or Act in substitution thereof.

**9. DISPUTE RESOLUTION**

- 9.1. If a dispute arises between the Grantor and the Grantee with respect to or arising out of this easement, including the rights or obligations of either party, the dispute will be referred to the arbitration of two arbitrators to be appointed as follows:

- (a) one to be appointed by the Grantor and the other by the Grantee;
- (b) if the arbitrators cannot agree the dispute will be referred to a third arbitrator appointed by the arbitrators, or failing agreement, appointed by the President for the time being of the Australian Property institute on the application of either party;
- (c) the Grantor and Grantee will nominate their respective arbitrator within 7 days of advice in writing from the other party of their nominated arbitrator and if they do not, then the first nominated arbitrator will proceed to hear and determine the dispute.

- 9.2. The decision of the arbitrators must be made within 28 days from the date of referral.

- 9.3. The parties agree the arbitrators' determination will be final and binding on them and will be deemed to be made under the *Commercial Arbitration Act 2013*.

**10. GOVERNING LAW AND JURISDICTION**

- 10.1. The law of Queensland governs this easement.

- 10.2. The parties submit to the non-exclusive jurisdiction of the Courts of Queensland and the Federal Court of Australia.

**Title Reference 20645056 and 20985241**

**Statement about alteration or minor correction to Land Registry Form**

**Form being altered or corrected: Form 9**

**Name of authorised person or solicitor:**

Elizabeth Louise Michael

**Name of authorised person's firm or employer (legal practice, commercial lender or settlement agency):**

Preston Law

**Item/s being altered or corrected:**

Item 1 and Item 8

**Details of alteration or minor correction:**

Delete 'Rose Marie' and insert 'Rosemary'

**Party represented (where signed by solicitor):**



Authorised person's or Solicitor's Signature

**Name of authorised person or solicitor:**

Elizabeth Louise Michael

**Name of authorised person's firm or employer (legal practice, commercial lender or settlement agency):**

Preston Law

**Item/s being altered or corrected:**

Item 2

**Details of alteration or minor correction:**

Delete '20985241' and '20780110' and insert '20645056' and '20985241'

**Party represented (where signed by solicitor):**



Authorised person's or Solicitor's Signature

# Attachment 3

## Town Planning Report



# 1. Summary

Table 1-1 Site Details

Site Details	
<b>Address</b>	16 & 18 Captain Cook Highway, Wangetti
<b>RPD</b>	Lot 201 on W8662 Lot 202 on W8662
<b>Owner</b>	Joshua James Hollands and Rosemary Hollands (Owners of Lot 201) Mark Ronald Hollands (Owner of Lot 202) Refer to <b>Attachment 2: Current Certificates of Title</b>
<b>Zoning</b>	Low Density Residential Zone
<b>Local Plan</b>	Nil
<b>Applicable Overlays</b>	Acid Sulfate Soils Overlay (5m-20m AHD; < 5m AHD) Bushfire Hazard Overlay (Potential Impact Buffer) Coastal Processes Overlay (Erosion Prone Area) Flood and Storm Tide Hazard Overlay (Floodplain Assessment (Mossman River)) Landscape Values Overlay (Scenic Route Buffer) Transport Network Overlay (Category 1; Category 2 Access Road; Major Transport Corridor Buffer (State Controlled Road))
<b>Existing Lot Areas</b>	Lot 201: 1,098m <sup>2</sup> Lot 202: 1,085m <sup>2</sup>
<b>Proposed Lot Areas</b>	Lot 201: 985m <sup>2</sup> Lot 202: 1,198m <sup>2</sup>
<b>Easements:</b>	Lot 201: Easement A (Right of Way) burdening the land in favour of Lot 202 Lot 202: Easement B (Right of Way) burdening the land in favour of Lot 203 The existing easements address various building encroachments across Lots 201-203. The proposed boundary realignment will formally resolve the building encroachment specifically between Lots 201 and 202, facilitating extinguishment of Easement A.

Table 1-2 Application Details

Application Details	
<b>Development Type</b>	Development Permit for Reconfiguring a Lot (ROL)
<b>Level of Assessment</b>	Code Assessment
<b>Proposal Summary</b>	Development Permit for Reconfiguring a Lot (Boundary Realignment – 2 Lots into 2 Lots)
<b>Referral</b>	Nil
<b>Applicant</b>	Joshua James Hollands and Rosemary Hollands (Owners of Lot 201) and Mark Ronald Hollands (Owner of Lot 202)
<b>Applicant's Representative</b>	Stantec Australia Pty Ltd

## 2. Introduction

---

This Town Planning Report accompanies a Development Application over land located at 16 & 18 Captain Cook Highway, Wangetti, more formally described as Lots 201 & 202 on W8662 (the 'site').

The Applicants seek a Development Permit for Reconfiguring a Lot (Boundary Realignment). The purpose of the Development Application is to resolve a historical building encroachment issue, where the building on Lot 202 was built over the boundary with Lot 201. To support the proposed development, the Applicants have removed part of the existing lean to structure on Lot 202 so this is a minimum 1.5m off the common boundary. Furthermore, the new boundary alignment raises possible compliance issues with the location of onsite waste water absorption trenches within Lot 201. The Applicants have engaged a waste water contractor to undertake an investigation of the matter and design a new system is required.

The proposed development is assessable development for which a Code Assessable Development Application is required to be made.

This Town Planning Report documents the proposed development and provides a comprehensive assessment of the proposed development against the applicable statutory town planning framework. The report consists of the following chapters:

- > Chapter 2 describes the site over which the development application is made;
- > Chapter 3 summarises the proposed development, which is further documented in the proposal plans provided;
- > Chapter 4 documents the statutory town planning framework applicable to the assessment of the development application; and
- > Chapter 5 summarises the compliance of the proposed development with the statutory town planning framework, which is further explained in the statement of code compliance.

