

Our ref: PR143575/OLD/SD/L78624

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

Date: 23 July 2019

Attn: Mr Brian Millard  
Chief Executive Officer  
Mareeba Shire Council  
PO Box 154  
Mareeba QLD 4880

Dear Sir,

**RE: DEVELOPMENT APPLICATION FOR MATERIAL CHANGE OF USE – MULTIPLE DWELLING  
LOCATED AT 12 ROB VEIVERS DRIVE, KURANDA, FORMALLY DESCRIBED AS LOT 500 ON  
SP202676 – LEVEL B BUP100024**

RPS Australia East Pty Ltd confirms that we act on behalf of South Pacific Law as Mortgagee in Possession (the 'applicant') in respect of the preparation and lodgement of the abovementioned Development Application with Mareeba Shire Council.

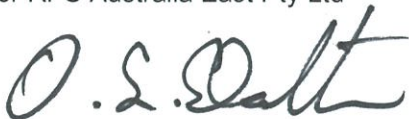
This application seeks development approval for a Material Change of Use (Multiple Dwelling) in order to facilitate conversion of existing commercial premises to residential units as Level B on BUP100024 within Lot 500 on SP202676. In support of this application, please find attached the following:

- Planning Report for South Pacific Law as Mortgagee in Possession, included as **Attachment 1**;
- RPS Drawing No. PR143575-2 depicting the Conceptual Unit Development within Volumetric Lot 500 on SP202676, included as **Attachment 2**.

RPS notes that the applicable application fee for this proposed development is \$1,570.00 as detailed in the 2019/2020 Mareeba Shire Council Fee Schedule. To ensure that the submission is a properly made application in accordance with the *Planning Act 2016*, the applicant requests that an invoice for the applicable application fee of \$1,570.00 (no GST), be forwarded to RPS for payment by the applicant.

We trust this submission is sufficient for your purposes, however, should you require any additional information, please do not hesitate to contact the undersigned.

Yours sincerely,  
for RPS Australia East Pty Ltd



**Owen Dalton**  
Principal Planner  
owen.dalton@rpsgroup.com.au

enc: **Attachment 1: Planning Report**  
**Attachment 2: RPS Drawing No. PR143575-2 Concept Plan**

Our ref: PR143575/OLD/SD?L78624

## **Attachment 1**

### **Planning Report**

# MATERIAL CHANGE OF USE (MULTIPLE DWELLINGS) - 12 ROB VEIVERS DRIVE, KURANDA

Town Planning Report



PR143575/OLD/SD/R78548  
MCU - Kuranda  
Final Report  
23 July 2019

## REPORT

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### Document status

Version	Purpose of document	Authored by	Reviewed by	Approved by	Review date
Final	Report	S. Devaney	O. Dalton	O. Dalton	23 July 2019

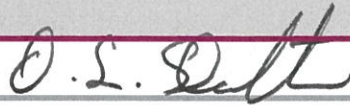
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### Approval for issue

Owen Dalton



23 July 2019

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Prepared for:

**South Pacific Law (as Mortgagee in Possession)**

Gary Collinson

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# SUMMARY

## Summary

Details		
Site Address:	12 Rob Veivers Drive, Kuranda	
Real Property Description:	Lot 500 on SP202676 – Level B BUP100024	
Site Area:	200m <sup>2</sup>	
Zone/Precinct:	Centre Zone	
Owner(s):	South Pacific Law as Mortgagee in Possession	
Applicant Contact Person:	Gary Collins	
Proposal		
Brief Description/ Purpose of Proposal	MCU – ‘Multiple Dwelling’ (Conversion of commercial space into 5 residential units)	
Application Details		
Aspect of Development	Preliminary approval	Development permit
Material change of use	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Building Work	<input type="checkbox"/>	<input type="checkbox"/>
Operational Work	<input type="checkbox"/>	<input type="checkbox"/>
Reconfiguration of a Lot	<input type="checkbox"/>	<input type="checkbox"/>
<b>Assessment Category</b>	<input checked="" type="checkbox"/> Code	<input type="checkbox"/> Impact
<b>Public Notification</b>	<input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes:
<b>Superseded Planning Scheme Application</b>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

# 1 INTRODUCTION

RPS has been engaged by Mr Gary Collinson, South Pacific Law as Mortgagee in Possession, to seek development approval to facilitate a Material Change of Use for 'Multiple Dwelling', to enable the conversion of existing commercial premises to residential units. The proposed development encompasses the establishment of five (5) x 1 bedroom self-contained units within vacant existing office space. The proposed development will be located at 12 Rob Veivers Drive, Kuranda, and applies to land formally described as Level B on BUP100024 within Lot 500 on SP202676. The proposal involves a change in the current land use from 'Office' to 'Multiple Dwelling'.

Under the Mareeba Shire Council Planning Scheme 2017, the subject site is located within the 'Centre' Zone. The proposal is subject to Code Assessment.

This report demonstrates compliance with the relevant assessment benchmarks, subsequently the proposed development is recommended for approval subject to reasonable and relevant conditions.



## 2 SITE DETAILS

### 2.1 Site particulars

Key details of the subject site are as follows:

**Table 1: Site particulars**

Site Particulars	
Site Address	12 Rob Veivers Drive, Kuranda
Real Property Description	Level B BUP100024 – Lot 500 on SP202676
Site Area	200m <sup>2</sup>
Land Owner(s)	South Pacific Law as Mortgagee in Possession

The site location and its extent are shown in **Figure 1** below.

Certificate/s of title confirming site ownership details are included at **Appendix B**.



