

APPLICATION FOR A DEVELOPMENT PERMIT

## RECONFIGURING A LOT BOUNDARY REALIGNMENT

on behalf of  
J & V Noli Pty Ltd

at  
6730 and 6868 Captain Cook Highway, Killaloe

on  
Lots 3 and 4 on RP893855





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## 1.0 INTRODUCTION

This town planning report has been prepared on behalf of the Applicants, J & V Noli Pty Ltd, in support of a development application seeking a Development Permit for a Reconfiguring a Lot (Boundary Realignment - 2 into 2 Lots) on land at 6730 and 6868 Captain Cook Highway, Killaloe, formally described as Lots 3 and 4 on RP893855.

It is proposed to create an allotment around the existing nursery and consolidate the surrounding farm land including the existing farm shed.

To assist in Council's determination of this development application, this planning report covers the following matters:

Section 2:- Subject site description.

Section 3:- A detailed description of the development proposal.

Section 4:- A review of the relevant legislative provisions.

Section 5:- An assessment of the proposal against the relevant code provisions of the Douglas Shire Planning Scheme 2018.

Section 6:- Conclusion.

The development application is made in accordance with section 51 of the Planning Act 2016 and contains the mandatory supporting information specified in the applicable DA form, included in **Appendix A**. In accordance with section 51 of the Planning Act 2016, owners consent is not required as the applicant is the land owner. The application is subject to code assessment and therefore public notification will not be required.







### 3.0 THE PROPOSAL

The proposed boundary realignment seeks to create an allotment containing the existing nursery (proposed Lot 31) and one large balance allotment including the large farm shed (proposed Lot 32). Proposed Lot 31 will have an area of 1.64ha and proposed Lot 32 will have an area of 88.12ha.

The proposed reconfiguration is identified on the proposal plan included in **Appendix C**, an extract is shown on **Figure 2**.

