

18 May 2022



Town Planning and Project Services

Chief Executive Officer  
Douglas Shire Council  
64-66 Front Street  
MOSSMAN QLD 4873

Via email: [enquiries@douglas.qld.gov.au](mailto:enquiries@douglas.qld.gov.au)

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**RE: COMBINED DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A DWELLING HOUSE INCLUDING SHED AND SECONDARY DWELLING, HOME BASED BUSINESS AND CARETAKER'S ACCOMMODATION OVER LAND ON NEWELL ROAD NEWELL, MORE FORMALLY DESCRIBED AS LOT 26 ON SP212664**

Aspire Town Planning and Project Services act on behalf of on behalf of Zeus (N.Q.) Pty Ltd ACN 647 610 231 (the 'Applicant') in relation to the above described Development Application.

On behalf of the Applicant, please accept this correspondence and the accompanying attachments as a properly made Development Application pursuant to Sections 50 and 51 of the *Planning Act 2016* seeking a Development Permit for a Material Change of Use.

Please find enclosed the following documentation associated with this Development Application:

- Duly completed DA Form 1 (Attachment 1);
- Landowners Consent (Attachment 2);
- Certificate of Title (Attachment 3); and
- Plan of Proposed Development (Attachment 4).

The following sections of this correspondence discuss the relevant details of the Development Application, including the site, the proposed development and the applicable statutory town planning framework, and provide an assessment of the proposal against this framework.

The Application Fee is calculated as \$999.00, which is the sum of \$333.00 for the Dwelling House including Shed and Secondary Dwelling, plus \$333.00 for the Home Based Business, plus \$333.00 for the Caretaker's Accommodation. It is respectfully requested that Council consider a fee reduction on the basis that the proposed development triggers assessment only due to the proposed setbacks, effect of the Flood and Storm Tide Overlay

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and Parking, Access and Services Code. It is respectfully requested that Council confirm the fee as calculated is correct and payment will be arranged over the counter at the Mossman Administration Building.

Thank you for your time in considering the attached Development Application. If you wish to inspect the property or have any further queries, please contact the undersigned.

Regards,

A handwritten signature in black ink, appearing to read 'Daniel Favier', with a large loop at the start and a horizontal line extending to the right.

Daniel Favier  
**Senior Town Planner**  
**ASPIRE Town Planning and Project Services**

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## **1.0 Executive Summary**

This Development Application is for a Material Change of Use for a Dwelling House including Shed and Secondary Dwelling, Home Based Business and Caretaker's Accommodation over land on Newell Road, Newell and is more formally described as Lot 26 on SP212664.

The land is 12.1448ha in area and has approximately 675m frontage to Newell Road. The land is presently set up and used for horse agistment. The land is fully fenced and is divided into paddocks for horse agistment. There are four small shelters.

The Current Registered Landowner of the unit is Zeus (N.Q.) Pty Ltd ACN 647 610 231, refer to Attachment 3. The land was purchased in April 2021 by the current owners, who intend to establish the property as their primary place of residence as well as accommodate a direct family member in a separate dwelling. The owners further intend to carry out the administration function of their building company and also undertake a remedial massage business. In order to assist with management of the horse agistment and general property management, the owners are also looking to establish an onsite caretaker.

The land is located within the Rural Zone under the Douglas Shire Planning Scheme 2018 V1.0 (the 'planning scheme'). Whilst all of the land uses are self-assessable within the Rural Zone, the proposed development triggers code assessment due to non-compliance with a number of the self-assessable acceptable outcomes.

The following sections of this correspondence discuss the relevant details of the Development Application, including the site, the proposed development and the applicable statutory town planning framework, and provide an assessment of the proposal against this framework.

The information provided in this report, and accompanying attachments, demonstrates that the proposed development achieves compliance with the applicable provisions of the relevant planning framework. We therefore seek Council favourable consideration of the proposed development and approval the Development Application, subject to reasonable and relevant conditions. It would be appreciated if draft conditions could be provided for review prior to the issue of a Decision Notice.

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## 2.0 Site Characteristics and Surrounds

### 2.1 The Site

The subject unit is located on Newell Road, Newell, and is formally described as Lot 26 on SP212664 and has a total land area of 12.1448ha, see Figure 1 below. The site is bound by Newell Road to the north (approximately 675m), Rankin Street (approximately 155m) and a single residential dwelling to the east, Council freehold land (capped landfill) and Reserve land to the south and existing agricultural land to the west.

More broadly, the site is situated, approximately 155m west from the Newell Esplanade, 680m east of the Mossman Golf Course and 4.5km north east of the Mossman township.



Figure 1: Site location and aerial mapping (source: QLD Globe May 2022)

### 2.2 Site Features, Built Form, Access and Services

The site is divided by electric fencing into four separate grassed paddocks, used for horse agistment. Built features are limited to four small livestock shelters.

The site is accessed via Newell Road, a sealed bitumen road. Electricity, telecommunications and water is available to the site.

### 2.3 Ownership and Encumbrances

The site is in the registered ownership of Zeus (N.Q.) Pty Ltd ACN 647 610 231, refer to the Certificate of Title, included as Attachment 3.

