

ORDINARY MEETING 9 DECEMBER 2020	3
---	----------

RECONFIGURING A LOT (7 LOTS IN TO 6 LOTS) – BROWN ROAD AND NEBBIA ACCESS GREEN HILL – DIVISION 1

N Lazarus | 8/13/2255 | #6543715

<u>PROPOSAL:</u>	RECONFIGURING A LOT (7 LOTS IN TO 6 LOTS)
<u>LANDOWNER:</u>	YOUYANGS CORPORATION PTY LTD (TTE)
<u>APPLICANT:</u>	YOUYANGS CORPORATION PTY LTD ATF THE YOUYANGS DISCRETIONARY TRUST C/-WILDPLAN PTY LTD PO BOX 8028 CAIRNS QLD 4870
<u>LOCATION:</u>	89R BROWN ROAD AND 61R NEBBIA ACCESS, GREEN HILL
<u>PROPERTY:</u>	LOT 3 RP733130, LOT 3 RP741336, LOT 8 RP719800, LOT 2 RP748202, LOT 7 SP114411, LOT 5 RP741336 AND LOT 4 RP748202
<u>LOCAL PLAN:</u>	NONE
<u>ZONE:</u>	RURAL
<u>PLANNING SCHEME:</u>	CAIRNSPLAN 2016 v2.1
<u>REFERRAL AGENCIES:</u>	NOT APPLICABLE
<u>NUMBER OF SUBMITTERS:</u>	NONE
<u>STATUTORY ASSESSMENT DEADLINE:</u>	9 DECEMBER 2020
<u>APPLICATION DATE</u>	5 FEBRUARY 2020
<u>DIVISION:</u>	1
<u>APPENDIX:</u>	1. APPROVED PLAN(S) & DOCUMENT(S) 2. FNQROC STANDARD DRAWING(S) 3. SUPPORTING INFORMATION TO PLANNING REPORT



RECOMMENDATION

That Council approve the Development Application for Reconfiguring a Lot (7 lots in to 6 lots) over land at 61R Nebbia Access Road, and 89R Brown Road, Green Hill, more formally described as Lot 8 on RP719800, Lot 5 on RP741336, Lot 3 on RP741336, Lot 7 on SP114411, Lot 3 on RP733130, Lot 4 on RP748202; and Lot 2 on RP748202.

APPROVED PLAN(S) & DOCUMENT(S)

The term ‘approved plan(s) and document(s)’ or other similar expressions means:

Drawing or Document	Reference	Date
Proposed Configuration	Lot Nebbia Access Rd Option 6, Sheet 7, Subdivision v6	26 November 2020

ASSESSMENT MANAGER CONDITIONS

1. This approval, granted under the provisions of the *Planning Act 2016*, shall lapse 6 years from the day the approval takes effect in accordance with the provisions of Section 85 of the *Planning Act 2016*.
2. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:-
 - a. The specifications, facts and circumstances as set out in the application submitted to Council;
 - b. The following conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval

Timing of Effect

3. The conditions of the Development Permit must be satisfied prior to Council approval of the Plan of Survey, except where specified otherwise in these conditions of approval.

Amended drawings

4. Prepare and submit amendments to the “Proposed Lot Configuration” drawing (Reference: Nebbia Access Rd Option 6, Sheet 7, Subdivision v6, Dated: 26 November 2020) for confirmation they constitute the approved drawings for the purposes of this development approval.

The following amendments must be made:

- a. Removal of Lot 6 on SP114411 in its entirety. Lot 6 on SP114411 is not a subject lot relating to this application. Lot 6 has been included in error by the Applicant;
- b. Building Envelopes must be amended in accordance with Condition 5 – Creation of Building Envelopes; and
- c. The approved plan amended to reflect the outcome of Condition 6 - Road Closure / alternative to Road Closure

All amended drawings must be submitted must be approved by the Chief Executive Officer prior to Council's approval of the Plan of Survey for the reconfiguration.

Creation of Building Envelopes

5. A building envelope plan for proposed lots must be provided as per the following:
 - a. With the exception of proposed Lot 4, the Building envelope plan must demonstrate that each building envelope can achieve a 6m setback from each boundary; and
 - b. Building Envelope 5A must be amended to be a maximum size of 4,500m².

