



09.10.2024

Our Ref: 36059-002-01
Your Ref:

The Chief Executive Officer
Mareeba Shire Council
PO Box 154
MAREEBA QLD 4880

Attention: Planning Department

Dear Planners,

**Development Application Reconfiguring a Lot (Minor Boundary Realignment)
5 & 7 Kuranda Crescent, Kuranda – Lot 6 & 7 on RP726343**

Brazier Motti acts on behalf of the Applicant, R. Hurley & B. Barton, in relation to the abovementioned development application.

On behalf of the Applicant, we now submit to Mareeba Shire Council an application seeking a Development Permit for Reconfiguring a Lot (Boundary Realignment).

The following has been prepared to assist with Council's assessment of the proposed development:

The Site

The subject land is located at 5 & 7 Kuranda Crescent, Kuranda, and precisely described as Lot 6 & 7 on RP726343. Figure 1 below identifies the subject site and surrounding development.

The subject land comprises a total land area of 9,619m² with a frontage of 60.35m metres to Kuranda Crescent. Both Lot 6 & 7 contain existing dwellings and are contained within the Low Density Residential Zone as identified in the Mareeba Shire Planning Scheme 2016.

The Title Search included within *Attachment B* confirms that the Applicants, R. Hurley & B. Barton are the registered owners of Lot 6. H. Schiel & M. Lacour are the registered land owners of Lot 7 with Land Owners consent included within *Attachment B*.

Brazier Motti completed an Identification Survey of Lots 6 & 7 (included in *Attachment B*) and identified an existing fence line that has been accepted as the site boundary between the lots. The identified that the fence line did not align with the property boundaries. The proposed boundary realignment seeks to adopt the existing fence line up to where it is constructed to, then back to the existing rear boundary position.

A current SmartMap and Survey Plan – Lots 6 & 7 RP726343 are also included at *Attachment B*, which identifies the existing lot configuration.



Figure 1: Aerial Image of Site Source: QLD Globe October 2024

Proposal

Approval of the Development Application will authorise a Development Permit for Reconfiguring a Lot (Boundary Realignment) as identified on the plan of proposed reconfiguration (Brazier Motti Drawing No. 36059/002A) included within *Attachment D*.

The details of the proposed lots are as follows:

- Proposed Lot 6 – 5,080m², 30.175 metres frontage to Kuranda Crescent; and
- Proposed Lot 7 – 4,539m², 30.175 metres frontage to Kuranda Crescent.

The minor boundary adjustment has been designed to following the existing fence line for 44.79m from the road frontage, then to return to the existing boundary position at the rear of the subject lots. A total area of 436m² is to be transferred to Lot 6. No changes to site access, services, or infrastructure are required as a result of the boundary realignment.



Overall, the proposed reconfiguration is considered minor in nature and is in keeping with the character and amenity of the surrounding area.