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The Certificate of Title confirms the site is burdened by an easement in gross in favour of Douglas Shire Council. This easement is located over the eastern portion of the block and is for the purpose of conveying stormwater.

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### **3.0 Description of Proposed Development**

The proposal seeks a Development Permit for a Material Change of Use for a Dwelling House including Shed and Secondary Dwelling, Home Based Business and Caretaker's Accommodation over land on Newell Road, Newell and is more formally described as Lot 26 on SP212664, refer to the Proposal Plan included at Attachment 4.

The proposed Dwelling House and Shed are located within the western area of site and accessed via Newell Road. The Dwelling House is a two storey design including double garage, internal kitchen, living, family room, 2 bathrooms, laundry and 4 bedroom plus office. The Dwelling House has a total area of 227.2m<sup>2</sup> plus outdoor deck/living area.

The associated Secondary Dwelling and Home Based Business buildings are two separate buildings of the same design. These buildings contain an internal kitchenette, bathroom, store and living/workspace. The total internal area of each is 45.60m<sup>2</sup>.

The proposed Secondary Dwelling will be genuinely occupied by a member of the family.

The proposed Home Based Business will provide a dedicated studio for the land owner to undertake a remedial massage business.

The proposed Caretaker's Accommodation is located within the eastern area of the site. This building is 2 storey design and comprises 3 bedrooms, internal combined laundry/bathroom, separate ensuite, kitchen, living and dining. The building includes a single carport, outdoor deck/living areas and pool. The Caretaker's Accommodation has a total area of 116.85m<sup>2</sup>.

All buildings are proposed 20m from the Newell Road boundary, except for the proposed Shed which is 15m from the Newell Road boundary.

The Dwelling House, Shed and Home Based Business will share a single crossover. The Caretaker's Accommodation and Secondary Dwelling will share a secondary crossover.

#### **3.1 Development Staging**

It is proposed to build the Caretaker's Accommodation as Stage 1. The owners will construct this building and reside in this as the primary Dwelling House, while working on plans and building the actual Dwelling House and Shed. The actual Dwelling House and Shed will be built as Stage 2. The Secondary Dwelling and Home Based Business is planned to be built as Stage 3.

It is respectfully requested that Council reflect the proposed staging within the development conditions.

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## **4.0 State Planning Framework**

### **4.1 State Planning Policies**

The minister has declared that the Douglas Shire Planning Scheme 2018 V1.0 appropriately incorporated the relevant State Planning Policies. No further assessment is required in this regard.

### **4.2 FNQ Regional Plan**

The site is included in the Urban Footprint Designation of the FNQ2009-2031 Regional Plan and it is submitted that the proposed development satisfies the intent of the Urban Footprint Designation and the requirements of the Regional Plan.

### **4.3 State Agency Referral**

Review of Schedule 10 of the *Planning Regulation 2017* confirms that the proposed Material Change of Use does not trigger referral to the State Assessment and Referral Agency, or any other agency.

### **4.4 State Assessment Development Provisions**

The State Assessment Development Provisions are not applicable to the proposed development as there are no applicable State Agency Referrals.

## 5.0 Local Government Planning Context

### 5.1 Douglas Shire Planning Scheme 2018 V1.0

The subject unit is located within the Rural Zone under the Douglas Shire Planning Scheme 2018 V1.0, see Figure 2 below. The purpose of this zone is to:

- (a) provide for rural uses including cropping, intensive horticulture, intensive animal industries, animal husbandry, animal keeping and other primary production activities;
- (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;
- (c) protect or manage significant natural resources and processes to maintain the capacity for primary production. It is submitted that the proposed development for a single Multiple Dwelling (and existing short term accommodation rights) directly aligns with the purpose of the zone.

The proposed development supports the commercial diversification and use of the land and appropriate scale of development which transition between adjoining residential and other Rural Zoned land. The site will continue to be used for the purpose of agistment of horses.



**Figure 2: Site Zoning (source: 2018 Douglas Shire Council Planning Scheme Property Report)**



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## 5.2 Local Plan

The subject sit is not included within a mapped Local Plan Area.

## 5.3 Planning Scheme Overlays

Review of the Douglas Shire Planning Scheme 2018 v1.0 confirms the following Overlays are applicable to the subject to the site:

- Acid Sulfate Soils Overlay (<5m AHD and 5-20m AHD categories)
- Coastal Processes Overlay (Erosion Prone Area)
- Flood and Storm Tide Hazard Overlay (Floodplain Assessment; Medium Storm Tide Hazard and High Storm Tide Hazard)
- Landscape Values Overlay (Medium Landscape Value and High Landscape Value)
- Landslide Hazard Overlay (Potential Landslide Hazard)
- Natural Areas Overlay (MSES – Wildlife Habitat)
- Transport Network Overlay (Principal Pedestrian and Cycle Network; Sub Arterial Road and Collector Road)

The proposed development complies with the above referenced codes, however there are minor non-compliances with the Acid Sulphate Soils Overlay Code and the Flood and Storm Tide Hazard Overlay Code discussed further under s5.5 of this report.