For the purposes of Section 51 of the *Planning Act 2016* it is noted that a completed copy of DA Form 1.

### 3. Site Details and Characteristics

#### 3.1 Site Details

The subject sites are located on the eastern side of the Captain Cook Highway and within the main Wangetti residential area, positioned midway between the Cape York Girls Academy and the Hartleys Creek Crocodile Farm.

The site consists of two regular shaped residential allotments. Lot 201 has road frontage to Evans Street and the Captain Cook Highway service road. Lot 202 has road frontage only to the Captain Cook Highway service road. The sites themselves are relatively cleared of vegetation, however a reasonably dense and mature vegetation buffer exists within the Captain Cook Highway road reserve and effectively screens the sites from view.

Lot 201 (1,098m<sup>2</sup>) is the larger of the two lots and contains an existing Dwelling House, built around 2014 and contained within the property boundaries. Lot 202 (1,085m<sup>2</sup>) is slightly smaller, and contains an existing Dwelling House which encroaches on the common boundary. Building records indicate the Dwelling House was built around 19967. The Shed on Lot 202 was built more recently in 2023.

An aerial image of the subject sites and the surrounding area is provided below in Figure 1 which offers a visual representation of the site context. A higher resolution aerial image of the subject sites is provided in Figure 2 and illustrates existing site improvements and encroachments.



Figure 1 – Subject Sites (Source: QldGlobe, 2024)





**Figure 2 – Subject Sites (Source: QldGlobe, 2024)**

Further detail in relation to the site is provided in Table 3-1.

Table 3-1 Site Details

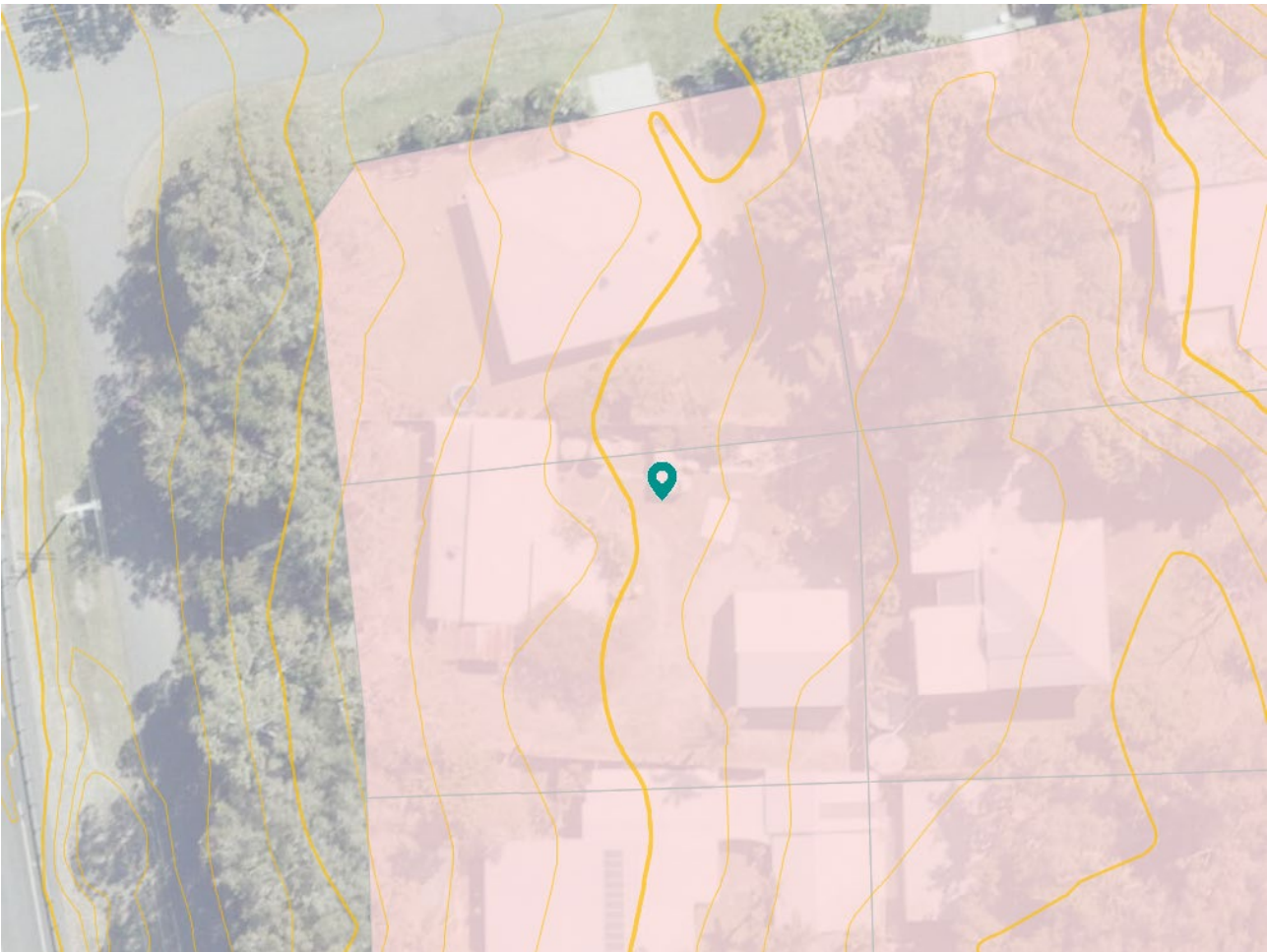
Address	16 & 18 Captain Cook Highway, Wangetti
Real Property Description	Lot 201 on W8662 Lot 202 on W8662
Registered Owners	Joshua James Hollands and Rosemary Hollands (Owners of Lot 201) Mark Ronald Hollands (Owner of Lot 202)
Easements	Lot 201: Easement A (Right of Way) burdening the land in favour of Lot 202 Lot 202: Easement B (Right of Way) burdening the land in favour of Lot 203

	The existing easements address various building encroachments across Lots 201-203. The proposed boundary realignment will formally resolve the building encroachment specifically between Lots 201 and 202, facilitating extinguishment of Easement A.
Contaminated Land	To the best of knowledge the subject sites are not listed on the Environmental Management Register or the Contaminated Land Register.
Local Government	Douglas Shire Council
Existing Use	Dwelling House and ancillary buildings.

