

APPLICATION FOR A DEVELOPMENT PERMIT

RECONFIGURING A LOT (1 into 2 Lots)

on behalf of
Darren Enright

at
34 Howearth Road, Southern Cross

on
Lot 2 on MPH34293





Brazier Motti have prepared this report for the sole purposes of Darren Enright for the specific purpose of a Development Application seeking a Development Permit for Reconfiguring a Lot (1 into 2 Lots) at 34 Howearth Road, Southern Cross.

In preparing this report we have assumed that all information and documents provided to us by others, such as the client, other consultants acting on the client's behalf or government agencies, to be complete, accurate and current.

Signed on behalf of Brazier Motti Pty Ltd

ANNE ZAREH
Senior Planner



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1.0 INTRODUCTION

This town planning report has been prepared on behalf of the Applicant, Darren Enright, in support of a development application seeking a Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots) on land at 34 Howearth Road, Southern Cross being formally described as Lot 2 on MPH34293.

To assist in Council's determination of this development application, this planning report covers the following matters:

- Section 2:- A site description including the site characteristics and its immediate surrounds.
- Section 3:- A detailed description of the development proposal.
- Section 4:- A review of the relevant legislative provisions.
- Section 5:- An assessment of the proposal against the relevant code provisions of the Charters Towers Regional Council Town Plan Version 2.

The development application is made in accordance with section 51 of the Planning Act 2016 and contains the mandatory supporting information specified in the applicable DA form, included in **Appendix A**. The application is subject to code assessment and therefore public notification will not be required. It is further noted that the applicant is also the owner of the subject site and therefore owner's consent is not required in this instance.



2.0 THE SITE

The subject site is located at 34 Howearth Road, Southern Cross and is formally described as Lot 2 on MPH34293. The site encompasses a total land area of approximately 38.17ha and has road frontages to Howearth Road (north), Barkla Road (west) and Sandy Creek Road (south). The eastern boundary of the site adjoins rural residential allotments. *Figure 1* below shows an aerial view of the site.

The land title indicates that the property is owned by Darren Wayne Enright, refer to the certificate of title in **Appendix B**. A copy of the Smart Map is included in **Appendix B**.



Figure 1: Queensland Globe Aerial image of the site



The site is included within the Rural Residential Zone and in particular within the Environs Precinct. The pattern of development within the surrounding area is characterised by Rural Residential Zoning. *Figure 2* below shows the zoning of the site and surrounding area.

