

Our ref: PR148774/OCK/SD/L80072

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Date: 4 February 2021

The Chief Executive Officer
Douglas Shire Council
PO Box 723
Mossman QLD 4873

Attn: Neil Beck / Daniel Lamond

Dear Neil / Daniel,

Development Application seeking a Development Permit for Reconfiguring a Lot (Boundary Re-alignment) – Lot 2 on SP126936 and Lot 9 on RP897746, Miallo – Bamboo Creek Road, Miallo

RPS Australia East Pty Ltd (RPS) acts on behalf of Adelina Rosie D'Addona and Santuccio D'Addona (the 'applicant') in lodging abovementioned Development Application with Douglas Shire Council (DSC) over land at Lot 2 and 122 Miallo – Bamboo Creek Road, Miallo, more formally described as Lot 2 on SP126936 and Lot 9 on RP897746.

This application seeks a Development Permit for Reconfiguring a Lot (Boundary re-alignment), to allow for an access along the northern boundary of Lot 9 on RP897746.

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

- Completed DA Form 1, included as Error! Reference source not found.1;
- Certificate of Title, included as **Attachment 2**;
- Landowners consent, included as **Attachment 3**; and
- Reconfiguration Proposal Plan, RPS Drawing No. PR148774-1, included as **Attachment 4**.

The applicant has elected to pay the applicable development application fee of \$988.00 direct to Council.

1 Site Information

1.1 Site Details

The key site details are provided in Table 1.

Table 1 - Site Details

Address:	Lot 2 & 122 Miallo – Bamboo Creek Road, Miallo
Real Property Description:	Lot 2 on SP126936 & Lot 9 on RP897746
Land Area:	31.6541 Ha & 1,500m ²
Landowners:	Lot 2 on SP126936 - Adelina Rosie D'Addona and Santuccio D'Addona Lot 9 on RP897746 – Anthony John D'Addona

Easements / Encumbrances:

Lot 2 on SP126936 – Easement A on SP264283 (cane railway)

1.2 Site Characteristics

The site characteristics are provided in Table 2.

Table 2 - Site Characteristics

Topography:	Relatively Flat
Vegetation:	The site has been historically cleared for cane farming, however Category B Remnant Vegetation is located within the riparian zone of Saltwater Creek.
Road Frontage:	Lot 2 Miallo – Bamboo Creek Road – approximately 79 metres 122 Miallo – Bamboo Creek Road – approximately 30 metres
Existing Use:	Lot 2 on SP126936 – Cane farm Lot 9 on RP897746 – Residential Dwelling

1.3 Planning Context

The planning context of the site is detailed in

Table 3.

Table 3 - Planning Context

Instrument	Designation
Douglas Shire Planning Scheme 2018 v1.0	
Zoning	Environmental Management and Rural
Overlays	<ul style="list-style-type: none">• Acid Sulfate Soils Overlay<ul style="list-style-type: none">– Acid Sulfate Soils (5-20m AHD)– Acid Sulphate Soils (< 5m AHD)• Flood and Storm Tide Inundation Overlay<ul style="list-style-type: none">– Floodplain Assessment Overlay• Landscape Values Overlay<ul style="list-style-type: none">– High Landscape Values– Medium Landscape Values• Natural Areas Overlay<ul style="list-style-type: none">– MSES – Regulated Vegetation (of Concern Regional Ecosystem)– MSES – Wildlife Habitat• Potential Landslide Hazard Overlay<ul style="list-style-type: none">– Potential Landslide Hazard• Transport Network (Pedestrian and Cycle Overlay)<ul style="list-style-type: none">– State Controlled Road