The building envelopes must accommodate all existing and proposed buildings and structures for proposed lots.

The applicant / owner must also ensure that the endorsed building envelope plans are made known to all prospective purchasers of the lot.

Plans must be lodged with Council prior to approval and dating of the Plan of Survey. Once approved, the building envelope(s) for proposed Lot 1 and Lot 2 are to be pegged for the information of prospective purchasers of the lot.

Road Closure / alternative to Road Closure

6. Undertake a road closure of Nebbia Access extending east of the proposed cul-de-sac in proposed Lot 4 to Lot 1391AP19382 (National Park) prior to Council's approval of the Plan of Survey for the approved Reconfiguration.

If in the event DNRME (or relevant department) does not permit the road closure as approved, either:

- a. Relocate the road reserve (extending from the Cane rail corridor intersecting proposed Lot 4 to Lot 1391AP19382) to follow the southern (east-west) boundary of proposed Lot 3 (See Appendix 3 – Map - Alternative Road Alignment / Easement Alignment) through simultaneous road closure and road opening; or
- b. Simultaneously close the road reserve (resulting in the consolidation of land either side of the existing road) and create an easement (extending from the Cane rail corridor intersecting proposed Lot 4 to Lot 1391AP19382) to follow the southern (east-west) boundary of proposed Lot 3 to benefit Lot 1391AP19382 (See Appendix 3 – Map – Alternative Road Alignment / Easement Alignment).

The selected option (as detailed above) must be approved by the Chief Executive Officer prior to Council's approval of the Plan of Survey for the Reconfiguration.

On-Site Effluent Disposal

7. The method of on-site effluent disposal must be in accordance with the *Plumbing and Drainage Act 2018*. Details of the wastewater treatment system to be installed for proposed Lots 1 and 2 (that are intended for residential dwellings) must be approved by the Chief Executive Officer prior to Council's approval of the Plan of Survey.

Water Supply Works

8. Undertake the following water supply works such that the development can be serviced by Councils reticulated water supply network:
 - a. Extend the 100DN water main south along Nebbia Access Road to a point adjacent to the southern boundary of proposed Lot 3; and
 - b. Provide 100DN DICL road crossing/s such that each of the proposed Lots (Lots 1 and 2) that are intended for residential dwellings can be provided with a water connection at the lot frontage.

All the above works must be designed and constructed in accordance with the FNQROC Development Manual.

A plan of the works must be endorsed by the Chief Executive Officer prior to the issue of a Development Permit for Operational Works.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer, prior to Council's approval of the Plan of Survey.

Electricity Supply

- 9. The applicant/owner must provide written evidence from the electricity authority stating that underground services will be provided to Proposed lots 1 and 2 prior to Council approval of the Plan of Survey.**

The method of electrical supply to each lot must occur via a mains service connection located at the frontage of the site, adjacent to the driveway.

Such evidence from an electricity provider (Ergon Energy) must be in the form of a “Certificate of Supply”, or alternatively a receipt for the full payment of the amount detailed under an “Offer of Supply”.

Lawful Point of Discharge

- 10. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream, in accordance with the *Queensland Urban Drainage Manual, Fourth Edition (2016)*.**

Ponding and/or Concentration of Stormwater

- 11. The proposed development must not create ponding nuisances and/or a concentration of stormwater flows to adjoining properties.**

Damage to Council Infrastructure

- 12. In the event that any part of Council’s existing infrastructure is damaged as a result of construction activities occurring on the site, including but not limited to; mobilisation of heavy construction equipment, stripping and grubbing, the applicant/owner must notify Cairns Regional Council immediately of the affected infrastructure and have it repaired or replaced at the developers/owners/builders cost, prior to Council approval of the Plan of Survey.**

RATES NOTATION

- 1. To reduce risk from flood inundation, the finished floor levels of future residential development(s) must be located a minimum of 300mm above the highest known flood event over the land, plus any hydraulic grade effect, in accordance with the Planning Scheme.**

ADVICE

- 1. All building site managers must take all action necessary to ensure building materials and / or machinery on construction sites are secured immediately following the first cyclone watch and that relevant emergency telephone contacts are provided to Council Officers, prior to commencement of works.**

