

Our Ref Q184063
Contact Dominic Hammersley / Amelia Taylor

24 May 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

Dear Sir/Madam,

DEVELOPMENT APPLICATION SEEKING A DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (DIVIDING LAND INTO PARTS BY AGREEMENT) AT 8579 MULLIGAN HIGHWAY, DESAILLY (LOT 581 ON SP263756)

We act for *DP Energy Australia 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 Planning Act)*, seeking a Development Permit for Reconfiguring a Lot.

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

- a) **Attachment A: Application Form** (DA Form 1 – Development Application details);
- b) **Attachment B: Certificate of Title & Owner's Consent Documentation;**
- c) **Attachment C: Search Extracts;**
- d) **Attachment D: Assessment Manager Determination**, correspondence to the Minister for Planning, and agreements from Mareeba Shire Council and Cook Shire Council;
- e) **Attachment E: Proposal Plan**, prepared by Cardno; and
- f) **Attachment F: Statement of Code Compliance** prepared by Cardno;

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**, being for a reconfiguration of up to two (2) lots, as calculated in accordance with Mareeba Shire Council's *Register of Cost-Recovery Fees and Schedule of Commercial and Other Charges 2017/2018*. The application fee will be paid once a fee quote is received from Council.

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1. THE SITE

The development application relates to land located at 8579 Mulligan Highway, Desailly, more properly described as Lot 581 on Survey Plan 263756 (**the site**).

The site has an area of approximately 41,160 hectares and is occupied by a residence (located outside of the proposed lease area). The Mulligan Highway runs through the site.

The registered owners of the site are *Travis Kelwin Hatfield and Amber Bronwyn Hatfield* (refer to **Attachment B**). The Applicant advises that the owners of the property have granted consent by way of written agreement (refer to **Attachment B**).

The site is not located on the Environmental Management Register (**the EMR**) or the Contaminated Land Register (**the CLR**). Please refer to **Attachment C – Search Extracts** for details.

Further, the site is identified within two (2) Local Government Areas (**LGAs**), being Mareeba Shire Council and Cook Shire Council. For the purposes of this development application, no detailed assessment of the proposal is provided in respect to the *Cook Shire Planning Scheme 2017*, as no change is proposed to occur in respect to the portion of the site located in the Cook Shire LGA.

Figure 1 below details the site location.

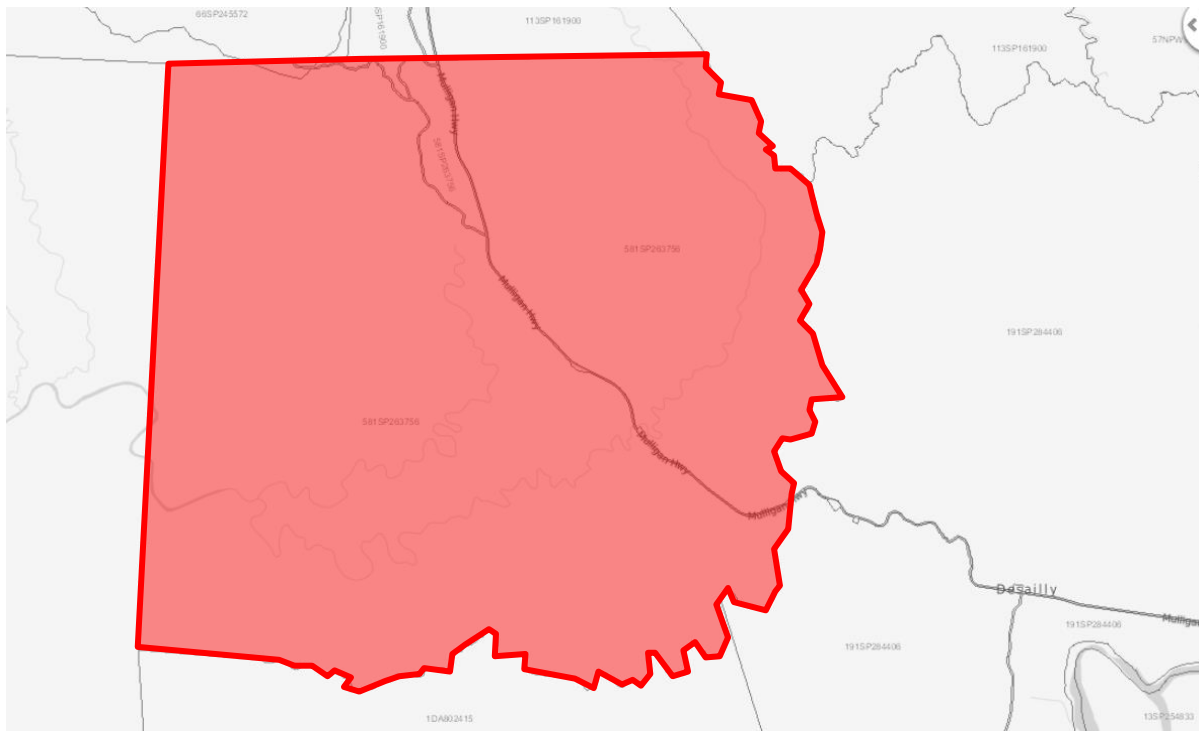


Figure 1 – Site Location

2. PROPOSED DEVELOPMENT

The Applicant seeks a Reconfiguring of the Lot to divide the land into parts by agreement. The application seeks a lease area (Lease A) comprising 9,135.5 hectares of land in the north-eastern portion of the site.

The site is identified within two (2) LGAs, being Mareeba Shire and Cook Shire. Pursuant to Section 48(6) of the *Planning Act 2016* (**the Planning Act**), the determination of the role of the Assessment Manager has been sought to the Minister of Planning, with correspondence lodged 18th May 2018 (refer to **Attachment D – Assessment Manager Determination**).

Section 48(6) of the Planning Act

“If the regulation under subsection (2) does not prescribe who is the assessment manager for a particular development application, the Minister may—

- (a) decide who is the assessment manager; or*
- (b) require the application to be split into 2 or more applications”.*

Correspondence with the two (2) LGAs has also occurred, with agreement of the role of the Assessment Manager to be undertaken by Mareeba Shire Council, for the purpose of assessing this development application pursuant to Section 48(1) of the Planning Act (refer to **Attachment D – Assessment Manager Determination**).

Section 48(1) of the Planning Act

*“(1) The **assessment manager** is the person responsible for either or both of the following—*

- (a) administering a properly made development application;*
 - (b) assessing and deciding part or all of a properly made development application.*
- (2) Generally, a regulation prescribes who is the assessment manager for each type of development application”.*

The proposed Lease A area is within the Mareeba Shire Council LGA. The balance lot comprises a minor portion (north-west) within the Cook Shire LGA and the reminder within the Mareeba Shire LGA. For further guidance on the LGA proportional split, refer to **Figure 2** below.

The proposed Reconfiguring a Lot is detailed in **Attachment E – Proposal Plan**.