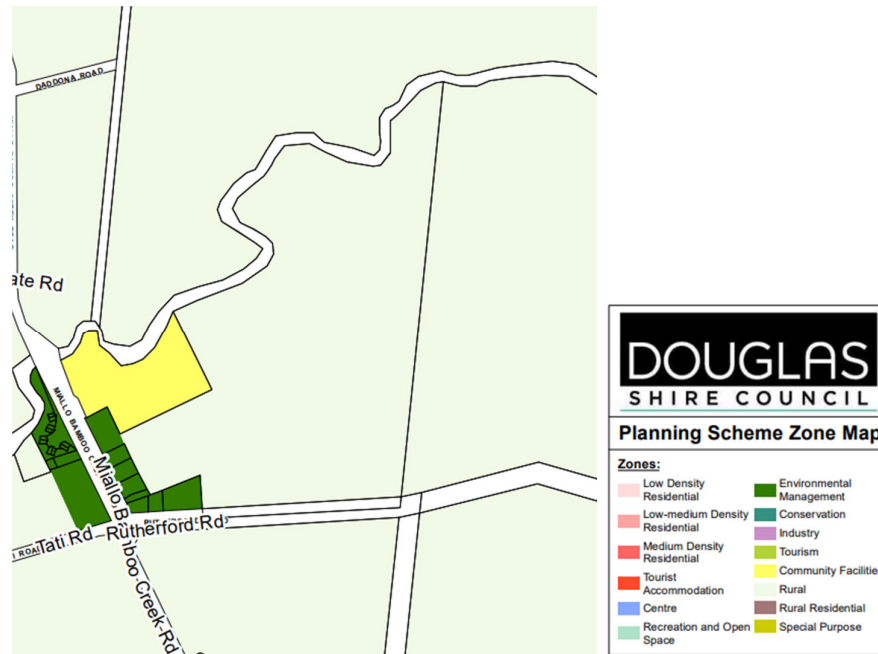
Instrument	Designation
	<ul style="list-style-type: none"> Transport Network (Road Hierarchy) Overlay <ul style="list-style-type: none"> Major Rural Road
State Matters	
Referrals	Nil

1.3.1 Zoning

The subject site (Lot 2 on SP126936) is located within two (2) zones within the Planning Scheme. The portion of the Lot 2 fronting Miallo – Bamboo Creek Road, as depicted in **Figure 1**, is located within the Environmental Management Zone and the balance area is located within the Rural Zone of the Douglas Shire Planning Scheme 2018 v1.0.

Lot 9 on RP897746 is also located in the Environmental Management Zone. Therefore, the land subject of the proposed boundary realignment is effectively located within the Environmental Management Zone.

Figure 1: Zoning Map

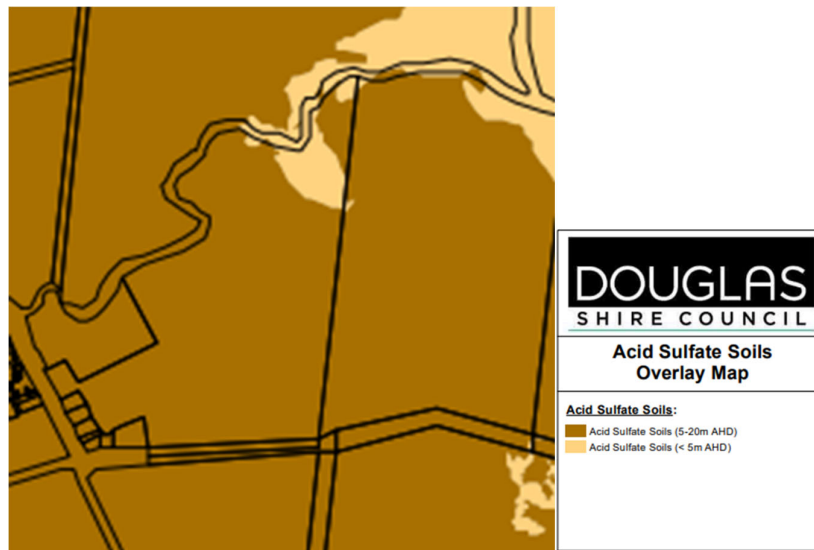


1.3.2 Overlays

1.3.2.1 Acid Sulfate Soils Overlay

Whilst it is noted that the majority of the site is located within the Acid Sulfate Soils area (5-20m AHD) and a small portion of the site depicted as Acid Sulfate Soils (<5m AHD), as depicted in **Figure 2**, it is noted that the proposed development is solely for a boundary re-alignment for access and will not result in any change in the current land use nor undertaking of any Operational Works. On this basis it is the considered opinion of RPS that detailed assessment of the proposal against the Acid Sulfate Soils Overlay is not required.