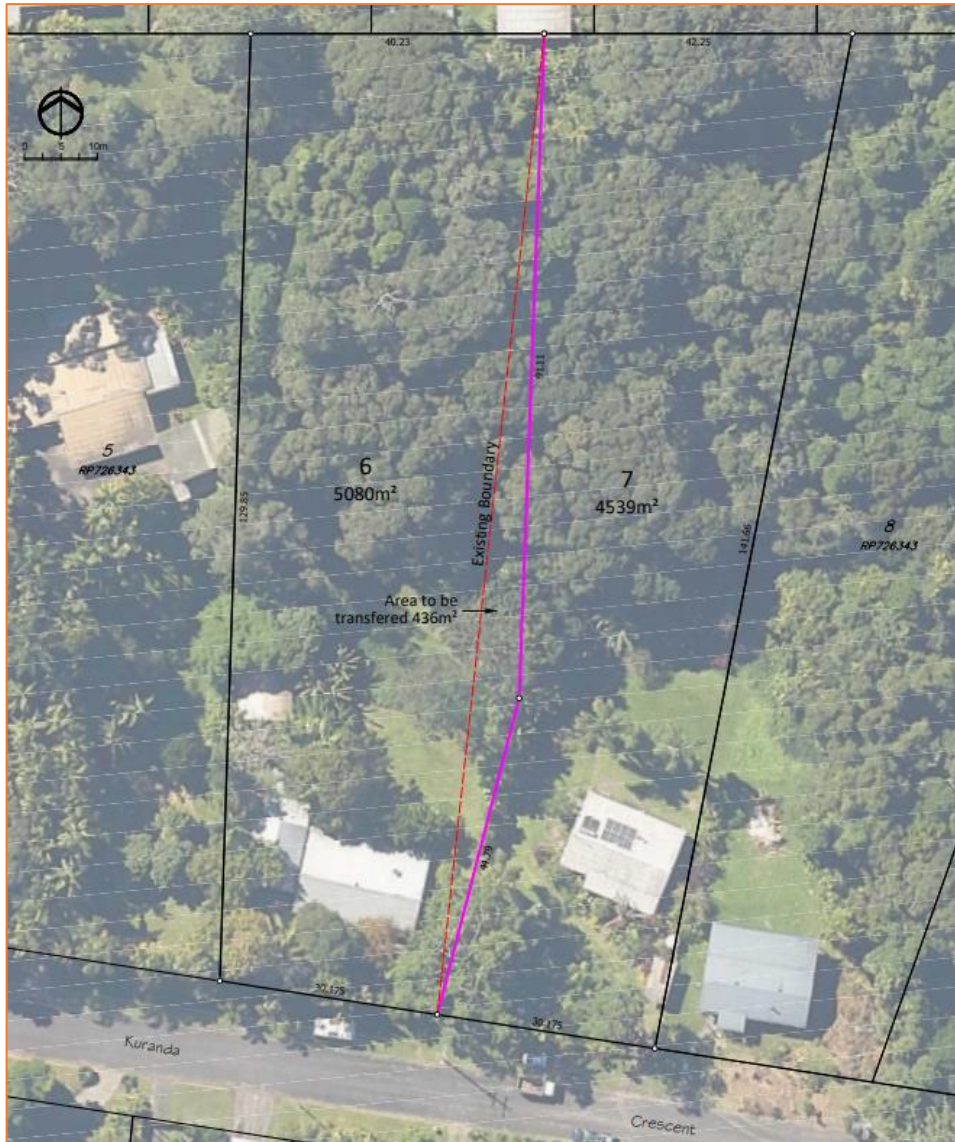


Figure 2: Extract from Proposal Plan 36059/002A

Source: Brazier Motti August 2024



Planning Act 2016 Considerations

The table below provides an overview of the legislative context of the development application under the provisions of the *Planning Act 2016* and *Planning Regulation 2017*.

Assessable Development	The proposed development constitutes assessable development under the Mareeba Shire Planning Scheme. Accordingly, pursuant to Section 44(3) of the <i>Planning Act 2016</i> a development approval is required.
Assessment Manager	Pursuant to Schedule 8 of the <i>Planning Regulation 2017</i> the Assessment Manager for this development application is Mareeba Shire Council.
Category of Assessment	The Mareeba Shire Planning Scheme 2016 identifies that the proposed development is Code Assessable development.
Public Notification	The Application is Code Assessable, therefore, in accordance with section 53 of the <i>Planning Act 2016</i> public notification is not required.
Referrals	Consideration of the proposed application against Schedule 10 of the <i>Planning Regulation 2017</i> determined the proposal does not trigger any referral matters.
Owners Consent	In accordance with section 51 of the <i>Planning Act 2016</i> , as the applicants are the registered landowners of Lot 6, written consent is not required to accompany the application. Landowner consent for Lot 7 is included within <i>Attachment B</i> .

Mareeba Shire Planning Scheme 2016

Under the Mareeba Shire Planning Scheme 2016 the site is included in the Low Density Residential Zone. The Table of Assessment for the Low Density Residential Zone identifies that the level of assessment for the proposed development is Code Assessment.

The proposal seeks approval for Reconfiguring a Lot (Boundary Realignment)

The table below provides an overview of the planning scheme elements applicable to the subject land and the proposed development provisions under the Mareeba Shire Planning Scheme 2016:

The Table of Assessment also identifies that the proposed development is assessable against the following planning scheme codes:



Applicable Codes	Zone Code	<ul style="list-style-type: none">• Low Density Residential Zone Code
	Overlay Codes	<ul style="list-style-type: none">• Hill and Slope Overlay Code
	Development Codes	<ul style="list-style-type: none">• Reconfiguring a Lot Code• Landscaping Code• Parking and Access Code• Work, Services and Infrastructure Code

All aspects of the proposed boundary realignment are considered to be generally consistent with the relevant acceptable measures and/or performance criteria of each of the applicable codes identified above. An assessment against the applicable codes is provided below:

Low Density Residential Zone Code

In accordance with the Mareeba Shire Planning Scheme 2016 the site is contained within the Low Density Residential Zone, where a Reconfiguring a Lot is Code Assessable.

