

PLANNING REPORT

APPLICATION FOR RECONFIGURATION OF A LOT

Proposed Lots 10 & 20

Cancelling Lot 1 on SP225679

Shannonvale Road, Shannonvale

APPLICANT: G. & S. Vico

PREPARED BY: CHARLES O'NEILL PTY. LTD.

**Consulting Surveyors
April 2013**

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5438VIC-36
April 2013

Charles O'Neill Pty Ltd
Consulting Surveyors

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Introduction

This Planning Report has been prepared at the request of the applicant. It provides supporting information that will assist the assessment manager to evaluate the application. The proposed development's compliance with the relevant provisions of the Planning Scheme for Douglas Shire and other statutory instruments is also addressed.

Overview

At Council's Ordinary Meeting on 26 October 2011, Council proposed to enter 240 sites in its Local Heritage Register, one being the homestead within the subject site, Lot 1 on SP225679. Concerns were raised by the applicants, G. & S. Vico, regarding the implications of the site being on the register and enquires were made whether the homestead and a suitable curtilage of surrounding land could be excised from the farm holding.

The applicants primary concern is that in placing the homestead within Local Heritage Register in the current configuration would risk the entire site being converted into a rural lifestyle use. In that the future owners of the site would purchase the site for the homestead only with no intent to operate the farming land, essentially turning the entire site into a rural lifestyle use. The proposal will ensure that the homestead is preserved while allowing the farm holding to continue to be used for agricultural purposes.

The applicants made an initial enquiry with Council in late 2011 if the homestead could be excised from the farm holding. As the land was within the Rural Landscape and Rural Production Area under the Far North Regional Plan 2009-2031 and was deemed as prohibited development under the State Planning Regulatory Provisions, Council advised that an application to excise the homestead from the farm holding could not be considered. As the State Planning Regulatory Provision for the Far North Queensland Regional Plan has been repealed, we now ask Council to consider the application.

The proposal

The proposed development is for the reconfiguration of a single parcel of land, precisely described as Lot 1 on SP225679, with a total area of 54.23ha. The proposal will result in the new configuration as shown on proposal plan 5438VIC-09. The areas of proposed Lots 10 & 20 will be 52.27ha and 1.96ha respectively.

Site Description

The subject land is located to the north-west of the South Mossman River and south of the Captain Cook Highway. It lies on either side of Shannonvale Road and immediately abuts the boundary of industrial land on the southern outskirts of Mossman. About one half of the site area is given over to cane farming with the balance being heavily timbered ridges. The site contains two (2) dwellings and machinery sheds and associated infrastructure. The two (2) dwellings and machinery shed will continue to utilise existing access points.

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Subdivisional Design

The new boundary of proposed Lot 11 has been designed to include the homestead and associated infrastructure with the western boundary following the significant drainage lines, see attached photographs. The existing vehicle accesses that service the two (2) dwellings and machinery shed have been utilised.

Vegetation

The Department of Natural Resources and Mines (DNRM) Regional Ecosystem and Remnant Mapping indicates that the vegetated part of the site consists mainly of land designated as remnant vegetation that is least of concern and of concern. DNRM has confirmed that as no new clearing exemptions will be created as a result of the reconfiguration, referral of the application to DNRM under the Vegetation Management Act 1999 is not required.

Referral Agency Matters

The application requires referral to the Department of Transport and Main Roads for Concurrence Agency matters for the following triggers

1. State-controlled Road - Reconfiguring a lot on premises within 100m of a State-controlled road, or in part of a future State-controlled road

No further impact will result as no additional lots created will abut the existing or future State-controlled Road or Rail Network.

Douglas Shire Planning Scheme

The site is within both the Rural Areas and Mossman Environs Locality as defined by the Planning Scheme for Douglas Shire. A large proportion of the site is designated as being within the Rural Planning Area with a small area in the north western corner of proposed Lot 21 within the Industrial Planning Area. Proposed Lot 11 will be fully contained within the Rural Planning Area.

The assessment tables for both the Rural Area and Mossman Environs Locality indicate that code assessment is required for a Reconfiguration.

IMPACT OF PROPOSAL- RURAL PLANNING AREA CODE

The intent of the Rural Zone is the protection of rural lands suitable for cultivation, in particular, to support the continued viable operation of the Mossman Central Mill. As a result of the proposal there will not be an impact on the land identified as Good Quality Agricultural Land (GQAL). The farm holding will continue to operate as before the reconfiguration. An existing dwelling and associated infrastructure will be contained within each proposed lot. As no additional structure/infrastructure will be constructed there will be no loss of GQAL as a result of this proposal.

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Consistent and Inconsistent Uses

A1.1 Complies

Good Quality Agricultural Land

A2.1 There will be no loss of primary production land as a result of the reconfiguration.

Buffering Incompatible Land Uses

A3.1 The Homestead has an appropriate buffer from the farm holding

Building/Structures Setbacks and Screening

A4.1 & A5.1 Complies

Rural Character

A6.1 There are existing buildings/structures on both proposed lots. In the event that any new structures are constructed, white and shiny finishes on external surfaces will be avoided to maintain rural character.

Protecting and Enhancing Native Vegetation and Adjacent Environmental Sensitive Area

A7.1 The proposed lots are already cleared. No further clearing is necessary.

Sloping Sites

No additional buildings or structures will be constructed as a result of the reconfiguration. In the event that any development occurs in the future it will be in accordance with the Acceptable Solutions specified in the Planning Scheme.

Sustainable Sitting and Design of Houses on land where the Natural Areas and Scenic Amenity Code is triggered

Not applicable to this application as no new dwellings will be erected as a result of the reconfiguration. In the event that any development occurs in the future it will be in accordance with the Acceptable Solutions specified in the Planning Scheme.

IMPACT OF PROPOSAL – RECONFIGURATION OF A LOT CODE***Area and Dimensions of Lots***

A1.1 Proposed Lot 20 complies with the minimum area as identified in Table 1 with an area of 52.27ha. Proposed Lot 10 does not comply with a minimum area of 1.96ha.

Rural Planning Area

A2.1 The proposed lot boundaries relate to natural features such as ridges and drainage. The western boundary of Lot 10 incorporates the existing drainage onsite, see attached photographs.

A2.2 Proposed Lot 20 complies with the minimum area as identified in Table 1 with an area of 52.27ha. Proposed Lot 10 does not comply with a minimum area of 1.96ha.

A2.3 Not applicable to this proposal

Infrastructure for Local Communities

A7.1 It is considered that proposed Lot 10 is of significant area that the provision of open space is not required.

A8.1 Not applicable to this application

Road Networks

A9.1 – A9.5 No new road will be necessary resulting from the reconfiguration.

A10.1 – 10.2 Not applicable to this application

Pedestrian and Bicycle Network

A11.1 – 11.3 Not applicable to this application

Stormwater Drainage

A12.1 There is existing stormwater drainage that will continue to service the proposed lots. No further drainage will be required a result of this proposal.

Water Supply

A13.1 Both proposed lots are serviced by existing infrastructure. Any new connections will be in accordance with specifications set out in the Planning Scheme Policy No 6 – FNQROC Development Manual.

Treatment and Supply of Effluent

P14 Both existing dwellings are serviced by existing onsite systems. The applicant has advised that both systems function correctly.

No additional dwellings are intended as a result of this application, In the event that any new dwellings are erected they will be in connected to an appropriate onsite sewerage system in accordance with specifications set out in the Planning Scheme Policy No 6 – FNQROC Development Manual.

Residential Development- Standard Format Plan with Common Property

Not applicable to this application.

Boundary Realignment

Not applicable to this application

IMPACT OF OVERLAY CODES

Acid Sulphate Soils Code

No excavation will occur as a result of this application

Natural Hazards Code

The Natural Hazards Code do not apply due to the parcels of land are Low Risk Hazard areas.

Cultural Heritage and Valuable Sites Code

The Cultural Heritage and Valuable Sites Code do not apply as there are no cultural heritage significant areas within the proposed parcels of land.