**Figure 1 Site Location**

Source: Google Earth

## 2.2 Planning context

The planning context of the site includes the following:

**Table 2 Planning Context**

### Mareeba Shire Council Planning Scheme 2017

<b>Zoning</b>	Centre Zone
<b>Local Plan</b>	Kuranda Local Plan <ul style="list-style-type: none"> <li>Village Frame Precinct</li> </ul>
<b>Overlays</b>	<ol style="list-style-type: none"> <li>Airport Environs Overlay Code</li> <li>Scenic Amenity Overlay Code</li> </ol>

## 2.3 Site characteristics

Site inspection and searches of local and state government records indicate that key site characteristics include:

**Table 3 Site Characteristics**

<b>Site Features</b>	<b>Details</b>
Existing use of the site	Vacant office space on the lower level of the subject site. Commercial office space and shops are located at the street level.
Topography	The undulating site is subject to varying gradients. Shops and office space on the upper level are accessible from the street. Access to the proposed development is via a driveway from Rob Veivers Drive.
Vegetation	There is limited remnant vegetation located on the site due to historical clearing for urban purposes.
Road Frontages and Length	Lot 500 on SP202673 – approx. 4 metre frontage to Rob Veivers Drive Volumetric Lot 501 on SP202673 – approx. 40 metre frontage Rob Veivers Drive
Services	Electricity, water and telecommunication services are already provided to the existing premises.
Waterways	There are no waterways traversing the site.

## 2.4 Search Results

The following searches of local and state records have been undertaken.

**Table 4 Searches**

<b>Search material</b>	<b>Details</b>
DA Mapping	There are no relevant local or State provisions

## 2.5 Surrounding land uses

Immediately surrounding land uses comprise the following.

**Table 5 Surrounding Uses**

Search material	Details
North	Mixed Use (Commercial and Residential)
East	Mixed Use (Commercial and Residential)
South	Short Term Accommodation and Residential
West	Residential

## 3 PROPOSAL

### 3.1 Overview

The applicant seeks a Material Change of Use to facilitate conversion of existing commercial units, defined under the Planning Scheme as “Office”, on level B of BUP100024 to residential units, defined under the Planning Scheme as “Multiple Dwellings”.

It is noted that Level A of the existing building is currently leased by other tenants and utilised for purposes of office space and shop. RPS notes that as other owners/tenants occupy parts of the upper level for office space and shop and this land use will continue as ‘as of right’ land uses. The application refers solely to the volumetric Lot 500 on SP202676, to enable the conversion of offices on Level B on BUP100024 to five (5) residential units, for future sale or lease.

This application is for a Material Change of Use for Multiple Dwellings at 12 Rob Veivers Drive, Kuranda, more formally described as Level B on BUP100024 within Volumetric Lot 500 on SP202676. In terms of building classification, the proposed development will involve changing the current ‘Class 5’ – “Office” to ‘Class 1a’ – “Multiple Dwelling”.

We note that detailed plans depicting the internal layout of the proposed residential units have yet to be prepared. This is due to the considerable expense associated with preparing such plans (e.g. site survey to locate services, connection points etc, building design) and a degree of uncertainty as to whether approval will be granted. In summary, the applicant would prefer to defer these costs until such time as there is certainty that the “overarching” Material Change of Use approval has been granted. Given these circumstances, and in order to address any concerns Council may have regarding detailed design of the proposed units, we suggest that it would be appropriate (and acceptable to the applicant) if Council were to impose a condition upon approval along the lines of the following:

“Prior to seeking a development Permit for Building Works for the approved residential units, the applicant shall lodge for Council approval, detailed plans depicting the internal layout of each unit. These plans shall demonstrate compliance of the proposed building works with conditions of this approval. As well as all relevant requirements of the Building Code of Australia, including those relating to minimum requirements for habitable rooms (area, dimensions and height), as well as fire separation between commercial and residential uses”.

A summary of the proposed development is provided in following sections.

### 3.2 Yield / gross floor area

The proposal comprises

**Table 6: Development Summary**

Aspect	Yield / GFA
Multiple dwellings 1 bedroom	40m <sup>2</sup>
<b>Total</b>	<b>200m<sup>2</sup></b>

### 3.3 Car parking

Car parking provision is proposed substantially in compliance with City Plan 2014 rates, as follows:

**Table 7: Car Parking Statistics**

<b>Aspect</b>	<b>Requirement</b>	<b>Proposal</b>	
Multiple dwellings			
1 bedroom (at 1 space per unit):	5	5	✓
Visitors (at 0.25 space per unit):	1	1	✓
<b>Total</b>	<b>6</b>	<b>6</b>	

Given the subject site’s current land use as office space, with existing hardstand parking facilities and driveway, sufficient manoeuvring clearance, crossover access to and from Rob Veivers Drive compliant with the FNQROC Development Manual and clear sight lines, it is anticipated that current parking and access arrangements are considered compliant with the provisions of the Planning Scheme. Assessment against the Parking and Access Code is provided for reference as **Appendix C**.

## 4 LEGISLATIVE REQUIREMENTS

### 4.1 Assessment Manager

In accordance with Schedule 8 of the *Planning Regulation 2017*, the assessment manager for this application is Mareeba Shire Council.

### 4.2 Categories of assessment

The table below summarises the categorising instruments and categories of assessment applicable to this application.

**Table 1: Categories of assessment**

Aspect of development	Categorising instrument	Category of assessment
<ul style="list-style-type: none"> <li>Development Permit for Material Change of Use (Multiple Dwelling)</li> </ul>	Mareeba Shire Council Planning Scheme 2016	Code Assessment

### 4.3 Referrals

A review of Schedule 10 of the *Planning Regulation 2017*, indicates that no referral is triggered by the proposed development.

### 4.4 Public notification

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

## 5 STATUTORY PLANNING ASSESSMENT

### 5.1 State and Regional Assessment Benchmarks

#### 5.1.1 Regional Plan

A review of the proposal against the relevant policies of the FNQ2013 Regional Plan reveals no significant conflicts.

#### 5.1.2 State Planning Policy

Section 30(2)(a)(ii) of the *Planning Regulation 2017* requires assessment of this application must be carried out against the State Planning Policy. The current Mareeba Shire Planning Scheme 2016 details that requirements of the State Planning Policy (SPP) up to the version April 2016, have been integrated into the Planning Scheme. Since this date, a newer version of the SPP has come into force, with the most recent version being July 2017, therefore assessment against matters within the current SPP may be required, where it is considered to not have been adequately integrated in the Planning Scheme.

RPS has investigated which matters are relevant for the application considering the following:

- Matters which have changed since the April 2016 and July 2017 version of the SPP;
- Matters where the site is impacted by the relevant SPP mapping layers for various State Interest; and
- State Interests to which the proposed development is relevant for.

