

**Our ref: PR147371/OCK**

135 Abbott Street  
Cairns QLD 4870  
T +61 7 4031 1336

Date: 30 June 2020

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

Dear Daniel,

**RE: APPLICATION FOR A DEVELOPMENT PERMIT FOR RECONFIGURATION OF A LOT (2 PRIVATE YARDS COMPRISING PART OF A BUILDING FORMAT LOT DEVELOPMENT) OVER LAND LOCATED AT 11 TROCHUS CLOSE, PORT DOUGLAS, FORMALLY DESCRIBED AS LOT 15 ON RP726590**

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

The Development Application has been prepared in response to our pre-lodgement consultation on 10 June 2020 and the subject proposal has not changed since the pre-lodgement consultation has been completed.

The Reconfiguration Development Application seeks Councils approval of the proposal to create 2 Private Yard Lots, part of the Building Format Lot Development intended for the Duplex that exists on the land, as per the Preliminary SP318416 provided for reference in **Attachment A**. While Building Format Lot Development is prohibited from being treated as assessable development in Council's Planning Scheme, the proposal to create 2 Private Yards, in preference to Common Property being allocated as an Exclusive Use Area to each Building Format Lot, necessitates Council's assessment of the Development Application on the basis that the proposal is subdividing land as part of the Building Format Lot Development.

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

- A copy of the Preliminary SP318416 which details the Reconfiguration Proposal (refer to **Attachment A**);
- The completed Development Application Form included as **Attachment B**;
- Certificate of Title included as **Attachment C**; and
- A copy of the Easement Document relating to Emt A on SP235248 included in **Attachment D**.

To facilitate payment of Council's applicable fee of \$1,419.00, please forward Council's invoice for the fee to [owen.caddick-king@rpsgroup.com.au](mailto:owen.caddick-king@rpsgroup.com.au)

# 1. SITE INFORMATION

## 1.1 Site Details

Key details of the subject site include:

<b>Address:</b>	11 Trochus Close, Port Douglas
<b>Real Property Description:</b>	Lot 15 on RP726590
<b>Land Area:</b>	819m <sup>2</sup>
<b>Land Owners:</b>	Jay Wink
<b>Easements / Encumbrances:</b>	Easement A – Easement in Gross in favour of Council for Sewerage Purposes (refer to <b>Attachment D</b> ).

## 1.2 Planning Context

<b>Zoning:</b>	Low Medium Density Residential Zone
<b>Relevant Overlays:</b>	Refer to details provided in Section 5.4 of this submission.

## 1.3 Site Characteristics

<b>Topography and Use:</b>	Land is relatively flat and a 2 storey duplex exists on the land.
<b>Vegetation:</b>	Introduced landscaping
<b>Waterways:</b>	Nil
<b>Road Frontage:</b>	Trochus Close – 18.6m

## 2. APPLICATION DETAILS

Key application details for the subject development are:

<b>Aspects of the Development Sought:</b>	Development Permit for Reconfiguration of a Lot (2 Private Yard Lots).
<b>Applicant:</b>	Jay Wink C/- RPS Australia East Pty Ltd
<b>Contact:</b>	Owen Caddick-King C/- RPS Australia East Pty Ltd Ph: 07 4276 1027 Email: owen.caddick-king@rpsgroup.com.au

### 3. PROPOSED DEVELOPMENT

The Reconfiguration Development Application seeks Councils approval of the proposal to create 2 Private Yard Lots, part of the Building Format Lot Development intended for the Duplex that exists on the land, as per the Preliminary SP318416 provided for reference in **Attachment A**. While Building Format Lot Development is prohibited from being treated as assessable development in Council's Planning Scheme, the proposal to create 2 Private Yards, in preference to Common Property being allocated as an Exclusive Use Area to each Building Format Lot, necessitates Council's assessment of the Development Application on the basis that the proposal is subdividing land as part of the Building Format Lot Development.

The construction of the existing Duplex is understood to have been undertaken to allow for the potential subdivision of each unit into a Building Format Lot. Service infrastructure for each lot is understood to be located within the Proposed Common Property (Driveway) Area that fronts Trochus Close and the services for each Building Format Lot pass through the Common Property (Driveway) Area to each Building Format Lot.

## 4. LEGISLATIVE REQUIREMENTS

### 4.1 Planning Act 2016

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

#### 4.1.1 Confirmation that development is not prohibited

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

#### 4.1.2 Assessable Development

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

#### 4.1.3 Assessment Manager

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

#### 4.1.4 Level of Assessment

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

Aspect of Development	Local Categorising Instrument that determines Level of Assessment	Level of Assessment
Reconfiguration of a Lot	Douglas Shire Planning Scheme 2018	Code Assessable

#### 4.1.5 Referral Agencies

No referrals are triggered by the proposed development.

#### 4.1.6 Public Notification

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

## 5. STATUTORY PLANNING ASSESSMENT

### 5.1 Regional Plan

Section 2.2 of the Planning Scheme states that, “*The minister has identified that the planning scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies in the planning scheme area*”. Therefore, assessment against the applicable Planning Scheme provisions will address any relevant Regional Plan matters.

