

**Date:** 22 November 2018  
**Our Ref:** PR139521/OCK/IL/L78102  
**Via:** E-mail [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au)

Attn: Mr Neil Beck and Mr Daniel Lamond  
Chief Executive Officer  
Douglas Shire Council  
PO Box 723  
MOSSMAN QLD 4873

Dear Neil and Daniel

**RE: REQUEST TO APPLY SUPERSEDED PLANNING SCHEME – PROPOSED RECONFIGURATION OF A LOT (BOUNDARY REALIGNMENT) OVER LAND LOCATED AT WHYANBEEL ROAD, WHYANBEEL, FORMALLY DESCRIBED AS LOTS 4, 5 AND 6 ON RP851512**

RPS Australia East Pty Ltd confirms that we act on behalf of Marc and Elizabeth Showniruk (the 'applicant' and 'owner' of the land) to prepare and lodge the abovementioned request.

It is noted that this request has been prepared and lodged in response to the pre-lodgement meeting attended onsite with you on 4 July 2018 and pre-lodgement response received from Council, dated 26 July 2018 (refer to copy in **Attachment A**) that supported the cancellation of the Local Government Agreement and reconfiguration of the land into 2 lots pursuant to the provisions of the Superseded Planning Scheme.

To formalise the pre-lodgement dealings, it is requested that, pursuant to Section 29 (4) (a) of the Planning Act, Council accept, assess and decide the Superseded Planning Scheme Application provided for reference in **Attachment B** under the Superseded Planning Scheme (the Douglas Shire Planning Scheme, August 2006 incorporating Amendments 2007 No.1 and 2007 No.2).

To facilitate the payment of the applicable fee, please forward Council's invoice for \$1,900.00 (calculated as \$950.00 for the request to consider the application under the Superseded Planning Scheme + \$950.00 for the boundary realignment application fee) to the undersigned and address the invoice to Marc and Elizabeth Showniruk as the payee and payment of the fee will be arranged.

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

Yours sincerely  
**RPS**



Owen Caddick-King  
Principal Planner

enc: **Attachment A:** Council's Pre-lodgement Response, dated 26 July '18  
**Attachment B:** Superseded Planning Scheme Application



Attachment A

Council's Pre-lodgement Response, dated 26 July '18

26 July 2018

Enquiries: Daniel Lamond (865517)  
Phone: 07 4099 9456

Administration Office  
64 - 66 Front St Mossman  
P 07 4099 9444  
F 07 4098 2902

Owen Caddick-King  
RPS Australia East Pty Ltd  
PO Box 1949  
**CAIRNS QLD 4870**

Dear Owen

Council wishes to respond to your email of 11 July 2017, confirming advices relating to lots 4, 5 and 6 on RP851512.

You requested officers to confirm a number of points discussed at the on-site meeting held 4 July 2018. As such, comments are listed below under each of your points.

- 1. The cancellation of the Local Government (Planning and Environment) Act Agreement that ties Lots 4, 5 and 6 on RP851512 together would not be supported unless some other alternative is put in place to tie Lots 4 and 6 to part of Lot 5 once reconfigured;*

Confirmed.

- 2. The proposal to reconfigure Lot 5 (pursuant to the Superseded Planning Scheme's Rural Settlement provisions ) into 3 lots (possibly 4 lots - subject to further detail), comprising the vacant southern portion, the existing house lot, the gallery lot and possibly the northern portion with former access and house pad with existing Lots 4 and 6 being linked (by way of Part Lots – maintaining the effect of the Agreement) to the Proposed Lot on which the gallery is to be located is supported, except that the northern portion with former access and house pad is potentially too constrained to be included as a separate lot (to be confirmed);*

Council appears to have no record of a planning approval accommodating a gallery. Further, the building has an approval as a class 10a shed. In most cases, a building must be a class 6 to be used as a gallery.

Any new lots must have characteristics which support the practical development of a house pad with practical vehicle access and manoeuvring area and adequate area for an on-site waste system and reserve area. Further, new development areas must comply with the relevant codes of the applicable planning scheme. In particular, setbacks from roads, clearing sizes and earthworks cuts, access construction and appropriate drainage. Lidar levels and the site visit confirm that Lot 5 is highly constrained and the ability to reconfigure the site to cater for three or four lots is limited and unlikely to be able to be achieved. That being said, based on the site visit and information provided to date, reconfiguring the lot into two parcels is considered more appropriate by Council, subject to further information detailing that the proposed lot to the south of the existing driveway has sufficient utility as a Rural Settlement allotment.

3. *The lot layout will need to provide min lot sizes of 4,000m<sup>2</sup> and except for the proposed house lot, the other proposed lots will need to identify a suitable building envelope but discretion may be given in respect of compliance with the min 50m square dimension requirement;*

Confirmed.

4. *Once the reconfiguration development application is lodged and presumably favourably supported by Council's Planning Section, a two part resolution would be put to Council recommending that assessment under the Superseded Planning Scheme be accepted and a separate recommendation with conditions for approval, so that the application only needs to be dealt with by Council at the one meeting;*

Confirmed.

5. *Once Lot 6 has been reconfigured into a Part Lot, a boundary realignment application to excise this part of the Part Lot (former Lot 6) and amalgamate it with Lot 10 on RP748614 would be supported.*

Confirmed.

Council advises that the applicant carefully consider the amount of resources required for development of this nature on constrained land. This advice is given on an open and frank without prejudice basis.

Should you wish to discuss the matter further, please contact Daniel Lamond of Development Assessment and Coordination on 4099 9456 or via email at [daniel.lamond@uqconnect.edu.au](mailto:daniel.lamond@uqconnect.edu.au)

Yours faithfully



**Paul Hoyer**  
**Manger Sustainable Communities**



## Attachment B

# Superseded Planning Scheme Application

**Date:** 22 November 2018  
**Our Ref:** PR139521/OCK/IL/L78103  
**Via:** E-mail [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au)

Attn: Mr Neil Beck and Mr Daniel Lamond  
Chief Executive Officer  
Douglas Shire Council  
PO Box 723  
MOSSMAN QLD 4873

Dear Neil and Daniel

**RE: SUPERSEDED PLANNING SCHEME APPLICATION FOR A DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT (BOUNDARY REALIGNMENT) OVER LAND LOCATED AT WYANBEEL ROAD, WHYANBEEL, FORMALLY DESCRIBED AS LOTS 4, 5 AND 6 ON RP851512**

RPS Australia East Pty Ltd confirms that we act on behalf of Marc and Elizabeth Showniruk (the 'applicant' and 'owner' of the land) to prepare and lodge the above described Superseded Planning Scheme Application for a Development Permit for Reconfiguration of a Lot with the Douglas Shire Council.

It is noted that this submission has been prepared and lodged in response to the pre-lodgement meeting attended onsite with you on 4 July '18 and pre-lodgement response receive from Council, dated 26 July 2018 (refer to copy in **Attachment A**) that supported the cancellation of the Local Government Agreement and reconfiguration of the land into 2 lots.

The Superseded Planning Scheme Application seeks Councils approval of a proposal to cancel an Agreement (Local Government Agreement) that restricts the separate disposition of Lots 4, 5 and 6 on RP851512 and to reconfigure the land into 2 lots, Proposed Lot 1 (comprising 4 x part lots) and Proposed Lot 2 where the house and access is located on Lot 5 RP851512.

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

- Council's Pre-lodgement Response, dated 26 July '18, included as **Attachment A**;
- The completed Development Application Form, included as **Attachment B**;
- Certificates of Title and Local Government Agreement, included as **Attachment C**;
- RPS Drawing PR139521-3, included as **Attachment D**; and
- On-site Effluent Disposal Assessment, provided for reference in **Attachment E**.

Council's applicable fee is understood to have been paid as part of the accompanying Superseded Planning Scheme request.

## 1.0 Site Information

### 1.1 Site Details

Key details of the subject site include:

<b>Address:</b>	580 Whyanbeel Road, Whyanbeel
<b>Real Property Description:</b>	Lots 4, 5 and 6 on RP851512
<b>Land Area:</b>	5.2 hectares
<b>Land Owners:</b>	Marc and Elizabeth Showniruk
<b>Easements / Encumbrances:</b>	Yes – Local Government Agreement which restricts the separate disposition of Lots 4, 5 and 6 on RP851512 (refer to Certificate of Title and copy of Agreement in <b>Attachment C</b> ) is sought to be cancelled in response to the proposed development.