CONCLUSION

We ask Council to assess the application on the merits of the proposal by accepting that proposed Lot 10 does not meet the minimum area requirements specified for the Rural Planning Area. The proposal will not result in the loss of Good Quality Agricultural Land. We recommend that Council approve the proposed *Reconfiguration of a Lot*, subject to reasonable and lawful conditions.

ATTACHMENT 1

IDAS FORMS 1 & 7

IDAS form 1—Application details

(Sustainable Planning Act 2009 version 2.0 effective 31 March 2013)

This form must be used for **ALL** development applications.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:

- complete this form (*IDAS form 1—Application details*)
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* or the Sustainable Planning Regulation 2009.

This form and any other IDAS form relevant to your application must be used for development applications 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*. Whenever a planning scheme is mentioned, take it to mean land use plan for the strategic port land, Brisbane core port land or airport land.

PLEASE NOTE: This form is not required to accompany requests for compliance assessment.

This form can also be completed online using eDA at www.smarteda.qld.gov.au

Mandatory requirements

Applicant details (Note: the applicant is the person responsible for making the application and need not be the owner of the land. The applicant is responsible for ensuring the information provided on all IDAS application forms is correct. Any development permit or preliminary approval that may be issued as a consequence of this application will be issued to the applicant.)

Name/s (individual or company name in full)

G. & S. Vico

For companies, contact name

Postal address

c/- Charles O'Neill Pty Ltd
PO Box 5246
CAIRNS QLD 4870

Attn: Michael Tessaro

Suburb

State

Postcode

Country (if other than Australia)

Contact phone number

(07) 4051 6722

Mobile number (non-mandatory requirement)

Fax number (non-mandatory requirement)

(07) 4031 1446

e-mail address (non-mandatory requirement)

manager

@oneillsurveys.com.au

Applicant's reference number (non-mandatory requirement)

5438VIC

1. What is the nature of the development proposed and what type of approval is being sought?

Table A—Aspect 1 of the application (If there are additional aspects to the application please list in Table B—Aspect 2.)

- a) What is the nature of the development? (Please only tick one box.)
- ☐ Material change of use ☒ Reconfiguring a lot ☐ Building work ☐ Operational work
- b) What is the approval type? (Please only tick one box.)
- ☐ Preliminary approval under s241 of SPA ☐ Preliminary approval under s241 and s242 of SPA ☒ Development permit
- c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)
- 2 lot rural subdivision
- d) What is the level of assessment? (Please only tick one box.)
- ☐ Impact assessment ☒ Code assessment

Table B—Aspect 2 of the application (If there are additional aspects to the application please list in Table C—Additional aspects of the application.)

- a) What is the nature of development? (Please only tick one box.)
- ☐ Material change of use ☐ Reconfiguring a lot ☐ Building work ☐ Operational work
- b) What is the approval type? (Please only tick one box.)
- ☐ Preliminary approval under s241 of SPA ☐ Preliminary approval under s241 and s242 of SPA ☐ Development permit
- c) Provide a brief description of the proposal, including use definition and number of buildings or structures where applicable (e.g. six unit apartment building defined as a *multi-unit dwelling*, 30 lot residential subdivision etc.)
-
- d) What is the level of assessment?
- ☐ Impact assessment ☐ Code assessment

Table C—Additional aspects of the application (If there are additional aspects to the application please list in a separate table on an extra page and attach to this form.)

☐ Refer attached schedule ☐ Not required

2. Location of the premises (Complete Table E and/or Table F as applicable. Identify each lot in a separate row.)

Table E—Street address and lot on plan for the premises or street address and lot on plan for the land adjoining or adjacent to the premises. (Note: this table is to be used for applications involving taking or interfering with water). (Attach a separate schedule if there is insufficient space in this table.)

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

Street address					Lot on plan description		Local government area (e.g. Logan, Cairns)
Lot	Unit no.	Street no.	Street name and official suburb/ locality name	Post-code	Lot no.	Plan type and plan no.	
i)			Shannonvale Road, Shannonvale	4873	1	SP225679	Cairns Regional Council
ii)							
iii)							

Planning scheme details (If the premises involves multiple zones, clearly identify the relevant zone/s for each lot in a separate row in the below table. Non-mandatory.)

Lot	Applicable zone/precinct	Applicable local plan/precinct	Applicable overlay/s
i)			
ii)			
iii)			

Table F—Premises coordinates (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.) (Attach a separate schedule if there is insufficient space in this table.)

Coordinates (Note: place each set of coordinates in a separate row.)				Zone reference	Datum	Local government area (if applicable)
Easting	Northing	Latitude	Longitude			
					<input type="checkbox"/> GDA94 <input type="checkbox"/> WGS84 <input type="checkbox"/> other	

3. Total area of the premises on which the development is proposed (indicate square metres)

54.23ha

4. Current use/s of the premises (e.g. vacant land, house, apartment building, cane farm etc.)

Rural

5. Are there any current approvals (e.g. a preliminary approval) associated with this application? (Non-mandatory requirement.)

☒ No ☐ Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)

6. Is owner's consent required for this application? (Refer to notes at the end of this form for more information.)

☐ No
☒ Yes—complete either Table G, Table H or Table I as applicable

Table G

Name of owner/s of the land	
I/We, the above-mentioned owner/s of the land, consent to the making of this application.	
Signature of owner/s of the land	
Date	

Table H

Name of owner/s of the land	George & Shirley Joy Vico
<input checked="" type="checkbox"/> The owner's written consent is attached or will be provided separately to the assessment manager	

Table I

Name of owner/s of the land	
<input checked="" type="checkbox"/> By making this application, I, the applicant, declare that the owner has given written consent to the making of the application.	

7. Does the application involve a state resource? (E.g. the application involves taking water or quarry material, or interfering with the flow of water. Refer to the notes at the end of this form for more information) (Non-mandatory requirement.)

☒ No ☐ Not identified whether or not the application involves a State resource ☐ Yes—complete Table J

Table J

Nature of state-owned resource (if identified)

8. Identify if any of the following apply to the premises (Tick applicable box/es.)

- ☒ Adjacent to a water body, watercourse or aquifer (e.g. creek, river, lake, canal)—complete Table K
- ☐ On strategic port land under the *Transport Infrastructure Act 1994*—complete Table L
- ☐ In a tidal water area—complete Table M
- ☐ On Brisbane core port land under the *Transport Infrastructure Act 1994* (no table requires completion)
- ☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008* (no table requires completion)

Table K

Name of water body, watercourse or aquifer

South Mossman River

Table L

Lot on plan description for strategic port land

Port authority for the lot

Table M

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

Port authority for the tidal area (if applicable)

9. Are there any existing easements on the premises? (e.g. for vehicular access, electricity, overland flow, water etc.)

- ☒ No ☐ Yes—ensure the type, location and dimension of each easement is included in the plans submitted

10. Does the proposal include new building work or operational work on the premises? (Including any services.)

- ☒ No ☐ Yes—ensure the nature, location and dimension of proposed works are included in plans submitted

11. Is the payment of a portable long service leave levy applicable to this application? (Refer to notes at the end of this form for more information.)

- ☒ No—go to question 13 ☐ Yes

12. Has the portable long service leave levy been paid? (Refer to notes at the end of this form for more information.)

- ☐ No
- ☐ Yes—complete Table N and submit with this application the yellow local government/private certifier's copy of the receipted QLeave form

Table N

Amount paid

Date paid
(dd/mm/yy)

QLeave project number (6 digit number starting with A, B, E, L or P)

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13. Has the local government agreed to apply a superseded planning scheme to this application under section 96 of the *Sustainable Planning Act 2009*?

- ☒ No
- ☐ Yes—please provide details below

Name of local government	Date of written notice given by local government (dd/mm/yy)	Reference number of written notice given by local government (if applicable)

14. List below all of the forms and supporting information that accompany this application (Include all IDAS forms, checklists, mandatory supporting information etc. that will be submitted as part of this application. Note: this question does not apply for applications made online using eDA.)