### 5.2 State Planning Policies

As outlined in Part 2 of the Douglas Shire Planning Scheme, all relevant aspects of the State Planning Policy have been adequately reflected in Council’s current Planning Scheme. Accordingly, assessment against the applicable Planning Scheme provisions will address any relevant State Issues.

### 5.3 State Development Assessment Provisions

Given that no referrals are triggered by the proposed development, no State Development Assessment Provisions are applicable to the proposed boundary realignment.

### 5.4 Planning Scheme

Under Douglas Shire Planning Scheme 2018, the subject site is included within the Low Medium Density Residential Zone where reconfiguration development is code assessable. While the Private Yard Lots comprise part of the Building Format Lot Development, the Private Yard Lots are the aspect of development subject of the assessment and it is noted that the area and dimension of each Private Yard Lot, Part of Proposed Lot 1 an area of 122m<sup>2</sup> and Part of Proposed Lot 2 an area of 309m<sup>2</sup> (refer to **Attachment A**), are not consistent with the prescriptive Low Medium Density Residential Zone Code provisions. However, this inconsistency is considered to be adequately addressed on the following grounds;

- 1) The Private Yard Lots comprise part of the Building Format Lot Development intended for the existing Duplex. If the Private Yards were included as part of the Common Property and allocated as an Exclusive Use Area to each Building Format Lot, Council would not be required to deal with the proposal as assessable development and there would be no apparent conflict with the Low Medium Density Residential Zone Code provisions;
- 2) The proposed development is consistent with the Purpose of the Low Medium Density Residential Zone Code, to provide a range and mix of dwelling types; and
- 3) Given the Purpose of the Low Medium Density Residential Zone Code, it is considered evident that the proposed Private Yard Lots, where they comprise part of a Building Format Lot Development, were not intended to be excluded from development in the Low Medium Density Residential Zone.

Given that the Reconfiguration Development relates to an existing Duplex where services and access is already established and functional access and service infrastructure provision will be maintained in the Common Property (Driveway) Area and that the Private Yard Lots will comprise part of the Building Format Lot Development, other applicable Planning Scheme Codes are considered to lack relevance and have not been addressed in detail in this submission.

## 6. CONCLUSIONS AND RECOMMENDATIONS

This submission has been prepared on behalf of Jay Wink (the 'applicant' and 'owner' of the land) seeking Councils approval of the proposal to create 2 Private Yard Lots, part of the Building Format Lot Development intended for the Duplex that exists on the land, as per the Preliminary SP318416 provided for reference in **Attachment A**. The proposal to create 2 Private Yards, in preference to Common Property being allocated as an Exclusive Use Area to each Building Format Lot, necessitates Council's assessment of the Development Application on the basis that the proposal is subdividing land.

While the Private Yard Lots are not consistent with the prescriptive Low Medium Density Residential Zone Code provisions there are considered to be adequate grounds to justify approval, including;

- 1) The Private Yard Lots are simply an alternative form of tenure for the private open space areas of the Building Format Lot Development intended for the existing Duplex;
- 2) The proposed development is consistent with the Purpose of the applicable Low Medium Density Residential Zone Code, to provide a range and mix of dwelling types; and
- 3) Given the Purpose of the Low Medium Density Residential Zone Code, it is considered evident that the proposed Private Yard Lots were not intended to be excluded from development in the Low Medium Density Residential Zone.

The proposed development is recommended for approval subject to the imposition of reasonable and relevant conditions.

We trust the information provided is sufficient for your purposes, however should you require any further details or clarification, please do not hesitate to contact the undersigned in the Cairns office on Ph: 4276 1027.

Yours sincerely

**RPS**



Owen Caddick-King

Principal Planner

enc: **Attachment A:** Preliminary SP318416  
**Attachment B:** Development Application Form  
**Attachment C:** Certificates of Title  
**Attachment D:** Easement Document

