

Development Application for a Reconfiguration of a Lot (Boundary Realignment – 2 lots into 2 lots)

Submitted on behalf of:

Stephen Heffernan and Margaret Heffernan

Located at:

6460 Captain Cook Highway and 11 Old Ferry Road, Killaloe

On land properly described as:

Lot 4 on RP740593 and Lot 203 on SP264765

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1.0 INTRODUCTION

The Applicants, Stephen Heffernan and Margaret Heffernan are seeking approval from Douglas Shire Council for Reconfiguring a Lot (Boundary Realignment – 2 lots into 2 lots) for land located at 6460 Captain Cook Highway and 11 Old Ferry Road, Killaloe and properly described as Lot 4 on RP740593 and Lot 203 on SP264765 (the subject site).

The existing land parcels have areas of 2,002m² (Lot 4 on RP740593) and 14.94 hectares (Lot 203 on SP264765) and have frontage to Captain Cook Highway and Old Ferry Road. Following the proposed boundary realignment, the allotments will have areas of 3,102m² (Lot 41) and 14.83 hectares (Lot 2031). The purpose of the proposed boundary realignment is to rationalise the existing land holdings.

The subject site is located within the Rural Zone under Douglas Shire Planning Scheme 2018. The subject land is also affected by the Acid Sulfate Soils, Landscape Values and Transport Network Overlays. An application for Reconfiguring a Lot within the Rural Zone is Code Assessable.

This report provides a review of the of the subject land, a detailed description of the proposed development, a review of the legislative provisions and an assessment of the proposed development against the relevant provisions the Douglas Shire Planning Scheme 2018.

This 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 1 (and landowner consent), included in *Appendix A*.

2.0 THE SUBJECT SITE

Key elements of the subject site are detailed in Table 1 below.

Table 1: The Subject Site

Site Location / Address	6460 Captain Cook Highway and 11 Old Ferry Road, Killaloe
Lot Description	Lot 4 on RP740593 and Lot 203 on SP264765
Site Area	<ul style="list-style-type: none">Lot 4 - 2,002m²Lot 203 – 14.94 hectares
Road Frontages	<ul style="list-style-type: none">Lot 4 - Approximately 45 metres to Captain Cook Highway and 44 metres to Old Ferry RoadLot 203 – Approximately 204.4 metres to Captain Cook Highway and 448.7 metres to Ol Ferry Road
Easements, Encumbrances or Interests	Lot 203 on SP264765 burdened by Easements A and B on RP846941, benefitting Lot 6 on RP846941

The Title Search confirming ownership of the subject land by Stephen Heffernan and Margaret Heffernan (Lot 4 on RP740593) and Mainstream Aquaculture Property Pty Ltd (Lot 203 on SP264765) are included in *Appendix B*.

Figure 1 below identifies the subject land.



Figure 1: Satellite Image of the Site (highlighted in blue) – image source Queensland Globe

As identified in Figure 1 above, each of the allotments are improved by existing dwellings and associated outbuildings and structures. The subject site is located approximately 4km north, north-west of Port Douglas and 8.5km south, south-east of Mossman and is within an area of established primary production comprising Sugarcane cultivation and aquaculture.

3.0 THE PROPOSED DEVELOPMENT

The Development Application seeks approval for a Reconfiguring a Lot (Boundary Realignment – 2 lots into 2 lots) over the subject land. The particulars of the proposed development are provided below:

The purpose of the proposed boundary realignment is to rationalise the existing land holdings. Following the proposed boundary realignment, the allotments will have areas of 3,102m² (Lot 41) and 14.83 hectares (Lot 2031).

The plan of proposed reconfiguration, showing the boundary realignment (Plan No. Boundary Realignment 01_Rev A, dated 27th October 2025, prepared by MD Land Surveys) is included at *Appendix C* to this report.

The particulars for the proposed Boundary Realignment are shown in Table 2 below:

Table 2: The Proposed Subdivision.