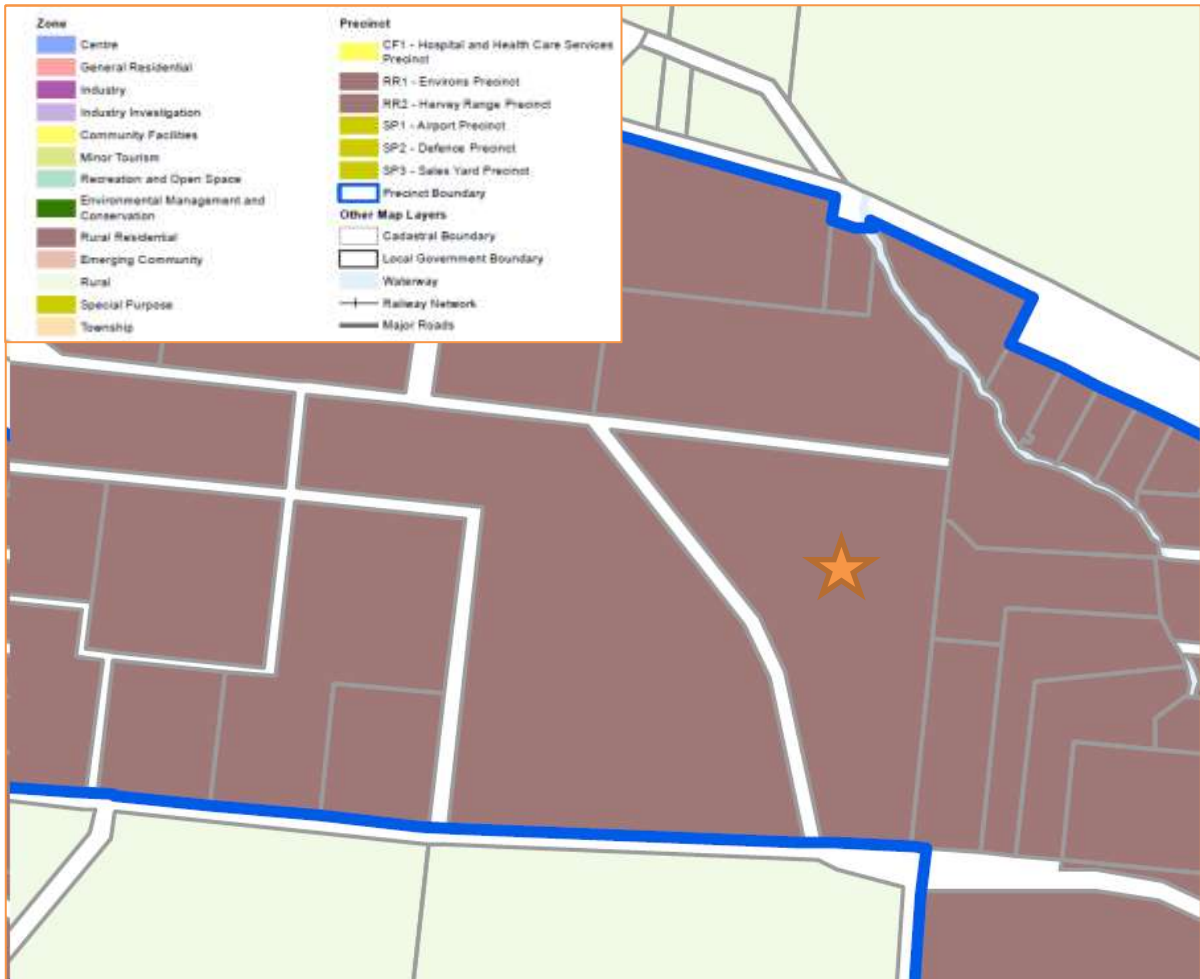


Figure 2: Zoning Map- CTRC Town Plan



3.0 THE PROPOSAL

The proposed subdivision will result in the creation of two rural residential allotments. Proposed Lot 1 contains the existing dwelling, whilst proposed Lot 2 is vacant.

The proposed reconfiguration is identified on the proposal plan included in **Appendix C** of this report.

The proposed lots will have areas and frontages as listed in the table below.

	COUNCIL'S ACCEPTABLE SOLUTIONS	PROPOSED LOT 1	PROPOSED LOT 2
LOT AREA	8ha	30ha	8.16ha
ROAD FRONTAGE	80m	703.8m to Barkla Road and 772.6m to Howearth Road	336.1m to Barkla Road and 198.9m to Sandy Creek Road

The proposed subdivision layout is consistent with the recommended minimum lot size and frontage stipulated in the planning scheme. Services are connected to the existing dwelling and provision will be made to enable connection to proposed Lot 2. The proposal is merely to create an additional lot for rural residential purposes.

Council have confirmed that reticulated water infrastructure exists within the Barkla Road reserve. A new water meter will be provided to service the additional allotment. Sewer infrastructure is not available within the area and it is proposed to provide on-site sewer at future building stage for a dwelling. Proposed Lot 2 is large enough to allow for adequate separation distance between a dwelling and an on-site sewer system. A new access is proposed along Barkla Road as indicated on the proposal plan in **Appendix C**.



4.0 RELEVANT LEGISLATION

4.1 COMMONWEALTH LEGISLATION

The application is not subject to assessment against Commonwealth legislation. It is not anticipated that development of this land will trigger assessment against the *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC), as it is not anticipated that the development will significantly impact upon a matter of national environmental significance.

