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Our Ref: PR138257/OCK/SD/L76936

Your Ref:

Date: 6 October 2017

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

Dear Sir

RE: APPLICATION FOR DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT (BOUNDARY REALIGNMENT) OVER LAND LOCATED AT 235 MOWBRAY RIVER ROAD, MOWBRAY, FORMALLY DESCRIBED AS LOT 1 ON RP721199 AND LOT 153 ON N157126

RPS Australia East Pty Ltd confirms that we act on behalf of Alan Campbell (the 'applicant') in respect to the abovementioned Development Application to Douglas Shire Council.

This application seeks development approval for a Reconfiguration of a Lot in order to realign the boundary between Lot 1 on RP721199 and Lot 153 on N157126.

In support of this application, please find attached the Town Planning Report, included as **Attachment 1** which includes details, plan and completed form in support of the proposal.

The applicable fee of \$1,145.30 (no GST), being the applicable application fee for this development, will be lodged with Council by Alan Campbell once a payment reference number or the like is provided by Council.

We trust this information is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the writer by telephone.

Yours sincerely

RPS

Owen Caddick-King
Principal Planner

enc: **Attachment 1:** Town Planning Report



Attachment I
Town Planning Report

TOWN PLANNING REPORT

Proposed Boundary Realignment – Mowbray River Road, Mowbray

Prepared for Alan Campbell

6 OCTOBER 2017





Prepared by:

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Prepared for:

ALAN CAMPBELL

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Client Manager:

Report Number: PR138257

Version / Date: Final 6/10/2017

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In preparing this report RPS have made certain assumptions. We have assumed that all information and documents provided to us by the Client or as a result of a specific request or enquiry were complete, accurate and up-to-date. Where we have obtained information from a government register or database, we have assumed that the information is accurate. Where an assumption has been made, we have not made any independent investigations with respect to the matters the subject of that assumption. As such we would not be aware of any reason if any of the assumptions were incorrect.

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In this note, a reference to loss and damage includes past and prospective economic loss, loss of profits, damage to property, injury to any person (including death) costs and expenses incurred in taking measures to prevent, mitigate or rectify any harm, loss of opportunity, legal costs, compensation, interest and any other direct, indirect, consequential or financial or other loss.

Document Status

Version	Purpose of Document	Orig	Review	Review Date
Final	Final for lodgement with DSC	SD	OCK	6/10/2017

Approval for Issue

Name	Signature	Date
Owen Caddick-King		6/10/2017

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Summary

Site Details			
Site Address:	Mowbray River Road, Mowbray		
Real Property Description:	Lot 1 on RP721199 and Lot 153 on N157126		
Site Area:	Lot 1 – 3,514m ² Lot 153 – 2,261m ²		
Regional Plan Land Use Designation:			
Zoning:	Rural		
Name of Owner:	Lot 1 on RP721199 – Alan Campbell Lot 153 on N157126 – Alan Campbell		
Type of Application			
Aspect of Development	Preliminary Approval	Development Permit	
Material change of use	<input type="checkbox"/>	<input type="checkbox"/>	
Reconfiguration of a lot	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Building work assessable against planning scheme	<input type="checkbox"/>	<input type="checkbox"/>	
Operational works	<input type="checkbox"/>	<input type="checkbox"/>	
Proposal			
Brief Description/ Purpose of Proposal:			
Boundary realignment to enable the creation of a two regular shaped lots			
Referral Agencies			
Agency	Concurrence Agency	Advice Agency	Pre-lodgement Referral Agency Response
Not applicable	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Other			
Level of Assessment:	<input checked="" type="checkbox"/> Code <input type="checkbox"/> Impact		
Public Notification	No <input checked="" type="checkbox"/> Yes (15 b.d.) <input type="checkbox"/> Yes (30 b.d.)		
Superseded Planning Scheme Application:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Applicant Contact Person:	Mr Owen Caddick-King		

I.0 Introduction

RPS has been engaged by Alan Campbell to seek development approval for a Reconfiguration of a Lot (boundary realignment) on land at Mowbray River Road, Mowbray. The subject site is described as Lot 1 on RP721199 and Lot 153 on N157126 with an area of 3,514m² and 2,261m², respectively.

