

**From:** Camilla Lee  
**Sent:** 24 Apr 2018 11:49:56 +1000  
**To:** Info (Shared)  
**Subject:** New Development Application - Lot 16 N157227 and Lot 22 SP296830 - 77 and 112 Barnwell Road Kuranda - Reeve and Ocean Pty Ltd  
**Attachments:** L16 Boundary Realignment.L01.003 (complete).pdf

Good afternoon,

Please find attached Development Application seeking a development permit for Reconfiguring A Lot (Boundary Realignment) at 77 and 112 Barnwell Road, Kuranda (Lot 16 on N157227 and Lot 22 on SP296830).

If you could kindly advise when the application has been allocated a file number and we will facilitate payment of the applicable fee.

Kind regards,

**Camilla Lee**  
ADMINISTRATION ASSISTANT/GRADUATE PLANNER  
CARDNO



Phone Fax +61 7 4051 0133 Direct +61 7 4034 0500  
Address 15 Scott Street, Parramatta Park, Cairns, Queensland 4870 Australia  
Postal P.O. Box 1619, Cairns QLD 4870  
Email [camilla.green@cardno.com.au](mailto:camilla.green@cardno.com.au) Web [www.cardno.com](http://www.cardno.com)

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Our Ref HRP16299 / 010  
Contact Dominic Hammersley

23 April 2018

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

**Attention: Development Assessment**

**Delivery via email: [info@msc.qld.gov.au](mailto:info@msc.qld.gov.au)**

Dear Sir/Madam,

**DRAFT - DEVELOPMENT APPLICATION SEEKING A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (BOUNDARY REALIGNMENT) AT 77 AND 112 BARNWELL ROAD, KURANDA (LOT 16 ON N157227 AND LOT 22 ON SP296830)**

We act for Reeve and Ocean Pty Ltd ('the Applicant').

On behalf of the Applicant, please accept this correspondence and the accompanying attachments as a properly made development application pursuant to Sections 50 and 51 of the *Planning Act 2016* ('the PA'), seeking a Development Permit for Reconfiguring a Lot (Boundary Realignment).

Please find **enclosed** the following documentation associated with this development application:

- (a) **Attachment A: Application Form** which includes:
  - DA Form 1 – Development Application details
- (b) **Attachment B: Proposal Plans**
- (c) **Attachment C: Statement of Code Compliance** prepared by Cardno;
- (d) **Attachment D: Site Searches**, which includes:
  - Certificates of Title; and
  - EMR / CLR Search Extracts.
- (e) **Attachment E: Owner's Consent** (Lot 16 on N157227)

The following sections of this correspondence discuss the relevant details of the development application, including the site, the proposed development and the applicable statutory town planning framework, and provide an assessment of the proposal against this framework.

We understand that the relevant application fee in this instance is \$995.00, calculated in accordance with Mareeba Shire Council's Register of Cost-Recovery Fees and Schedule of Commercial and Other Charges 2017/2018.

Cardno (Qld) Pty Ltd  
ABN 57 051 074 992

15 Scott Street  
Parramatta Park QLD 4870  
Australia

P.O. Box 1619  
Cairns QLD 4870  
Australia

Phone: 61 7 4034 0500

[www.cardno.com](http://www.cardno.com)

## 1. THE SITE

The development application relates to land located at 77 and 112 Barnwell Road, Kuranda, more properly described as Lot 16 on N157227 and Lot 22 on SP296830 respectively ('the site').

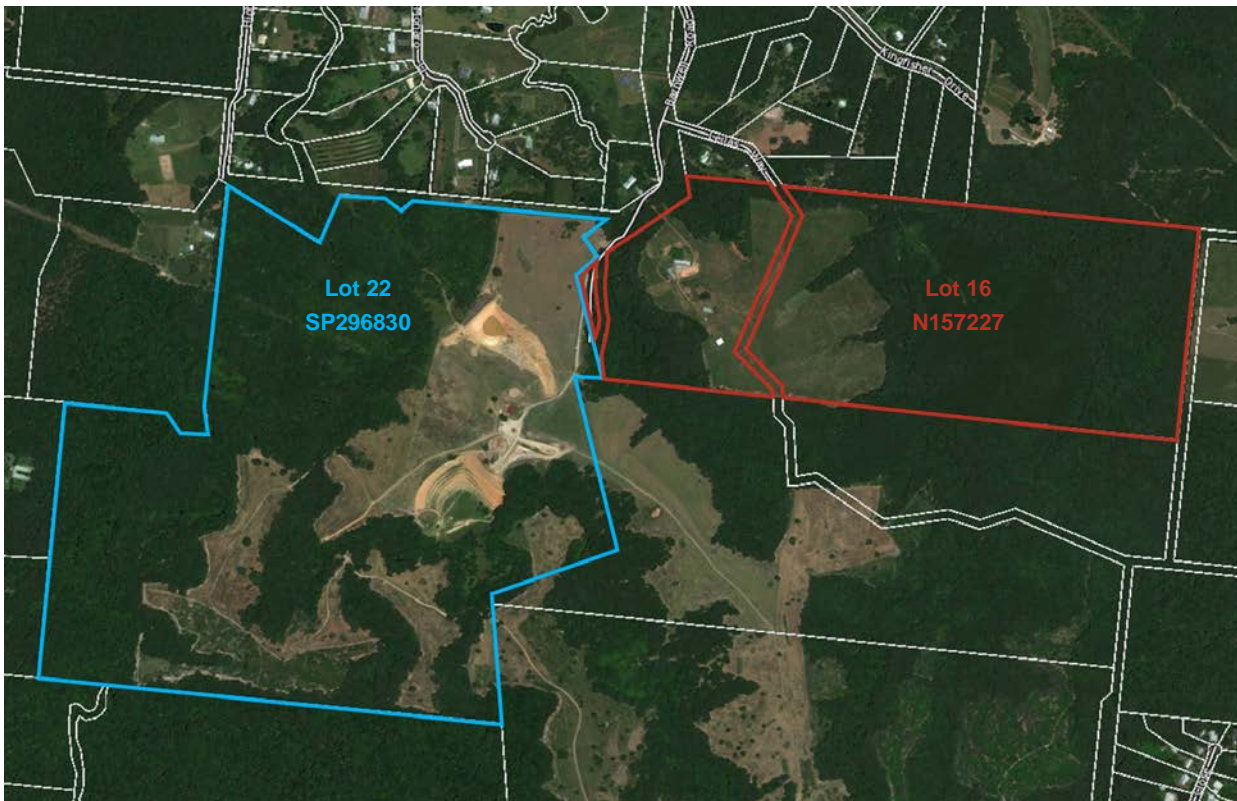
Lot 16 has a land area of 57.617 hectares. Lot 16 is currently used for rural activities and is improved by a dwelling house and associated outbuildings.

Lot 22 has a land area of 107.3 hectares and is situated immediately west of Lot 16. Lot 22 is utilised for a range of primarily rural land uses and is improved by a number of buildings and structures that support the existing land uses.

The registered owners of Lot 16 are Andrew Easton, Adrienne Peta Easton and Barbara Colburn Martin. Consent from the owners of Lot 16 for the making of this development application is provided at **Attachment E**. The registered owner of Lot 22 (and Applicant) is Reeve and Ocean Pty Ltd. The site is not located on the Environmental Management Register ('the EMR') or the Contaminated Land Register ('the CLR').

Lot 16 and Lot 22 do not benefit from, and are not burdened by, any easements.

For further detail refer to **Figure 1 – Site Location** and **Attachment D - Site Searches**.