4.2 THE PLANNING ACT 2016

The *Planning Act 2016* provides the framework for coordinating local, regional and state planning. Given the nature of the development, the application requires assessment against this legislation.

4.3 STATE ASSESSMENT AND REFERRALS

This application does not trigger referral under Schedule 10 of the Planning Regulations 2017.

4.4 STATE PLANNING POLICY

For the purposes of this development, we consider that separate assessment of the proposal against the provisions of the SPP is not required given that all relevant matters will be dealt with under the provisions of the planning scheme.

4.5 ASSESSMENT MANAGER AND PLANNING SCHEME

Charters Towers Regional Council is nominated as the assessment manager for the application. The applicable planning scheme is the *Charters Towers Regional Council Town Plan Version 2*.

4.6 PUBLIC NOTIFICATION

The proposed development on the subject site **does not** require public notification under the provisions of the Planning Act 2016.



5.0 THE PLANNING FRAMEWORK

5.1 THE CHARTERS TOWERS REGIONAL COUNCIL PLANNING SCHEME – TOWN PLAN VERSION 2

The planning scheme seeks to achieve outcomes through the identification of a number of overall outcomes, performance outcomes and acceptable solutions.

5.2 PLANNING SCHEME DESIGNATIONS

In accordance with the Charters Towers Regional Council Town Plan Version 2, the site is subject to the designations listed in [Table 1](#). These designations assist in determining which Tables of Assessment are applicable to the proposed development on the subject site and therefore assist in the determination of the Category of assessment and the codes applicable to the proposed development.

Table 1: Planning Scheme Designation

ZONE	<i>Rural Residential Zone</i>
PRECINCT	<i>Environs</i>
LOCAL AREA	<i>Not Applicable</i>
BUSHFIRE HAZARD OVERLAY	<i>Not Applicable</i>
FLOOD HAZARD OVERLAY	<i>Applicable</i>
HERITAGE OVERLAY	<i>Not applicable</i>
NATURAL ENVIRONMENT OVERLAY	<i>Not applicable</i>
REGIONAL INFRASTRUCTURE OVERLAY	<i>Not applicable</i>
RESIDENTIAL CHARACTER OVERLAY	<i>Not applicable</i>

5.3 LEVEL OF ASSESSMENT, ASSESSABLE BENCHMARKS & APPLICABLE CODES

The subject land is designated within the *Rural Residential Zone and Environs Precinct* and is affected by the *Flood Hazard Overlay*. The relevant table of assessment within the Town Plan (Table 5.5.1) identifies Reconfiguring a Lot as Assessable Development and is Code Assessable as the proposed lots are within the Environs Precinct and above 8ha.

Furthermore, the Assessment Table identifies that an application for Reconfiguring a Lot requires assessment against the following Codes:

- Rural Residential Zone Code;
- Reconfiguring a Lot Code;
- Development Works Code; and
- Flood Hazard Overlay Code.

A complete assessment of the proposal against the relevant provisions of the applicable Codes is discussed below:



5.4 ZONE CODE PROVISIONS

5.4.1 Rural Residential Zone Code

In accordance with the Charters Towers Regional Council Town Plan Version 2, the purpose of the Rural residential zone is to provide for residential uses and activities on large lots, including lots for which the local government has not provided infrastructure and services.

Response

The proposal is merely to create one additional allotment for future rural residential purposes. The proposal is consistent with the outcomes for the zone and precinct and simply provides opportunity for acceptable residential density in the rural residential zone. As described in section 3 of this report, the proposed lots comply with anticipated lot size and frontage for the rural residential zone and environs precinct. A detailed assessment against the rural residential zone code is not warranted.

