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Our Ref: PR108240/OCK/MD/L76441

Date: 8 March 2017

Attn: Mr Neil Beck
Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman QLD 4873

Via: E-mail and Mail

Dear Sir,

**RE: APPLICATION FOR DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT
(3 LOT RURAL SUBDIVISION) OVER LAND LOCATED AT CREES ROAD, FORMALLY
DESCRIBED AS LOT 114 ON SP113652**

On behalf of Byron and Vicki Kurth (the 'Applicant'), we have prepared and lodged the above described development application with the Douglas Shire Council.

The development application seeks a development permit to subdivide Lot 114 on SP113652 into 3 rural lots, in response to existing and proposed infrastructure that will prohibit the viable use of the land for sugar cane production, thereby providing the opportunity for the land to be utilised for rural activities that do not require extensive areas of land for rural production.

In support of this application, please find attached the following:

- Completed IDAS Forms 1 and 7 (including the owner's consent) included as **Attachment 1**;
- Copy of Certificate of Title and SP113652, included as **Attachment 2**;
- RPS Drawing No PR108240-1 Proposed Reconfiguration Plan, included as **Attachment 3**; and
- A **cheque** to the value of **\$2,795.55**, being the relevant fee required under Council's Schedule of Fees and Charges.

The following information has been prepared to assist Council with their assessment of the proposed development.

1.0 Site Information

1.1 Site Details

Key Details of the subject site include:

Address:	Crees Road, Craiglie
Real Property Description / Site Area:	LOT 114 ON SP113652 / 30.124ha
Land Owner:	Byron M Kurth, Vicki C Kurth and Mallakai Pty Ltd
Easements / Encumbrances:	Refer to copy of Certificate of Title and SP113652 in Attachment 2 and RPS Drawing No PR108240-1

DOUGLAS SHIRE COUNCIL	
Received	
File Name.....	ROL 1952/2017
Document No.....	
10 MAR 2017	
Attention	DPL orig ✓
Information	RN 193970
40-2017-1952-1	

Proposed Reconfiguration Plan in **Attachment 3** for detail.

1.2 Planning Content

The planning context relating to the site includes:

Planning Scheme Zone:	Rural Planning Area
Relevant Overlays:	Low and Medium Bushfire Hazard

1.3 Site Characteristics

Topography / Vegetation:	<p>The steeper western portion of the site comprises of remnant vegetation.</p> <p>As the grade of the land reduces, the land has been cleared and used for sugar cane production which has been reliant on farm machinery being able to operate directly up the steeper southwestern portion of the site rather than across the slope.</p> <p>Crees Creek and associated regrowth vegetation forms the land's eastern boundary.</p>
Waterways:	Crees Creek and associated regrowth vegetation forms the land's eastern boundary.
Road Frontage:	The land currently has a frontage in excess of 440m either side of the section of Crees Road that is understood to be programmed for construction post the 2017 wet season.
Existing Use:	<p>The steeper western portion of the site comprises of remnant vegetation.</p> <p>As the grade of the land reduces, the land has been cleared and used for sugar cane production which has been reliant on farm machinery being able to operate directly up the steeper southwestern portion of the site rather than across the slope.</p> <p>A residence is also located at the edge of the forested area.</p>

1.4 Surrounding Land Uses

Apart from the Mowbray National Park which adjoins to the west, all adjoining land and immediately surrounding land is included in the Rural Planning Area and comprises of lot sizes from 2 hectares to 30 hectares with a significant portion of lot sizes in the immediate locality being in the range of 6 – 10 hectares in area.

Uses of the surrounding land range from the Eco Shamba Tree Farm www.ecoshamba.com that was established with the support of the former Douglas Shire Council on the land that immediately adjoins to the north of the subject land, vacant forested lots, land used for sugar cane production over multiple small adjoining lots, cattle grazing, land that appears to be used predominantly for rural lifestyle purposes, land used for equestrian activities including the keeping/grazing of horses and including www.portshorsefarm.com.au and land used for the production of vanilla www.vanillaaustralia.com

1.5 Application Details

Aspects of the Development Sought:	Development Permit for Reconfiguration of a Lot (1 Lot into 3 Rural Lots)
Applicant:	Byron and Vicki Kurth C/- RPS Australia East Pty Ltd
Contact:	Mr Owen Caddick-King RPS Australia East Pty Ltd 135 Abbott Street PO Box 1949 Cairns QLD 4870 (07) 4031 1336 owen.caddick-king@rpsgroup.com.au
Local Government Authority:	Douglas Shire Council

2.0 Proposed Development

The development application seeks a development permit to subdivide Lot 114 on SP113652 into 3 rural lots. The reconfiguration proposal is in response to existing and proposed infrastructure, the existing tramline and sugar cane bin storage and loading area and the proposed extension of Crees Road to Council's proposed new water supply reservoir that form physical barriers to the farming of the land. The reconfiguration proposal is detailed in the Reconfiguration Proposal Plan, RPS Drawing No PR108240-1 provided for reference in **Attachment 3**.

The proposed upgrade of Crees Road will prohibit the viable use of the land for the growing of sugar cane and the reconfiguration proposal will provide 3 rural lots with lot areas consistent with lot areas that exists within the immediate locality and that can be utilised for rural activities that do not require extensive areas of land for rural production.

3.0 Legislative Requirements

3.1 Sustainable Planning Act 2009 (SPA)

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

3.1.1 Confirmation that Development is Not Prohibited

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

3.1.2 Assessable Development

The development proposed by this application is "assessable development" pursuant to Schedule 3 of the *Sustainable Planning Act 2009*.

3.1.3 Assessment Manger

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

3.1.4 Level of Assessment

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

Aspect of Development	Planning Instrument that determines Level of Assessment	Level of Assessment
Reconfiguration of a Lot	Douglas Shire Planning Scheme	Code Assessable

3.1.5 Referral Agencies

A review of Schedule 7 of the *Sustainable Planning Regulation 2009* indicates that no State agency referrals are triggered by the development application.