This development application seeks:

- Development Permit for Reconfiguration of a Lot for a boundary realignment to create two regularly shaped lots.

Under the Douglas Shire Planning Scheme, the subject site is located within the Rural Zone. The proposed development is subject to code assessment.

The applicant current owns Lot 1 on RP721199 in freehold and the subject site features a residential dwelling. The adjoining Lot 153 on N157126 is vacant.

It is the applicant's intention to create two more regular shaped allotments and retain the existing residential dwelling.

This report provides greater detail on the nature of the proposal, and provides an assessment of the proposal against the intents and code requirements of relevant statutory planning documents. Based on these assessments the proposal is recommended for approval subject to reasonable and relevant conditions.

A copy of Development Application Form 1 is provided for reference in **Appendix A**.

2.0 Site Details

2.1 Site Particulars

Key details of the subject site include.

Address	Mowbray River Road, Mowbray
Real Property Description	Lot 1 on RP721199 and Lot 153 on N157126
Site Area	Lot 1 on RP721199 – 3,514m ² Lot 153 on N157126 – 2,261m ²
Land Owner	Lot 1 on RP721199 – Alan Campbell Lot 153 on N157126 – Alan Campbell

Certificate/s of title confirming site ownership and owner’s consent are included at **Appendix B**.

2.2 Planning Context

The planning context of the site includes:

Douglas Shire Planning Scheme	
Planning Area	Rural
Overlays	Acid Sulfate Soils Code Overlay Natural Hazards Code Overlay Natural Areas and Scenic Amenity Code

2.3 Site Characteristics

Site inspection and searches of local and state government records indicate that key site characteristics include:

Existing use of site	Lot 1 on RP721199 – residential dwelling Lot 153 on N157126 – vacant.
Topography	The site is elevated from Mowbray River and rises in elevation to the south along Mowbray river Road
Vegetation	Established vegetation exists on the land. The vegetation is not mapped as remnant vegetation.
Services	Current Lot 1 on RP721199 is improved with a residential dwelling. The existing dwelling is connected to essential services (water, electricity, and telecommunications). There is no sewerage connection and as such is serviced by an on-site effluent disposal system located behind the existing residence. Lot 153 on N157126 is currently vacant with no connection to essential services. Given that the lot currently exists and has the potential for the development of a dwelling it is anticipated that the existing service infrastructure is capable of servicing the development.
Waterways	There are no waterways traversing the subject properties.

Aerial photograph is shown in **Figure 1** below.



Figure 1: Aerial Photograph

Source: Google Earth

2.4 Search Results

The following searches of local and state records have been undertaken:

SARA mapping	<p>Lot 1 on RP721199 and Lot 153 on N157126</p> <ul style="list-style-type: none"> ▪ Regulated vegetation management map (Category X).
SPP mapping	<p>Lot 1 on RP721199 and Lot 153 on N157126</p> <p>Natural Hazards Risk and Resilience</p> <ul style="list-style-type: none"> ▪ Flood hazard area – level 1, Queensland floodplain assessment overlay; and ▪ Bushfire hazard area – bushfire prone area (high potential bushfire intensity and potential impact buffer).

2.5 Surrounding Land Uses

The subject site being located within the Rural Zone of the Douglas Shire Planning Scheme, is predominantly surrounded by agricultural land uses, namely grazing and sugar cane production, with a limited number of residential dwellings associated with these agricultural land uses. Furthermore, residential dwellings are located within the adjoining rural settlement zone located on the southern side of the Mowbray River Road.

3.0 Proposal

The development proposal subject of this application seeks a Development Permit for Reconfiguration of a Lot to facilitate boundary realignment. The intent is to enable the applicant to create two regular shaped allotments with greater road frontage to Mowbray River Road for Proposed Lot 11.

As detailed on the Proposal Plan (RPS Drawing No. PR138257-1), provided for reference as **Appendix C** to this report, the realigned boundary will be positioned at right angle to Mowbray River Road and will be offset approximately fifteen (15) metres from the existing residence to enable the inclusion of the existing access.

4.0 Legislative requirements

4.1 Assessment Manager

In accordance with Schedule 8 of the *Planning Regulation 2017*, the assessment manager for this application is Douglas Shire Council.