	Lot 41	Lot 2031
Proposed Lot Area	3,102m ²	14.83 hectares
Proposed Road Frontage	<ul style="list-style-type: none">▪ 70.5 metres to Captain Cook Highway▪ 44.0 metres to Old Ferry Road	<ul style="list-style-type: none">▪ 179.3 metres to Captain Cook Highway▪ 448.7 metres to Old Ferry Road
Proposed Access	Unchanged access arrangements	
Improvements	Unchanged across both Lots	
Services and Infrastructure	Unchanged across both Lots	

4.0 LEGISLATIVE REQUIREMENTS

This section provides an overview of the legislative provisions relevant to the application.

4.1 PLANNING ACT 2016

The *Planning Act 2016* is the principal law regulating planning and development. The *Planning Act 2016* provides a framework for local and state governments to prepare planning instruments and provides a process by which development applications are assessed.

4.1.1 ASSESSABLE DEVELOPMENT

Under the local categorising instrument, Douglas Shire Planning Scheme 2018 Reconfiguring a Lot is assessable development. Accordingly, pursuant to section 44(3) of the *Planning Act 2016* a development approval is required.

4.1.2 ASSESSMENT MANAGER

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

4.1.3 LEVEL OF ASSESSMENT

The Table of Assessment for the Rural Zone under the Douglas Shire Planning Scheme 2018 identifies that the proposed development for Reconfiguring a Lot is Code Assessable.

4.1.4 PUBLIC NOTIFICATION

As the Development Application is Code Assessable only, the application does not need to be publicly notified.

4.1.5 REFERRAL AGENCIES

A review of the Development Assessment Mapping System (DAMS) and Schedule 10 of the *Planning Regulations 2017* confirms there is one (1) applicable State Referral Matters relevant to the subject site. The DAMS Mapping search is *included at Appendix C*.

State Transport

The subject site has a direct frontage to a State-controlled Road and is therefore within 25 metres of a State-controlled Road. However, it is noted that the proposed development is for a Boundary Realignment and does not seek to increase the number of allotments, change the number of allotments adjacent the State transport corridor, or result in new or changed access between the premises and the State transport corridor. Accordingly, pursuant to Schedule 10 of the *Planning Regulation 2017* the application does not trigger referral to the State Assessment Referral Agency.

4.1.6 STATE PLANNING POLICY

The State Planning Policy was released on 2 December 2013 and replaced all previous State Planning Policies. The State Planning Policy has since been revised, with new versions released on 2 July 2014, 29 April 2016 and 3 July 2017.

Section 2.1 of Douglas Shire Planning Scheme 2018 identifies that the State Planning Policy (April 2016) is integrated in the planning scheme.

Whilst the State Planning Policy has been amended since April 2016 version, it is considered that the policy content and outcomes contained within the State Planning Policy, to the extent they are relevant and applicable to the proposed development, have not been sufficiently amended to require the reconsideration of the State Planning Policy separately.

4.1.7 FAR NORTH QUEENSLAND REGIONAL PLAN

Pursuant to section 26(2)(a)(i) of the *Planning Regulation 2017* the Assessment Manager is to assess the application against the assessment benchmarks stated in the regional plan, to the extent the Regional Plan is not identified in the planning scheme as being appropriately integrated into the planning scheme.

In accordance with section 2.2 of Douglas Shire Planning Scheme 2018 the Minister has determined that the planning scheme specifically the Strategic Framework, appropriately advances the Regional Plan as it applies to the planning scheme area.

5.0 PLANNING SCHEME REQUIREMENTS

5.1 DOUGLAS SHIRE COUNCIL PLANNING SCHEME 2018

The applicable local categorising instrument for assessment of the proposed subdivision is the Planning Scheme which sets out the relevant assessment benchmarks that apply to development within the bounds of the Douglas Shire Council Local Government Area.

5.1.1 STRATEGIC FRAMEWORK ASSESSMENT

The development is subject to Code Assessment and therefore, in accordance with section 45(3) of the PA, assessment against the Strategic Framework of the Planning Scheme is not required. Furthermore, as the proposed development is Code Assessable, the Assessment Manager may only consider the assessment benchmarks prescribed within the applicable Codes.

5.1.2 PLANNING SCHEME DESIGNATIONS

In accordance with the Douglas Shire Planning Scheme 2018 the land subject to the proposed development to the designations listed in the table below.