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# ATTACHMENT A

## Preliminary SP318416



SURVEY PLAN

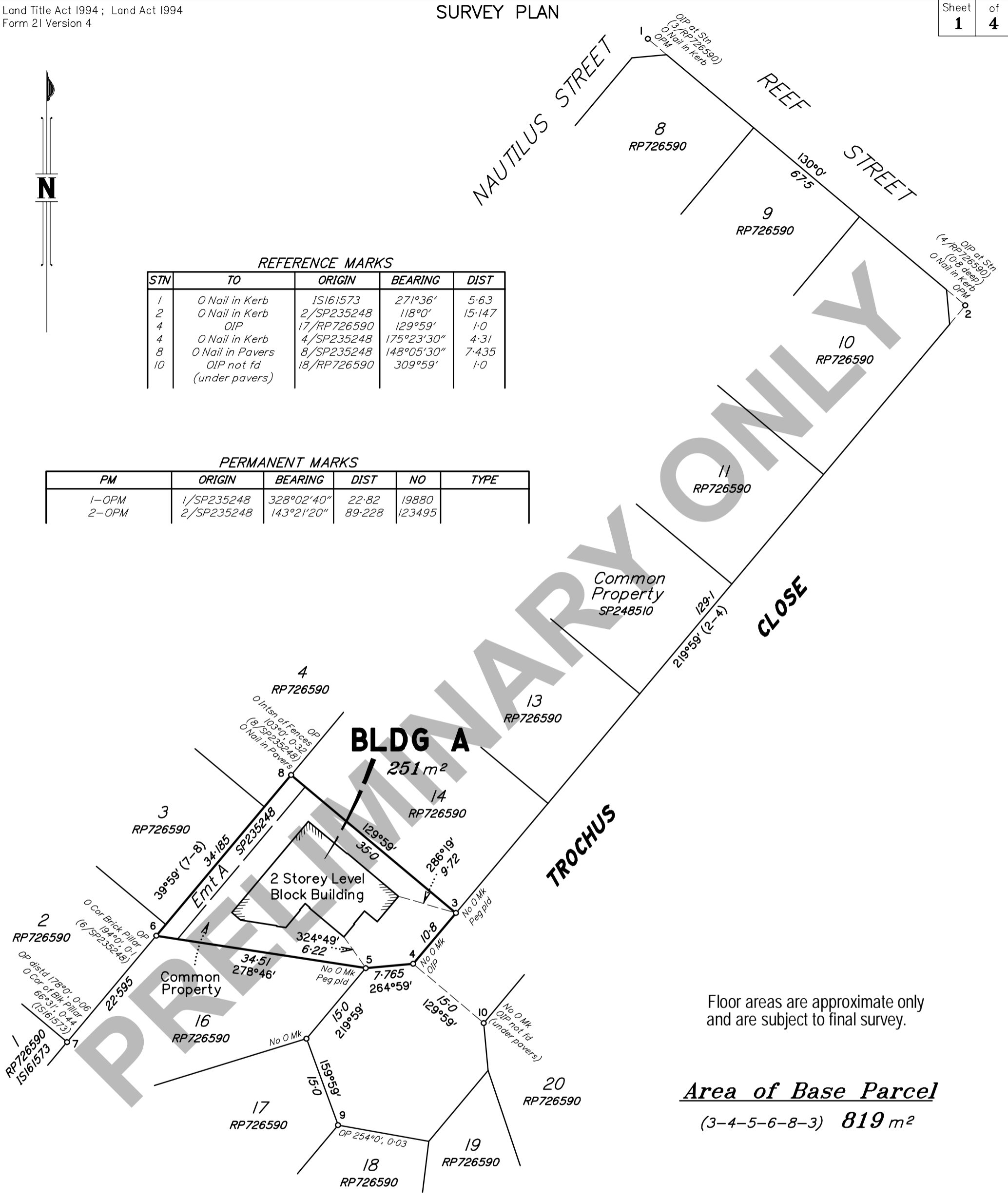


**REFERENCE MARKS**

STN	TO	ORIGIN	BEARING	DIST
1	O Nail in Kerb	1S161573	271°36'	5.63
2	O Nail in Kerb	2/SP235248	118°0'	15.147
4	OIP	17/RP726590	129°59'	1.0
4	O Nail in Kerb	4/SP235248	175°23'30"	4.31
8	O Nail in Pavers	8/SP235248	148°05'30"	7.435
10	OIP not fd (under pavers)	18/RP726590	309°59'	1.0

**PERMANENT MARKS**

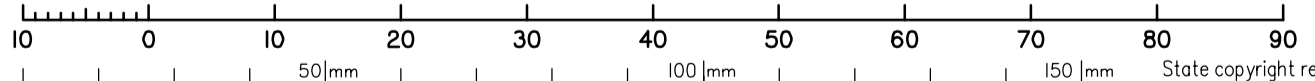
PM	ORIGIN	BEARING	DIST	NO	TYPE
1-OPM	1/SP235248	328°02'40"	22.82	19880	
2-OPM	2/SP235248	143°21'20"	89.228	123495	



Floor areas are approximate only and are subject to final survey.

**Area of Base Parcel**  
(3-4-5-6-8-3) **819 m²**

Scale 1:600 - Lengths are in Metres.



RPS Australia East Pty Ltd (ACN 140 292 762) hereby certify that the land comprised in this plan was surveyed by the corporation, by Daniel Geoffrey PINKHAM, surveying graduate, for whose work the corporation accepts responsibility, under the supervision of Adrian Edward SOLOMON, 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 \_\_\_/03/2020.

Authorised Delegate

Date

<p><b>Plan of Lots 1, 2 &amp; Common Property</b></p> <p><i>Cancelling Lot 15 on RP726590</i></p>		Scale: <b>1:600</b>
LOCAL GOVERNMENT: <b>DOUGLAS SHIRE</b> LOCALITY: <b>PORT DOUGLAS</b>		Format: <b>BUILDING</b>
Meridian: <b>RP726590</b>		<b>SP318416</b>
Survey Records: <i>No</i>		

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

(Dealing No.)

5. Lodged by

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

**I. Certificate of Registered Owners or Lessees.**

I/~~we~~ **JULIO DOMINGO WINK**

(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.~~

Signature of \*Registered Owners \*~~Lessees~~

\* Rule out whichever is inapplicable

**2. Planning Body Approval.**

\*  
hereby approves this plan in accordance with the :  
%

Dated this ..... day of .....

#

#

\* Insert the name of the Planning Body.

% Insert applicable approving legislation.