This investigation has concluded the relevant changes to State interests have no impact on the proposed development.

#### 5.1.3 State Development Assessment Provisions

As the proposed development does not trigger referral to the State Assessment and Referral Agency, assessment against the State Development Assessment Provisions (SDAP) is not required for this application.

## 5.2 Planning Scheme

Under the Mareeba Shire Council Planning Scheme 2016, the subject site is included within the 'Centre' Zone and the 'Village Frame Precinct' of the Kuranda Local Plan. The intent of the zone, which is to provide for a mix of uses and activities, is achieved through the integration of residential development that is located behind or above commercial development. The proposed development achieves the zone's overall outcome through infill development that integrates with existing commercial and tourist operations and is sited so as not to be visible from street level, nor detract from the fabric of the 'Centre' Zone or the tourist focus theme of Kuranda village.

RPS notes that the office space, the subject of this application is currently vacant, largely due to the fact that street frontage is minimal with Level B of BUP100024 located below street level, thus significantly reducing commercial exposure of this part of the building.

Whilst the propose development does require a Material Change of Use, the proposal is in keeping with the strategic framework of the Planning Scheme, on the grounds that the proposal provides for infill residential development that includes diversity in housing choices and is located in close proximity to services and the Kuranda activity centre.

#### 5.2.1 Codes

The following codes are applicable to this application:

- Centre Zone Code;



- Kuranda Local Plan Code;
- Accommodation Activities Code
- Airport Environs Overlay Code;
- Scenic Amenity Overlay Code;
- Landscaping Code;
- Parking and Access Code; and
- Works, Services and Infrastructure Code.

Given the nature of this application, it is the considered opinion of RPS that this proposal does not require detailed assessment against all applicable code provisions, on the grounds that the proposal is generally considered compliant with the relevant 'Acceptable Solutions' and/or 'Performance Criteria' of these codes. Consequently, where the proposed development is deemed to be generally compliant with the relevant code, a summary of this assessment is provided below. Alternatively, where strict compliance with the Acceptable Measures is not achieved, a detailed assessment has been provided as **Appendix C** to demonstrate compliance with the corresponding assessment benchmarks.

### **Centre Zone Code**

Whilst the subject site is located within the Centre Zone, the proposed development is further regulated by the Kuranda Local Plan. The proposed development is generally considered compliant, on the basis that the residential conversion is infill development, located underneath existing commercial development (offices and shop), which is not visible from street frontage and therefore does not adversely impact the 'Village Frame Precinct', nor detract from Kuranda's distinct "village in a rainforest" theme. RPS notes that the proposed development will not affect existing visual appearance, given that the proposal involves conversion of existing vacant office space to residential dwellings and further notes that the existing office space is not clearly visible from Rob Veivers Drive.

### **Kuranda Local Plan – Village Frame Precinct**

The proposed development aligns with the intent of the Kuranda Village Frame precinct, being to provide for mixed use commercial/residential developments. The scale of the proposal is minimal, conversion of existing vacant office space to five (5) x 1-bedroom residential units, will maintain streetscape amenity and integrate sensitively into the existing natural environment, given that units will be located on the ground level, thus enabling a degree of privacy for residents whilst maintaining shops and offices at the street level for continued commercial operation within the Village Frame Precinct.

### **Airport Environs Overlay Code**

Whilst the subject area is located within the 151 metre Obstacle Limitation Surfaces (OLS) for Cairns Airport, proposed development will not impact the designated OLS, given it is well below the permissible level.

### **Scenic Amenity Overlay Code**

The subject site is located within the Shire Scenic Route 500m buffer, however the proposed development within an existing building is not likely to adversely impact the scenic amenity.

### **Landscaping Code**

The proposed development involves the conversion of existing office space to residential units, within an existing building with established landscaping in place to create an attractive streetscape, complimenting the character of Kuranda. It is on this basis that RPS forms the opinion that existing landscaping complies with the 'Acceptable Solutions' and/or 'Performance Outcomes' of the Landscaping Code.

### **Works, Services and Infrastructure Code**

The proposed development for the conversion of existing vacant office space to residential units will not require any operational works as part of this application. RPS notes that whilst services are provided to the current offices, further building works will be required for the provision of services for each of the proposed units.

## 6 CONCLUSION

This submission supports a development application made on behalf of South Pacifica Law as Mortgagee in Possession to seek approval to facilitate the Material Change of Use from “Offices” to “Multiple Dwellings” on the site located at 12 Rob Veivers Drive, Kuranda, and more formally described as Level B BUP100024 within Lot 500 on SP202676. The proposal is effectively seeking to allow the conversion of disused office space into five separate residential dwellings, within the Kuranda Village Precinct, in accordance with the Planning Scheme.

In summary, we submit that the proposed development is unlikely to have any significant impacts upon infrastructure, environment or community that cannot be adequately addressed through the imposition of reasonable and relevant conditions. We therefore commend the development for Council approval.

**Appendix A**

**DA Form 1**

# DA Form 1 – Development application details

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

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

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

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

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

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

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

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

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	South Pacific Law as Mortgagee in Possession c/o RPS Australia East Pty Ltd
Contact name <i>(only applicable for companies)</i>	Owen Dalton, RPS Australia East Pty Ltd
Postal address <i>(P.O. Box or street address)</i>	PO Box 1949
Suburb	Cairns
State	Queensland
Postcode	4870
Country	Australia
Contact number	(07) 4276 1033
Email address <i>(non-mandatory)</i>	<a href="mailto:owen.dalton@rpsgroup.com.au">owen.dalton@rpsgroup.com.au</a> ; <a href="mailto:stacey.devaney@rpsgroup.com.au">stacey.devaney@rpsgroup.com.au</a>
Mobile number <i>(non-mandatory)</i>	
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	PR143575

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

## PART 2 – LOCATION DETAILS

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

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

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

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		12	Rob Veivers Drive	Kuranda
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4881	500	SP202676	Mareeba 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. Only one set of coordinates is required for this part.