## 5.4 Level of Assessment

In accordance with the Rural Zone Table of Assessment, each of the proposed land uses are Self-Assessable, however the proposed development will trigger Code Assessment due to non-compliance with a number of the Self-Assessable Acceptable Solutions.

## 5.5 Code Assessment

The following Code Assessment has been carried out against only the Codes that the proposed development seeks an alternative solution to the Acceptable Outcome.

Assessment Benchmark	Matter of Non-compliance	Comment
<b>Rural Zone Code</b> <b>General discussion:</b> Elevation plans have not been provided with the Development Application however, the proposed buildings will be less than the prescribed building height. Building height may form a condition of approval. Building colours and finishes may be also conditioned.  Other than mentioned below there are no other matters of non-compliance.		
<b>Setbacks</b>	AO2	<b>Alternative solution:</b> The proposed buildings comply with the minimum 20m setback to Newell Road, except for the proposed Shed which is setback 15m from the road boundary.

		<p>In support of the proposed 15m setback for the shed it is submitted that:</p> <ul style="list-style-type: none"> <li>- There is an existing wider road verge of 8m on the subject site side of Newel Road, compared to a 6m verge on the northern side of Newell Road. Therefore from the road the shed would be perceived to have a greater setback.</li> <li>- There are no buildings on the adjoining property that would generate need for increased setbacks.</li> <li>- The building is not habitable.</li> <li>- The subject site is the last block before entering the residential area or Newell where buildings are located quite close to the road boundary. Being a site which transitions from rural to residential a reduced setback may be more acceptable to Council.</li> <li>- Landscaping could be planted to soften or screen views from the road, as successfully exemplified by the Rural property adjoining the subject site on the northern side of Newell Road. The land owner would accept a condition requiring this section of the frontage is landscaped to screen views of the Shed.</li> </ul>
<b>Acid Sulphate Soils Overlay</b> <b>General discussion:</b> other than mentioned below there are no other matters of non-compliance.		
	AO1.1 / AO1.2	Minor excavations are required for footings only. Given the minor nature of proposed excavations, it is not expected that the development is going to generate risk of acid sulphate soils. Any risk will be managed onsite at the time of development.
<b>Flood and Storm Tide Hazard Overlay</b> <b>General discussion:</b> other than mentioned below there are no other matters of non-compliance.		
	AO1.1	The proposed Caretaker's Accommodation is located within the Medium Storm Tide Hazard Overlay, however this building will be on raised footings approximately 900mm out of the ground. The building is low impact on the ground and located on a natural high point on the site. The owner would accept a condition on the development prescribing the minimum habitable floor level.
<b>Dwelling House Code</b> <b>General discussion:</b> the proposed Secondary Dwelling complies with the minimum floor area and will be genuinely occupied by a member of the family of the occupants of the primary Dwelling House. There have been some prelodgement discussions with Council's Town Planning Officer regarding the proposed development and issue has been raised regarding the location of the Secondary Dwelling and suggestion by Council that this needs to be located closer to primary Dwelling House to satisfy the land use and administrative definitions within the planning scheme for a Secondary Dwelling.  By definition a Secondary Dwelling is a:  <i>"A dwelling used in conjunction with, and subordinate to, a dwelling house on the same lot. A secondary dwelling may be constructed under a dwelling house, be attached to a dwelling house or be free standing."</i>  The proposed Secondary Dwelling is very much subordinate to the primary Dwelling House, having only a gross floor area of 45.6m <sup>2</sup> . By definition the Secondary Dwelling must be positioned on the same lot to the primary		

Dwelling House and may be free standing. The definitions do not prescribe proximity between Secondary Dwelling and primary Dwelling House.

Furthermore, the Dwelling House Code does not prescribe a minimum or maximum distance a Secondary Dwelling may be located from the primary Dwelling House. The proposed Secondary Dwelling is less than the maximum gross floor area permitted and will be occupied by a family member of the primary Dwelling House.

The distance between the Secondary Dwelling and primary Dwelling House does not diminish the genuine intention or ability of occupants to live together on a long term basis and make common provision for food or other essentials for living.

There are no notable matters of non-compliance.

	AO2	It is acknowledged that the plans do not show a dedicated parking space for the Secondary Dwelling however there is sufficient and appropriate area onsite to accommodate a parking space for the Secondary Dwelling. If there are concerns regarding this, a condition on the development would be acceptable.
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#### **Home Based Business Code**

**General discussion:** the proposed Home Based Business is located within a detached building similar in design to the Secondary Dwelling. The nature of the business is remedial massage and will be conducted by one of the owners of the property and satisfies the maximum gross floor area requirements. With respect to hours of operation, signage and vehicle access and parking, these are minor matters and a conditioning of these matters would be acceptable.

There are no notable matters of non-compliance.

#### **Caretaker's Accommodation Code**

**General discussion:** the proposed Caretaker's Accommodation building is initially proposed to be used as the primary Dwelling House, while the land owners finalise the actual primary Dwelling House design and building of. It is respectfully requested that Council conditions recognises the proposed staging. Once the primary Dwelling House is built, the owners will seek to fill the caretaker role. The caretaker will genuinely assist with the commercial aspects of the property including the Horse Agistment and general property maintenance. The Caretaker's Accommodation is located within 500m of the primary Dwelling House.