Description of attachment or title of attachment	Method of lodgement to assessment manager
IDAS Forms 1 & 7	Smart eDA
Planning Report with supporting information	Smart eDA

15. Applicant's declaration

- ☒ By making this application, I declare that all information in this application is true and correct (Note: it is unlawful to provide false or misleading information.)

Notes for completing this form

- Section 261 of the *Sustainable Planning Act 2009* prescribes when an application is a properly-made application. Note, the assessment manager has discretion to accept an application as properly made despite any non-compliance with the requirement to provide mandatory supporting information under section 260(1)(c) of the *Sustainable Planning Act 2009*

Applicant details

- Where the applicant is not a natural person, ensure the applicant entity is a real legal entity.

Question 1

- Schedule 3 of the Sustainable Planning Regulation 2009 identifies assessable development and the type of assessment. Where schedule 3 identifies assessable development as "various aspects of development" the applicant must identify each aspect of the development on Tables A, B and C respectively and as required.

Question 6

- Section 263 of the *Sustainable Planning Act 2009* sets out when the consent of the owner of the land is required for an application. Section 260(1)(e) of the *Sustainable Planning Act 2009* provides that if the owner's consent is required under section 263, then an application must contain, or be accompanied by, the written consent of the owner, or include a declaration by the applicant that the owner has given written consent to the making of the

application. If a development application relates to a state resource, the application is not required to be supported by evidence of resource entitlement. However, where owner's consent to the application is required under section 263, and the State is the owner of the subject land, the written consent of the state as landowner will be required. Some departments, such as the Department of Natural Resources and Mines, have specific requirements for applying for owners consent. Allocation or entitlement to the state resource is a separate process and will need to be obtained before development commences.

Question 7

- If a development application involves a state resource, the application is not required to be supported by evidence of resource entitlement. The allocation or entitlement to the resource is a separate process and should be obtained prior to development commencing.

Question 11

- The *Building and Construction Industry (Portable Long Service Leave) Act 1991* prescribes when the portable long service leave levy is payable.
- The portable long service leave levy amount and other prescribed percentages and rates for calculating the levy are prescribed in the *Building and Construction Industry (Portable Long Service Leave) Regulation 2002*.

Question 12

- The portable long service leave levy need not be paid when the application is made, but the *Building and Construction Industry (Portable Long Service Leave) Act 1991* requires the levy to be paid before a development permit is issued.
- Building and construction industry notification and payment forms are available from any Queensland post office or agency, on request from QLeave, or can be completed on the QLeave website at www.qleave.qld.gov.au. For further information contact QLeave on 1800 803 481 or visit www.qleave.qld.gov.au.

Privacy—The information collected in this form will be used by the Department of State Development, Infrastructure and Planning (DSDIP), assessment manager, referral agency and/or building certifier in accordance with the processing and assessment of your application. Your personal details will not be disclosed for a purpose outside of the IDAS process, except where required by legislation (including the *Right to Information Act 2009*) or as required by Parliament. This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

OFFICE USE ONLY

Date received Reference numbers

NOTIFICATION OF ENGAGEMENT OF A PRIVATE CERTIFIER

To Council. I have been engaged as the private certifier for the building work referred to in this application

Date of engagement	Name	BSA Certification license number	Building classification/s

QLEAVE NOTIFICATION AND PAYMENT (For completion by assessment manager or private certifier if applicable.)

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

The *Sustainable Planning Act 2009* is administered by the Department of State Development, Infrastructure and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agencies.

IDAS form 7—Reconfiguring a lot

(Sustainable Planning Act 2009 version 2.1 effective 1 April 2013)

This form must be used for development applications or requests for compliance assessment for reconfiguring a lot.

You **MUST** complete **ALL** questions that are stated to be a mandatory requirement unless otherwise identified on this form.

For all development applications, you must:

- complete *IDAS form 1—Application details*
- complete any other forms relevant to your application
- provide any mandatory supporting information identified on the forms as being required to accompany your application.

For requests for compliance assessment, you must also complete *IDAS form 32 – Compliance Assessment*.

Attach extra pages if there is insufficient space on this form.

All terms used on this form have the meaning given in the *Sustainable Planning Act 2009* or the *Sustainable Planning Regulation 2009*.

This form can also be completed online using eDA at www.smarteda.qld.gov.au

Mandatory requirements

1. What is the total number of existing lots making up the premises?

1

2. What is the nature of the lot reconfiguration? (Tick applicable box/es.)

- ☒ subdivision—complete questions 3 – 6 and 11
- ☐ boundary realignment—complete questions 8, 9 and 11
- ☐ creating an easement giving access to a lot from a constructed road—complete questions 10 and 11
- ☐ dividing land into parts by agreement—please provide details below and complete questions 7 and 11

3. Within the subdivision, what is the number of additional lots being created and their intended final use?

Intended final use of new lots	Residential	Commercial	Industrial	Other—specify
Number of additional lots created				2 - Rural

4. What type of approval is being sought for the subdivision?

- ☒ Development permit
☐ Preliminary approval
☐ Compliance assessment

5. Are there any current approvals associated with this subdivision application? (E.g. material change of use.)

- ☒ No ☐ Yes—provide details below

List of approval reference/s	Date approved (dd/mm/yy)	Date approval lapses (dd/mm/yy)

6. Does the proposal involve multiple stages?

- ☒ No—complete Table A ☐ Yes—complete Table B

Table A

- a) What is the total length of any new road to be constructed? (metres)
- b) What is the total area of land to be contributed for community purposes? (square metres)
- c) Does the proposal involve the construction of a canal or artificial waterway?
☒ No ☐ Yes
- d) Does the proposal involve operational work for the building of a retaining wall?
☒ No ☐ Yes

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Table B—complete a new Table B for every stage if the application involves more than one stage

- a) What is the proposed estate name? (if known and if applicable)
- b) What stage in the development does this table refer to?
- c) Will the development permit being sought for this stage result in additional residential lots? (only applicable if a development permit is being sought)
☐ No ☐ Yes—specify the total number
- d) What is the total area of land for this stage? (square metres)
- e) What is the total length of any new road to be constructed at this stage? (metres)
- f) What is the total area of land to be contributed for community purposes at this stage? (square metres)
- g) Does the proposal involve the construction of a canal or artificial waterway?
☐ No ☐ Yes
- h) Does the proposal involve operational work for the building of a retaining wall?
☐ No ☐ Yes

7. Lease/agreement details—how many parts are being created and what is their intended final use?

Intended final use of new parts	Residential	Commercial	Industrial	Other—specify
Number of additional parts created				

8. What are the current and proposed dimensions following the boundary realignment for each lot forming the premises?

Current lot			Proposed lot		
Lot plan description	Area (square metres)	Length of road frontage	Lot number	Area (square metres)	Length of road frontage

9. What is the reason for the boundary realignment?

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10. What are the dimensions and nature of the proposed easement? (If there are more than two easements proposed please list in a separate table on an extra page and attach to this form.)