5.5 DEVELOPMENT CODES

5.5.1 Reconfiguring a Lot Code

The purpose of the Reconfiguring a lot code is to:

- (a) ensure that new lots are configured in a manner that facilitates the achievement of the sustainable urban and rural outcomes expressed in the relevant zone codes;*
- (b) ensure that new lots are provided with infrastructure and access appropriate for their intended use and zone;*
- (c) minimise adverse environmental impacts and protect the productive capacity and landscape character of the region's natural resources.*
- (d) ensure that stock routes are maintained and protected from inappropriate development.*

Response

The proposal is consistent with the purpose and overall outcomes of the Reconfiguring a Lot Code, and will result in lot sizes and frontages consistent with the minimum requirements for the Rural Residential Zone. Proposed Lot 1 will continue to gain access via Howearth Road and proposed Lot 2 will gain access via Barkla Road. Proposed Lot 2 can be serviced by existing water infrastructure and on-site sewer.

An assessment against the relevant performance outcomes is provided below.

Lot Design

PO1 : Complies - Both proposed lots comply with the outcomes stipulated in Table 8.3.3.3 (b).

General Design

PO7 : Complies – The proposed lot layout is consistent with the surrounding settlement pattern. The site is located within a rural residential environment where pedestrian and cycle connections are not available.

Infrastructure Services

PO19-20: Complies – Council have confirmed that reticulated water infrastructure exists within the Barkla Road reserve. A new water meter will be provided to service the additional allotment. Sewer infrastructure is not available within the area and it is proposed to provide on-site sewer at future building stage for a dwelling. Proposed Lot 2 is large enough to allow for adequate separation distance between a dwelling and an on-site sewer system.



Access and Road Design

PO21-23 : Complies – No new roads are being created as part of this subdivision. Access to proposed Lot 1 will be as per status quo. Proposed Lot 2 will access off Barkla Road, an approximate location is shown on the proposal plan in **Appendix C**.

5.5.2 Development Works Code

The purpose of the Development works code is to:

- (a) ensure all development is provided with appropriate infrastructure, parking spaces and services;*
- (b) ensure development manages stormwater and wastewater as part of the integrated total water cycle and in ways that help protect the environmental water values specified in the Environmental Protection (Water) Policy 2009 and the Stormwater Management Design Objectives in the State Planning Policy;*
- (c) protect surface water and ground water; and*
- (d) ensure development is designed, constructed, operated and maintained to eliminate any adverse impacts on the environment and the amenity of the locality.*

Response

Reticulated water infrastructure exists within the Barkla Road reserve. A new water meter will be provided to service the additional allotment. Reticulated sewer infrastructure is not available, and it is proposed that a future dwelling on proposed Lot 2 would require on-site sewer. Proposed Lot 2 is large enough to allow for a system with adequate separation distance to a future dwelling.

Access to proposed Lot 1 will remain unchanged whilst proposed Lot 2 will have a new access off Barkla Road. However, the exact location will be determined once a dwelling location is known.

A detailed assessment against this code is not warranted as the proposal is merely to create one additional, compliant allotment. All applicable aspects have been addressed.

5.6 OVERLAY CODES

5.6.1 Flood Hazard Overlay Code

The purpose of the Flood Hazard Overlay code is to:

The purpose of the Flood hazard overlay code is to ensure that development on land subject to a defined flood¹ event² (DFE) avoids or mitigates the risk of flood hazard³ to protect people, property, the environment and economic activity and, to ensure development does not adversely affect other properties or the hydraulic efficiency of a waterway or floodplain.

Response

Only a very small section of the subject site is affected by the overlay, refer to *Figure 3*. Proposed Lot 2 is unaffected by the overlay and any future dwelling would therefore be unaffected. Proposed Lot 1 contains a dwelling house which is well removed from the affected area.

A detailed assessment against this code is not warranted as the proposal is merely to create one additional, compliant allotment. All applicable aspects have been addressed.



Figure 3: Overlay Map- CTRC Town Plan



6.0 CONCLUSION

This proposal details a development application to Charters Towers Regional Council seeking a Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots), on land described as Lot 2 on MPH34293, located at 34 Howearth Road, Southern Cross.