There are no notable matters of non-compliance.

#### **Access, Parking and Services Code**

**General discussion:** It was originally proposed that each individual building would be provided a dedicated crossover from Newell Road to preserve the integrity of the existing electric fenced paddocks and reduce need for lengthy internal road network. However, during prelodgement discussions Council Planning Officers, it was been suggested that a maximum of two crossovers would be more appropriate. A condition limiting the number of crossovers would be acceptable.

	AO3.1	<b>Alternative solution:</b> In accordance with the above discussion two crossovers are proposed. The primary Dwelling House and Home Based Business is proposed to share one crossover and the Caretaker's Accommodation and Secondary Dwelling is proposed to share a second crossover.
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#### **Filling and Excavation Code**

**General discussion:** the proposed buildings are located on natural high areas of the property. Excavations will be limited to that required for footings only.

There are no notable matters of non-compliance.

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Vegetation Management Code

General discussion: No vegetation clearing is proposed.

There are no notable issues of non-compliance.

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## **6.0 Conclusion**

This Development Application is for a Material Change of Use for a Dwelling House including Shed and Secondary Dwelling, Home Based Business and Caretaker's Accommodation over land on Newell Road, Newell and is more formally described as Lot 26 on SP212664.

This Development Application demonstrates that the proposed development is:

- Consistent with the purpose of the Rural Zone;
- Appropriate in terms of scale and serves as an acceptable transition between Rural Zoned land and Residential Zoned land;
- Generally complies with the Acceptable Outcomes of the relevant codes; and
- Any matters of non-compliance may be addressed through reasonable and relevant conditions.

The proposed development is submitted to Council for Approval. As a matter of courtesy, it would be greatly appreciated if the Council could provide the applicant with draft conditions prior to the determination of the Development.

Attachment I:

Duly Completed DA Form I

# DA Form 1 – Development application details

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

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

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

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

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

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

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

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

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Zeus (N.Q.) Pty Ltd ACN 647 610 231
Contact name (only applicable for companies)	c/- Daniel Favier (Aspire Town Planning and Project Services)
Postal address (P.O. Box or street address)	PO Box 1040
Suburb	Mossman
State	QLD
Postcode	4873
Country	Australia
Contact number	0418 826 560
Email address (non-mandatory)	admin@aspireqld.com
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	2022-04-03 - Walker – Newell Road, Newell

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

## PART 2 – LOCATION DETAILS

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

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

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

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
			Newell Road	Newell
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	26	SP212664	Douglas Shire
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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

**Note:** Place each set of coordinates in a separate row.

- ☐ Coordinates of premises by longitude and latitude

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

- ☐ Coordinates of premises by easting and northing

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

#### 3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

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

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

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

Name of airport:



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

**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):*

Combined Development Application for a Material Change of Use for a Dwelling House including Shed and Secondary Dwelling, Home Based Business and Caretaker's Accommodation

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

### Division 1 – Material change of use

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

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m <sup>2</sup> ) (if applicable)
Combined Development Application for a Material Change of Use for a Dwelling House including Shed and Secondary Dwelling, Home Based Business and Caretaker's Accommodation	Dwelling House including Shed and Secondary Dwelling, Home Based Business and Caretaker's Accommodation	0	
8.2) Does the proposed use involve the use of existing buildings on the premises?			
<input type="checkbox"/> Yes			
<input checked="" type="checkbox"/> No			

### Division 2 – Reconfiguring a lot

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

9.1) What is the total number of existing lots making up the premises?	
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 type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13))

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

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

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )
12.2) What is the reason for the boundary realignment?			

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

### Division 3 – Operational work

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

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

## PART 4 – ASSESSMENT MANAGER DETAILS

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

## PART 5 – REFERRAL DETAILS

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

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

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

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

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

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

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

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

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

## PART 6 – INFORMATION REQUEST

<b>19) Information request under Part 3 of the DA Rules</b>
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application
<input type="checkbox"/> I do not agree to accept an information request for this development application
<b>Note:</b> By not agreeing to accept an information request I, the applicant, acknowledge: <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> Further advice about information requests is contained in the <a href="#">DA Forms Guide</a> .

## 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](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 habitat in SEQ Region**

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

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

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

☒ No

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

### **Water resources**

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

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

☒ No

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

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

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

### **Waterway barrier works**

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

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

☒ No

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

### **Marine activities**

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

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

☒ No

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

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

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

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

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

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

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

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

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

### **Referable dams**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

☒ No

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

## PART 8 – CHECKLIST AND APPLICANT DECLARATION

### 24) Development application checklist

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

☒ Yes

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

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

☐ Yes

☒ Not applicable

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

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

☒ Yes

Relevant plans of the development are attached to this development application

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

☒ Yes

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

☐ Yes

☒ Not applicable

### 25) Applicant declaration

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

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

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

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

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

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

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

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

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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	

Attachment 2:

Landowners Consent

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

I,  
*Zeph Walker,*  
Sole Director/Secretary of the company mentioned below.