- Coordinates of premises by longitude and latitude

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

- Coordinates of premises by easting and northing

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

#### 3.3) Additional premises

- Additional premises are relevant to this development application and their details have been attached in a schedule to this application  
 Not required

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

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

Name of water body, watercourse or aquifer:

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

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

Yes – All easement locations, types and dimensions are included in plans submitted with this development application

No

## PART 3 – DEVELOPMENT DETAILS

### Section 1 – Aspects of development

<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 checked="" 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 checked="" 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 checked="" 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> :	
Material Change of Use (Multiple dwelling) conversion of existing office space to residential units	
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	



**6.3) Additional aspects of development**

- Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application
- Not required

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

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

**Division 1 – Material change of use**

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

**8.1) Describe the proposed material change of use**

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m <sup>2</sup> ) (if applicable)
Conversion of existing office space to residential units	Multiple Dwelling	5	40m <sup>2</sup>

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

<input checked="" 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?**

--

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

<input type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a construction road (complete 13))

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

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

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

<input type="checkbox"/> Yes – provide additional details below	
<input type="checkbox"/> No	
How many stages will the works include?	
What stage(s) will this development application apply to?	

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?

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

12) Boundary realignment

12.1) What are the current and proposed areas for each lot comprising the premises?

Current lot		Proposed lot	
Lot on plan description	Area (m <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )

12.2) What is the reason for the boundary realignment?

--

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

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

### Division 3 – Operational work

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

14.1) What is the nature of the operational work?

- |                                                                                             |                                     |                                                |
|---------------------------------------------------------------------------------------------|-------------------------------------|------------------------------------------------|
| <input type="checkbox"/> Road work                                                          | <input type="checkbox"/> 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: <input style="width: 300px;" type="text"/> |                                     |                                                |

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 style="width: 150px;" type="text"/> |
| <input type="checkbox"/> No                                                                           |

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

\$ <input style="width: 150px;" type="text"/>
-----------------------------------------------

## PART 4 – ASSESSMENT MANAGER DETAILS

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

Mareeba Shire Council

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

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

## PART 5 – REFERRAL DETAILS

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

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

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

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

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

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

- Airport land
- Environmentally relevant activities (ERA) (*only if the ERA have been devolved to local government*)
- Local heritage places

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

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

## PART 6 – INFORMATION REQUEST

<b>19) Information request under Part 3 of the DA Rules</b>
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application <input type="checkbox"/> I do not agree to accept an information request for this development application <b>Note:</b> By not agreeing to accept an information request I, the applicant, acknowledge: <ul style="list-style-type: none"> <li>• that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties</li> <li>• Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.</li> </ul> Further advice about information requests is contained in the <u>DA Forms Guide</u> .

## PART 7 – FURTHER DETAILS

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

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

List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)

- Yes – a copy of the receipted QLeave form is attached to this development application  
 No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid  
 Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

Amount paid	Date paid (dd/mm/yy)	QLeave levy number
\$		

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

- Yes – show cause or enforcement notice is attached  
 No

23) Further legislative requirements

### Environmentally relevant activities

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

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

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

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

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

### Hazardous chemical facilities

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

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

**Note:** See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information about hazardous chemical notifications.

### Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

No

**Note:** 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.

2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

### Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter

No

**Note:** The environmental offset section of the Queensland Government's website can be accessed at [www.qld.gov.au](http://www.qld.gov.au) for further information on environmental offsets.

### Koala conservation

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

Yes

No

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

### Water resources

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

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

No

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

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

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

### Waterway barrier works

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

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

No

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

### Marine activities

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

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

No

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

### Quarry materials from a watercourse or lake

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

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

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

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

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

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

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

#### **Referable dams**

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

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

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

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

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

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

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

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

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

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

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

Name of the heritage place:		Place ID:	
-----------------------------	--	-----------	--

#### **Brothels**

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

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

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

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

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



## PART 8 – CHECKLIST AND APPLICANT DECLARATION

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

25) Applicant declaration	
<input checked="" type="checkbox"/> By making this development application, I declare that all information in this development application is true and correct <input checked="" type="checkbox"/> Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the <i>Electronic Transactions Act 2001</i> <i>Note: It is unlawful to intentionally provide false or misleading information.</i>	
<p><b>Privacy</b> – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.</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 OFFICE USE ONLY

Date received:  Reference number(s):

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

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

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

**Appendix B**

**Certificate(s) of Title and Owner's Consent**

# CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 30890377

Search Date: 27/03/2019 11:38

Title Reference: 50690571

Date Created: 02/11/2007

Previous Title: 50000334

50000335

## REGISTERED OWNER

Dealing No: 711057398 03/10/2007

PETER TAMAS KELLER TRUSTEE

UNDER INSTRUMENT 711057398

## ESTATE AND LAND

Estate in Fee Simple

VOLUMETRIC LOT 500 SURVEY PLAN 202676

Local Government: MAREEBA

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by Deed of Grant No. 20103168 (POR 6V)
2. EASEMENT No 711102762 18/10/2007 at 15:18 benefiting the land over EASEMENT A ON SP202673
3. MORTGAGE No 711153385 06/11/2007 at 11:18 SOUTH PACIFIC LAW PTY LTD A.C.N. 082 323 546
4. AMENDMENT No 711457763 27/02/2008 at 10:29 MORTGAGE: 711153385
5. AMENDMENT No 712282238 17/03/2009 at 11:16 MORTGAGE: 711153385

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

## CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

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

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Requested By: D-ENQ GLOBALX TERRAIN

# CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 30890348

Search Date: 27/03/2019 11:37

Title Reference: 50690572

Date Created: 02/11/2007

Previous Title: 50000334

## REGISTERED OWNER

Dealing No: 715235553 01/08/2013

ANTHONY WALTER BAGGOTT

FAY MARGARET ALLEN TRUSTEE

UNDER INSTRUMENT 715235553

## ESTATE AND LAND

Estate in Fee Simple

LOT 501 SURVEY PLAN 202673

Local Government: MAREEBA

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20103168 (POR 6V)
2. EASEMENT No 711102762 18/10/2007 at 15:18  
burdening the land to  
VOLUMETRIC LOT 500 ON SP202676 OVER EASEMENT A ON SP202673