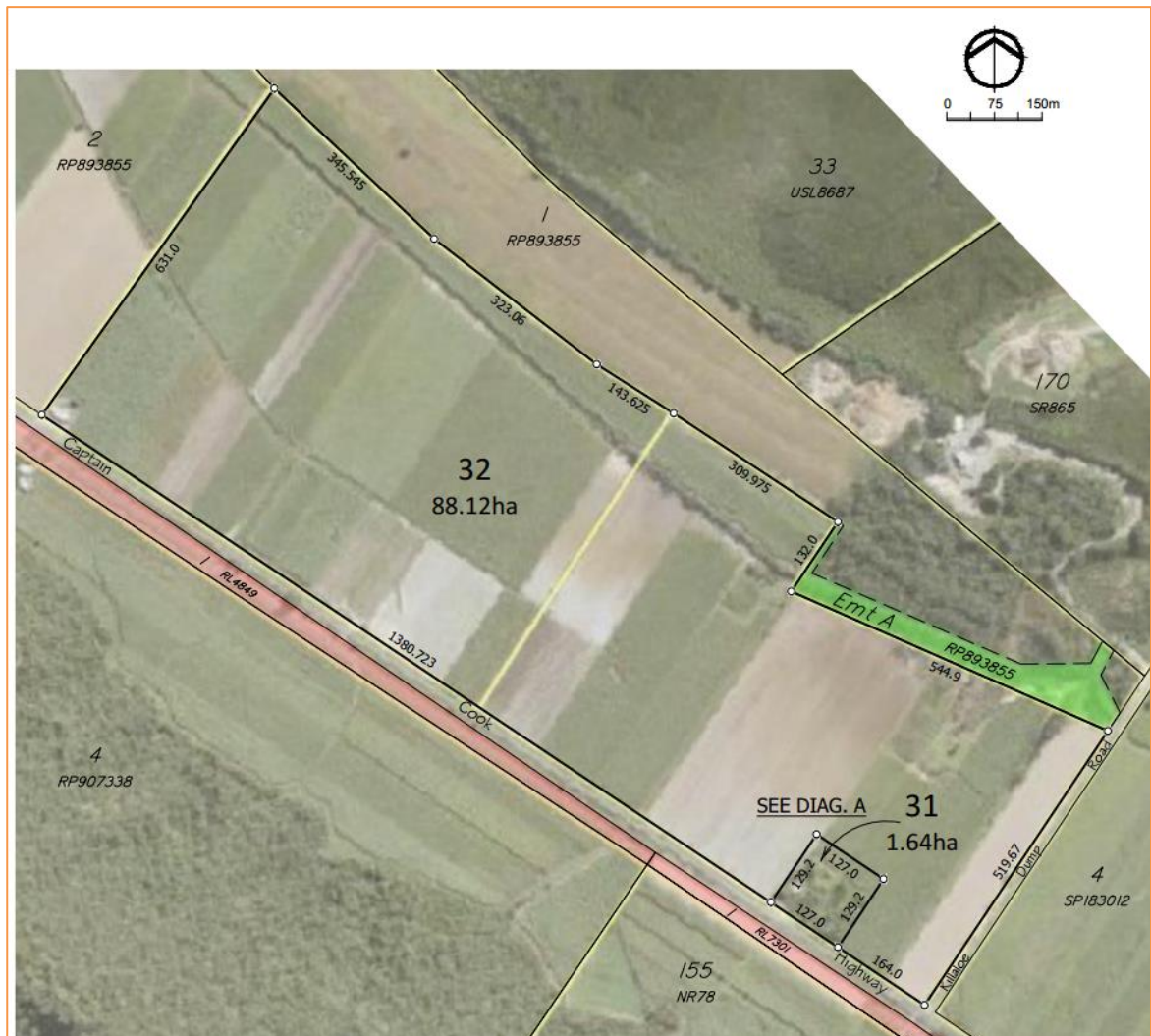


Figure 2: Extract of Proposal Plan prepared by Brazier Motti

Proposed Lot 31 will continue to gain access from Captain Cook Highway via an established crossover and driveway, whilst proposed Lot 32 has multiple access points for farming purposes and one to access the existing shed. There will be no changes or additions to services required and there is no change to the impermeable nature of the site at this stage. The development is not anticipated to cause adverse effects on stormwater quality, stormwater flow, receiving waters and wastewater impacts within the local area. This application is merely to rationalise tenure by realigning the boundaries around the existing nursery to allow the land use to be contained on a manageable parcel.



The subject site is zoned Rural for the purpose of the Douglas Shire Planning Scheme 2018. An extract of the zoning map is shown on *Figure 3* below. Land immediately adjacent to the subject site is equally also zoned Rural.

The predominant land use within the area is sugar cane farming.