### 1.2 Planning Context

The planning context relating to the site includes:

<b>Superseded Planning Scheme Planning Area:</b>	Lot 5 on RP851512 – Rural Settlement Planning Area Lots 4 and 6 on RP851512 – Rural Planning Area
<b>Relevant Overlays:</b>	Natural Hazards Overlay – Low Bushfire Risk Hazard

### 1.3 Site Characteristics

<b>Topography:</b>	The higher northern and eastern elevated parts of the site comprise of forested hillslopes. A house exists on part of Lot 5 on RP851512 within a cleared section of the site and a cleared gently sloping area exists in the south-western portion of the site immediately below the existing house. Lot 6 on RP851512 which is located adjacent to Whyanbeel Creek and the opposite side of Whyanbeel Road is relatively flat and understood to be subject to flooding during significant flood events. Refer to RPS Drawing PR139521-3 in <b>Attachment D</b> for detail.
<b>Vegetation:</b>	RPS Drawing PR139521-3 provided for reference in <b>Attachment D</b> shows the areas currently mapped as Category B Regulated Vegetation identified as Least Concern Regional Ecosystem.
<b>Waterways:</b>	Whyanbeel Creek is located adjacent to Lot 6 on RP851512.
<b>Road Frontage:</b>	RPS Drawing PR139521-3 provided for reference in <b>Attachment D</b> shows the Whyanbeel Road and unnamed and unconstructed road frontages.

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<b>Existing Use:</b>	A house exists on part of Lot 5 on RP851512 within a cleared section of the site. Refer to RPS Drawing PR139521-3 in <b>Attachment D</b> for detail.
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## 2.0 Application Details

Key application details for the subject development are:

<b>Aspects of the Development Sought:</b>	Development Permit for Reconfiguration of a Lot (Boundary Realignment).
<b>Applicant:</b>	Marc and Elizabeth Showniruk C/- RPS Australia East Pty Ltd
<b>Contact:</b>	Owen Caddick-King C/- RPS Australia East Pty Ltd Ph: 07 4031 1336 Email: owen.caddick-king@rpsgroup.com.au

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## 3.0 Proposed Development

The Superseded Planning Scheme Application seeks Councils approval of a proposal to cancel the Local Government Agreement that restricts the separate disposition of Lots 4, 5 and 6 on RP851512 and to reconfigure the land into 2 lots, Proposed Lot 1 (comprising 4 x part lots) and Proposed Lot 2 where the house and access is located on Lot 5 on RP851512, as per RPS Drawing PR139521-3 provided for reference in **Attachment D**.

Proposed Lot 2 excises the existing house from Lot 5 on RP851512 and Proposed Lot 1, comprising of 4 x parts facilitates the cancellation of the Local Government Agreement (by tying the land together as a part lot which was not an option when the Local Government Agreement was arranged) and ultimately allow the southern part of Lot 1 to be created as a separate lot once the balance of Lot 1 is effectively amalgamated with Lot 10 on RP748614 by way of a separate boundary re-alignment development application.

Proposed Lot 2, where the existing house is to be located, comprises an area of 5,272m<sup>2</sup> inclusive of the access leg which includes the existing driveway and services. The proposed lot boundaries include the on-site waste disposal area and provide compliant separation distances to the house and effluent disposal area. The southern portion of Proposed Lot 1 comprises an area of 4,276m<sup>2</sup> and provides a suitable area for the development of a dwelling within the building envelope nominated on RPS Drawing PR139521-3.

## 4.0 Legislative Requirements

### 4.1 Planning Act 2016

This section provides an overview of the legislative context of the development application under the provisions of the *Planning Act 2016*.



#### 4.1.1 Confirmation that development is not prohibited

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

#### 4.1.2 Assessable Development

The development proposed by this application is "assessable development" pursuant to section 43 of the *Planning Act 2016*.

#### 4.1.3 Assessment Manager

The Assessment Manager for this development application is Douglas Shire Council as determined by Schedule 8 of the *Planning Regulation 2017*.

#### 4.1.4 Level of Assessment

The table below summarises the level of assessment under the provisions of Superseded Planning Scheme:

Aspect of Development	Local Categorising Instrument that determines Level of Assessment	Level of Assessment
Reconfiguration of a Lot (Boundary Realignment)	Superseded Planning Scheme	Code Assessable

#### 4.1.5 Referral Agencies

No referrals are triggered by the proposed development.

#### 4.1.6 Public Notification

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

#### 4.1.7 Superseded Planning Scheme Application

A request, pursuant to Section 29 (4) (a) of the Planning Act, that Council accept, assess and decide the Development Application under the Superseded Planning Scheme (the Douglas Shire Planning Scheme, August 2006 incorporating Amendments 2007 No.1 and 2007 No.2) has been lodged with Council concurrent with the lodgement of this Superseded Planning Scheme Application. The intent of lodging the request and Application concurrently, is to facilitate Council's agreement to accept, assess and decide the Development Application under the Superseded Planning Scheme and to formerly determine the Superseded Planning Scheme Application at the one time, as confirmed in the Pre-lodgement Response provided by Council (refer to **Attachment A**).

## 5.0 Statutory Planning Assessment

### 5.1 Regional Plan

Given that Lot 5 on RP851512 is included in the Superseded Planning Scheme's Rural Settlement Planning Area, the Regional Plan is not considered particularly relevant to the proposed development.

## 5.2 State Planning Policies

State Planning Policies likely to have relevance to the proposed development are indicated to have been appropriately reflected within the Superseded Planning Scheme. Accordingly, assessment against the applicable Superseded Planning Scheme provisions will address any relevant State Planning Policy provisions.

## 5.3 Planning Scheme

Under Superseded Planning Scheme, Lot 5 on RP851512 is included in the Rural Settlement Planning Area and Lots 4 and 6 on RP851512 are included in the Rural Planning Area. Given that Lots 4 and 6 on RP851512 are not changed by the reconfiguration development, the following review of the applicable Code provisions has been limited to the reconfiguration development proposed on Lot 5 on RP851512.

### Rural Areas & Rural Settlements Locality Code

The following responses are provided in respect of relevant Code provisions:

- Water supply is to be provided to the existing house on Proposed Lot 2 through the provision of tank water supply in accordance with the Code requirements. The existing water supply bore that is to be located on the southern edge of the building envelope on Proposed Lot 1 is to be used as the water supply for the dwelling to be developed on this lot.
- Reticulated electricity is already provided to the existing house located on Proposed Lot 2 and is to be provided to Proposed Lot 1 from the Whyanbeel Road frontage.
- In respect of on-site sewerage facilities, Zamataro Plumbing have inspected the site and it is noted that on-site sewerage facilities are provided for the existing dwelling on Proposed lot 2 and are able to be provided on Proposed lot 1 in accordance with the relevant requirements. Refer to the assessment prepared by Zamataro Plumbing and provided for reference in **Attachment E**.
- Road access exists for Proposed Lot 2 and access to Proposed Lot 1 will be able to be provided in accordance with the FNQROC Development Manual.
- The building envelope on Proposed Lot 1 includes an existing cleared relatively level area and extends into the foot of the slope, excluding areas mapped as Regulated Vegetation.

### Rural Settlement Planning Area Code

Most of the Code provisions relate to building development however the following responses are provided in respect of relevant code provisions:

- The building envelope to be provided on Proposed Lot 1 provides for a 20m setback from Whyanbeel Road and a 6m setback from other existing and proposed boundaries and Proposed Lot 2 provides compliant setbacks to existing buildings.

- With regard to the provision of landscaping along the road frontage, it is noted that the existing house is already screened from view and vegetation already partially screens the view from Whyanbeel Road into the building envelope on Proposed Lot 1.
- The building envelope on Proposed Lot 1 provides a suitable relatively level area for the development of a dwelling and includes the opportunity to extend development into the foot of the slope subject to Council's Code requirements. Except for the need to provide for tank water supply on Proposed Lot 2, building development has already been established on this lot.
- Stormwater drainage from the house on Proposed Lot 2 is understood to be directed to Whyanbeel Road via the open drain shown on RPS Drawing PR139521-3 provided for reference in **Attachment D**. An easement is to be provided over the drain to secure this stormwater drain in favour of Proposed Lot 2. The building envelope on Proposed Lot 1 naturally grades to Whyanbeel Road therefore facilitating the provision of stormwater drainage to the road frontage.
- The building envelope on Proposed Lot 1 includes an existing cleared relatively level area and extends into the foot of the slope, excluding areas mapped as Regulated Vegetation and it is noted that vegetation already partially screens the view from Whyanbeel Road into the building envelope.

#### Natural Hazards Overlay Code

Given that the land is included in the Low Bushfire Risk Hazard Area, this Overlay Code is not an applicable Code.

#### Natural Areas & Scenic Amenity Code

Most of the Code provisions relate to building development however the following responses are provided in respect of relevant code provisions:

- The building envelope nominated on Proposed Lot 1 adequately addresses the Code's provisions related to Designated Development Envelopes, given that;
  - Access will be able to be gained to the building envelope without the need to clear existing vegetation;
  - As has already been determined at the pre-lodgement meeting on site, the building envelope is located within a partially cleared area, immediately downslope of the existing house, exclusive of mapped Regulated Vegetation, as far as practically possible from Whyanbeel Creek and is already partially screened from view from Whyanbeel Road by vegetation that exists between the Whyanbeel Road frontage and the building envelope;
  - Service infrastructure will be able to be provided without any significant disturbance of existing vegetation; and
  - The building envelope is located approximately 50m from Whyanbeel Creek which exceeds the Code's requirements and existing established vegetated areas that are exclusive of the building envelope are considered to adequately address the Code's visual/landscape requirements.