### 3.2 Site Characteristics

#### 3.2.1. Topography

According to Council LiDAR there is a fall of approximately 1.25m across the site from the western boundary to the eastern boundary.



**Figure 3 – 25cm contour mapping (Source: Douglas Shire Spatial Spectrum, 2024)**

#### 3.2.2. Surrounding Land Use

The subject sites are located on the eastern side of the Captain Cook Highway and within the Wangetti residential area which positioned midway between the Cape York Girls Academy and the Hartleys Creek Crocodile Farm. There are 22 other residential lots within the Wangetti residential area.

#### 3.2.3. Road Frontages

Lot 201 has constructed road frontage to both Evans Street and the Captain Cook Highway service road. The site is accessed via Evans Street.

Lot 202 has constructed road frontage to the Captain Cook Highway service road from which site access is gained.

#### **3.2.4. Waterways and Vegetation**

The subject sites are not adjacent or contain a waterway.

The subject sites are relatively cleared of vegetation although a reasonably dense vegetation buffer exists within the Captain Cook Highway road reserve adjacent to the subject sites.

#### **3.2.5. Infrastructure Services**

Water supply services are unknown.

The subject sites are serviced via onsite waste water treatment systems. It is anticipated that the absorption trenches within Lot 201 will need to be relocated to achieve compliance. The Applicants have engaged a waste water contractor to review these requirements.

The site is connected to electricity and telecommunication infrastructure.

## 4. Proposed Development

### 4.1 Proposal Description

The proposed development seeks to facilitate a realignment of boundaries between two existing, adjoining residential lots for the purpose of resolving a historical building encroachment issue.

To support the proposed development, the Applicants have removed part of the lean to structure on Lot 202 so this is a minimum 1.5m off the common boundary.

The new boundary alignment raises possible compliance issues with the onsite waste water absorption trenches within Lot 201. The Applicants have engaged a waste water contractor to undertake a review of the matter and design a new system if required.

The table below details the proposed change in lot sizes.

Existing Lot	Proposed Lot
Lot 201: 1,098m <sup>2</sup>	Lot 1: 985m <sup>2</sup>
Lot 202: 1,085m <sup>2</sup>	Lot 2: 1,198m <sup>2</sup>

For further detail refer to the Figure below and the **Attachment 4: Proposed Plan of Reconfiguration**.



Figure 4 – Proposal Plan Extract (Source: Stantec, 2024)

## 5. Statutory Town Planning Framework

---

### 5.1 Planning Act 2016

The *Planning Act 2016* (the **Planning Act**) is the statutory instrument for the State of Queensland under which, amongst other matters, development applications are assessed by local governments. The Planning Act is supported by the *Planning Regulation 2017* (the **Planning Regulation**).

The following sections of this report discuss the parts of the Planning Act and Planning Regulation applicable to the assessment of a development application.

#### 5.1.1 Approval and Development

Pursuant to Sections 49, 50 and 51 of the PA, the development application seeks a Development Permit for Reconfiguring a Lot.

#### 5.1.2 Application

The proposed development is:

- > development which is located completely in a single local government area;
- > development which is reconfiguring a lot, other than a lot that is, or includes, airport land; and
- > is development made assessable under a local categorising instrument, as discussed in Section 5.6.4.

In accordance with Section 48 of the Planning Act and Section 21 and Schedule 8, Table 2, Item 1 of the Planning Regulation, the development application is required to be made to the applicable local government, in this instance being Douglas Shire Council (**Council**).

#### 5.1.3 Referral

Section 54 of the Planning Act and Schedule 10 of the Planning Regulation provide for the identification of the jurisdiction of referral agencies, to which a copy of the development application must be provided.

Review of Schedule 10 of the Planning Regulation confirms the development application does not require referral.

#### 5.1.4 Public Notification

Section 53(1) of the Planning Act provides that an applicant must give notice of a development application where any part is subject to Impact Assessment or where it is an application which includes a variation request.

The development application is subject to Code Assessment and does not include a variation request. Public notification of the development application is therefore not required in this instance.

#### 5.1.5 Assessment Framework

As discussed in Section 5.6.4 of this report, a Code Assessable development application is required in this instance. Section 45(3) of the Planning Act provides that:

- “(3) A code assessment is an assessment that must be carried out only—
- (a) against the assessment benchmarks in a categorising instrument for the development; and
  - (b) having regard to any matters prescribed by regulation for this paragraph.”

The *Douglas Shire Planning Scheme 2018* (the **Planning Scheme**), as the applicable local categorising instrument, is discussed in greater detail in Section 5.6 of this report.