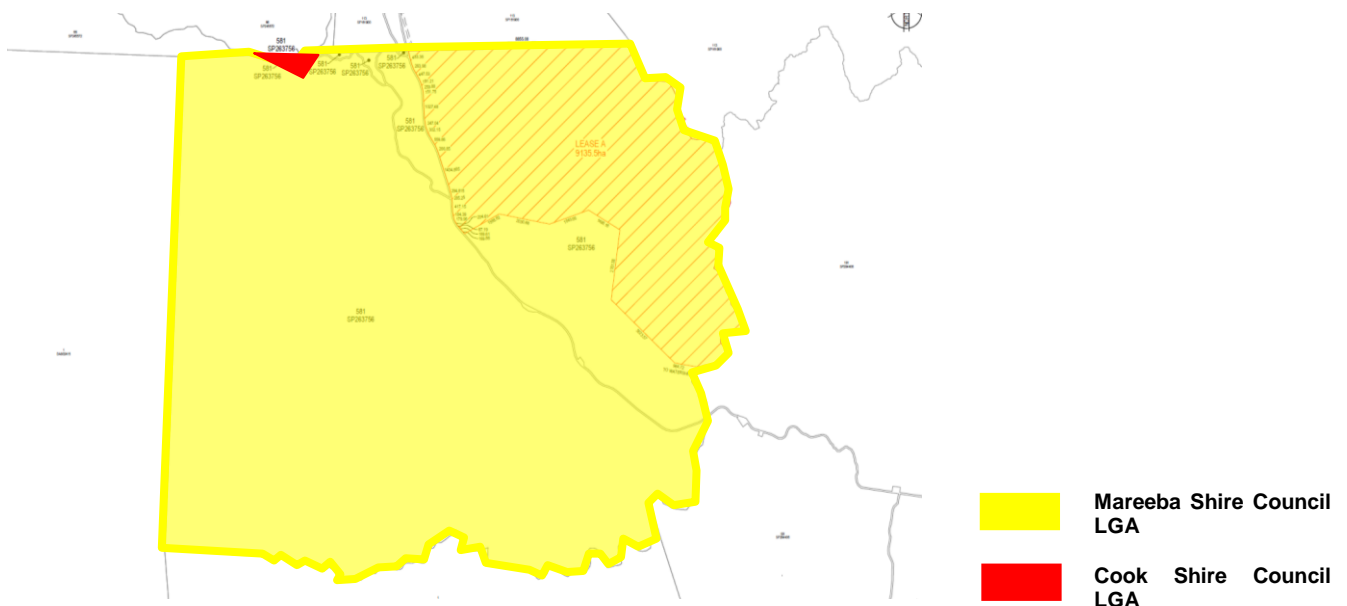


Figure 2 – Proposed Development

3. STATUTORY TOWN PLANNING FRAMEWORK

3.1. Planning Act 2016

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

The following sections of this correspondence discuss the parts of the Planning Act and Planning Regulation applicable to the assessment of a development application.

3.1.1. **Approval and Development**

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

3.1.2. **Application**

The proposed development is located within two (2) local government areas, being Mareeba Shire and Cook Shire. The role of the Assessment Manager for this development application is discussed under Chapter 2 of this report. Once confirmed by the Minister, we expect that Mareeba Shire Council will be the Assessment Manager.

3.1.3. **Referral**

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

Pursuant to the definition of a Lot in the *Land Title Act 1994*, the development application does not result in the total number of lots being increased, instead only involves an interest (being a lease) over the existing parcel of land. Further, the development application does not result in a new or changed access.

Definition of a 'Lot', pursuant to the Land Title Act 1994

"Lot means a separate, distinct parcel of land created on—

(a) the registration of a plan of subdivision; or

(b) the recording of particulars of an instrument;

and includes a lot under the Building Units and Group Titles Act 1980".

Therefore, the development application does not trigger referral pursuant to the following:

- Within 25m of a State-controlled road - *Schedule 10, Part 9 – Infrastructure-related referrals, Division 4 – State transport infrastructure – referral agency's assessment, Subdivision 2 – State Transport Corridors, Table 1 – Reconfiguring a lot near a State transport corridor.*
- Within 100m of a State-controlled road intersection - *Schedule 10, Part 9 – Infrastructure-related referrals, Division 4 – State transport infrastructure – referral agency's assessment, Subdivision 2 – State Transport Corridors, Table 3 – Reconfiguring a lot near a State-controlled road intersection.*
- Regulated vegetation management – *Schedule 10, Part 3 – Clearing native vegetation, Division 4 – Referral agency's assessment, Table 2 – Reconfiguring a lot that is assessable development under s21.*

3.1.4. Public Notification

Section 53(1) of the Planning Act 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

Pursuant to Table 5.6.1 of the *Mareeba Shire Council Planning Scheme 2016 (the Planning Scheme)*, a Code Assessable development application is required in this instance. Section 45(3) of the Planning Act 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 Planning Scheme, as the applicable local categorising instrument, is discussed in greater detail in Section 3.6 of this report.

Section 26 of the Planning Regulation provides the following assessment benchmarks for the purposes of Section 45(3)(a) of the Planning Act:

- (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 Planning Regulation provides matters for the purposes of Section 45(3)(b) of the Planning Act:

- (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 Planning Regulation 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 dividing land into parts by agreement), 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 1st July 2016 and is the planning scheme applicable to the Mareeba Shire Local Government Area.

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

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 below identifies the overlays applicable to the site.

Table 1: Applicable Overlays

Overlay	Sub-category
Agricultural Land	Broad Hectare Rural
Bushfire Hazard	<ul style="list-style-type: none"> Medium Potential Bushfire Intensity High Potential Bushfire Intensity Very High Potential Bushfire Intensity
Environmental Significance - Waterways	Waterways
State Environmental Significance	<ul style="list-style-type: none"> Wildlife Habitat Regulated Vegetation
Extractive and Mineral Resources	Mining Leases (granted leases only)
Flood Hazard	Potential Flood Hazard Area
Hill and Slope	Hill and Slope area
Regional Infrastructure Corridors and Substations	<ul style="list-style-type: none"> Major Electricity Infrastructure - High Voltage Power lines Stock Route
Transport Infrastructure	State Controlled Road (Mulligan Highway)

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

- Agricultural Land Overlay Code
- Bushfire Hazard Overlay Code
- Environmental Significance Overlay Code
- Hill and Slope Overlay Code
- Regional Infrastructure Corridors and Substations Overlay Code

The proposed reconfiguration is limited to dividing of land into parts by agreement. The proposed development will not result in an increase in the number of lots, as defined by the *Land Titles Act 1994* (as discussed under Section 3.1.3 of this report). 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 Chapter 3 of this report. 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 F - Statement of Code Compliance**. The following sections provide a summary of the assessment undertaken.

4.4.1. Rural Zone Code

The proposed development complies with all applicable Acceptable Outcomes of the Rural Zone Code. Alternative Outcomes are only proposed where no applicable Acceptable Outcome is provided. Alternative Outcomes demonstrate that the proposed development achieves compliance with the corresponding Performance Outcome. The proposed development therefore achieves compliance with all applicable Performance Outcomes and thus complies with the Purpose and Overall Outcomes of the Rural Zone Code.

A full response to the Rural Zone Code is provided herein as **Attachment F – Statement of Code Compliance**.

4.4.2. Agricultural Land Overlay Code

The purpose of the Agricultural Land Overlay Code is to protect or manage important agricultural areas, resources and processes for primary production.

The site is identified within the 'Broadhectare Rural' designation in the Agricultural Land Overlay map. The proposed development is to facilitate a lease area only and will not result in the creation of a new lot. Therefore, the proposed development does not conflict with the purpose of the Agricultural Land 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.

The site is identified within the 'Medium and High Bushfire Intensity' areas in the Bushfire Hazard Overlay map. The proposed development is to facilitate a lease area only and will not result in the creation of a new lot. 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:

- 'Wildlife habitat';
- 'Regulated vegetation'; and
- 'Waterway'.

This development application does not involve the construction of buildings or structures as the proposal relates only to the establishment of an interest over the existing lot, being a lease area. Therefore, the proposal does not conflict with the purpose of the Environmental Significance Overlay Code.

4.4.5. Flood Hazard Overlay Code

The purpose of the Flood Hazard Overlay Code is to manage development outcomes in flood hazard areas.

The site is identified within the Potential Flood Hazard Area on the Flood Hazard Overlay map. The proposed development is to facilitate a lease area only and will not result in the creation of a new lot. The proposed development therefore, does not conflict with the purpose of the Flood Hazard Overlay Code.

4.4.6. 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 lease area, 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.

4.4.7. Landscaping Code

The purpose of the Landscaping Code is to ensure that landscaping is provided to complement development and the streetscape, and protect protect and enhance the amenity and environmental values of the site. The proposed development, being limited to a lease area is not considered to warrant the provision of dedicated landscaping. Existing natural vegetation will be retained without alteration. Therefore, no assessment against the Landscape Code is required.

4.4.8. 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. Therefore, no assessment against the Parking and Access Code is required.

4.4.9. Reconfiguring a Lot Code

The proposed development complies with the applicable Acceptable Outcomes of the Reconfiguring a Lot Code, except in the instances where no Acceptable Outcome is prescribed.

The proposed development achieves compliance with all applicable Performance Outcomes and therefore complies with the Purpose and Overall Outcomes of the Reconfiguring a Lot Code.

A full response to the Reconfiguring a Lot Code is provided as **Attachment F – Statement of Code Compliance**.

4.4.10. Regional Infrastructure Corridors and Substations Overlay Code

The purpose of the Regional Infrastructure Corridors and Substations Overlay Code is to ensure the proper and safe movements of stock routes and protection from development for Major Electricity Infrastructure and Substations.

