

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>	Mark Torjussen c/- RPS Australia East Pty Ltd
Contact name <i>(only applicable for companies)</i>	Owen Caddick-King, RPS Australia East Pty Ltd
Postal address <i>(P.O. Box or street address)</i>	PO Box 1949
Suburb	Cairns
State	Queensland
Postcode	4870
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>	138759-1

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
		30	Marine Parade	Newell
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		4	RP712637	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
			Marine Parade	Newell
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		5	RP717702	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

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

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

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

No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

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

Material change of use Reconfiguring a lot Operational work Building work

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

Development permit Preliminary approval Preliminary approval that includes a variation approval

c) What is the level of assessment?

Code assessment Impact assessment *(requires public notification)*

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

Boundary realignment

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 4 on RP712637	1184m ²	Lot 4	1426m ²
Lot 5 on RP717702	196020m ²	Lot 5	195590m ²

12.2) What is the reason for the boundary realignment?

Boundary realignment to improve residential utility of Lot 4.

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?**

- Road work
 Stormwater
 Water infrastructure
 Drainage work
 Earthworks
 Sewage infrastructure
 Landscaping
 Signage
 Clearing vegetation
 Other – please specify:

14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision) Yes – specify number of new lots: 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 6Matters requiring referral to the **chief executive of the Planning Regulation 2017:**

- Clearing native vegetation
 Contaminated land (unexploded ordnance)

<input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA have not been devolved to a local government)</i> <input type="checkbox"/> Fisheries – aquaculture <input type="checkbox"/> Fisheries – declared fish habitat area <input type="checkbox"/> Fisheries – marine plants <input type="checkbox"/> Fisheries – waterway barrier works <input type="checkbox"/> Hazardous chemical facilities <input type="checkbox"/> Queensland heritage place <i>(on or near a Queensland heritage place)</i> <input type="checkbox"/> Infrastructure – designated premises <input type="checkbox"/> Infrastructure – state transport infrastructure <input type="checkbox"/> Infrastructure – state transport corridors and future state transport corridors <input type="checkbox"/> Infrastructure – state-controlled transport tunnels and future state-controlled transport tunnels <input type="checkbox"/> Infrastructure – state-controlled roads <input type="checkbox"/> Land within Port of Brisbane’s port limits <input type="checkbox"/> SEQ development area <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – community activity <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – indoor recreation <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – residential development <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – urban activity <input type="checkbox"/> Tidal works or works in a coastal management district <input type="checkbox"/> Urban design <input type="checkbox"/> Water-related development – taking or interfering with water <input type="checkbox"/> Water-related development – removing quarry material <i>(from a watercourse or lake)</i> <input type="checkbox"/> Water-related development – referable dams <input type="checkbox"/> Water-related development – construction of new levees or modification of existing levees <i>(category 2 or 3 levees only)</i> <input type="checkbox"/> Wetland protection area
Matters requiring referral to the local government:
<input type="checkbox"/> Airport land <input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA have been devolved to local government)</i> <input type="checkbox"/> Local heritage places
Matters requiring referral to the chief executive of the distribution entity or transmission entity:
<input type="checkbox"/> Electricity infrastructure
Matters requiring referral to: <ul style="list-style-type: none"> • 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 <input type="checkbox"/> Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council:
<input type="checkbox"/> Brisbane core port land
Matters requiring referral to the Minister under the Transport Infrastructure Act 1994:
<input type="checkbox"/> Brisbane core port land <input type="checkbox"/> Strategic port land
Matters requiring referral to the relevant port operator:
<input type="checkbox"/> Brisbane core port land (below high-water mark and within port limits)
Matters requiring referral to the chief executive of the relevant port authority:
<input type="checkbox"/> Land within limits of another port
Matters requiring referral to the Gold Coast Waterways Authority:
<input type="checkbox"/> Tidal works, or development in a coastal management district in Gold Coast waters
Matters requiring referral to the Queensland Fire and Emergency Service:
<input type="checkbox"/> 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 checked="" type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and 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:	
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Proposed ERA name:	
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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	
<i>Note: For completion by assessment manager if applicable</i>	
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.