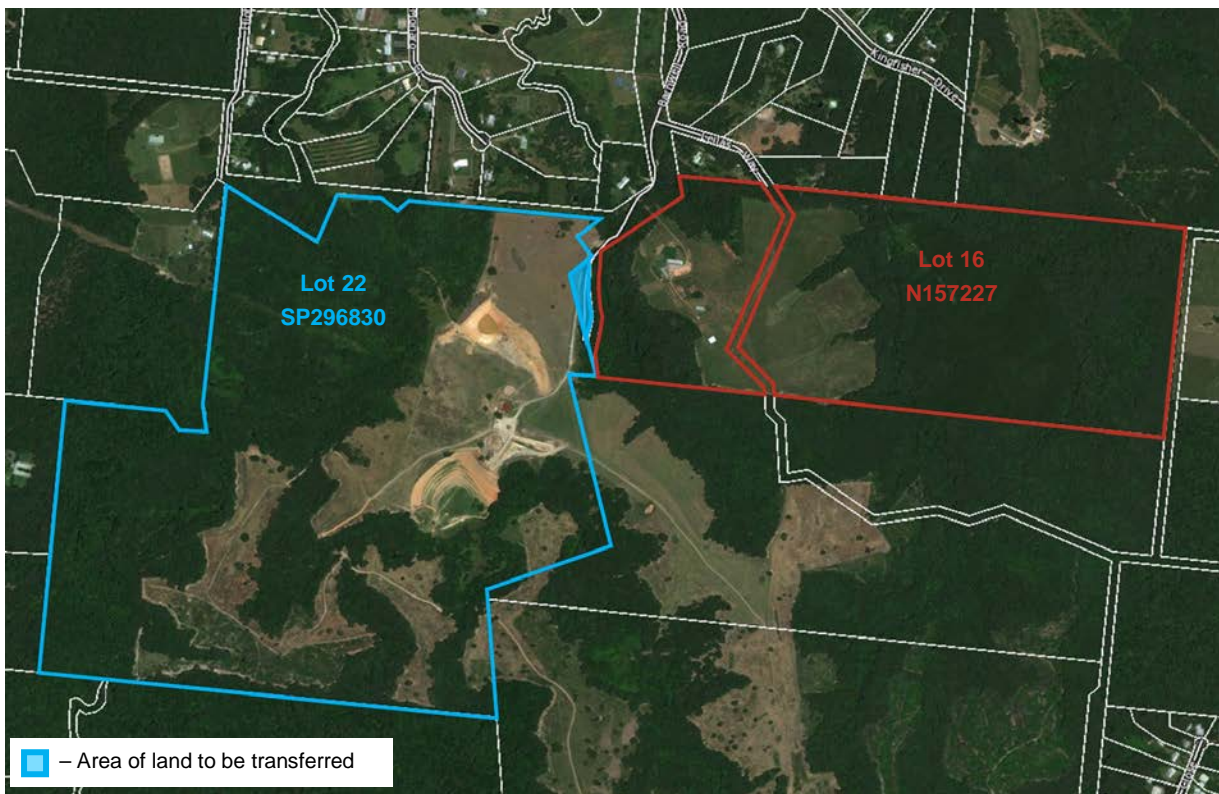


**Figure 1 – Site Location**

## 2. PROPOSED DEVELOPMENT

The proposed development seeks to facilitate the realignment of part of the common boundary between Lot 16 and Lot 22, to transfer the westernmost part of Lot 16 into Lot 22. The area of land that will be transferred as a result of the proposed development (from Lot 16 to Lot 22) is 3,720m<sup>2</sup>.

For further detail refer to **Figure 2 – Proposed Development** and **Attachment B – Proposal Plans**.



**Figure 2 – Proposed Development**

### 3. STATUTORY TOWN PLANNING FRAMEWORK

#### 3.1. Planning Act 2016

The *Planning Act 2016* ('the PA') is the statutory instrument for the State of Queensland under which, amongst other matters, development applications are assessed by local governments. The PA is supported by the *Planning Regulation 2017* ('the PR').

The following sections of this correspondence discuss the parts of the PA and PR applicable to the assessment of a development application.

##### **3.1.1. Approval and Development**

Pursuant to Sections 49, 50 and 51 of the PA, the development application seeks a Development Permit for Reconfiguring a Lot.

##### **3.1.2. Application**

The proposed development is:

- development that is located completely in a single local government area;
- development made assessable under a local categorising instrument, as discussed in Section 3.6; and
- for Reconfiguring a Lot, other than a lot that is, or includes, airport land.

In accordance with Section 48 of the PA and Section 21 and Schedule 8, Table 2, Item 1 of the PR, the development application is required to be made to the applicable local government, in this instance being Mareeba Shire Council.



### **3.1.3. Referral**

Section 54(2) of the PA and Section 22 and Schedules 9 and 10 of the PR provide for the identification of the jurisdiction of referral agencies, to which a copy of the development application must be provided.

The development application does not trigger referral to any entity.

### **3.1.4. Public Notification**

Section 53(1) of the PA provides that an applicant must give notice of a development application where any part is subject to Impact Assessment or where it is an application which includes a variation request.

The development application is subject to Code Assessment and does not include a variation request. Notice of the development application is therefore not required in this instance.

### **3.1.5. Assessment Framework**

As discussed in Section 3.6 of this correspondence, a Code Assessable development application is required in this instance. Section 45(3) of the PA provides that:

- “(3) A code assessment is an assessment that must be carried out only—*
- (a) against the assessment benchmarks in a categorising instrument for the development; and*
  - (b) having regard to any matters prescribed by regulation for this paragraph.”*

The *Mareeba Shire Council Planning Scheme 2016* (‘the Planning Scheme’), as the applicable local categorising instrument, is discussed in greater detail in Section 3.6 of this correspondence.

Section 26 of the PR provides the following assessment benchmarks for the purposes of Section 45(3)(a) of the PA:

- (1) For section 45(3)(a) of the Act, the code assessment must be carried out against the assessment benchmarks for the development stated in schedules 9 and 10.*
- (2) Also, if the prescribed assessment manager is the local government, the code assessment must be carried out against the following assessment benchmarks—*
  - (a) the assessment benchmarks stated in—*
    - (i) the regional plan for a region, to the extent the regional plan is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
    - (ii) the State Planning Policy, part E, to the extent part E is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
    - (iii) any temporary State planning policy applying to the premises;*
  - (b) if the local government is an infrastructure provider—the local government’s LGIP.*
- (3) However, an assessment manager may, in assessing development requiring code assessment, consider an assessment benchmark only to the extent the assessment benchmark is relevant to the development.”*

Section 27 of the PR provides matters for the purposes of Section 45(3)(b) of the PA:

- (1) For section 45(3)(b) of the Act, the code assessment must be carried out having regard to—*
  - (a) the matters stated in schedules 9 and 10 for the development; and*
  - ...*
  - (d) if the prescribed assessment manager is a person other than the chief executive—*
    - (i) the regional plan for a region, to the extent the regional plan is not identified*

- in the planning scheme as being appropriately integrated in the planning scheme; and*
- (ii) *the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme; and*
  - (iii) *for designated premises—the designation for the premises; and*
  - (e) *any temporary State planning policy applying to the premises; and*
  - (f) *any development approval for, and any lawful use of, the premises or adjacent premises; and*
  - (g) *the common material.*
- (2) *However—*
- (a) *an assessment manager may, in assessing development requiring code assessment, consider a matter mentioned in subsection (1) only to the extent the assessment manager considers the matter is relevant to the development; and*
  - (b) *if an assessment manager is required to carry out code assessment against assessment benchmarks in an instrument stated in subsection (1), this section does not require the assessment manager to also have regard to the assessment benchmarks.*

The following sections of this report discuss the applicable assessment benchmarks and applicable matters in further detail.

### **3.2. Schedules 9 and 10 of the Planning Regulation 2017**

Schedules 9 and 10 of the PR do not prescribe any applicable assessment benchmarks.

### **3.3. Far North Queensland Regional Plan 2009-2031**

The *Far North Queensland Regional Plan 2009 - 2031* ('the Regional Plan') is intended to guide and manage the region's development and to address key regional environmental, social, economic and urban objectives. The site falls within the area to which the Regional Plan applies.

The regional plan is identified in the Planning Scheme as being appropriately integrated in the Planning Scheme. The Regional Plan is therefore not applicable to the assessment of the development application.

### **3.4. State Planning Policy**

The State Planning Policy ('the SPP') was released on 2 December 2013 and replaced all previous State Planning Policies. The SPP has since been revised, with new versions released on 2 July 2014, 29 April 2016 and 3 July 2017.

The April 2016 version of the SPP is identified in the Planning Scheme as being appropriately integrated in the Planning Scheme. Whilst the SPP has been amended since the April 2016 version, it is considered that the policy content and outcomes contained within the SPP, to the extent they are relevant and applicable to the proposed development (which is limited to a boundary realignment), have not been sufficiently amended to require the reconsideration of the SPP separately.

### **3.5. Temporary State Planning Policies**

There are currently no temporary State Planning Policies in effect in Queensland.

### **3.6. Mareeba Shire Council Planning Scheme 2016**

The Planning Scheme came into effect on 1 July 2016 and is the planning scheme applicable to the Mareeba Shire local government area.

On 21 June 2017 the Mareeba Shire Council made an alignment amendment under the Alignment Amendment Rules and Section 293 of the PA. The alignment amendment commenced on 3 July 2017. The Planning Scheme is therefore consistent with the PA.

### 3.5.1. Zone

The site is located wholly within the Rural Zone.

### 3.5.2. Local Plan

The site is not located within an area to which a Local Plan applies.

### 3.5.3. Overlays

**Table 1** identifies the overlays applicable to the site.

**Table 1: Applicable Overlays**

Overlay	Sub-category
Airport Environs	Area of Interest (15,000 metre buffer)
Bushfire Hazard	Potential Impact Buffer (100 metres)
Environmental Significance – Waterways	<ul style="list-style-type: none"> <li>• Waterway</li> <li>• Waterway 100 metre buffer</li> </ul>
Environmental Significance	<ul style="list-style-type: none"> <li>• Ecological Corridor</li> <li>• Regulated Vegetation</li> <li>• Wildlife Habitat</li> </ul>
Hill and Slope Area	Hill and Slope Area
Transport Infrastructure	Minor Rural Road

### 3.5.4. Category of Development and Assessment

Reconfiguring a Lot in the Rural Zone is identified as Assessable Development to which Code Assessment is applicable. The category of development/assessment of the proposed development is not otherwise altered by the Planning Scheme.