## Reconfiguring a Lot Code

The following responses are provided in respect of relevant Code provisions:

- Proposed Lot 2 complies with the Code's area and dimension requirements. As discussed at the pre-lodgement site meeting, the location of the existing dwelling and access does not allow a 50m square to be provided on the portion of Proposed Lot 1 where the building envelope is intended however a suitable building envelope is able to be provided on an area of 4,276m<sup>2</sup> which is consistent with Council's pre-lodgement response.
- As is evident from the responses provided above, the proposed lots provide for a suitable form of development that limits any potential impacts and the proposed lots are able to be provided with an adequate level of services for the form of development intended.
- The boundary re-alignment proposal which re-aligns 3 lots into 2 lots, facilitates the development of an additional house on the land in a location much better suited for the purpose as opposed to the potential for the development of a house on either Lots 4 or 6 on RP851512.

## 6.0 Conclusions and Recommendations

This submission has been prepared on behalf of Marc and Elizabeth Showniruk (the 'applicant' and 'owner' of the land) to seek approval of a Superseded Planning Scheme Application for Reconfiguration of a Lot (Boundary Realignment) over land located at Whyanbeel Road, Whyanbeel and described as Lots 4, 5 and 6 on RP851512.

The Superseded Planning Scheme Application seeks Councils approval of a proposal to cancel an Agreement (Local Government Agreement) that restricts the separate disposition of Lots 4, 5 and 6 on RP851512 and to reconfigure the land into 2 lots, Proposed Lot 1 (comprising 4 x part lots with a building envelope proposed on the southern portion) and Proposed Lot 2 where the house and access currently exists on Lot 5 RP851512.

The proposal is consistent with the Planning Scheme's provisions and is recommended for approval.

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

Yours sincerely  
RPS



Owen Caddick-King  
Principal Planner

enc: **Attachment A:** Council's Pre-lodgement Response, dated 26 July '18  
**Attachment B:** Development Application Form  
**Attachment C:** Certificates of Title and Local Government Agreement  
**Attachment D:** RPS Drawing PR139521-3  
**Attachment E:** Effluent Disposal Assessment



Attachment A  
Council's Pre-lodgement Response, dated 26 July '18

26 July 2018

Enquiries: Daniel Lamond (865517)  
Phone: 07 4099 9456

Administration Office  
64 - 66 Front St Mossman  
P 07 4099 9444  
F 07 4098 2902

Owen Caddick-King  
RPS Australia East Pty Ltd  
PO Box 1949  
**CAIRNS QLD 4870**

Dear Owen

Council wishes to respond to your email of 11 July 2017, confirming advices relating to lots 4, 5 and 6 on RP851512.

You requested officers to confirm a number of points discussed at the on-site meeting held 4 July 2018. As such, comments are listed below under each of your points.

- 1. The cancellation of the Local Government (Planning and Environment) Act Agreement that ties Lots 4, 5 and 6 on RP851512 together would not be supported unless some other alternative is put in place to tie Lots 4 and 6 to part of Lot 5 once reconfigured;*

Confirmed.

- 2. The proposal to reconfigure Lot 5 (pursuant to the Superseded Planning Scheme's Rural Settlement provisions ) into 3 lots (possibly 4 lots - subject to further detail), comprising the vacant southern portion, the existing house lot, the gallery lot and possibly the northern portion with former access and house pad with existing Lots 4 and 6 being linked (by way of Part Lots – maintaining the effect of the Agreement) to the Proposed Lot on which the gallery is to be located is supported, except that the northern portion with former access and house pad is potentially too constrained to be included as a separate lot (to be confirmed);*

Council appears to have no record of a planning approval accommodating a gallery. Further, the building has an approval as a class 10a shed. In most cases, a building must be a class 6 to be used as a gallery.

Any new lots must have characteristics which support the practical development of a house pad with practical vehicle access and manoeuvring area and adequate area for an on-site waste system and reserve area. Further, new development areas must comply with the relevant codes of the applicable planning scheme. In particular, setbacks from roads, clearing sizes and earthworks cuts, access construction and appropriate drainage. Lidar levels and the site visit confirm that Lot 5 is highly constrained and the ability to reconfigure the site to cater for three or four lots is limited and unlikely to be able to be achieved. That being said, based on the site visit and information provided to date, reconfiguring the lot into two parcels is considered more appropriate by Council, subject to further information detailing that the proposed lot to the south of the existing driveway has sufficient utility as a Rural Settlement allotment.

3. *The lot layout will need to provide min lot sizes of 4,000m<sup>2</sup> and except for the proposed house lot, the other proposed lots will need to identify a suitable building envelope but discretion may be given in respect of compliance with the min 50m square dimension requirement;*

Confirmed.

4. *Once the reconfiguration development application is lodged and presumably favourably supported by Council's Planning Section, a two part resolution would be put to Council recommending that assessment under the Superseded Planning Scheme be accepted and a separate recommendation with conditions for approval, so that the application only needs to be dealt with by Council at the one meeting;*

Confirmed.

5. *Once Lot 6 has been reconfigured into a Part Lot, a boundary realignment application to excise this part of the Part Lot (former Lot 6) and amalgamate it with Lot 10 on RP748614 would be supported.*

Confirmed.

Council advises that the applicant carefully consider the amount of resources required for development of this nature on constrained land. This advice is given on an open and frank without prejudice basis.

Should you wish to discuss the matter further, please contact Daniel Lamond of Development Assessment and Coordination on 4099 9456 or via email at [daniel.lamond@uqconnect.edu.au](mailto:daniel.lamond@uqconnect.edu.au)

Yours faithfully



**Paul Hoyer**  
**Manger Sustainable Communities**



## Attachment B

### Development Application Form



# DA Form 1 – Development application details

Approved form (version 1.1 effective 22 JUNE 2018) made under section 282 of the Planning Act 2016.

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

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

For a development application involving **building work associated with any other type of assessable development (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) <i>(individual or company full name)</i>	Marc and Elizabeth Showniruk C/- RPS Australia East Pty Ltd
Contact name <i>(only applicable for companies)</i>	Owen Caddick-King
Postal address <i>(P.O. Box or street address)</i>	PO Box 1949
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Contact number	(07) 4031 1336
Email address <i>(non-mandatory)</i>	Owen.caddick-king@rpsgroup.com.au
Mobile number <i>(non-mandatory)</i>	
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	PR139521

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
		580	Whyanbeel Road	Whyanbeel
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	5	RP851512	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
			Whyanbeel Road	Whyanbeel
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	Lots 4 & 6	RP851512	Douglas Shire Council

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

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

Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

Coordinates of premises by easting and northing

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

#### 3.3) Additional premises

Additional premises are relevant to this development application and their details have been attached in a schedule to this application

Not required

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

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

Name of water body, watercourse or aquifer:

Whyanbeel Creek

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

In a tidal area

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

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

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

Name of airport:

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

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

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

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

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

## PART 3 – DEVELOPMENT DETAILS

### Section 1 – Aspects of development

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

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

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

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

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

c) What is the level of assessment?

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

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

Reconfiguration of a Lot - Cancellation of Agreement (Local Government Agreement) that restricts the separate disposition of Lots 4, 5 and 6 on RP851512 and reconfiguration of the land into 2 lots, Proposed Lot 1 (comprising 4 x part lots) and Proposed Lot 2 where existing house and access is located on Lot 5 RP851512.

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 <i>(include each definition in a new row)</i>	Number of dwelling units <i>(if applicable)</i>	Gross floor area (m <sup>2</sup> ) <i>(if applicable)</i>

**8.2) Does the proposed use involve the use of existing buildings on the premises?**

Yes

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?**

3 lots tied by Local Govt Agreement

**9.2) What is the nature of the lot reconfiguration? *(tick all applicable boxes)***

Subdivision *(complete 10)*

Dividing land into parts by agreement *(complete 11)*

Boundary realignment *(complete 12)*

Creating or changing an easement giving access to a lot from a construction road *(complete 13)*

**10) Subdivision****10.1) For this development, how many lots are being created and what is the intended use of those lots:**

Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

**10.2) Will the subdivision be staged?**

Yes – provide additional details below

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 4 on RP851512	1.829ha	Proposed Lot 1	4.74ha
Lot 5 on RP851512	1.96ha	Proposed Lot 2	5,272m <sup>2</sup>
Lot 6 on RP851512	1.414ha		

12.2) What is the reason for the boundary realignment?

To cancel the Local Govt Agreement and create 2 x lots, Proposed Lot 1 comprising of 4 x parts and Proposed Lot 2 which includes the existing house and access.

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

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

### Division 3 – Operational work

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

14.1) What is the nature of the operational work?

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

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

- Yes – specify number of new lots: \_\_\_\_\_
- No

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

\$ \_\_\_\_\_

## PART 4 – ASSESSMENT MANAGER DETAILS

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

Douglas Shire Council

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

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

## PART 5 – REFERRAL DETAILS

17) Do any aspects of the proposed development require referral for any referral requirements?