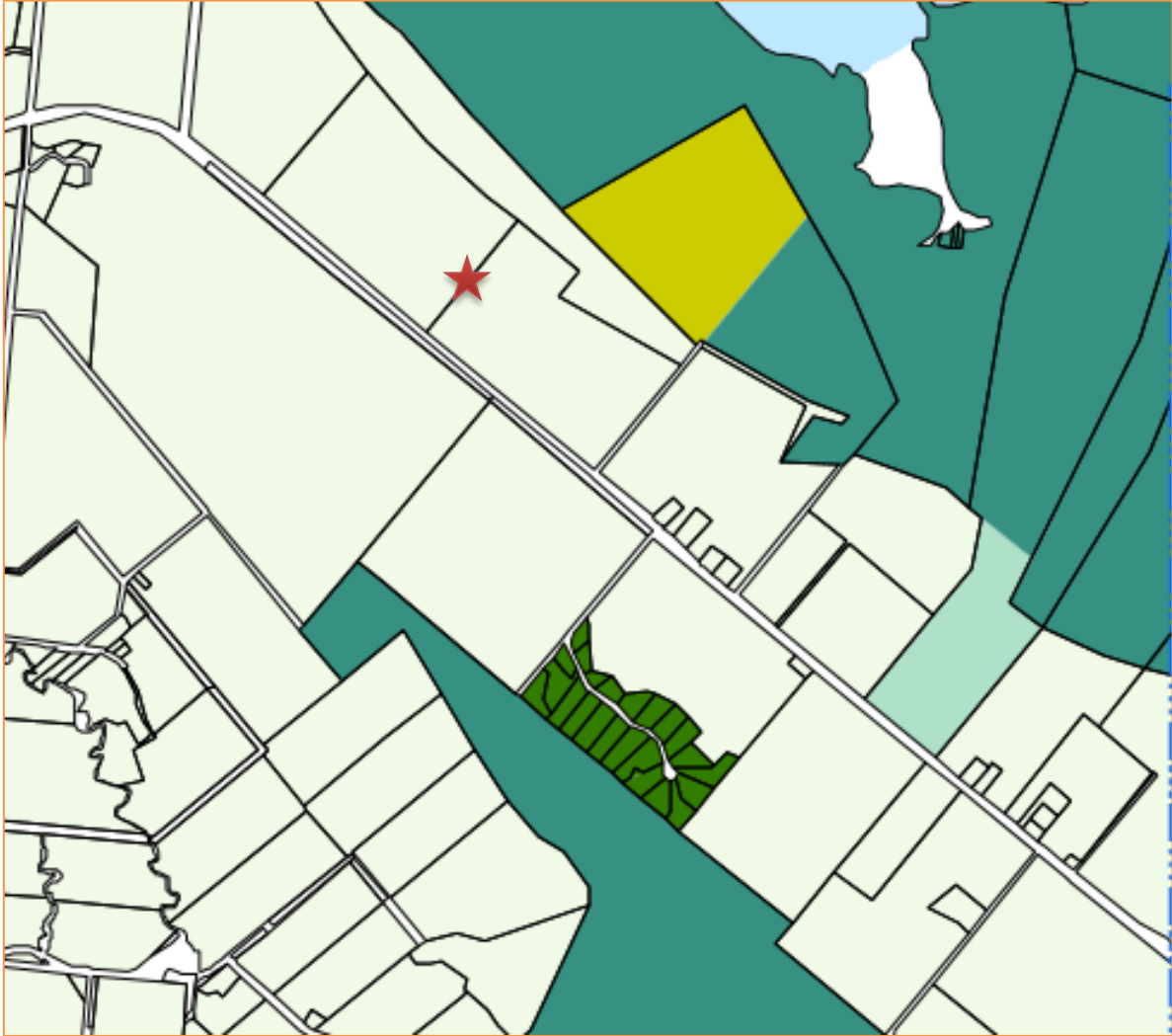


Figure 3: Extract of zoning map (Douglas Shire Planning Scheme)



## 4.0 RELEVANT LEGISLATION

### 4.1 COMMONWEALTH LEGISLATION

The application is not subject to assessment against Commonwealth legislation. It is not anticipated that development of this land will trigger assessment against the Environmental Protection and Biodiversity Conservation Act 1999 (EPBC), as it is not anticipated that the development will significantly impact upon a matter of national environmental significance.

### 4.2 THE PLANNING ACT 2016

The Planning Act 2016 provides the framework for coordinating local, regional and state planning. Given the nature of the development, the application requires assessment against this legislation.

### 4.3 STATE ASSESSMENT AND REFERRALS

Consideration of the proposed application against Schedule 10 of the Planning Regulation 2017 determined the proposal does not trigger any referral matters.

Whilst the subject site abuts a State controlled road corridor, the number of lots will not increase and the existing access locations will remain unchanged. Hence, referral to SARA is not required.

Parts of the subject site are contained within the wetland protection trigger area. However, the proposal is merely a boundary realignment and will not involve any works. Referral for wetland protection matters is not required.

### 4.4 STATE PLANNING POLICY

In accordance with section 2.1 – State Planning Policy of the planning scheme, the Minister has identified that all aspects of the SPP have been integrated into the planning scheme. Hence, for the purposes of this development, we consider that assessment of the proposal against the provisions of the SPP is not required, and all relevant matters will be dealt with under the provisions of the planning scheme.

### 4.5 FAR NORTH QUEENSLAND REGIONAL PLAN

The subject site is located within the regional landscape and rural protection area identified in the FNQ Regional Plan and the proposed development is not inconsistent with the outcomes of the FNQ Regional Plan. The boundary realignment does not reduce the capacity of productive rural land. The proposal simply seeks to rationalise the existing tenure.

### 4.6 ASSESSMENT MANAGER AND PLANNING SCHEME

Douglas Shire Council is nominated as the assessment manager for the application. The applicable planning scheme is the Douglas Shire Planning Scheme 2018.

### 4.7 PUBLIC NOTIFICATION

The proposed development on the subject site does not require public notification under the provisions of the Planning Act 2016.



## 5.0 THE PLANNING FRAMEWORK

### 5.1 THE DOUGLAS SHIRE COUNCIL PLANNING SCHEME 2018

The planning scheme seeks to achieve outcomes through the identification of a number of overall outcomes, performance outcomes and acceptable solutions. Land identified within the planning scheme is divided into a number of zones. Zones are further identified within individual precincts and local plans. The planning scheme further identifies numerous overlay codes.