4.2 Categories of Assessment

The table below summarises the categorising instruments and categories of assessment applicable to this application.

Aspect of development	Categorising instrument	Category of assessment
Development Permit for Reconfiguration of a Lot (Boundary Realignment)	<i>Douglas Shire Planning Scheme 2008</i>	Code

4.3 Referral Agencies

A review of Schedule 10 of the *Planning Regulation 2017* indicates that no referral is triggered by the proposed development.

4.4 Public Notification

This application does not require public notification as it is subject to code assessment.

5.0 Statutory Planning Assessment

5.1 Overview

This section assesses the application against relevant assessment benchmarks.

As the application is subject to code assessment, the assessment benchmarks, and the matters the assessment manager must have regard to, are those identified in section 45(3) of the *Planning Act 2016* and sections 26 and 27 of the *Planning Regulation 2017*.

5.2 State and Regional Assessment Benchmarks

5.2.1 Regional Plan

In accordance with Section 26(2)(a)(i) of the *Planning Regulation 2017*, a review of the proposal against the assessment benchmarks stated in the Far North Queensland Regional Plan 2009-2031, indicates that the proposal is consistent with the Regional Plan.

5.2.2 State Planning Policy

The State Planning Policy mapping (the Interim Leve 1 Mapping) depicts both Lot 1 on RP721199 and Lot 153 on N157126 within the flood hazard area. However, experience gained from our Planning Scheme drafting work has identified that the State's Interim Flood Mapping can be grossly inaccurate in locations and based on local historical knowledge gained by the land owner and that the land is well elevated above the Mowbray River, it is suggested that the State's flood mapping is not accurate in this instance. While the Mowbray River Road, where it runs adjacent to the Mowbray River, is known to have been subject to flooding, it is understood that the residence that exists on Lot 1 has never been subject to flooding and the land rises in elevation as you head east along the land's frontage with Mowbray River Road.

Therefore, flooding is not known to be an issue for the proposed development.

The land is included in the State's Bushfire Hazard Area. However, the proposed development does not increase the potential for development given that a residence could be established on the vacant land that already exists, once a dwelling is established on the vacant lot the associated vegetation clearing would reduce the fire hazard and Mowbray River Road provides a suitable access for emergency evacuation. Therefore, fire hazard is not considered to be an issue for the proposed development.

5.2.3 State Development Assessment Provisions

As the proposed development does not trigger referral to the State Assessment Referral Agency. Assessment against the State Development Assessment provisions is not required for this application.

5.3 Local Authority Assessment Benchmarks

This application is to be assessed against Douglas Shire Planning Scheme 2008. The assessment benchmarks applicable under the Planning Scheme are addressed below.

5.3.1 Zone

The subject site is located within the Rural Zone. The intent of the Rural Areas and Rural Settlements Locality Code is to facilitate the retention of rural lifestyle opportunities and the amenity of the rural settlement areas, without compromising surrounding agricultural production. The proposed development will not result in the creation of any additional allotment and will ensure that future rural lifestyle opportunities afforded by proposed Lot 11, remain unobtrusive and do not compromise adjacent productive rural lands.

5.3.2 Codes

Douglas Shire Planning Scheme codes applicable to the proposal are identified below:

- Rural Areas and Rural Settlements Locality Code;
- Rural Planning Area Code;
- Acid Sulphate Soils Code Overlay;
- Natural Hazards Code Overlay;
- Natural Areas and Scenic Amenity Code; and
- Reconfiguring a Lot Code.

Given the nature of this application, a boundary re-alignment intended to create two regularly shaped lots, it is considered that this proposal does not require detailed assessment of the applicable code provisions. A review of the applicable codes has been undertaken and the proposal has been found to be consistent with the applicable code provisions relevant to the proposal.

An assessment of the proposal against the ‘boundary realignment’ provisions stated in the Planning Scheme’s Reconfiguring a Lot Code has been undertaken and is provided below to demonstrate compliance with the corresponding Performance Outcomes.