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

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

### Matters requiring referral to the **Chief Executive of the Planning Regulation 2017:**

- Clearing native vegetation
- Contaminated land (*unexploded ordnance*)
- Environmentally relevant activities (ERA) (*only if the ERA have not been devolved to a local government*)
- Fisheries – aquaculture
- Fisheries – declared fish habitat area
- Fisheries – marine plants
- Fisheries – waterway barrier works
- Hazardous chemical facilities
- Queensland heritage place (*on or near a Queensland heritage place*)
- Infrastructure – designated premises
- Infrastructure – state transport infrastructure
- Infrastructure – state transport corridors and future state transport corridors
- Infrastructure – state-controlled transport tunnels and future state-controlled transport tunnels
- Infrastructure – near a state-controlled road intersection
- On Brisbane core port land near a State transport corridor or future State transport corridor
- On Brisbane core port land – ERA
- On Brisbane core port land – tidal works or work in a coastal management district
- On Brisbane core port land – hazardous chemical facility
- On Brisbane core port land – taking or interfering with water
- On Brisbane core port land – referable dams
- On Brisbane core port land - fisheries
- Land within Port of Brisbane's port limits
- 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 – construction of new levees or modification of existing 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 have been devolved to local government*)

<input type="checkbox"/> Local heritage places
Matters requiring referral to the <b>chief executive of the distribution entity or transmission entity:</b> <input type="checkbox"/> 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"/> Oil and gas infrastructure
Matters requiring referral to <b>the Brisbane City Council:</b> <input type="checkbox"/> Brisbane core port land
Matters requiring referral to the <b>Minister under the <i>Transport Infrastructure Act 1994</i>:</b> <input type="checkbox"/> Brisbane core port land (inconsistent with Brisbane port LUP for transport reasons) <input type="checkbox"/> Strategic port land
Matters requiring referral to the <b>relevant port operator:</b> <input type="checkbox"/> Land within Port of Brisbane's port limits (below high-water mark)
Matters requiring referral to the <b>Chief Executive of the relevant port authority:</b> <input type="checkbox"/> Land within limits of another port (below high-water mark)
Matters requiring referral to the <b>Gold Coast Waterways Authority:</b> <input type="checkbox"/> Tidal works, or work in a coastal management district in Gold Coast waters
Matters requiring referral to the <b>Queensland Fire and Emergency Service:</b> <input type="checkbox"/> Tidal works marina ( <i>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 the development application the subject of this form, 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
<b>Note:</b> <i>By not agreeing to accept an information request I, the applicant, acknowledge:</i>
<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>
<i>Further advice about information requests is contained in the <a href="#">DA Forms Guide</a>.</i>

## PART 7 – FURTHER DETAILS

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

- Yes – provide details below or include details in a schedule to this development application  
 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)

- Yes – a copy of the receipted QLeave form is attached to this development application  
 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  
 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
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

- Yes – show cause or enforcement notice is attached  
 No

23) Further legislative requirements

### Environmentally relevant activities

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

- Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below  
 No

**Note:** Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at [www.qld.gov.au](http://www.qld.gov.au). An ERA requires an environmental authority to operate. See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			

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

### Hazardous chemical facilities

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

- Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application  
 No

**Note:** See [www.business.qld.gov.au](http://www.business.qld.gov.au) 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 conservation**

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

Yes

No

**Note:** See guidance materials at [www.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:	
-----------------------------	--	-----------	--

#### **Brothels**

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

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

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

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

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

## PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist	
I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17 <i>Note: See the Planning Regulation 2017 for referral requirements</i>	<input checked="" type="checkbox"/> Yes
If building work is associated with the proposed development, Parts 4 to 6 of <i>DA Form 2 – Building work details</i> have been completed and attached to this development application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with development application <i>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 <a href="#">DA Forms Guide: Planning Report Template</a>.</i>	<input checked="" type="checkbox"/> Yes
Relevant plans of the development are attached to this development application <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms Guide: Relevant plans</a>.</i>	<input checked="" type="checkbox"/> Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued ( <i>see 21</i> )	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

25) Applicant declaration	
<input checked="" type="checkbox"/> By making this development application, I declare that all information in this development application is true and correct <input checked="" type="checkbox"/> 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 <i>Electronic Transactions Act 2001</i> <i>Note: It is unlawful to intentionally provide false or misleading information.</i>	
<p><b>Privacy</b> – 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 <i>Planning Act 2016</i>, <i>Planning Regulation 2017</i> and the <i>DA Rules</i> except where:</p> <ul style="list-style-type: none"> <li>• such disclosure is in accordance with the provisions about public access to documents contained in the <i>Planning Act 2016</i> and the <i>Planning Regulation 2017</i>, and the access rules made under the <i>Planning Act 2016</i> and <i>Planning Regulation 2017</i>; or</li> <li>• required by other legislation (including the <i>Right to Information Act 2009</i>); or</li> <li>• otherwise required by law.</li> </ul> <p>This information may be stored in relevant databases. The information collected will be retained as required by the <i>Public Records Act 2002</i>.</p>	

## PART 9 – FOR OFFICE USE ONLY

Date received:  Reference number(s):

Notification of engagement of alternative assessment manager	
Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	

Relevant licence number(s) of chosen assessment manager	
---	--

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



## Attachment C

### Certificates of Title and Local Government Agreement

# CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 27527863

Search Date: 08/12/2017 10:38

Title Reference: 21553033

Date Created: 07/10/1993

Previous Title: 21306070

## REGISTERED OWNER

Dealing No: 717509194 13/09/2016

MARC ANTOINE SHOWNIRUK

ELIZABETH FRANCIS SHOWNIRUK JOINT TENANTS

## ESTATE AND LAND

Estate in Fee Simple

LOT 5 REGISTERED PLAN 851512  
Local Government: DOUGLAS

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20449063 (POR 188)  
Deed of Grant No. 20449064 (POR 188)
2. LOCAL GOVERNMENT AGREEMENT No 601479919 (T700444R) 01/09/1993  
OVER LOTS 4, 5 AND 6 ON RP851512  
UNDER SECTION 5.8 OF THE LOCAL GOVERNMENT (PLANNING AND  
ENVIRONMENT) ACT 1990

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

## CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*

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Requested By: D-ENQ URBIS PRO

# CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 27527908

Search Date: 08/12/2017 10:40

Title Reference: 21553034

Date Created: 07/10/1993

Previous Title: 21306069

## REGISTERED OWNER

Dealing No: 717509194 13/09/2016

MARC ANTOINE SHOWNIRUK

ELIZABETH FRANCIS SHOWNIRUK JOINT TENANTS

## ESTATE AND LAND

Estate in Fee Simple

LOT 6 REGISTERED PLAN 851512  
Local Government: DOUGLAS

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20449063 (POR 188)  
Deed of Grant No. 20449064 (POR 188)
2. LOCAL GOVERNMENT AGREEMENT No 601479919 (T700444R) 01/09/1993  
OVER LOTS 4, 5 AND 6 ON RP851512  
UNDER SECTION 5.8 OF THE LOCAL GOVERNMENT (PLANNING AND  
ENVIRONMENT) ACT 1990

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

## CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*

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Requested By: D-ENQ URBIS PRO

# CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 27527885

Search Date: 08/12/2017 10:39

Title Reference: 21553032

Date Created: 07/10/1993

Previous Title: 20785112

## REGISTERED OWNER

Dealing No: 717509194 13/09/2016

MARC ANTOINE SHOWNIRUK

ELIZABETH FRANCIS SHOWNIRUK JOINT TENANTS

## ESTATE AND LAND

Estate in Fee Simple

LOT 4 REGISTERED PLAN 851512  
Local Government: DOUGLAS

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20449063 (POR 188)  
Deed of Grant No. 20449064 (POR 188)
2. LOCAL GOVERNMENT AGREEMENT No 601479919 (T700444R) 01/09/1993  
OVER LOTS 4, 5 AND 6 ON RP851512  
UNDER SECTION 5.8 OF THE LOCAL GOVERNMENT (PLANNING AND  
ENVIRONMENT) ACT 1990

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

## CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

\*\* End of Current Title Search \*\*

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Requested By: D-ENQ URBIS PRO