Width (m)	Length (m)	Purpose of the easement (e.g. pedestrian access)?	Entity favoured by the easement

11. Confirm that the following mandatory supporting information accompanies this application

Mandatory supporting information	Confirmation of lodgement	Method of lodgement
All applications for reconfiguring a lot		
<p>Site plans drawn to an appropriate scale (1:100, 1:200 or 1:500 are the recommended scales) which show the following:</p> <ul style="list-style-type: none"> the location and site area of the land to which the application relates (relevant land) the north point the boundaries of the relevant land any road frontages of the relevant land, including the name of the road the contours and natural ground levels of the relevant land the location of any existing buildings or structures on the relevant land the allotment layout showing existing lots, any proposed lots (including the dimensions of those lots), existing or proposed road reserves, building envelopes and existing or proposed open space (note: numbering is required for all lots) any drainage features over the relevant land, including any watercourse, creek, dam, waterhole or spring and any land subject to a Q100 flood event any existing or proposed easements on the relevant land and their function all existing and proposed roads and access points on the relevant land any existing or proposed car parking areas on the relevant land 	<input type="checkbox"/> Confirmed	

<ul style="list-style-type: none"> the location of any proposed retaining walls on the relevant land and their height the location of any stormwater detention on the relevant land the location and dimension of any land dedicated for community purposes the final intended use of any new lots. 		
A statement about how the proposed development addresses the local government's planning schemes and any other planning documents relevant to the application.	<input type="checkbox"/> Confirmed	
For an application involving assessable development in a wild river declaration		
Documentation that: <ul style="list-style-type: none"> describes how the activity to which the application relates is not prohibited development under Schedule 3 of the <i>Sustainable Planning Act 2009</i> and demonstrates how the proposed activity will meet the requirements set out in the relevant wild river declaration and Wild Rivers Code. 	<input type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	
A map showing the proposed location of the activity in relation to wild river management areas and nominated waterways (a map may be produced digitally at http://www.ehp.qld.gov.au/wildrivers/wildrivers-map.php).	<input type="checkbox"/> Confirmed <input type="checkbox"/> Not applicable	

Notes for completing this form

- For supporting information requirements for requests for compliance assessment, please refer to the relevant matters for which compliance assessment will be carried out against. To avoid an action notice, it is recommended that you provide as much of the mandatory information listed in this form as possible.

Privacy—Please refer to your assessment manager, referral agency and/or building certifier for further details on the use of information recorded in this form.

OFFICE USE ONLY

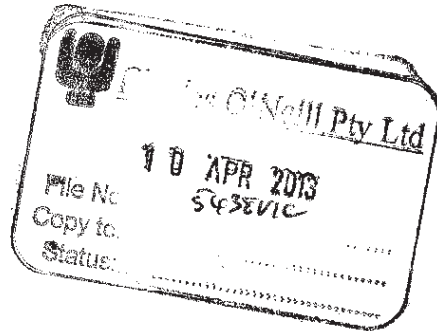
Date received

Reference numbers

The *Sustainable Planning Act 2009* is administered by the Department of State Development, Infrastructure and Planning. This form and all other required application materials should be sent to your assessment manager and any referral agencies.

ATTACHMENT 2

OWNERS CONSENT



G. & S. Vico
PO Box 130
MOSSMAN QLD 4870

The Chief Executive Officer
Cairns Regional Council
PO Box 359
CAIRNS QLD 4870

Attn: City Assessment

Dear Sir,

**RE: OWNER'S CONSENT TO AN APPLICATION
FOR RECONFIGURATION OF A LOT**

We George & Shirley Joy Vico are the registered owners of Lot 1~~1~~ on SP225679 in the Parish of Victory, County of Solander, hereby consent to the making of a development application under the *Sustainable Planning Act 2009* by Charles O'Neill Pty Ltd, to Cairns Regional Council, for Reconfiguration of a Lot as shown on accompanying Plan No. 5438VIC-09, prepared by Charles O'Neill Pty Ltd, Consulting Surveyors, and advise our contact details are listed above.

Yours faithfully,

George Vico

George Vico

Shirley J. Vico

Shirley Joy Vico

Signed on the *Eighth* day of *April* 2013

ATTACHMENT 3

CERTIFICATE OF TITLE

CURRENT TITLE SEARCH

ENVIRONMENT AND RESOURCE MANAGEMENT, QUEENSLAND

Request No: 12893383

Search Date: 09/12/2011 16:09

Title Reference: 50777990

Date Created: 03/08/2009

Previous Title: 50243672

REGISTERED OWNER

Interest

Dealing No: 712624214 28/07/2009

GEORGE VICO

1/2

SHIRLEY JOY VICO

1/2

AS TENANTS IN COMMON

ESTATE AND LAND

Estate in Fee Simple

LOT 1

SURVEY PLAN 225679

County of SOLANDER

Parish of VICTORY

Local Government: CAIRNS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20104195 (POR 135)

2. LEASE No 708029391 03/09/2004 at 15:52
SOLACE SUGAR PTY LTD A.C.N. 081 712 512

ADMINISTRATIVE ADVICES

Dealing Type

Lodgement Date Status

709660053 ACCESS RIGHT

06/06/2006 16:10 CURRENT

SUGAR INDUSTRY ACT 1999

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - Yes 19/08/2009 712662331 Certificate No. 1

Caution - Charges do not necessarily appear in order of priority

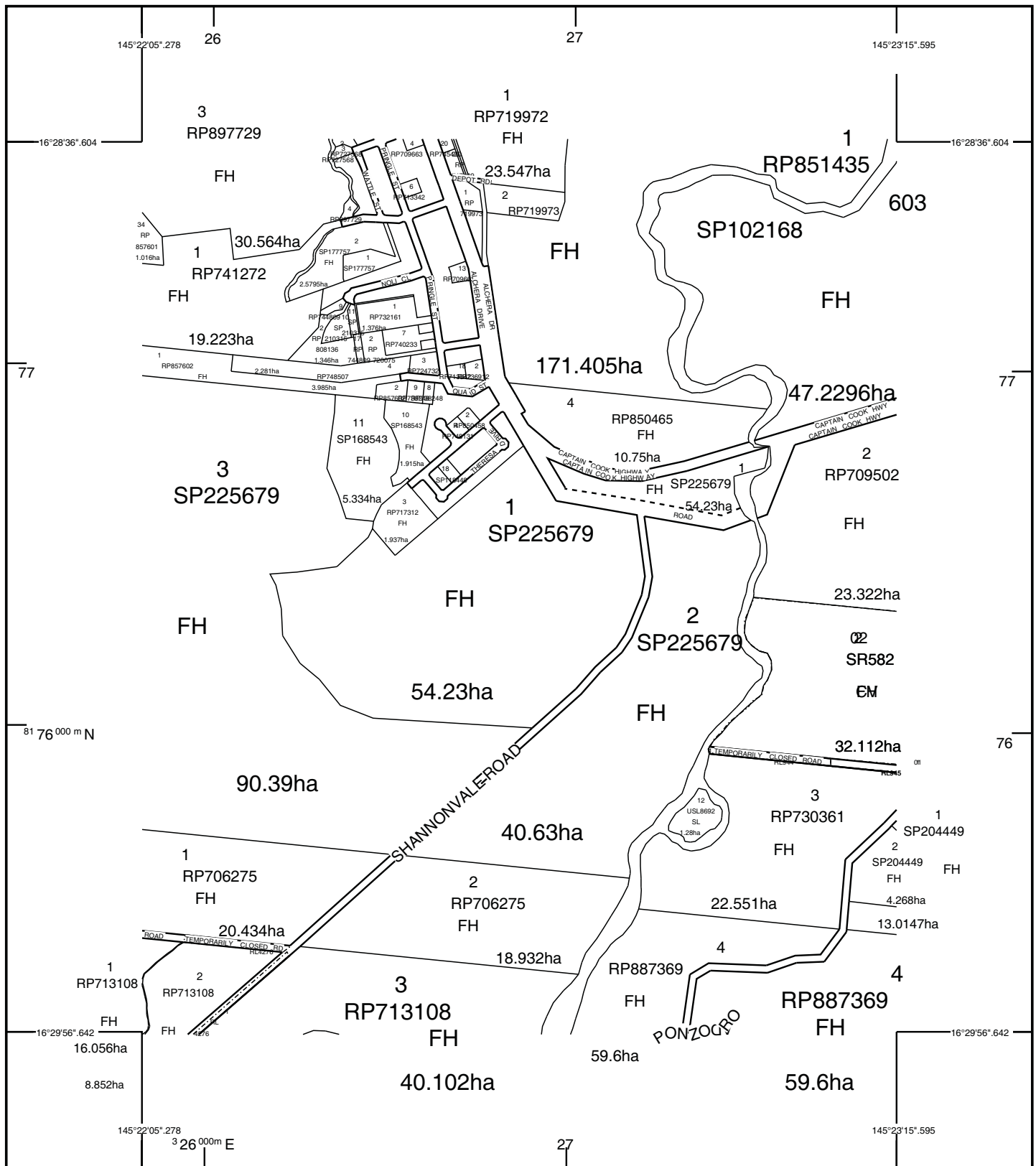
** End of Current Title Search **

COPYRIGHT THE STATE OF QUEENSLAND (ENVIRONMENT AND RESOURCE MANAGEMENT) [2011]