With regard to remnant vegetation matters, there are no new property boundaries proposed through areas of mapped remnant vegetation and a residence exists on Proposed Lot 1 which is the only lot over which remnant vegetation is mapped.

3.1.6 Public Notification

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

4.0 Statutory Planning Assessment

4.1 Overview

This section provides an assessment of the various statutory planning provisions relevant to the proposal.

4.2 Regional Plan

The FNQ 2031 Regional Plan provides broad land use policies that are applicable to the whole region and do not allow for variation where circumstances justify, such as with the subject proposal. The Regional Plan states that the, "*Further fragmentation of agricultural land in the regional landscape and rural production area is avoided to maintain viable farm lot sizes.*" However, this policy needs to be considered in the context of the existing and proposed physical constraints, the existing lot arrangement and use of land in the locality and does not accommodate circumstances where smaller rural land holdings will provide the opportunity for alternate productive rural uses that do not rely on extensive land areas to be viable where the smaller rural land holding will be more affordable to purchase, thereby reducing the potential for the cost of the land from prohibiting the establishment of the alternate productive rural uses.

The Regional Plan does allow boundary re-alignments to accommodate existing and proposed physical constraints and the provision of smaller rural land holdings where it will provide the

opportunity for alternate viable productive rural uses and as is the case with the subject proposal, such consideration should not be limited to boundary re-alignments in the rural area.

While the land is currently used for the production of sugar cane, this is reliant on the steeper southern portion of the site being cultivated directly upslope across the existing unformed Crees Road. However, it is noted that such farming practices are now discouraged to assist with the reduction of sediment laden runoff from farmland flowing directly into natural waterways and once Crees Road is constructed to service Council's water supply reservoir, the earthworks required to construct Crees Road within the southern portion of the site will prevent cultivation directly upslope across Crees Road. This will effectively prevent the growing of sugar cane on approximately 20% of the land currently used for sugar cane production (including Crees Road) and result in sugar cane farming on the land that is currently marginally viable, reliant on favourable sugar prices, to be non-viable, particularly where the subject land does not comprise and will not comprise in the future, a conjoined sugar cane farming operation.

In this instance, the local context and existing/proposed physical constraints is considered to justify any conflict with the Regional Plan's broad land use policy.

4.3 State Planning Policies (SPPs)

Given that a residence already exists on Proposed Lot 1, the only Interim Development Assessment Requirement that is applicable to the proposed development relates to the fact that a portion of Proposed Lot 2 and 3 are partly located in the SPP's Flood Hazard Area where the land is adjacent to Crees Creek. However, it is noted that Proposed Lot 2 and 3 provide adequate areas outside the mapped Flood Hazard Area adjacent to Crees Road for the establishment of a future residence on each proposed lot.

It is also noted that the SPP's Flood Hazard Mapping has been found to be overly conservative in other localities. Our experience with the SPP's Flood Hazard Mapping, the elevation and grade of the land and the land owners local knowledge, suggests that localised flooding during a Q100 flood event would be limited to the banks and lower lying pockets of land immediately adjacent to Crees Creek, not as extensive as that indicated in the SPP's Flood Hazard Mapping.

4.4 State Development Assessment Provisions (SDAP)

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

4.5 Planning Scheme

Under the Douglas Shire Planning Scheme, the subject site is included within the Rural Planning Area. The following commentary is provided in response to the Planning Scheme Codes identified as being applicable to this application:

Rural Areas and Rural Settlement Locality Code

While the code is applicable to reconfiguration development, there do not appear to be any code provisions that specifically relate to the development except for the requirement to provide infrastructure services and it is noted that each proposed lot will be able to be provided with infrastructure services in accordance with the Codes provisions.

Rural Planning Area Code

While the code is applicable to reconfiguration development, there do not appear to be any code provisions that specifically relate to the development, the Code provisions specifically relate to the use of land and building works and houses to be established on the land. However, the following comments are provided in response to the Code provisions;

- The reconfiguration proposal does not seek to change the use of the land from agricultural and/or primary production purposes. The construction of Crees Road will cause sugar cane production on the land to be non-viable and the reconfiguration of the land will provide the opportunity for alternate productive rural uses to be established on the land that do not rely on extensive land areas to be viable (refer to Section 4.2 of this submission for further detail).
- Any new building to be established on the proposed lots will be able to comply building setback requirements from roads, property boundaries, naturally vegetated areas and flood hazard areas; and
- Given that a house already exists on Proposed Lot 1, no additional dwelling house development is expected on the elevated and vegetated portion of the land;

Natural Hazards Code

The Natural Hazards Code is applicable to the reconfiguration development given that Proposed Lots 1 and 3 appear to be included in the Medium Risk Bushfire Hazard area and the following comments are provided in response to the Code's provisions;

- The reconfiguration proposal is not located in the High Risk Bushfire Hazard area and any new development on Proposed Lot 3 will be able to satisfy the Code's siting and setback requirements; and
- Safe and efficient access is available for evacuation and emergency vehicle access and firebreaks will be able to be provided for any new building development that satisfies the Codes requirements.

Natural Areas and Scenic Amenity Code

It appears that the Natural Areas and Scenic Amenity Code is applicable to the proposed development however it is noted that Proposed Lot 1, where a house has already been established, is the portion of the site where remnant vegetation is indicated to exist on the land. Further, Proposed Lots 2 and 3 have adequate area available for the establishment of a house without the need to be located immediately adjacent to Crees Creek. Therefore, any future development on the land will be able to be established without triggering assessment against the Natural Areas and Scenic Amenity Code dependant on where the future development is sought to be located.