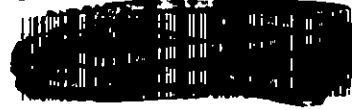


FORM 1

QUEENSLAND

REAL PROPERTY ACT 1861 AS AMENDED

**T700444R** **\$81.00**

 1 SEP 1993  
11:28 AM

8180 L/GOVT AGREE

REQUEST TO REGISTER  
AN AGREEMENT 81.00

I/CODE  
*13/9/93*

ENTERED IN THE REGISTER BOOK

VOLUME N 785, N 1306  
FOLIO 112 AT 70  
306 AM/PM  
-4 OCT 1993

REGISTRAR OF TITLES

*Linda*

*14*

*Bring up*


CORRESPONDENCE NUMBER

REQUISITIONS *Ht 4*  
*6*

*See requisition...*

*13/9/93*

\$ SHORT FEE  
\$ 21 REQUISITION FEE  
28 SEP 1993  
Paid Vide No. 352263

 **601479919**

**T700444R** **LOC GOVT AGR**

BELOW THIS LINE TO BE COMPLETED BY LODGER		LODGER CODE
LODGED BY: <b>A. C. FOX &amp; ASSOCIATE</b> ADDRESS: <b>TOWNSVILLE</b> <b>MACDONNELLS</b>		<b>732</b>
CERTIFICATES OF TITLE, DEEDS OF GRANT, DECLARATIONS ETC. LODGED WITH THIS DOCUMENT (TO BE COMPLETED BY LODGING PARTIES)		
1. N 1306 - 69, 70. } LODGED BY NAB 2. N 785 - 112 } 3. Agreement in dup. } <b>A. C. Fox &amp; Assoc.</b>		
BELOW THIS LINE FOR DELIVERY NOTATIONS		
RECEIPT NOTATIONS	OFFICE USE	
ITEMS RECEIVED  FIRM NAME: PER: AUTHORITY: DATE:		
ITEMS DELIVERED BY POST  FORWARDED TO LODGER OF THIS DOCUMENT ON		

Form 35  
Queensland  
Real Property Act 1861-1988  
Real Property Regulations 1986

GENERAL CONSENT

- Item  
(1) Type of instrument: AGREEMENT UNDER SECTION 5.8 OF  
THE LOCAL GOVERNMENT (PLANNING  
AND ENVIRONMENT) ACT 1990
- Dealing number: ) COUNCIL OF THE SHIRE  
) OF DOUGLAS (the  
OR ) Council)  
) AND  
Names of parties: ) IAN GEOFFREY  
HANNAFORD (the  
Subdivider)
- Date of instrument:
- (2) Title Reference: Vol: N1306 Fol: 70 and Vol: N1306 Fol: 69  
and Vol: N785 Fol: 112
- (3) National Australia Bank (formerly the National Bank of  
Australasia Limited) being the Mortgagee under Bill of  
Mortgage No. T50399 hereby consent to the registration of  
the instrument specified in Item (1) above.

(4) Signed this 5th day of August 1993.

NATIONAL AUSTRALIA BANK LIMITED  
BY ITS ATTORNEY  
UNDER POWER OF ATTORNEY T 547973 H

Manager of Party consenting in name  
of National Australia Bank Limited

(signature of witness) 

(qualification) JUSTICE OF THE PEACE

(full name to be printed) WARREN LESLIE LUTTON

Form 13  
 Queensland  
 Real Property Act 1861-1988  
 Real Property Regulations 1986

**GENERAL REQUEST  
 BY REGISTERED PROPRIETOR**

TO THE REGISTRAR OF TITLES TO REGISTER AND AGREEMENT UNDER SECTION 5.8 OF THE LOCAL GOVERNMENT (PLANNING AND ENVIRONMENT) ACT 1990

Item

NAME OF APPLICANT (1) IAN GEOFFREY HANNAFORD

---

ESTATE OR INTEREST (2) FEE SIMPLE

---

HOW ESTATE OR INTEREST IS HELD (3) NOT APPLICABLE

---

DESCRIPTION OF LAND (4)

Volume	Folio	County	Parish	Description
<u>PART OF</u>				
<del>N1306</del>	<del>70</del>			
<del>N1306</del>	<del>69</del>			
N785	112	SOLANDER	WHYANBEEL	LOT 4 ON R.P. 851512
N1306	70	SOLANDER	"	LOT 5 ON R.P. 851512
N1306	69	SOLANDER	"	LOT 6 ON R.P. 851512

---

MORTGAGES, ENCUMBRANCES, ETC. (5) MORTGAGE NO. T50399

---

REQUEST (6) I HEREBY REQUEST THAT-you register the Agreement dated the 2nd day of July, 1993 made pursuant to Section 5.8 of the Local Government (Planning and Environment) Act 1990 deposited herewith.

(7) SIGNED THIS 2nd DAY OF July 1993.

AND CERTIFIED CORRECT FOR THE PURPOSE OF REGISTRATION BY-

EXECUTION (8) APPLICANT (signature) *[Signature]*  
 OR  
 his/her SOLICITOR (signature).....  
 (full name of Solicitor to be printed) \_\_\_\_\_

THIS AGREEMENT is made this 3<sup>rd</sup> day of July One thousand nine hundred and ninety-three BETWEEN COUNCIL OF THE SHIRE OF DOUGLAS of Mossman in the State of Queensland a duly constituted Local Authority (hereinafter for itself and its successors called "the Council") of the One Part

AND IAN GEOFFREY HANNAFORD of Burnside in the State of South Australia (hereinafter for himself and his executors administrators and successors in title called "the Subdivider") of the Other Part:

WHEREAS:

- A. The Subdivider is the Registered Proprietor of an estate in fee simple in the land described as Lot 5 on R. P. 743307, Lot 6 on R. P. 743307 and Lot 1 on R. P. 718838 all situate in the County of Solander, Parish of Whyanbeel;
- B. An application has been made to the Council for the subdivision of the said Lot 5 on R. P. 743307, Lot 6 on R. P. 743307 and Lot 1 on R. P. 718838 into six (6) allotments being Lots 1, 2, 3, 4, 5 and 6 on Survey Plan No. 851512, a copy whereof is contained in the First Schedule hereto;
- C. Each of the said Lots 1, 2, 3, 4, 5 and 6 on Survey Plan No. 851512 has an area less than the area prescribed in the By-Laws of the Council for an allotment in the Rural General Farming Zone;
- D. In consequence of the subdivision as aforesaid, Lots 4, 5 and 6 on R. P. 851512 (hereinafter called "the said lots") will not be contiguous to each other by virtue of Lots 4 and 5 being separated by a surveyed road and Lots 5 and 6 being separated by a surveyed road;
- E. The Subdivider has requested the Council to approve of the said Survey Plan No. 851512 which the Council has agreed to do on condition (inter alia) that the Subdivider enter into and execute this Agreement;

NOW THIS AGREEMENT WITNESSES that in pursuance of the premises the Subdivider DOETH HEREBY COVENANT AND AGREE with the Council as follows that is to say: -

- 1. That no one or more of the said lots shall be capable of disposition separately from the other(s) without the written consent of the Council as hereinafter mentioned.
- 2. That the Subdivider will not sell transfer or dispose of to any person or persons or body corporate or otherwise howsoever any one or more of the said lots

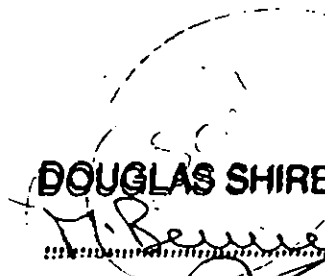
separately from the other(s) without first obtaining the written consent of the Council to the cancellation of this Agreement which consent the Council may grant without conditions or grant subject to conditions without assigning any reason therefor or refuse to grant without assigning any reason therefor **PROVIDED ALWAYS** that nothing herein contained or implied shall be deemed to prohibit the Subdivider from selling transferring or disposing of all of the said lots together to the same person or persons or body corporate.

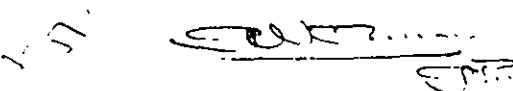
3. That the Subdivider will do all such acts and things as shall be reasonably required by the Council to enable this Agreement to be registered (pursuant to the provisions of Section 5.8(3) of the Local Government (Planning and Environment) Act 1990) on the Certificates of Title relating to the said lots following the registration of Survey Plan No. 851512 in the office of the Deputy Registrar of Titles at Townsville.

4. That the Subdivider will pay the Council's costs of and incidental to the preparation, execution, stamping and registration of this Agreement.

IN WITNESS WHEREOF the Common seal of the Council has been hereunto affixed and the Subdivider has hereunto set his hand and seal the day and year first hereinbefore written.

THE COMMON SEAL of COUNCIL OF )  
THE SHIRE OF DOUGLAS has been )  
 hereunto affixed on the 24<sup>th</sup> )  
 day of JULY 1993 in the )  
 presence of MICHAEL PETER BERNIK )  
 and ALAN JOSEPH THOMEY )  
 the Chairman and Clerk of the )  
 Council respectively who have )  
 hereunto signed their names in )  
 the presence of: - JAMES WILLIAM DOUGLAS )

**DOUGLAS SHIRE COUNCIL**  
  
 ..... Chairman  
 ..... Shire Clerk

  
A Justice of the Peace

SIGNED SEALED AND DELIVERED by )  
the said IAN GEOFFREY HANNAFORD )  
in the presence of: - )



A Justice of the Peace





No.

Council of the Shire of Douglas certifies that all the requirements of this Council, the Local Government Acts and all By-Laws have been complied with and approves this Plan of Subdivisions subject to the owner of the land entering into an agreement in accordance with the provision of Section 5.8 of the Local Government Planning & Environment Act that Lots 1, 2 & 3 be held in the same ownership as also Lots 4, 5 & 6 being held in the same ownership.