Table 3: Planning Scheme Designations

Local Plan Area	Nil applicable Local Plan
Zone	Rural Zone
Overlay Considerations	
Acid Sulphate Soils Overlay Code	Land below 5m AHD
Bushfire Hazard Overlay Code	Not applicable
Coastal Environment Overlay Code	Not applicable
Flood and Storm Tide Hazard Overlay Code	Not applicable
Hillslopes Overlay Code	Not applicable
Landscape Values Overlay Code	Medium Landscape Values
Natural Areas Overlay Code	Not applicable
Places of Significance Overlay Code	Not applicable
Potential Landslide Hazard Overlay Code	Not applicable
Transport Network Overlay Code	Arterial Road (Captain Cook Highway), Unformed Road (Old Ferry Road) and Major Transport Buffer

5.1.3 LEVEL OF ASSESSMENT & APPLICABLE ASSESSMENT BENCHMARKS

The subject site is designated within the Rural Zone. The relevant Table of Assessment (Table 5.6.j – Rural Zone) identifies that an application for Reconfiguring a Lot in the Rural Zone is Code Assessable.

The Table of Assessment also identifies that an application for Reconfiguring a Lot requires assessment against the following planning scheme assessment benchmarks:

- Rural Zone Code
- Acid Sulfate Soils Overlay Code
- Landscape Values Overlay Code
- Transport Network Overlay Code
- Access, Parking and Servicing Code
- Environmental Performance Code

- Filling and Excavation Code
- Infrastructure Code
- Landscaping Code
- Reconfiguring a Lot Code

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

APPLICABLE CODE		ASSESSMENT AGAINST CODE
ZONE CODE		
Rural Zone		<p>The Development Application is for a Boundary Realignment and does not include any additional aspect of development. The Boundary Realignment as proposed is consistent with the purpose of the Rural Zone in-so-far as it will not diminish the ability for proposed Lot 2031 to continue to be used for rural purposes.</p> <p>Proposed Lot 41 is of a size that renders it unable to be used for primary production purposes irrespective of the inclusion or exclusion of the additional area. The additional area being added to proposed Lot 41 increases the setback of the north-west boundary which remains compliant with the setback requirements specified within the Zone Code.</p> <p>Performance Outcome PO7 of the Code states that allotments within the Rural Zone are to have a minimum allotment area of 40 hectares, unless the <i>reconfiguration results in no additional lots</i>. While proposed Lot 2031 is below the prescribed minimum lot size of 40 hectares, the proposal is for a boundary realignment and does not result in the creation of any additional allotments</p> <p>Accordingly, it is considered that the proposed Reconfiguration of a Lot for a Boundary Realignment complies with the relevant assessment benchmarks of the code. An assessment against the purpose statements of the Rural Zone Code is provided below, to further demonstrate consistency with the Code.</p>
OVERLAY CODES		
Acid Sulfate Soils Overlay Code		<p>No excavation or filling is proposed as part of the proposed Reconfiguration of a Lot (Boundary Realignment). Accordingly, the disturbance or exposure of acid sulfate soils is not expected to occur.</p> <p>Accordingly, it is considered that the proposed Reconfiguration of a Lot for a Boundary Realignment complies with the relevant assessment benchmarks of the code.</p>
Landscape Values Overlay Code		<p>The subject site is mapped as having parts of the land as Medium Landscape Value area. The proposed development is for Boundary Realignment to rationalise the existing land holdings. Accordingly, it is not expected that the proposed development will impact landscape values.</p> <p>Accordingly, it is considered that the proposed Reconfiguration of a Lot for a Boundary Realignment complies with the relevant assessment benchmarks of the code.</p>