Reconfiguration of a Lot Code

With regard to the Reconfiguration of a Lot Code provisions, it is noted that the proposed lots vary significantly from the minimum area and lot dimensions stated in Table 1, however the following grounds are provided in support of the proposal in response to the Code's provisions;

- As detailed in Section 4.2 of this submission, the construction of Crees Road will cause sugar cane production on the land to be non-viable and the reconfiguration of the land will provide the opportunity for alternate productive rural uses to be established on the land that do not rely on extensive land areas to be viable. A house already exists on Proposed Lot 1 that is located upslope from the portion of the lot, the less steep portion of the land that will remain suitable for more intensive cropping and primary production purposes. Proposed Lots 2 and 3

have adequate area available and suitable locations available for the establishment of a dwelling house in accordance with the Planning Scheme's Code requirements and the use of the land for more intensive cropping and primary production purposes.

- As detailed in Section 4.2 of this submission, the steeper sloping portion of the site is only able to be farmed for sugar cane by cultivating directly up the grade of the slope. This practice will not be able to be continued once Crees Road is constructed and the discontinuation of this farming practice is supported by the Codes Performance Criteria P2 which seeks to *"reduce potential impacts on the natural environment by facilitating opportunities for the improved land management practices...."*;
- Further, it is noted that Acceptable Solution A2.1 states that, *"Lot boundaries relate to natural features such as ridges or other catchment boundaries, drainage lines or flood flows, or remnant stands of vegetation."* While not specifically stated, it is considered reasonable to suggest that this provision supports lot boundaries relating to physical constraints that form barriers to the utility and productive capacity of the land for rural purposes and as detailed in Section 4.2 of this submission, the construction of Crees Road will cause sugar cane production on the land to be non-viable whereas, the subject proposal will provide the opportunity for alternate productive rural uses to be established on the land that do not rely on extensive land areas to be viable.

In respect of this matter, it is noted that Council's Proposed Planning Scheme further supports the placement of property boundaries in response to existing and/or potential road infrastructure where Performance Criteria PO7 of the Proposed Planning Scheme's Rural Zone Code states,

The minimum lot size is 40 hectares, unless

(a)

(b)

(c) the lot reconfiguration divides one lot into two lots where:

(i) the existing lot is severed by a road and the road was gazetted before 9 May 2008;

(ii) the resulting lot boundaries use the gazetted road as the boundary of the division.

In this instance, the proposed boundaries related to an existing road that is soon to be constructed and will form a significant physical barrier to the existing viable use of the land for sugar cane production and an existing sugar cane tram line and sugar cane bin storage and loading area that forms a further physical barrier to the viable use of the land for sugar cane production.

The proposed lot boundaries relate to the existing and proposed physical barriers to the viable productive use of the land for sugar cane production and will provide the opportunity for alternate productive rural uses to be established on the land that do not rely on extensive land areas to be viable.

- With regard to the Codes other relevant provisions that relate to road access and the provision of stormwater drainage, water supply and effluent disposal infrastructure services, the following is noted;
 - Crees Road will provide a suitable rural access;
 - Given that Crees Road is intended to be use for the location of the Council water supply main, if required, given it is a rural locality, connection to Council's water supply is expected to be possible; and
 - Given the area available on Proposed Lots 2 and 3 (the undeveloped lots), on-site waste water disposal is expected to be able to be provided in accordance with the applicable

requirements.

5.0 Conclusions and Recommendations

This submission supports an Application by Byron and Vicki Kurth for a Development Permit for Reconfiguration of a Lot, 1 rural lot into 3 rural lots, in respect of land described as Lot 114 on SP113652, Crees Road, Craiglie.

The reconfiguration proposal is in response to existing and proposed infrastructure, the existing tramline and sugar cane bin storage and loading area and the proposed extension of Crees Road to Council's proposed new water supply reservoir that form physical barriers to the farming of the land.

Once Crees Road is constructed, the land will be non-viable for sugar cane production and the subject proposal will provide 3 rural lots with lot areas consistent with lot areas that exists within the immediate locality and that can be utilised for rural activities that do not require extensive areas of land for rural production and given the smaller land area, are expected to be more affordable for the establishment of an alternate productive rural use.

Given the local context, the existing/proposed physical constraints and that each lot will be suitable for more intensive rural production and the development of associated buildings and residence, the proposal is considered to have merit and is recommended for approval subject to reasonable and relevant conditions.

We trust this information provided is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the undersigned in the Cairns office.

Yours sincerely
RPS



Owen Caddick-King
Principal Planner

enc: **Cheque**

Attachment 1: Completed IDAS Forms 1 and 7 (including owners consent)

Attachment 2: Certificate of Title

Attachment 3: Proposed Reconfiguration Plan RPS Drawing No PR108240-1

cc: Byron and Vicki Kurth
PO Box 681
PORT DOUGLAS, QLD, 4877

Attachment I

Completed IDAS Forms I and 7 (including owners consent)

IDAS form 1—Application details

(Sustainable Planning Act 2009 version 4.3 effective 5 December 2016)

This form must be used for **ALL** development applications.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:

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

Attach extra pages if there is insufficient space on this form.

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

This form and any other IDAS form relevant to your application must be used for development applications 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*. Whenever a planning scheme is mentioned, take it to mean land use plan for the strategic port land, Brisbane core port land or airport land.

PLEASE NOTE: This form is not required to accompany requests for compliance assessment.

Mandatory requirements

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

Name/s (individual or company name in full)

Byron and Vicki Kurth

For companies, contact name

Owen Caddick-King, RPS Australia East Pty Ltd

Postal address

Byron and Vicki Kurth

C/- RPS Australia East Pty Ltd

PO Box 1949

Suburb Cairns

State Qld

Postcode

4870

Country Aust

Contact phone number

40 311 336

Mobile number (non-mandatory requirement)

Fax number (non-mandatory requirement)



Email address (non-mandatory requirement)

owen.caddick-king@rpsgroup.com.au

@

Applicant's reference number (non-mandatory requirement)

PR108240

1. What is the nature of the development proposed and what type of approval is being sought?**Table A—Aspect 1 of the application (If there are additional aspects to the application please list in Table B—Aspect 2.)**

a) What is the nature of the development? (Please only tick one box.)