TOWN PLANNING REPORT
Proposed Boundary Realignment – Marine Parade, Newell

Prepared for **Mark Torjussen**

1 DECEMBER 2017



Prepared by:

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Report Number: PR138759-1 | R77096
Version / Date: Final | 1/12/2017

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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
Draft	For review	AKZ	AKZ	28/11/2017

Approval for Issue

Name	Signature	Date
Owen Caddick-King		01/12/2017

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Figure 1 Aerial Photo of site

Figure 2 Zoning of the site

Appendices

Appendix A DA Form 1, Certificates of Title and Owner's Consents
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Summary

Site Details

Site Address:	30 Marine Parade, Newell Marine Parade, Newell
Real Property Description:	Lot 4 on RP712637 Lot 5 on RP717702
Site Area:	Lot 4 – 1184m² Lot 5 – 19.602ha
Planning Area:	Rural and Residential 1
Name of Owner:	Lot 4 – MT LEISURE PTY LTD and MARK TORJUSSEN Lot 5 – RANGE DEVELOPMENTS PTY LTD Refer to Certificate of Titles and owners consents in Appendix A

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 improve lot utility

Referral Agencies

Nil

Other

Level of Assessment:	<input checked="" type="checkbox"/> Code <input type="checkbox"/> Impact
Public Notification	<input checked="" type="checkbox"/> No <input 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
Pre-lodgement Consultation	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No A pre-lodgement enquiry and sketch plan was forwarded to Council and on 10 November 2017, advice received from Council's Planning Section was that there were no known issues and that the proposal would be supported.

I.0 Introduction

RPS has been engaged by Mark Torjussen to seek development approval for a Reconfiguration of a Lot (boundary realignment) on land at 30 Marine Parade, Newell. The subject site is more properly described as Lot 4 on RP712637 and Lot 5 on RP717702.

This development application seeks:

- Development Permit for Reconfiguration of a Lot for a boundary realignment.

Under Douglas Shire Planning Scheme, Lot 4 is located within the Residential 1 Planning Area and Lot 5 in the Rural Planning Area, respectively. The proposed development is subject to code assessment.

The boundary re-alignment is intended to improve the utility of Lot 4, depicted on RPS Drawing No. PR138759-1, provided for reference in **Appendix B**.

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

A copy of the completed 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	30 Marine Parade, Newell Marine Parade, Newell
Real Property Description	Lot 4 on RP712637 Lot 5 on RP717702
Site Area	Lot 4 – 1184m ² Lot 5 – 19.602ha
Land Owner	Lot 4 – MT LEISURE PTY LTD and MARK TORJUSSEN Lot 5 – RANGE DEVELOPMENTS PTY LTD

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

2.2 Planning Context

The planning context of the site includes:

Douglas Shire Council Planning Scheme	
Planning Area	Residential 1 and Rural
Overlays	Nil

2.3 Site Characteristics

Searches of local and state government records indicate that key site characteristics include:

Existing use of site	Lot 4 – Dwelling House Lot 5 – Sugar Cane Farm
Topography	The site is relatively flat.

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



Figure 1: Aerial Photograph

Source: Google Earth

3.0 Proposal

The development proposal subject of this application seeks a Development Permit for Reconfiguration of a Lot to facilitate a boundary realignment. The intent is to enable the owners of Lot 4 to acquire 242m² of Lot 5 by way of moving the western boundary by 12.3m. This realignment will effectively create proposed Lot 4 at 1426m².

The boundary re-alignment proposal is detailed on the Proposal Plan, RPS Drawing No. PR138759-1, provided for reference in **Appendix B**. Access and services arrangements will remain unchanged.

