

From: "Twine Surveys" <info@twinesurveys.com.au>
Sent: Mon, 13 Dec 2021 14:33:18 +1000
To: "Brian Millard" <BrianM@msc.qld.gov.au>
Subject: Boundary Realignment - Byrnes Street Mareeba
Attachments: 2021.12.13 Finn & Carter Boundary Realignment.docx, DAForm1-Developmentapplicationdetails Finn Mareeba.docx, 2021.8.3 Signed Letter of Authorisation.pdf, 2021.3.26 Development Plan.pdf, 2021.3.8 Finn - Encroachment.pdf

Good Afternoon Brian

Please find attached an development application for a boundary realignment between Lots 1 & 2 on RP714909 and Lot 42 on M3565, Byrnes Street, Mareeba.

If you require further information please contact Roger Twine on 0740911303.

Kind regards



Lenore Twine

36 Mabel Street, Atherton Q 4883 | PO Box 146, Atherton Q 4883
P: 07 4091 1303 | E: info@twinesurveys.com.au

5936 Mabel Street
Atherton QLD 4883

P 07 4091 1303
E info@twinesurveys.com.au
W twinesurveys.com.au

ACN 109 476 422
ABN 66 109 476 422



Our Ref: 8819
Your Ref:

13th December 2021

Chief Executive Office
Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

Attention: Brian Millard

Dear Brian

**Proposed Boundary Realignment of
Lots 1 & 2 on RP714909 and Lot 42 on M3563
Byrnes Street and Walsh Street – Mareeba
L & J Finn and R Carter**

We have been instructed by the registered owners of the abovementioned to lodge this application for the consideration of Mareeba Shire Council.

A recent Identification Survey (IS285892) of Lot 42 on M3563 has determined that improvements on Lots 1 & 2 on RP714909 have been constructed over the common boundary. The purpose of this application is to seek council's approval to relocate the common boundary to remove the encroachments.

There will be no alteration to the existing services that are connected to or service the properties.

Please find attached the following: -

- DA Form 1
- Development Plan
- Landowner's consent

Please contact our office if you require any additional information on this proposal development.

Yours faithfully

Lenore Twine
Twine Surveys Pty Ltd



36 Mabel Street, Atherton Q 4883 | PO Box 146, Atherton Q 4883

P: 07 4091 1303 | E: info@twinesurveys.com.au

DA Form 1 – Development application details

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

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

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

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

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

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

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

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

PART 1 – APPLICANT DETAILS

| 1) Applicant details | |
|---|---|
| Applicant name(s) (individual or company full name) | Lucy and Jeffrey Finn |
| Contact name (only applicable for companies) | Lucy and Jeffrey Finn C/- Twine Surveys Pty Ltd |
| Postal address (P.O. Box or street address) | PO Box 146 |
| Suburb | Atherton |
| State | Qld |
| Postcode | 4883 |
| Country | Australia |
| Contact number | 40911303 |
| Email address (non-mandatory) | info@twinesurveys.com.au |
| Mobile number (non-mandatory) | 0417794230 |
| Fax number (non-mandatory) | |
| Applicant's reference number(s) (if applicable) | 8819 |

| 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 |
| | | 39 | Byrnes Street | Mareeba |
| | Postcode | Lot No. | Plan Type and Number (e.g. RP, SP) | Local Government Area(s) |
| | | 1 & 2 | RP714909 | MSC |
| b) | Unit No. | Street No. | Street Name and Type | Suburb |
| | | 94 | Walsh Street | Mareeba |
| | Postcode | Lot No. | Plan Type and Number (e.g. RP, SP) | Local Government Area(s) |
| | | 42 | M3565 | MSC |

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
 X 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
- X No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

a) What is the type of development? *(tick only one box)*

- ☐ Material change of use X Reconfiguring a lot ☐ Operational work ☐ Building work

b) What is the approval type? *(tick only one box)*

- X Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- X Code assessment ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

Boundary Realignment of Lots 1&2 on RP714909 and Lot 42 on M3565

e) Relevant plans

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

- X Relevant plans of the proposed development are attached to the development application

6.2) Provide details about the second development aspect

a) What is the type of development? *(tick only one box)*

- ☐ Material change of use ☐ Reconfiguring a lot ☐ Operational work ☐ Building work

b) What is the approval type? *(tick only one box)*

- ☐ Development permit ☐ Preliminary approval ☐ Preliminary approval that includes a variation approval

c) What is the level of assessment?