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

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

☐ Preliminary approval under s241 of SPA ☐ Preliminary approval under s241 and s242 of SPA ☒ Development permit
c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)

3 lot rural subdivision

d) What is the level of assessment? (Please only tick one box.)

☐ Impact assessment ☒ Code assessment
Table B—Aspect 2 of the application (If there are additional aspects to the application please list in Table C—Additional aspects of the application.)

a) What is the nature of development? (Please only tick one box.)

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

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

☐ Preliminary approval under s241 of SPA ☐ Preliminary approval under s241 and s242 of SPA ☐ Development permit
c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)

d) What is the level of assessment?

☐ Impact assessment ☐ Code assessment
Table C—Additional aspects of the application (If there are additional aspects to the application please list in a separate table on an extra page and attach to this form.)
☐ Refer attached schedule ☐ Not required

2. Location of the premises (Complete Table D and/or Table E as applicable. Identify each lot in a separate row.)

Table D—Street address and lot on plan for the premises or street address and lot on plan for the land adjoining or adjacent to the premises (Note: this table is to be used for applications involving taking or interfering with water.) (Attach a separate schedule if there is insufficient space in this table.)

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

Street address					Lot on plan description		Local government area (e.g. Logan, Cairns)
Lot	Unit no.	Street no.	Street name and official suburb/ locality name	Post-code	Lot no.	Plan type and plan no.	
i)			Crees Road, Craiglie	4877	144	SP113652	Douglas Shire Council
ii)							
iii)							

Planning scheme details (If the premises involves multiple zones, clearly identify the relevant zone/s for each lot in a separate row in the below table. Non-mandatory)

Lot	Applicable zone / precinct	Applicable local plan / precinct	Applicable overlay/s
i)	Rural Planning Area	N/A	Refer to RPS submission
ii)			
iii)			

Table E—Premises coordinates (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.) (Attach a separate schedule if there is insufficient space in this table.)

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

3. Total area of land on which the development is proposed (indicate square metres)

30.124ha

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

Part remnant forest area, existing residence and sugar cane farming

5. Are there any current approvals (e.g. a preliminary approval) associated with this application? (Non-mandatory requirement)

☒ No ☐ Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)

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

☐ No
☒ Yes—complete either Table F, Table G or Table H as applicable

Table F

Name of owner/s of the land	Byron M Kurth Vicki C Kurth Mallakai Pty Ltd
I/We, the above-mentioned owner/s of the land, consent to the making of this application.	
Signature of owner/s of the land	Byron M Kurth Vicki C Kurth Mallakai Pty Ltd
Date	

Table G

Name of owner/s of the land	
<input type="checkbox"/> The owner's written consent is attached or will be provided separately to the assessment manager.	

Table H

Name of owner/s of the land	
<input type="checkbox"/> By making this application, I, the applicant, declare that the owner has given written consent to the making of the application.	

7. Identify if any of the following apply to the premises (Tick applicable box/es.)

- ☒ Adjacent to a water body, watercourse or aquifer (e.g. creek, river, lake, canal)—complete Table I
- ☐ On strategic port land under the *Transport Infrastructure Act 1994*—complete Table J
- ☐ In a tidal water area—complete Table K
- ☐ On Brisbane core port land under the *Transport Infrastructure Act 1994* (No table requires completion.)
- ☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008* (no table requires completion)
- ☐ Listed on either the Contaminated Land Register (CLR) or the Environmental Management Register (EMR) under the *Environmental Protection Act 1994* (no table requires completion)

Table I

Name of water body, watercourse or aquifer
Crees Creek

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

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

9. Does the proposal include new building work or operational work on the premises? (Including any services)

☒ No ☐ Yes—ensure the nature, location and dimension of proposed works are included in plans submitted

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

☒ No—go to question 11 ☐ Yes

10a. Has the portable long service leave levy been paid? (Refer to notes at the end of this form for more information.)

☐ No

☐ Yes—complete Table L and submit, with this application, the local government/private certifier's copy of the accepted QLeave form

Table L

Amount paid	Date paid (dd/mm/yy)	QLeave project number (6 digit number starting with A, B, E, L, P or S)

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

☒ No

☐ Yes—please provide details below

Name of local government	Date of written notice given by local government (dd/mm/yy)	Reference number of written notice given by local government (if applicable)

- 12. List below all of the forms and supporting information that accompany this application** (Include all IDAS forms, checklists, mandatory supporting information etc. that will be submitted as part of this application)

Description of attachment or title of attachment	Method of lodgement to assessment manager
RPS submission in support (including IDAS Forms 1 and 7 and owners consent)	E-mail and Mail

13. Applicant's declaration

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

Notes for completing this form

- Section 261 of the *Sustainable Planning Act 2009* prescribes when an application is a properly-made application. Note, the assessment manager has discretion to accept an application as properly made despite any non-compliance with the requirement to provide mandatory supporting information under section 260(1)(c) of the *Sustainable Planning Act 2009*

Applicant details

- Where the applicant is not a natural person, ensure the applicant entity is a real legal entity.

Question 1

- Schedule 3 of the Sustainable Planning Regulation 2009 identifies assessable development and the type of assessment. Where schedule 3 identifies assessable development as "various aspects of development" the applicant must identify each aspect of the development on Tables A, B and C respectively and as required.