Requested By: D APPLICATIONS GLOBAL X

ATTACHMENT 4

SMART MAP



STANDARD MAP NUMBER
7965-22333

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB	1/SP225679
Lot/Plan	54.23ha
Area/Volume	FREEHOLD
Tenure	CAIRNS REGIONAL
Local Government	SHANNONVALE
Locality	VICTORY
Parish	SOLANDER
County	8670/722
Segment/Parcel	

CLIENT SERVICE STANDARDS

PRINTED (dd/mm/yyyy) 24/04/2013

DCDB 23/04/2013 (Lots with an area less than 1500m² are not shown)

Users of the information recorded in this document (the Information) accept all responsibility and risk associated with the use of the Information and should seek independent professional advice in relation to dealings with property.

Despite Department of Natural Resources and Mines (DNRM)'s best efforts, DNRM makes no representations or warranties in relation to the Information, and, to the extent permitted by law, exclude or limit all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect and consequential costs, losses, damages and expenses incurred in any way (including but not limited to that arising from negligence) in connection with any use of or reliance on the Information

For further information on SmartMap products visit <http://nrm.qld.gov.au/property/mapping/blinmap>

SmartMap

An External Product of
SmartMap Information Services

Based upon an extraction from the
Digital Cadastral Data Base



**Queensland
Government**

(c) The State of Queensland,
Department of Natural
Resources and Mines

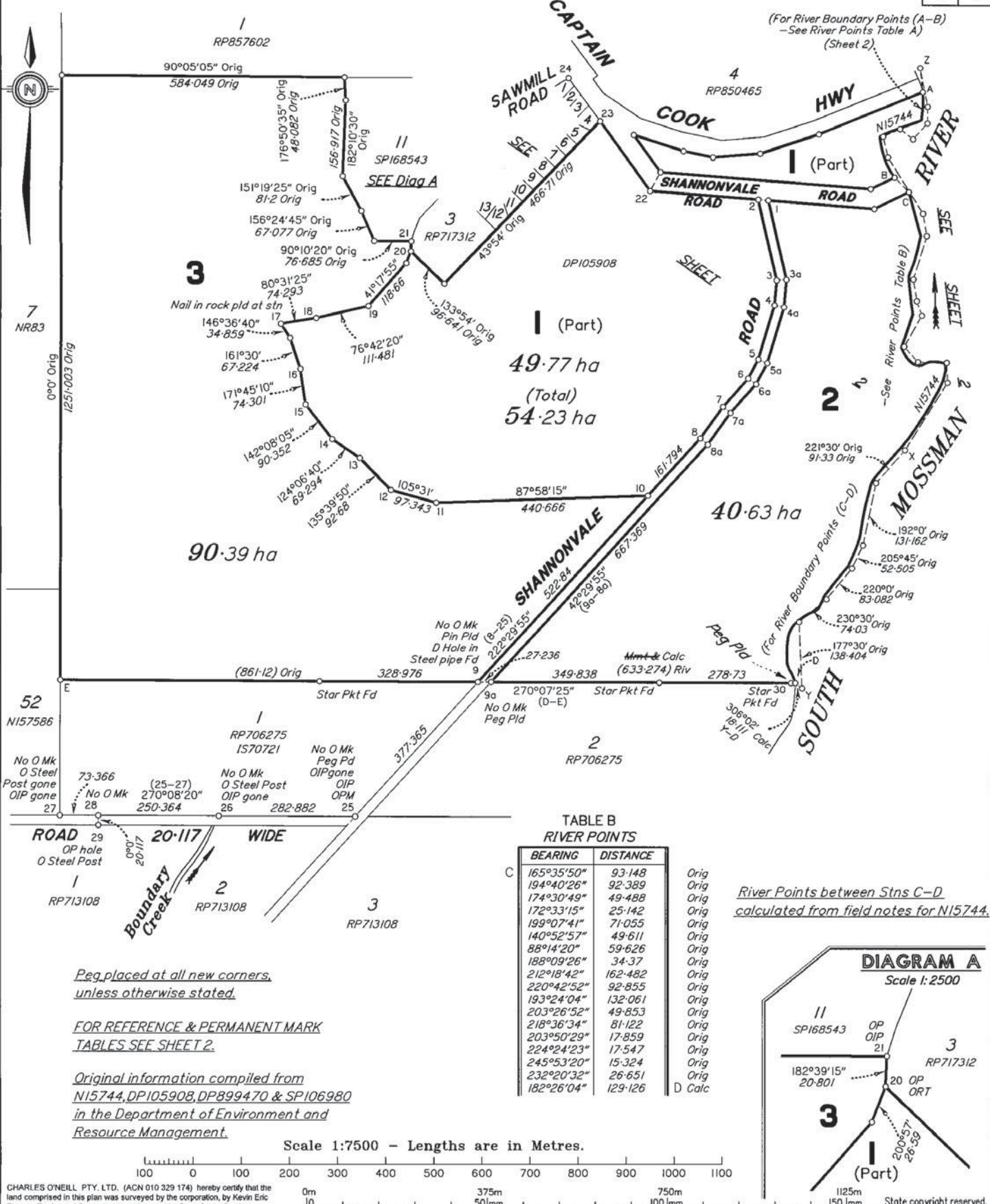
ATTACHMENT 5

CURRENT SURVEY PLAN SP225679

Land Title Act 1994 ; Land Act 1994
Form 21 Version 2

SURVEY PLAN

Sheet 1 of 3



CHARLES O'NEILL PTY. LTD. (ACN 010 329 174) hereby certify that the land comprised in this plan was surveyed by the corporation, by Kevin Eric Thorne, Registered Surveying Associate and by Peter Sutton Penfold, Registered Surveyor, for whose work the corporation accepts responsibility, under the supervision of Grant Harold Phillips, Cadastral Surveyor and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 12/5/09.



Charles Edward O'Neill,
Director

Julie Anne O'Neill,
Director

Date: 12/5/09

712624214

\$464.50
28/07/2009 11:11

CS 400 NT

WARNING : Folded or Mutilated Plans will not be accepted.
Plans may be rolled.
Information may not be placed in the outer margins.

Registered

5. Lodged by

MacDonnells Law
 Cnr Shields & Grafton Sts
 CAIRNS QLD 4870
 Ph: (07) 4030 0600 Fax: 4030 0699
 Email: lodgements.clerk@MacDonnells.com.au

754

(Include address, phone number, reference, and Lodger Code)

1. Certificate of Registered Owners or Lessees.

I/We GEORGE VICO
SHIRLEY JOY VICO

(Names in full)

* as Registered Owners of this land agree to this plan and dedicate the Public Use
 Land as shown hereon in accordance with Section 50 of the Land Title Act 1994.

* as Lessees of this land agree to this plan.