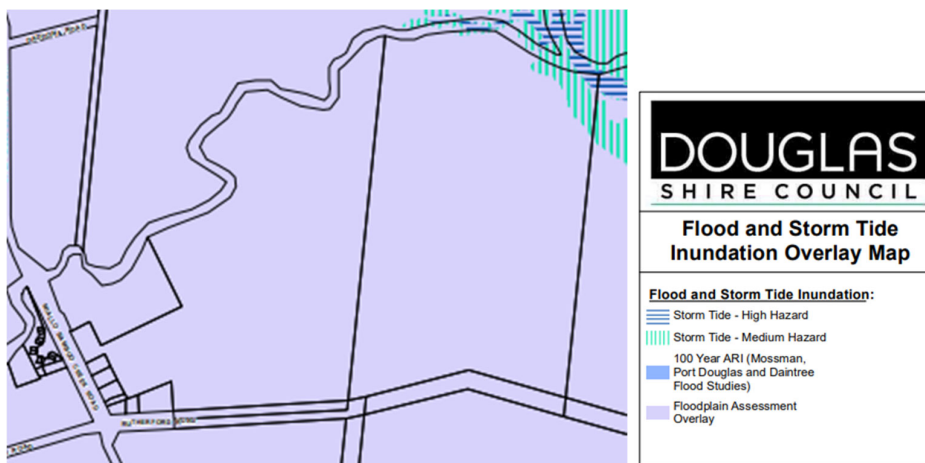
Figure 2: Acid Sulfate Soils Overlay



1.3.2.2 Flood and Storm Tide Inundation Overlay

The subject site is mapped as being within the Floodplain assessment area of the Planning Scheme, as depicted in **Figure 3**. Whilst it is acknowledged that the subject site in its entirety is located within the Floodplain Assessment area, it is noted that the proposal does not seek to change land use or provide for any additional buildings or structures, as such the proposed boundary re-alignment will not adversely impact the functioning of the foodplain nor create any increased risk of personal or economic threats posed by flooding.

Figure 3: Flood and Storm Tide Inundation Overlay

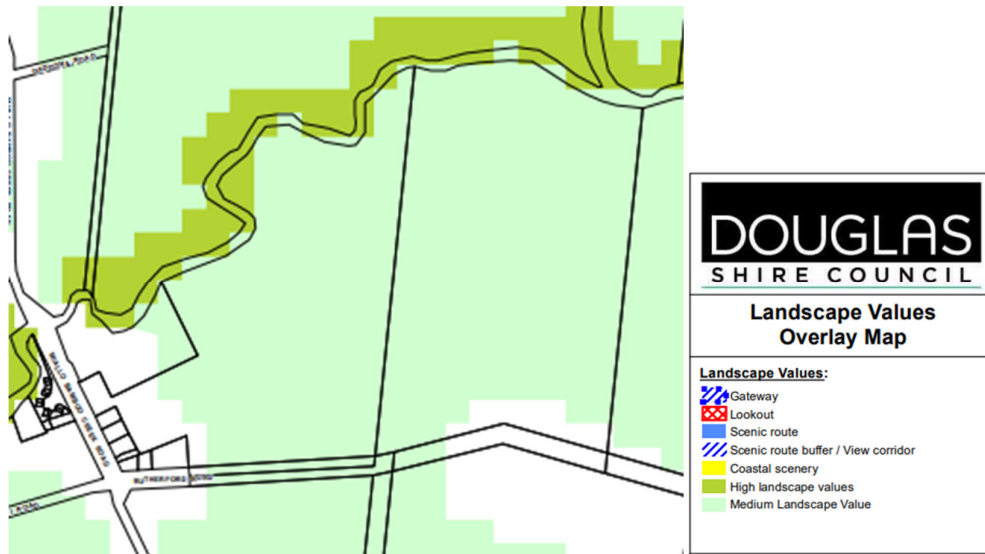


1.3.2.3 Landscape Values Overlay

The subject site is mapped as being predominantly located within the Medium Landscape Value area and the riparian zone within Saltwater Creek is mapped as being of High Landscape Value under the Overlay mapping depicted in **Figure 4**. RPS notes that the area subject of the proposed boundary re-alignment is not subject to

either Medium or High Landscape Value, as depicting within the Overlay and on this basis it is expected that the proposed boundary re-alignment will not impact landscape values.