Question 6

- Section 263 of the *Sustainable Planning Act 2009* sets out when the consent of the owner of the land is required for an application. Section 260(1)(e) of the *Sustainable Planning Act 2009* provides that if the owner's consent is required under section 263, then an application must contain, or be accompanied by, the written consent of the owner, or include a declaration by the applicant that the owner has given written consent to the making of the application. If a development application relates to a state resource, the application is not required to be supported by evidence of an allocation or entitlement to a state resource. However, where the state is the owner of the subject land, the written consent of the state, as landowner, may be required. Allocation or entitlement to the state resource is a separate process and will need to be obtained before development commences.

Question 7

- If the premises is listed on either the Contaminated Land Register (CLR) or the Environmental Management Register (EMR) under the *Environmental Protection Act 1994* it may be necessary to seek compliance assessment. Schedule 18 of the Sustainable Planning Regulation 2009 identifies where compliance assessment is required.

Question 10

- The *Building and Construction Industry (Portable Long Service Leave) Act 1991* prescribes when the portable long service leave levy is payable.
- The portable long service leave levy amount and other prescribed percentages and rates for calculating the levy are prescribed in the *Building and Construction Industry (Portable Long Service Leave) Regulation 2013*.

Question 10a

- The portable long service leave levy need not be paid when the application is made, but the *Building and Construction Industry (Portable Long Service Leave) Act 1991* requires the levy to be paid before a development permit is issued.
- Building and construction industry notification and payment forms can be completed on the QLeave website at www.qleave.qld.gov.au. For further information contact QLeave on 1800 803 481.

Privacy—The information collected in this form will be used by the Department of Infrastructure, Local Government and Planning (DILGP), assessment manager, referral agency and/or building certifier in accordance with the processing and assessment of your application. Your personal details should not be disclosed for a purpose outside of the IDAS process or the provisions about public access to planning and development information in the *Sustainable Planning Act 2009*, except where required by legislation (including the *Right to Information Act 2009*) or as required by Parliament. This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

OFFICE USE ONLY

Date received

Reference numbers

NOTIFICATION OF ENGAGEMENT OF A PRIVATE CERTIFIER

To

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

Date of engagement	Name	BSA Certification license number	Building classification/s
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

QLEAVE NOTIFICATION AND PAYMENT (For completion by assessment manager or private certifier if applicable.)

Description of the work	QLeave project number	Amount paid (\$)	Date paid	Date receipted form sighted by assessment manager	Name of officer who sighted the form
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

IDAS form 7—Reconfiguring a lot

(Sustainable Planning Act 2009 version 3.2 effective 3 August 2015)

This form must be used for development applications or requests for compliance assessment for reconfiguring a lot.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:

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

For requests for compliance assessment, you must:

- complete IDAS form 32—Compliance assessment
- Provide any mandatory supporting information identified on the forms as being required to accompany your request

Attach extra pages if there is insufficient space on this form.

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

Mandatory requirements

1. What is the total number of existing lots making up the premises? 1 lot

2. What is the nature of the lot reconfiguration? (Tick all applicable boxes.)

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

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

Intended final use of new lots	Residential	Commercial	Industrial	Other—specify
Number of additional lots created				A total of 3 rural lots

4. What type of approval is being sought for the subdivision?

- ☒ Development permit
- ☐ Preliminary approval
- ☐ Compliance permit

5. Are there any current approvals associated with this subdivision application or request?
(E.g. material change of use.)

☒ No ☐ Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)

6. Does the proposal involve multiple stages?

☒ No—complete Table A ☐ Yes—complete Table B

Table A

- a) What is the total length of any new road to be constructed? (metres)
- b) What is the total area of land to be contributed for community purposes? (square metres)
- c) Does the proposal involve the construction of a canal or artificial waterway?
☒ No ☐ Yes
- d) Does the proposal involve operational work for the building of a retaining wall?
☒ No ☐ Yes

Nil

Nil

Table B—complete a new Table B for every stage if the application involves more than one stage

- a) What is the proposed estate name? (if known and if applicable)
- b) What stage in the development does this table refer to?
- c) If a development permit is being sought for this stage, will the development permit result in additional residential lots?
☐ No ☐ Yes—specify the total number
- d) What is the total area of land for this stage? (square metres)
- e) What is the total length of any new road to be constructed at this stage? (metres)
- f) What is the total area of land to be contributed for community purposes at this stage? (square metres)
- g) Does the proposal involve the construction of a canal or artificial waterway?
☐ No ☐ Yes
- h) Does the proposal involve operational work for the building of a retaining wall?
☐ No ☐ Yes

7. Lease/agreement details—how many parts are being created and what is their intended final use? N/A

Intended final use of new parts	Residential	Commercial	Industrial	Other—specify
Number of additional parts created				

8. What are the current and proposed dimensions following the boundary realignment for each lot forming the premises? N/A

Current lot			Proposed lot		
Lot plan description	Area (square metres)	Length of road frontage	Lot number	Area (square metres)	Length of road frontage

9. What is the reason for the boundary realignment?

N/A

10. What are the dimensions and nature of the proposed easement? (If there are more than two easements proposed please list in a separate table on an extra page and attach to this form.) N/A

Width (m)	Length (m)	Purpose of the easement (e.g. pedestrian access)?	What land is benefitted by the easement?