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - Yes 01/08/2013 715235555 Certificate No. 1

Caution - Charges do not necessarily appear in order of priority

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

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Requested By: D-ENQ GLOBALX TERRAIN

Scheme Name: KURANDA SETTLEMENT COMMUNITY TITLES SCHEME 18391

Body Corp. Addr: BODY CORPORATE SERVICES PTY LTD  
PO BOX 5134  
CAIRNS MAIL CENTRE QLD  
4871

COMMUNITY MANAGEMENT STATEMENT No: 18391

<b>Title</b>	<b>Lot</b>	<b>Plan</b>
50000334	CP	BUP 100024
50000336	2	BUP 100024
50000337	3	BUP 100024
50000338	4	BUP 100024
50000339	5	BUP 100024
50000340	6	BUP 100024
50000341	7	BUP 100024
50000342	8	BUP 100024

COMMUNITY MANAGEMENT STATEMENT Dealing No: 711133114

\*\* End of CMS Search Statement \*\*

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Requested By: D-ENQ GLOBALX TERRAIN

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

I, KEVIN JOHN O'REILLY

*[Insert name in full.]*

Sole Director/Secretary of the company mentioned below.

*[Delete the above where company owner's consent must come from both director and director/secretary]*

I,

*[Insert name in full.]*

Director of the company mentioned below.

and I,

*[Insert name in full.]*

*[Insert position in full—i.e. another director, or a company secretary.]*

*Delete the above two boxes where there is a sole director/secretary for the company giving the owner's consent.*

Of South Pacific Law as Mortgagee in Possession

*[Insert name of company and ACN.]*

the company being the Mortgagee in Possession of the premises identified as follows:

Lot 501 on SP202673 within Volumetric Lot 500 on SP202676

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

RPS Australia East Pty Ltd

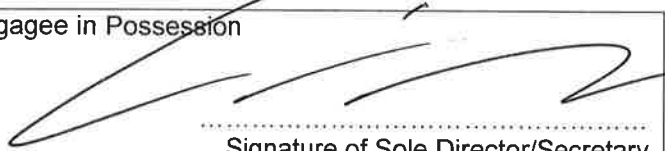


on the premises described above for:

Material Change of Use (Multiple Dwellings)

Company seal *[if used]*

Company Name and ACN: South Pacific Law as Mortgagee in Possession

  
.....  
Signature of Sole Director/Secretary

11/6/19.  
.....  
Date

*[Delete the above where company owner's consent must come from both director and director/secretary.]*

Company Name and ACN: .....	
..... Signature of Director ..... Date	..... Signature of Director/Secretary ..... Date

*[Delete the above where there is a sole director/secretary for the company giving the owner's consent.]*

**Appendix C**

**Planning Scheme Code Assessments**

## Mareeba Shire Planning Scheme 2016 - Accommodation Activities Code

Performance outcomes	Acceptable outcomes	Solution	Comments
<b>For accepted development subject to requirements and assessable development</b>			
<b>All Accommodation activities, apart from Dwelling house</b>			
<p><b>PO1</b> Accommodation activities are located on a site that includes sufficient area:</p> <ul style="list-style-type: none"> <li>(a) To accommodate all buildings, structures, open space and infrastructure associated with the use; and</li> <li>(b) To avoid adverse impacts on the amenity or privacy of nearby land uses.</li> </ul>	<p><b>AO1</b> Development is located on a site which provides the applicable minimum site area and minimum road frontage specified in <b>Table 9.3.1.3B</b>.</p>	Alternative Solution	The proposal refers to the conversion of existing office space to multiple dwellings within a volumetric lot. Whilst the volumetric lot is less than the minimum lot size of 800m <sup>2</sup> , Lot 501 on SP202673, within which the volumetric lot is located is greater than the minimum lot size. As the proposal is located on Level B on BUP100024, the existing office space is located below street level.
<b>All Accommodation activities, apart from Tourist park and dwelling house</b>			
<p><b>PO2</b> Accommodation activities are provided with on-site Refuse storage area that are:</p> <ul style="list-style-type: none"> <li>(a) Sufficient to meet the anticipated demand or refuse storage; and</li> <li>(b) Appropriately located on the site having regard to potential odour and noise impacts on uses on the site and adjoining sites.</li> </ul>	<p><b>AO2.1</b> A refuse area is provided that:</p> <ul style="list-style-type: none"> <li>(a) Includes a water connection;</li> <li>(b) Is of a size and configuration to accommodate 2x240 litre bins per dwelling or accommodation unit where involving a use other than residential care facility or retirement facility; and</li> </ul>	✓	Proposal complies. There is sufficient area at the rear of the proposed dwellings for adequate refuse storage.
<b>All Accommodation activities except Dwelling house</b>			
<p><b>PO3</b> Accommodation activities are designed to avoid overlooking or loss of privacy for adjoining uses. Note – these provisions apply to any adjoining use, both on an adjoining site and on the same site.</p>	<p><b>AO3</b> The windows of habitable rooms:</p> <ul style="list-style-type: none"> <li>(a) Do not overlook the windows of a habitable room in an adjoining dwelling or accommodation unit; or</li> <li>(b) Are separated from the windows of a habitable room in an adjoining dwelling</li> </ul>	✓  ✓	<p>Proposal complies. As the proposed development relates to the conversion of existing office space, existing windows do not overlook adjoining dwellings.</p> <p>Proposal complies. There is sufficient distance between the existing accommodation located on</p>