PERFORMANCE OUTCOMES	ACCEPTABLE OUTCOMES	SOLUTION	COMMENTS
Boundary realignments			
<p>P21</p> <p>The realignment of a boundary or boundaries does not create an additional allotment and achieves an improvement of the existing situation.</p>	<p>A20.1</p> <p>No additional lots are created.</p> <p>AND</p> <p>The area and configuration of the proposed lots are consistent with the historical pattern of reconfiguration in the local area.</p> <p>AND</p> <p>An improvement on the existing situation is achieved by:</p> <ul style="list-style-type: none"> • the provision of Access to a lot which previously had no Access; <p>OR</p> <ul style="list-style-type: none"> • the proposed lots being better suited to the existing or proposed use of the lots, whether or not the provisions relating to minimum area and dimensions are met; <p>OR</p> <ul style="list-style-type: none"> • The Frontage to depth ration of the proposed lots being greater than the Frontage to depth ration of the existing lots. 	✓	<p>Proposal complies.</p> <p>No additional lots are to be created.</p> <p>The proposal entails creating more regular shaped lots with greater frontage to Mowbray River Road for proposed Lot 11.</p>

6.0 Conclusion

This town planning report supports a development application made on behalf of Alan Campbell to Douglas Shire Council for a Reconfiguration of a Lot (boundary realignment), to enable the creation of two more regular shaped allotments with frontage to Mowbray River Road.

This report has demonstrated the proposed boundary re-alignment improves the existing lot configuration, is supported by the most relevant applicable Planning Scheme provisions and is not known to be subject to any significant development constraints.

In summary, we submit that the proposed development is simply providing a more suitable development site for a dwelling on the vacant allotment, as compared to that which already exists and is unlikely to have any significant impacts upon infrastructure, environment or community that cannot be adequately addressed through the imposition of reasonable and relevant conditions. We therefore commend the development for Council approval.



Attachment A

Development Application Form I

DA Form 1 – Development application details

Approved form (version 1.0 effective 3 July 2017) 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 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**, 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) <i>(individual or company full name)</i>	Alan Campbell c/- RPS Australia East Pty Ltd
Contact name <i>(only applicable for companies)</i>	Owen Caddick-King, RPS Australia Pty Ltd
Postal address <i>(P.O. Box or street address)</i>	PO Box 1949
Suburb	Cairns
State	Queensland
Postcode	4871
Country	Australia
Contact number	07 4031 1336
Email address <i>(non-mandatory)</i>	owen.caddick-king@rpsgroup.com.au
Mobile number <i>(non-mandatory)</i>	
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	PR138257

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



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
		235	Mowbray River Road	Mowbray
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	1	RP721199	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
				Mowbray
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		153	N157126	Douglas Shire Council

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

Note: Place each set of coordinates in a separate row. Only one set of coordinates is required for this part.

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 their details have been attached in a schedule to this application

Not required

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

In a tidal area

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

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

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

Name of airport:

Listed on the Environmental Management Register (EMR) under the *Environmental Protection Act 1994*

EMR site identification:

Listed on the Contaminated Land Register (CLR) under the *Environmental Protection Act 1994*

CLR site identification:

5) Are there any existing easements over the premises?

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

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

No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

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

Material change of use

Reconfiguring a lot

Operational work

Building work

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

Development permit

Preliminary approval

Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment

Impact assessment *(requires public notification)*

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

Boundary realignment to create two regular shaped 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

6.2) Provide details about the second development aspect

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

Material change of use

Reconfiguring a lot

Operational work

Building work

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

Development permit

Preliminary approval

Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment

Impact assessment *(requires public notification)*

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

e) Relevant plans

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

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

6.3) Additional aspects of development

Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application

Not required

Section 2 – Further development details

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

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

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use

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

2

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 construction 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 ²)	Lot on plan description	Area (m ²)
Lot 1 on RP721199	3,514.43	Proposed Lot 10	3137m2
Lot 153 on N157126	2,261.26	Proposed Lot 11	2616m2

12.2) What is the reason for the boundary realignment?
 To create to regular shaped allotments

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement?
(attach schedule if there are more than two easements)

Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

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

14.1) What is the nature of the operational work?