The site is identified as having 'Major Electricity Infrastructure – High Voltage Powerlines' and 'Stock Route' on the Regional Infrastructure Corridors and Substations Overlay map. The proposed development is to facilitate a lease area only and does not involve the inclusion of buildings and structures and no changes to any existing access to the site. Therefore, the proposed development achieves compliance with the Purpose and Overall Outcomes of the Regional Infrastructure Corridors and Substations Overlay Code.

4.4.11. 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 lease area, does not conflict with the purpose of the Works, Services and Infrastructure Code.

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 myself or Amelia Taylor on (07) 4034 0500 or via email at dominic.hammersley@cardno.com.au.

Yours faithfully



Dominic Hammersley
Business Unit Manager
For Cardno

Enc: Attachments A-F

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) (individual or company full name)	DP Energy Australia Pty Ltd
Contact name (only applicable for companies)	C/- Cardno (Dominic Hammersley)
Postal address (P.O. Box or street address)	Cardno, PO Box 1619
Suburb	Cairns
State	QLD
Postcode	4870
Country	Australia
Contact number	4034 0500
Email address (non-mandatory)	dominic.hammersley@cardno.com.au amelia.taylor@cardno.com.au
Mobile number (non-mandatory)	
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	Q184063

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
		8579	Mulligan Highway	Desailly
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4871	581	SP263759	Mareeba Shire Council & Cook Shire Council (refer to attached Town Planning Report for details).

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

<input checked="" type="checkbox"/> In or adjacent to a water body or watercourse or in or above an aquifer	
Name of water body, watercourse or aquifer:	Desailly Creek, Kelly Saint George River
<input type="checkbox"/> On strategic port land under the <i>Transport Infrastructure Act 1994</i>	
Lot on plan description of strategic port land:	
Name of port authority for the lot:	
<input type="checkbox"/> 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="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>	
EMR site identification:	
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>	
CLR site identification:	

5) Are there any existing easements over the premises?

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

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

☒ No

PART 3 – DEVELOPMENT DETAILS**Section 1 – Aspects of development****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):*

Reconfiguring a lot (dividing land into parts by agreement) over the site.

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 DA Form 2 – Building work details

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use

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

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

<input type="checkbox"/> Yes		
<input type="checkbox"/> No		

Division 2 – Reconfiguring a lot

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

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

1 existing lot.

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

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

10) Subdivision

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

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

10.2) Will the subdivision be staged?

- ☐ 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				1 lease area (noted as Lease A on the proposal plan)

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)

12.2) What is the reason for the boundary realignment?

--

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

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

Division 3 – Operational work**Note:** This division is only required to be completed if any part of the development application involves operational work.**14.1) What is the nature of the operational work?**

- | | | |
|--|-------------------------------------|--|
| <input type="checkbox"/> Road work | <input type="checkbox"/> Stormwater | <input type="checkbox"/> Water infrastructure |
| <input type="checkbox"/> Drainage work | <input type="checkbox"/> Earthworks | <input type="checkbox"/> Sewage infrastructure |
| <input type="checkbox"/> Landscaping | <input type="checkbox"/> Signage | <input type="checkbox"/> Clearing vegetation |
| <input type="checkbox"/> Other – please specify: <table border="1" style="display: inline-table; width: 400px; height: 20px;"></table> | | |

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 (refer to the attached Town Planning Report for details)

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

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

PART 5 – REFERRAL DETAILS**17) Do any aspects of the proposed development require referral for any referral requirements?****Note:** A development application will require referral if prescribed by the Planning Regulation 2017.

☒ No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6 (refer to the attached Town Planning Report for details)

Matters requiring referral to the **chief executive of the Planning Regulation 2017:**

- ☐ Clearing native vegetation
- ☐ 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
Matters requiring referral to the local government:
<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
Matters requiring referral to the chief executive of the distribution entity or transmission entity:
<input type="checkbox"/> Electricity infrastructure
Matters requiring referral to: <ul style="list-style-type: none"> • The chief executive of the holder of the licence, if not an individual • The holder of the licence, if the holder of the licence is an individual <input type="checkbox"/> Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council:
<input type="checkbox"/> Brisbane core port land
Matters requiring referral to the Minister under the Transport Infrastructure Act 1994:
<input type="checkbox"/> Brisbane core port land <input type="checkbox"/> Strategic port land
Matters requiring referral to the relevant port operator:
<input type="checkbox"/> Brisbane core port land (below high-water mark and within port limits)
Matters requiring referral to the chief executive of the relevant port authority:
<input type="checkbox"/> Land within limits of another port
Matters requiring referral to the Gold Coast Waterways Authority:
<input type="checkbox"/> Tidal works, or development in a coastal management district in Gold Coast waters
Matters requiring referral to the Queensland Fire and Emergency Service:
<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?		
<input type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application <input type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Identify and describe any changes made to the proposed development application that was the subject of the referral response and 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
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application <input type="checkbox"/> I do not agree to accept an information request for this development application
Note: By not agreeing to accept an information request I, the applicant, acknowledge:
<ul style="list-style-type: none"> that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.
Further advice about information requests is contained in the DA Forms Guide .

PART 7 – FURTHER DETAILS

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

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

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

23) Further legislative requirements**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. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

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

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

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

Hazardous chemical facilities

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

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

☒ No

Note: See 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 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 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 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.

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 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 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 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 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 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 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 for information requirements regarding development of Queensland heritage places.

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

Brothels

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

☐ Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*

☒ No**Decision under section 62 of the *Transport Infrastructure Act 1994***

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

☐ Yes - this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)☒ No**PART 8 – CHECKLIST AND APPLICANT DECLARATION****24) Development application checklist**

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

☒ Yes**Note:** See the *Planning Regulation 2017* for referral requirementsIf building work is associated with the proposed development, Parts 4 to 6 of *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 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**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 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 – Certificate of Title & Owner's Consent Documentation

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 28611588

Search Date: 14/05/2018 13:27

Title Reference: 51046133

Date Created: 15/07/2016

Previous Title: 40072314

REGISTERED OWNER

Dealing No: 718471944 18/12/2017

TRAVIS KELWIN HATFIELD

AMBER BRONWYN HATFIELD JOINT TENANTS

ESTATE AND LAND

Estate in Fee Simple

LOT 581 SURVEY PLAN 263756

Local Government: MAREEBA

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 40072314 (Lot 581 on SP 263756)
2. MORTGAGE No 718471945 18/12/2017 at 11:18
NATIONAL AUSTRALIA BANK LIMITED A.C.N. 004 044 937

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 **

COPYRIGHT THE STATE OF QUEENSLAND (NATURAL RESOURCES, MINES AND ENERGY) [2018]

Requested By: D-ENQ CITEC CONFIRM

**DEED OF PERSONAL COVENANT
AND ASSIGNMENT**

DATED: The 30th day of November 2017.

PARTIES: DP ENERGY AUSTRALIA PTY LTD, ACN 140 516 196 of 4 Marshall Road,
Lake Barrine, Queensland ("DP")

MALCOLM HUGH McDOUGALL of Curraghmore Station, Desailly,
Queensland ("Seller")

TRAVIS KELWIN HATFIELD and AMBER BRONWYN HATFIELD of
Spring Hill Station, Desailly, Queensland ("Buyer")

RECITALS:

- A. DP and the Seller entered into a Deed of Licence for Wind and Solar Project Investigations and Option for Wind and Solar Project Leases on 30 March 2017 (the Deed of Licence).
- B. The Seller is the owner of Lot 581 on SP263756 ("the Land"), which Land is the subject of the Deed of Licence.
- C. The Seller has entered into a Contract to sell the Land to the Buyer ("the Contract"). The Buyer wishes to continue with the conditions of the Deed of Licence and has agreed to be bound by the terms of the Deed of Licence.

NOW THIS DEED WITNESSES AND THE PARTIES AGREE AS FOLLOWS:

1. CONDITIONS OF DEED TO SUBSIST

Except as otherwise varied by this Deed, DP, the Seller and the Buyer covenant that the terms and conditions of the Deed of Licence remain in full force and effect and that they will observe and perform the terms, covenants and conditions of the Deed of Licence expressed as fully as if those terms, covenants and conditions had been repeated in full in this Deed.

2. ASSIGNMENT

- (a) The Seller absolutely and unconditionally assigns to the Buyer all of the Seller's right, title and interest in the Deed of Licence from the date of settlement of the Contract ("Assignment Date").
- (b) The Buyer accepts this assignment.