## Accommodation Activities Code

Performance outcomes	Acceptable outcomes	Solution	Comments
	<p>or accommodation unit by a distance greater than:</p> <ul style="list-style-type: none"> <li>(i) 2m at ground level;</li> <li>(ii) 8m above ground level; or</li> </ul> <p>(c) Are treated with:</p> <ul style="list-style-type: none"> <li>(i) a minimum sill height of 1.5m above floor level; or</li> <li>(ii) fixed opaque glass installed below 1.5m; or</li> <li>(iii) fixed external screens; or</li> <li>(iv) a 1.5m high screen fence along the common boundary.</li> </ul>	N/A	the adjoining lot to provide adequate separation between uses.
<p><b>PO4</b> Accommodation activities are provided with sufficient private and communal open space areas which:</p> <ul style="list-style-type: none"> <li>(a) accommodate a range of landscape treatments, including soft and hard landscaping;</li> <li>(b) provide a range of opportunities for passive and active recreation;</li> <li>(c) provide a positive outlook and high quality of amenity to residents;</li> <li>(d) in conveniently located and easily accessible to all residents; and</li> <li>(e) contribute to an active and attractive streetscape.</li> </ul>	<p><b>AO4.1</b> Development, except for Caretaker's accommodation, dwelling house, Dual occupancy or home based business, include communal open space which meets or exceed the minimum area, dimension and design parameters specified in <b>Table 9.3.1.3C.</b></p> <p><b>AO4.2</b> Development includes private open space for each dwelling or accommodation unit which meets or exceeds the minimum area, dimension and design parameters specified in <b>Table 9.3.1.3D.</b></p> <p><b>AO4.3</b> Clothes drying areas are provided at the side or rear of the site so that they are not visible from the street.</p> <p><b>AO4.4</b> If for Dual occupancy, Multiple dwelling, Residential care facility or Retirement facility, development provides a secure storage area</p>	<p>✓</p> <p>✓</p> <p>✓</p>	<p>Proposal complies. There is sufficient area under the upper levels of the existing building to provide sufficient communal open space.</p> <p>Proposal complies. Adequate clothes drying facilities may be located at the rear of the proposed dwellings.</p>

## Accommodation Activities Code

Performance outcomes	Acceptable outcomes	Solution	Comments
	<p>for each dwelling or accommodation unit which:</p> <ul style="list-style-type: none"> <li>(a) is located to facilitate loading and unloading from a motor vehicle;</li> <li>(b) is separate to, and does not obstruct, on-site vehicle parking or manoeuvring areas;</li> <li>(c) has a minimum space of 2.4m<sup>2</sup> per dwelling or accommodation unit;</li> <li>(d) has a minimum height of 2.1m</li> <li>(e) has minimum dimensions to enable secure bicycle storage;</li> <li>(f) is weather proof; and</li> <li>(g) is lockable.</li> </ul>		Proposal complies. There is sufficient area at the rear of the proposed dwellings to allow for a lockable storage facility.
<b>If for Multiple dwelling, residential care facility or Retirement facility</b>			
<p><b>PO8</b> Development is appropriately located within the Shire to:</p> <ul style="list-style-type: none"> <li>(a) maximise the efficient utilisation of existing infrastructure, services and facilities; and</li> <li>(b) minimise amenity impacts through the collocation of compatible uses.</li> </ul> <p>Note – where residential care facility or Retirement facility is assessable development additional assessment benchmarks are provided under “for assessable development”.</p>	<p><b>A08</b> Multiple dwelling, Residential care facility or Retirement facility uses are located on land within 800m of the boundary of land within the Centre Zone.</p>	✓	Proposal complies.
<p><b>PO9</b> Buildings are designed to:</p> <ul style="list-style-type: none"> <li>(a) reduce the appearance of building bulk;</li> </ul>	<p><b>A09.1</b> External walls do not exceed 10 metres in continuous length unless including a</p>	✓	

## Accommodation Activities Code

Performance outcomes	Acceptable outcomes	Solution	Comments
<p>(b) provide visual interest through articulation and variation;</p> <p>(c) be compatible with embedded, historical character for the locality; and</p> <p>(d) be compatible with the scale of surrounding buildings.</p> <p>Note – where Residential care facility or Retirement facility is assessable development additional assessment benchmarks are provided under “for assessable development”.</p>	<p>minimum of three of the following building design features and architectural elements:</p> <p>(a) a change in roof profile; or</p> <p>(b) a change in parapet coping; or</p> <p>(c) a change in awning design; or</p> <p>(d) a horizontal or vertical change in the wall plane; or</p> <p>(e) a change in the exterior finishes and exterior colours of the development.</p> <p><b>AO9.2</b> For a Multiple dwelling, Residential care facility or Retirement facility, the maximum width of a garage or carport opening that faces a road is 6 metres.</p> <p><b>AO9.3</b> For a Multiple dwelling, Residential care facility or Retirement facility, the building(s) include awnings with a minimum overhang of 600mm.</p> <p><b>AO9.4</b> For a Multiple dwelling, Residential care facility or Retirement facility, roof forms include one or more of the following types:</p> <p>(a) pyramidal;</p> <p>(b) hip or hipped;</p> <p>(c) gable;</p> <p>(d) skillion.</p>	N/A	<p>Proposal complies. The proposed development relates to the conversion of existing office space to residential dwellings.</p> <p>Car parking is provided at the rear of the proposed dwellings.</p> <p>Proposal complies.</p> <p>Proposal complies. Proposed development relates to conversion of vacant office space to residential units within an existing building exhibiting compliant roof form type.</p>

## Mareeba Shire Planning Scheme 2016 – Parking and Access Code

Performance outcomes	Acceptable outcomes	Solution	Comments
<b>For accepted development subject to requirements and assessable development</b>			
<b>Car parking spaces</b>			
<b>house</b>			
<p><b>PO1</b> Development provides sufficient car parking to accommodate the demand likely to be generated by the use, having regards to the:</p> <ul style="list-style-type: none"> <li>(a) nature of the use; and</li> <li>(b) location of the site;</li> <li>(c) proximity of the use to public transport services;</li> <li>(d) availability of active transport infrastructure; and</li> <li>(e) accessibility of the use to all members of the community.</li> </ul>	<p><b>AO1</b> The number of car parking spaces provided or the use is in accordance with <b>Table 9.3.1.3B</b>.</p> <p>Note – car parking spaces provided for persons with a disability are to be considered in determining compliance with A01.</p>	<p>✓</p>	<p>Proposal complies.</p>
<b>Vehicle crossovers</b>			
<p><b>PO2</b> Vehicle crossovers are provided to:</p> <ul style="list-style-type: none"> <li>(a) ensure safe and efficient access between the road and premises; and</li> <li>(b) minimize interference with the function and operation of roads; and</li> <li>(c) minimise pedestrian to vehicle conflict.</li> </ul>	<p><b>AO2.1</b> Vehicle access to/from Council roads is designed and constructed in accordance with the Standard drawing in Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p> <p><b>AO2.2</b> Development on a site with two or more road frontages provides vehicular access from:</p> <ul style="list-style-type: none"> <li>(a) the primary frontage where involving Community activities or Sport and recreation activities, unless the primary road frontage is a State-controlled road; or</li> <li>(b) from the lowest order road in all other instances.</li> </ul>	<p>✓</p> <p>N/A</p>	<p>Proposal complies. Existing vehicle access complies with the FNQROC Development Manual.</p>