A detailed assessment against the zone code is not considered warranted as this proposal is for the minor boundary realignment of land only. The proposed reconfiguration maintains low density residential dwellings of sufficient area and dimensions for the existing land uses.

Overall, it is considered that the proposed minor boundary realignment is consistent with the applicable Acceptable and Performance Outcomes of the Low Density Residential Zone Code.

Hill and Slope Overlay

The subject land is identified as having areas within the Hill and Slope Area. Accordingly assessment against the Hill and Slope Overlay Code is applicable.

A detailed assessment against the hill and slope overlay code is not considered warranted as this proposal is for the minor boundary realignment of land only. No clearing or earthworks are proposed.

Overall, it is considered that the proposed minor boundary realignment achieves consistency with the applicable Acceptable and Performance Outcomes of the Hill and Slope Overlay Code.

Reconfiguring a Lot Code

The Reconfiguring a Lot Code seeks to ensure that development results in lots that are suitable for their intended use, locality, are of a high standard of amenity, and provide all necessary infrastructure and services.



The proposed realignment will result in the creation of the following lots:

- Proposed Lot 6 – 5,080m², 30.175 metres frontage to Kuranda Crescent; and
- Proposed Lot 7 – 4,539m², 30.175 metres frontage to Kuranda Crescent.

The boundary realignment will maintain and exceed the minimum area and road frontage requirements of lots within the Low Density Residential Zone.

The proposed lots are of sufficient area and dimensions that are suited for their intended land use. Overall, it is considered that the proposed development achieves consistency with the applicable Acceptable and Performance Outcomes of the Reconfiguring a Lot Code.

Landscaping Code

The Landscaping Code seeks to ensure that the development is landscaped in a suitable manner that enhances the amenity, environmental values, and local landscape character of the site.

A detailed assessment against the landscaping code is not considered warranted as this proposal is for the minor boundary realignment of land only.

Overall, it is considered that the proposed minor boundary realignment achieves consistency with the applicable Acceptable and Performance Outcomes of the Landscaping Code.

Parking and Access Code

The Parking and Access Code seeks to ensure sufficient parking is designed to service new developments.

A detailed assessment against the parking and access code is not considered warranted as this proposal is for the minor boundary realignment of land only. No new access crossover or parking is proposed for this development.

Overall, it is considered that the proposed minor boundary realignment achieves consistency with the applicable Acceptable and Performance Outcomes of the Parking and Access Code.

Works, Services and Infrastructure Code

The Infrastructure Works Code seeks to ensure that development is safely and efficiently serviced by and connected to infrastructure.

A detailed assessment against the works, services, and infrastructure code is not considered warranted as this proposal is for the minor boundary realignment of land only. There are no proposed changes to existing services and infrastructure.



Overall, it is considered that the proposed minor boundary realignment achieves consistency with the applicable Acceptable and Performance Outcomes of the Works, Services, and Infrastructure Code.

Conclusion

The abovementioned has demonstrated that the proposed Reconfiguration of a Lot at 5 & 7 Kuranda Crescent, Kuranda, has been assessed against the relevant assessment benchmarks of the Mareeba Shire Planning Scheme 2016 and is considered to comply with the relevant provisions.

The proposed minor boundary realignment is of a scale and nature that is unlikely to have any significant impacts on the infrastructure, environment or community of the surrounding area.

The proposal is considered consistent with the purpose of the Low Density Residential Zone and provides allotments which are of sufficient size and dimensions to contain the existing land uses.

Accordingly, we request that Council issue a Development Permit for Reconfiguring of a Lot (Boundary Realignment) as detailed above.

Supporting Documents

Please see enclosed the following supporting documents to assist with Council's assessment of the application:

Attachment A: DA Form 1;
Attachment B: Owner's Consent;
Attachment C: Title Search, Smartmap & Identification Survey Plan – IS324217;
Attachment D: Proposal Plan prepared by Brazier Motti Drawing No. 36059/002A.

We trust that the enclosed documentation is sufficient to allow Council's assessment of the proposed development, however, should you have any further queries or wish to discuss please do not hesitate to contact this office.