### 5.2 PLANNING SCHEME DESIGNATIONS

In accordance with the Douglas Shire Planning Scheme 2018, the site is subject to the designations listed in the table below. These designations will assist in determining which Tables of Assessment are applicable to the proposed development on the subject site and therefore assist in the determination of the Category of assessment and the codes applicable to the proposed development.

#### *Planning Scheme Designation*

Type of Designation	Designation and Applicability
Zone	Rural Zone
Acid Sulfate Soils Overlay	Part of the subject site is identified as containing the Acid Sulfate Soils (< 5m AHD and 5-20m)
Bushfire Hazard Overlay	Identified within Potential Impact Buffer (north of Lot 4 only)
Coastal Environment Overlay	Identified within Erosion Prone Area
Flood and Storm Tide Hazard Overlay	Identified within Medium and High Storm Tide Hazard
Landscape Values Overlay	Identified within Scenic route buffer and High and Medium Landscape Value
Potential Landslide Hazard Overlay	Small section of Lot 4 identified as potential landslide hazard area
Natural Areas Overlay	MSES - Regulated Vegetation (Intersecting a Watercourse)
Transport Network Overlay	Identified adjacent to Transport Noise Corridors and Principal Route

### 5.3 LEVEL OF ASSESSMENT, ASSESSABLE BENCHMARKS AND APPLICABLE CODES

The subject site is designated within the *Rural Zone* and identified on several *overlays*. The relevant table of assessment within the Douglas Shire Planning Scheme (2018) (Table 5.6.j) identifies the Reconfiguring a Lot as Assessable Development and is Code Assessable.

Furthermore, the Assessment Tables identify that an application for Reconfiguring a Lot requires assessment against the planning scheme and hence the following Codes:

- Rural Zone Code;
- Access, Parking and Servicing Code;
- Environmental Performance Code;
- Filling and Excavation Code;
- Infrastructure Works Code;





- Landscaping Code;
- Reconfiguring a Lot Code;
- Vegetation Management Code; and
- Relevant Overlay Codes.

A complete assessment of the proposal against the relevant provisions of the applicable Codes is discussed below:

## 5.4 ZONE CODE PROVISIONS

### 5.4.1 Rural Zone Code

In accordance with the Douglas Shire Planning Scheme 2018 the site is contained within the Rural Zone, where a Reconfiguring a Lot is Code Assessable.

#### Response

A detailed assessment against the zone code is not warranted as this proposal is for a boundary realignment only. The realignment seeks to create an allotment containing the existing nursery whilst consolidating the rural balance. The areas used for primary production are conserved and fragmentation is avoided. Rural land holdings will continue to operate as per status quo. Overall, it is considered that the proposed boundary realignment is consistent with the relevant performance outcomes for the zone.

## 5.5 DEVELOPMENT CODES

### 5.5.1 Access, Parking and Servicing Code

In accordance with the Douglas Shire Planning Scheme 2018 table of assessment the development requires assessment against the Access, Parking and Servicing Code.

#### Response

The proposal is merely for a boundary realignment. No additional services or access are proposed to facilitate this realignment. Hence, assessment against this code is not warranted.

### 5.5.2 Environmental Performance Code

In accordance with the Douglas Shire Planning Scheme 2018 table of assessment the development requires assessment against the Environmental Performance Code.

#### Response

The proposal is merely for a boundary realignment. No additional services or access are proposed to facilitate this realignment. Hence, assessment against this code is not warranted.

### 5.5.3 Excavation and Filling Code

In accordance with the Douglas Shire Planning Scheme 2018 table of assessment the development requires assessment against the Excavation and Filling Code.

#### Response

No earthworks are proposed to facilitate this boundary realignment. Hence, assessment against this code is not required.

### 5.5.4 Infrastructure Works Code

In accordance with the Douglas Shire Planning Scheme 2018 table of assessment the development requires assessment against the Infrastructure Works Code.



#### Response

The proposal is merely a boundary realignment. No landscaping works are required to facilitate this boundary realignment. Hence, assessment against this code is not warranted.