## Parking and Access Code

Performance outcomes	Acceptable outcomes	Solution	Comments
	<b>AO2.3</b> Vehicle access for particular uses is provided in accordance with <b>Table 9.4.3.3E</b> .	N/A	
<b>PO3</b> Access, manoeuvring and car parking areas include appropriate pavement treatments having regard to: (a) the intensity of anticipated vehicle movements; (b) the nature of the use that they service; and (c) the character of the surrounding locality.	<b>AO3</b> Access, manoeuvring and car parking areas include pavements that are constructed in accordance with <b>Table 9.4.3.3C</b> .	✓	Proposal complies. Pavements are pre-existing.
<b>For assessable development</b>			
<b>Parking area location and design</b>			
<b>PO4</b> Car parking areas are located and designed to: (a) ensure safety and efficiency in operation; and (b) be consistent with the character of the surrounding locality.	<b>AO4.1</b> Car parking spaces, access and circulation areas have dimensions in accordance with AS/NZS 2890.1 Off-street car parking. <b>AO4.2</b> Disabled access and car parking spaces are located and designed in accordance with AS/NZS 2890.6 Parking facilities – off-street parking for people with disabilities.	✓ N/A	Proposal complies.
	<b>AO4.3</b> The car parking area includes designated pedestrian routes that provide connections to building entrances.	✓	Proposal complies.
	<b>AO4.4</b> Parking and any set down areas are: (a) wholly contained within the site; (b) visible from the street where involving Commercial activities, Community	✓	Proposal complies. Refer to proposal Plan RPS Drawing NO. PR143575-2.



## Parking and Access Code

Performance outcomes	Acceptable outcomes	Solution	Comments
	activities, Industrial activities or a use in the Recreation and open space zone; (c) are set back behind the main building line where involving a Dual occupancy, Multiple Dwelling, Residential care facility or Retirement facility; and; (d) provided at the side or rear of a building in all other instances.		
<b>Site access and manoeuvring</b>			
<b>PO5</b> Access to, and manoeuvring within, the site is designed and located to: <ul style="list-style-type: none"> <li>(a) ensure the safety and efficiency of the external road network;</li> <li>(b) ensure safety of pedestrians;</li> <li>(c) provide a functional and convenient layout; and</li> <li>(d) accommodate all vehicles intended to use the site.</li> </ul>	<b>AO5.1</b> Access and manoeuvrability is in accordance with: <ul style="list-style-type: none"> <li>(a) AS28901 – Car parking facilities (Off Street Parking); and</li> <li>(b) AS2890.2 – Parking facilities (Off-street Parking) Commercial Vehicle Facilities</li> </ul> Note – Proposal plans should include turning circles designed in accordance with AP34/95 (Austroads 1995) Design Vehicles and Turning Path Templates.	✓  N/A	Proposal complies. There is provision for a single car park for each proposed dwelling, accessible in forward gear.
	<b>AO5.2</b> Vehicular access has a minimum sight distance in accordance with Part 5 of AUSTROADS.	✓	Proposal complies.
	<b>AO5.3</b> Vehicular access is located and designed so that all vehicles enter and exit the site in a forward gear.	✓	Proposal complies. Car parking design allows for entry and exit in forward gear.
	<b>AO5.4</b> Pedestrian and cyclist access to the site: <ul style="list-style-type: none"> <li>(a) Clearly defined;</li> <li>(b) Easily identifiable; and</li> </ul>	✓	Proposal complies. Site access is clearly defined.

## Parking and Access Code

Performance outcomes	Acceptable outcomes	Solution	Comments
	(c) Provides a connection between the site frontage and the entrance to buildings and end of trip facilities (where provided).		
<p><b>PO6</b> Development that involves an internal road network ensures that it's design:</p> <ul style="list-style-type: none"> <li>(a) Ensure safety and efficiency in operation;</li> <li>(b) Does not impact on the amenity of residential uses on the site and on adjoining sites, having regard to matters of: <ul style="list-style-type: none"> <li>(i) Hours of operation;</li> <li>(ii) Noise;</li> <li>(iii) Light; and</li> <li>(iv) Odour;</li> </ul> </li> <li>(c) Accommodates that nature and volume of vehicle movements anticipated to be generated by the use;</li> <li>(d) Allows or convenient access to key on-site features by pedestrians, cyclists and motor vehicles; and</li> <li>(e) In the Rural zone, avoids environment degradation.</li> </ul> <p>Note – where Residential care facility or Retirement facility is assessable development additional assessment benchmarks are provided under “for assessable development”.</p>	<p><b>AO6.1</b> Internal roads for a Tourist park have a minimum width of:</p> <ul style="list-style-type: none"> <li>(a) 4m if one way; or</li> <li>(b) 6m if two way.</li> </ul> <p><b>AO6.2</b> For a Tourist park, internal road design avoids the use of cul-de-sacs in favour of circulating roads, where unavoidable, cul-de-sacs provide a full turning circle or vehicles towing caravan having:</p> <ul style="list-style-type: none"> <li>(a) A minimum approach and departure curve radius of 12m; and</li> <li>(b) A minimum turning circle radius of 8 m.</li> </ul> <p><b>AO6.3</b> Internal roads are imperviously sealed and drained, apart from those for an Energy and infrastructure activity or Rural activity.</p> <p><b>AO6.4</b> Speed control devices are installed along all internal roads, apart from those or an Energy and infrastructure activity or Rural activity, in accordance with Complete Streets.</p> <p><b>AO6.5</b> Internal roads, apart from those for an Energy and infrastructure activity or Rural activity, are illuminated in accordance with</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	