### 3.5.5. Applicable Codes

Table 5.6.1 and Table 5.10.1 of the Planning Scheme identify that the following codes are applicable to the assessment of the proposed development:

#### Zone Code

- Rural Zone Code

#### Development Codes

- Reconfiguring a Lot Code
- Landscaping Code
- Parking and Access Code
- Works, Services and Infrastructure Code

#### Overlay Codes

- Airport Environs Overlay Code
- Bushfire Hazard Overlay Code
- Environmental Significance Overlay Code
- Hill and Slope Overlay Code

The proposed reconfiguration is limited to the realignment of an existing boundary between two existing properties. The proposed development will not result in an increase in the number of lots and all existing infrastructure will be retained without alteration. On this basis, a detailed assessment of the proposed development, against the following codes only, has been undertaken:

- Rural Zone Code; and
- Reconfiguring a Lot Code.

#### 4. ASSESSMENT OF COMPLIANCE

The statutory town planning framework applicable to the assessment of the development application is discussed in Section 3 of this correspondence. The following sections provide an assessment of the proposed development against the relevant components and provisions of this framework.

##### 4.1. Planning Scheme Codes

A detailed assessment of the proposed development against the applicable codes of the Planning Scheme is provided in **Attachment C - Statement of Code Compliance**. The following sections provide a summary of the assessment undertaken.

##### 4.4.1. *Rural Zone Code*

Acceptable Outcomes	Complies
Performance Outcomes	Complies
Purpose and Overall Outcomes	Complies

##### 4.4.2. *Airport Environs Overlay Code*

The purpose of the Airport Environs Overlay Code is to protect the current and ongoing operations of established airports, aerodromes and aviation infrastructure in Mareeba Shire.

The proposal, being limited a boundary realignment, will not affect current and ongoing operations of established airports, aerodromes and aviation infrastructure. The proposed development therefore does not conflict with the purpose of the Airport Environs Overlay Code.

##### 4.4.3. *Bushfire Hazard Overlay Code*

The purpose of the Bushfire Hazard Overlay Code is to minimise the threat of bushfire to people and property.

A small portion of Lot 22 is mapped as containing land zoned as Potential Impact Buffer. The proposed development, being limited to a boundary realignment, relates only to the westernmost portion of Lot 16 which is not proximate to areas of potential bushfire hazard. The proposed development therefore does not conflict with the purpose of the Bushfire Hazard Overlay Code.

##### 4.4.4. *Environmental Significance Overlay Code*

The purpose of the Environmental Significance Overlay Code is to identify and protect matters of environmental significance, which include matters of state environmental significance (MSES) as identified under the State Planning Policy.

The site is mapped as containing the following environmentally significant features:

- Waterway;
- Waterway 100 metre buffer;
- Ecological Corridor;
- Regulated Vegetation; and
- Wildlife Habitat.



Notwithstanding, the proposed development, being limited to a boundary realignment, relates only to the westernmost portion of Lot 16. This area of land (3,720m<sup>2</sup>) does not contain and is not proximate to any environmentally significant features. Therefore the proposal does not conflict with the purpose of the Environmental Significance Code.

#### **4.4.5. Hill and Slope Overlay Code**

The purpose of the Hill and Slope Overlay Code is to ensure the ongoing stability of land within a hill and slope area to prevent risk to people or property.

The proposal, being limited a boundary realignment, will not affect slope stability nor increase the potential for erosion or landslide. The proposed development therefore does not conflict with the purpose of the Hill and Slope Overlay Code.

#### **4.4.6. Landscaping Code**

The purpose of the Landscaping Code is to ensure that landscaping is provided to complement development and the streetscape, and protect and enhance the amenity and environmental values of the site. The proposed development, being limited to a boundary realignment is not considered to warrant the provision of dedicated landscaping. Existing natural vegetation will be retained without alteration.

#### **4.4.7. Parking and Access Code**

The purpose of the Parking and Access Code is to ensure that parking areas are appropriately designed, constructed and maintained, that development and the local road network function efficiently, and that development provides sufficient parking for the for the intended land use. The proposed development, being limited to a boundary realignment, does not conflict with the purpose of the Parking and Access Code.

#### **4.4.8. Reconfiguring a Lot Code**

Acceptable Outcomes	Alternative
<p><b>Alternatives</b></p> <p><b>AO1</b> Subject matter: Area and frontage of lots</p> <p>Response: The proposed development includes one lot (Lot 16) that does not meet the minimum lot size of 60 hectares specified in AO1 (Table 9.4.4.3B). The proposal will result in a lot area of 57.245 hectares. It is important to note that whilst the proposal reduces the size of Lot 16, the lot is currently below the minimum lot size (57.617 hectares) without the proposed development. The proposed size of Lot 16, noting that it is largely consistent with its existing size, is considered to achieve compliance with PO1, particularly in terms of:</p> <ul style="list-style-type: none"> <li>– achieving amenity commensurate to the zone,</li> <li>– ability to accommodate buildings, structures and the intended land use,</li> <li>– provision of sufficient access,</li> <li>– protection of environmental features, and</li> <li>– accommodate site constraints.</li> </ul> <p>The proposed reconfiguration achieves consistency with the design of the lots in the surrounding area, which includes similar lot sizes.</p> <p><b>AO6</b> Subject matter: Vehicular crossover</p> <p>Response: The proposed reconfiguration does not seek to alter the existing vehicle access arrangements, which are understood to be alternative to current standards specified in AO6. It is considered that the existing arrangements are efficient, safe, consistent with that provided in the surrounding rural area, and consistent with the nature of the intended use of each lot.</p>	
Performance Outcomes	Complies

#### **4.4.9. Works Services and Infrastructure Code**

The purpose of the Works, Services and Infrastructure Code is to ensure that development is appropriately serviced by physical infrastructure, public utilities and services and that work associated with development is carried out in a manner that does not adversely impact on the surrounding area. The proposed development, being limited to a boundary realignment, does not conflict with the purpose of the Works, Services and Infrastructure Code. Existing infrastructure will be maintained without alteration. The proposal will not generate demand for additional services.

### **5. CONCLUSION**

The information provided in this report, and accompanying attachments, demonstrates that the proposed development achieves compliance with the applicable provisions of the relevant planning framework.

We therefore recommend that Council favourably consider the proposed development and approve the development application, subject to reasonable and relevant conditions.

If you have any queries, please contact Dominic Hammersley on 4034 0500 or via email at [dominic.hammersley@cardno.com.au](mailto:dominic.hammersley@cardno.com.au).

Yours faithfully,



Dominic Hammersley  
Business Unit Manager – Northern Australia  
Principal, Planning  
For Cardno  
[dominic.hammersley@cardno.com.au](mailto:dominic.hammersley@cardno.com.au)

Enc: Attachments A-E

# Attachment A

## Application Form

## DA Form 1 – Development application details

Approved form (version 1.0 effective 3 July 2017) made under section 282 of the Planning Act 2016.

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

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

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

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

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

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

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

### PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	Reever and Ocean Pty Ltd
Contact name <i>(only applicable for companies)</i>	Stephen Whitaker
Postal address <i>(P.O. Box or street address)</i>	c-/ Cardno PO Box 1619
Suburb	Cairns
State	QLD
Postcode	4870
Country	Australia
Contact number	(07) 4034 0500
Email address <i>(non-mandatory)</i>	<a href="mailto:stephen.whitaker@cardno.com.au">stephen.whitaker@cardno.com.au</a>
Mobile number <i>(non-mandatory)</i>	
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	HRP16299 / 010

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
		77	Barnwell Road	Kuranda
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		16	N157227	Mareeba Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
		112	Barnwell Road	Kuranda
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		22	SP296830	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. Only one set of coordinates is required for this part.

Coordinates of premises by longitude and latitude

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

Coordinates of premises by easting and northing

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

## 3.3) Additional premises

Additional premises are relevant to this development application and their details have been attached in a schedule to this application

Not required

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

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

Name of water body, watercourse or aquifer:

Cairns Creek, Owen Creek, Haren Creek, Warrill Creek

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:

Listed on the Environmental Management Register (EMR) under the *Environmental Protection Act 1994*



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

**5) Are there any existing easements over the premises?**

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

- Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- No

**PART 3 – DEVELOPMENT DETAILS****Section 1 – Aspects of development****6.1) Provide details about the first 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):*

Boundary realignment to realign the common boundary between two existing rural properties.