#### 5.5.5 Landscaping Code

In accordance with the Douglas Shire Planning Scheme 2018 table of assessment the development requires assessment against the Landscaping Code.

#### Response

No landscaping is proposed to facilitate this boundary realignment. Hence, assessment against this code is not warranted.

#### 5.5.6 Reconfiguring a Lot Code

In accordance with the Douglas Shire Planning Scheme 2018 table of assessment the development requires assessment against the Reconfiguring a Lot Code.

#### Response

This code seeks to ensure development results in lots that are suitable for their intended use, locality, are of high standard of amenity and provide all necessary infrastructure and services. Whilst proposed Lot 31 does not comply with the minimum lot size requirement for the rural zone, the lot is of a regular shape and includes an existing land use (nursery). The balance (Lot 32) has sufficient area to continue the exiting rural pursuits on the site.

The proposed lot pattern is comparable to that within the vicinity of the subject site where existing land uses have been separated from the larger rural balance.

### 5.6 OVERLAY CODES

The subject site is affected by several overlays as identified in section 5.2 of this report. Given that this proposal merely seeks the realignment of boundaries to rationalise existing land holdings, it is not anticipated that any identified hazards or aspects require detailed assessment. There will be no works required to facilitate the boundary realignment. This application simply rationalises the existing tenure. Hence, a detailed assessment against any of the overlay codes is not required.



## 6.0 CONCLUSION

This proposal details a development application to Douglas Shire Council seeking a Development Permit for Reconfiguring a Lot (2 lots into 2 lots), on land described as Lots 3 and 4 on RP893855, located at 6730 and 6868 Captain Cook Highway, Killaloe

In summary, the proposed development is recommended for approval based on the following reasons:

- The proposal complies with the codes nominated by the planning scheme as being relevant to the assessment of a proposal of this nature.
- The boundary realignment simply seeks to resolve existing tenure arrangements by separating the nursery from the rural balance.
- The existing rural use will continue on the site without impact.
- No works are required to facilitate the realignment.
- Road frontages for both lots are adequate to provide continued safe and convenient access.

Given the above facts and circumstances presented in this report, we recommend that Council approve the development subject to reasonable and relevant conditions.

# APPENDIX A

brazier motti



## 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)	J & V Noli Pty Ltd c/- Brazier Motti Pty Ltd
Contact name (only applicable for companies)	
Postal address (P.O. Box or street address)	PO Box 1185
Suburb	Cairns
State	QLD
Postcode	4870
Country	
Contact number	07 4054 0400
Email address (non-mandatory)	cns.planning@braziermotti.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	35437-001-01

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



## PART 2 – LOCATION DETAILS

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

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

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

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		6730	Captain Cook Highway	Killaloe
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		4	RP893855	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
		6868	Captain Cook Highway	Killaloe
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		3	RP893855	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:	

- ☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

#### 3.3) Additional premises

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

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

<input type="checkbox"/> In or adjacent to a water body or watercourse or in or above an aquifer
Name of water body, watercourse or aquifer:
<input type="checkbox"/> On strategic port land under the <i>Transport Infrastructure Act 1994</i>
Lot on plan description of strategic port land:
Name of port authority for the lot:
<input type="checkbox"/> In a tidal area
Name of local government for the tidal area (if applicable):
Name of port authority for tidal area (if applicable):
<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>
Name of airport:

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

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

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

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

## PART 3 – DEVELOPMENT DETAILS

### Section 1 – Aspects of development

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

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

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

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

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

c) What is the level of assessment?

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

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

Reconfiguring a Lot (Boundary Realignment - 2 into 2 Lots)

e) Relevant plans

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

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

#### 6.2) Provide details about the second development aspect

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

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

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

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

c) What is the level of assessment?

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

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

e) Relevant plans

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

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

#### 6.3) Additional aspects of development

- ☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
- ☒ Not required

## Section 2 – Further development details

7) Does the proposed development application involve any of the following?	
Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input checked="" type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

### Division 1 – Material change of use

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

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m <sup>2</sup> ) (if applicable)
8.2) Does the proposed use involve the use of existing buildings on the premises?			
<input type="checkbox"/> Yes			
<input type="checkbox"/> No			

### Division 2 – Reconfiguring a lot

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

9.1) What is the total number of existing lots making up the premises?	
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 <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )
Lot 3 on RP893855	47.27ha	Lot 32	88.12ha
Lot 4 on RP893855	42.48ha	Lot 31	1.64ha
12.2) What is the reason for the boundary realignment?			
Separate the existing land uses (agricultural and nursery)			