In summary, the proposed development is recommended for approval based on the following reasons:

- The proposal generally complies with the codes nominated by the planning scheme as being relevant to the assessment of a proposal of this nature.
- The resultant lots are in character with the locality, ensuring amenity within the Rural Residential Zone is maintained.
- The proposed development can be adequately serviced by all required infrastructure.

Given the above facts and circumstances presented in this report, we recommend that Council approve the development subject to reasonable and relevant conditions.

APPENDIX A

Development Application Form 1

brazier motti

DA Form 1 – Development application details

Approved form (version 1.4 effective 15 December 2023) made under section 282 of the Planning Act 2016.

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

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

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

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

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

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

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

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Darren Enright C/- Brazier Motti
Contact name (only applicable for companies)	Anne Zareh
Postal address (P.O. Box or street address)	595 Flinders Street
Suburb	Townsville City
State	QLD
Postcode	4810
Country	Australia
Contact number	07 4772 1144
Email address (non-mandatory)	anne.zareh@braziermotti.com.au
Mobile number (non-mandatory)	0416 486 309
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	43728-001-01

2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
<input type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application	
<input checked="" 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
		34	Howearth Road	Southern Cross
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		2	MPH34293	Charters Towers Regional Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

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

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

- ☐ 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 the details of these premises have been attached in a schedule to this development application
☒ Not required

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

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

Name of water body, watercourse or aquifer:

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

Lot on plan description of strategic port land:

Name of port authority for the lot:

- ☐ In a tidal area

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

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

- ☐ On airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*

Name of airport:

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

5) Are there any existing easements over the premises?

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

- ☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- ☒ 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):*

Reconfiguration of 1 lot into 2 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

6.2) Provide details about the second development aspect

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

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

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

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

c) What is the level of assessment?

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

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

e) Relevant plans

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

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

6.3) Additional aspects of development

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

Section 2 – Further development details

7) Does the proposed development application involve any of the following?	
Material change of use	<input type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input checked="" type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m 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	
9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)	
<input checked="" type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a constructed road (complete 13))

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

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

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)
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"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)	
<input type="checkbox"/> Yes – specify number of new lots:	
<input type="checkbox"/> No	
14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)	
\$	

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application
Charters Towers Regional Council
16) Has the local government agreed to apply a superseded planning scheme for this development application?
<input type="checkbox"/> Yes – a copy of the decision notice is attached to this development application <input type="checkbox"/> The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached <input checked="" type="checkbox"/> No

PART 5 – REFERRAL DETAILS

17) Does this development application include any aspects that have any referral requirements?

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

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

Matters requiring referral to the **Chief Executive of the Planning Act 2016:**

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

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

☐ Airport land

☐ Environmentally relevant activities (ERA) *(only if the ERA has been devolved to local government)*

☐ Heritage places – Local heritage places

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

☐ Infrastructure-related referrals – Electricity infrastructure

Matters requiring referral to:

- The **Chief Executive of the holder of the licence**, if not an individual
- The **holder of the licence**, if the holder of the licence is an individual

☐ Infrastructure-related referrals – Oil and gas infrastructure

Matters requiring referral to the **Brisbane City Council**:

☐ Ports – Brisbane core port land

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

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

☐ Ports – Strategic port land

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

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

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

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

Matters requiring referral to the **Gold Coast Waterways Authority**:

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

Matters requiring referral to the **Queensland Fire and Emergency Service**:

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

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

☐ Yes – referral response(s) received and listed below are attached to this development application

☐ No

Referral requirement	Referral agency	Date of referral response

Identify and describe any changes made to the proposed development application that was the subject of the referral response and this development application, or include details in a schedule to this development application *(if applicable)*.

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules

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

☐ I do not agree to accept an information request for this development application

Note: *By not agreeing to accept an information request I, the applicant, acknowledge:*

- *that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties*
- *Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules.*

Further advice about information requests is contained in the [DA Forms Guide](#).