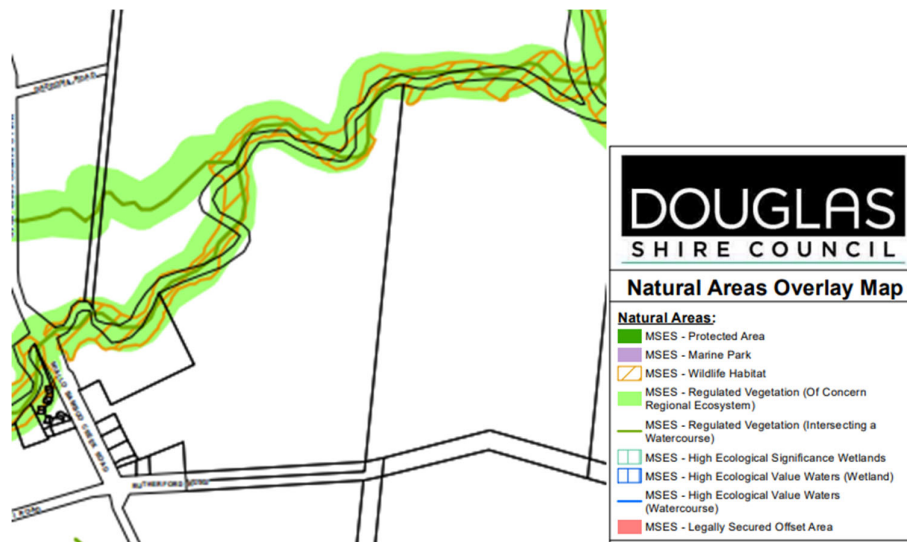
Figure 4: Landscape Values Overlay Map



1.3.2.4 Natural Areas Overlay

The subject site is mapped as containing areas of MSES Regulated Vegetation (Of Concern Regional Ecosystem) and MSES (Wildlife Habitat) within the riparian zone of Saltwater Creek, as depicted in **Figure 5**. Whilst the applicant acknowledges the presence of these MSES areas, it is also noted that the proposed boundary re-alignment will not impact these areas. On this basis it is the considered opinion of RPS that detailed assessment of the proposal against the Natural Areas Overlay is not required.

Figure 5: Natural Areas Overlay Map

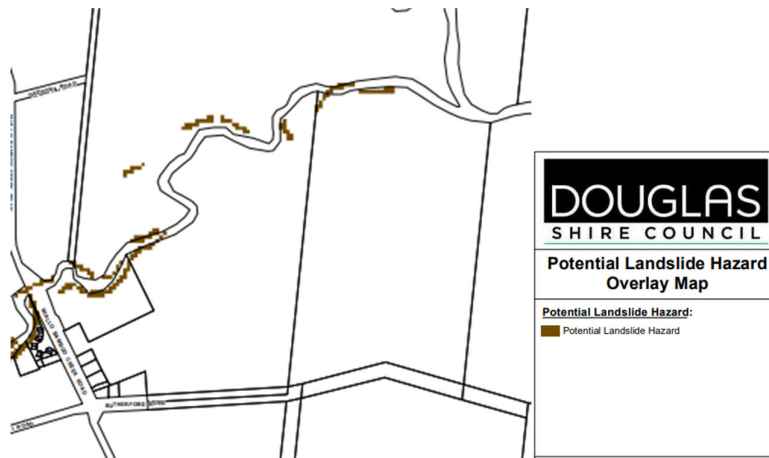


1.3.2.5 Potential Landslide Hazard Overlay

Whilst it is acknowledged that the subject site contains areas within the north east portion of Lot 2 on SP126936 that are subject of potential landslide impacts, it is noted that the proposed development is noted located within

the vicinity of these areas, as depicted on **Figure 6**. On this basis it is the considered opinion of RPS that detailed assessment of the proposal against the Potential Landslide Overlay is not required.