Section 26 of the Planning Regulation provides the following assessment benchmarks for the purposes of Section 45(3)(a) of the Planning Act:

- “(1) For section 45(3)(a) of the Act, the code assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.
- (2) Also, if the prescribed assessment manager is the local government, the code assessment must be carried out against the following assessment benchmarks—
  - (a) the assessment benchmarks stated in—



- (i) *the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
- (ii) *the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
- (iii) *any temporary State planning policy applying to the premises;*
- (b) *if the local government is an infrastructure provider—the local government’s LGIP.*
- (3) *However, an assessment manager may, in assessing development requiring code assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.”*

Section 27 of the Planning Regulation provides matters for the purposes of Section 45(3)(b) of the Planning Act:

- “(1) *For section 45(3)(b) of the Act, the code assessment must be carried out having regard to—*
  - (a) *the matters stated in schedules 9 and 10 for the development; and*
  - ...
  - (d) *if the prescribed assessment manager is a person other than the chief executive—*
    - (i) *the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
    - (ii) *the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
    - (iii) *for designated premises—the designation for the premises; and*
  - (e) *any temporary State planning policy applying to the premises; and*
  - (f) *any development approval for, and any lawful use of, the premises or adjacent premises; and*
  - (g) *the common material.*
- (2) *However—*
  - (a) *an assessment manager may, in assessing development requiring code assessment, consider a matter mentioned in subsection (1) only to the extent the assessment manager considers the matter is relevant to the development; and*
  - (b) *if an assessment manager is required to carry out code assessment against assessment benchmarks in an instrument stated in subsection (1), this section does not require the assessment manager to also have regard to the assessment benchmarks.”*

The following sections of this report discuss the applicable assessment benchmarks and applicable matters in further detail.

## 5.2 Schedules 9 and 10 of the Planning Regulation 2017

Other than as identified in Section 5.1.3 of this report, Schedules 9 and 10 of the PR do not prescribe any assessment benchmarks or matters for the assessment of the Development Application.

## 5.3 Far North Queensland Regional Plan 2009 – 2031

The *Far North Queensland Regional Plan 2009 - 2031* (the **Regional Plan**) is intended to guide and manage the region’s development and to address key regional environmental, social, economic and urban objectives. The site falls within the area to which the Regional Plan applies.

The Regional Plan is identified in the Planning Scheme as being appropriately integrated within the Planning Scheme. The Regional Plan is therefore not applicable to the assessment of the development application.

## 5.4 State Planning Policy

The State Planning Policy (the **SPP**) was released on 2 December 2013 and replaced all previous State Planning Policies. The SPP has since been revised, with new versions released on 2 July 2014, 29 April 2016 and 3 July 2017.

The SPP is identified in the Planning Scheme as being appropriately integrated in the Planning Scheme. Whilst the Planning Scheme does not reflect the most recent version of the SPP (3 July 2017) it is not considered that the policy intent of the SPP has been sufficiently altered with respect to the site or the proposed development to warrant its specific consideration.

## 5.5 Temporary State Planning Policies

There are currently no temporary State Planning Policies in effect in Queensland.

## 5.6 Douglas Shire Planning Scheme 2018

The Planning Scheme came into effect on 2 January 2018 and is the applicable planning scheme to the Douglas Local Government Area. It is noted that the Planning Scheme was drafted under the Sustainable Planning Act 2009 ('the SPA'). The interpretation of the Planning Scheme with respect to the proposed development is therefore based on the transitional provisions of the Planning Act.

### 5.6.1. Zone

The site is located within the Low Density Residential Zone under the Planning Scheme.

The purpose of the Low Density Residential Zone is to provide for predominantly Dwelling Houses, retain the low density residential character and amenity of the area and ensure development occurs on appropriately sized and shaped lots.

The proposed development is intended to support the ongoing use of the subject sites for Dwelling Houses. The new common boundary will align with existing site features including the dividing fence between the subject sites and therefore will not have an impact on the way that each lot presents or functions nor impact on the character and amenity of the area. However, the requirement to relocate the onsite waste water land application area is currently being investigated.

It is submitted that the proposed development is consistent with the Purpose and Overall Outcomes of the Low Density Residential Zone.

### 5.6.2. Local Plan

The site is not located within a Local Plan Area.

### 5.6.3. Overlays

Table 5-1 identifies the Planning Scheme overlays applicable to the site.

Table 5-1 Planning Scheme Overlays

Overlay	Designation
Acid Sulfate Soils Overlay	<ul style="list-style-type: none"><li>&lt; 5m AHD</li><li>5m-20m AHD</li></ul>
Bushfire Hazard Overlay	<ul style="list-style-type: none"><li>Potential Impact Buffer</li></ul>
Coastal Environment Overlay	<ul style="list-style-type: none"><li>Erosion Prone Area</li></ul>
Flood and Storm Tide Hazard Overlay	<ul style="list-style-type: none"><li>Floodplain Assessment (Mossman River)</li></ul>
Landscape Values Overlay	<ul style="list-style-type: none"><li>Scenic Route Buffer</li></ul>
Transport Network Overlay	<ul style="list-style-type: none"><li>Corridors - Category 1 and Category 2</li><li>Road Hierarchy Access Road and Major Transport Corridor Buffer (State Controlled Road))</li></ul>

### 5.6.4. Categories of Development and Assessment

Reconfiguring a Lot within the Low Density Residential Zone is identified as Assessable Development, to which Code Assessment is applicable.

This category of development and assessment is not varied by any applicable overlay.

### 5.6.5. Applicable Codes

Table 5-2 summarises the Planning Scheme codes that are identified as being applicable to the assessment of the proposed development.

Table 5-2 Applicable Codes

Type	Codes
Zone Code	<ul style="list-style-type: none"> <li>Low Density Residential Zone Code</li> </ul>
Overlay Codes	<ul style="list-style-type: none"> <li>Acid Sulfate Soils Overlay</li> <li>Bushfire Hazard Overlay</li> <li>Coastal Environment Overlay</li> <li>Flood and Storm Tide Hazard Overlay</li> <li>Transport Network Overlay</li> </ul>
Development Codes	<ul style="list-style-type: none"> <li>Filling and Excavation Code</li> <li>Infrastructure Works Code</li> <li>Landscaping Code</li> <li>Reconfiguring a Lot Code</li> <li>Vegetation Management Code</li> </ul>

## 5.7 Planning Scheme Code Assessment

A comprehensive assessment of the proposed development has been carried out against the above identified applicable codes. However, given the nature of the development many of these codes are not relevant to the assessment of the Development Application.