2. **This approval does not negate the requirement for compliance with all other relevant Local Laws and other statutory requirements.**
3. **To reduce risk from flood inundation, the finished floor levels of future residential development(s) must be located a minimum of 300mm above the highest known flood event over the land, plus any hydraulic grade effect, in accordance with the Planning Scheme.**
4. **For information relating to the Planning Act 2016 log on to <https://planning.dsdmip.qld.gov.au>. To access FNQROC Manual, Local Laws and other applicable Policies log on to www.cairns.qld.gov.au**

EXECUTIVE SUMMARY

Council is in receipt of an application for a Development Permit for a Reconfiguration of a Lot (7 lots in to 6 lots) over land at 61R Nebbia Access Road and 89R Brown Road, Green Hill, more formally described as Lot 8 on RP719800, Lot 5 on RP741336, Lot 3 on RP741336, Lot 7 on SP114411, Lot 3 on RP733130, Lot 4 on RP748202; and Lot 2 on RP748202.

The subject land is located within the Rural Zone and has a cumulative land area of 148.204ha and is surrounded by large parcels of land actively in use for cane farming. It is acknowledged that approximately five (5) smaller sized lots are present within the locality, resulting from historic boundary realignments and family-lot subdivisions.

Four of the existing lots are subject to a Local Government Agreement prohibiting land parcels from being sold, transferred or disposed of separately from each other without the written consent of Council, however each land parcel may be used individually irrespective of the agreement. Generally, the creation of smaller, rural-residential style allotments in the Rural zone is not supported by way of subdivisions, even where the total number of lots is being reduced. However, in this particular proposal the existing lots (linked by Local Government Agreement) are relatively small for rural lots, and can be used individually in their own right. By allowing the creation of two lots (Proposed Lots 5 and 6), and removing one lot altogether (existing lot 7 on SP114411), combined with the augmentation of the extent or location of Nebbia Access, the resulting subdivision enables four larger lots (proposed Lots: 3, 4, 5 and 6) that have less incumbrance for the predominant rural activity of the area; resulting in a positive outcome for the Rural zone.

The application has been assessed in accordance with the legislative framework for Code assessment, including the Planning Act 2016, Planning Regulations 2017, Development Assessment Rules, and the applicable benchmarks contained in CairnsPlan 2016.

The development application is recommended for approval, subject to conditions.

TOWN PLANNING CONSIDERATIONS

Site Description and Locality

The subject lots have a cumulative area of 148.204ha and is entirely within the Rural zone (See table 1: Existing Configuration (below) for a breakdown of existing lot sizes and characteristics). The site is located in Green Hill, bound by Nebbia Access to the north, Brown Road to the south and Grey Peaks National Park to the east. The formed pavement of Nebbia Access currently terminates at the common boundary of Lot 8 on RP719800 and Lot 6 on SP114411. The remainder of Nebbia Access road reserve from this point to the National Park (to the east) is unformed and is under cane production. Lot 3 on RP 733130, Lot 8 on RP719800 and Lot 7 on SP114411 are burdened by easements for the purpose of a cane tramline.

Lot 4 on RP748202 and Lot 2 on RP748202 are benefited by an easement for access purposes.

The subject site and surrounds is currently being used for Primary Production (Cropping – sugar cane growing), see Figure 1: Map of existing lot configuration (below).