George Vico Shirley J. Vico.
 Signature of * Registered Owners * Lessees

* Rule out whichever is inapplicable

2. Local Government Approval.

* CAIRNS REGIONAL COUNCIL

hereby approves this plan in accordance with the :

% INTEGRATED PLANNING ACT 1997

DATE OF APPLICATION: 6 MARCH 2008

Dated this SECOND day of JULY 2009

S. Clarke
 # SIMON CLARKE
MANAGER DEVELOPMENT ASSESSMENT
 #

* Insert the name of the Local Government.
 # Insert designation of signatory or delegation

% Insert Integrated Planning Act 1997 or
 Local Government (Planning & Environment) Act 1990

3. Plans with Community Management Statement :

CMS Number :

Name :

4. References :

Dept File :

Local Govt : 8/13/1339

Surveyor : 5438VIC

6. Existing

Title Reference	Description	New Lots	Road	Emts	Cov.	Profit a prendre
50243672	Lot 7 on SP106980	1-3				

EXISTING LEASE ALLOCATIONS

Lease	Lots to be Encumbered
708029391	1-3

EXISTING ADMINISTRATIVE ADVICE ALLOCATIONS
ACCESS RIGHT (Sugar Industry Act 1999)

Administrative Advice	Lots to be Encumbered
709660053	1-3

1-3

Por. 135

Lots

Orig

7. Portion Allocation :

8. Map Reference :
 7965-22333

9. Locality :
 SHANNONVALE

10. Local Government :
 CAIRNS REGIONAL COUNCIL

11. Passed & Endorsed :

By : CHARLES O'NEILL PTY LTD.
 Date : 12/15/09 3/2009
 Signed : *[Signature]*
 Designation : Cadastral Surveyor

12. Building Format Plans only.

I certify that :
 * As far as it is practical to determine, no part
 of the building shown on this plan encroaches
 onto adjoining lots or road;
 * Part of the building shown on this plan
 encroaches onto adjoining * lots and road

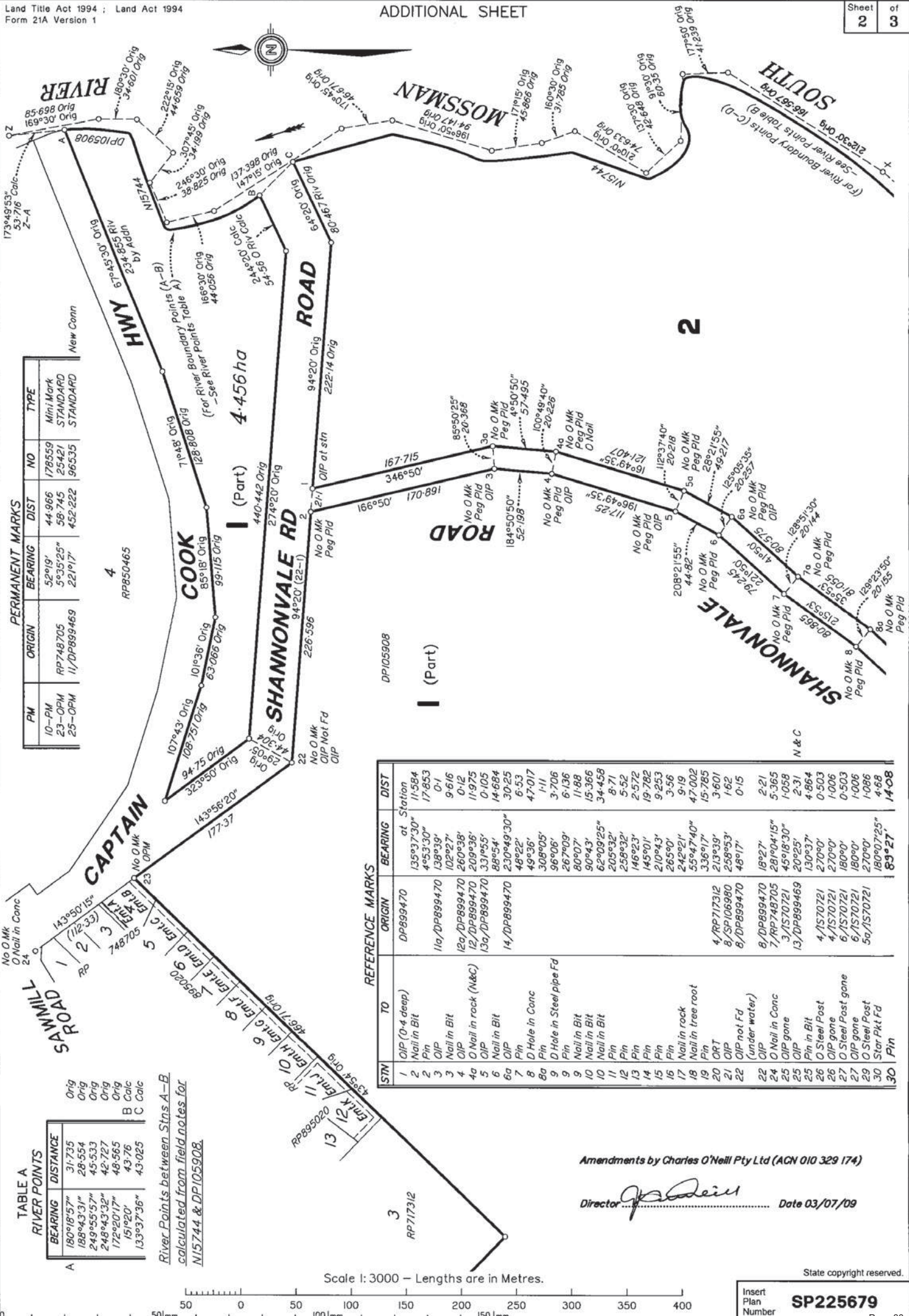
Cadastral Surveyor/Director * Date
 * delete words not required

13. Lodgement Fees :

Survey Deposit \$
 Lodgement \$
 New Titles \$
 Photocopy \$
 Postage \$
 TOTAL \$

14. Insert
 Plan
 Number

SP225679



PERMANENT MARKS

PM	ORIGIN	BEARING	DIST	NO	TYPE
10-PM	RP748705	52°19'	44.966	178559	Mini Mark
23-OPM	11/DP899469	59°35'25"	58.745	25421	STANDARD
25-OPM		22°19'17"	452.222	96535	STANDARD

New Conn

TABLE A
RIVER POINTS

BEARING	DISTANCE
180°18'57"	31.735
188°43'31"	28.554
249°55'57"	45.533
248°43'32"	42.727
172°20'17"	48.565
151°20'	43.76
133°37'36"	43.025

Orig
Orig
Orig
Orig
Orig
B Calc
C Calc

River Points between Stns A-B
calculated from field notes for
N15744 & DP105908.

REFERENCE MARKS

STN	TO	ORIGIN	BEARING	DIST
1	OIP (0-4 deep)	DP899470	135°37'30"	11.584
2	Nail in Bit		4°53'30"	17.853
3	OIP	11a/DP899470	138°39'	0-1
4	OIP	12a/DP899470	102°27'	9.616
4a	OIP	12a/DP899470	260°38'	0-12
5	OIP	13a/DP899470	209°36'	11.975
5a	OIP	13a/DP899470	331°55'	0-105
6	Nail in Bit	14/DP899470	88°54'	30.25
6a	OIP		230°49'30"	6.53
7	Pin		48°22'	47.017
8	OIP		49°36'	1.11
8a	Pin		308°05'	3.706
9	OIP		96°06'	6.136
9a	Pin		267°09'	11.88
10	Nail in Bit		80°07'	15.366
11	Pin		90°43'	34.458
12	Nail in Bit		62°09'25"	8.71
13	Pin		205°32'	5.52
14	Pin		146°23'	2.572
15	Pin		145°01'	19.782
16	Pin		210°43'	9.253
17	Nail in rock		265°01'	3.56
18	Nail in tree root		242°21'	9.19
19	Pin		55°47'40"	47.002
20	ORT		336°17'	15.785
21	OIP	4/DP717312	213°39'	3.601
22	OIP not Fd	8/DP899470	258°53'	1.62
23	OIP		48°17'	0-15
24	OIP		18°27'	2.21
25	OIP	7/DP748705	281°04'15"	5.365
26	OIP gone	3/IS70721	45°18'30"	1.059
27	Pin in Bit	13/DP899469	20°25'	2.31
28	OIP		130°37'	4.864
29	OIP	4/IS70721	270°01'	0.503
30	OIP	6/IS70721	270°01'	1.006
31	OIP	6/IS70721	180°01'	0.503
32	OIP	5a/IS70721	180°01'	1.006
33	OIP		270°01'	4.68
34	OIP		180°01'25"	1.086
35	Star Pkt Fd		89°27'	14.08

Amendments by Charles O'Neill Pty Ltd (AGN 010 329 174)

Director *[Signature]* Date 03/07/09

State copyright reserved.