PART 7 – FURTHER DETAILS

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

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

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

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

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

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

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

- ☐ Yes – show cause or enforcement notice is attached
☒ No

23) Further legislative requirements

Environmentally relevant activities

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

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

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

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

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

Hazardous chemical facilities

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

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

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

Clearing native vegetation

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

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

☒ No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.
2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

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

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

☒ No

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

Koala habitat in SEQ Region

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

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

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

☒ No

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

Water resources

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

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

☒ No

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

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

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

Waterway barrier works

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

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

☒ No

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

Marine activities

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

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

☒ No

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

Quarry materials from a watercourse or lake

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

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

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

Quarry materials from land under tidal waters

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

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

Note: Contact the Department of Environment and Science at www.des.qld.gov.au for further information.

Referable dams

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

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

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

Tidal work or development within a coastal management district

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

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

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

Queensland and local heritage places

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

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

Note: See guidance materials at www.des.qld.gov.au for information requirements regarding development of Queensland heritage places.

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

Brothels

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

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

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

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

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

☒ No

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

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist

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

☒ Yes

Note: See the Planning Regulation 2017 for referral requirements

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

☐ Yes

☒ Not applicable

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

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

☒ Yes

Relevant plans of the development are attached to this development application

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

☒ Yes

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

☐ Yes

☒ Not applicable

25) Applicant declaration

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

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

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

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

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

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

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

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

Date received: Reference number(s):

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

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

APPENDIX B

Smart Map and Certificate of Title

brazier motti

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	50272601	Search Date:	05/02/2024 15:04
Date Title Created:	05/07/1999	Request No:	46993183
Previous Title:	40020752		

ESTATE AND LAND

Estate in Fee Simple

LOT 2 CROWN PLAN MPH34293

Local Government: CHARTERS TOWERS

REGISTERED OWNER

Dealing No: 721732358 02/06/2022

DARREN WAYNE ENRIGHT

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 40020752 (Lot 2 on CP MPH34293)
2. MORTGAGE No 721732360 02/06/2022 at 11:36
COMMONWEALTH BANK OF AUSTRALIA A.C.N. 123 123 124