**3.Plans with Community Management Statement :**

CMS Number :

Name : \_\_\_\_\_

**4. References :**

Dept File :

Local Govt :

Surveyor : **PRI46705**

6. Existing		Created		
Title Reference	Description	New Lots	Road	Secondary Interests
20937129	Lot 15 on RP726590	1, 2 & Common Property	---	---

**ENCUMBRANCE EASEMENT ALLOCATIONS**

Easement	Lots to be Encumbered
713336564 (Emt A on SP235248)	Common Property

**MORTGAGE ALLOCATIONS**

Mortgage	Lots Fully Encumbered	Lots Partially Encumbered
716869937	1 & 2	---

I, 2 & Common Property

Por 46

Lots

Orig

**7. Orig Grant Allocation :**

**8. Passed & Endorsed :**

By: **RPS Australia East Pty Ltd**

Date :

Signed :

Designation : **Cadastral Surveyor**

**Date of Development Approval: TBC**

**9. 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

**10. Lodgement Fees :**

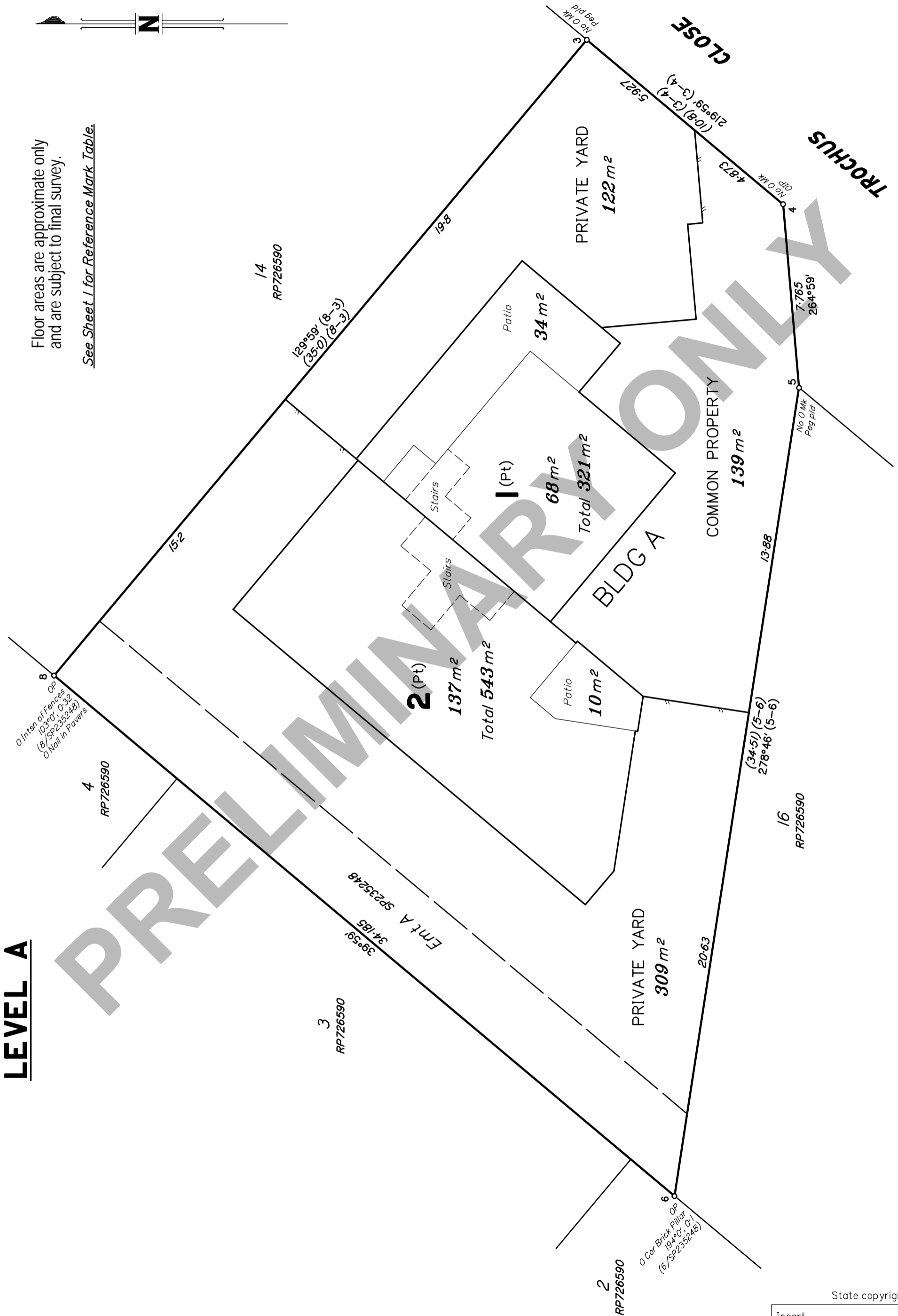
Survey Deposit	\$ .....
Lodgement	\$ .....
..... New Titles	\$ .....
Photocopy	\$ .....
Postage	\$ .....
TOTAL	\$ .....