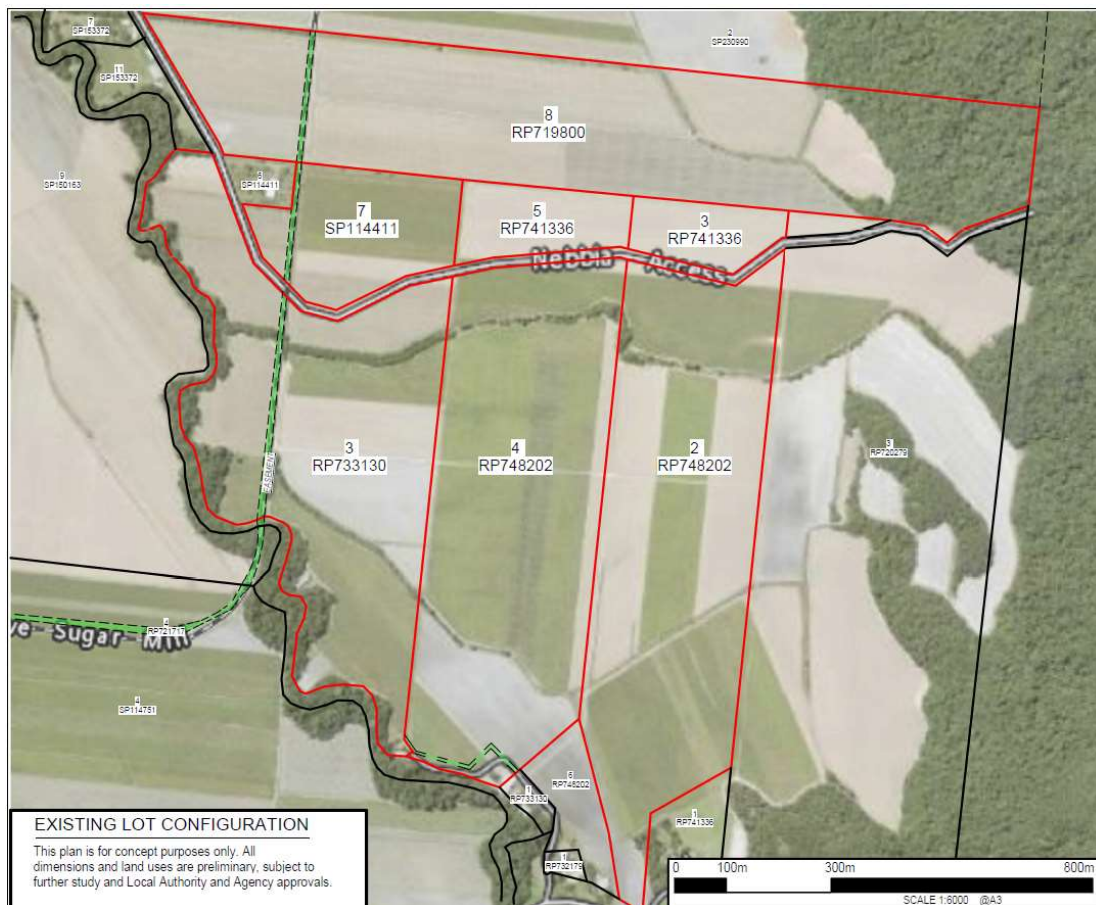


Figure 1: Map of existing lot configuration

Table 1: Existing Configuration					
Existing Lot Number	Area (ha)	Improvements	Vehicle Access	Lot affected by Cane Tramline easement	LG Agreement
8RP719800	40.367ha	Cane farming Dwelling under construction near to the Nebbia Access frontage	Nebbia Access	Yes	No
7SP114411	8.05ha	Cane farming	Nebbia Access.	Yes	No
3RP733130	30.086ha	Cane farming, Dwelling house and Sheds	Easement over adjoining lot to Brown Road.	Yes	No
5RP741336	4.193ha	Cane farming	No formalised access.	No	Yes
4RP748202	31.358ha	Cane farming and Shed	Easement over adjoining lot to Brown Road.	No	Yes
3RP741336	3.23ha	Cane farming	No formalised access.	No	Yes
2RP748202	30.92ha	Cane farming	Easement over adjoining lot to Brown Road.	No	Yes
Total Land area	148.204ha				
Lots tied together by Local Government Agreement No 601075127 (T473068P)			Lots tied together by Local Government Agreement No 601294665 (T473065G)		

Proposal

The application seeks approval for Reconfiguring a Lot (7 lots into 6 lots) (See Figure 2: Map of Proposed Development and Table 2: Proposed Reconfiguration).