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

**6.2) 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

- Not required

## Section 2 – Further development details

## 7) Does the proposed development application involve any of the following?

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

## Division 1 – Material change of use

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

## 8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m <sup>2</sup> ) (if applicable)

## 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?

1
---

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

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

## 10) Subdivision

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

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

## 10.2) Will the subdivision be staged?

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

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

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

<b>12) Boundary realignment</b>			
<b>12.1) What are the current and proposed areas for each lot comprising the premises?</b>			
Current lot		Proposed lot	
Lot on plan description	Area (m <sup>2</sup> )	Lot on plan description	Area (m <sup>2</sup> )
Lot 16 on N157227	57.617 hectares	Lot 16	57.245 hectares
Lot 22 on SP296830	107.3 hectares	Lot 22	107.672
<b>12.2) What is the reason for the boundary realignment?</b>			
To transfer the westernmost portion of Lot 16 (3,720m <sup>2</sup> ) into Lot 22.			

<b>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)</b>				
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.*

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

## PART 4 – ASSESSMENT MANAGER DETAILS

<b>15) Identify the assessment manager(s) who will be assessing this development application</b>	
Mareeba Shire Council	
<b>16) Has the local government agreed to apply a superseded planning scheme for this development application?</b>	
<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application	
<input type="checkbox"/> 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

<b>17) Do any aspects of the proposed development require referral for any referral requirements?</b>	
<i>Note: A development application will require referral if prescribed by the Planning Regulation 2017.</i>	
<input checked="" type="checkbox"/> No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6	
<b>Matters requiring referral to the chief executive of the Planning Regulation 2017:</b>	
<input type="checkbox"/> Clearing native vegetation	
<input type="checkbox"/> Contaminated land (unexploded ordnance)	

<input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA have not been devolved to a local government)</i> <input type="checkbox"/> Fisheries – aquaculture <input type="checkbox"/> Fisheries – declared fish habitat area <input type="checkbox"/> Fisheries – marine plants <input type="checkbox"/> Fisheries – waterway barrier works <input type="checkbox"/> Hazardous chemical facilities <input type="checkbox"/> Queensland heritage place <i>(on or near a Queensland heritage place)</i> <input type="checkbox"/> Infrastructure – designated premises <input type="checkbox"/> Infrastructure – state transport infrastructure <input type="checkbox"/> Infrastructure – state transport corridors and future state transport corridors <input type="checkbox"/> Infrastructure – state-controlled transport tunnels and future state-controlled transport tunnels <input type="checkbox"/> Infrastructure – state-controlled roads <input type="checkbox"/> Land within Port of Brisbane’s port limits <input type="checkbox"/> SEQ development area <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – community activity <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – indoor recreation <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – residential development <input type="checkbox"/> SEQ regional landscape and rural production area or SEQ Rural living area – urban activity <input type="checkbox"/> Tidal works or works in a coastal management district <input type="checkbox"/> Urban design <input type="checkbox"/> Water-related development – taking or interfering with water <input type="checkbox"/> Water-related development – removing quarry material <i>(from a watercourse or lake)</i> <input type="checkbox"/> Water-related development – referable dams <input type="checkbox"/> Water-related development – construction of new levees or modification of existing levees <i>(category 2 or 3 levees only)</i> <input type="checkbox"/> Wetland protection area
<b>Matters requiring referral to the local government:</b> <input type="checkbox"/> Airport land <input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA have been devolved to local government)</i> <input type="checkbox"/> Local heritage places
<b>Matters requiring referral to the chief executive of the distribution entity or transmission entity:</b> <input type="checkbox"/> Electricity infrastructure
<b>Matters requiring referral to:</b> <ul style="list-style-type: none"> <li>• The <b>chief executive of the holder of the licence</b>, if not an individual</li> <li>• The <b>holder of the licence</b>, if the holder of the licence is an individual</li> </ul> <input type="checkbox"/> Oil and gas infrastructure
<b>Matters requiring referral to the Brisbane City Council:</b> <input type="checkbox"/> Brisbane core port land
<b>Matters requiring referral to the Minister under the Transport Infrastructure Act 1994:</b> <input type="checkbox"/> Brisbane core port land <input type="checkbox"/> Strategic port land
<b>Matters requiring referral to the relevant port operator:</b> <input type="checkbox"/> Brisbane core port land (below high-water mark and within port limits)
<b>Matters requiring referral to the chief executive of the relevant port authority:</b> <input type="checkbox"/> Land within limits of another port
<b>Matters requiring referral to the Gold Coast Waterways Authority:</b> <input type="checkbox"/> Tidal works, or development in a coastal management district in Gold Coast waters
<b>Matters requiring referral to the Queensland Fire and Emergency Service:</b> <input type="checkbox"/> Tidal works, or development in a coastal management district

**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 the development application the subject of this form, or include details in a schedule to this development application (if applicable).		

**PART 6 – INFORMATION REQUEST****19) Information request under Part 3 of 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 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  
 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 – the yellow local government/private certifier's 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

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 EM941) 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 “EM941” at [www.qld.gov.au](http://www.qld.gov.au). An ERA requires an environmental authority to operate. See [www.business.qld.gov.au](http://www.business.qld.gov.au) for further information.

Proposed ERA number:		Proposed ERA threshold:	
----------------------	--	-------------------------	--

Proposed ERA name:	
--------------------	--

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

**Hazardous chemical facilities**

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

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

No

**Note:** See [www.justice.qld.gov.au](http://www.justice.qld.gov.au) for further information.

**Clearing native vegetation**

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation 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 is accompanied by written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

No

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

**Environmental offsets**

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

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

No

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

**Koala conservation**

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

Yes

No

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

**Water resources**

23.6) Does this development application involve **taking or interfering with artesian or sub artesian water, taking or interfering with water in a watercourse, lake or spring, taking overland flow water or waterway barrier works**?

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

No

**Note:** DA templates are available from [www.dilgp.qld.gov.au](http://www.dilgp.qld.gov.au).

23.7) Does this application involve **taking or interfering with artesian or sub artesian water, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water** under the *Water Act 2000*?

Yes – I acknowledge that a relevant water authorisation under the *Water Act 2000* may be required prior to commencing development

No

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

### Marine activities

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

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

No

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

### Quarry materials from a watercourse or lake

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

Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

No

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

### Quarry materials from land under tidal waters

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

Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development

No

**Note:** Contact the Department of Environment and Heritage Protection at [www.ehp.qld.gov.au](http://www.ehp.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.dews.qld.gov.au](http://www.dews.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.ehp.qld.gov.au](http://www.ehp.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.ehp.qld.gov.au](http://www.ehp.qld.gov.au) for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
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### 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*

<input checked="" type="checkbox"/> No
<b>Decision under section 62 of the <i>Transport Infrastructure Act 1994</i></b>
<b>23.15) Does this development application involve new or changed access to a state-controlled road?</b>
<input type="checkbox"/> Yes - this application will be taken to be an application for a decision under section 62 of the <i>Transport Infrastructure Act 1994</i> (subject to the conditions in section 75 of the <i>Transport Infrastructure Act 1994</i> being satisfied)
<input checked="" type="checkbox"/> No

## PART 8 – CHECKLIST AND APPLICANT DECLARATION

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

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

## PART 9 – FOR OFFICE USE ONLY

Date received:  Reference number(s): **Notification of engagement of alternative assessment manager**

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

**QLeave notification and payment***Note: For completion by assessment manager if applicable*

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

The *Planning Act 2016*, the *Planning Regulation 2017* and the *DA Rules* are administered by the Department of Infrastructure, Local Government and Planning. This form and all other required development application materials should be sent to the assessment manager.