3. BUYER'S COVENANTS

The Buyer covenants with DP that the Buyer will as and from the Assignment Date assume, carry out, observe, perform, satisfy, fulfil, keep and be bound by all the covenants, terms and conditions contained in the Deed of Licence in the same manner and to the same extent, as if the Buyer was originally named in the Deed of Licence as the Landowner, and as if the Deed of Licence had been executed by the Buyer and DP in the first instance.

4. SELLER RELEASED AND ACCRUED RIGHTS

- a) Subject to clause 4(b), execution of this Deed by all parties shall operate as a release of the Seller's liability to observe the covenants of the Deed of Licence after the Assignment Date.
- b) The release under clause 4(a) does not prejudice any accrued rights, obligations, claims or liabilities arising under the Deed of Licence which DP and the Seller may have against each other.

5. INDEMNITIES

- a) The Buyer indemnifies the Seller on demand against any claim, liability or loss arising from, and any costs and expenses arising out of, any act or omission by the Buyer in connection with the Deed of Licence which occurs after the Assignment Date (including all legal costs and expenses on the higher of a solicitor and own client basis or full indemnity basis).
- b) The Seller indemnifies the Buyer on demand against any claim, liability or loss arising from, and any costs and expenses arising out of, any act or omission by the Seller in connection with the Deed of Licence which occurs up to and including the Assignment Date (including all legal costs and expenses on the higher of a solicitor and own client basis or full indemnity basis).
- c) The indemnities in this Deed are continuing obligations.

8. DP'S ACCEPTANCE

DP agrees to accept the Buyer as the Landowner as defined in the Deed of Licence upon the terms, covenants, conditions and restrictions contained in the Deed of Licence and this Deed.

9. COSTS

Each party shall bear their own costs of and incidental to the negotiation, preparation and execution of this Deed.

10. ENUREMENT

The provisions of this Deed shall enure for the benefit of and be binding upon the parties and each of their heirs, executors, successors and permitted assigns.

11. REPRESENTATIONS AND WARRANTIES

Each party represents and warrants to each other party that:

- a) **(power)** it has the power to enter into and perform its obligations under this Deed;
- b) **(authority)** it has taken all action which is necessary to authorise the entry into and performance of its obligations under this Deed; and
- c) **(binding obligations)** this Deed constitutes legal, valid and binding obligations, enforceable in accordance with their terms.

12. GOVERNING LAW

This Deed shall be governed by and construed according to the laws of Queensland and the Commonwealth of Australia which are in force in Queensland and the parties agree to submit to the jurisdiction of the Courts of Queensland, relevant Federal Courts and Courts competent to hear appeals therefrom.

13. WAIVER

No waiver by a party of any of the provisions of this Deed shall be binding unless made and expressly confirmed in writing and any such waiver shall relate only to such matter, non-compliance or breach as it expressly relates to and shall not apply to any subsequent or other matter, non-compliance or breach.

14. SEVERANCE

If any provision(s) of this Deed shall be determined to be invalid and not enforceable in accordance with its terms, the provisions which are self-sustaining and capable of separate enforcement without regard to the invalid provision(s), shall be and continue to be valid and enforceable in accordance with their terms.

15. CUMULATIVE RIGHTS

The rights or remedies conferred on any party to this Deed are in addition to any rights or remedies conferred on that party by law or equity.

16. COUNTERPARTS

This Deed may be executed in any number of counterparts and all counterparts, taken together, constitute one document.

EXECUTED AS A DEED.

SIGNED by DP ENERGY AUSTRALIA
PTY LTD in accordance with section 127(1)
of the Corporations Act 2001 (Cwlth)
by authority of its Directors in the
presence of:

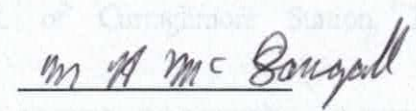


DIRECTOR



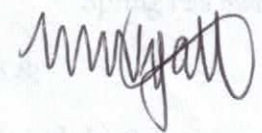
DIRECTOR/SECRETARY

SIGNED SEALED AND DELIVERED
by the said Malcolm Hugh McDowall in the
presence of:



M H MCDOWALL

Witness



SIGNED SEALED AND DELIVERED
by Travis Kelwin Hatfield & Amber
Bronwyn Hatfield in the presence of

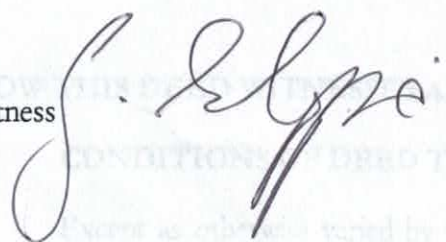


TRAVIS KELWIN HATFIELD



AMBER BRONWYN HATFIELD

Witness



Deed of Licence for Wind and Solar Project Investigations and Options for Wind and Solar Project Leases and Easements

Malcolm Hugh McDougall

and

DP Energy Australia Pty Ltd
ACN 140 516 196

Commercial in Confidence

Deed of Licence for Wind and Solar Project Investigations and Option for Wind and Solar Project Leases

Date 30th March 2018

Parties

1. DP Energy Australia Pty Ltd, ACN 140 516 196, of 4 Marshall Road, Lake Barrine, QLD 4884 (**Project Developer**)
2. Malcolm Hugh McDougall, of Curraghmore Station, Desailly, QLD 4871 (**Landowner**)

Background

- A. The Landowner is the registered owner of the Land.
- B. The Landowner has agreed:
 - (a) to allow the Project Developer to access the Land to conduct Planning Activities to determine if the land is suitable for a Project; and
 - (b) to grant to the Project Developer various options to:
 - (i) lease parts of the Land; and
 - (ii) acquire easements over parts of the Land,

for the purposes of constructing and operating a Project, on the terms and conditions of this Deed.

Operative Provisions

1. Key terms

Item		Details
1.1 Dates	Commencement Date	30 May 2016 or if no date is specified, the date appearing at the top of this page
	Expiry Date	The day before the second (2 nd) anniversary of the Commencement Date (subject to extension in accordance with clause 3.1)

Handwritten signatures and initials:
 mm # m @
 ddb

1.2 Land		Lot 581 SP263756
1.3 Annual Licence and Option Fee		██████ paid in accordance with clause 4.1
1.4 Lease	Proposed Lease Area	The proposed locations for the Leases shown in the latest plans given to the Landholder under clause 9.1, or if no such plans have been given, the locations indicated in the relevant Annexures to this Deed.
	Lease Area	The locations shown in the latest Final Lease Plans given to the Landholder under clause 9.2.
1.5 Easement Site	Proposed Easement Site	The proposed location for the Solar Underground Electricity Easement, the Solar Access Easement, the Solar Powerline Easement, the Solar Resource Easement, the Wind Underground Electricity Easement, the Wind Access Easement, the Wind Powerline Easement or the Wind Flow Easement (as relevant) shown in the latest plans given to the Landholder under clause 9.1, or if no such plans have been given, the locations indicated in the relevant Annexures to this Deed.
	Easement Site	The locations shown in the latest Final Easement Plan for the Solar Underground Electricity Easement, the Solar Access Easement, the Solar Powerline Easement, the Solar Resource Easement, the Wind Underground Electricity Easement, the Wind Access Easement, the Wind Powerline Easement or the Wind Flow Easement (as relevant) given to the Landholder under clause 9.2.

2. How should this Deed be interpreted?

2.1 Capitalised words and phrases

In this Deed, capitalised words and phrases have the meaning given to them in clause 10 (Dictionary) and the General Provisions.

7. Consents, development application and associated matters

7.1 Consent of mortgagee

- (a) The Landholder agrees to bring the existence of the Deed and consequent obligations of the landholder to the attention of:

- (i) Any mortgagee of the Land ; or
- (ii) other person claiming to have an interest in the Land or whose consent is otherwise required (other than an Authority with respect to an Authority Consent),

within 3 months after the date of this Deed..

- (b) The Landholder further agrees to use its best endeavours to obtain the consents referred to in clause 7.1 within 3 months of the execution of any of the documents referred to in clause 7.2
- (c) Any consent referred to in clause 7.1(a) must be in writing and in a form reasonably acceptable to the Project Developer.
- (d) The Landholder must notify and forward the written consent to the Project Developer within 5 Business Days of such consent being obtained.
- (e) The Project Developer may, with the consent of the Landholder (which must not be unreasonably withheld), seek any such consent on behalf of the Landholder.