Yours Sincerely,

MICHAEL TESSARO
Senior Planner
Brazier Motti Pty Ltd

ATTACHMENT A

brazier motti



DA Form 1 – Development application details

Approved form (version 1.6 effective 2 August 2024) 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)	R. Hurley & B. Barton c/- Brazier Motti Pty Ltd
Contact name (only applicable for companies)	
Postal address (P.O. Box or street address)	PO Box 1185
Suburb	Woree
State	QLD
Postcode	4868
Country	Australia
Contact number	07 4054 0400
Email address (non-mandatory)	cns.planning@braziermotti.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	36059-002-01

1.1) Home-based business

Personal details to remain private in accordance with section 264(6) of *Planning Act 2016*

2) Owner's consent

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

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

PART 2 – LOCATION DETAILS

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

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

3.1) Street address and lot on plan

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		5	Kuranda Crescent	Kuranda
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		6	RP726343	Mareeba Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
		7	Kuranda Crescent	Kuranda
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		7	RP726343	Mareeba Shire Council

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

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

- Coordinates of premises by longitude and latitude

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

- Coordinates of premises by easting and northing

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

3.3) Additional premises

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

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- In a tidal area

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

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

<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>
Name of airport: <input type="text"/>
<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification: <input type="text"/>
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification: <input type="text"/>

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

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

No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect
a) What is the type of development? <i>(tick only one box)</i>
<input type="checkbox"/> Material change of use <input checked="" type="checkbox"/> Reconfiguring a lot <input type="checkbox"/> Operational work <input type="checkbox"/> Building work
b) What is the approval type? <i>(tick only one box)</i>
<input 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>
Reconfiguring a Lot - Minor boundary realignment
e) Relevant plans <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms guide: Relevant plans.</i>
<input checked="" type="checkbox"/> 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? <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 DA Forms Guide: Relevant plans.</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

6.4) Is the application for State facilitated development?

- Yes - Has a notice of declaration been given by the Minister?
- No

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

- | | |
|------------------------|--|
| Material change of use | <input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument |
| Reconfiguring a lot | <input checked="" type="checkbox"/> Yes – complete division 2 |
| Operational work | <input type="checkbox"/> Yes – complete division 3 |
| Building work | <input type="checkbox"/> Yes – complete <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 <i>(include each definition in a new row)</i>	Number of dwelling units <i>(if applicable)</i>	Gross floor area (m ²) <i>(if applicable)</i>

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

- Yes
- No

8.3) Does the proposed development relate to temporary accepted development under the Planning Regulation?

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

Provide a general description of the temporary accepted development	Specify the stated period dates under the Planning Regulation

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?

Two (2)

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

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

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?

- Yes – provide additional details below
 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)
6 RP726343	4,646	6 RP726343	5,080
7 RP726343	4,973	7 RP726343	4,539

12.2) What is the reason for the boundary realignment?

Resolve a boundary encroachment

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?**

- Road work Stormwater Water infrastructure
 Drainage work Earthworks Sewage infrastructure
 Landscaping Signage Clearing vegetation
 Other – please specify: _____

14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision) Yes – specify number of new lots: _____ 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?

- Yes – a copy of the decision notice is attached to this development application
- The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- 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
- SEQ northern inter-urban break – tourist activity or sport and recreation activity



Queensland
Government

- SEQ northern inter-urban break – community activity
- SEQ northern inter-urban break – indoor recreation
- SEQ northern inter-urban break – urban activity
- SEQ northern inter-urban break – 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)*
- Heritage places – Local heritage places

Matters requiring referral to the Chief Executive of the distribution entity or transmission entity:

- Infrastructure-related referrals – Electricity infrastructure

Matters requiring referral to:

- 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
- Infrastructure-related referrals – Oil and gas infrastructure

Matters requiring referral to the Brisbane City Council:

- Ports – Brisbane core port land

Matters requiring referral to the Minister responsible for administering the Transport Infrastructure Act 1994:

- Ports – Brisbane core port land *(where inconsistent with the Brisbane port LUP for transport reasons)*
- Ports – Strategic port land

Matters requiring referral to the relevant port operator, if applicant is not port operator:

- Ports – Land within Port of Brisbane’s port limits *(below high-water mark)*

Matters requiring referral to the Chief Executive of the relevant port authority:

- Ports – Land within limits of another port *(below high-water mark)*

Matters requiring referral to the Gold Coast Waterways Authority:

- Tidal works or work in a coastal management district *(in Gold Coast waters)*

Matters requiring referral to the Queensland Fire and Emergency Service:

- Tidal works or work in a coastal management district *(involving a marina (more than six vessel berths))*

18) Has any referral agency provided a referral response for this development application?

- Yes – referral response(s) received and listed below are attached to this development application
- 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 *(if applicable)*.