Dated this 30<sup>th</sup> day of March 19 93

*P. Beemel*  
Mayor or Chairman  
*[Signature]*  
Town or Shire Clerk

Previous Title

CT VOL N785 FOL 112 LOT 1 ON RP 718838  
CT VOL N1306 FOL 69 LOT 5 ON RP 743307  
CT VOL N1306 FOL 70 LOT 6 ON RP 743307

TITLE ALLOCATION

TITLE	LOTS
CT VOL N1306 FOL 70	2, 5
CT VOL N1306 FOL 69	1, 6
CT VOL N785 FOL 112	3, 4

IAN GEOFFREY HANNAFORD

(Names in full)

- as Proprietor/s of this land.
  - as Lessee/s of Miner's Homestead
- agree to this plan and dedicate the new road as shown hereon to public use

Signature of • Proprietor/s • Lessee/s

- Rule out which is inapplicable

I CERTIFY THAT THIS PLAN HAS NOT BEEN ALTERED SINCE ENDORSEMENT BY THE DEPARTMENT OF LANDS  
*[Signature]*  
LICENSED SURVEYOR  
25 15 1993

This survey has been examined and may be used for land dealings

Surveyor: General

Date

Lot	Vol	Fol	Lot	Vol	Fol	Lot	Vol	Fol

Lodged by

Received Registrar of Titles

Fees Payable

Postal fee and postage

Logi Exam & Ass

Area Title

Entd on Deeds

Photo Fee

Total

Short Fees Paid

Rec. No. 278639

RECEIVED \$ 136

DATE 14 4 93

File Ref 181- JRG  
Deposited 14/04/1993 AH.  
Audited 23/4/1993 JRG  
Passed 21/5/1993 JRG  
Survey Records File Field Notes  
Charted / /  
Original Grant

Particulars entered in Register Book

Vol. Folio

at

D6 N16959 & N16960  
(POR 188)

REGISTRAR OF TITLES

851512

851512



DATED this \_\_\_\_\_ 1993

COUNCIL OF THE SHIRE OF DOUGLAS

"the Council"

AND

IAN GEOFFREY HANNAFORD

"the Subdivider"

---

AGREEMENT

---

MacDONNELLS  
Solicitors,  
Level 6,  
National Mutual Tower,  
15 Lake Street,  
CAIRNS. QLD. 4870

PH: (070) 300600  
FAX: (070) 300699

REF: JMC:CJP:MB

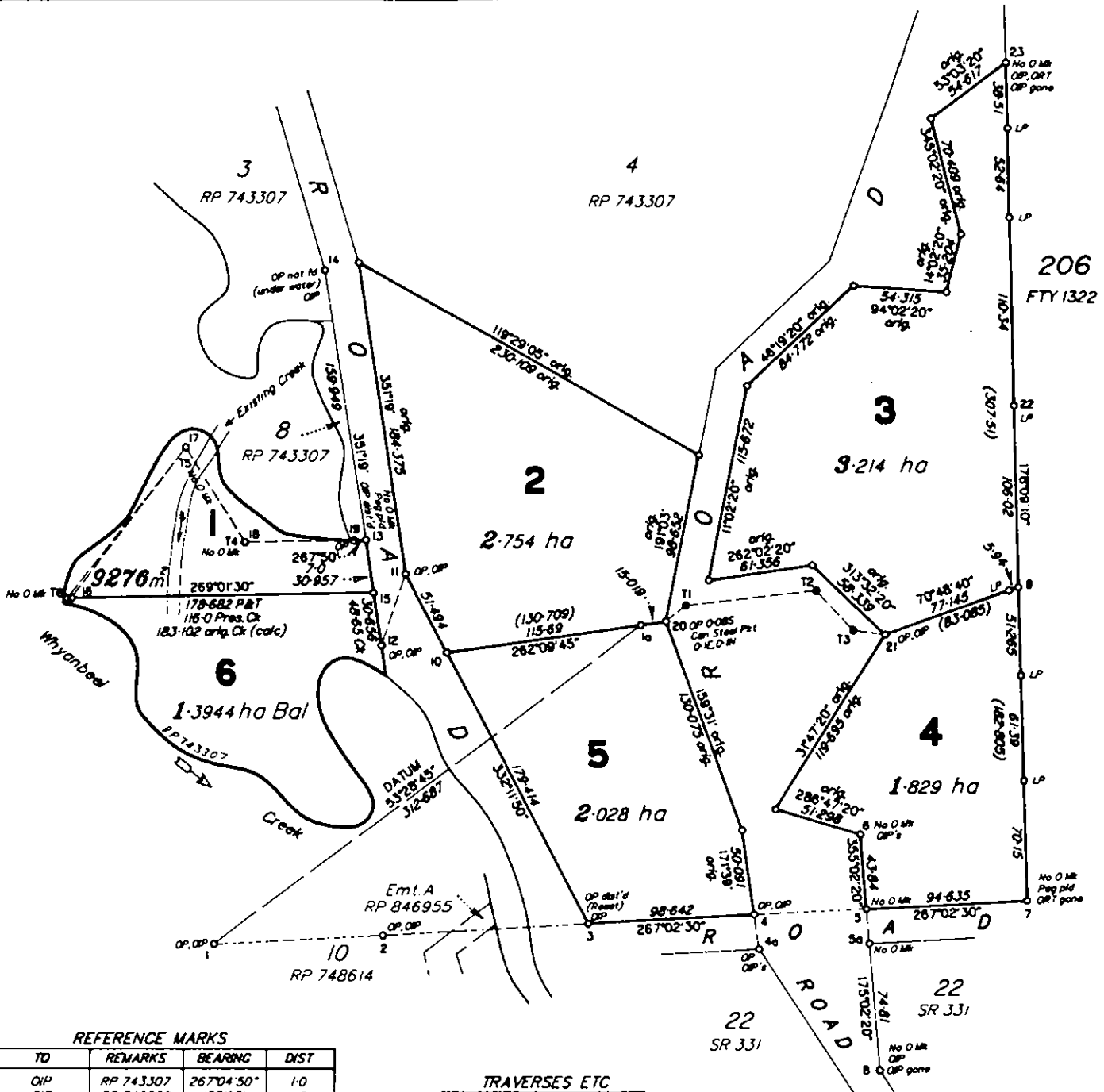
851512

PLAN MUST BE DRAWN WITHIN BLACK LINES

851512

PLAN MUST BE DRAWN WITHIN BLACK LINES

851512



REFERENCE STAKES

STN	TD	REMARKS	BEARING	DIST
1	OIP	RP 743307	267°04'50"	1.0
2	OIP	RP 742838	177°07'	1.0
3	OIP	RP 742838	252°51'15"	1.648
4	OIP	RP 743307	254°24'30"	2.4
4a	OIP	SR 282	351°37'30"	1.006
4a	OIP	SR 282	261°37'30"	1.012
5	Pin		245°01'	1.157
5	OIP	SR 282	175°02'20"	1.006
6	OIP	SR 282	61°02'20"	1.006
6	OIP	SR 282	241°04'20"	19.11
7	Pin		288°30'	1.41
7	OIP gone	SR 55	358°18'30"	5.371
8	OIP gone	SR 282	257°04'20"	3.5
8	OIP	SR 282	257°04'20"	13.659
9	Pin		70°48'40"	0.443
10	Pin		259°19'	0.851
11	OIP	RP 743307	195°53'20"	36.024
12	OIP	RP 743307	32°34'	7.79
13	OIP dist'd	RP 743307	114°06'	0.659
14	OIP	RP 743307	80°05'	2.698
15	Pin		89°01'30"	0.882
21	OIP	SR 282	277°51'50"	1.189
22	Pin		270°0'	1.859
23	OIP	SR 282	243°36'10"	0.923
23	OIP gone	SR 282	124°46'10"	5.251
23	OIP gone	SR 282	343°36'10"	15.752

TRAVERSES ETC

LINE	BEARING	DIST
1-1a	53°28'45"	312.687
1-2	87°04'50"	100.055
2-3	86°53'45"	120.606
4-4a	171°37'30"	20.217
4-5	87°02'30"	65.345
5-5a	175°02'20"	20.129
11-12	198°49'50"	43.544
13-14	269°06'15"	71.4
13-18	269°03'40"	70.76
16-17	37°20'15"	110.368
17-18	146°44'30"	66.167
11-12	83°45'50"	76.876
12-13	136°51'	31.469
13-21	97°50'40"	18.637
14-15	327°08'15"	65.8
15-16	218°14'15"	111.8
16-16	89°35'	2.309
17-15	254°56'40"	0.061
18-14	273°51'10"	0.642
20-11	51°51'	14.896

Original information compiled from RP 718838 & RP 743307 in the Department of Lands.

OIP M 77703 at station 1a

OIP at station T1 & T3

Pin placed at station T2

Peg placed at all new corners.