Transport Network Overlay Code	<p>Vehicular access to the proposed allotments will be provided from the existing access points, being from Old Ferry Road, which is an “Unformed Road”. The proposed access arrangements will not compromise the safety or efficiency of the existing transport network.</p> <p>Accordingly, it is considered that the proposed Reconfiguration of a Lot for a Boundary Realignment complies with the relevant assessment benchmarks of the code.</p>
DEVELOPMENT CODES	
Access, Parking and Servicing Code	<p>The proposed development is for Boundary Realignment to rationalise the existing land holdings t. The proposed access arrangements will not change as a result of the proposed development. The existing access locations do not compromise the safety or efficiency of the existing transport network.</p>
Environmental Performance Code	<p>The proposed development is for a Boundary Realignment for the rationalisation of existing land holdings and does not result in any impacts upon sensitive receiving environments.</p> <p>Accordingly, it is considered that the proposed Reconfiguration of a Lot for a Boundary Realignment complies with the relevant assessment benchmarks of the code.</p>
Filling and Excavation Code	<p>The proposed development is for a Boundary Realignment, to allow for the rationalisation of the existing land parcels. No filling or excavation is proposed or would be required to facilitate the development.</p> <p>Accordingly, it is considered that the proposed Reconfiguration of a Lot for a Boundary Realignment complies with the relevant assessment benchmarks of the code.</p>
Infrastructure Code	<p>The proposed development is for a Boundary Realignment, to allow for the rationalisation of the existing land parcels. There are no requirements for any additional infrastructure or changes to existing infrastructure with this proposal.</p> <p>Accordingly, it is considered that the proposed Reconfiguration of a Lot for a Boundary Realignment complies with the relevant assessment benchmarks of the code.</p>
Landscaping Code	<p>The proposed development is for a Boundary Realignment, to allow for the rationalisation of the existing land parcels and does not involve the provision of landscaping which is appropriate given the nature and scale of the development.</p> <p>Accordingly, it is considered that the proposed Reconfiguration of a Lot for a Boundary Realignment complies with the relevant assessment benchmarks of the code.</p>
Reconfiguring a Lot Code	<p>The proposed development is for a Boundary Realignment, to allow for the rationalisation of the existing land parcels. Following the proposed boundary realignment, the allotments will have areas of 3,102m² (Lot 41) and 14.83 hectares (Lot 2031).</p>

Each of the proposed allotments are of sufficient areas and dimensions to provide for the existing land uses and any future land use. The proposed Boundary Realignment does not diminish environmental and scenic values of the site or the surrounding area.

Accordingly, it is considered that the proposed Reconfiguration of a Lot for a Boundary Realignment complies with the relevant assessment benchmarks of the code.

5.1.3.1 RURAL ZONE CODE

The following provides an assessment of the proposed Reconfiguration of a Lot (Boundary Realignment) against the purpose of the Rural Zone Code:

- (a) *provide for rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities;*

Response

The purpose of the proposed boundary realignment is to rationalise the existing land holdings. Following the proposed boundary realignment, the allotments will have areas of 3,102m² (Lot 41) and 14.83 hectares (Lot 2031).

Existing 4 on RP740593 is a relatively small allotment that contains an existing dwelling and associated structures. Given the nature of and the improvements on existing Lot 4 on RP740593, there are limited rural uses that could occur on the allotment.

Comparatively, existing Lot 203 on SP264765 is a relatively large allotment, that has previously been utilised for agricultural purposes, specifically sugarcane. The proposed boundary realignment, to slightly reduce the area of this allotment, by approximately 1,100m² does not impact on the viability of the proposed Lot 2031 to provide for rural uses.

- (b) *provide opportunities for non-rural uses, such as ancillary tourism activities that are compatible with agriculture, the environmental features, and landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purposes;*

Response

The proposal is for a boundary realignment only, and does not introduce any new land uses, built form or development intensity. The proposed boundary realignment will not impact on the ability for the allotments to provide opportunities for rural and ancillary rural uses that are compatible with the rural landscape and environmental features of the area.

- (c) *protect or manage significant natural resources and processes to maintain the capacity for primary production.*

Response

The purpose of the proposed boundary realignment is to rationalise the existing land holdings. The boundary realignment does not involve any earthworks, operational works or vegetation removal and will not disturb natural features or resource values. Both lots retain extensive unconstrained rural land capable of productive use. No adverse impacts on natural resources, drainage patterns, soil productivity or rural landscape values will occur as a result of the proposal.

6.0 CONCLUSION

The Applicants are seeking approval from Douglas Shire Council for a Development Permit for Reconfiguring a Lot (Boundary Realignment – 2 lots into 2 lots) for land located at 6460 Captain Cook Highway and 11 Old Ferry Road, Killaloe and properly described as Lot 4 on RP740593 and Lot 203 on SP264765.

This report has provided a review of the of the subject land, a detailed description of the proposed development, identified the applicable legislative provisions and provided a detailed assessment of the proposed development against the relevant provisions the Douglas Shire Planning Scheme 2018.