Figure 6: Potential Landslide Hazard Overlay



1.4 Surrounding Land Use

The subject site is located within the Rural Zone and the Environmental Management Zone under the current Planning Scheme for Douglas Shire. The proposed development is located within the Township of Miallo, which provides limited essential services, with Mossman the major locality for a range of health, education and retail services and facilities, located approximately 8 km to the south. With regards to the immediate adjacent land uses, the site shares a boundary with the following:

- North:** Rural – cane production
- South:** Rural – cane production
- East:** Rural – cane production
- West:** Residential

2 Proposed Development

The applicant seeks to re-align the existing boundary between Lot 2 on SP126936 and Lot 9 on RP897746 for the purpose of creating an access between the two (2) freehold lots, as per the Reconfiguration Proposal Plan, RPS Drawing No. PR148774-1, included as **Attachment 4**.

The subject site is zoned Environmental Management and Rural and is currently utilised for the purpose of cane production (Lot 2 on SP126936) and residential (Lot 9 on RP897746). The intent of the proposed development is to provide a 3 metres wide access along the northern boundary to provide access to the rear of Lot 9 on RP897734.

Lot 2 on SP126936 contains regulated Vegetation (Category B and Category R) as depicted on the regulated vegetation Mapping. The application does not trigger referral for the clearing of native vegetation on the grounds that no additional lots will be created and no new lot boundaries are proposed in proximity of the mapped regulated vegetation.

3 State, Regional & Local Assessment Benchmarks

3.1 Applicable Act/s

The *Planning Act 2016* and its subordinate legislation is the applicable act for the assessment of this development application.

3.2 Confirmation that Development is Not Prohibited

The proposed development is not prohibited. This has been established by considering all relevant instruments which can provide prohibition under the *Planning Act 2016*.

3.3 State Planning Policy

The Douglas Shire Planning Scheme 2018 v1.0 incorporates all aspects of the July 2017 State Planning Policy (SPP). Therefore, compliance with the relevant provisions of the Planning Scheme is understood to adequately address the assessment benchmarks stated in the SPP.

3.4 Temporary State Planning Policy

Section 26(2)(a)(iii) of the *Planning Regulation 2017* requires code assessment must be carried out against any temporary State Planning Policy applying to the premises.

In this instance no temporary State planning policies apply.

3.5 Regional Plan

Section 30 of the *Planning Regulation 2017* requires that the code assessment of this application must be carried out against the assessment benchmarks stated in the regional Plan, to the extent the Regional Plan is not identified in the planning scheme as having been appropriately integrated.

The subject land is located within the far North Queensland Regional Plan area and it has been acknowledged by the Minister that the Douglas Shire Planning Scheme 2018 advances this Regional Plan, so assessment of the applicable Planning Scheme is adequate.

3.6 State interests (referrals)

A review of Schedule 10 of the *Planning Regulation 2017* indicates that the proposed development does not trigger referral to the State Assessment and Referral Agency (SARA).

3.7 Local Planning Assessment Provisions

3.7.1 Applicable Assessment Instrument

The Douglas Shire Council Planning Scheme 2018 v1.0, is the applicable Local Categorising Instrument for this development application.

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

3.7.2 Level of Assessment

The table below summarises the level of assessment under the provisions of the Douglas Shire Council Planning Scheme 2018 v1.0:

Table 4: Level of Assessment

Aspect of Development	Local Categorising Instrument that determines Level of Assessment	Level of Assessment
Reconfiguring of a Lot (Boundary Re-alignment)	Douglas Shire Council Planning Scheme 2018 v1.0	Code Assessable

3.7.3 Public Notification

This application does not require public notification on the basis that it is subject to 'code' assessment.