Mandatory supporting information

11. Confirm that the following mandatory supporting information accompanies this application or request

Mandatory supporting information	Confirmation of lodgement	Method of lodgement
All applications and requests for reconfiguring a lot		
<p>Site plans drawn to an appropriate scale (1:100, 1:200 or 1:500 are the recommended scales) which show the following:</p> <ul style="list-style-type: none"> the location and site area of the land to which the application or request relates (relevant land) the north point the boundaries of the relevant land any road frontages of the relevant land, including the name of the road the contours and natural ground levels of the relevant land the location of any existing buildings or structures on the relevant land the allotment layout showing existing lots, any proposed lots (including the dimensions of those lots), existing or proposed road reserves, building envelopes and existing or proposed open space (note: numbering is required for all lots) any drainage features over the relevant land, including any watercourse, creek, dam, waterhole or spring and any land subject to a flood with an annual exceedance probability of 1% any existing or proposed easements on the relevant land and their function all existing and proposed roads and access points on the relevant land any existing or proposed car parking areas on the relevant land the location of any proposed retaining walls on the relevant land and their height the location of any stormwater detention on the relevant land the location and dimension of any land dedicated for community 	<input checked="" type="checkbox"/> Confirmed	

<p>purposes</p> <ul style="list-style-type: none"> the final intended use of any new lots. 		
<p>For a development application – A statement about how the proposed development addresses the local government's planning scheme and any other planning documents relevant to the application.</p> <p>For a request for compliance assessment – A statement about how the proposed development addresses the matters or things against which the request must be assessed.</p>	<input checked="" type="checkbox"/> Confirmed	
<p>A statement addressing the relevant part(s) of the State Development Assessment Provisions (SDAP).</p>	<input type="checkbox"/> Confirmed <input checked="" type="checkbox"/> Not applicable	

Notes for completing this form

- For supporting information requirements for requests for compliance assessment, please refer to the relevant matters for which compliance assessment will be carried out against. To avoid an action notice, it is recommended that you provide as much of the mandatory information listed in this form as possible.

Privacy—Please refer to your assessment manager, referral agency and/or building certifier for further details on the use of information recorded in this form.

OFFICE USE ONLY

Date received

Reference numbers

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

Attachment 2

Certificate of Title

CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 25347787

Search Date: 15/02/2017 14:55

Title Reference: 50290174

Date Created: 06/12/1999

Previous Title: 50119069

REGISTERED OWNER

Interest

Dealing No: 710561802 08/05/2007

BYRON MAURICE KURTH

VICKI CHARLOTTE KURTH

JOINT TENANTS INTER SE

1/10

MALLAKAI PTY LTD A.C.N. 082 442 297

TRUSTEE

9/10

UNDER INSTRUMENT 710561802

AS TENANTS IN COMMON

ESTATE AND LAND

Estate in Fee Simple

LOT 144 SURVEY PLAN 113652

Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20099170 (POR 1V)
2. EASEMENT No 700361084 24/11/1994 at 11:10
burdening the land to
LOT 15 ON PLAN N157695
OVER EASEMENT A ON RP 861027
3. EASEMENT No 703661584 28/10/1999 at 16:27
benefiting the land over
EASEMENT B ON SP113652
4. EASEMENT No 703661585 28/10/1999 at 16:28
burdening the land to
LOT 15 ON SP113652 OVER
EASEMENT D ON SP113652
5. EASEMENT No 703661609 28/10/1999 at 16:34
burdening the land to
LOT 2 ON RP734513 OVER
EASEMENTS J AND K ON RP897739
6. EASEMENT No 703661620 28/10/1999 at 16:36
burdening the land to
LOT 2 ON RP734513 OVER
EASEMENTS L AND M ON RP897739

CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 25347787

Search Date: 15/02/2017 14:55

Title Reference: 50290174

Date Created: 06/12/1999

EASEMENTS, ENCUMBRANCES AND INTERESTS

7. EASEMENT No 703746617 09/12/1999 at 08:53
benefiting the land over
EASEMENT A ON SP113651
8. MORTGAGE No 712707180 04/09/2009 at 10:24
BANK OF QUEENSLAND LIMITED A.B.N. 32 009 656 740

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status
709660111	ACCESS RIGHT SUGAR INDUSTRY ACT 1999	06/06/2006 16:18	CURRENT
709660116	ACCESS RIGHT SUGAR INDUSTRY ACT 1999	06/06/2006 16:18	CURRENT

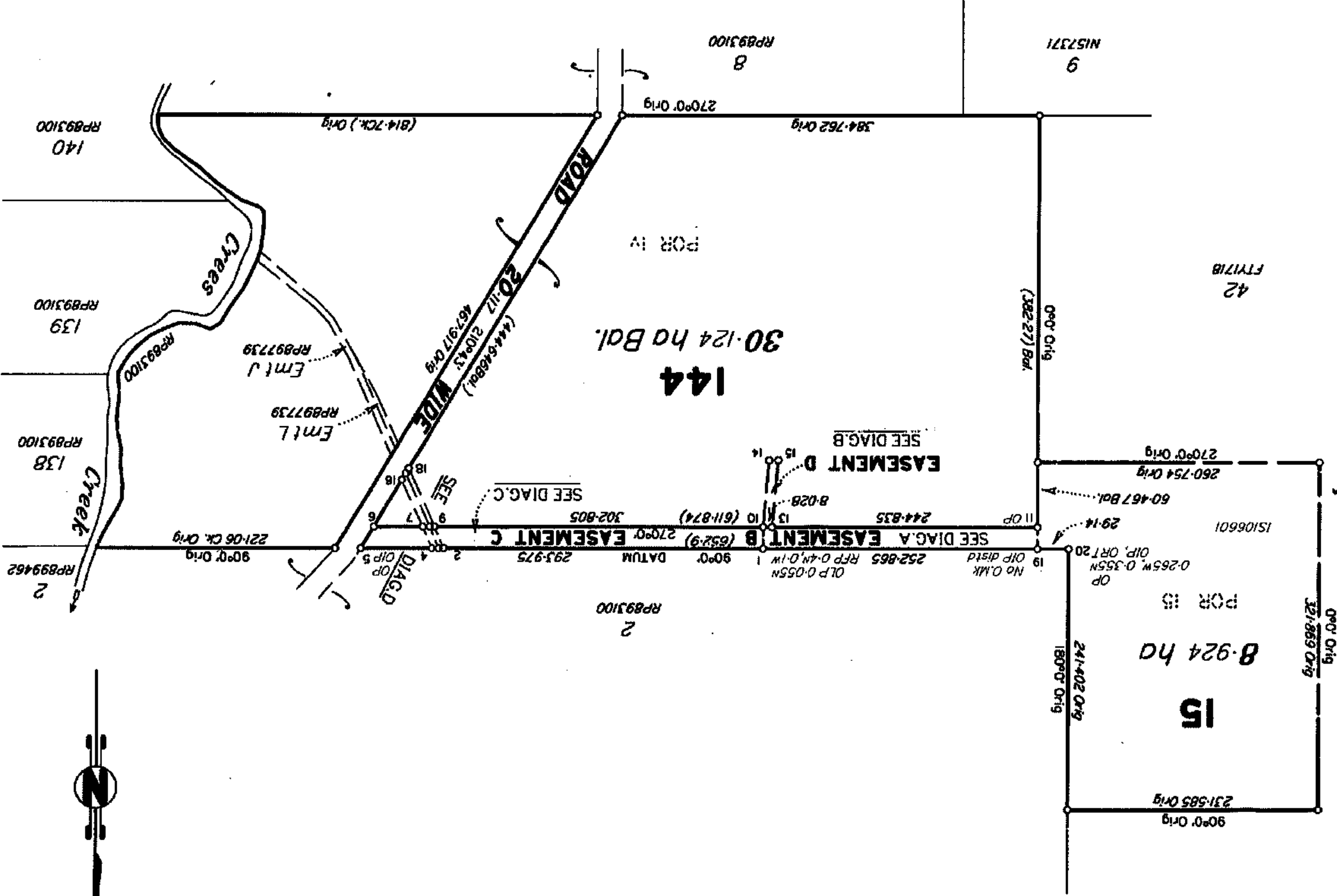
UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (DEPT OF NATURAL RESOURCES AND MINES) [2017]
Requested By: D-ENQ GLOBAL X