- ☐ Code assessment ☐ Impact assessment *(requires public notification)*

d) Provide a brief description of the proposal *(e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):*

e) Relevant plans

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

- ☐ Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development

- ☐ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application

- X 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 | X 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 ²) (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? | |
|---|---|
| Three (3) Lots | |
| 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)) |
| X Boundary realignment (complete 12)) | <input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13)) |

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

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

| 12) Boundary realignment | | | |
|---|------------------------|-------------------------|------------------------|
| 12.1) What are the current and proposed areas for each lot comprising the premises? | | | |
| Current lot | | Proposed lot | |
| Lot on plan description | Area (m ²) | Lot on plan description | Area (m ²) |
| Lot 1 on RP714909 | 253m | Lot 1 | 254m |
| Lot 2 on RP714909 | 759m | Lot 2 | 763m |
| Lot 42 on M3565 | 1012m | Lot 3 | 1006m |
| 12.2) What is the reason for the boundary realignment? | | | |
| To resolve the encroachments over the common boundaries | | | |

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

Division 3 – Operational work

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

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

PART 4 – ASSESSMENT MANAGER DETAILS

| 15) Identify the assessment manager(s) who will be assessing this development application |
|---|
| Mareeba 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 Chief Executive of the distribution entity or transmission entity: |
| <input type="checkbox"/> Infrastructure-related referrals – Electricity infrastructure |
| Matters requiring referral to: |
| <ul style="list-style-type: none"> • The Chief Executive of the holder of the licence, if not an individual • The holder of the licence, if the holder of the licence is an individual |
| <input type="checkbox"/> Infrastructure-related referrals – Oil and gas infrastructure |
| Matters requiring referral to the Brisbane City Council: |
| <input type="checkbox"/> Ports – Brisbane core port land |
| Matters requiring referral to the Minister responsible for administering the Transport Infrastructure Act 1994: |
| <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 relevant port operator , 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 Chief Executive of the relevant port authority: |
| <input type="checkbox"/> Ports – Land within limits of another port <i>(below high-water mark)</i> |
| Matters requiring referral to the Gold Coast Waterways Authority: |
| <input type="checkbox"/> Tidal works or work in a coastal management district <i>(in Gold Coast waters)</i> |
| Matters requiring referral to the Queensland Fire and Emergency Service: |
| <input type="checkbox"/> Tidal works or work in a coastal management district <i>(involving a marina (more than six vessel berths))</i> |

| | | |
|--|-----------------|---------------------------|
| 18) Has any referral agency provided a referral response for this development application? | | |
| <input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application | | |
| X 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

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

PART 7 – FURTHER DETAILS

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

☐ Yes – provide details below or include details in a schedule to this development application

X 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

X Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

| Amount paid | Date paid (dd/mm/yy) | QLeave levy number (A, B or E) |
|-------------|----------------------|--------------------------------|
| \$ | | |

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

☐ Yes – show cause or enforcement notice is attached

X 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

X No

Note: Application for an environmental authority can be found by searching "ESR/2015/1791" as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

| | | | |
|----------------------|--|-------------------------|--|
| Proposed ERA number: | | Proposed ERA threshold: | |
| Proposed ERA name: | | | |

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

Hazardous chemical facilities

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

☐ Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application

X No

Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.

Clearing native vegetation

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

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

X 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

X No

Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala habitat in SEQ Region

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

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

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

X 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 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

X No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au for further information.