7.2 Meaning of consent to this Deed

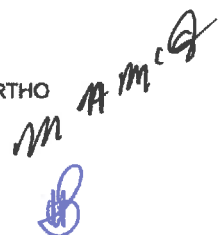
A reference in clauses 7.1 or 7.5(b)(i) to a consent to this Deed includes a consent to:

- (a) the Lease;
- (b) the Renewal Lease;
- (c) the Easements; and
- (d) all other rights conferred by this Deed, and the Documents

but does not apply to Authority Consents, as defined by clause 7.3(a).

7.3 Consents of Authorities

- (a) **The Project Developer may, at any time, submit and pursue any or all of the following (on behalf of itself or, where appropriate, on behalf of the Landholder):**
 - (i) one or more Development Applications for Solar Project Activities or Wind Farm Activities on the Land;
 - (ii) any necessary approvals required under the *Foreign Acquisitions and Takeovers Act 1975 (Cth)*;



- (iii) any other applications or requests to an Authority for the purposes of the Solar Project Activities or Wind Farm Activities that the Project Developer deems necessary or desirable,

collectively, the **Authority Consents**.

- (b) The Project Developer will provide the Landholder with notice following an application for any Authority Consent. If requested by the Landholder, the Project Developer will inform the Landholder of the status of such an application following any such request.
- (c) During the Term, the Landholder will not lodge or pursue any Authority Consent with respect to the use of the Land, without the consent of the Project Developer (not to be unreasonably withheld).
- (d) The Landholder acknowledges that no action taken by the Project Developer under clause 7.3(a) or with respect to those applications constitutes a representation or warranty that the Project will proceed.

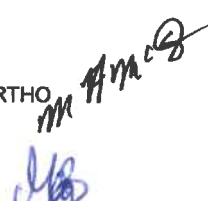
7.4 Assistance from the Landholder

- (a) The Landholder will cooperate with the Project Developer and do all things reasonably necessary to assist the Project Developer, as requested by the Project Developer from time to time, in preparing, consenting to and supporting any Authority Consents referred to in clause 7.3 and the processes required to implement them, including but not limited to, signing any documentation relating to the Land that may be required to give effect to such applications and agreements, and providing any further consents reasonably necessary (unless this would unreasonably impact upon the Landholder) provided that the Landholder will not be required to provide labour or to expend money on behalf of the developer.
- (b) The Landholder must not oppose the Project or by any action or inaction support any opposition to the Project.

7.5 Costs and expenses

- (a) The Project Developer must pay any application or registration fees for the applications and agreements referred to in clause 7.4.
- (b) In addition to the Landholder's legal costs referred to in clause 4.3(b), the Project Developer will reimburse the Landholder for reasonable out of pocket expenses incurred by the Landholder in connection with:
 - (i) obtaining consent to this Deed from a mortgagee (such as a mortgagee's fees for providing consent) or other person under clause 7.1; and
 - (ii) providing assistance under clause 7.4

provided that the nature and extent of such expenses are notified and agreed in advance.
- (c) The Landholder must otherwise provide all assistance under clauses 7.1 and 7.4 at its cost.




Executed as a deed

Landholder

Signed Sealed and Delivered by Malcolm)
McDougall in the presence of:)
)


Signature


.....

Signature of witness
PETER HANS APEL
SOLICITOR

.....
Name of witness
(please print)

Project Developer

Executed by DP Energy Australia Pty Ltd ACN)
140 516 196 in accordance with section 127(1))
of the Corporations Act 2001 (Cth):)


.....
Signature of director

.....
Name MAUREEN DE PIETRO


.....
Signature of director

.....
Name DAVID BLAKE



Attachment C – Search Extracts



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: 50456329 EMR Site Id: 14 May 2018
This response relates to a search request received for the site:
Lot: 581 Plan: SP263756

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

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

Administering Authority

Attachment D – Assessment Manager Determination

Including:

- Minister of Planning Correspondence
- Mareeba Shire Council Correspondence
- Cook Shire Council Correspondence

Part of Attachment D -

Minister of Planning Correspondence

Our reference: Q184063

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

The Honourable Cameron Dick
Minister for State Development, Manufacturing, Infrastructure and Planning
PO Box 15009
CITY EAST QLD 4002

Delivery via Email: statedevelopment@ministerial.qld.gov.au

Dear Minister,

MINISTER DECISION REQUIRED IN RESPECT TO ASSESSMENT MANAGER ROLE FOR PROPOSED RECONFIGURING A LOT DEVELOPMENT APPLICATION OVER 8579 MULLIGAN HIGHWAY, DESAILLY (LOT 581 ON SP263756)

We write on behalf of *DP Energy*, who is the Applicant for a proposed Reconfiguring a Lot development application ('the development application') that seeks to divide Lot 581 on SP263756 ('the site') into parts by agreement.

DP Energy Australia Pty Ltd Background

DP Energy Australia Pty Ltd (DPEA) is a renewable energy company operating in Australia, and is one of a number of DP Energy companies under the DP Group which operates worldwide to develop renewable energy projects which are both sustainable and environmentally benign. The various DP Energy companies operate in the field of renewable energy and sustainable development (principally onshore wind, solar PV and tidal energy) in Ireland, the United Kingdom, Canada and Australia. To date DP Energy has delivered 324MW of built projects, and consented a further 490MW. Furthermore, DPE currently has approximately 1000MW of renewable energy sites currently under development around the world. In terms of Australian developments, last year DP Energy received development approval for the Port Augusta Renewable Energy Park in South Australia, a ~375MW hybrid wind and solar farm project. When fully commissioned, it will generate approximately 1,000 gigawatt hours (GWh) of clean renewable energy directly into the national electricity grid per year, enough to power about 200,000 homes and save 470,000 tonnes of carbon dioxide emissions each year.

The Reconfiguring a Lot Proposal

The proposed development application is to facilitate the creation of a 9135.5 hectare portion of the site, located within the Mareeba Shire Council Local Government Area. The proposed plan is attached for reference. However, the site includes land across the Local Government Areas of Mareeba Shire Council and Cook Shire Council.

Ministerial Determination of Assessment Manager Role

Pursuant to Section 48(6) of the *Planning Act 2016* ('the Planning Act'), the Minister may decide who the Assessment Manager is for a Reconfiguring a Lot development application within two (2) Local Government Areas, as not prescribed under subsection (2).

Section 48(6) of the Planning Act prescribes the following:

"(6) If the regulation under subsection (2) does not prescribe who is the assessment manager for a particular development application, the Minister may—

(a) decide who is the assessment manager; or

(b) require the application to be split into 2 or more applications".

Mareeba Shire Council have agreed to undertake the role as the Assessment Manager, pursuant to Section 48(1) of the Planning Act for the purpose of assessing the proposed development application over the site. Cook Shire Council have also agreed that Mareeba Shire Council should assume the role of Assessment Manager. Please find attached the acceptance letters from both Councils.

Section 48(1) of the Planning Act prescribes the following:

"48 Who is the assessment manager

*(1) The **assessment manager** is the person responsible for either or both of the following—*

(a) administering a properly made development application;

(b) assessing and deciding part or all of a properly made development application".

Therefore, pursuant to Section 48(6) of the Planning Act, we request that the Minister duly consider and decide that the role of Assessment Manager be undertaken by Mareeba Shire Council, pursuant to Section 48(1) of the Planning Act, for the purpose of assessing the proposed Reconfiguring a Lot development application over the site. DP Energy respectfully seeks this ministerial sign off at or before Thursday 24th May 2018, and sincerely apologise for the time pressure which has arisen due to unexpected circumstances.

It is noted that discussions have also been held with Brett Nancarrow, Manager (Planning) at the Department of State Development, Manufacturing, Infrastructure and Planning, located in the Far North Queensland Regional Office regarding the proposed development application.

Should you have any queries, please feel free to contact me on 4034 0500.