Table 5-3 Codes Assessment Summary

Codes	Assessment Comment
Low Density Residential Zone Code	<p><b>Complies except for proposed Alternative Solution to PO6</b> - The intention of the development is to realign the boundaries between two adjoining lots to facilitate formal resolution of a historical boundary encroachment issue. The development does not result in change to the existing built form, other than part removal of an existing lean to the structure on Lot 202. Partial demolition of the structure will facilitate greater separation between buildings and results in greater consistency with the low density character of the area.</p> <p>The development does not introduce a new land use.</p> <p>Development does not adversely affect the residential character and amenity of the area in terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts.</p> <p>The development does not satisfy the minimum required area under PO6 for lots within unsewered areas. Proposed Lot 201 is 15m<sup>2</sup> under the minimum 1,000m<sup>2</sup> requirement. The proposed new boundary follows the alignment of the existing dividing fence. The proposed development maintains the existing character and amenity. The minor non-compliance would not be easily visible or noticeable from the street.</p> <p>It is understood that in this scenario the minimum 1,000m<sup>2</sup> lot size is to ensure the site can be appropriately serviced via onsite waste water treatment. The Applicants have engaged a waste water consultant who is assessing the current system and required changes to achieve compliance. It is considered that this matter could reasonably form a condition of approval.</p> <p>The proposed development complies with the Code Purpose and Acceptable Benchmarks.</p>

Codes	Assessment Comment
	A further detailed assessment is not considered to be required.
Acid Sulfate Soils Overlay Code	<p><b>Complies</b> – the proposed development does not involve works which would disturb Acid Sulfate Soils. The Applicants are investigating the possible requirement to relocate the existing onsite waste treatment absorption trenches to achieve compliance. However, these are minor works and would not generate issues with the disturbance of soils. The proposed works can be reasonably managed onsite.</p> <p>A further detailed assessment is not considered to be required.</p>
Bushfire Hazard Overlay Code	<p><b>Complies</b> - It is considered that the proposed development does not increase risk of, or exposure to bushfire impacts.</p> <p>A further detailed assessment is not considered to be required.</p>
Coastal Environment Overlay Code	<p><b>Complies</b> – The proposal relates to existing developed sites within the Erosion Prone Area. The proposed development will not impede natural coastal processes.</p> <p>A further detailed assessment is not considered to be required.</p>
Flood and Storm Tide Hazard Overlay Code	<p><b>Complies</b> - It is considered that the proposed development does not increase risk of, or exposure to flooding impacts.</p> <p>A further detailed assessment is not considered to be required.</p>
Transport Network Overlay Code	<p><b>Complies</b> - The development does not seek to alter the existing access locations and is not expected to impact on the network function. Existing access arrangements via Evans Street and the Captain Cook Highway service road will continue to be utilised.</p> <p>A further detailed assessment is not considered to be required.</p>
Filling and Excavation Code	<p><b>Complies</b> - The proposed development seeks approval for realignment of existing title boundaries only. No excavation and filling works are proposed other than possibly minor earthworks to relocate the existing onsite waste water absorption trenches.</p> <p>A further detailed assessment is not considered to be required.</p>
Infrastructure Works Code	<p><b>Generally Complies and may be Conditioned</b> – No works are proposed on a local government road. No changes are proposed to vehicle access, water supply, stormwater discharge, electricity supply and telecommunications.</p> <p>The Applicants have engaged a waste water consultant to assess the compliance of the existing onsite system on Lot 201. If the absorption trenches are required to be moved the Applicants are aware of and are willing to undertake this work to facilitate the boundary realignment. It is anticipated that this matter may be conditioned by Council.</p> <p>A further detailed assessment is not considered to be required.</p>
Landscaping Code	<p><b>Not Applicable</b> – No additional landscaping is proposed nor is it considered necessary given the context of the site and surrounds.</p> <p>A further detailed assessment is not considered to be required.</p>
Reconfiguring a Lot Code	<p><b>Complies</b> – A detailed assessment against the Reconfiguring a Lot Code is attached.</p>

Codes	Assessment Comment
Vegetation Management Code	<b>Complies</b> – No vegetation damage or clearing is proposed. A further detailed assessment is not considered to be required.

## 5.8 Other Key Matters

To resolve any compliance issues with the Queensland Development Code MP 1.2 Design and Siting Standard and also the National Construction Code 2019 in terms of separation of an external wall from an allotment boundary, the Applicants have removed part of the lean to awning on Lot 202 so that no part of the building is closer than 1.5m to the new common boundary.



Image 1 – Work in Progress from 14 February 2024 (Source: Mark Hollands)

## 6. Conclusion

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This report accompanies a development application by Joshua James Hollands and Rosemary Hollands (Owners of Lot 201) and Mark Ronald Hollands (Owner of Lot 202) seeking a Development Permit for Reconfiguration of a Lot (Boundary Realignment – 2 Lots into 2 Lots) over land at 16 & 18 Captain Cook Highway, Wangetti, formally described as Lots 201 & 202 on W8662.