The proposal involves the following:

1. An overall reduction in the number of lots being created from seven (7) existing lots to six (6) proposed lots;
2. Reduction in the proposed number of “Rural lifestyle” lots from three lots to two lots (proposed Lot 1 and proposed Lot 2);
3. Provision of building envelopes over all proposed six (6) lots to reflect existing and the potential extent of future development;
4. Closure of Nebbia Access road, with the closure extending from the Cane rail corridor intersecting proposed Lot 4 to existing Lot 1391AP19382 (National Park); and
5. Consolidation of Lot 7 on SP114411 and Lot 3 on RP733130 to create proposed Lot 4, consolidation of Lot 5 on RP741336 and Lot 4 on RP748202 to create proposed Lot 5 and consolidation of Lot 3 on RP741336 and Lot 2 on RP748202 to create proposed Lot 6 (resulting from the road closure)

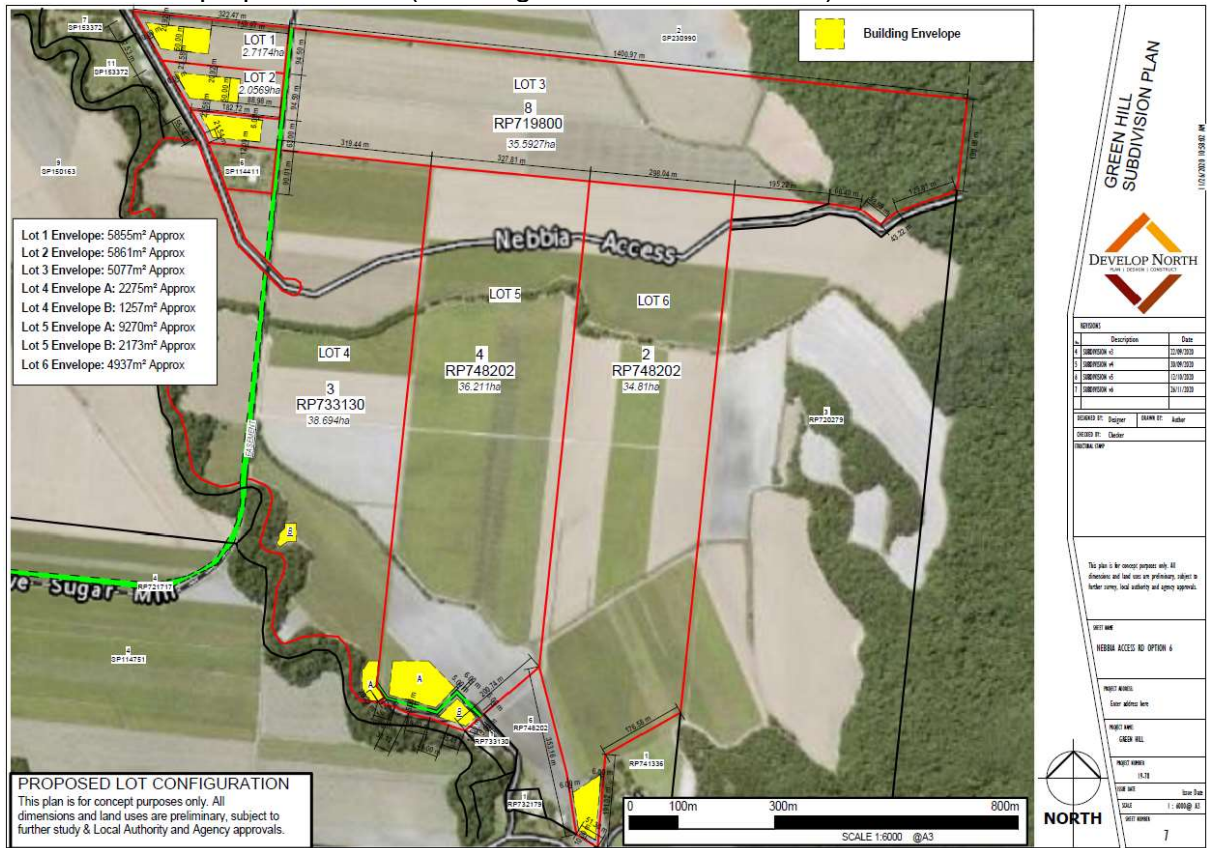


Figure 2: Map of proposed reconfiguration

Table 2: Proposed Reconfiguration				
Proposed Lot Number	Area (ha)	Improvements	Vehicle Access	Lot affected by Cane Tramline
Lot 1	2.1714ha	Facilitates future dwelling house development	Yes – Nebbia Access	Yes
Lot 2	2.0569ha	Facilitates future dwelling house development	Yes – Nebbia Access	Yes
Lot 3	35.5927ha	Facilitates an existing dwelling house development and existing cane farming	Yes – Nebbia Access	Yes
Lot 4 (Amalgamation of existing Lot 3 on RP733130 and existing Lot 7 on SP114411)	38.136 ha	Existing cane farming, dwelling house and Sheds	Yes – Brown Road (benefited by an easement)	Yes
Lot 5 (Amalgamation of existing Lot 4 on 748202 and existing Lot 5 on RP741336)	35.551ha	Existing cane farming and Shed	Yes – Brown Road (benefited by an easement)	No
Lot 6 (Amalgamation of existing Lot 2 on RP48202 and existing Lot 3 on RP741336)	34.15ha	Existing cane farming	Yes – Brown Road	No
Total Land area	147.657ha			

MATERIAL ASSESSED IN THE APPLICATION

The applicant provided the following materials in the application:

- planning assessment report;
- plans of development;
- response to matters raised in relation to compliance with the planning scheme during the assessment period; and
- change representations submitted while the Development Application was being considered by Council.

These materials have been considered in the assessment of the application.

CHANGE REPRESENTATIONS DURING APPLICATION

On 27 July 2020 the applicant submitted a change to the application. The nature of the changes includes:

1. An overall reduction in the number of lots being created from seven (7) existing lots to six (6) proposed lots;
2. Reduction in the proposed number of “Rural lifestyle” lots from three (3) lots to two (2) lots (proposed Lot 1 and proposed Lot 2) on Nebbia Access;