II. Insert Plan Number

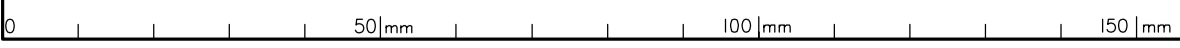
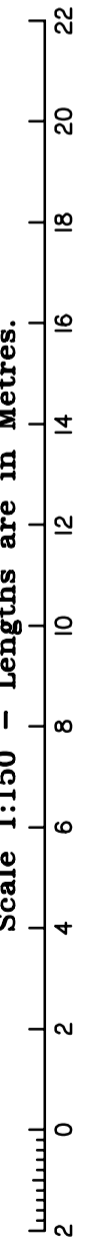
**SP318416**



Floor areas are approximate only  
and are subject to final survey.  
See Sheet 1 for Reference Mark Table.



**LEVEL A**

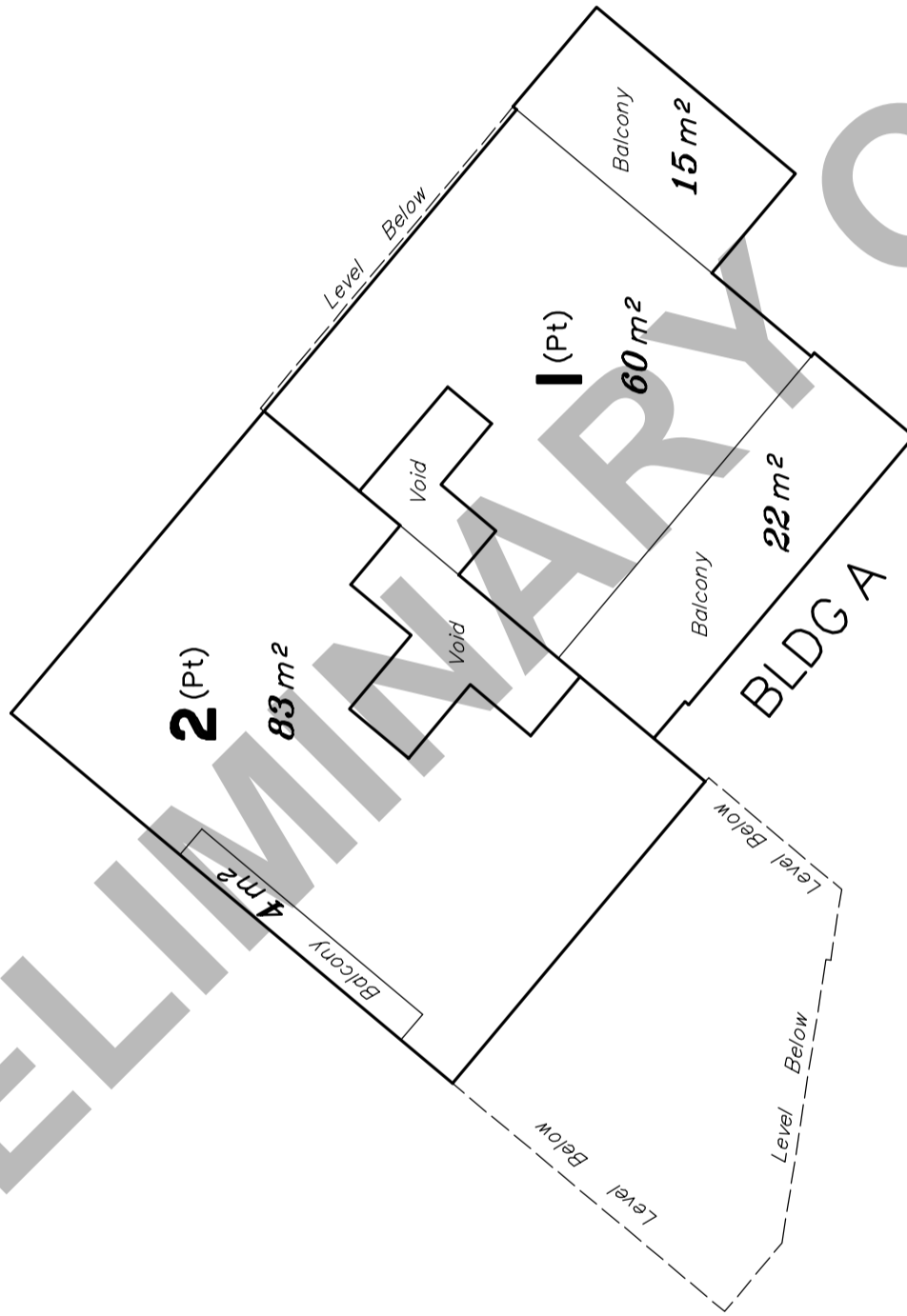


State copyright reserved.

Insert Plan Number **SP318416**

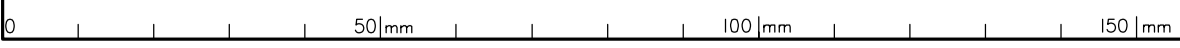
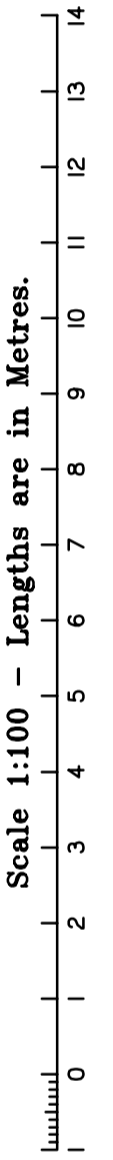


**LEVEL B**



PRELIMINARY ONLY

Floor areas are approximate only  
and are subject to final survey.