Insert Plan Number **SP225679**

Ref 5438VIC-22
Tuesday, April 21, 2009

SURVEY REPORT – SP225679 LOTS 1-3 CANCELLING LOT 7 ON SP106980

Datum

Datum was taken from line 22-1 (94°20') as per RP720062 and subsequent plans. This datum is 10' less than that of the road survey of C153476. Subsequent surveys, commencing from RP708158, have applied this datum shift to all boundaries compiled from the original survey of Por 135 (N15744), however, it is not clear that this is correct as subsequent field survey definition of the external boundaries of N15744 have not substantiated this datum shift. In addition, there is no clear field survey connection between C153476 and N15744 and imposition of this datum shift to the boundaries of Lot 135 throws a very large misclose into that lot and subsequent compiled lots. It was concluded that little reliance should be placed on the connection between C153476 and N15744 and, in the absence of reliable recent survey evidence it cannot be reliably concluded that this datum shift should be applied uniformly to all external boundaries and the river traverse of N15744.

Shannonvale Road

The marks placed in the survey of DP899470 were adopted for the road between stations 1/2 and 8/8a. South-west of stations 8/8a the only marks found were those placed by DP899469, in particular PM96535 and OIP 13/DP899469. There was good agreement between these marks as shown on DP899469 but adopting the corner 13 on DP899469 gives a dimension of 42°54'35" for 1061.056 for the line 25-8, compared with 42°27' for 1069.208 (RP708158). Acceptance of this shortage within the subject property would result in the line 9 – E lying to the north of the long accepted boundary between Lot 7 on SP106980 and Lot 1 on RP706275, and within planted cane.

Southern boundary of Lot 1 on RP706275

To resolve the above shortage, marks placed by IS70721 were searched for and found on the southern boundary of Lot 1 on RP706275. The line between these marks was found to have a bearing of 90°08'20". Projecting this line eastward the SE corner of Lot 1 RP706275 was re-established at the same point as station Stn 3 on IS70721. This point was joined to station 8 (line 25-8) and found to be 42°29'50" for 1061.699. This compares with deed (RP708158) of 42°27' for 1069.208 (shortage 7.509). The bearing and distance from this defined corner to Stn 13 on DP899469 is 319°46' for 7.699.

Northern boundary of Lot 1 on RP706275

In the absence of any survey marks on the northern boundary of Lots 1&2 on RP706275 advice was sought from the owner of that property. He indicated four star pickets that he stated were placed, many years ago, by surveyors (unknown) on behalf of the Mossman Mill to mark the common boundary of Lots 1 & 2 RP706275 and Lot 7 on SP106980. Two of these marks he believed were undisturbed and two had been moved from time to time as required by harvesting. Connection to the two undisturbed marks revealed a bearing of 90°07'20" which compares favourably with surveyed southern boundary of RP706275 (IS70721). Furthermore, intersecting this line with the previously defined line 25-8 gives a shortage of just 0.046 in the frontage of Lot 1/RP706275.

Since RP706275 made no attempt to connect to marks to the north and north-east it is reasonable to assume that this survey was marked out correctly leaving any shortage in the original 1882 survey of Por 135 within lot 7/SP106980. This has been adopted and the entire shortage (7.509) incorporated into line 8-11.

River Traverse

Given the bearings observed for the boundaries of Lot 1/RP706275 and Shannonvale Road south-west of stn 8 as well as the bearing of the original northern boundary of Por 135 as shown on SP857602 it was decided that it was not appropriate to apply the 10' datum shift to the original river traverse. This allows reasonable agreement with original, an acceptable close for Lot 2 and good agreement with survey connection to the current river bank (9a—D).

Northern Severance of Lot 1

The river has changed position significantly in this area. On DP105908 Mr Surveyor Scriven determined that this change was not imperceptible and that the original river boundary should remain in this area. Site inspections carried out in conjunction with this survey confirm this assessment. The original river boundary, in this area, has been adopted and compiled from N15744.

CHARLES O'NEILL PTY LTD



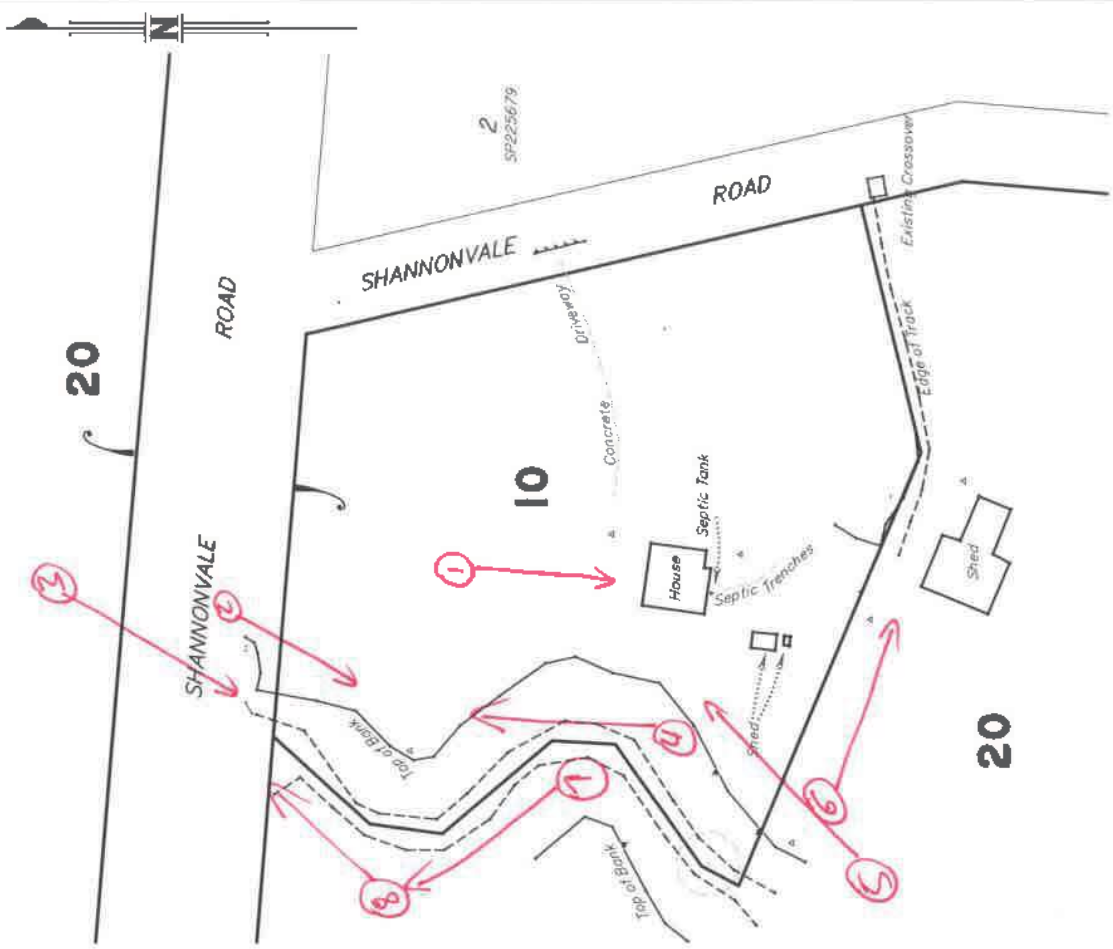
Grant H. Phillips BSurv MSSSI
Cadastral Surveyor/Manager

ATTACHMENT 6

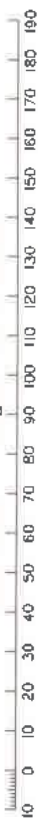
PHOTOGRAPHS OF SITE

DIRECTION OF PHOTOGRAPHS

Sheet of 2 3



Scale 1:1250 - Lengths are in Metres.