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 <b>Chief Executive of the distribution entity or transmission entity:</b>
<input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure
Matters requiring referral to:
<ul style="list-style-type: none"> <li>• The <b>Chief Executive of the holder of the licence</b>, if not an individual</li> <li>• The <b>holder of the licence</b>, if the holder of the licence is an individual</li> </ul>
<input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure
Matters requiring referral to the <b>Brisbane City Council:</b>
<input type="checkbox"/> Ports – Brisbane core port land
Matters requiring referral to the <b>Minister responsible for administering the <i>Transport Infrastructure Act 1994</i>:</b>
<input type="checkbox"/> Ports – Brisbane core port land ( <i>where inconsistent with the Brisbane port LUP for transport reasons</i> )
<input type="checkbox"/> Ports – Strategic port land
Matters requiring referral to the <b>relevant port operator</b> , 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 <b>Chief Executive of the relevant port authority:</b>
<input type="checkbox"/> Ports – Land within limits of another port ( <i>below high-water mark</i> )
Matters requiring referral to the <b>Gold Coast Waterways Authority:</b>
<input type="checkbox"/> Tidal works or work in a coastal management district ( <i>in Gold Coast waters</i> )
Matters requiring referral to the <b>Queensland Fire and Emergency Service:</b>
<input type="checkbox"/> Tidal works or work in a coastal management district ( <i>involving a marina (more than six vessel berths)</i> )

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

## PART 6 – INFORMATION REQUEST

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

## PART 7 – FURTHER DETAILS

<b>20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)</b>			
<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			

<b>21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)</b>		
<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)
\$		

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

<b>23) Further legislative requirements</b>			
<b><u>Environmentally relevant activities</u></b>			
<b>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>?</b>			
<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 <b>Note:</b> Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at <a href="http://www.qld.gov.au">www.qld.gov.au</a> . An ERA requires an environmental authority to operate. See <a href="http://www.business.qld.gov.au">www.business.qld.gov.au</a> for further information.			
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.			
<b><u>Hazardous chemical facilities</u></b>			
<b>23.2) Is this development application for a hazardous chemical facility?</b>			
<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 <b>Note:</b> See <a href="http://www.business.qld.gov.au">www.business.qld.gov.au</a> for further information about hazardous chemical notifications.			

### **Clearing native vegetation**

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

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

☒ No

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

### **Environmental offsets**

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

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

☒ No

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

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

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

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

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

☒ No

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

### **Water resources**

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

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

☒ No

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

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

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

### **Waterway barrier works**

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

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

☒ No

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

### **Marine activities**

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

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

☒ No

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

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

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

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

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

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

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

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

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

### **Referable dams**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

☒ No

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

## PART 8 – CHECKLIST AND APPLICANT DECLARATION

### 24) Development application checklist

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

☒ Yes

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

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

☐ Yes

☒ Not applicable

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

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

☒ Yes

Relevant plans of the development are attached to this development application

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

☒ Yes

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

☐ Yes

☒ Not applicable

### 25) Applicant declaration

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

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

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

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

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

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

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



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

Date received:  Reference number(s):

### Notification of engagement of alternative assessment manager

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

### QLeave notification and payment

*Note: For completion by assessment manager if applicable*

Description of the work	
QLeave project number	
Amount paid (\$)	Date paid (dd/mm/yy)
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