ADMINISTRATIVE ADVICES

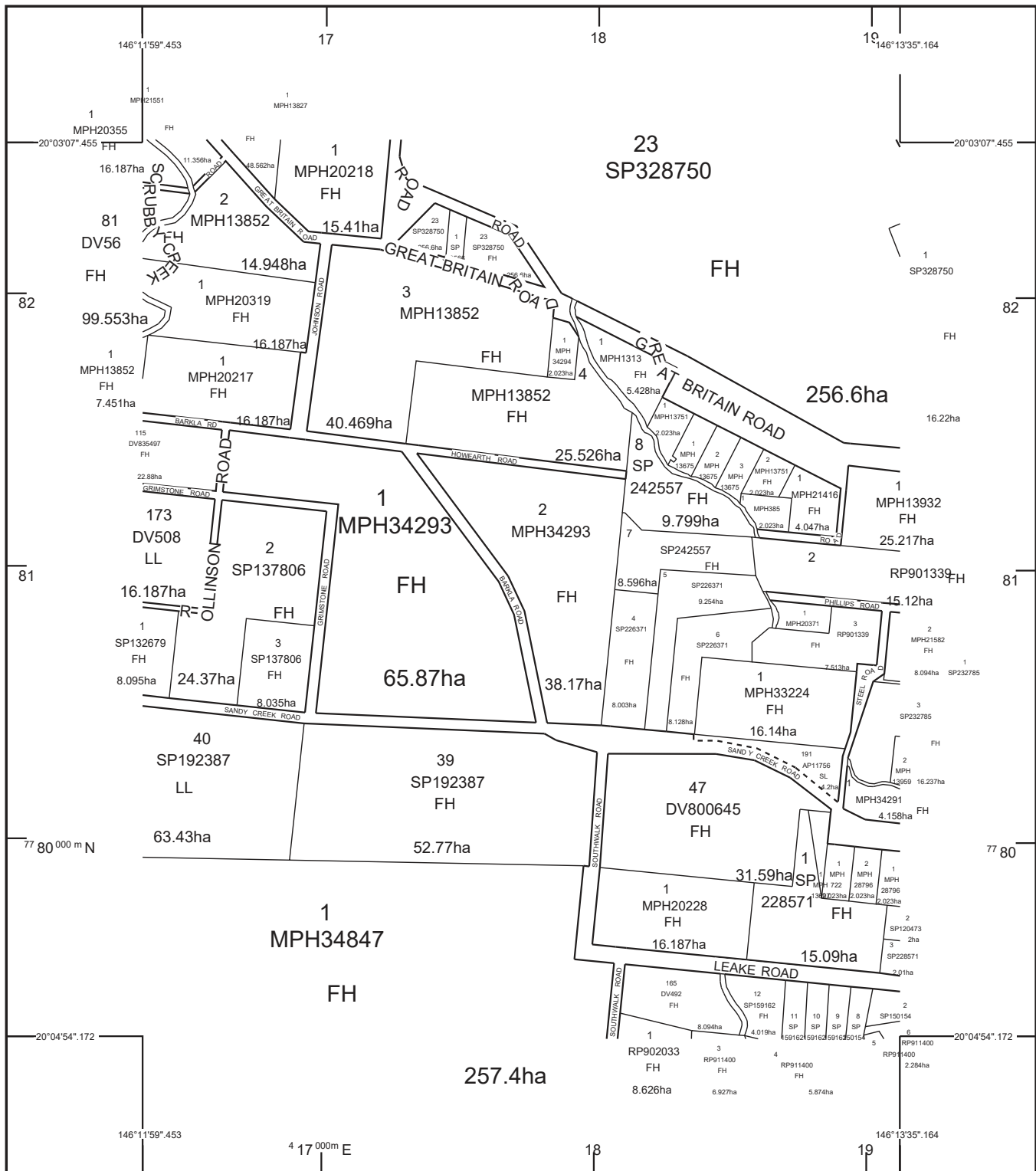
NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **



STANDARD MAP NUMBER
8157-41241

MAP WINDOW POSITION &
NEAREST LOCATION



SUBJECT PARCEL DESCRIPTION

DCDB
Lot/Plan 2/MPH34293
Area/Volume 38.17ha
Tenure FREEHOLD
Local Government CHARTERS TOWERS REGIONAL
Locality SOUTHERN CROSS
Segment/Parcel 46816/30

CLIENT SERVICE STANDARDS

PRINTED 07/02/2024

DCDB 06/02/2024 (Lots with an area less than 3000m² are not shown)

Users of the information recorded in this document (the Information) accept all responsibility and risk associated with the use of the Information and should seek independent professional advice in relation to dealings with property.

Despite Department of Resources best efforts, RESOURCES makes no representations or warranties in relation to the Information, and, to the extent permitted by law, exclude or limit all warranties relating to correctness, accuracy, reliability, completeness or currency and all liability for any direct, indirect and consequential costs, losses, damages and expenses incurred in any way (including but not limited to that arising from negligence) in connection with any use of or reliance on the Information

For further information on SmartMap products visit
<https://www.qld.gov.au/housing/buying-owning-home/property-land-valuations/smartmaps>