Yours faithfully,



Dominic Hammersley

Business Unit Manager – Northern Australia
For Cardno

CC:

Brett.Nancarrow@dsgmip.qld.gov.au

CairnsSARA@dsgmip.qld.gov.au

gabrielle.powell@dpenergy.com

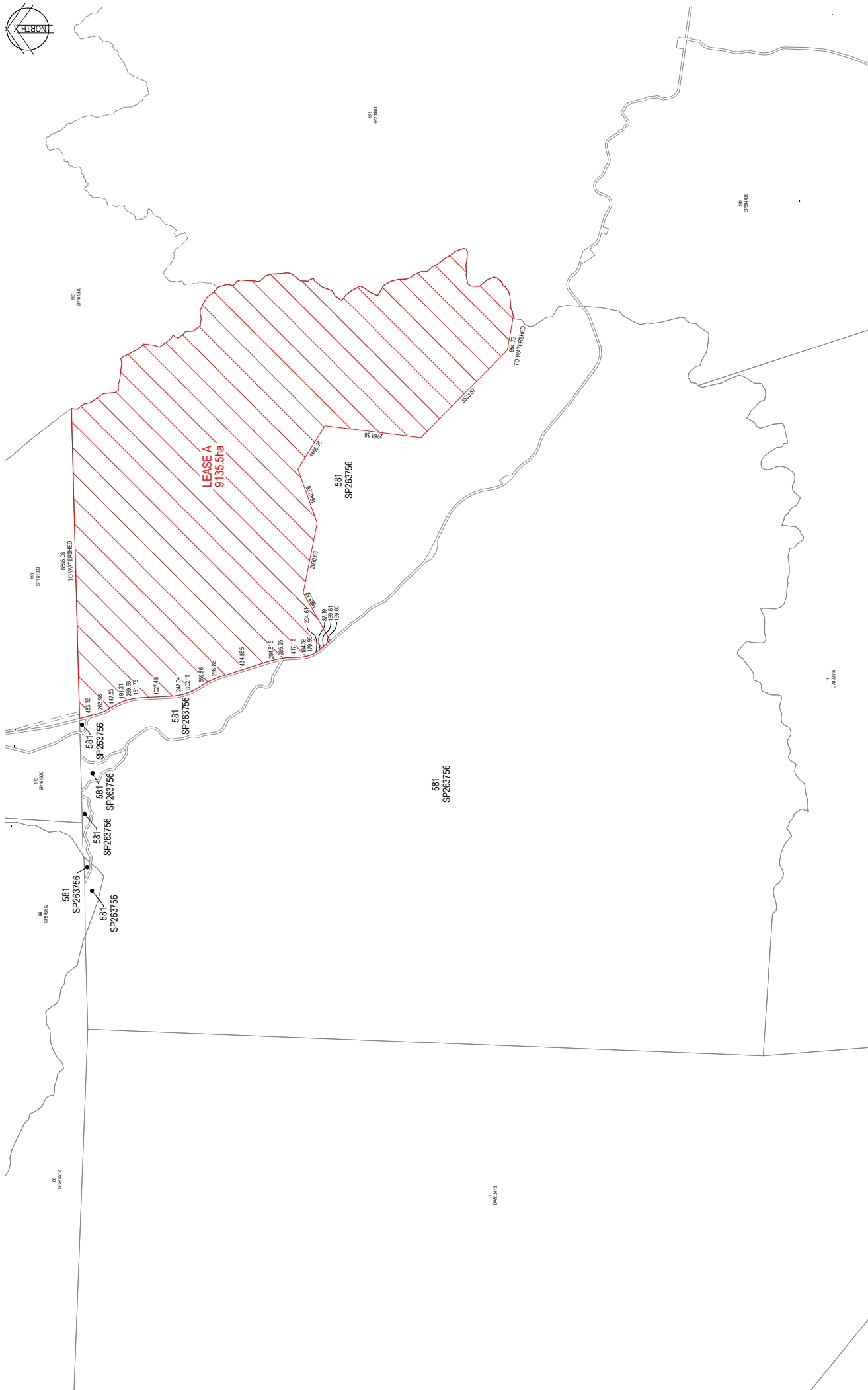
ATTACHMENTS:

A – ROL Proposal – Proposed Plan of Lease A

B – Mareeba Shire Council – Acceptance Correspondence

C – Cook Shire Council – Acceptance Correspondence

Reconfiguring a Lot Proposal - Proposed Plan of Lease A



DP ENERGY AUSTRALIA PTY. LTD.
8579 MILLIGAN HIGHWAY
DE SAIRY

A1

RECONFIGURING A LOT
PROPOSED PLAN OF LEASE A
IN LOT 581 ON SP263756

A
Revision

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



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Caims Tel: 07 4051 0288

Part of Attachment D -

Mareeba Shire Council Correspondence



17 May 2018

Cardno (Qld) Pty Ltd
PO Box 1619
CAIRNS QLD 4870

Dear Sir

ASSESSMENT MANAGER DETERMINATION – RELATING TO A PROPOSED RECONFIGURING A LOT DEVELOPMENT APPLICATION OVER 8579 MULLIGAN HIGHWAY, DESAILLY (LOT 581 ON SP263756)

DP Energy is the Applicant for a proposed Reconfiguring a Lot development application that seeks to divide Lot 581 on SP263756 into parts by agreement. However, the title includes land across the Local Government Areas of Mareeba Shire Council and Cook Shire Council. Pursuant to Section 48(6) of the *Planning Act 2016* ('the Planning Act'), the Minister may decide who the Assessment Manager is for a Reconfiguring a Lot development application within two (2) Local Government Areas, as not prescribed under subsection (2).

Section 48(6) of the Planning Act prescribes the following:

*"(6) If the regulation under subsection (2) does not prescribe who is the assessment manager for a particular development application, the Minister may—
(a) decide who is the assessment manager; or
(b) require the application to be split into 2 or more applications".*

Mareeba Shire Council agrees to undertake the role as Assessment Manager, pursuant to Section 48(1) of the Planning Act for the purpose of assessing the proposed Reconfiguring a Lot development application over the site.

Section 48(1) of the Planning Act prescribes the following:

*"48 Who is the assessment manager
(1) The **assessment manager** is the person responsible for either or both of the following—
(a) administering a properly made development application;
(b) assessing and deciding part or all of a properly made development application".*

The proposed Reconfiguring a Lot development application is to facilitate the creation of a 9135.5 hectare portion of the site (located within the Mareeba Shire Local Government Area). The proposed plan is attached for reference.

Therefore, Mareeba Shire Council accepts the role as Assessment Manager pursuant to Section 48(1) of the Planning Act for the purposes of assessing the proposed Reconfiguring a Lot development application over the site.

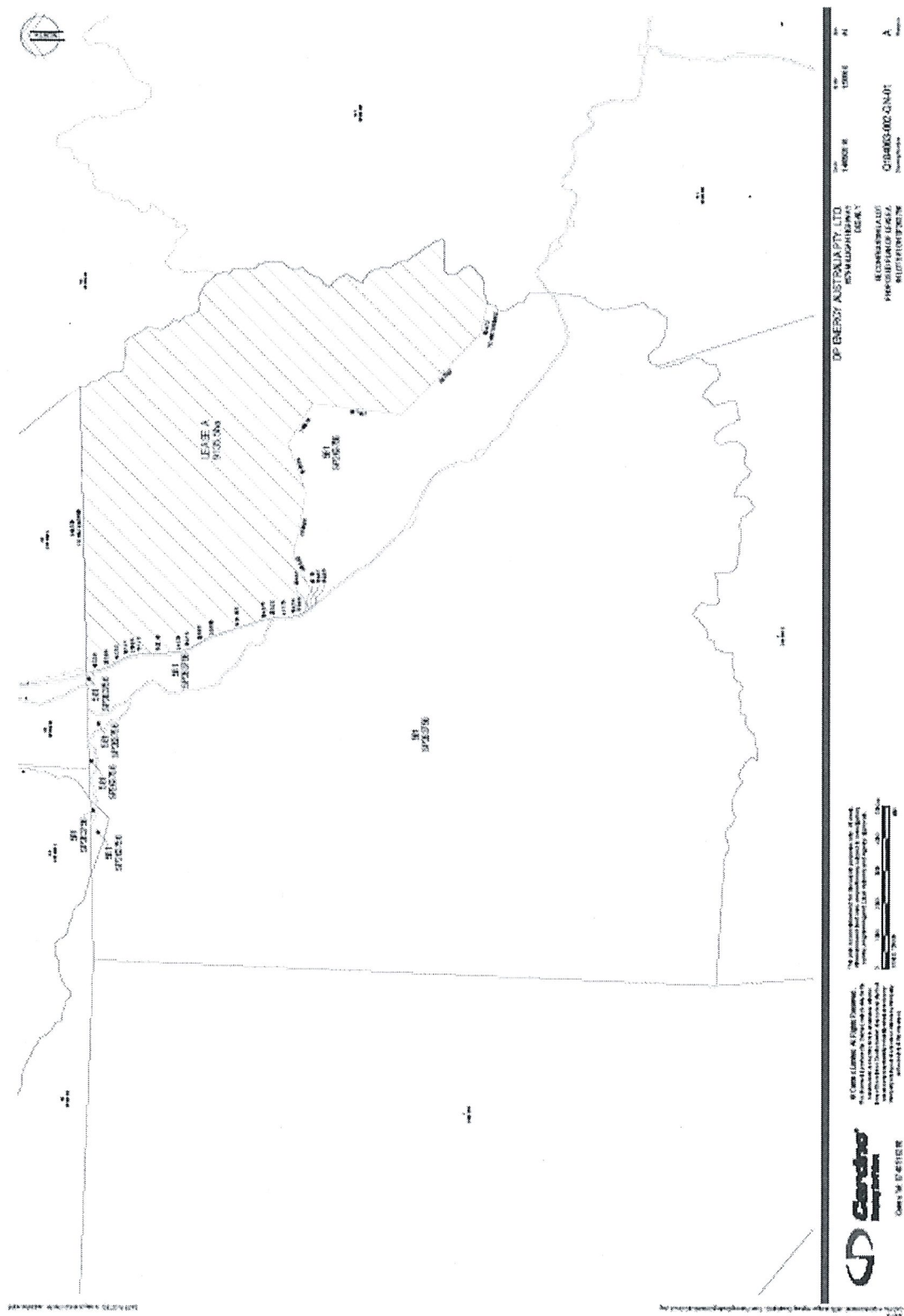
Should you require any further information, please contact Council's Senior Planner, Brian Millard on the above telephone number.