# Attachment B

## Proposal Plans



# LOCATION PLAN

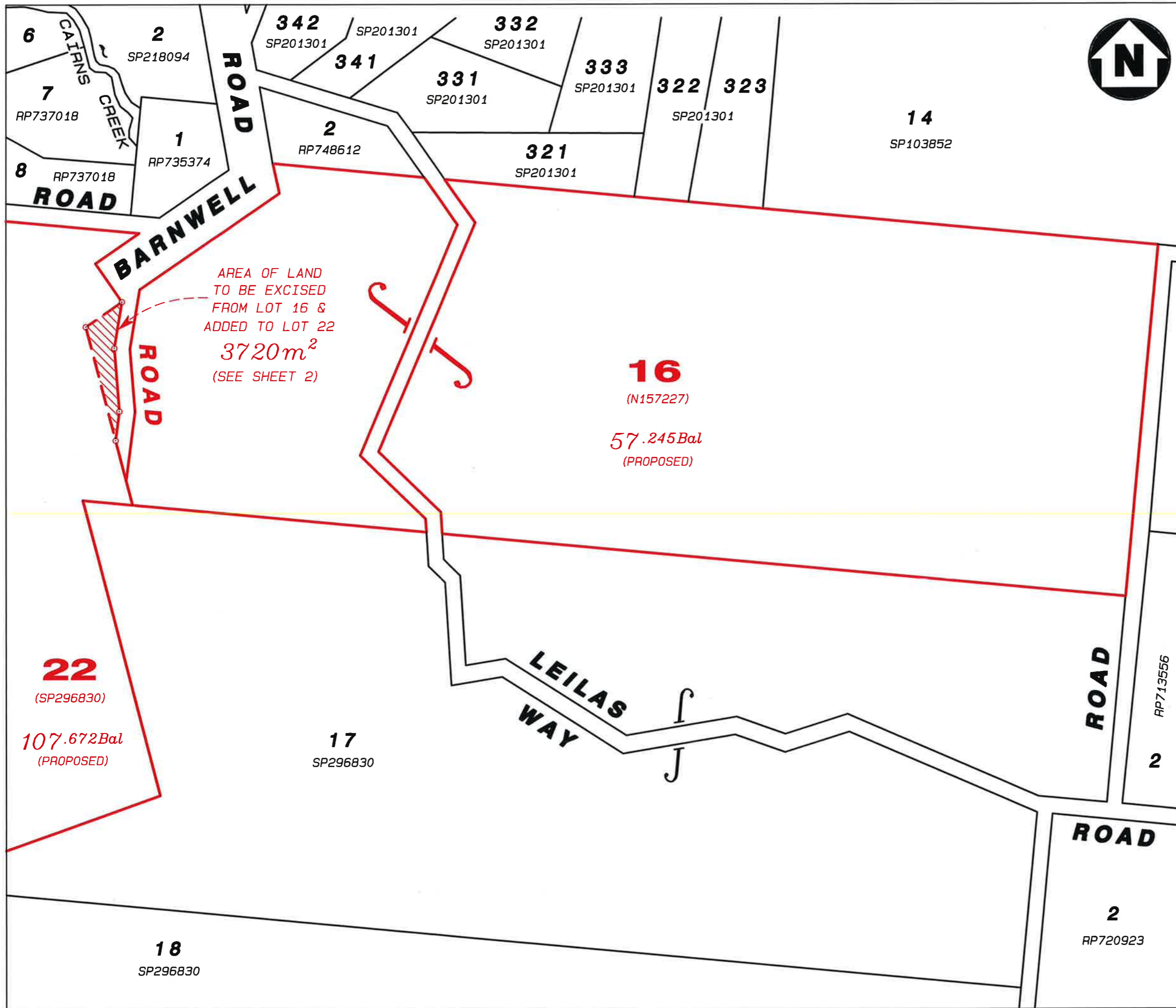
- Site
- Major Road
- - - Tablelands Railway
- Barron River
- Town / Centre



Kuranda

Smithfield





This plan depicts a proposed subdivision design only and as such is not registered. Subsequent registered or other surveys in the area may affect the boundary definition shown on the plan. Any such boundary definition differences are beyond the control of Ausnorth Consultants Pty Ltd who can accept no responsibility or liability for such differences.

**SURVEYING  
PLANNING  
MAPPING  
MINING  
PROPERTY  
ENGINEERING**

PO Box 38  
MACHANS BEACH QLD 4878  
B: (07) 4037 0144  
F: (07) 4037 0166  
M: 0427 570 100  
E: B.Lane@ausnorth.com.au

**PROPOSED LOTS 16 & 22  
CANCELLING LOT 16 on N157227  
& LOT 22 on SP296830  
KURANDA**



Parish **FORMARTINE**  
County **NARES**  
Locality **KURANDA**  
LGA **MAREEBA S.C.**

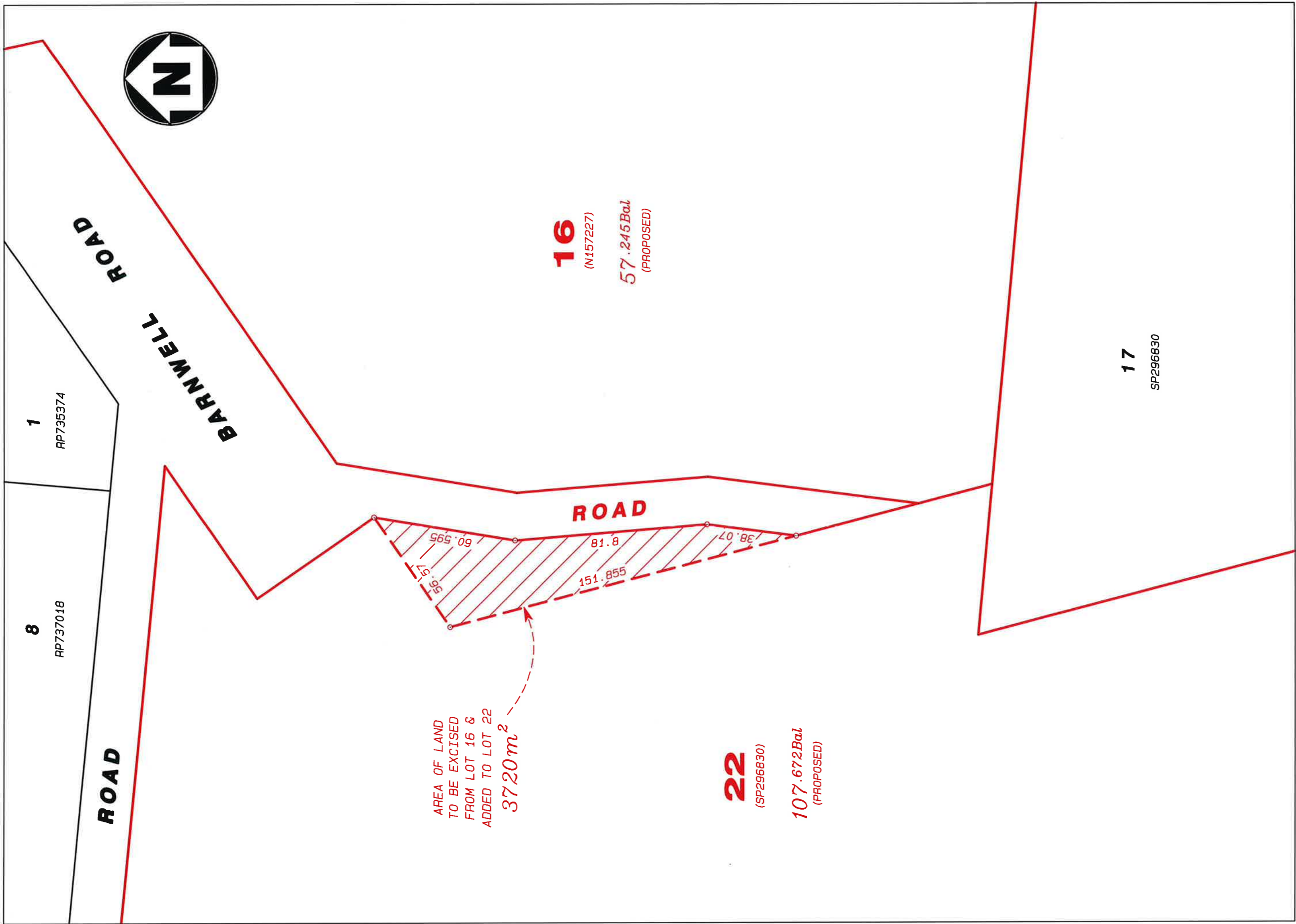
8064-34211	1:5000	2018/18005
MAP REF	(A3) SCALE	RAL 1303
CONTOUR INTERVAL N/A		ARCHIVED

Dwg. No **180005/ROL/01**  
Rev. **1**

**EXPLANATORY NOTES:**

- Boundaries shown hereon are approximate only and are shown here for planning purposes only.
- Final bearings, distances and areas subject to field survey.
- This plan has been prepared to aid in the Local Government evaluation of a Development Application and must not be used for any other purpose.