Our ref: PR147371/OCK

# **ATTACHMENT B**

## Development Application Form

# DA Form 1 – Development application details

Approved form (version 1.2 effective 7 February 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)	Jay Wink
Contact name (only applicable for companies)	Owen Caddick-King
Postal address (P.O. Box or street address)	PO Box 1949
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Contact number	(07) 4031 1336
Email address (non-mandatory)	Owen.caddick-king@rpsgroup.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	PR147371

### 2) Owner's consent

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

- Yes – the written consent of the owner(s) is attached to this development application  
 No – proceed to 3)

## PART 2 – LOCATION DETAILS

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

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

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

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		11	Trochus Close	Port Douglas
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4877	15	RP726590	Douglas Shire Council
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

<b>6.1) Provide details about the first development aspect</b>
a) What is the type of development? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input checked="" type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
2 Private Yards, part of Building Format Plan for existing Duplex
e) Relevant plans <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms guide: Relevant plans</a>.</i>
<input checked="" type="checkbox"/> Relevant plans of the proposed development are attached to the development application
<b>6.2) Provide details about the second development aspect</b>
a) What is the type of development? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval <input type="checkbox"/> Preliminary approval that includes a variation approval
c) What is the level of assessment?
<input type="checkbox"/> Code assessment <input type="checkbox"/> Impact assessment <i>(requires public notification)</i>
d) Provide a brief description of the proposal <i>(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):</i>
e) Relevant plans <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms Guide: Relevant plans</a>.</i>
<input type="checkbox"/> Relevant plans of the proposed development are attached to the development application
<b>6.3) Additional aspects of development</b>
<input type="checkbox"/> 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
<input checked="" type="checkbox"/> Not required



## Section 2 – Further development details

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

8.2) Does the proposed use involve the use of existing buildings on the premises?	
<input type="checkbox"/> Yes	
<input type="checkbox"/> No	

### Division 2 – Reconfiguring a lot

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

9.1) What is the total number of existing lots making up the premises?	
One lot	

9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)	
<input checked="" 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	2 Private Yard Lots			

10.2) Will the subdivision be staged?	
<input type="checkbox"/> Yes – provide additional details below	
<input checked="" 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"/> Stormwater	<input type="checkbox"/> Water infrastructure
<input type="checkbox"/> Drainage work	<input type="checkbox"/> Earthworks	<input type="checkbox"/> Sewage infrastructure
<input type="checkbox"/> Landscaping	<input type="checkbox"/> Signage	<input type="checkbox"/> Clearing vegetation
<input type="checkbox"/> Other – please specify:		

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

<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)**

\$
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**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 Transport Infrastructure Act 1994:</b> <input type="checkbox"/> Ports – Brisbane core port land <i>(where inconsistent with the Brisbane port LUP for transport reasons)</i> <input type="checkbox"/> Ports – Strategic port land
Matters requiring referral to the <b>relevant port operator</b> , if applicant is not port operator: <input type="checkbox"/> Ports – Land within Port of Brisbane’s port limits <i>(below high-water mark)</i>
Matters requiring referral to the <b>Chief Executive of the relevant port authority:</b> <input type="checkbox"/> Ports – Land within limits of another port <i>(below high-water mark)</i>
Matters requiring referral to the <b>Gold Coast Waterways Authority:</b> <input type="checkbox"/> Tidal works or work in a coastal management district <i>(in Gold Coast waters)</i>
Matters requiring referral to the <b>Queensland Fire and Emergency Service:</b> <input type="checkbox"/> Tidal works or work in a coastal management district <i>(involving a marina (more than six vessel berths))</i>

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

## PART 6 – INFORMATION REQUEST

<b>19) Information request under Part 3 of the DA Rules</b>
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application
<input type="checkbox"/> I do not agree to accept an information request for this development application
<b>Note:</b> <i>By not agreeing to accept an information request I, the applicant, acknowledge:</i>
<ul style="list-style-type: none"> <li>• <i>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</i></li> <li>• <i>Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</i></li> </ul>
<i>Further advice about information requests is contained in the <a href="#">DA Forms Guide</a>.</i>

## PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)			
<input type="checkbox"/> Yes – provide details below or include details in a schedule to this development application <input checked="" type="checkbox"/> No			
List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)		
<input type="checkbox"/> Yes – a copy of the receipted QLeave form is attached to this development application <input type="checkbox"/> No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid <input checked="" type="checkbox"/> Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)		
Amount paid	Date paid (dd/mm/yy)	QLeave levy number (A, B or E)
\$		