Yours faithfully

A handwritten signature in black ink, appearing to read 'B. Millard', with a stylized flourish at the end.

BRIAN MILLARD
SENIOR PLANNER

Enclosure: Proposed Plan of Lease A



Part of Attachment D -

Cook Shire Council Correspondence



Our Ref: D18/10018

18 May 2018

Amelia Taylor
Cardno (Qld) Pty Ltd
PO Box 1619
Cairns QLD 4870

Dear Madam

Assessment Manager Determination

I refer to your email dated 16 May 2018 relating to an assessment manager determination for a proposed development application for reconfiguring Lot 581 on SP263756, located at 8579 Mulligan Highway, Desailly.

Cook Shire Council advises that it accepts that the role of Assessment Manager will be undertaken by Mareeba Shire Council, pursuant to section 48(1) of the *Planning Act 2016* for the purpose of assessing the proposed Reconfiguring a Lot development application over the site.

Section 48(1) of the *Planning Act 2016* prescribes the following:

"48 Who is the assessment manager

(1) The assessment manager is the person responsible for either or both of the following –

- (a) administering a properly made development application;***
- (b) assessing and deciding part or all of a properly made development application".***

Should you require any further information or assistance with this matter please contact Council's Graduate Planning Officer Michael Fallon or Council's Special Project Officer (Planning) on (07) 4062 0500.

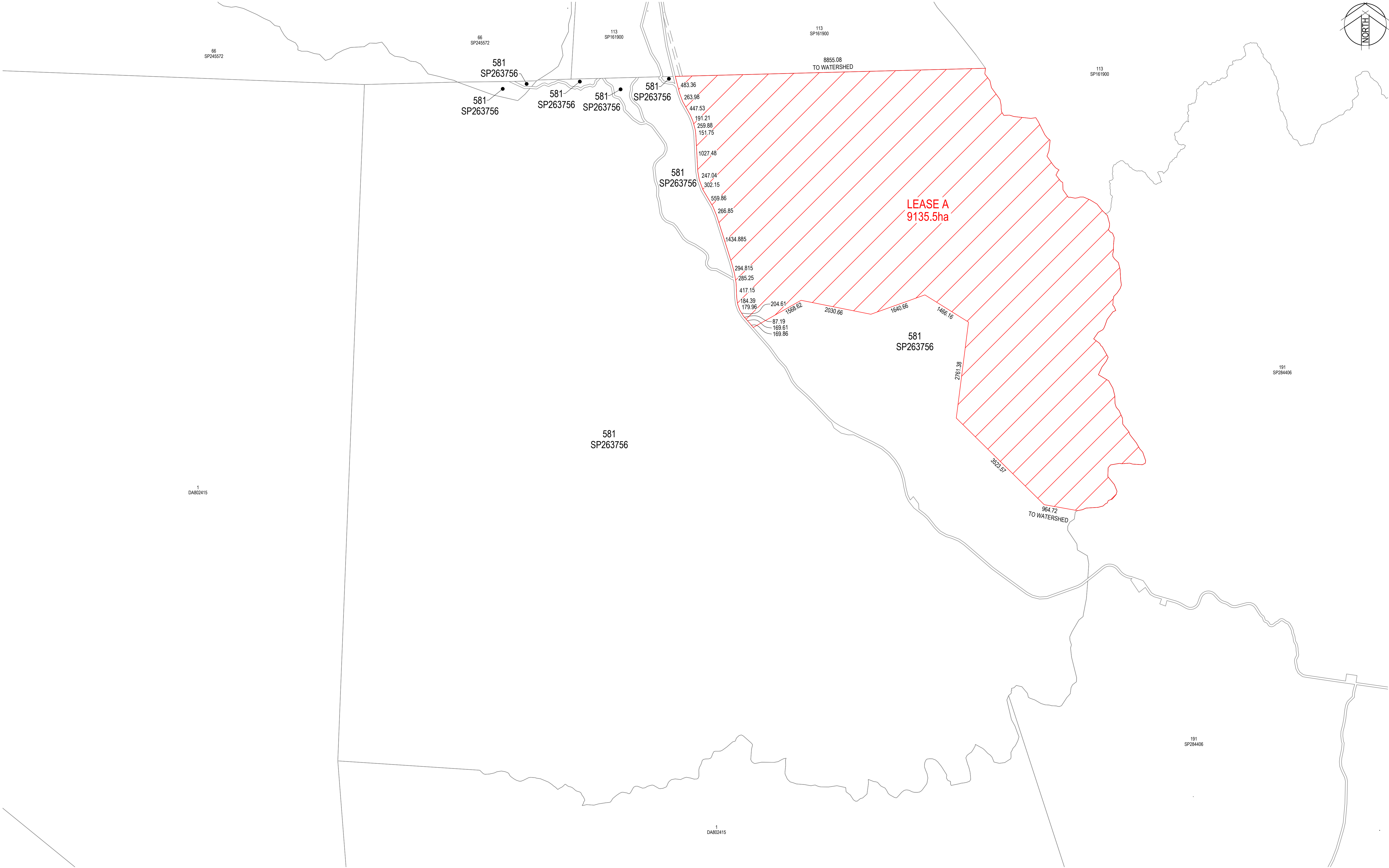
Yours faithfully

Lisa Miller
Planning and Environment Manager

Attachment E – Proposal Plan

DATE PLOTTED: 14 May 2018 5:01 PM BY: ANDREW HOPE

XREFs:
CAD File: H:\2018\0184063 - 8579 Milligan Highway Desally\002 - Town Planning\Drafting\Q184063-002-GN-01.dwg



Cairns Tel: 07 4051 0288

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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.

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SCALE 1:50000 @A1

DP ENERGY AUSTRALIA PTY. LTD.
8579 MILLIGAN HIGHWAY
DESALLY

RECONFIGURING A LOT
PROPOSED PLAN OF LEASE A
IN LOT 581 ON SP263756

Date
14/05/2018

Scale
1:50000

Size
A1

Q184063-002-GN-01
Drawing Number

A
Revision

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

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

Performance Outcomes	Acceptable Outcomes	Response
(g) lighting; (h) odour; and (i) emissions.		
P07 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.	A07 No acceptable outcomes are provided.	R7 Alternative Outcome (as no Acceptable Outcomes are provided) The proposed development seeks to facilitate a lease area only and will not alter existing environmental conditions.