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 Council Planning Scheme 2006</i>	Code

4.3 Referral Agencies

A review of Schedule 10 of the *Planning Regulation 2017* indicates that no referrals are triggered.

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

The proposal is merely for a boundary realignment and is not in conflict with the Far North Queensland Regional Plan.

5.2.2 State Planning Policy

The proposal is merely for a boundary realignment and no detailed assessment against the State Planning Policy is required. No conflict has been identified.

5.2.3 State Development Assessment Provisions

The proposed development does not trigger referral to the State Assessment Referral Agency.

5.3 Local Authority Assessment Benchmarks

This application is to be assessed against Douglas Shire Council Planning Scheme 2006. The assessment benchmarks applicable under the Planning Scheme are addressed below.

5.3.1 Planning Area

The subject site is located within the Residential 1 Planning Area (Lot 4) and the Rural Planning Area (Lot 5) respectively.

The proposal is consistent with the Planning Scheme's intent given that the existing land use will remain unchanged. The reconfiguration is merely to facilitate a boundary realignment, adding a small section of Lot 5 to Lot 4 to improve lot utility.



Figure 2: Zoning

Source: DSC Planning Scheme

5.3.2 Codes

Given the nature of this application, a boundary realignment to facilitate improvement of the utility of Lot 4, 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 relevant applicable code provisions.

6.0 Conclusion

This town planning report supports a development application made on behalf of Mark Torjussen to Douglas Shire Council for a Reconfiguration of a Lot, over land at Marine Parade, Newell, formally described as Lot 4 on RP712637 and Lot 5 on RP717702.

The proposal is for a Reconfiguration of a Lot for boundary realignment, to enable a portion of Lot 5 (242m²) to be added to Lot 4 to improve lot utility.

This report has demonstrated the proposal's consistency with the intents and code requirements of the Douglas Shire Council Planning Scheme and has provided appropriate justification for aspects of the proposed development in relation to the Planning Scheme.

In summary, we submit that the proposed development 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 recommend the development for Council approval.



Appendix A

DA Form I

Certificates of Title

Owners Consent

CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 27390804

Search Date: 21/11/2017 16:29

Title Reference: 21198082

Date Created: 03/02/1983

Previous Title: 20792061

20792062

REGISTERED OWNER

Interest

Dealing No: 716767264 21/09/2015

MT LEISURE PTY LTD A.C.N. 165 709 679

TRUSTEE

99/100

UNDER INSTRUMENT 716767264

MARK TORJUSSEN

TENANT IN COMMON

1/100

AS TENANTS IN COMMON

ESTATE AND LAND

Estate in Fee Simple

LOT 4 REGISTERED PLAN 712637

Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20393164 (POR 7)

2. MORTGAGE No 717218991 29/04/2016 at 10:41
NATIONAL AUSTRALIA BANK LIMITED A.B.N. 12 004 044 937

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status
717300004	OWNER BUILDR	08/06/2016 09:09	CURRENT

QUEENSLAND BUILDING AND CONSTRUCTION COMMISSION ACT 1991

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** 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: 27390822

Search Date: 21/11/2017 16:31

Title Reference: 20594104

Date Created: 09/06/1960

Previous Title: 20530018

REGISTERED OWNER

Dealing No: 710365096 23/02/2007

RANGE DEVELOPMENTS PTY LTD A.C.N. 103 190 049

TRUSTEE

UNDER INSTRUMENT 710365096

ESTATE AND LAND

Estate in Fee Simple

LOT 5 REGISTERED PLAN 717702
Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20393164 (POR 7)
2. MORTGAGE No 710365097 23/02/2007 at 12:37
NATIONAL AUSTRALIA BANK LIMITED A.B.N. 12 004 044 937
3. COVENANT No 710600461 21/05/2007 at 10:04
restricts dealings over
LOT 5 ON RP717702 AND LOT 1 ON RL208297

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

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Requested By: D-ENQ URBIS PRO

Company owner's consent to the making of a development application under the *Planning Act 2016*

I, Mark Torjussen

[Insert name in full]

Sole Director/Secretary of the company mentioned below.