PART 6 – INFORMATION REQUEST

19) Information request under the DA Rules

- I agree to receive an information request if determined necessary for this development application
 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:

- 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 under Chapter 1 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules or
- Part 2 under Chapter 2 of the DA Rules will still apply if the application is for state facilitated development

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
 No

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

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

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

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

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

- Yes – show cause or enforcement notice is attached
 No

23) Further legislative requirements

Environmentally relevant activities

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

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

Note: Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at www.qld.gov.au. 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 536: Notification of a facility exceeding 10% of schedule 15 threshold* is attached to this development application
- 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)
- 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 for further information on environmental offsets.

Koala habitat in SEQ Region

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

- Yes – the development application involves premises in the koala habitat area in the koala priority area
- Yes – the development application involves premises in the koala habitat area outside the koala priority area
- No

Note: If a koala habitat area determination has been obtained for this premises and is current over the land, it should be provided as part of this development application. See koala habitat area guidance materials at www.desi.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 Resources at www.resources.qld.gov.au for further information.

DA templates are available from planning.statedevelopment.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 planning.statedevelopment.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 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 Resources at www.resources.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

No

Note: Contact the Department of Environment, Science and Innovation at www.desi.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.resources.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.desi.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.desi.qld.gov.au for information requirements regarding development of Queensland heritage places.

For a heritage place that has cultural heritage significance as a local heritage place and a Queensland heritage place, provisions are in place under the Planning Act 2016 that limit a local categorising instrument from including an assessment benchmark about the effect or impact of, development on the stated cultural heritage significance of that place. See guidance materials at www.planning.statedevelopment.qld.gov.au for information regarding assessment of Queensland heritage places.

Name of the heritage place:

Place ID:

Decision under section 62 of the Transport Infrastructure Act 1994

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

Yes – this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)

No

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

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

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

No

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

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

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

Yes

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

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

Yes

Not applicable

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

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

Yes

Relevant plans of the development are attached to this development application

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

Yes

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

Yes

Not applicable



**Queensland
Government**

25) Applicant declaration

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

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

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

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

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

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

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

Date received: Reference number(s):

Notification of engagement of alternative assessment manager

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

QLeave notification and payment

Note: For completion by assessment manager if applicable

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

ATTACHMENT B

brazier motti



**Owner's consent for making a development application under the
Planning Act 2016**

Heinz Dietmar Schiel & Marie-Luise Lacour

as owners of the premises identified as follows:

Lot 7 on RP726343

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

Benjamin Andrew Barton & Rosaleen Anne Hurley c/- Brazier Motti Pty Ltd

on the premises described above for:

Reconfiguring a Lot – Boundary Realignment as detailed by Brazier Motti Proposal Plan 36059/002A



Heinz Dietmar Schiel

Date signed..... 12/09/2024



Marie-Luise Lacour

Date signed..... 12/09/2024

4

ATTACHMENT C

brazier motti



Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference: 20880006	Search Date: 11/09/2024 09:18
Date Title Created: 10/11/1972	Request No: 49296894
Previous Title: 20866119	

ESTATE AND LAND

Estate in Fee Simple

LOT 6 REGISTERED PLAN 726343
Local Government: MAREEBA

REGISTERED OWNER

Dealing No: 718780639 31/05/2018

BENJAMIN ANDREW BARTON
ROSALEEN ANNE HURLEY

JOINT TENANTS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by Deed of Grant No. 20824174 (POR 153)
2. MORTGAGE No 718780640 31/05/2018 at 13:45 WESTPAC BANKING CORPORATION A.C.N. 007 457 141

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference: 20880007	Search Date: 11/09/2024 09:20
Date Title Created: 10/11/1972	Request No: 49296943
Previous Title: 20866119	

ESTATE AND LAND

Estate in Fee Simple

LOT 7 REGISTERED PLAN 726343

Local Government: MAREEBA

REGISTERED OWNER

Dealing No: 706561804 30/04/2003

HEINZ DIETMAR SCHIEL

MARIE-LUISE LACOUR

JOINT TENANTS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by Deed of Grant No. 20824174 (POR 153)
2. MORTGAGE No 706561805 30/04/2003 at 10:05
COMMONWEALTH BANK OF AUSTRALIA A.B.N. 48 123 123 124