DA templates are available from <https://planning.dsdmp.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

X No

DA templates are available from <https://planning.dsdmp.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*

X No

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

Quarry materials from a watercourse or lake

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

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

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

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

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

Note: Contact the Department of Environment and Science at 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
X No

Note: See guidance materials at 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

X No

Note: See guidance materials at 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

X No

Note: See guidance materials at 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*

X 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)

X No

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

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

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

X No

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

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

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

X Yes

Note: See the Planning Regulation 2017 for referral requirements

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

☐ Yes

X Not applicable

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

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

X Yes

Relevant plans of the development are attached to this development application

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

X Yes

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

☐ Yes

X Not applicable

25) Applicant declaration

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

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

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

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

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

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

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

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

Date received: Reference number(s):

Notification of engagement of alternative assessment manager

| | |
|---|--|
| Prescribed assessment manager | |
| Name of chosen assessment manager | |
| Date chosen assessment manager engaged | |
| Contact number of chosen assessment manager | |
| Relevant licence number(s) of chosen assessment manager | |

QLeave notification and payment

Note: For completion by assessment manager if applicable

| | |
|---|----------------------|
| Description of the work | |
| QLeave project number | |
| Amount paid (\$) | Date paid (dd/mm/yy) |
| Date receipted form sighted by assessment manager | |
| Name of officer who sighted the form | |

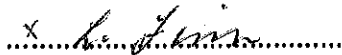
3 August 2021

Chief Executive Officer
Mareeba Shire Council
Town Planning Department
PO Box 154
Mareeba. Qld 4880

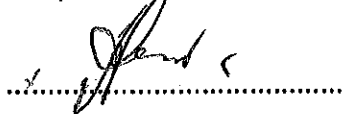
Dear Sir

**Proposed Boundary Realignment between Lots 1 and 2 on
RP714909 and Lot 42 on M3565**

Under Sections 260 and 263 of the *Sustainable Planning Act 2009* it is mandatory for the owners of the land to which a Development Application relates to consent to the making of an application. We Lucy Adelaide Finn and Jeffrey John Finn the registered owners of Lots 1 and 2 on RP714909, 39 Byrnes Street Mareeba and Robert James Cater and Raymond Austin Cater the registered owners of Lot 42 on M3565, 94 Walsh Street, Mareeba authorise Twine Surveys Pty Ltd to lodge a Town Planning Application on our behalf.

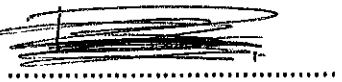
..........

Lucy Adelaide Finn

..........

Jeffrey John Finn

Registered Owners of Lots 1 & 2 on RP714909

..........