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

23) Further legislative requirements	
<b><u>Environmentally relevant activities</u></b>	
23.1) Is this development application also taken to be an application for an environmental authority for an <b>Environmentally Relevant Activity (ERA)</b> under section 115 of the <i>Environmental Protection Act 1994</i> ?	
<input type="checkbox"/> Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below <input checked="" type="checkbox"/> No <i>Note: Application for an environmental authority can be found by searching "ESR/2015/1791" as a search term at <a href="http://www.qld.gov.au">www.qld.gov.au</a>. An ERA requires an environmental authority to operate. See <a href="http://www.business.qld.gov.au">www.business.qld.gov.au</a> for further information.</i>	
Proposed ERA number:	Proposed ERA threshold:
Proposed ERA name:	
<input type="checkbox"/> Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.	
<b><u>Hazardous chemical facilities</u></b>	
23.2) Is this development application for a <b>hazardous chemical facility</b> ?	
<input type="checkbox"/> Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application <input checked="" type="checkbox"/> No <i>Note: See <a href="http://www.business.qld.gov.au">www.business.qld.gov.au</a> for further information about hazardous chemical notifications.</i>	

### **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:	
-----------------------------	--	-----------	--

### **Brothels**

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

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

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

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

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

## PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist	
I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17 <i>Note: See the Planning Regulation 2017 for referral requirements</i>	<input checked="" type="checkbox"/> Yes
If building work is associated with the proposed development, Parts 4 to 6 of <a href="#">DA Form 2 – Building work details</a> have been completed and attached to this development application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with the development application <i>Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see <a href="#">DA Forms Guide: Planning Report Template</a>.</i>	<input checked="" type="checkbox"/> Yes
Relevant plans of the development are attached to this development application <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see <a href="#">DA Forms Guide: Relevant plans</a>.</i>	<input checked="" type="checkbox"/> Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (see 21)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

25) Applicant declaration	
<input checked="" type="checkbox"/> By making this development application, I declare that all information in this development application is true and correct	
<input checked="" type="checkbox"/> Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the <i>Electronic Transactions Act 2001</i>	
<i>Note: It is unlawful to intentionally provide false or misleading information.</i>	
<p><b>Privacy</b> – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager’s and/or referral agency’s website.</p> <p>Personal information will not be disclosed for a purpose unrelated to the <i>Planning Act 2016</i>, <i>Planning Regulation 2017</i> and the <i>DA Rules</i> except where:</p> <ul style="list-style-type: none"> <li>• such disclosure is in accordance with the provisions about public access to documents contained in the <i>Planning Act 2016</i> and the <i>Planning Regulation 2017</i>, and the access rules made under the <i>Planning Act 2016</i> and <i>Planning Regulation 2017</i>; or</li> <li>• required by other legislation (including the <i>Right to Information Act 2009</i>); or</li> <li>• otherwise required by law.</li> </ul> <p>This information may be stored in relevant databases. The information collected will be retained as required by the <i>Public Records Act 2002</i>.</p>	



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

---

Date received:  Reference number(s):

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

QLeave notification and payment			
<i>Note: For completion by assessment manager if applicable</i>			
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			

Our ref: PR147371/OCK

# ATTACHMENT C

## Certificate of Title

# CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 34286842

Search Date: 30/06/2020 09:25

Title Reference: 20937129

Date Created: 06/03/1974

Previous Title: 20934122

## REGISTERED OWNER

Dealing No: 709595213 16/05/2006

JULIO DOMINGO WINK

## ESTATE AND LAND

Estate in Fee Simple

LOT 15 REGISTERED PLAN 726590  
Local Government: DOUGLAS

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20898229 (POR 46)
2. EASEMENT IN GROSS No 713336564 07/07/2010 at 10:25  
burdening the land  
CAIRNS REGIONAL COUNCIL  
over  
EASEMENT A ON SP235248
3. MORTGAGE No 716869937 06/11/2015 at 11:38  
BENDIGO AND ADELAIDE BANK LIMITED A.B.N. 11 068 049 178

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

Caution - Charges do not necessarily appear in order of priority

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

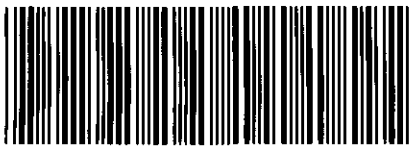
COPYRIGHT THE STATE OF QUEENSLAND (NATURAL RESOURCES, MINES AND ENERGY) [2020]  
Requested By: D-ENQ GLOBALX

Our ref: PR147371/OCK

# ATTACHMENT D

## Easement Document

EASEMENT



713336564

\$124.20  
07/07/2010 10:25

CS 601

*Duty Imprint*

Client No: 1050415 Duties Act 2001

Transaction No: 501927461

Duty Paid \$ NIL  Exempt

UTI \$ .....

Date: 29/6/10 Signed: [Signature]

1. **Grantor**  
JULIO DOMINGO WINK

**Lodger** (Name, address, E-mail & phone number) **Lodger Code**  
MacDonnells  
Cnr Shields & Grafton Streets  
CAIRNS QLD 4870  
PH: (07) 4030 0600 Ref: MRS: 101497  
754

2. Description of Easement/Lot on Plan	County	Parish	Title Reference
Servient Tenement (burdened land) EASEMENT A IN LOT 15 ON RP 726590 ON SP 235248	SOLANDER	SALISBURY	20937129

#Dominant Tenement (benefited land)

# not applicable if easement in gross

3. **Interest being burdened** Fee simple

#4. **Interest being benefited**  
# not applicable if easement in gross

5. **Grantee** Given names Surname/Company name and number (include tenancy if more than one)  
CAIRNS REGIONAL COUNCIL

6. **Consideration** ONE DOLLAR (\$1.00)

7. **Purpose of easement** Sewerage

8. Grant/Execution

The Grantor for the above consideration grants to the Grantee the easement over the servient tenement for the purpose stated in item 7 and the Grantor and Grantee covenant with each other in terms of:- \*the attached schedule; ~~\*the attached schedule and document no.~~ \*document no.