The proposed development has been assessed in accordance with the provisions of the *Planning Act 2016*, and based on the assessment it is considered that the proposed development for Reconfiguring a Lot (Boundary Realignment – 2 lots into 2 lots), should be approved, on the following grounds:

- The proposed development has been assessed in accordance with the provisions of the Douglas Shire Planning Scheme 2018 and is considered to generally comply with the assessment benchmarks of the applicable codes.
- The proposed development is for the rationalisation of existing land holdings. The proposal does not create any additional allotments, nor does it limit the future development opportunities of the subject land.
- The proposed development does not fragment the rural land or result in adverse impacts to the rural amenity of the location.
- The proposed development provides allotments that are responsive to existing land uses and constraints.

Accordingly, it is considered that the proposed development is an appropriate response to the site and subject to reasonable and relevant conditions, Council are able to issue a Development Permit for Reconfiguring a Lot (Boundary Realignment – 2 lots into 2 lots).

APPENDIX A

DA Form 1 – Development application details

Approved form (version 1.6 effective 2 August 2024) 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)	Stephen James Heffernan and Margaret Ann Heffernan
Contact name (only applicable for companies)	C/ MD Land Surveys
Postal address (P.O. Box or street address)	228 Draper Street
Suburb	Parramatta Park
State	Queensland
Postcode	4870
Country	Australia
Contact number	0402 806 016
Email address (non-mandatory)	erin@mdlandsurveys.com.au
Mobile number (non-mandatory)	N/A
Fax number (non-mandatory)	N/A
Applicant's reference number(s) (if applicable)	2235

1.1) Home-based business

☐ Personal details to remain private in accordance with section 264(6) of *Planning Act 2016*

2) Owner's consent

2.1) Is written consent of the owner required for this development application?

- ☒ Yes – the written consent of the owner(s) is attached to this development application
☐ 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
		6460	Captain Cook Highway	Killaloe
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	4	RP740593	Douglas Shire
b)	Unit No.	Street No.	Street Name and Type	Suburb
		11	Old Ferry Road	Killaloe
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	203	SP264765	Douglas Shire

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

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

Name of port authority for tidal area (if applicable)

<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>
Name of airport: <input type="text"/>
<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):

Reconfiguration of a Lot (Boundary Realignment – 2 lots 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

6.4) Is the application for State facilitated development?

- ☐ Yes - Has a notice of declaration been given by the Minister?
- ☒ No

Section 2 – Further development details**7) Does the proposed development application involve any of the following?**

Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input checked="" type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)

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

- ☐ Yes
- ☐ No

8.3) Does the proposed development relate to temporary accepted development under the Planning Regulation?

- ☐ Yes – provide details below or include details in a schedule to this development application
- ☐ No

Provide a general description of the temporary accepted development	Specify the stated period dates under the Planning Regulation

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?

- ☐ 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 ²)	Lot on plan description	Area (m ²)
Lot 4 on RP740593	2002m ²	Proposed Lot 41	3102m ²
Lot 203 on SP264765	14.94Ha	Proposed Lot 2031	14.83Ha

12.2) What is the reason for the boundary realignment?

Rationalise existing land holdings and improve functionality of Lot 41

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

Cairns Regional 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
- ☐ The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- ☒ 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
- ☐ SEQ northern inter-urban break – tourist activity or sport and recreation activity



Queensland
Government

- ☐ SEQ northern inter-urban break – community activity
- ☐ SEQ northern inter-urban break – indoor recreation
- ☐ SEQ northern inter-urban break – urban activity
- ☐ SEQ northern inter-urban break – 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)*
- ☐ Heritage places – Local heritage places

Matters requiring referral to the **Chief Executive of the distribution entity or transmission entity**:

- ☐ Infrastructure-related referrals – Electricity infrastructure

Matters requiring referral to:

- The **Chief Executive of the holder of the licence**, if not an individual
- The **holder of the licence**, if the holder of the licence is an individual
- ☐ Infrastructure-related referrals – Oil and gas infrastructure

Matters requiring referral to the **Brisbane City Council**:

- ☐ Ports – Brisbane core port land

Matters requiring referral to the **Minister responsible for administering the Transport Infrastructure Act 1994**:

- ☐ Ports – Brisbane core port land *(where inconsistent with the Brisbane port LUP for transport reasons)*
- ☐ Ports – Strategic port land

Matters requiring referral to the **relevant port operator**, if applicant is not port operator:

- ☐ Ports – Land within Port of Brisbane's port limits *(below high-water mark)*

Matters requiring referral to the **Chief Executive of the relevant port authority**:

- ☐ Ports – Land within limits of another port *(below high-water mark)*

Matters requiring referral to the **Gold Coast Waterways Authority**:

- ☐ Tidal works or work in a coastal management district *(in Gold Coast waters)*

Matters requiring referral to the **Queensland Fire and Emergency Service**:

- ☐ Tidal works or work in a coastal management district *(involving a marina (more than six vessel berths))*

18) Has any referral agency provided a referral response for this development application?

- ☐ Yes – referral response(s) received and listed below are attached to this development application
- ☐ 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 *(if applicable)*.

PART 6 – INFORMATION REQUEST

19) Information request under the DA Rules

☒ I agree to receive an information request if determined necessary for this development application

☐ I do not agree to accept an information request for this development application

Note: By not agreeing to accept an information request I, the applicant, acknowledge:

- that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties
- Part 3 under Chapter 1 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules or
- Part 2 under Chapter 2 of the DA Rules will still apply if the application is for state facilitated development

Further advice about information requests is contained in the [DA Forms Guide](#).

PART 7 – FURTHER DETAILS

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

☐ 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 (A, B or E)
\$		

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

☐ 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. An ERA requires an environmental authority to operate. See 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 536: Notification of a facility exceeding 10% of schedule 15 threshold* is attached to this development application
- ☒ No

Note: See 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 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.desi.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 Resources at www.resources.qld.gov.au for further information.

DA templates are available from planning.statedevelopment.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 planning.statedevelopment.qld.gov.au. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

Marine activities

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

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

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

Quarry materials from a watercourse or lake

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

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

Note: Contact the Department of Resources at www.resources.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

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

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

Note: Contact the Department of Environment, Science and Innovation at www.desi.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.resources.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.desi.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.desi.qld.gov.au for information requirements regarding development of Queensland heritage places. For a heritage place that has cultural heritage significance as a local heritage place and a Queensland heritage place, provisions are in place under the Planning Act 2016 that limit a local categorising instrument from including an assessment benchmark about the effect or impact of, development on the stated cultural heritage significance of that place. See guidance materials at www.planning.statedevelopment.qld.gov.au for information regarding assessment of Queensland heritage places.

Name of the heritage place:		Place ID:	
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Decision under section 62 of the Transport Infrastructure Act 1994

23.14) 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

23.15) 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.statedevelopment.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	<input checked="" type="checkbox"/> 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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with the development application	<input checked="" type="checkbox"/> Yes
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 .	
Relevant plans of the development are attached to this development application	<input checked="" type="checkbox"/> Yes
Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans .	
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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	

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

I, Boris Musa

Sole Director/Secretary of the company mentioned below.

Of
Mainstream Aquaculture Property Pty Ltd
A.C.N. 606 772 801

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

11 Old Ferry Road, Killaloe and properly described as Lot 203 on SP264765

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

Steve Heffernan and Margaret Heffernan

on the premises described above for:

Reconfiguring a Lot (Boundary Realignment)

(as shown on the Proposal Plan- 'Boundary Realignment 01_Rev A' dated 27th October 2025)

Company seal *[if used]*

Company Name and ACN:

Mainstream Aquaculture Property Pty Ltd

A.C.N. 606 772 801


.....
Signature of Sole Director/Secretary

.....
20-11-25
Date

APPENDIX B

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	21233045	Search Date:	05/11/2025 16:53
Date Title Created:	04/01/1984	Request No:	53987562
Previous Title:	21218220		

ESTATE AND LAND

Estate in Fee Simple

LOT 4 REGISTERED PLAN 740593

Local Government: DOUGLAS

REGISTERED OWNER

Dealing No: 719412258 17/05/2019

STEPHEN JAMES HEFFERNAN

MARGARET ANN HEFFERNAN

JOINT TENANTS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 21218220 (POR 58)
2. MORTGAGE No 719412259 17/05/2019 at 11:02
WESTPAC BANKING CORPORATION A.C.N. 007 457 141