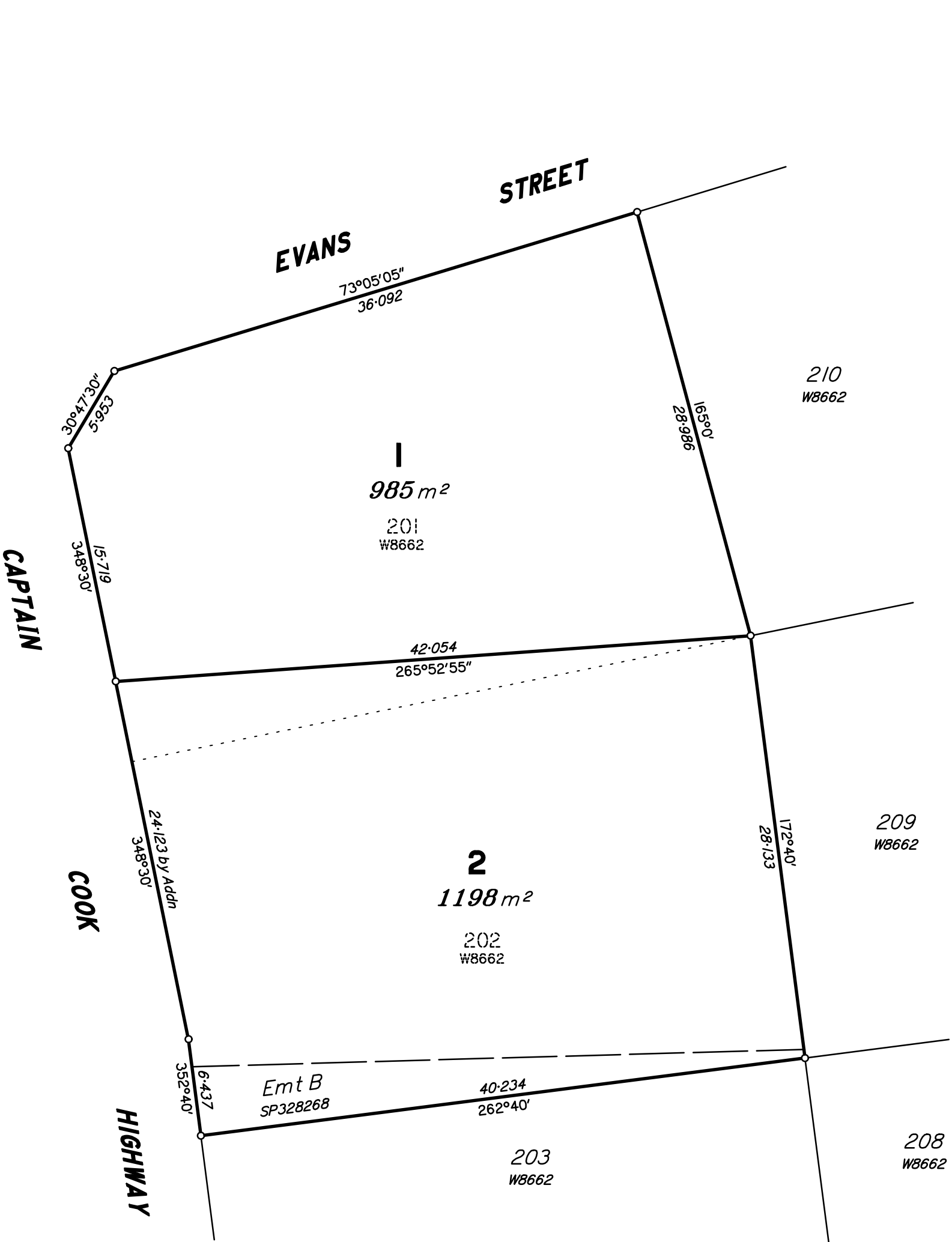
This application is lodged pursuant to sections 49, 50 and 51 of the Planning Act.

Assessment of the proposed development against the applicable planning framework has been undertaken in order to assess potential impacts and compliance of the proposed development with the relevant assessment criteria. The information provided in this Report (and accompanying attachments) demonstrates that the proposed development largely complies with the applicable provisions of the relevant planning framework; where conflicts exist, suitable alternative solutions are provided to support approval of the development application.

If Council requires any further information, either formally or informally, throughout the assessment of the Development Application please contact Stantec Australia Pty Ltd. Prior to the determination of the Development Application it would be greatly appreciated if Council could provide a suite of Draft Conditions to facilitate discussion and reach a mutually favourable outcome.

# Attachment 4

## Plan of Proposed Reconfiguration



STANTEC AUSTRALIA PTY LTD (ACN 007 820 322) hereby certify that the corporation, by Robert William PENTECOST, Cadastral Surveyor, for whose work the corporation accepts responsibility, has made this plan under Section 16 of the Survey and Mapping Infrastructure Regulation 2014 and pursuant to the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the plan is accurate, and compiled from SP328268 and W8662 in the Department of Resources.

.....  
Cadastral Surveyor  
(Authorised Representative)

Date .....

Metres 0 15m 50|mm 30m 100|mm 45m 150|mm State copyright reserved.

**Plan of Lots 1 and 2**

*Cancelling Lots 201 and 202 on W8662*

LOCAL *DOUGLAS SHIRE*  
GOVERNMENT: *COUNCIL*

LOCALITY: *WANGETTI*

Meridian: *vide SP328268* Survey Records: *No*

Scale: **1:300**

Format: **STANDARD**

**SP338663**



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

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

Sheet  
2

of  
2

(Dealing No.)

4. Lodged by

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

I. Existing

Created

Title Reference	Description	New Lots	Road	Secondary Interests
20645056	Lot 201 on W8662	I and 2	—	—
20985241	Lot 202 on W8662	2	—	—

ENCUMBRANCE EASEMENT ALLOCATIONS

Easement	Lots to be Encumbered
722052816 (Emt B on SP328268)	2

MORTGAGE ALLOCATIONS

Mortgage	Lots Fully Encumbered	Lots Partially Encumbered
721926992	1	2

Note:

Emt A on SP328268 to be surrendered prior to registration of this plan.

1	Allot 1 of Sec 2
2	Allot 1 of Sec 2 Allot 2 of Sec 2
Lots	Orig

2. Orig Grant Allocation :

3. References :  
Dept File :  
Local Govt :  
Surveyor : 304701708\_Rev B MLC

5. Passed & Endorsed :

By: STANTEC AUSTRALIA PTY LTD  
Date :  
Signed :  
Designation : Robert William PENTECOST  
Liaison Officer

6. 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

7. Lodgement Fees :

Survey Deposit

Lodgement

.....New Titles

Photocopy

Postage

TOTAL

\$ .....  
\$ .....  
\$ .....  
\$ .....  
\$ .....  
\$ .....