ADMINISTRATIVE ADVICES

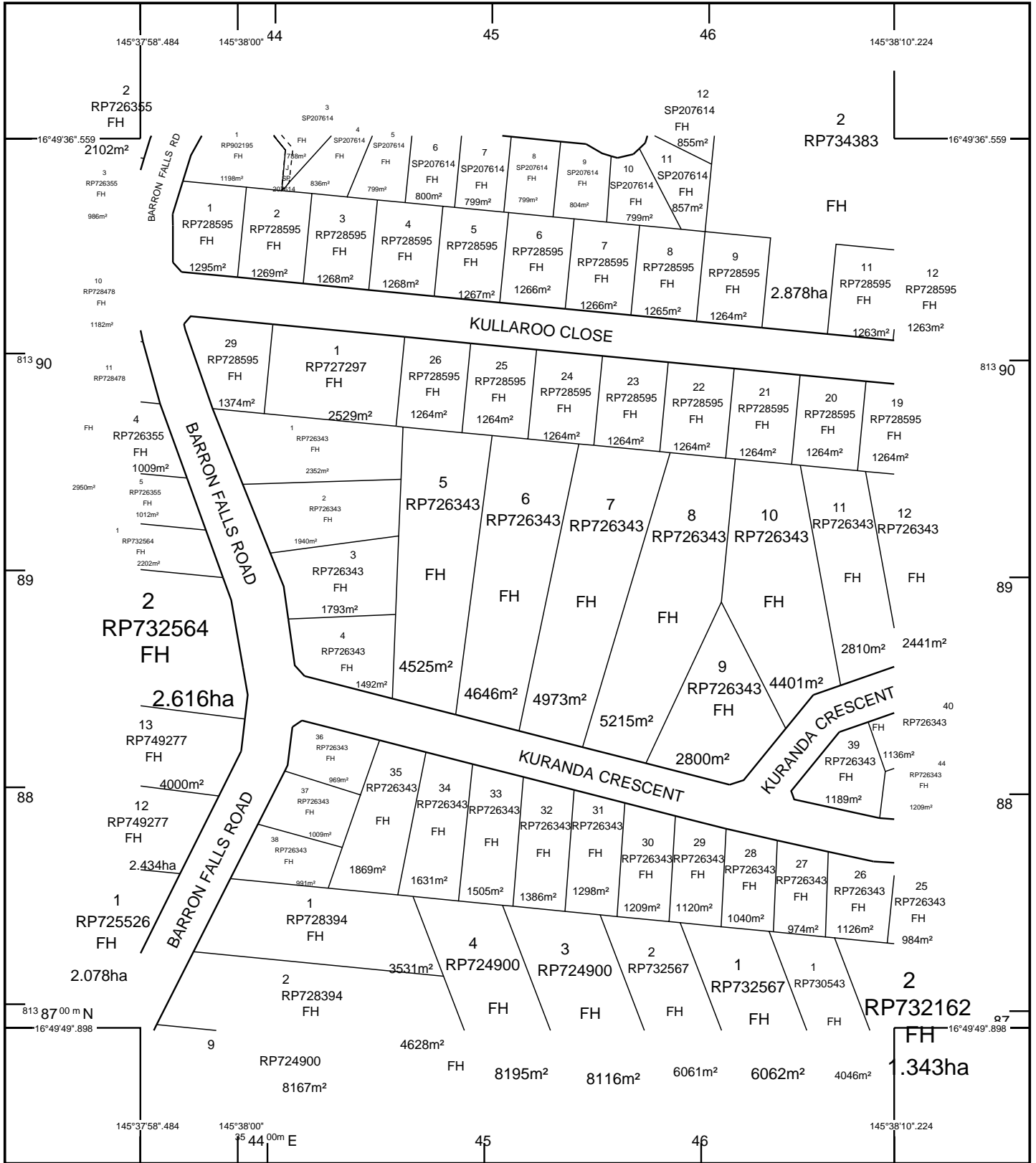
NIL

UNREGISTERED DEALINGS

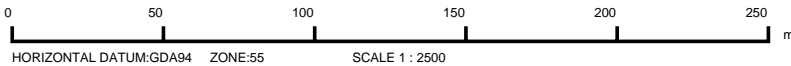
NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **



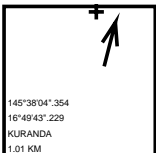
STANDARD MAP NUMBER
8064-31343



SmartMap

An External Product of
SmartMap Information Services
Based upon an extraction from the
Digital Cadastral Data Base

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB	6/RP726343
Lot/Plan	4646m ²
Area/Volume	FREEHOLD
Tenure	MAREEBA SHIRE
Local Government	KURANDA
Locality	9698/46
Segment/Parcel	