Peg placed at station 16, 17 & 18

C & B CONSULTANTS PTY LTD  
 hereby certify that the Company have surveyed the  
 parcels of land shown on this plan and that the  
 bearings and distances are correct to the best of  
 their knowledge and belief and that the said survey  
 was conducted in accordance with the Surveyors Act and  
 the regulations thereunder and that the said survey  
 was conducted by the Company's duly qualified  
 Licensed Surveyor  
 Director  
 Date 3/3/93

PLAN OF Lots 1 - 6  
 Cancelling Lots 5 & 6 on RP 743307 &  
 Lot 1 on RP 718838

PARISH COUNTY **WHYANBEEL Solander**  
 TOWN/LOCALITY  
 LOCAL AUTHORITY **DOUGLAS S.C.**  
 LAND AGENTS/REGISTRATION DISTRICT **CAIRNS**  
 MINING FIELD

ORIGINAL Por. 188	YES SURVEY RECORDS DEPOSITED
MERIDIAN RP743307	ENDORSED <i>[Signature]</i> 21/5/93
MAP REF PM	REGISTERING DIST NORTHERN
SCALE 1:2500	
FILE REF	

PLAN 851512

Council of the Shire of Douglas certifies that all the requirements of this Council, the Local Government Acts and all By-Laws have been complied with and approves this Plan of Subdivisions subject to the owner of the land entering into an agreement in accordance with the provision of Section 5.8 of the Local Government Planning & Environment Act that Lots 1, 2 & 3 be held in the same ownership as also Lots 4, 5 & 6 being held in the same ownership.

Dated this 30th day of March 19 93

*[Signature]*  
Mayor or Chairman  
Town or Shire Clerk

Previous Title

CT VOL N785 FOL 112 LOT 1 ON RP 718838  
CT VOL N1306 FOL 69 LOT 5 ON RP 743307  
CT VOL N1306 FOL 70 LOT 6 ON RP 743307

TITLE ALLOCATION

TITLE	LOTS
CT VOL N1306 FOL 70	2, 5
CT VOL N1306 FOL 69	1, 6
CT VOL N785 FOL 112	3, 4

IAN GEOFFREY HANNAFORD

(Names in full)

- as Proprietor/s of this land
  - as Lessee/s of Miner's Homestead
- agree to this plan and dedicate the new road as shown hereon to public use.

Signature of • Proprietor/s • Lessee/s

- Rule out which is inapplicable

I CERTIFY THAT THIS PLAN HAS NOT BEEN ALTERED SINCE ENDORSED HEREIN BY THE DEPARTMENT OF LANDS  
*[Signature]*  
LICENSED BY THE DEPARTMENT OF LANDS  
25 15 93

This survey has been examined and may be used for land dealings

Surveyor General

Date

Lot	Vol	Fol	Lot	Vol	Fol	Lot	Vol	Fol

Lodged by

Received Registrar of Titles

Fees Payable

Postal fee and postage

Logt Exam. & Ass

New Title

Entit. on Deeds

Photo fee

Total

Short Fees Paid

Rec. No. 278639  
RECEIVED \$ 136  
DATE 14 4 93

File Ref. 181- JRG  
Deposited 14/04/1993 AH  
Audited 23/4/1993 JRG  
Passed 21/5/1993 JRG  
Survey Records: File/Field Notes  
Charted / /  
Original Grant

D6 N16959 & N16960  
(POR 188)

Particulars entered in Register Book

Vol Folio

at

REGISTRAR OF TITLES

851512

DATED this \_\_\_\_\_ 1993

COUNCIL OF THE SHIRE OF DOUGLAS

"the Council"

AND

IAN GEOFFREY HANNAFORD

"the Subdivider"

---

AGREEMENT

---

MacDONNELLS  
Solicitors,  
Level 6,  
National Mutual Tower,  
15 Lake Street,  
CAIRNS. QLD. 4870

PH: (070) 300600  
FAX: (070) 300699

REF: JMC:CJP:MB

THIS AGREEMENT is made this 2<sup>nd</sup> day of July One thousand nine hundred and ninety-three BETWEEN COUNCIL OF THE SHIRE OF DOUGLAS of Mossman in the State of Queensland a duly constituted Local Authority (hereinafter for itself and its successors called "the Council") of the One Part

AND IAN GEOFFREY HANNAFORD of Burnside in the State of South Australia (hereinafter for himself and his executors administrators and successors in title called "the Subdivider") of the Other Part:

WHEREAS:

- A. The Subdivider is the Registered Proprietor of an estate in fee simple in the land described as Lot 5 on R. P. 743307, Lot 6 on R. P. 743307 and Lot 1 on R. P. 718838 all situate in the County of Solander, Parish of Whyanbeel;
- B. An application has been made to the Council for the subdivision of the said Lot 5 on R. P. 743307, Lot 6 on R. P. 743307 and Lot 1 on R. P. 718838 into six (6) allotments being Lots 1, 2, 3, 4, 5 and 6 on Survey Plan No. 851512, a copy whereof is contained in the First Schedule hereto;
- C. Each of the said Lots 1, 2, 3, 4, 5 and 6 on Survey Plan No. 851512 has an area less than the area prescribed in the By-Laws of the Council for an allotment in the Rural General Farming Zone;
- D. In consequence of the subdivision as aforesaid, Lots 4, 5 and 6 on R. P. 851512 (hereinafter called "the said lots") will not be contiguous to each other by virtue of Lots 4 and 5 being separated by a surveyed road and Lots 5 and 6 being separated by a surveyed road;
- E. The Subdivider has requested the Council to approve of the said Survey Plan No. 851512 which the Council has agreed to do on condition (inter alia) that the Subdivider enter into and execute this Agreement;

NOW THIS AGREEMENT WITNESSES that in pursuance of the premises the Subdivider DOETH HEREBY COVENANT AND AGREE with the Council as follows that is to say: -

1. That no one or more of the said lots shall be capable of disposition separately from the other(s) without the written consent of the Council as hereinafter mentioned.
2. That the Subdivider will not sell transfer or dispose of to any person or persons or body corporate or otherwise howsoever any one or more of the said lots

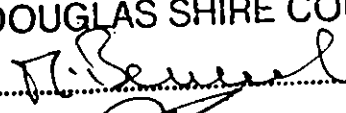
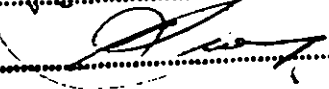
separately from the other(s) without first obtaining the written consent of the Council to the cancellation of this Agreement which consent the Council may grant without conditions or grant subject to conditions without assigning any reason therefor or refuse to grant without assigning any reason therefor PROVIDED ALWAYS that nothing herein contained or implied shall be deemed to prohibit the Subdivider from selling transferring or disposing of all of the said lots together to the same person or persons or body corporate.

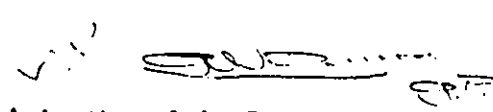
3. That the Subdivider will do all such acts and things as shall be reasonably required by the Council to enable this Agreement to be registered (pursuant to the provisions of Section 5.8(3) of the Local Government (Planning and Environment) Act 1990) on the Certificates of Title relating to the said lots following the registration of Survey Plan No. 851512 in the office of the Deputy Registrar of Titles at Townsville.

4. That the Subdivider will pay the Council's costs of and incidental to the preparation, execution, stamping and registration of this Agreement.

IN WITNESS WHEREOF the Common seal of the Council has been hereunto affixed and the Subdivider has hereunto set his hand and seal the day and year first hereinbefore written.

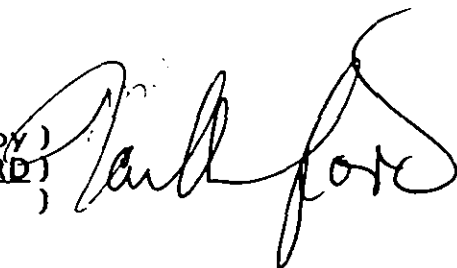
THE COMMON SEAL of COUNCIL OF )  
THE SHIRE OF DOUGLAS has been )  
 hereunto affixed on the 2nd )  
 day of JULY 1993 in the )  
 presence of MICHAEL PETER BERNICK )  
 and ALAN JOSEPH TWOMEY )  
 the Chairman and Clerk of the )  
 Council respectively who have )  
 hereunto signed their names in )  
 the presence of: - JAMES WILLIAM DUNN )

DOUGLAS SHIRE COUNCIL  
 Chairman  
 Shire Clerk



A Justice of the Peace

SIGNED SEALED AND DELIVERED by )  
the said IAN GEOFFREY HANNAFORD )  
in the presence of: -



A Justice of the Peace



TITLES OFFICE REQUISITION NOTICE  
TOWNSVILLE

Dealing No.: T700444R  
Dealing Type: L/GOVT AGREE  
Lodger: FOX AC & ASSOCIATES  
Date: 15/09/93  
SWD  
Rejection Date: 10/11/93