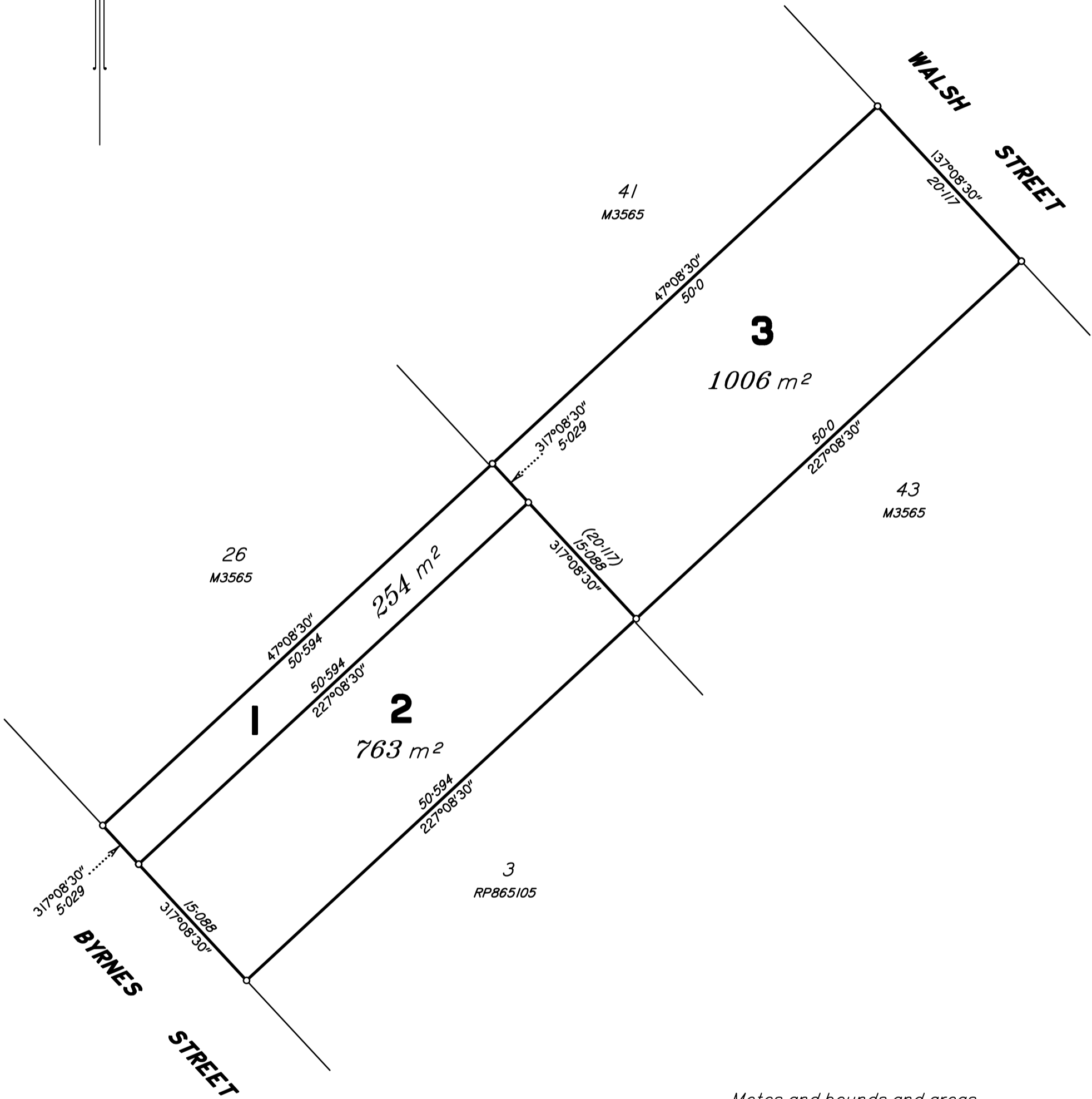
Robert James Cater

..........

Raymond Austin Cater

Registered Owners of Lot 42 on M3565

CVT



Metes and bounds and areas
are subject to final survey.

0 20 m 40 m 60 m

LOCAL GOVERNMENT: MSC
Locality: Mareeba
Scale 1: 400
Reference: 8819
Lot Layout – 26-03-2021

DEVELOPMENT PLAN
Plan of Lots 1 – 3
Cancelling Lots 1 & 2 on RP714909
and Lot 42 on M3565



TWINE SURVEYS PTY LTD
36 Mabel Street, Atherton QLD 4883
PO Box 146, Atherton QLD 4883
P: 07 4091 1303
E: info@twinesurveys.com.au

Robin Trotter

Consulting Cadastral Surveyor
Bachelor of Applied Science (Surveying)
PO BOX 481 MAREEBA QLD 4880

EMAIL robint@activ8.net.au

MOBILE 0409 080017

8 March 2021

Our Ref: 482

Jeffrey & Lucy Finn
1 Fraser St
Mareeba QLD 4880

Dear Sir & Madam,

RE: Encroachment Notification
Boundary Survey of Lot 42 on M3565
'94 Walsh St, Locality of Mareeba'

Please find **enclosed** copy of plan of survey IS285892 (3 Sheets) for your reference. I was engaged by the registered owners of Lot 42 on M3565 (Raymond & Robert Cater as trustee's) to reinstate and remark the boundaries of Lot 42.

A copy of plan of identification survey IS285892 has been deposited with the Department of Resources in accordance with the Survey and Mapping Infrastructure Act 2003.