CAD Ref: 5438BP-09.dwg Issue Date: 24/4/13 Plan No: 5438VIC-09



PHOTOGRAPH 1.



PHOTOGRAPH 2.



PHOTOGRAPH 3.



PHOTOGRAPH 4.



PHOTOGRAPH 5.



PHOTOGRAPH 6.



PHOTOGRAPH 7.



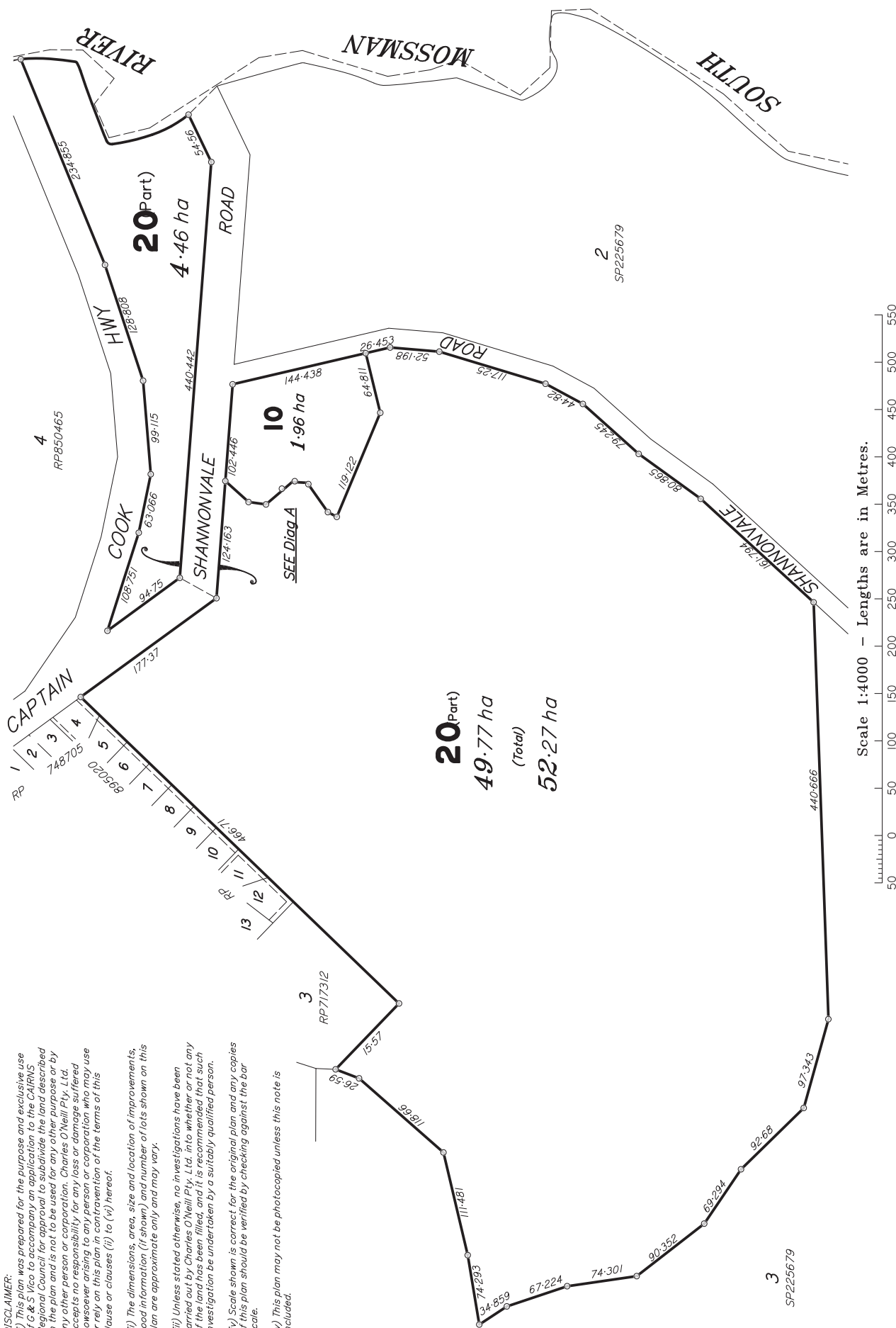
PHOTOGRAPH 8.



ATTACHMENT 7

PROPOSAL PLAN

**5438VIC-09
SHEETS 1 - 3**



Scale 1:4000 - Lengths are in Metres.

Age Group	Scale 1	Scale 2	Scale 3	Scale 4	Scale 5
0-14	100	100	100	100	100
15-24	550	250	150	100	100
25-34	450	200	150	100	100
35-44	350	150	100	100	100
45-54	250	100	100	100	100
55-64	150	100	100	100	100
65-74	100	100	100	100	100
75-84	100	100	100	100	100
85+	100	100	100	100	100

Orig. Issue Date: 24/4/13	Revisions
------------------------------	-----------

Drawn: MAT	Checked: GHP
Cad Ref: 5438BP-09.dwg	Orig. Issue: 24/4/13

PASSED & ENDORSED:
By: G. Phillips Date: 24/4/13

Signed: *G. Phillips*
G. Phillips
Cadestral, Suiveva

AND INFORMATION
& DEVELOPMENT
CONSULTANTS

**Charles O'Neill Pty Ltd
Consulting Surveyors**

Plan No.	Rev.
5438VIC-09	

Plan of Proposed Lots 10 & 20

Cancelling Lot 1 on SP225679
PARISH: **VICTORY** COUNTY: **Solander**

20

SHANNONVALE
ROAD

ROAD

SHANNONVALE

2
SP2225679

226.596

10

ROAD

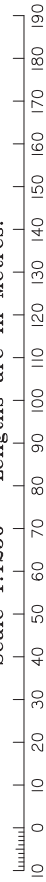
26.453

52.198

20

DIAGRAM A
Scale 1:1250

Scale 1:1250 - Lengths are in Metres.



20

SHANNONVALE
ROAD

ROAD

SHANNONVALE

2
SP2225679

10

ROAD

Existing Crossover

20

Concrete Driveway

House

Septic Tank

Septic Trenches

Shed

Shed

Edge of Track

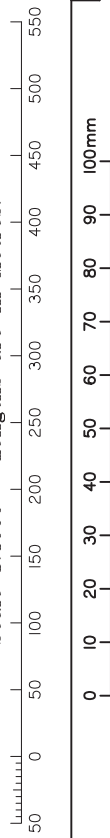
Top of Bank

Top of Bank





Scale 1:4000 - Lengths are in Metres.



Smart eDA ID: 1366072746206

State assessments

14 SHANNONVALE RD, SHANNONVALE 4873

13 matters requiring further investigation.

Department of Environment and Resource Management

Acid Sulfate Soils[Acid Sulfate Soil Administration Boundaries](#)

Yes, MOSSMAN

Coastal Management[Erosion Prone Areas](#)

Not available. Contact agency

Contaminated Land[Contaminated Land](#)Not available. [Search DERM Register](#)**Native Vegetation**[Assessable Vegetation](#)

Not available. Contact agency

Water[Sub Artesian Water Management Areas](#)

Yes, A3-104863

Wetlands[Map of referable wetlands](#)

Yes

Wild Rivers[Declared Wild River High Preservation Area](#)

Service down. Check later

Department of Infrastructure and Planning

Regional Plans[Far North Queensland Regional Plan 2009-2031](#)Yes, Regional Landscape and Rural
Production Area

Department of Transport and Main Roads

Maritime Safety[Tidal Work](#)

Not available. Contact agency

State-Controlled Roads[Contiguous to a State-controlled Road](#)

Yes

Ergon

Easements[Ergon High Voltage Cables 132kV](#)

Service down. Check later

[Ergon High Voltage Lines 132kV](#)

Service down. Check later

Easements

[Proximity to Moonie Oil Pipeline](#)

Service down. Check later