13/03/2018  
Date  
Cadastral Surveyor/  
Director



**16**  
(N157227)  
57,245 Bal  
(PROPOSED)

**22**  
(SP296830)  
107,672 Bal  
(PROPOSED)

**17**  
SP296830

**1**  
RP735374

**8**  
RP737018

AREA OF LAND  
TO BE EXCISED  
FROM LOT 16 &  
ADDED TO LOT 22  
3720m<sup>2</sup>



**SURVEYING  
PLANNING  
MAPPING**

MGA94 (ZONE 55)  
VIDE IS280485  
MERIDIAN

SHEET  
2 OF 2

8064-34211  
MAP REF

1: 1500  
(A3)  
SCALE

2018/18005  
RAL 1303  
ARCHIVED

DWG. NO **18005/ROL/01**

# Attachment C

## Statement of Code Compliance

**Statement of Code Compliance**

**Mareeba Shire Planning Scheme 2016**

1. Rural Zone Code
2. Reconfiguring a Lot Code

# 1. Rural Zone Code

Performance Outcomes	Acceptable Outcomes	Response
<b>For accepted development subject to requirements and assessable development</b>		
<b>Height</b>		
<p><b>PO1</b></p> <p>Building height takes into consideration and respects the following:</p> <ul style="list-style-type: none"> <li>(a) the height of existing buildings on adjoining premises;</li> <li>(b) the development potential, with respect to height, on adjoining premises;</li> <li>(c) the height of buildings in the vicinity of the site;</li> <li>(d) access to sunlight and daylight for the site and adjoining sites;</li> <li>(e) privacy and overlooking; and</li> <li>(f) site area and street frontage length.</li> </ul>	<p><b>AO1.1</b></p> <p>Development, other than buildings used for rural activities, has a maximum building height of:</p> <ul style="list-style-type: none"> <li>(a) 8.5 metres; and</li> <li>(b) 2 storeys above groundlevel.</li> </ul> <hr/> <p><b>AO1.2</b></p> <p>Buildings and structures associated with a rural activity including machinery, equipment, packing or storage buildings do not exceed 10 metres in height.</p>	<p><b>R1 Not Applicable</b></p> <p>The proposed development does not involve the construction or alteration of buildings or structures.</p>
<b>Siting, where not involving a Dwelling house</b>		
<p><b>PO2</b></p> <p>Development is sited in a manner that considers and respects:</p> <ul style="list-style-type: none"> <li>(a) the siting and use of adjoining premises;</li> <li>(b) access to sunlight and daylight for the site and adjoining sites;</li> <li>(c) privacy and overlooking;</li> <li>(d) air circulation and access to natural breezes;</li> <li>(e) appearance of building bulk; and</li> <li>(f) relationship with road corridors.</li> </ul>	<p><b>AO2.1</b></p> <p>Buildings and structures include a minimum setback of:</p> <ul style="list-style-type: none"> <li>(a) 40 metres from a frontage to a State- controlled road; and</li> <li>(b) 10 metres from a boundary to an adjoining lot.</li> </ul> <hr/> <p><b>AO2.2</b></p> <p>Buildings and structures, where for a Roadside stall, include a minimum setback of 0 metres from a frontage to a road that is not a State-controlled road.</p> <hr/> <p><b>AO2.3</b></p> <p>Buildings and structures, except where a Roadside stall, include a minimum setback of:</p> <ul style="list-style-type: none"> <li>(a) 10 metres from a frontage to a sealed road that is not a State-controlled road; and</li> <li>(b) 100 metres from a frontage to any other road that is not a State- controlled road.</li> </ul>	<p><b>R2 Not Applicable</b></p> <p>The proposed development does not involve the construction or alteration of buildings or structures.</p>

Performance Outcomes	Acceptable Outcomes	Response
<b>Accommodation density</b>		
<p><b>PO3</b></p> <p>The density of Accommodation activities:</p> <p>(a) respects the nature and density of surrounding land use;</p> <p>(b) is complementary and subordinate to the rural and natural landscape values of the area; and</p> <p>(c) is commensurate to the scale and frontage of the site.</p>	<p><b>AO3.1</b></p> <p>Residential density does not exceed one dwelling house per lot.</p> <hr/> <p><b>AO3.2</b></p> <p>Residential density does not exceed two dwellings per lot and development is for:</p> <p>(a) a secondary dwelling; or</p> <p>(b) Caretaker's accommodation and includes building work or minor building work with a maximum gross floor area of 100m<sup>2</sup>; or</p> <p>(c) Rural worker's accommodation.</p>	<p><b>R3.1 Complies</b></p> <p>Residential density will not be affected by the proposed development which seeks to facilitate a boundary realignment only.</p> <hr/> <p><b>R3.2 Complies</b></p> <p>The proposal will not alter the existing density of 1 dwelling per lot.</p>
<b>For assessable development</b>		
<b>Site cover</b>		
<p><b>PO4</b></p> <p>Buildings and structures occupy the site in a manner that:</p> <p>(a) makes efficient use of land;</p> <p>(b) is consistent with the bulk and scale of buildings in the surrounding area; and</p> <p>(c) appropriately balances built and natural features.</p>	<p><b>AO4</b></p> <p>No acceptable outcomes are provided.</p>	<p><b>R4 Not Applicable</b></p> <p>The proposed development does not involve the construction or alteration of buildings or structures. No changes to land use, built or natural features will occur as a result of the proposed development.</p>
<p><b>PO5</b></p> <p>Development complements and integrates with the established built character of the Rural zone, having regard to:</p> <p>(a) roof form and pitch;</p> <p>(b) eaves and awnings;</p> <p>(c) building materials, colours and textures; and</p> <p>(d) window and door size and location.</p>	<p><b>AO5</b></p> <p>No acceptable outcomes are provided.</p>	<p><b>R5 Not Applicable</b></p> <p>The proposed development does not involve the construction or alteration of buildings or structures. No changes to land use, built or natural features will occur as a result of the proposed development.</p>
<b>Amenity</b>		
<p><b>PO6</b></p> <p>Development must not detract from the amenity of the local area, having regard to:</p> <p>(a) noise;</p> <p>(b) hours of operation;</p> <p>(c) traffic;</p> <p>(d) advertising devices;</p> <p>(e) visual amenity;</p> <p>(f) privacy;</p>	<p><b>AO6</b></p> <p>No acceptable outcomes are provided.</p>	<p><b>R6 Alternative Outcome (as no Acceptable Outcomes are provided)</b></p> <p>The proposed development seeks to facilitate a boundary realignment only and will not detract from the amenity of the local area.</p>

Performance Outcomes	Acceptable Outcomes	Response
(g) lighting; (h) odour; and (i) emissions.		
<b>PO7</b> Development must take into account and seek to ameliorate any existing negative environmental impacts, having regard to: (a) noise; (b) hours of operation; (c) traffic; (d) advertising devices; (e) visual amenity; (f) privacy; (g) lighting; (h) odour; and (i) emissions.	<b>AO7</b> No acceptable outcomes are provided.	<b>R7 Alternative Outcome (as no Acceptable Outcomes are provided)</b> The proposed development seeks to facilitate a boundary realignment only and will not alter existing environmental conditions.



## 2. Reconfiguring a Lot Code

Performance Outcomes	Acceptable Outcomes	Response
<b>For assessable development</b>		
<b>Area and frontage of lots</b>		
<p><b>PO1</b></p> <p>Lots include an area and frontage that:</p> <ul style="list-style-type: none"> <li>(a) is consistent with the design of lots in the surrounding area;</li> <li>(b) allows the desired amenity of the zone to be achieved;</li> <li>(c) is able to accommodate all buildings, structures and works associated with the intended land use;</li> <li>(d) allow the site to be provided with sufficient access;</li> <li>(e) considers the proximity of the land to: <ul style="list-style-type: none"> <li>(i) centres;</li> <li>(ii) public transport services; and</li> <li>(iii) open space; and</li> </ul> </li> <li>(f) allows for the protection of environmental features; and</li> <li>(g) accommodates site constraints.</li> </ul>	<p><b>AO1</b></p> <p>Lots provide a minimum area and frontage in accordance with <b>Table 9.4.4.3B</b>.</p>	<p><b>R1 Alternative Outcome</b></p> <p>The proposed reconfiguration seeks to facilitate a boundary realignment only and will not result in the creation of any additional lots.</p> <p>Notwithstanding, the Reconfiguring a Lot Code prescribes that lots within the Rural Zone are to be a minimum of 60 hectares, with a minimum street frontage of 400 metres. The proposed development will result in a reduction in the total area of Lot 16 (currently 57.617 hectares) to become 57.245 hectares and therefore does not achieve compliance with the minimum lot size specified in Table 9.4.4.3B.</p> <p>Whilst being alternative to AO1 the proposed development is considered to achieve compliance with PO1, particularly in terms of:</p> <ul style="list-style-type: none"> <li>– achieving amenity commensurate to the zone,</li> <li>– ability to accommodate buildings, structures and the intended land use,</li> <li>– provision of sufficient access,</li> <li>– protection of environmental features, and</li> <li>– accommodate site constraints.</li> </ul> <p>A range of lot sizes are also noted to exist within proximity to the site (for example, Lot 12 on SP103851 and Lot 19 on SP296830 have land areas of 20.2 hectares and 43.4993 hectares respectively), which demonstrates that the proposed development achieves consistency with the design of lots in the surrounding area.</p>
<b>Existing buildings and easements</b>		
<p><b>PO2</b></p> <p>Reconfiguring a lot which contains existing land uses or existing buildings and structures ensures:</p> <ul style="list-style-type: none"> <li>(a) new lots are of sufficient area and dimensions to accommodate existing land uses, buildings and structures; and</li> <li>(b) any continuing use is not compromised by the reconfiguration.</li> </ul>	<p><b>AO2.1</b></p> <p>Each land use and associated infrastructure is contained within its individual lot.</p>	<p><b>R2.1 Complies</b></p> <p>Access to Lot 22 currently straddles the westernmost portion of Lot 16. The proposed boundary realignment seeks to rectify this by transferring the portion of Lot 16 containing the driveway into Lot 22.</p> <p>All other existing land uses and associated infrastructure will be retained without alteration.</p>