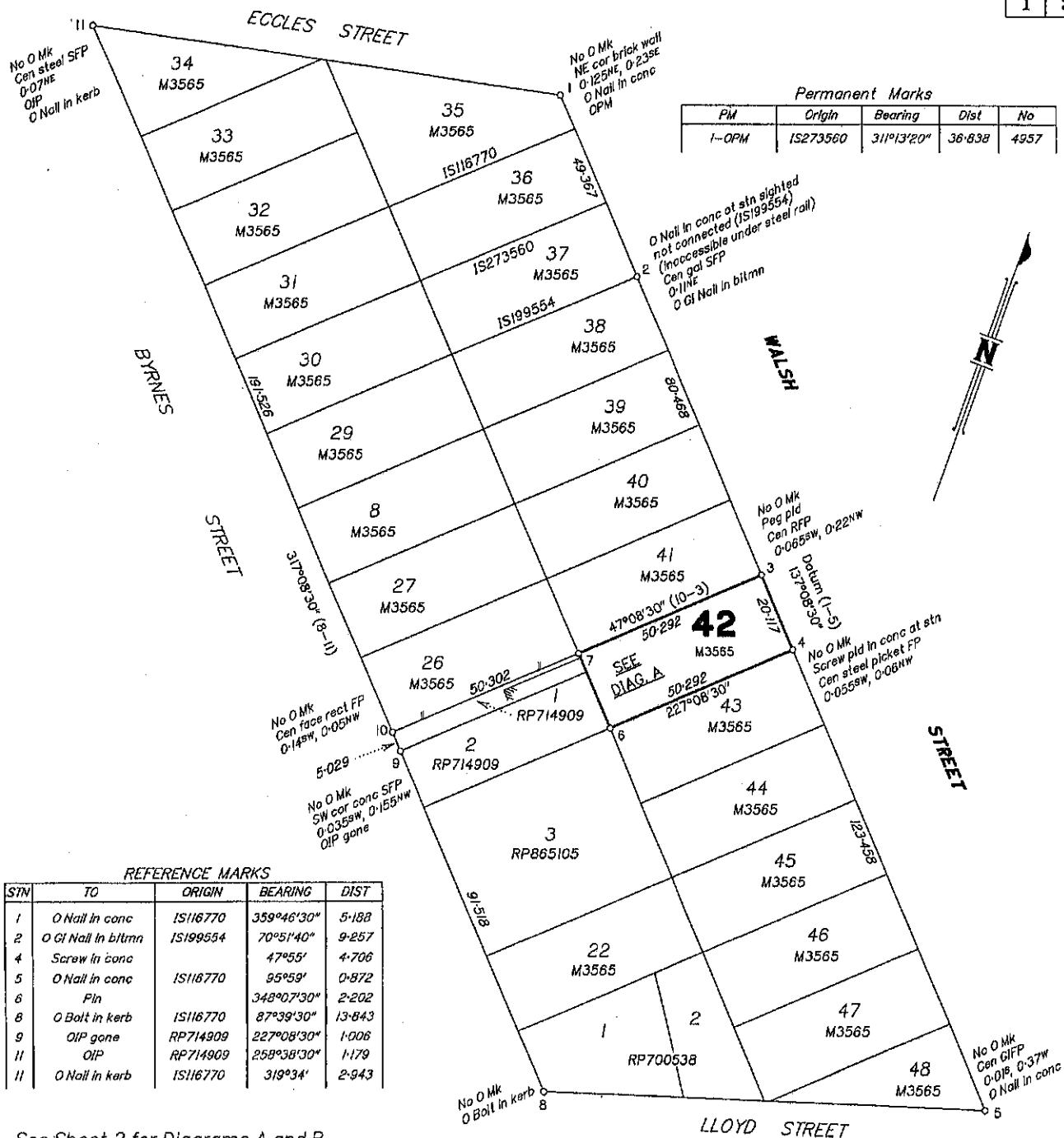
During the course of survey, part of the masonry block building erected at the rear of Lots 1 and 2 on RP714909 was found to encroach onto adjoining Lot 42 on M3565. The position of the building in relation to the common boundary is depicted in detail on Sheet 3 of the plan of survey.