# APPENDIX B

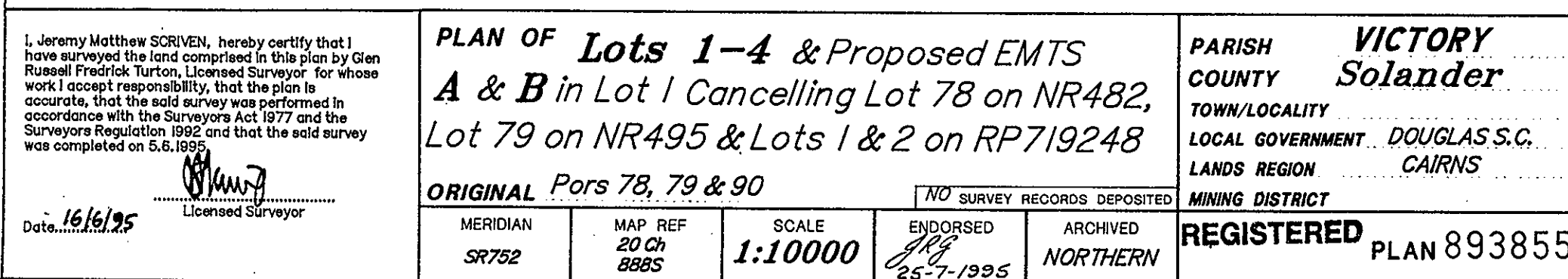
brazier motti





893855

893855



**700779682***for*

\$261.00

31/07/1995

12:06

**CS 400 NT PLAN OF SURV ORIG**

Lodged by

X

I. SCIACCA

SOLICITOR

PO Box 519

CAIRNS 2 4810

51.5999

(Include address, phone number and reference)

Particulars entered in the Register on the Titles listed below.

**REGISTERED****8 AUG 1995**EXAM INITS. *[Signature]*

I/We JEREMIAH DANIEL QUAID, GEORGE QUAID, JUNIOR  
VIOLET MARY SCOMAZZON, EMILY ANN QUAID,  
AND BRIDGET NINA QUAID AS TENANTS IN  
COMMON IN THE SHARES 1/8, 1/8, 1/8, 1/8 AND  
1/2 RESPECTIVELY.

(Names in full)

\* As Registered Owner of this land \* As Lessee/s of Miners Homestead  
agree to this Plan, # and dedicate the Public Use Land as shown hereon  
in accordance with Section 50 of the Land Title Act 1994.

*[Signature]*  
Signature of \* Owner/s \* Lessee/s

*[Signature]*  
*[Signature]*  
*[Signature]*  
BN Quaid

Title Reference	Description	NEW LOTS	EMTS
20847054-058	LOT 78 ON NR482	1,2,3	B
20847059-063	LOT 79 ON NR495	1,3,4	
21056072	LOT 1 ON RP719248	1,4	
20847064-068	LOT 2 ON RP719248	1,3,4	A

**POR ALLOCATION**

POR	LOT
78	1,2,3
79	1,3,4
90	1,3,4

**NEW TITLES**

LOT 1 - 50083837  
2 - 50083838  
3 - 50083839  
4 - 50083840

\* Rule out whichever is inapplicable

# NOTE: A Lessee of a Miners Homestead is unable to dedicate Public Use Land.

\* **COUNCIL OF THE SHIRE OF DOUGLAS**  
certifies that all the requirements of this Council, the Local Government Act  
1993, the Local Government (Planning and Environment) Act 1990 and all Local  
Laws, # and the City of Brisbane Act 1924 and all Ordinances thereunder, have  
been complied with and approves this plan of Subdivision, SUBJECT TO

Dated this

13TH

day of

JULY

1995

Mayor

# Appointed Officer

Chief Executive Officer

\* Insert the name of the Local Government

# Delete for Local Governments other than the City of Brisbane

For Additional Plan &  
Document Notings  
Refer to DDP

**SURVEY EXAMINATION**

Exam. Fee \$ 160

Receipt No. 659806

Date 26-06-95

Deposited 26-06-95

Examined 25-7-1995 JRG

Passed 25-7-1995

**ORIGINAL GRANT**

20368064 (POR 78)

20377027 (POR 79)

20587093 (POR 90)