Performance Outcomes	Acceptable Outcomes	Response
	<p><b>AO2.2</b></p> <p>All lots containing existing buildings and structures achieve the setback requirements of the relevant zone.</p>	<p><b>R2.2 Complies</b></p> <p>AO2.3 of the Rural Zone Code requires that buildings and structures, except where a Roadside stall, include a minimum setback of:</p> <ul style="list-style-type: none"> <li>(a) 10 metres from a frontage to a sealed road that is not a State-controlled road; and</li> <li>(b) 100 metres from a frontage to any other road that is not a State-controlled road;</li> </ul> <p>Both lots front an unsealed segment of Barnwell Road, which is not a State-controlled road. Buildings and structures on both lots are situated at least 100 metres from the road. The proposed development therefore complies with AO2.2.</p>
<p><b>PO3</b></p> <p>Reconfiguring a lot which contains an existing easement ensures:</p> <ul style="list-style-type: none"> <li>(a) future buildings, structures and accessways are able to be sited to avoid the easement; and</li> <li>(b) the reconfiguration does not compromise the purpose of the easement or the continued operation of any infrastructure contained within the easement.</li> </ul>	<p><b>AO3</b></p> <p>No acceptable outcome is provided.</p>	<p><b>R3 Not Applicable</b></p> <p>There are no easements contained within either lot.</p>
<b>Boundary realignment</b>		
<p><b>PO4</b></p> <p>The boundary realignment retains all attendant and existing infrastructure connections and potential connections.</p>	<p><b>AO4.1</b></p> <p>No acceptable outcome is provided.</p>	<p><b>R4 Alternative Outcome (as no Acceptable Outcome is provided)</b></p> <p>The proposed boundary realignment seeks to transfer the westernmost portion of Lot 16 excised by the road reserve and amalgamate it with Lot 22.</p> <p>Existing infrastructure connections and potential connections will be retained without alteration.</p>
<b>Access and road network</b>		
<p><b>PO5</b></p> <p>Access to a reconfigured lot (including driveways and paths) must not have an adverse impact on:</p> <ul style="list-style-type: none"> <li>(c) safety;</li> <li>(d) drainage;</li> <li>(e) visual amenity;</li> <li>(f) privacy of adjoining premises; and</li> <li>(g) service provision.</li> </ul>	<p><b>AO5</b></p> <p>No acceptable outcome is provided.</p>	<p><b>R5 Alternative Outcome (as no Acceptable Outcome is provided)</b></p> <p>The reconfiguration seeks to facilitate a boundary realignment only to transfer the westernmost portion of Lot 16 into Lot 22. Existing access arrangements will be retained without alteration. Existing access arrangements do not have an adverse impact on safety, drainage, visual amenity, privacy of adjoining premises, or service provision.</p>

Performance Outcomes	Acceptable Outcomes	Response
<p><b>PO6</b></p> <p>Reconfiguring a lot ensures that access to a lot can be provided that:</p> <ul style="list-style-type: none"> <li>(a) is consistent with that provided in the surrounding area;</li> <li>(b) maximises efficiency and safety; and</li> <li>(c) is consistent with the nature of the intended use of the lot.</li> </ul> <p>Note—The Parking and access code should be considered in demonstrating compliance with PO6.</p>	<p><b>AO6</b></p> <p>Vehicle crossover and access is provided in accordance with the design guidelines and specifications set out in Planning Scheme Policy 4 – FNQROC Regional Development Manual.</p>	<p><b>R6 Alternative Outcome</b></p> <p>The reconfiguration seeks to facilitate a boundary realignment only. Existing vehicular access arrangements will be retained without alteration. Notwithstanding, existing vehicular access arrangements are efficient, safe, consistent with that provided in the surrounding rural area, and consistent with the nature of the intended use of each lot.</p>
<p><b>PO7</b></p> <p>Roads in the Industry zone are designed having regard to:</p> <ul style="list-style-type: none"> <li>(a) the intended use of the lots;</li> <li>(b) the existing use of surrounding land;</li> <li>(c) the vehicular servicing requirements of the intended use;</li> <li>(d) the movement and turning requirements of B-Double vehicles.</li> </ul> <p>Note—The Parking and access code should be considered in demonstrating compliance with PO7.</p>	<p><b>AO7</b></p> <p>No acceptable outcome is provided.</p>	<p><b>R7 Not Applicable</b></p> <p>The proposal is not within the Industry Zone.</p>
<p><b>Rear lots</b></p>		
<p><b>PO8</b></p> <p>Rear lots are designed to:</p> <ul style="list-style-type: none"> <li>(a) provide a high standard of amenity for residents and other users of the site;</li> <li>(b) provide a high standard of amenity for adjoining properties; and</li> <li>(c) not adversely affect the safety and efficiency of the road from which access is gained.</li> </ul>	<p><b>AO8.1</b></p> <p>Rear lots are designed to facilitate development that adjoins or overlooks a park or open space.</p> <hr/> <p><b>AO8.2</b></p> <p>No more than two rear lots are created behind any lot with a road frontage.</p> <hr/> <p><b>AO8.3</b></p> <p>Access to lots is via an access strip with a minimum width of:</p> <ul style="list-style-type: none"> <li>(a) 4 metres where in the Low density residential zone or Medium density residential zone; or</li> <li>(b) 8 metres otherwise.</li> </ul> <hr/> <p><b>AO8.4</b></p> <p>A single access strip is provided to a rear lot along one side of the lot with direct frontage to the street.</p> <p>Note—Figure A provides further guidance in relation to the desired outcome.</p> <hr/> <p><b>AO8.5</b></p> <p>No more than 1 in 10 lots created in a new subdivision are rear lots.</p>	<p><b>R8 Not Applicable</b></p> <p>The proposed development seeks to facilitate a boundary realignment only. Rear lots are not proposed.</p>

Performance Outcomes	Acceptable Outcomes	Response
	<b>AO8.6</b> Rear lots are not created in the Centre zone or the Industry zone.	
<b>Crime prevention and community safety</b>		
<b>PO9</b> Development includes design features which enhance public safety and seek to prevent opportunities for crime, having regard to: (a) sightlines; (b) the existing and intended pedestrian movement network; (c) the existing and intended land use pattern; and (d) potential entrapment locations.	<b>AO9</b> No acceptable outcomes are provided.	<b>R9 Alternative Outcome (as no Acceptable Outcome is provided)</b> The proposed development seeks to facilitate a boundary realignment only; no new lots or changes to established land uses are proposed. The proposed development will not impair sightlines, nor the existing and intended pedestrian movement network or land use patterns, and will not generate potential entrapment locations.
<b>Pedestrian and cycle movement network</b>		
<b>PO10</b> Reconfiguring a lot must assist in the implementation of a Pedestrian and cycle movement network to achieve safe, attractive and efficient pedestrian and cycle networks.	<b>AO10</b> No acceptable outcomes are provided.	<b>R10 Alternative Outcome (as no Acceptable Outcome is provided)</b> The proposed development seeks to facilitate a boundary realignment only; the Pedestrian and cycle movement network will not be affected by the proposal.
<b>Public transport network</b>		
<b>PO11</b> Where a site includes or adjoins a future public transport corridor or future public transport site identified through a structure planning process, development: (a) does not prejudice the future provision of the identified infrastructure; (b) appropriately treats the common boundary with the future corridor; and (c) provides opportunities to integrate with the adjoining corridor where a it will include an element which will attract pedestrian movement.	<b>AO11</b> No acceptable outcome is provided.	<b>R11 Not Applicable</b> The site does not include nor adjoin a future public transport corridor or future public transport site.
<b>Residential subdivision</b>		
<b>PO12</b> Residential lots are: (a) provided in a variety of sizes to accommodate housing choice and diversity; and (b) located to increase variety and avoid large areas of similar lot sizes.	<b>AO12</b> No acceptable outcomes are provided.	<b>R12 Not Applicable</b> The proposed development seeks to facilitate a boundary realignment only and does not involve the creation of any additional lots.