Scale 1:4000 - Lengths are in Metres.

Peg placed at stations 7-10 & 13-15.
Original information compiled from RP861027,
RP893100, RP897739 & N157695.
See sheet 2 for diagrams.

JOHN MACISAAC AND ASSOCIATES PTY LTD, ACN 010 553 312,
hereby certify that the Company has surveyed the land comprised
in this plan by John Oswald Mac Isaac, Licensed Surveyor, and
Darren Kenneth Ortel, Surveying Associate, for whose work the
company accepts responsibility, that the plan is accurate, that
the said survey was performed in accordance with the Surveyors
Act 1977 and the Surveyors Regulation 1992 and that the said
survey was completed on 2/6/1999



John Oswald Mac Isaac
John Oswald Mac Isaac
Director and Licensed Surveyor
Margaret Ann Mac Isaac
Margaret Ann Mac Isaac,
Director

Date: 15-6-99

Plan of Lots 15 & 144, Easements B&C in Lot 15 & Easement D in Lot 144.

Concilling Lot 15 on N157695 & Lot 144 on RP893100

PARISH: **SALISBURY** COUNTY: **Solander**

Meridian: RP893100

F/N's: No

Plan Status:

Scale: **1:4000**

Format: **STANDARD**



Plan Status:

State copyright reserved.

703661566

\$335.00
28/10/1999 16:16

CS 400 NT

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

Registered

5. Lodged by

Greer & Timms Solicitors
PO Box 57
Port Douglas Qld 4871 738

AVT.RS.7756.99

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

1. Certificate of Registered Owners or Lessees.

I/We GREER ANN MCGRATH
PROSILIO PTY. LTD.


(Names in full)

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

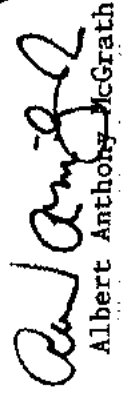
* as Lessees of this land agree to this plan.

Signature of *Registered Owners *Lessees
PROSILIO PTY LTD

Greer Ann MCGRATH


Greer Ann McGrath
Director




Albert Anthony McGrath
Director

* Rule out whichever is inapplicable

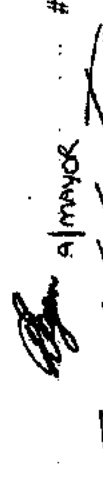
2. Local Government Approval.

* DOUGLAS SHIRE COUNCIL

hereby approves this plan in accordance with the:

% INTEGRATED PLANNING ACT 1997

Dated this 1st day of July 1999.


Mayor
CHIEF EXECUTIVE OFFICER

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

3. Plans with Community Management Statement:

CMS Number:

Name:

4. References:

Dept File:

Local Govt:

Surveyor: 99/1591 FB284

6. Existing

Title Reference	Lot	Plan	Lots	Emts	Road
21464250	15	N157695	15		
50119069	144	RP893100	15,144	B,C,D	

MORTGAGE ALLOCATION

Mortgage	Lots Fully Encumbered	Lots Partially Encumbered
701928887	15	
702477125	15	
700870295	144	15

ENCUMBRANCE EASEMENT ALLOCATION

Easement	Lots Fully Encumbered	Lots Partially Encumbered
57977 on RP893100	144	
57977 on RP893100	144	15
57977 on RP893100	144	
57977 on RP893100	144	15

BENEFIT EASEMENT ALLOCATION

Easement	Lots Fully Benefited	Lots Partially Benefited
57977 on RP893100	15 & 144	

12. Building Format Plans only.

I certify that:

- * As for as it is practical to determine, no part of the building shown on this plan encroaches onto adjoining lots or road;
- * Part of the building shown on this plan encroaches onto adjoining * lots and road

8. Map Reference:

7964-11134

9. Locality: CRAIGLIE

10. Local Government:

DOUGLAS SHIRE COUNCIL

11. Passed & Endorsed:

By: JOHN MACISAAC AND ASSOCIATES PTY.LTD.