ADMINISTRATIVE ADVICES

NIL

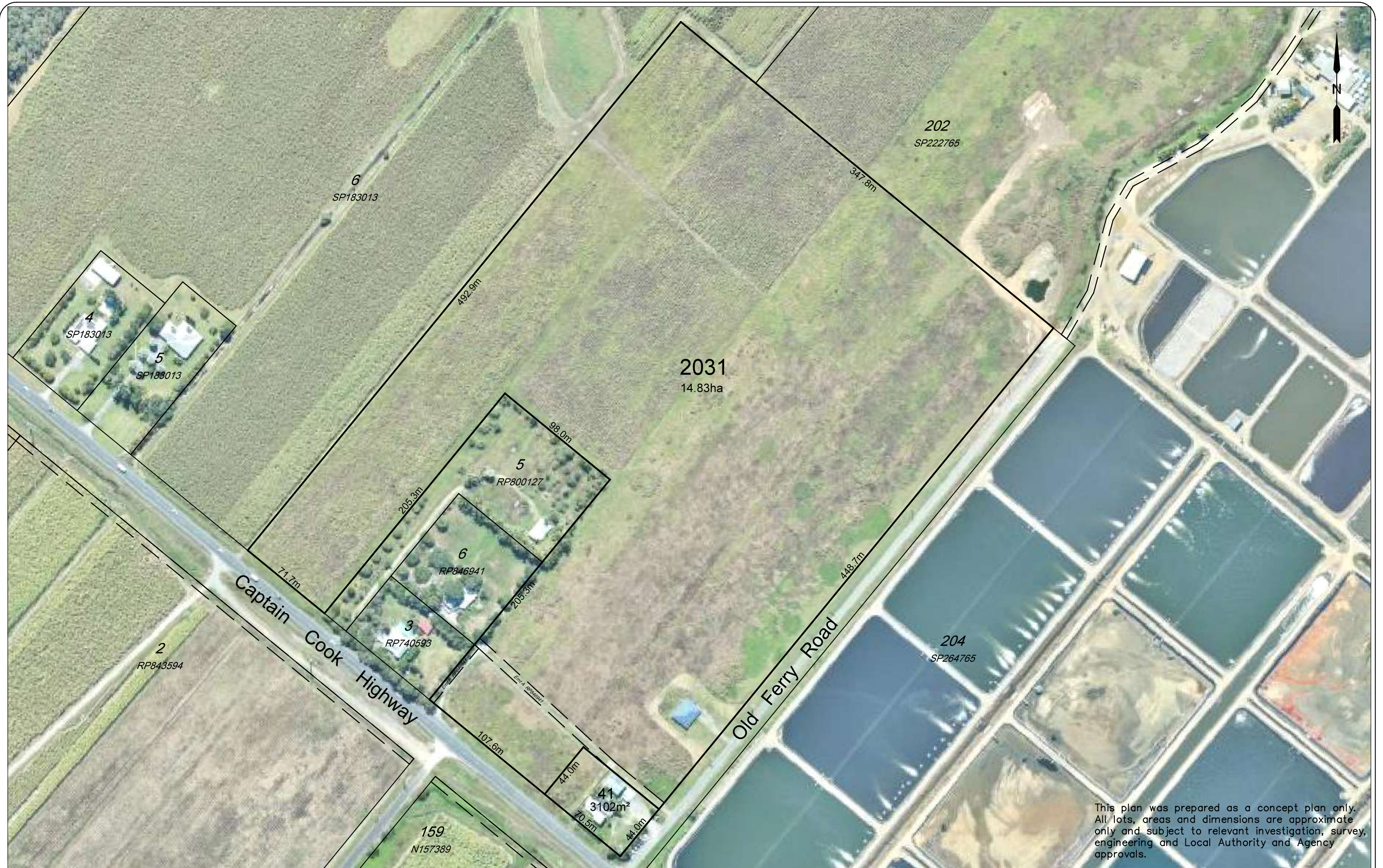
UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

APPENDIX C



This plan was prepared as a concept plan only. All lots, areas and dimensions are approximate only and subject to relevant investigation, survey, engineering and Local Authority and Agency approvals.