Of,  
*Zeus (N.Q.) Pty Ltd ACN 647 610 231*

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

*Land on Newell Road, Newell more formally described as Lot 26 on SP212664*

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

*Aspire Town Planning and Project Services*

on the premises described above for:

*Combined Development Application for a Material Change of Use (Dwelling House including Shed and  
Secondary Dwelling, Home Based Business and Caretaker's Accommodation)*

*Zeus (N.Q.) Pty Ltd ACN 647 610 231*



.....  
Signature of Sole Director/Secretary

16/05/2022

.....  
Date

Attachment 3:

Certificate of Title

Queensland Titles Registry Pty Ltd  
ABN 23 648 568 101

Title Reference:	50407305	Search Date:	16/03/2022 13:32
Date Title Created:	11/09/2002	Request No:	40458667
Previous Title:	50365430		

**ESTATE AND LAND**

Estate in Fee Simple

LOT 33 SURVEY PLAN 150459

Local Government: DOUGLAS

COMMUNITY MANAGEMENT STATEMENT 30573

**REGISTERED OWNER**

Dealing No: 721533391 09/03/2022

NAOMI LOUISE MCRAE

**EASEMENTS, ENCUMBRANCES AND INTERESTS**

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 10332031 (ALLOT 15 SEC 2)  
Deed of Grant No. 10332035 (ALLOT 16 SEC 2)  
Deed of Grant No. 10332073 (ALLOT 10 SEC 2)
2. MORTGAGE No 721533392 09/03/2022 at 16:09  
WESTPAC BANKING CORPORATION A.C.N. 007 457 141