8. Insert Plan Number

SP338663

# Attachment 5

## Statement of Code Compliance

## 9.4.7 Reconfiguring a lot code

### 9.4.7.1 Application

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

### 9.4.7.2 Purpose

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

### 9.4.7.3 Criteria for assessment

Table 9.4.7.3.a – Reconfiguring a lot code – assessable development

Performance outcomes	Acceptable outcomes	Applicant response
<b>General lot design standards</b>		
<b>PO1</b> Lots comply with the lot reconfiguration outcomes of the applicable Zone code in Part 5.	<b>AO1</b> No acceptable outcomes are prescribed.	<b>Complies with PO1.</b> The proposed development is intended to resolve an existing building encroachment issue and supports the ongoing use of the land for residential purposes. The new boundary follows an existing fence line. Part of the



		building (lean to structure) has been removed which improves the amenity between the sites. It is considered that the proposed development supports the low density character of the area.
<b>PO2</b> New lots are generally rectangular in shape with functional areas for land uses intended by the zone.	<b>AO2</b> Boundary angles are not less than 45 degrees.	<b>Complies with AO2.</b> The new boundary achieves angles of not less than 45 degrees.
<b>PO3</b> Lots have legal and practical access to a public road.	<b>AO3</b> Each lot is provided with: (a) direct access to a gazetted road reserve; or (b) access to a gazetted road via a formal access arrangement registered on the title.	<b>Complies with AO3.</b> Proposed Lot 1 maintains existing access via Evans Street and Proposed Lot 2 maintains existing access via the Captain Cook Highway service road.
<b>PO4</b> Development responds appropriately to its local context, natural systems and site features.	<b>AO4</b> Existing site features such as: (a) significant vegetation and trees; (b) waterways and drainage paths; (c) vistas and vantage points are retained and/or are incorporated into open space, road reserves, near to lot boundaries or as common property.	<b>May be conditioned to Comply with AO4.</b> The proposed boundaries are located based on existing site features / built structures, although the Applicant has engaged a waste water consultant to assess any requirements to relocate the existing onsite waste water system on Proposed Lot 1. It is requested that a waste water assessment report forms a condition of approval.
<b>PO5</b> New lots which have the capability of being further reconfigured into smaller lots at a later date are designed to not compromise ultimate development outcomes permitted in the relevant zone.	<b>AO5</b> The ability to further reconfigure land at a later date is demonstrated by submitting a concept plan that meets the planning scheme requirements for the applicable Zone.	<b>Not Applicable.</b> It is not intended to further reconfigure the resulting lots.
<b>PO6</b> Where existing buildings or structures are to be retained, development results in: (a) boundaries that offer regular lot shapes and usable spaces; (b) existing improvements complying with current building and amenity standards in relation to boundary setbacks.  Note - This may require buildings or structures to be modified, relocated or demolished to meet setback standards, resolve encroachments and the like.	<b>AO6</b> Development ensures setbacks between existing buildings or structures and proposed boundaries satisfy relevant building standards or zone code requirements, whichever is the greater.	<b>Complies with AO6.</b> The existing lean to structure off the northern side of the building on Lot 2 has been partially demolished so that this structure is a minimum 1.5m off the common boundary, therefore satisfying the National Construction Code and Queensland Development Code requirements with respect to building setback to a boundary.



<p><b>PO7</b> Where rear lots are proposed, development:</p> <ul style="list-style-type: none"> <li>(a) provides a high standard of amenity for residents and other users of the site and adjoining properties;</li> <li>(b) positively contributes to the character of adjoining properties and the area;</li> <li>(c) does not adversely affect the safety and efficiency of the road from which access is gained.</li> </ul>	<p><b>A07.1</b> Where rear lots are to be established:</p> <ul style="list-style-type: none"> <li>(a) the rear lot is generally rectangular in shape, avoiding contrived sharp boundary angles;</li> <li>(b) no more than 6 lots directly adjoin the rear lot;</li> <li>(c) no more than one rear lot occurs behind the road frontage lot;</li> <li>(d) no more than two access strips to rear lots directly adjoin each other;</li> <li>(e) access strips are located only on one side of the road frontage lot.</li> </ul> <p><b>A07.2</b> Access strips to the rear lot have a minimum width dimension of:</p> <ul style="list-style-type: none"> <li>(a) 4.0 metres in Residential Zones.</li> <li>(b) 8.0 metres in Industrial Zones category.</li> <li>(c) 5.0 metres in all other Zones.</li> </ul> <p>Note - Rear lots are generally not appropriate in non-Residential or non-Rural zones.</p> <p><b>A07.3</b> Access strips are provided with a sealed pavement of sufficient width to cater for the intended traffic, but no less than:</p> <ul style="list-style-type: none"> <li>(a) 3.0 metres in Residential Zone.</li> <li>(b) 6.0 metres in an Industrial Zone.</li> <li>(c) 3.5 metres in any other Zone.</li> </ul>	<p><b>Not Applicable.</b></p>
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Performance outcomes		Acceptable outcomes
<b>Structure plans</b>		
<p>Additional requirements for:</p> <p>(a) a site which is more than 5,000m<sup>2</sup> in any of the Residential zones; or</p> <p>within these zones, and</p> <p>(b) creates 10 or more lots; or</p> <p>(c) involves the creation of new roads and/or public use land.</p> <p>or</p> <p>(d) For a material change of use involving:</p> <p>(i) preliminary approval to vary the effect of the planning scheme;</p> <p>(ii) establishing alternative Zones to the planning scheme.</p> <p>Note - This part is to be read in conjunction with the other parts of the code</p>		
<p><b>PO8</b></p> <p>A structure plan is prepared to ensure that neighbourhood design, block and lot layout, street network and the location and provision on any open space recognises previous planning for the area and its surroundings, and integrates appropriately into its surroundings.</p>	<p><b>AO8.1</b></p> <p>Neighbourhood design, lot and street layout, and open space provides for, and integrates with, any:</p> <p>(a) approved structure plan;</p> <p>(b) the surrounding pattern of existing or approved subdivision.</p> <p>Note - Planning scheme policy SC14– Structure planning provides guidance on meeting the performance outcomes.</p> <p><b>AO8.2</b></p> <p>Neighbourhood design, lot and street layouts enable future connection and integration with adjoining undeveloped land.</p>	<b>Not Applicable.</b>