Of

MT LEISURE PTY LTD A.C.N. 165 709 679

the company being the owner of the premises identified as follows:

30 Marine Parade, Newell, Lot 4 on RP712637

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

Mark Torjussen
C/-RPS Australia East Pty Ltd

on the premises described above for:

Reconfiguring a Lot
Boundary Realignment between Lot 4 on RP712637 and Lot 5 on RP717702

Company seal *(if used)*

Company Name and ACN: Mt Leisure Pty Ltd A.C.N. 165 709 679

M. Torjussen
Signature of Sole Director/Secretary

Date

Company owner's consent to the making of a development application under the *Planning Act 2016*

I, *Phillip Bradley Denton*

[Insert name in full.]

Sole Director/Secretary of the company mentioned below.

Of

RANGE DEVELOPMENTS PTY LTD A.C.N. 103 190 049

the company being the owner of the premises identified as follows:

Marine Parade, Newell, Lot 5 on RP717702

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

Mark Torjussen
C/-RPS Australia East Pty Ltd

on the premises described above for:

Reconfiguring a Lot
Boundary Realignment between Lot 4 on RP712637 and Lot 5 on RP717702

Company seal [if used]

Company Name and ACN:

Range Developments Pty Ltd ACN 103190049



Signature of Sole Director/Secretary

5/12/17.

Date



Appendix B

RPS Drawing PR138759-I



5
19.559ha

19.618

72.682

5
RP712637

4
1426m²

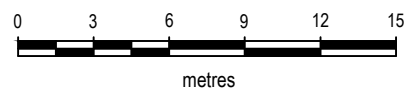
72.682

19.618

203
SP161477

- 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.
 - RPS Australia East Pty Ltd will not be liable (in negligence or otherwise) for any direct or indirect loss, damage, liability or claim arising out of or incidental to:
 - Third Party publishing, using or relying on the plan;
 - RPS Australia East Pty Ltd relying on information provided to it by the Client or a Third Party where the information is incorrect, incomplete, inaccurate, out-of-date or unreasonable;
 - any inaccuracies or other faults with information or data sourced from a Third Party;
 - RPS Australia East Pty Ltd relying on surface indicators that are incorrect or inaccurate;
 - the Client or any Third Party not verifying information in this plan where recommended by RPS Australia East Pty Ltd;
 - lodgement of this plan with any local authority against the recommendation of RPS Australia East Pty Ltd;
 - the accuracy, reliability, suitability or completeness of any approximations or estimates made or referred to by RPS Australia East Pty Ltd in this plan.

- Without limiting paragraph 1 or 2 above, this plan may not be copied, distributed, or reproduced by any process unless this note is clearly displayed on the plan.
- Scale shown is correct for the original plan and any copies of this plan should be verified by checking against the bar scale.
- The dimensions, area, size and location of improvements, flood information (if shown) and number of lots shown on this plan are approximate only and may vary.



SCALE 1:300 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A3)

AMENDMENTS	PROJECT MANAGER	
	O. Caddick-King	
	SURVEYED	
	COMPILED	
	RMS	
CAD REF PR138759-1.DWG	SHEET 1 OF SHEETS 1	SHEET SIZE A3

PROJECT MANAGER	
O. Caddick-King	
SURVEYED	
COMPILED	
RMS	
CAD REF PR138759-1.DWG	SHEET 1 OF SHEETS 1
	SHEET SIZE A3

Mark Torjussen

**Reconfiguration of a Lot
Cancelling Lot 4 on RP712637
& Lot 5 on RP717702
Marine Parade
Newell**

		RPS Australia East Pty Ltd ACN 140 292 762	
		135 Abbott St PO Box 1949 CAIRNS QLD 4870	
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SCALE 1:300	DATE 17/11/2017	DRAWING NO. PR138759-1	ISSUE