It is a requirement under Section 18 of the Survey and Mapping Infrastructure Regulation 2014 to formally notify you of the above.

Should you have queries in respect of this notification please contact me.

Yours faithfully
Robin Trotter
Cadastral Surveyor

enc: A3 Print IS285892 (3 Sheets)



See Sheet 2 for Diagrams A and B

See Sheet 3 for Diagram C and Reinstatement Report

Scale 1:1000 - Lengths are in Metres.



Notification issued to the owner's of Lot 41 on M3565, Lot 42 on M3565, Lot 43 on M3565 and Lots 1 and 2 on RP714909 on 8/3/2021.

ROBIN TROTTER
Cadastral Surveyor

PO Box 481 Mareeba 4880
Phone 0409 080017
Email robtint@acti8.net.au



CLIENT

RA & RJ CATER

DRAWN

RD 8/3/2021

FB Ref:

FB125

JOB No:

482

CHECKED

RD 8/3/2021

CAD Ref:

482_01

I, Robin Douglas TROTTER hereby certify that the land comprised in this plan was surveyed by me personally 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 26/2/2021

Robin Trotter
Cadastral Surveyor

Date **8.3.2021**

PLAN OF IDENTIFICATION SURVEY OF

Lot 42 on M3565

ORIGINAL Allot 22 of Sec 10

F/N's: No

MERIDIAN

IS116770

MAP REF

7964-22322

SCALE

1:1000

PARISH

TINAROO

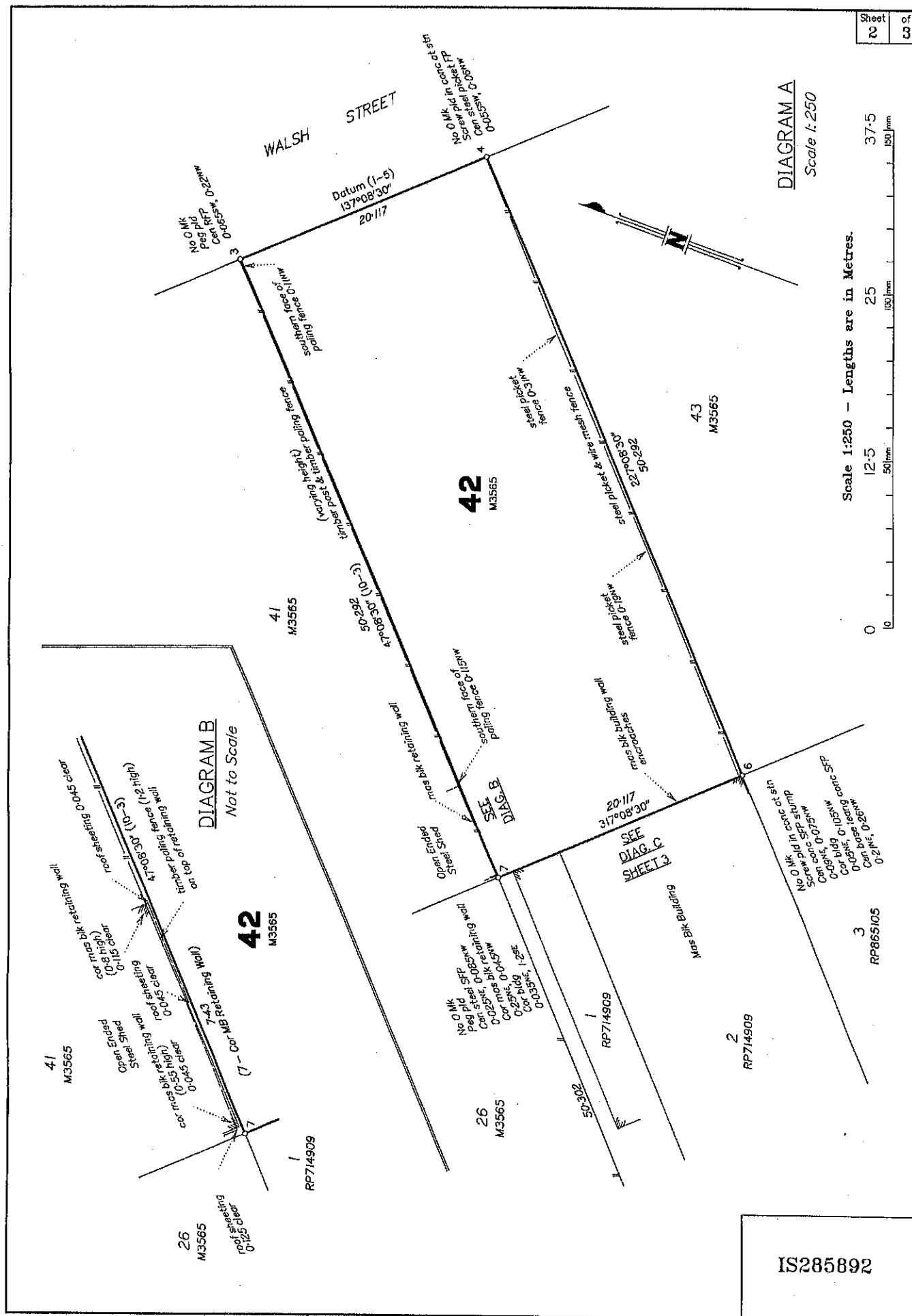
COUNTY

NARES

LOCAL GOVERNMENT: MAREEBA SHIRE COUNCIL
LOCALITY: MAREEBA



IS285892



The following survey plans were used in this assessment – M3565, RP700538, RP714909, RP865105 (compiled), IS116770, IS199554 and IS273560.

Survey History – Original town section 10 was first surveyed in 1892 and is depicted on M3565. In 1924 original allotment 1 of section 10 was subdivided into 2 lots and is depicted on RP700538. In 1954 original allotment 5 was subdivided into 2 lots and is depicted on RP714909. RP714909 reinstated the original corners of town section 10. Of particular note is that RP714909 shows excess of 463 mm along the Walsh St frontage of original section 10 compared to M3565. Similarly excess of 362 mm is noted in the Byrnes St frontage