Performance Outcomes	Acceptable Outcomes	Response
<b>Rural residential zone</b>		
<p><b>PO13</b></p> <p>New lots are only created in the Rural residential zone where land is located within the 4,000m<sup>2</sup> precinct, the 1 hectare precinct or the 2 hectare precinct.</p>	<p><b>AO13</b></p> <p>No acceptable outcome is provided.</p>	<p><b>R13 Not Applicable</b></p> <p>The site is not within the Rural Residential Zone.</p>
<b>Additional provisions for greenfield development only</b>		
<p><b>PO14</b></p> <p>The subdivision design provides the new community with a local identity by responding to:</p> <ul style="list-style-type: none"> <li>(a) site context</li> <li>(b) site characteristics</li> <li>(c) setting</li> <li>(d) landmarks</li> <li>(e) natural features; and</li> <li>(f) views.</li> </ul>	<p><b>AO14</b></p> <p>No acceptable outcome provided.</p>	<p><b>R14 Not Applicable</b></p> <p>The proposed development is not considered to constitute greenfield development. The proposed development is limited to the realignment of an existing boundary between two existing rural lots within the Rural Zone. No additional lots will be created.</p>
<p><b>PO15</b></p> <p>The road network is designed to provide a high level of connectivity, permeability and circulation for local vehicles, public transport, pedestrians and cyclists.</p>	<p><b>AO15</b></p> <p>No acceptable outcome provided.</p>	<p><b>R15 Not Applicable</b></p> <p>The proposed development is not considered to constitute greenfield development. The proposed development is limited to the realignment of an existing boundary between two existing rural lots within the Rural Zone. No additional lots will be created.</p>
<p><b>PO16</b></p> <p>The road network is designed to:</p> <ul style="list-style-type: none"> <li>(a) minimise the number of cul-de-sacs;</li> <li>(b) provide walkable catchments for all residents in cul-de-sacs; and</li> <li>(c) include open cul-de-sacs heads.</li> </ul> <p>Note—Figure B provides further guidance in relation to the desired outcome.</p>	<p><b>PO16</b></p> <p>No acceptable outcome provided.</p>	<p><b>R16 Not Applicable</b></p> <p>The proposed development is not considered to constitute greenfield development. The proposed development is limited to the realignment of an existing boundary between two existing rural lots within the Rural Zone. No additional lots will be created.</p>
<p><b>PO17</b></p> <p>Reconfiguring a lot provides safe and convenient access to the existing or future public transport network.</p>	<p><b>AO17</b></p> <p>The subdivision locates 90% of lots within 400 metres walking distance of a future public transport route.</p>	<p><b>R17 Not Applicable</b></p> <p>The proposed development is not considered to constitute greenfield development. The proposed development is limited to the realignment of an existing boundary between two existing rural lots within the Rural Zone. No additional lots will be created.</p>
<p><b>PO18</b></p> <p>The staging of the lot reconfiguration prioritises delivery of link roads to facilitate efficient bus routes.</p>	<p><b>AO18</b></p> <p>No acceptable outcome provided.</p>	<p><b>R18 Not Applicable</b></p> <p>The proposed development is not considered to constitute greenfield development. The proposed development is limited to</p>

Performance Outcomes	Acceptable Outcomes	Response
<p><b>PO19</b> Provision is made for sufficient open space to:</p> <ul style="list-style-type: none"> <li>(a) meet the needs of the occupiers of the lots and to ensure that the environmental and scenic values of the area are protected;</li> <li>(b) retain riparian corridors, significant vegetation and habitat areas and provides linkages between those areas; and</li> <li>(c) meet regional, district and neighbourhood open space requirements.</li> </ul>	<p><b>AO19.1</b> A minimum of 10% of the site area is dedicated as open space.</p> <hr/> <p><b>AO19.2</b> A maximum of 30% of the proposed open space can consist of land identified as significant vegetation or riparian corridor buffer.</p>	<p><b>R19 Not Applicable</b> The proposed development is not considered to constitute greenfield development. The proposed development is limited to the realignment of an existing boundary between two existing rural lots within the Rural Zone. No additional lots will be created.</p>
<p><b>PO20</b> A network of parks and community land is provided:</p> <ul style="list-style-type: none"> <li>(a) to support a full range of recreational and sporting activities;</li> <li>(b) to ensure adequate pedestrian, cycle and vehicle access;</li> <li>(c) which is supported by appropriate infrastructure and embellishments;</li> <li>(d) to facilitate links between public open spaces;</li> <li>(e) which is co-located with other existing or proposed community infrastructure;</li> <li>(f) which is consistent with the preferred open space network; and</li> <li>(g) which includes a diversity of settings.</li> </ul>	<p><b>AO20</b> No acceptable outcome is provided.</p>	<p><b>R20 Not Applicable</b> The proposed development is not considered to constitute greenfield development. The proposed development is limited to the realignment of an existing boundary between two existing rural lots within the Rural Zone. No additional lots will be created.</p>

# Attachment D

## Site Searches

# CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 26096024

Search Date: 02/06/2017 12:00

Title Reference: 21287024

Date Created: 23/05/1985

Previous Title: 20770077

## REGISTERED OWNER

Interest

Dealing No: 706456206 20/03/2003

ANDREW EASTON

ADRIENNE PETA EASTON

BARBARA COLBURN MARTIN

JOINT TENANTS INTER SE

TENANT IN COMMON

1/2

1/2

AS TENANTS IN COMMON

## ESTATE AND LAND

Estate in Fee Simple

LOT 16

CROWN PLAN N157227

Local Government: MAREEBA

For exclusions / reservations for public purposes refer to  
Plan CP N157227

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20250110 (POR 16V)
2. MORTGAGE No 709182770 01/12/2005 at 13:54  
BENDIGO BANK LIMITED A.B.N. 11 068 049 178

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

## CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

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

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Requested By: D-ENQ CITEC CONFIRM



# CURRENT TITLE SEARCH

DEPT OF NATURAL RESOURCES AND MINES, QUEENSLAND

Request No: 27859678

Search Date: 31/01/2018 08:51

Title Reference: 51131989

Date Created: 29/01/2018

Previous Title: 40074593

## REGISTERED OWNER

Dealing No: 718543082 29/01/2018

REEVER AND OCEAN PTY LTD A.C.N. 168 166 416

## ESTATE AND LAND

Estate in Fee Simple

LOT 22 SURVEY PLAN 296830  
Local Government: MAREEBA

## EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by  
Deed of Grant No. 20112035 (POR 22V)  
Deed of Grant No. 20115003 (POR 21V)
2. MORTGAGE No 717992137 02/05/2017 at 10:10  
KA HOU LOI

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

## CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

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

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Requested By: D-ENQ CITEC CONFIRM



Department of Environment and Heritage Protection (EHP)  
ABN 46 640 294 485  
400 George St Brisbane, Queensland 4000  
GPO Box 2454 Brisbane QLD 4001 AUSTRALIA  
www.ehp.qld.gov.au

**SEARCH RESPONSE**  
**ENVIRONMENTAL MANAGEMENT REGISTER (EMR)**  
**CONTAMINATED LAND REGISTER (CLR)**

Transaction ID: 50382433                      EMR Site Id: 02 June 2017  
This response relates to a search request received for the site:  
Lot: 16                      Plan: N157227

**EMR RESULT**

The above site is NOT included on the Environmental Management Register.

**CLR RESULT**

The above site is NOT included on the Contaminated Land Register.

**ADDITIONAL ADVICE**

All search responses include particulars of land listed in the EMR/CLR when the search was generated.

The EMR/CLR does NOT include:-

1. land which is contaminated land (or a complete list of contamination) if EHP has not been notified
2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if EHP has not been notified

If you have any queries in relation to this search please phone 13QGOV (13 74 68)

**Administering Authority**



Department of Environment and Heritage Protection (EHP)  
ABN 46 640 294 485  
400 George St Brisbane, Queensland 4000  
GPO Box 2454 Brisbane QLD 4001 AUSTRALIA  
www.ehp.qld.gov.au

**SEARCH RESPONSE**  
**ENVIRONMENTAL MANAGEMENT REGISTER (EMR)**  
**CONTAMINATED LAND REGISTER (CLR)**

Transaction ID: 50434957                      EMR Site Id: 07 February 2018  
This response relates to a search request received for the site:  
Lot: 22                      Plan: SP296830

**EMR RESULT**

The above site is NOT included on the Environmental Management Register.

**CLR RESULT**

The above site is NOT included on the Contaminated Land Register.

**ADDITIONAL ADVICE**

All search responses include particulars of land listed in the EMR/CLR when the search was generated.  
The EMR/CLR does NOT include:-

1. land which is contaminated land (or a complete list of contamination) if EHP has not been notified
2. land on which a notifiable activity is being or has been undertaken (or a complete list of activities) if EHP has not been notified

If you have any queries in relation to this search please phone 13QGOV (13 74 68)

**Administering Authority**

# Attachment E

## Owner's Consent

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

I, Andrew Easton, Adrienne Peta Easton and Barbara Colburn Martin

as owners of the premises identified as follows:

77 Barnwell Road, Kuranda (Lot 16 on N157227)

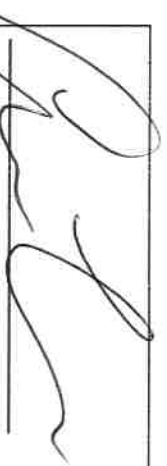
consent to the making of a development application under the Planning Act 2016 by:

Reever and Ocean Pty Ltd

on the premises described above for:

Reconfiguring a Lot (Boundary Realignment).

Signed

  
ANDREW EASTON

Date 17/4/18



ADRIENNE PETA EASTON

Date 17/4/18



BARBARA COLBURN MARTIN

Date 17/4/18

# Schedule A