3.7.4 Zone

The subject site is split between two (2) zones within the Planning Scheme. The western portion of the site fronting Miallo - Bamboo Creek road is located within the Environmental Management Zone and the balance of the site is located within the Rural Zone of the Douglas Shire Planning Scheme 2018 v1.0.

3.7.5 Codes

The planning scheme codes applicable to the proposal, and the location of the relevant appended code responses are identified in Table 5.

Table 5 - Planning Scheme Code Responses

Planning Scheme Codes	Response
Zone Codes	
Rural Zone Code Environmental Management Zone Code	Complies – No additional lots are created and the boundary re-alignment is an insignificant variation to the existing lot sizes and lot configuration.
Development Codes	
Reconfiguring a Lot Code	Complies – No additional lots are created and the boundary re-alignment is an insignificant variation to the existing lot sizes and lot configuration.
Filling and excavation Code	The proposal relates solely to a boundary re-alignment to provide access along the northern boundary of Lot 9 on RP897746, within Lot 2 on SP126936, to enable access to the rear boundary of Lot 9. The access already exists and the proposed development is simply to formalise existing access arrangements.
Infrastructure Works Code	The proposal relates solely to a boundary re-alignment. There are no requirements for any additional infrastructure associated with this proposal.
Landscaping Code	The proposal relates solely to a boundary re-alignment.
Vegetation Management Code	The subject site has been historically cleared for both cane production and residential development. Remnant vegetation located with the riparian zone of Saltwater Creek will not be impacted by the proposed boundary re-alignment.
Overlay Codes	
Acid Sulfate Soils Overlay Code	Refer to section 1.3.2.1
Flood and Storm Tide Inundation Overlay Code	Refer to section 1.3.2.2
Landscape Values Overlay Code	Refer to section 1.3.2.3
Natural Areas Overlay Code	Refer to section 1.3.2.4
Potential landslide Hazard Overlay Code	Refer to section 1.3.2.5
Transport Network Overlay Code	The proposal for a boundary re-alignment is to create an access within existing Lot 9 on RP897746 to enable access to the rear of Lot 9 through existing Lot 2 on SP126936. The proposal will use the existing access to Miallo Bamboo Creek Road and will not involve any increase in the traffic generation.

Given the nature of this application, it is the considered opinion of RPS that this proposal does not require detailed assessment against all applicable code provisions. This opinion has been formed on the basis that the proposed development is compliant with the applicable provisions of the Environmental Management

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Zone Code and Rural Zone Code and the Performance Outcomes relating to reconfiguring a lot. A detailed assessment of the proposal against relevant provisions of the Planning Scheme is included as Attachment 4 to this report. A review of the applicable codes has been undertaken and the proposed development has been determined to be generally consistent with all relevant code provisions.

4 Conclusion

This town planning application supports a development application made by RPS on behalf of Santo and Adelina D'Addona to Douglas Shire Council seeking a Development Permit for Reconfiguring a Lot (Boundary Re-alignment), over land located on the Miallo - Bamboo Creek Road, Miallo, more formally described as Lot 2 on SP2136936 and lot 9 on RP897746.

The proposed development seeks to re-align the boundaries to formalise an existing access to Lot 9 along the northern boundary of Lot 9 on RP897746. The proposed boundary re-alignment will formalise the existing access arrangement that currently exists allowing access to Lot 9 on RP897746 through Lot 2 on SP126936.

In summary, we submit that the proposed development is unlikely to have any significant impacts upon infrastructure, environment or community that cannot be addressed through the imposition of reasonable and relevant conditions. On this basis it has been determined that the proposal is compliant with relevant 'Acceptable Solution' and/or "Performance Criteria" provided in the Planning Scheme. On this basis, approval is sought subject to reasonable and relevant conditions.

Yours sincerely,
for RPS Australia East Pty Ltd



Owen Caddick-King

Principal Planner

owen.caddick-king@rpsgroup.com.au

4276 1027

enc: **Attachment 1:** Completed DA Form 1
 Attachment 2: Certificate of Title
 Attachment 3: Landowners Consent
 Attachment 4: Proposal Plan - PR148774-1

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Attachment 1

Completed DA Form 1

DA Form 1 – Development application details

Approved form (version 1.3 effective 28 September 2020) made under section 282 of the Planning Act 2016.