## Parking and Access Code

Performance outcomes	Acceptable outcomes	Solution	Comments
	<p>AS4282 (as amended) – Control of Obtrusive effects of outdoor lighting.</p> <p><b>AO6.6</b> Where involving an accommodation activity, internal roads facilitate unobstructed access to every dwelling, accommodation unit, accommodation site and building by emergency services vehicles.</p> <p><b>AO6.7</b> For an Energy and infrastructure activity or Rural activity, internal road gradients: (a) Are no steeper than 1:5m; or (b) Are steeper than 1:5 and are sealed.</p>	<p>✓</p> <p>N/A</p>	<p>Proposal complies.</p>
<b>Servicing</b>			
<p><b>PO7</b> Development provides access, manoeuvring and servicing areas on site that:</p> <ul style="list-style-type: none"> <li>(a) Accommodate a service vehicle commensurate with the likely demand generated by the use;</li> <li>(b) Do not impact on the safety or efficiency of internal car parking or manoeuvring areas;</li> <li>(c) Do not adversely impact on the safety or efficiency of the road network;</li> <li>(d) Provide for all servicing functions associated with the use; and</li> <li>(e) Are located and designed to minimise their impacts on adjoining sensitive land uses and streetscape quality.</li> </ul>	<p><b>AO7.1</b> All unloading, loading, service and waste disposal areas are located:</p> <ul style="list-style-type: none"> <li>(a) On the site;</li> <li>(b) To the side or rear of the building, behind the main building line;</li> <li>(c) Not adjacent to a site boundary where the adjoining property is used or a sensitive use.</li> </ul> <p><b>AO7.2</b> Unloading, loading, service and waste disposal areas allow service vehicles to enter and exit the site in a forward gear.</p> <p><b>AO7.3</b> Development provides a servicing area, site access and manoeuvring areas to accommodate the applicable minimum servicing vehicle specified in <b>Table 9.4.3.3B</b>.</p>	<p>✓</p> <p>✓</p> <p>N/A</p>	<p>Proposal complies.</p> <p>Proposal complies.</p> <p>Proposal complies. Site access is clearly defined.</p>

## Parking and Access Code

Performance outcomes	Acceptable outcomes	Solution	Comments
<b>Maintenance</b>			
<b>PO8</b> Parking areas are used and maintained for their intended purpose.	<b>AO8.1</b> Parking areas are kept and used exclusively for parking and are maintained in a suitable condition for parking and circulation of vehicles.	✓	Proposal complies.
	<b>AO8.2</b> All parking areas will be compacted, sealed, drained, line marked and maintained until such time as the development ceases.	✓	Proposal complies.
<b>End of trip facilities</b>			
<b>PO9</b> Development within the centre Zone; Industry Zone or Emerging Community zone provides facilities for active transport users that: <ul style="list-style-type: none"> <li>(a) Meet anticipated demand generated from the use;</li> <li>(b) Comprise secure and convenient bicycle parking and storage; and</li> <li>(c) Provide end of trip facilities for all active transport users.</li> </ul>	<b>AO9.1</b> The number of bicycle parking spaces provided for the use is in accordance with <b>Table 9.4.3.3D</b> .	N/A	
	<b>AO9.2</b> End of trip facilities are provided in accordance with <b>Table 9.4.3.3D</b> .	N/A	

Our ref: PR143575/OLD/SD?L78624

## **Attachment 2**

**RPS Drawing No. PR143575-2 Concept Plan**

3  
RP808453

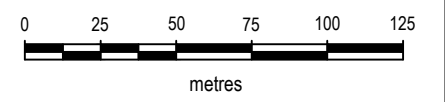
1  
RP713328

501  
SP202673

RL341.9 to RL349.4  
500  
(Volumetric)  
SP202676

ROB VEIVERS DRIVE

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



SCALE 1:2500 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A3)

PROJECT MANAGER O Dalton		SURVEYED VS	
COMPILED RJT / AMK		CAD REF PR143575-2.DWG	
SHEET SIZE <b>A3</b>	SHEET OF SHEETS 1 / 1		

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**South Pacific Law As Mortgagee In Possession**

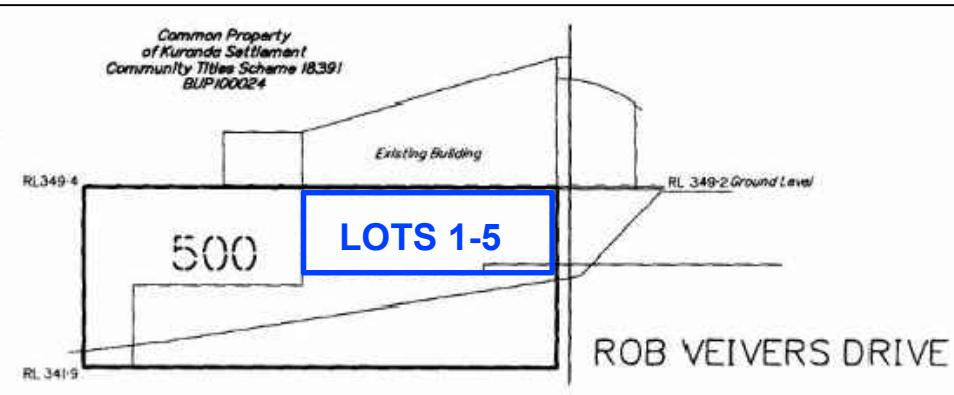
**Conceptual Unit Development Within Volumetric Lot 500 SP202676**

**Lot 501 SP202673  
Rob Veivers Drive Kuranda**

SCALE <b>1:200</b>	DATE 7/6/2019	DRAWING NO. <b>PR143575-2</b>	ISSUE
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EXTRACT FROM SP202676

**DIAGRAM B**  
**SOUTH**  
**LATERAL ASPECT**  
Scale 1:200



4  
RP736331