\* delete if not applicable

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

[Signature] signature  
MARTIN TRANTER full name  
SOLICITOR qualification

Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

17/6/2010  
Execution Date

[Signature]  
Grantor's Signature



[Signature] signature  
Krystyn B James full name  
Justice of the Peace (Qual) qualification

Witnessing Officer

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

24/6/10  
Execution Date

CAIRNS REGIONAL COUNCIL  
[Signature] Mayor  
[Signature] Chief Executive Officer  
Grantee's Signature

Title Reference 20937129

**Item 8 Grant/Execution**

This is the Schedule referred to in Easement in Gross dated the 24 day of June 2010

The Grantor and the Grantee **DO HEREBY COVENANT** with each other in the following terms:-

1. EASEMENT FOR SEWERAGE

The Grantee shall have the free right and liberty of using the Servient Tenement or any part or parts thereof for sewerage purposes **AND** all that the full and free right and liberty at all times and from time to time to convey upon the Servient Tenement sewage of all kinds whether flowing continuously intermittently or occasionally over and along the Servient Tenement by way of sewage pipelines or other artificial means.

2. SEWERAGE WORKS

The Grantee shall have all that the free right and liberty of filling in the Servient Tenement or any part or parts thereof and of excavating and erecting constructing and maintaining above or below or partly above and partly below the surface of the Servient Tenement pipelines pumpstations structures machinery and all appurtenances thereof for the passage or conveyance whether by pumping or otherwise of sewage of all kinds **AND** with liberty to the Grantee by its officers servants agents workmen with or without trucks and other vehicles plant and materials to enter upon the Servient Tenement at all times for the purpose of removing and disposing of spoil constructing extending deepening maintaining and repairing the pipelines pumpstations structures machinery and all appurtenances thereof and for the purpose of keeping the same in good order and condition and for all other lawful purposes incidental thereto.

3. NO OBLIGATION TO USE

The Grantee shall not be obliged to use the Servient Tenement for the purposes aforesaid nor to exercise or do any or all the powers or things herein mentioned but shall be at liberty to do so from time to time at its pleasure and to such extent as it may think fit.

4. GRANTEE NOT LIABLE TO FENCE

The Grantee shall not be required to fence or contribute to the fencing of any part or parts of the boundaries of the Servient Tenement.

5. GRANTOR NOT TO CONSTRUCT OR INTERFERE

The Grantor will not execute or construct any excavations drains channels or other works of any kind on the Servient Tenement nor remove from or interfere with any existing sewerage works or any retaining walls howsoever constructed or any other works within the area of the Servient Tenement without the prior approval in writing of the Grantee.

6. FURTHER RIGHTS OF GRANTEE

**Title Reference 20937129**

The Grantee shall be at liberty to take up and remove the whole or any part of any pipelines pumpstations structures machinery and appurtenances thereof at any time during the continuance of this easement or within six months of the determination of this easement.

**7. GRANTEE'S STATUTORY RIGHTS**

Nothing herein expressed or implied shall limit or destroy any right or privilege of the Grantee to at any time purchase take by agreement resume or otherwise acquire the whole or any part of the Servient Tenement.

**8. COSTS**

The Grantor shall pay the Grantee's costs properly incurred in the preparation stamping and registration of this Easement.

**9. CONSIDERATION**

The consideration in Item 6 of the Form 9 in this Easement shall be paid by the Grantee to the Grantor upon the registration of this Easement by the Registrar of Titles.

**10. DEFINITIONS AND INTERPRETATION**

Unless the contrary intention appears:-

"Easement" shall mean this Schedule and the Form 9 to which this Schedule is annexed and includes all annexures thereto.

"Grantor" shall mean and include the Grantor named in Item 1 of the Form 9 in this Easement and the executors administrators successors and assigns (as the case may be) of the Grantor and all successors in title, lessees, trustees, occupiers and mortgagees of the registered proprietor's interest in the Servient Tenement and any other person deriving an interest in the Servient Tenement.

"Grantee" shall mean and include the Grantee named in Item 5 of the Form 9 in this Easement and its successors and permitted assigns.

"Servient Tenement" means the land described as such in Item 2 of the Form 9 in this Easement and includes any part of that land subject to the burden of this Easement.

Words importing the masculine gender shall be construed to include the feminine and neuter gender.

Words importing the singular number shall be construed to include the plural number and vice versa.

Words relating to persons shall be construed to include a corporation, partnership, incorporated association, body corporate, unincorporated body, instrumentality of the State and any statutory, public or local authority.

Any covenant or agreement on the part of two or more persons shall be deemed to bind them jointly and severally.