of original section 10 comparing RP714909 against M3565. In 1995 IS116770 reinstated the southern boundary of original allotment 15 of section 10. IS116770 located occupation along the southern boundaries of original allotments 15 and 17 which suggests that all the excess in Walsh St should be allocated to original allotment 15. In 2006 IS199554 reinstated the southern boundary of original allotment 17 and maintained deed distance from the Lloyd St/Walsh St section corner down to the southern boundary of original allotment 17. In 2018 IS273560 reinstated the northern boundary of original allotment 17 and noted shortage of 14 mm along the frontage of original allotments 16 & 17 which was proportioned equally.

Current survey – Datum established between original reference marks at stations 1, 2 and 5. O Nail in conc and OPM in agreement adopted to fix station 1. O Gl Nail in bitumen adopted to fix station 2. Linear agreement noted between stations 1 and 2 against IS273560. O Nail in conc adopted to fix station 5. Linear agreement noted between stations 2 and 5 against M3565. In the absence of original monumentation stations 3 and 4 fixed by adopting deed distance down from station 2. Deed distance maintained between stations 4 and 5. Original dimensions adopted to fix stations 6 and 7 in the absence of original monumentation. A structural encroachment was detected on the western boundary between stations 6 and 7.

Byrnes Street alignment of original section 10 fixed by adopting original reference marks at stations 8 and 11. Linear excess of 41 mm noted between stations 8 and 11 against RP714909. Linear excess of 10 mm noted between stations 10 and 7 against RP714909. Excess not proportioned between stations 10 and 3 as it would have a negative impact on the size of the encroachment. Linear shortage of 14 mm noted between stations 8 and 9 against the addition of original dimensions on RP700538, M3565, RP865105 and RP714909.