2. Reconfiguring a Lot Code

Performance Outcomes	Acceptable Outcomes	Response
For assessable development		
Area and frontage of lots		
P01 Lots include an area and frontage that: <ul style="list-style-type: none"> (a) is consistent with the design of lots in the surrounding area; (b) allows the desired amenity of the zone to be achieved; (c) is able to accommodate all buildings, structures and works associated with the intended land use; (d) allow the site to be provided with sufficient access; (e) considers the proximity of the land to: <ul style="list-style-type: none"> (i) centres; (ii) public transport services; and (iii) open space; and (f) allows for the protection of environmental features; and (g) accommodates site constraints. 	A01 Lots provide a minimum area and frontage in accordance with Table 9.4.4.3B .	R1 Not Applicable The proposed reconfiguration seeks to facilitate a lease area, being an interest over the existing parcel of land. The application will not result in the creation of any additional lots and therefore, Table 9.4.4.3B is not applicable.
Existing buildings and easements		
P02 Reconfiguring a lot which contains existing land uses or existing buildings and structures ensures: <ul style="list-style-type: none"> (a) new lots are of sufficient area and dimensions to accommodate existing land uses, buildings and structures; and (b) any continuing use is not compromised by the reconfiguration. 	A02.1 Each land use and associated infrastructure is contained within its individual lot. <hr/> A02.2 All lots containing existing buildings and structures achieve the setback requirements of the relevant zone.	R2 Not Applicable The proposed lease area will not alter any existing structures, buildings or uses on the land.
P03 Reconfiguring a lot which contains an existing easement ensures: <ul style="list-style-type: none"> (a) future buildings, structures and accessways are able to be sited to avoid the easement; and (b) the reconfiguration does not compromise the purpose of the easement or the continued operation of any infrastructure contained within the easement. 	A03 No acceptable outcome is provided.	R3 Not Applicable There are no easements contained within the lot.
Boundary realignment		
P04	A04.1 No acceptable outcome is provided.	R4 Alternative Outcome (as no Acceptable Outcome is provided) – Not Applicable

Performance Outcomes	Acceptable Outcomes	Response
The boundary realignment retains all attendant and existing infrastructure connections and potential connections.		The proposed development does not include a boundary realignment.
Access and road network		
PO5 Access to a reconfigured lot (including driveways and paths) must not have an adverse impact on: <ul style="list-style-type: none"> (c) safety; (d) drainage; (e) visual amenity; (f) privacy of adjoining premises; and (g) service provision. 	AO5 No acceptable outcome is provided.	R5 Alternative Outcome (as no Acceptable Outcome is provided) The reconfiguration seeks to facilitate a lease area only. The development application does not include changes to any existing accesses to the site.
PO6 Reconfiguring a lot ensures that access to a lot can be provided that: <ul style="list-style-type: none"> (a) is consistent with that provided in the surrounding area; (b) maximises efficiency and safety; and (c) is consistent with the nature of the intended use of the lot. <p>Note—The Parking and access code should be considered in demonstrating compliance with PO6.</p>	AO6 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.	R6 Not Applicable The reconfiguration seeks to facilitate a lease area only. No vehicle crossover and access are included in this development application.
PO7 Roads in the Industry zone are designed having regard to: <ul style="list-style-type: none"> (a) the intended use of the lots; (b) the existing use of surrounding land; (c) the vehicular servicing requirements of the intended use; (d) the movement and turning requirements of B-Double vehicles. <p>Note—The Parking and access code should be considered in demonstrating compliance with PO7.</p>	AO7 No acceptable outcome is provided.	R7 Not Applicable The proposal is not within the Industry Zone.
Rear lots		
PO8 Rear lots are designed to: <ul style="list-style-type: none"> (a) provide a high standard of amenity for residents and other users of the site; (b) provide a high standard of amenity for adjoining properties; and (c) not adversely affect the safety and efficiency of the 	AO8.1 Rear lots are designed to facilitate development that adjoins or overlooks a park or open space.	R8 Not Applicable The proposed development seeks to facilitate a lease area only. Rear lots are not proposed.
	AO8.2 No more than two rear lots are created behind any lot with a road frontage.	

Performance Outcomes	Acceptable Outcomes	Response
road from which access is gained.	<p>AO8.3</p> <p>Access to lots is via an access strip with a minimum width of:</p> <p>(a) 4 metres where in the Low density residential zone or Medium density residential zone; or</p> <p>(b) 8 metres otherwise.</p> <hr/> <p>AO8.4</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>AO8.5</p> <p>No more than 1 in 10 lots created in a new subdivision are rear lots.</p> <hr/> <p>AO8.6</p> <p>Rear lots are not created in the Centre zone or the Industry zone.</p>	

Crime prevention and community safety		
<p>PO9</p> <p>Development includes design features which enhance public safety and seek to prevent opportunities for crime, having regard to:</p> <p>(a) sightlines;</p> <p>(b) the existing and intended pedestrian movement network;</p> <p>(c) the existing and intended land use pattern; and</p> <p>(d) potential entrapment locations.</p>	<p>AO9</p> <p>No acceptable outcomes are provided.</p>	<p>R9 Alternative Outcome (as no Acceptable Outcome is provided)</p> <p>The proposed development seeks to facilitate a lease area only; no new lots or changes to established land uses are proposed.</p> <p>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.</p>
Pedestrian and cycle movement network		
<p>PO10</p> <p>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.</p>	<p>AO10</p> <p>No acceptable outcomes are provided.</p>	<p>R10 Alternative Outcome (as no Acceptable Outcome is provided)</p> <p>The proposed development seeks to facilitate a lease area only; the Pedestrian and cycle movement network will not be affected by the proposal.</p>
Public transport network		
<p>PO11</p> <p>Where a site includes or adjoins a future public transport corridor or future public transport site identified through a structure planning process, development:</p> <p>(a) does not prejudice the future provision of the identified infrastructure;</p>	<p>AO11</p> <p>No acceptable outcome is provided.</p>	<p>R11 Not Applicable</p> <p>The site does not include nor adjoin a future public transport corridor or future public transport site.</p>

Performance Outcomes	Acceptable Outcomes	Response
(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.		
Residential subdivision		
PO12 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.	AO12 No acceptable outcomes are provided.	R12 Not Applicable The proposed development seeks to facilitate a lease area only and does not involve the creation of any additional lots.
Rural residential zone		
PO13 New lots are only created in the Rural residential zone where land is located within the 4,000m ² precinct, the 1 hectare precinct or the 2 hectare precinct.	AO13 No acceptable outcome is provided.	R13 Not Applicable The site is not within the Rural Residential Zone.
Additional provisions for greenfield development only		
PO14 The subdivision design provides the new community with a local identity by responding to: (a) site context (b) site characteristics (c) setting (d) landmarks (e) natural features; and (f) views.	AO14 No acceptable outcome provided.	R14 – R20 Not Applicable The proposed development is not considered to constitute greenfield development. The proposed development is limited to the inclusion of a lease area within the Rural Zone. No additional lots will be created.
PO15 The road network is designed to provide a high level of connectivity, permeability and circulation for local vehicles, public transport, pedestrians and cyclists.	AO15 No acceptable outcome provided.	
PO16 The road network is designed to: (a) minimise the number of cul-de-sacs; (b) provide walkable catchments for all residents in cul-de-sacs; and (c) include open cul-de-sacs heads.	PO16 No acceptable outcome provided.	

Performance Outcomes	Acceptable Outcomes	Response
<p>Note—Figure B provides further guidance in relation to the desired outcome.</p>		
<p>PO17</p> <p>Reconfiguring a lot provides safe and convenient access to the existing or future public transport network.</p>	<p>AO17</p> <p>The subdivision locates 90% of lots within 400 metres walking distance of a future public transport route.</p>	
<p>PO18</p> <p>The staging of the lot reconfiguration prioritises delivery of link roads to facilitate efficient bus routes.</p>	<p>AO18</p> <p>No acceptable outcome provided.</p>	
<p>PO19</p> <p>Provision is made for sufficient open space to:</p> <ul style="list-style-type: none"> (a) meet the needs of the occupiers of the lots and to ensure that the environmental and scenic values of the area are protected; (b) retain riparian corridors, significant vegetation and habitat areas and provides linkages between those areas; and (c) meet regional, district and neighbourhood open space requirements. 	<p>AO19.1</p> <p>A minimum of 10% of the site area is dedicated as open space.</p> <hr/> <p>AO19.2</p> <p>A maximum of 30% of the proposed open space can consist of land identified as significant vegetation or riparian corridor buffer.</p>	
<p>PO20</p> <p>A network of parks and community land is provided:</p> <ul style="list-style-type: none"> (a) to support a full range of recreational and sporting activities; (b) to ensure adequate pedestrian, cycle and vehicle access; (c) which is supported by appropriate infrastructure and embellishments; (d) to facilitate links between public open spaces; (e) which is co-located with other existing or proposed community infrastructure; (f) which is consistent with the preferred open space network; and (g) which includes a diversity of settings. 	<p>AO20</p> <p>No acceptable outcome is provided.</p>	