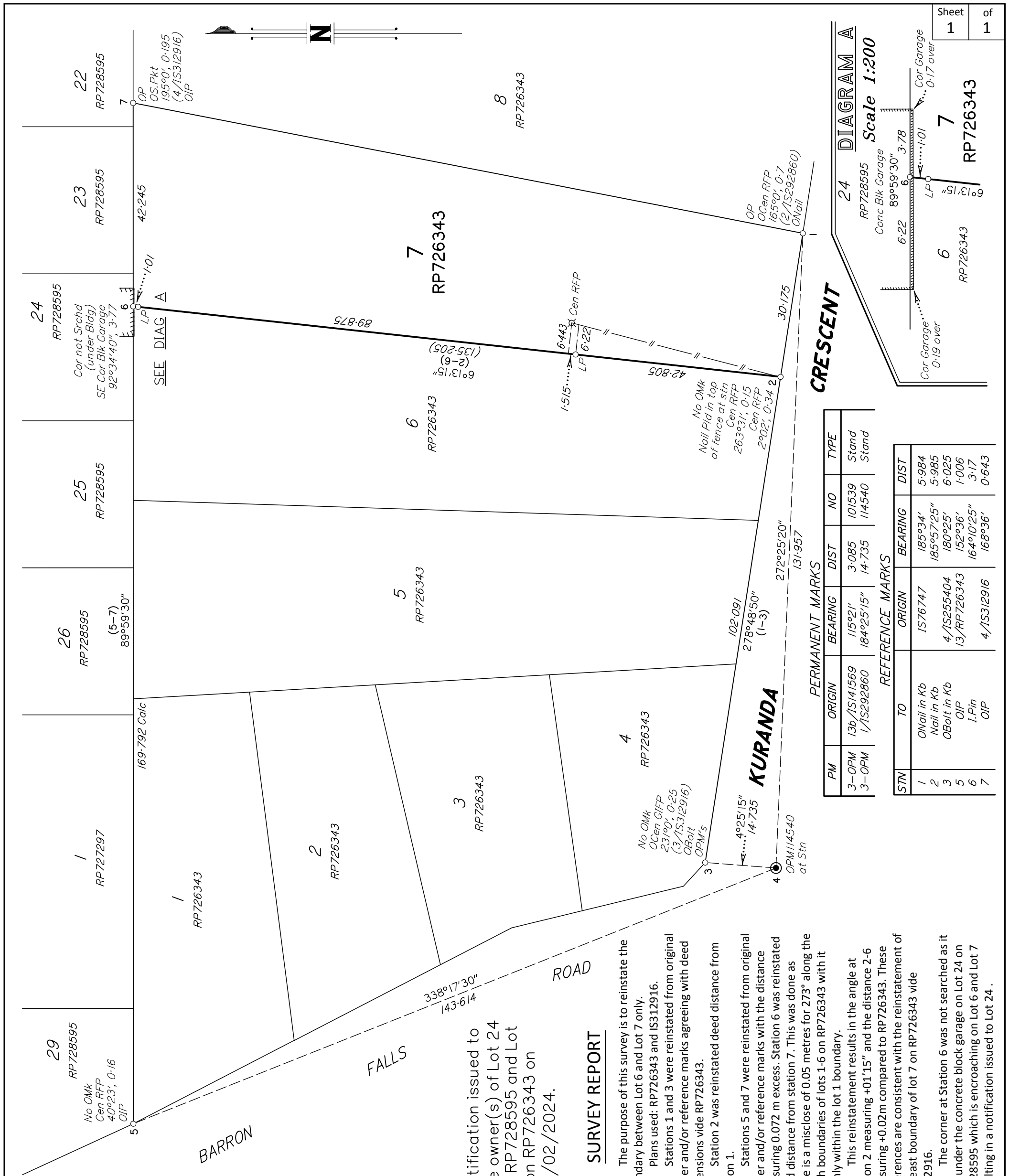
CLIENT SERVICE STANDARDS

PRINTED	09/10/2024
DCDB	08/10/2024
Users of the information recorded in this document (the Information) accept all responsibility and risk associated with the use of the Information and should seek independent professional advice in relation to dealings with property.	
Despite Department of Resources best efforts, RESOURCES makes no representations or warranties in relation to the Information, and, to the extent permitted by law, exclude or limit all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect and consequential costs, losses, damages and expenses incurred in any way (including but not limited to that arising from negligence) in connection with any use of or reliance on the Information	
For further information on SmartMap products visit https://www.qld.gov.au/housing/buying-owning-home/property-land-valuations/smartmaps	



Queensland Government
(c) The State of Queensland,
(Department of Resources) 2024.