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

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

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

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

PART 4 – ASSESSMENT MANAGER DETAILS

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

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

Yes – a copy of the decision notice is attached to this development application
 Local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
 No

PART 5 – REFERRAL DETAILS

17) Do any aspects of the proposed development require referral for 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 Regulation 2017:**

Clearing native vegetation
 Contaminated land (unexploded ordnance)

- Environmentally relevant activities (ERA) *(only if the ERA have not been devolved to a local government)*
- Fisheries – aquaculture
- Fisheries – declared fish habitat area
- Fisheries – marine plants
- Fisheries – waterway barrier works
- Hazardous chemical facilities
- Queensland heritage place *(on or near a Queensland heritage place)*
- Infrastructure – designated premises
- Infrastructure – state transport infrastructure
- Infrastructure – state transport corridors and future state transport corridors
- Infrastructure – state-controlled transport tunnels and future state-controlled transport tunnels
- Infrastructure – state-controlled roads
- Land within Port of Brisbane's port limits
- SEQ development area
- 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 – residential development
- SEQ regional landscape and rural production area or SEQ Rural living area – urban activity
- Tidal works or works in a coastal management district
- Urban design
- Water-related development – taking or interfering with water
- Water-related development – removing quarry material *(from a watercourse or lake)*
- Water-related development – referable dams
- Water-related development – construction of new levees or modification of existing levees *(category 2 or 3 levees only)*
- Wetland protection area

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

- Airport land
- Environmentally relevant activities (ERA) *(only if the ERA have been devolved to local government)*
- Local heritage places

Matters requiring referral to the **chief executive of the distribution entity or transmission entity**:

- Electricity infrastructure

Matters requiring referral to:

- The **chief executive of the holder of the licence**, if not an individual
- The **holder of the licence**, if the holder of the licence is an individual
- Oil and gas infrastructure

Matters requiring referral to **the Brisbane City Council**:

- Brisbane core port land

Matters requiring referral to the **Minister under the Transport Infrastructure Act 1994**:

- Brisbane core port land
- Strategic port land

Matters requiring referral to the **relevant port operator**:

- Brisbane core port land (below high-water mark and within port limits)

Matters requiring referral to the **chief executive of the relevant port authority**:

- Land within limits of another port

Matters requiring referral to the **Gold Coast Waterways Authority**:

- Tidal works, or development in a coastal management district in Gold Coast waters

Matters requiring referral to the **Queensland Fire and Emergency Service**:

- Tidal works, or development in a coastal management district

18) Has any referral agency provided a referral response for this development application?		
<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 the development application the subject of this form, or include details in a schedule to this development application (if applicable).		

PART 6 – INFORMATION REQUEST

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

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)			
<input type="checkbox"/> Yes – provide details below or include details in a schedule to this development application <input checked="" type="checkbox"/> 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)		
<input type="checkbox"/> Yes – the yellow local government/private certifier's copy of the receipted QLeave form is attached to this development application <input type="checkbox"/> 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 <input checked="" type="checkbox"/> Not applicable		
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?
<input type="checkbox"/> Yes – show cause or enforcement notice is attached <input checked="" type="checkbox"/> 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 EM941) 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 “EM941” at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

Proposed ERA number:		Proposed ERA threshold:	
----------------------	--	-------------------------	--

Proposed ERA name:	
--------------------	--

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

Hazardous chemical facilities

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

Yes – *Form 69: Notification of a facility exceeding 10% of schedule 15 threshold* is attached to this development application

No

Note: See www.justice.qld.gov.au for further information.

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation 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 is accompanied by written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

No

Note: See www.qld.gov.au for further information.

Environmental offsets

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

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

No

Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala conservation

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

Yes

No

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

Water resources

23.6) Does this development application involve **taking or interfering with artesian or sub artesian water, taking or interfering with water in a watercourse, lake or spring, taking overland flow water or waterway barrier works**?

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

No

Note: DA templates are available from www.dilgp.qld.gov.au.

23.7) Does this application involve **taking or interfering with artesian or sub artesian water, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water** under the *Water Act 2000*?

Yes – I acknowledge that a relevant water authorisation under the *Water Act 2000* may be required prior to

commencing development

No

Note: Contact the Department of Natural Resources and Mines at www.dnrm.qld.gov.au for further information.