<p><b>PO9</b> Neighbourhood design results in a connected network of walkable streets providing an easy choice of routes within and surrounding the neighbourhood.</p>	<p><b>AO9.1</b> Development does not establish cul-de-sac streets unless:</p> <ul style="list-style-type: none"> <li>(a) cul-de-sacs are a feature of the existing pattern of development in the area;</li> <li>(b) there is a physical feature or incompatible zone change that dictates the need to use a cul-de-sac streets.</li> </ul> <p><b>AO9.2</b> Where a cul-de-sac street is used, it:</p> <ul style="list-style-type: none"> <li>(a) is designed to be no longer than 150 metres in length;</li> <li>(b) is designed so that the end of the cul-de-sac is visible from its entrance;</li> <li>(c) provides connections from the top of the cul-de-sac to other streets for pedestrians and cyclists, where appropriate.</li> </ul> <p><b>AO9.3</b> No more than 6 lots have access to the turning circle or turning-tee at the end of a cul-de-sac street.</p>	<p><b>Not Applicable.</b></p>
<p><b>PO10</b> Neighbourhood design supports diverse housing choices through block sizes and lot design. In developing areas, significant changes in lot size and frontage occur at the rear of lots rather than on opposite sides of a street.</p>	<p><b>PO10</b> No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable.</b></p>
<p><b>PO11</b> Provision of physical and social infrastructure in developing residential neighbourhoods is facilitated through the orderly and sequential development of land.</p> <p>Note - Part 4 – Local government infrastructure plan may identify specific levels of infrastructure to be provided within development sites.</p>	<p><b>AO11.1</b> New development adjoins adjacent existing or approved urban development.</p> <p><b>AO11.2</b> New development is not established beyond the identified Local government infrastructure plan area.</p>	<p><b>Not Applicable.</b></p>
<p><b>Urban parkland and environmental open space</b></p>		



<b>PO12</b> Where appropriate development maintains and enhances public access and use of natural areas, rivers, dams, creeks and the foreshore.	<b>AO12</b> No acceptable outcomes are prescribed.	<b>Not Applicable.</b>
<b>PO13</b> Development provides land to: (a) meet the recreation needs of the community; (b) provide an amenity commensurate with the structure of neighbourhoods and land uses in the vicinity; and adjacent to open space areas; (c) provide for green corridors and linkages.	<b>AO13</b> No acceptable outcomes are prescribed.  Note - Part 4 – Priority infrastructure plan and Planning scheme policy SC14 – Structure Plans provides guidance in providing open space and recreation land.	<b>Not Applicable.</b>





## AO14

Lot size, dimensions, frontage and orientation permits buildings to be established that will facilitate casual surveillance to urban parkland and environmental open space.

### AO14.1

Urban parkland is regular in shape.

### AO14.2

At least 75% of the urban parkland's frontage is provided as road.

### AO14.3

Urban parkland and environmental open space areas are positioned to be capable of being overlooked by surrounding development.

### AO14.4

Surrounding lots are orientated so that facades will front and overlook the urban parkland and environmental open space.

### AO14.5


The number of lots that back onto, or are side-orientated to the urban parkland and environmental open space is minimised.



Inconsistent design solution - low total number of lots complying with the acceptable outcomes.

Not Applicable.



 Lots orientated to front and overlook park to provide casual surveillance.  
Consistent design solution - high total number of lots complying with the acceptable outcomes.

#### Private subdivisions (gated communities)

##### PO15

Private subdivisions (gated communities) do not compromise the establishment of connected and integrated infrastructure and open space networks.

##### PO15

No acceptable outcomes are prescribed.

**Not Applicable.**

#### Additional requirements for reconfiguration involving the creation of public streets or roads

##### PO16

The function of new roads is clearly identified and legible and provides integration, safety and convenience for all users.

##### AO16

No acceptable outcomes are prescribed.

Note - The design and construction standards are set out in Planning scheme policy SC5 – FNQROC Regional Development Manual, with reference to the specifications set out in Sections D1 and D3.

**Not Applicable.**

##### PO17

Street design supports an urban form that creates walkable neighbourhoods. Street design:

- (a) is appropriate to the function(s) of the street;
- (b) meets the needs of users and gives priority to the needs of vulnerable users.

##### AO17

No acceptable outcomes are prescribed.

**Not Applicable.**

#### Public transport network



<p><b>PO18</b> Development provides a street pattern that caters for the extension of public transport routes and infrastructure including safe pedestrian pick-up and set-down up facilities.</p>	<p><b>AO18</b> No acceptable outcomes are prescribed.</p>	<p><b>Not Applicable.</b></p>
<p><b>Pest plants</b></p>		
<p><b>PO19</b> Development activities and sites provide for the removal of all pest plants and implement ongoing measures to ensure that pest plants do not reinfest the site or nearby sites.</p> <p>Editor's note - This does not remove or replace all land owner's obligations or responsibilities under the Land Protection (Pest and Stock Route Management) Act 2002.</p>	<p><b>AO19</b> Pest plants detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person prior to earthworks commencing.</p> <p>Note - A declaration from an appropriately qualified person validates the land being free from pest plants. Declared pest plants include locally declared and State declared pest plants.</p>	<p><b>Complies with PO19.</b> Given the nature of the proposed development this is not likely to result in infestation or spread of pest plants or raise concerns.</p>