TOWNSVILLE

104 Item 4  
106 Item 6  
. See requisition on T700431C.  
. Requisition Fees Payable \$21.00

AG. FOX AC & ASSOC.  
TOWNSVILLE

10 SEP 1993



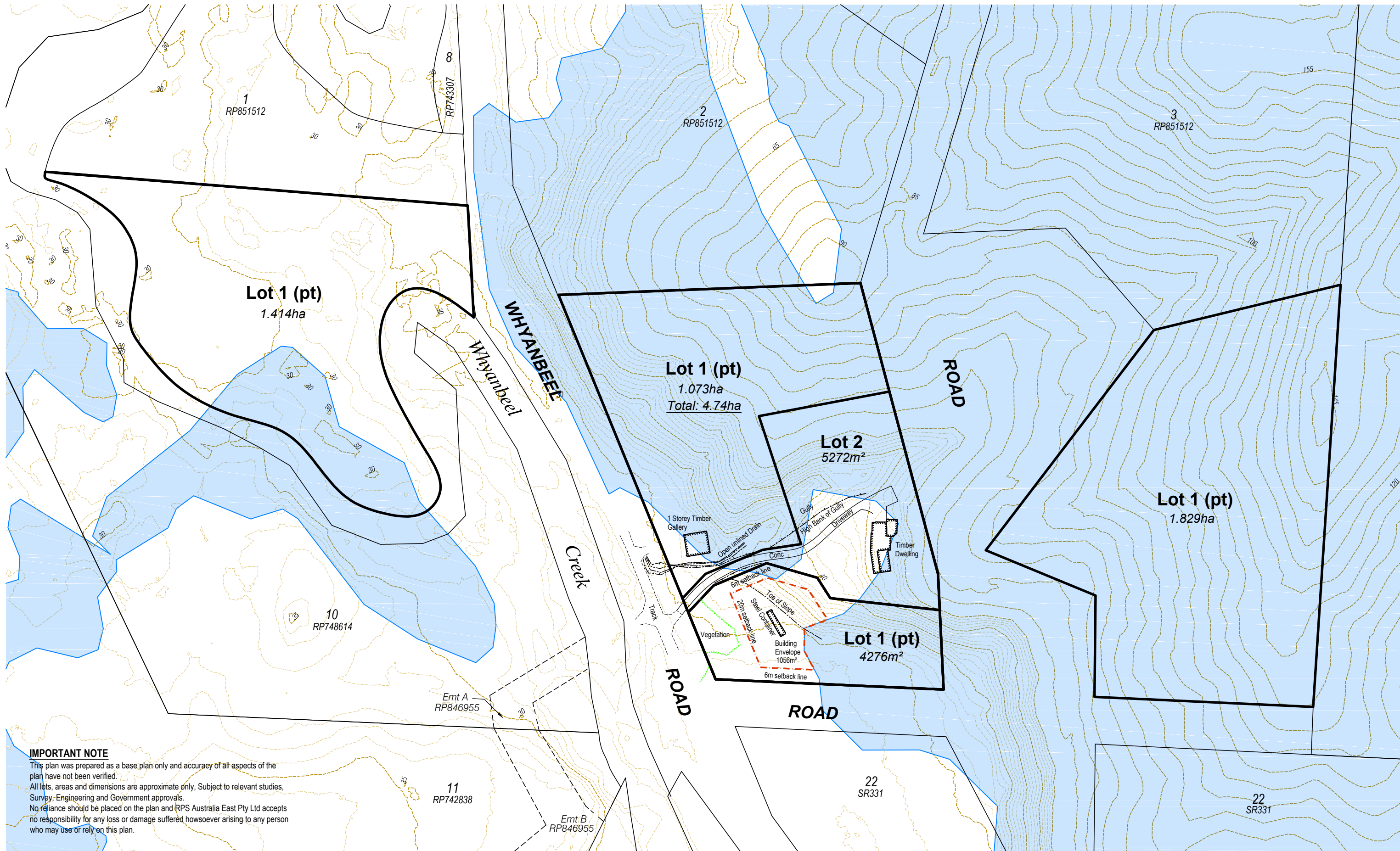
\$21.00 Total amount payable.





Attachment D:

RPS Drawing PR139521-3



**IMPORTANT NOTE**  
 This plan was prepared as a base plan only and accuracy of all aspects of the plan have not been verified.  
 All lots, areas and dimensions are approximate only. Subject to relevant studies, Survey, Engineering and Government approvals.  
 No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan.

**Marc Showniruk**  
 Proposed Reconfiguration  
 Proposed Lots 1 & 2  
 cancelling Lots 4-6 on RP851512

**Legend**

- RVM Category B - Remnant
- DNRM LiDAR Contours
  - Interval 1.0m (<50.0m)
  - Index 5.0m

DNRM DCDB boundaries have been shifted as a best fit to the DNRM LiDAR data. Boundary & contour locations are approximate only.

**RPS**

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

T +61 7 4031 1336 F +61 7 4031 2942 W rpsgroup.com.au



## Attachment E

### Effluent Disposal Assessment

# ZAMMATARO PLUMBING PTY LTD

POSTAL: PO BOX 107, MOSSMAN Q 4873      FACTORY: 8 THERESE DRIVE, MOSSMAN Q 4873  
TEL: 07 4098 2774      EMAIL: [info@zammataro.com.au](mailto:info@zammataro.com.au)      ABN: 57 060 397 293      QBSA: 79358

**PLUMBING | DRAINAGE | GASFITTING | ROOFING | SHEETMETAL | BOBCAT & EXCAVATOR | VACUUM TRUCK  
WATER JETTER | DRAIN MACHINE | LEAK DETECTOR | GUTTER/FASCIA MACHINES | WATER TANKS**

23 November 2018

Attention: The Planning Department  
Douglas Shire Council  
Po Box 723  
Mossman QLD 4873

Dear Sir/Madam,

## **ONSITE WASTEWATER TREATMENT INFORMATION AND SOIL ASSESSMENT AS REQUESTED FOR PROPOSED RECONFIGURATION PROPOSED LOTS 1 & 2 CANCELLING LOTS 4-6 ON RP 851512**

I, Antonino Zammataro of Zammataro Plumbing Pty Ltd conducted a Soil Site Assessment and investigation on the proposed subdivision into 2 lots at Whyanbeel Road. After a thorough analysis I found that the existing On Site Sewerage Facility, confined to the new Lot 2, has an All Purpose septic tank, which then runs into trenches at right angles to the existing septic tank. The disposal area is well inside the new Lot 2 and is working well. It should be noted the existing on site sewerage facility complies with the AS / NZS 1547 : 2012 code re: separation and vertical distances at per table R. Therefore, the existing system in place on the property is suitable and of standard for the proposed Lot 2.

In order to ascertain the required Onsite Sewerage Facility for Lot 1 a Soil Test was conducted. Lot 1 was rated to consist of Category 4 soil and therefore requires An Advanced Secondary Onsite Sewerage facility once taking into account the position of the building envelope and the bore locality. A primary treated Onsite sewerage facility would not meet the AS/NZS 1547;2012 code (refer to Table R1: 50 metres from a bore).

Onsite sewerage proposals for a 4 bedroom residence to be built on the property:

1. A Secondary treated Treatment Plant with underground irrigation (Refer: table M1 AS/ NZS 1547: 2012) would be calculated as follows:

6 persons at 150 litres per day = 900 litre / DIR of 3 would require an irrigation area of 300 square metres.

2. If a secondary treatment plant going into underground trenches as to be installed (Refer: table M1 AS/ NZS 1547:2012) then calculations would be as followed:

# ZAMMATARO PLUMBING PTY LTD

POSTAL: PO BOX 107, MOSSMAN Q 4873      FACTORY: 8 THERESE DRIVE, MOSSMAN Q 4873  
TEL: 07 4098 2774      EMAIL: [info@zammataro.com.au](mailto:info@zammataro.com.au)      ABN: 57 060 397 293      QBSA: 79358

**PLUMBING | DRAINAGE | GASFITTING | ROOFING | SHEETMETAL | BOBCAT & EXCAVATOR | VACUUM TRUCK  
WATER JETTER | DRAIN MACHINE | LEAK DETECTOR | GUTTER/FASCIA MACHINES | WATER TANKS**

6 person at 150 litre per day = 900 litres / DLR of 10 would require a bed of 90 square metres.

3. If an Advanced Secondary AES system were to be installed it would require a 3000 litre septic tank into a AES trench; with a main bed 12.6 metres X 1.80 metres with a system Extension of 150 mm x 750 mm wide of main trench.

My preference would be the AES, but all suggested systems would fit within the building envelop nominated on Proposed Lot 1, once reasonable allowance has been made for potential building works and access thereto, and all comply with AS/NZS 1547;2012.

Regards,



Antonino Zammataro  
License No: 49850 Endorsement: On-site sewerage facility<sup>1</sup>  
Director  
Zammataro Plumbing Pty Ltd

**<sup>1</sup>CNQ12 Site Assessment and Design Course for On Site Sewerage Facilities:  
1150855298**