SmartMap

An External Product of
SmartMap Information Services

Based upon an extraction from the
Digital Cadastral Data Base



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

APPENDIX C

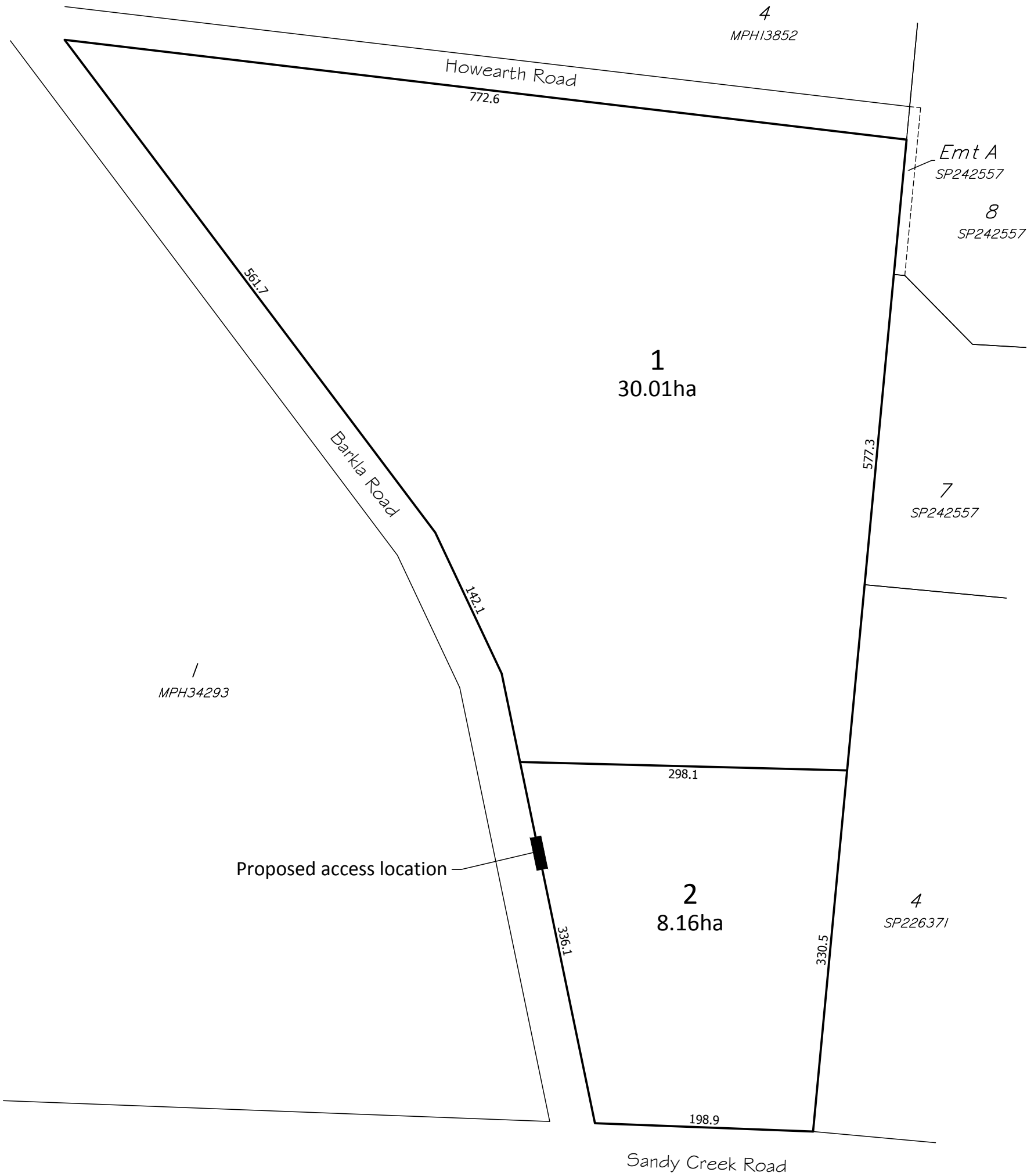
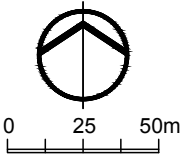
Proposed Reconfiguring a Lot Plan prepared by Brazier Motti

brazier motti



PROPOSED
RECONFIGURATION

Lots 1 and 2
Cancelling Lot 2 on MPH34293



Date: 7th February, 2024	
Scale: 1:4000	A3
Drawn: MJM	
Job No: 43728-001-01	
Plan No:	43728/001 B



braziermotti.com.au

SURVEYING
TOWNPLANNING
PROJECT MANAGEMENT
MAPPING & GIS



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.