Marine activities

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

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

No

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

Quarry materials from a watercourse or lake

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

Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

No

Note: Contact the Department of Natural Resources and Mines at www.dnrm.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 Heritage Protection at www.ehp.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.dews.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.ehp.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.ehp.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

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 requirementsIf building work is associated with the proposed development, Parts 4 to 6 of *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 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 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	
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

The *Planning Act 2016*, the *Planning Regulation 2017* and the *DA Rules* are administered by the Department of Infrastructure, Local Government and Planning. This form and all other required development application materials should be sent to the assessment manager.



Attachment B

Certificates of Title and Owner's Consent

CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 27015858

Search Date: 04/10/2017 10:10

Title Reference: 20708191

Date Created: 22/06/1966

Previous Title: 20031110

REGISTERED OWNER

Dealing No: 717525370 20/09/2016

ALAN CAMPBELL

ESTATE AND LAND

Estate in Fee Simple

LOT 1 REGISTERED PLAN 721199
Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 10459055 (POR 1A)

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

** End of Current Title Search **

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Requested By: D-ENQ URBIS PRO

CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 27015887

Search Date: 04/10/2017 10:11

Title Reference: 20559081

Date Created: 26/06/1958

Previous Title: 20053085

REGISTERED OWNER

Dealing No: 717525370 20/09/2016

ALAN CAMPBELL

ESTATE AND LAND

Estate in Fee Simple

LOT 153 CROWN PLAN N157126
Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 10589144 (SUBN POR 2A)

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

** End of Current Title Search **

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Requested By: D-ENQ URBIS PRO

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

I, Alan Campbell

as owner of the premises identified as follows:

Lot 1 on RP721199 and Lot 153 on N157126

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

RPS Australia East Pty Ltd

on the premises described above for:

Reconfiguration of a Lot (boundary realignment)



[signature of owner and

5.10.2017 date signed]