**CHARTING**

Charted

**LODGEMENT FEES**

Survey Exam \$

Lodg, Exam &amp; Ass \$

New Titles \$

Photocopy \$

Postage \$

TOTAL \$

**REFERENCES**

Lands File

Local Government Reference

Surveyors Reference 95821 QUA

**REGISTERED****PLAN 893855**

893855

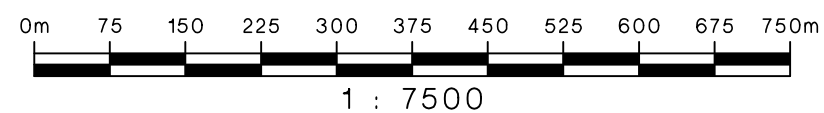
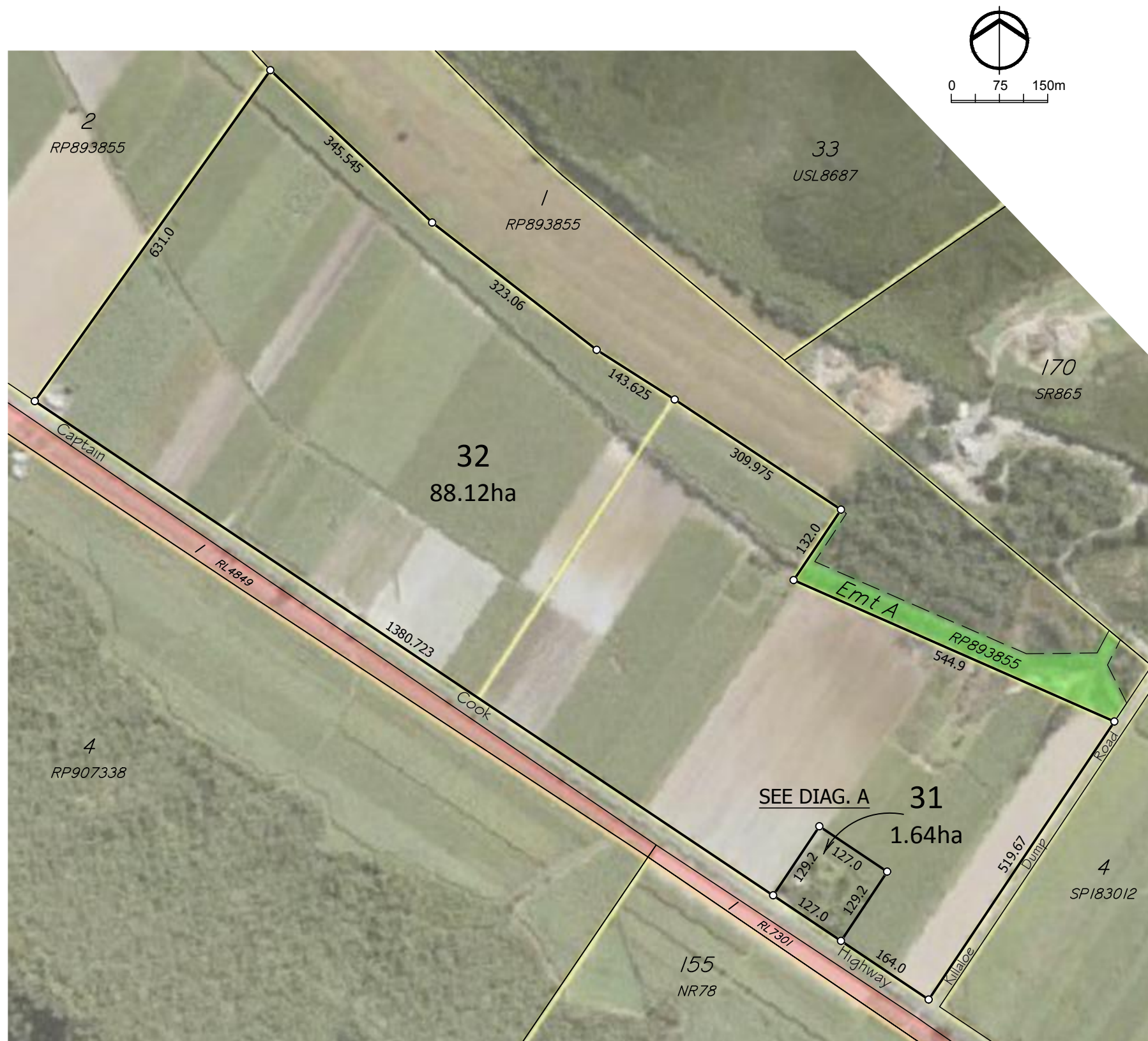
893855



# APPENDIX C

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## PROPOSED RECONFIGURATION

Lots 31 & 32  
Cancelling Lots 3 & 4 on RP893855

Locality of Killaloe  
Douglas Shire Council

This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approvals.



DIAGRAM A  
1:1500

Date: 27/10/2021	
Scale: 1:7500	A3
Drawn: WCHO	
Job No: 35437/001-01	
Plan No: 35437/001 A	

braziermotti.com.au

SURVEYING  
TOWNPLANNING  
PROJECTMANAGEMENT  
MAPPING&GIS