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

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

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

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

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

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

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

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Santo D'Addona c/- RPS Australia East Pty Ltd
Contact name (only applicable for companies)	Owen Caddick-King – RPS Australia East Pty Ltd
Postal address (P.O. Box or street address)	PO Box 1949
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Contact number	(07) 4031 1336
Email address (non-mandatory)	owen.caddick-king@rpsgroup.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	PR148774

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
			Miallo – Bamboo Creek Road	Miallo
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	2	SP126939	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
		122	Miallo - Bambo Creek Road	Miallo
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		9	RP897746	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.

☐ 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: <input type="text"/>	

☐ 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"/> WGS84	
		<input type="checkbox"/> 55	<input type="checkbox"/> GDA94	
		<input type="checkbox"/> 56	<input type="checkbox"/> Other: <input type="text"/>	

3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

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

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

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

Name of airport:

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

<p>5) Are there any existing easements over the premises?</p> <p><i>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.</i></p> <p><input checked="" type="checkbox"/> Yes – All easement locations, types and dimensions are included in plans submitted with this development application</p> <p><input type="checkbox"/> No</p>

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? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input checked="" type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input checked="" type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
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):
ROL (Boundary re-alignment) to provide for existing access.
e) Relevant plans
<i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms guide: Relevant plans.</i>
<input checked="" type="checkbox"/> 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? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
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
<i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>
<input type="checkbox"/> Relevant plans of the proposed development are attached to the development application
6.3) Additional aspects of development
<input type="checkbox"/> 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
<input checked="" type="checkbox"/> 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 constructed road (complete 13))

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

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

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)
Lot 2 on SP126936	31,6541 Ha	Refer to RPS Drawing No. PR148774-1	
Lot 9 on RP897746	1,500 m ²	Refer to RPS Drawing No. PR148774-1	
12.2) What is the reason for the boundary realignment?			
To create an access along the northern boundary of Lot 9			

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)				
Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

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

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

PART 4 – ASSESSMENT MANAGER DETAILS

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

PART 5 – REFERRAL DETAILS

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

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

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

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

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

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

- ☐ Airport land
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has been devolved to local government*)

<input type="checkbox"/> Heritage places – Local heritage places
Matters requiring referral to the Chief Executive of the distribution entity or transmission entity: <input type="checkbox"/> Infrastructure-related referrals – 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"/> Infrastructure-related referrals – Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council: <input type="checkbox"/> Ports – Brisbane core port land
Matters requiring referral to the Minister responsible for administering the <i>Transport Infrastructure Act 1994</i>: <input type="checkbox"/> Ports – Brisbane core port land (<i>where inconsistent with the Brisbane port LUP for transport reasons</i>) <input type="checkbox"/> Ports – Strategic port land
Matters requiring referral to the relevant port operator , if applicant is not port operator: <input type="checkbox"/> Ports – Land within Port of Brisbane's port limits (<i>below high-water mark</i>)
Matters requiring referral to the Chief Executive of the relevant port authority: <input type="checkbox"/> Ports – Land within limits of another port (<i>below high-water mark</i>)
Matters requiring referral to the Gold Coast Waterways Authority: <input type="checkbox"/> Tidal works or work in a coastal management district (<i>in Gold Coast waters</i>)
Matters requiring referral to the Queensland Fire and Emergency Service: <input type="checkbox"/> Tidal works or work in a coastal management district (<i>involving a marina (more than six vessel berths)</i>)

18) Has any referral agency provided a referral response for this development application?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application <input type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application (<i>if applicable</i>).		

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 <u>DA Forms Guide</u> .