Attachment C

RPS Drawing No. PR I 38257- I

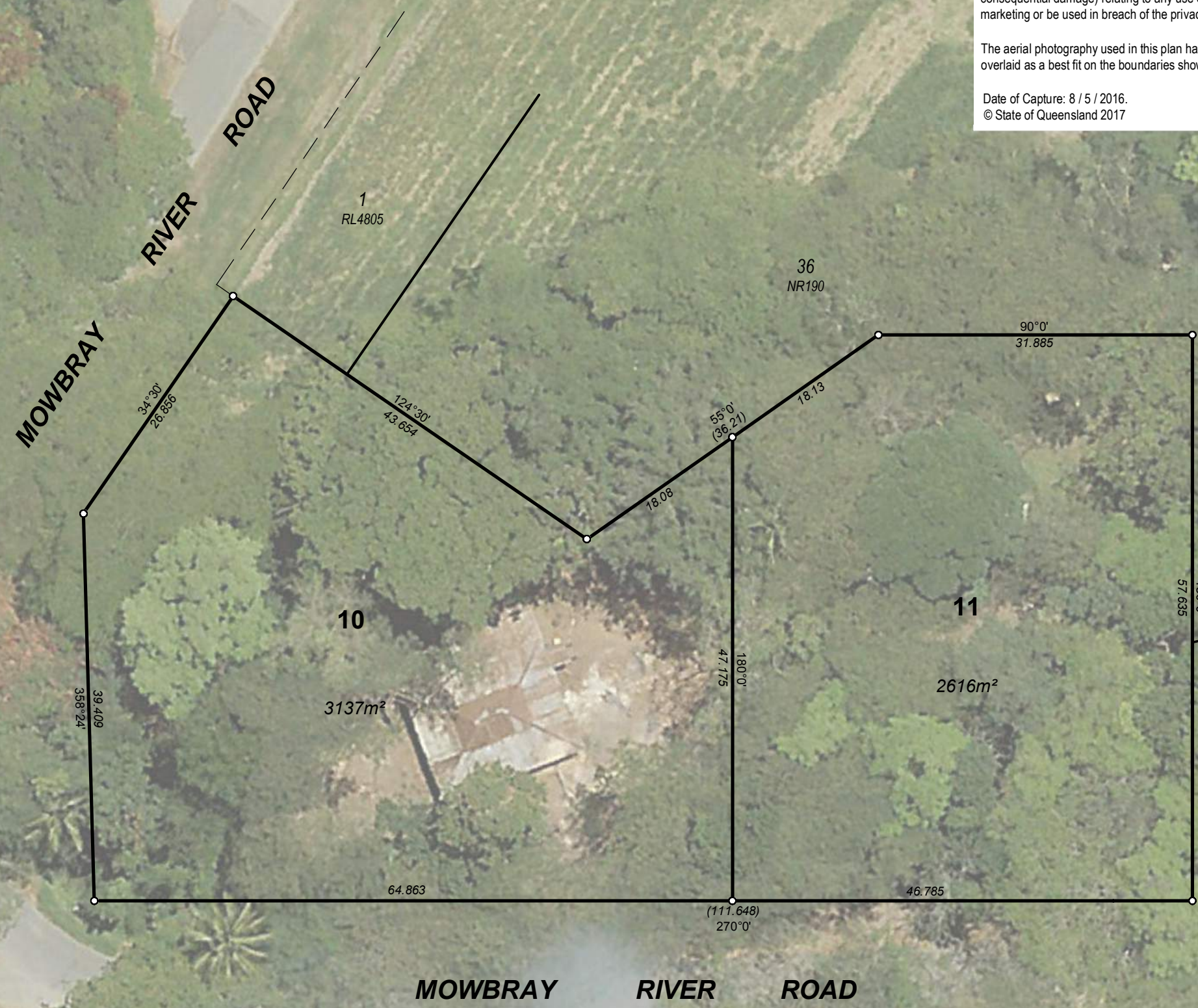


DNRM AERIAL PHOTOGRAPHY.

Based on or contains data provided by the State of Queensland (Department of Natural Resource & Mines) [2016]. In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.

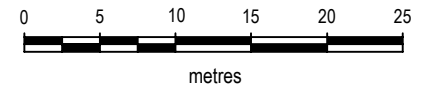
The aerial photography used in this plan has not been rectified. The image has been overlaid as a best fit on the boundaries shown and position is approximate only.

Date of Capture: 8 / 5 / 2016.
© State of Queensland 2017



IMPORTANT NOTE

- This plan was prepared for the sole purposes of the client for the specific purpose of accompanying an application to the Douglas Shire Council for a reconfiguration of a lot described on this plan. This plan is strictly limited to the Purpose and does not apply directly or indirectly and will not be used for any other application, purpose, use or matter. The plan is presented without the assumption of a duty of care to any other person (other than the Client) ("Third Party") and may not be relied on by Third Party.
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 - RPS Australia East Pty Ltd relying on information provided to it by the Client or a Third Party where the information is incorrect, incomplete, inaccurate, out-of-date or unreasonable;
 - any inaccuracies or other faults with information or data sourced from a Third Party;
 - RPS Australia East Pty Ltd relying on surface indicators that are incorrect or inaccurate;
 - the Client or any Third Party not verifying information in this plan where recommended by RPS Australia East Pty Ltd;
 - lodgement of this plan with any local authority against the recommendation of RPS Australia East Pty Ltd;
 - the accuracy, reliability, suitability or completeness of any approximations or estimates made or referred to by RPS Australia East Pty Ltd in this plan.
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- Scale shown is correct for the original plan and any copies of this plan should be verified by checking against the bar scale.
- The dimensions, area, size and location of improvements, flood information (if shown) and number of lots shown on this plan are approximate only and may vary.
- Cadastral boundaries are obtained by title dimensions and/or digitising from existing cadastral maps. These boundaries have not been verified and are approximate only.



SCALE 1:500 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A3)

PROJECT MANAGER O Caddick-King		SURVEYED	
COMPILED KJB 03/10/17		CAD REF PR138257-1.DWG	
SHEET SIZE A3	SHEET OF SHEETS 1 1		

RPS RPS Australia East Pty Ltd
ACN 140 292 762
135 Abbott St
PO Box 1949
CAIRNS QLD 4870

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ALAN CAMPBELL

RECONFIGURATION OF A LOT
Plan of Lots 10 & 11
Cancelling Lot 1 on RP721199 &
Lot 153 on N157126
Mowbray River Road, Mowbray

SCALE 1:500	DATE 05/10/2017	DRAWING NO. PR138257-1	ISSUE
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