BRAZIER MOTTI PTY LTD (ACN 066 411 041) hereby certify that the land comprised in this plan was surveyed by the corporation, by Gisle HEMMY, Surveying Graduate, for whose work the corporation accepts responsibility, under the supervision of Patrick John MADDEN, Cadastral Surveyor, and that the plan is accurate, that the said survey was performed in accordance with the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the said survey was completed on 13th December, 2023.



Director
Date 2nd Feb 2024

Notification issued to the owner(s) of Lot 24 on RP728595 and Lot 6 on RP726343 on 02/02/2024.

SURVEY REPORT

- The purpose of this survey is to reinstate the boundary between Lot 6 and Lot 7 only.
- Plans used: RP726343 and IS312916.
- Stations 1 and 3 were reinstated from original corner and/or reference marks agreeing with deed dimensions vide RP726343.
- Station 2 was reinstated deed distance from station 1.
- Stations 5 and 7 were reinstated from original corner and/or reference marks with the distance measuring 0.072 m excess. Station 6 was reinstated deed distance from station 7. This was done as there is a misclose of 0.05 metres for 273' along the north boundaries of lots 1-6 on RP726343 with it mainly within the lot 1 boundary.
- This reinstatement results in the angle at station 2 measuring +01'15" and the distance 2-6 measuring +0.02m compared to RP726343. These differences are consistent with the reinstatement of the east boundary of lot 7 on RP726343 vide IS312916.
- The corner at Station 6 was not searched as it was under the concrete block garage on Lot 24 on RP728595 which is encroaching on Lot 6 and Lot 7 resulting in a notification issued to Lot 24.

PM	ORIGIN	BEARING	DIST	NO	TYPE
3-OPM	13b/1S141569	115°02'1"	3-085	101539	Stand
3-OPM	1/1S292860	184°25'15"	14-735	114540	Stand

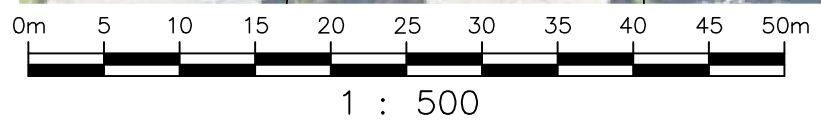
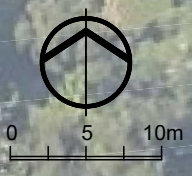
STN	TO	ORIGIN	BEARING	DIST
1	ONail in Kb	1S76747	185°34'	5-984
2	Nail in Kb	4/1S255404	185°57'25"	5-985
3	OBolt in Kb	180°25'	6-025	6-025
5	OIP	13/RP726343	152°36'	1-006
6	1.Pin	164°10'25"	3-17	3-17
7	OIP	4/1S312916	168°36'	0-643

<p>Project</p> <p>IDENTIFICATION SURVEY OF Part of Lot 7 on RP726343</p> <p>7 Kuranda Crescent, Kuranda</p> <p>Local Government: Mareeba Shire Council Locality: Kuranda</p> <p>Client: MARLIES LUISE LACOUR</p> <p>Meridian: IS312916 Job No: 36059/001-01</p> <p>Map Reference: 8064-31343 File No: 36059_001A.dwg</p> <p>F/N's: No Drawn: WCHO Endorsed: PM</p> <p>Title Reference: 20880007 Orig:</p>	<p>7 YEARS SURVEYING TOWNPLANNING PROJECT MANAGEMENT MAPPING & GIS</p> <p>braziermotti.com.au</p>	<p>Date: 08/01/2024</p>
		<p>Sheet 1 of 1 Sheets</p> <p>Scale: 1:750 A3</p> <p>Plan No: 36059/001 A</p>
<p>IS324217</p>		

ATTACHMENT D

brazier motti





PROPOSED RECONFIGURATION
 Lots 6 & 7
 Cancelling Lots 6 & 7 on RP726343
 Locality of Kuranda
 Mareeba Shire Council

Date: 26/08/2024	
Scale: 1:500	A3
Drawn: WCHO	
Job No: 36059/002-01	
Plan No:	36059/002 A

braziermotti.com.au

SURVEYING
 TOWNPLANNING
 PROJECT MANAGEMENT
 MAPPING & GIS



brazier motti

This plan is conceptual and for discussion purposes only. All areas, dimensions and land uses are preliminary, subject to investigation, survey, engineering, and Local Authority and Agency approvals.