**ADMINISTRATIVE ADVICES**

NIL

**UNREGISTERED DEALINGS**

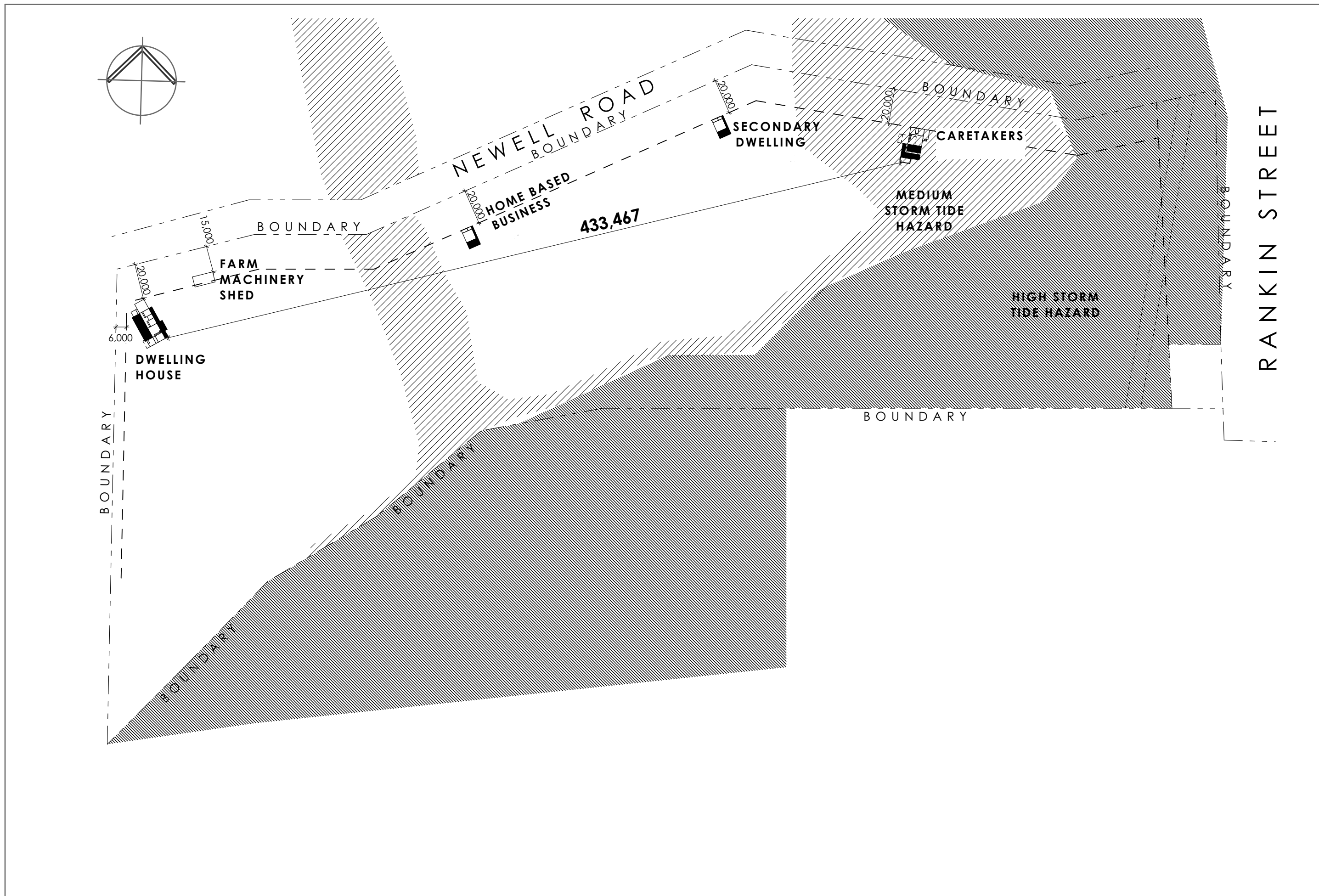
NIL

Caution - Charges do not necessarily appear in order of priority