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 – a 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 (e.g. building and construction work is less than \$150,000 excluding GST)		
Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?	
<input type="checkbox"/> Yes – show cause or enforcement notice is attached <input checked="" type="checkbox"/> No	

23) Further legislative requirements			
<u>Environmentally relevant activities</u>			
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 <i>Environmental Protection Act 1994</i>?			
<input type="checkbox"/> Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below <input checked="" type="checkbox"/> No <small>Note: Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.</small>			
Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			
<input type="checkbox"/> Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.			
<u>Hazardous chemical facilities</u>			
23.2) Is this development application for a hazardous chemical facility?			
<input type="checkbox"/> Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application <input checked="" type="checkbox"/> No <small>Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.</small>			

Clearing native vegetation

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

- ☐ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)
☒ No

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

Environmental offsets

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

- ☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter
☒ No

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

Koala habitat in SEQ Region

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

- ☐ Yes – the development application involves premises in the koala habitat area in the koala priority area
☐ Yes – the development application involves premises in the koala habitat area outside the koala priority area
☒ No

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

Water resources

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

- ☐ Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development
☒ No

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

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

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

Waterway barrier works

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

- ☐ Yes – the relevant template is completed and attached to this development application
☒ No

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

Marine activities

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

- ☐ Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*
☒ No

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

Quarry materials from a watercourse or lake

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

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

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

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

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

Note: Contact the Department of Environment and Science at www.des.qld.gov.au for further information.

Referable dams

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

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

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

Tidal work or development within a coastal management district

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

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

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

Queensland and local heritage places

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

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

Note: See guidance materials at www.des.qld.gov.au for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
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Brothels

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

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

Decision under section 62 of the Transport Infrastructure Act 1994

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

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

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

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

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

☒ No

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

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

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

☒ Yes

Note: See the Planning Regulation 2017 for referral requirements

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

☐ Yes

☒ Not applicable

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

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

☒ Yes

Relevant plans of the development are attached to this development application

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

☒ Yes

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

☐ Yes

☒ Not applicable

25) Applicant declaration

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

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

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

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

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

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

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

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

Date received: Reference number(s):

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

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

Attachment 2

Certificate of Title

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 36124687

Search Date: 27/01/2021 11:23

Title Reference: 50364862

Date Created: 06/09/2001

Previous Title: 20295098
20306047
20917135
20917136
50129251

REGISTERED OWNER

Dealing No: 718184713 31/07/2017

ADELINA ROSIE D'ADDONA

SANTUCCIO D'ADDONA JOINT TENANTS

ESTATE AND LAND

Estate in Fee Simple

LOT 2 SURVEY PLAN 126936
Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20120014 (POR 66)
2. EASEMENT No 715602335 14/02/2014 at 14:45
benefiting the land over
EASEMENT A ON SP264283
3. COVENANT No 718184742 31/07/2017 at 15:42
restricts dealings over
LOT 1 ON RL2824 AND
LOT 2 ON SP126936

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status
709680343	ACCESS RIGHT	15/06/2006 09:51	CURRENT
	SUGAR INDUSTRY ACT 1999		

UNREGISTERED DEALINGS - NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (NATURAL RESOURCES, MINES AND ENERGY) [2021]
Requested By: D-ENQ GLOBALX

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 36124701

Search Date: 27/01/2021 11:24

Title Reference: 50129252

Date Created: 20/06/1996

Previous Title: 21514115

REGISTERED OWNER

Dealing No: 701319375 21/05/1996

ANTHONY JOHN D'ADDONNA

ESTATE AND LAND

Estate in Fee Simple

LOT 9 REGISTERED PLAN 897746
Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20120014 (POR 66)

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

** End of Current Title Search **

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Requested By: D-ENQ GLOBALX

Attachment 3

Landowners Consent

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

I, Anthony John D'Addona

[Insert full name]

as owner of the premises identified as follows:

Lot 9 on RP897746

[Insert street address, lot on plan description or coordinates of the premises the subject of the application.]

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


Adelina Rosie D'Addona and Santuccio D'Addona

[Insert name of applicant.]

on the premises described above for:

Boundary Re-alignment

[Insert details of the proposed development, e.g. material change of use for four storey apartment building]

X 

[signature of owner and
date signed]

Attachment 4
Proposal Plan - PR148774-1