Date: 7.7.1999

Signed:

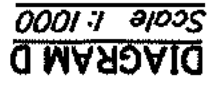
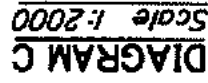
Designation: Director & Licensed Surveyor

13. Lodgement Fees:

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

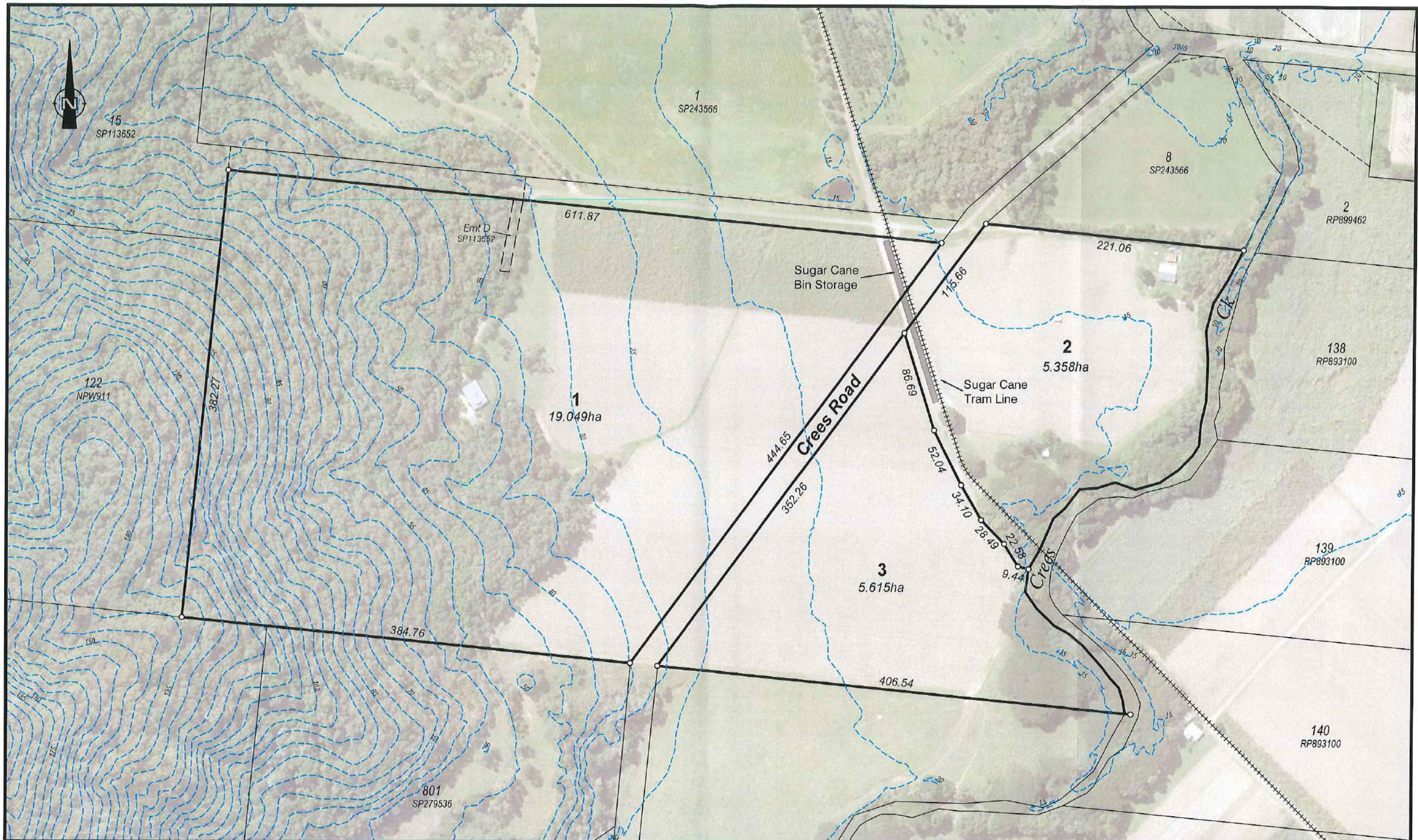
14. Insert Plan Number

SP113652



Attachment 3

RPS Drawing No PR108240-I



IMPORTANT NOTE

1. 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.

2. 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:

A. Third Party publishing, using or relying on this plan;

B. 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;

C. any inaccuracies or other faults with information or data sourced from a Third Party;

D. RPS Australia East Pty Ltd relying on surface indicators that are incorrect or inaccurate;

E. the Client or any Third Party not verifying information in this plan where recommended by RPS Australia East Pty Ltd;

F. judgement of this plan with any local authority against the recommendation of RPS Australia East Pty Ltd;

G. the accuracy, reliability, suitability or completeness of any approximations or ordinates made or referred to by RPS Australia East Pty Ltd in this plan.

3. 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.

4. Scale shown is correct for the original plan and any copies of this plan should be verified by checking against the lot scale.

5. 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.

6. Cadastral boundaries are obtained by title dimensions. These boundaries have not been verified and are approximate only.

7. The contours shown on this plan are by LIDAR scan and are suitable only for the purposes of this application. The accuracy of the contours has not been verified and no reliance should be placed upon such contours for any purpose other than for the purpose of this application for a reconfiguration of a lot.

0 30 60 90 120 150
metres

SCALE 1:3000 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A3)

AMENDMENTS		PROJECT MANAGER	
		O. Caddick-King	
		SURVEYED	
		COMPILED	
		RMS	
CAD REF	PR108240-1.DWG	SHEET 1 OF SHEETS 1	SHEET SIZE A3

Byron & Vicki Kurth

Reconfiguration of a Lot

Proposed Lots 1-3

Cancelling Lot 144 on SP113652

Crees Road

Craiglie

RPS

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SCALE	DATE	DRAWING NO.	ISSUE
1:3000	17/02/2017	PR108240-1	