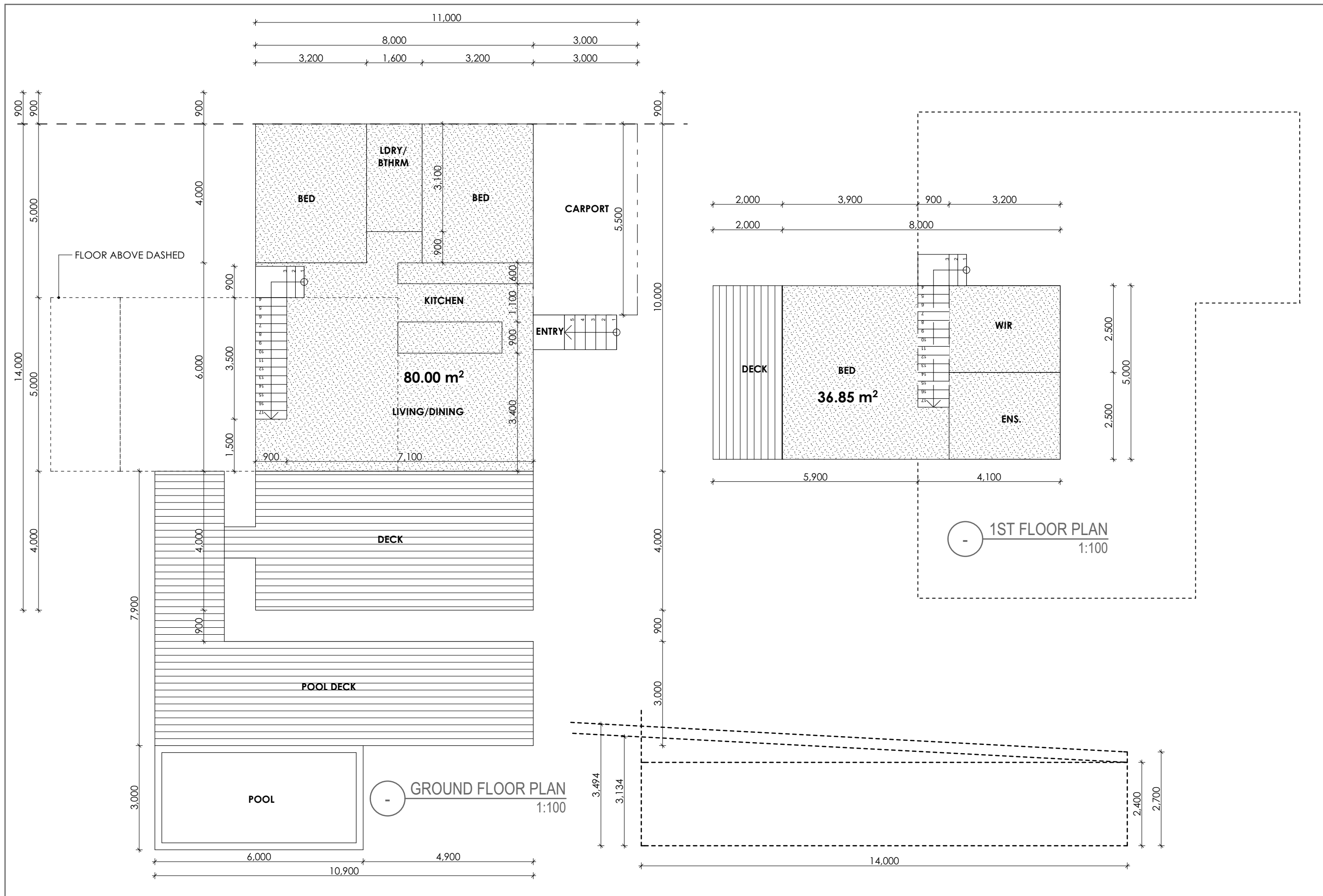
\*\* End of Current Title Search \*\*

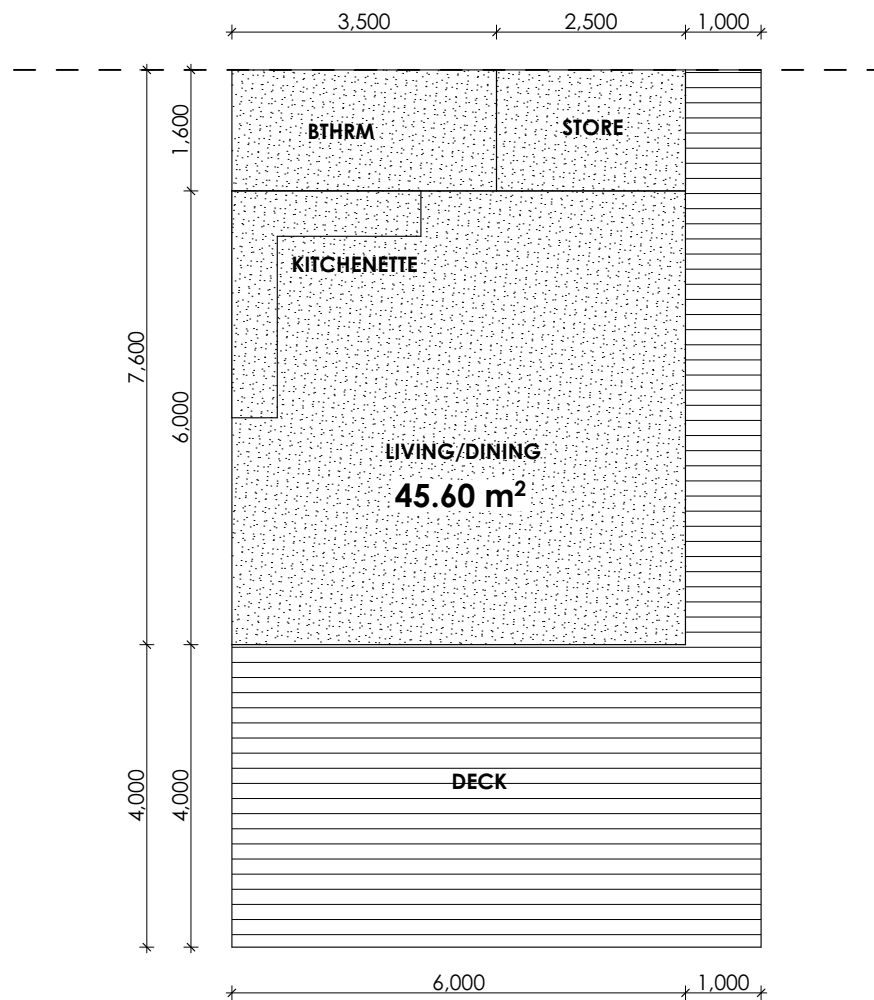
Attachment 4:

Plan of Proposed Development

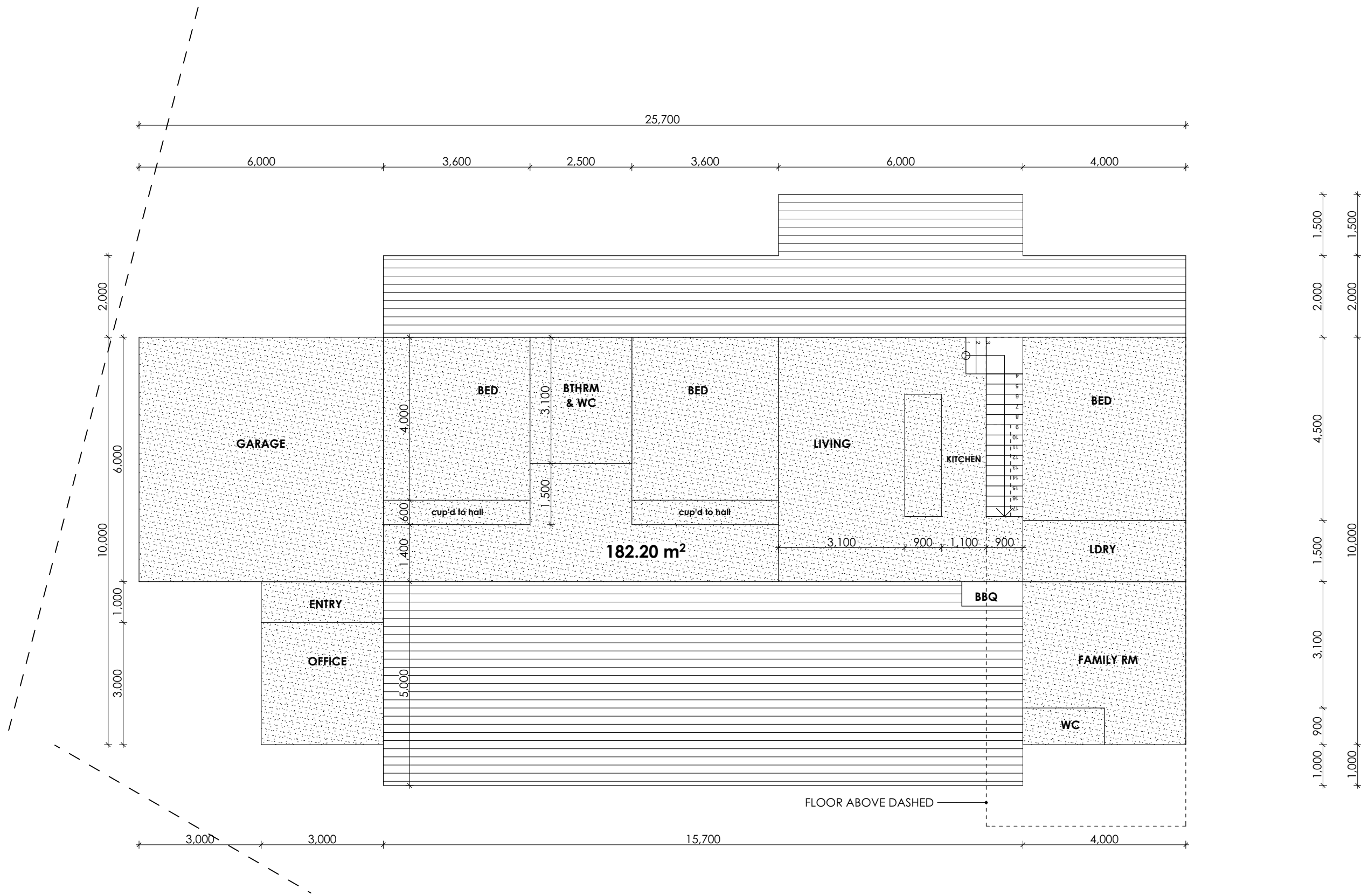




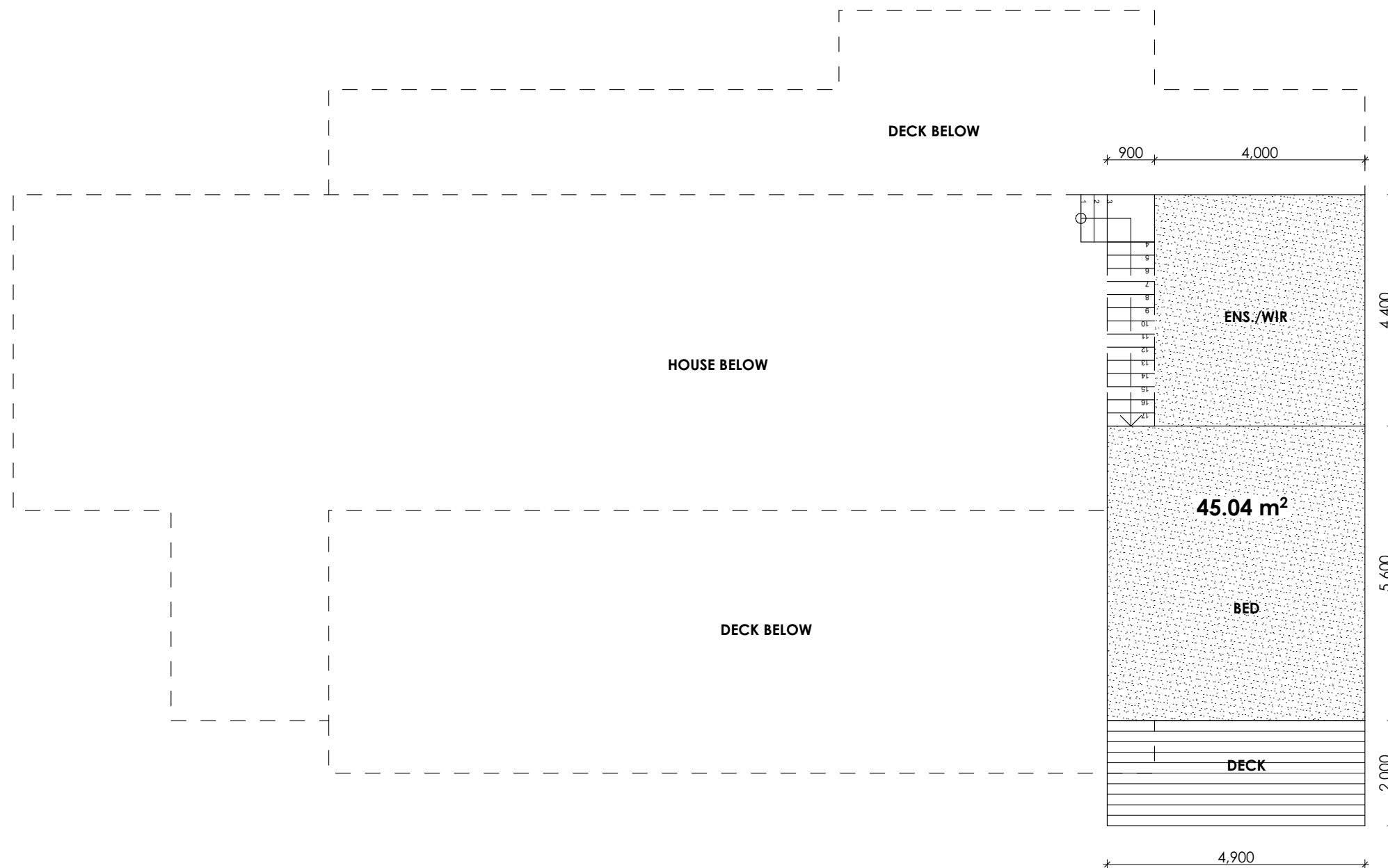




OFFICE/STUDIO PLAN  
1:100



HOUSE GRD PLAN  
1:100



HOUSE 1ST PLAN  
1:100