3. Provision of building envelopes over all proposed lots six (6) lots to reflect existing and the potential extent of future development;
4. Closure of Nebbia Access road, with the closure extending from the Cane rail corridor intersecting proposed Lot 4 to existing Lot 1391AP19382 (National Park); and
5. Consolidation of Lot 7 on SP114411 and Lot 3 on RP733130 to create proposed Lot 4, consolidation of Lot 5 on RP741336 and Lot 4 on RP748202 to create proposed Lot 5 and consolidation of Lot 3 on RP741336 and Lot 2 on RP748202 to create proposed Lot 6 (resulting from the road closure).

In accordance with section 52 of the *Planning Act 2016* the changed application is not considered a Minor Change, but are in response to a matter raised in discussions with Council Officers. As a result, in accordance with section 26.1 of the DA Rules the development assessment process does not stop.

LEGISLATIVE FRAMEWORK

Planning Act 2016

The application has been assessed in accordance with the *Planning Act 2016* for Code assessment.

ASSESSMENT BENCHMARKS

The following matters were given regard to in undertaking the assessment of this development application under section 45 of the *Planning Act 2016* and section 26 and 27 of the *Planning Regulations 2017*.

Assessment Benchmark		Summary of Compliance
FNQ Regional Plan 2009-2031	<p>The FNQ Regional Plan 2009-2031 designation: Regional Landscape and Rural Production Area</p> <p>The Regional Plan has been appropriately integrated and reflected through CairnsPlan 2016.</p>	Generally complies – See discussion beneath table
State Planning Policy Part E	<p>Part E of the SPP contains the State Interest Policies and Assessment Benchmarks which are applicable to the development. The subject site is subject to several state interests including:</p> <ul style="list-style-type: none"> • Agriculture <ul style="list-style-type: none"> – Agriculture Land Classification – Class A and Class B • Biodiversity 	Considered to comply

Assessment Benchmark		Summary of Compliance
	<ul style="list-style-type: none"> - MSES Protected Areas (estate) - MSES Wildlife Habitat (Endangered or Vulnerable and Special least concern animal) - MSES Regulated Vegetation (Category B, Category R, Essential Habitat and Intersecting a Watercourse) • Cultural Heritage <ul style="list-style-type: none"> - National Heritage Place • Water Quality <ul style="list-style-type: none"> - High Ecological Value Water Areas • Natural Hazards, Risk and Resilience <ul style="list-style-type: none"> - Flood Hazard Area – Level 1 – Queensland Floodplain Assessment Overlay - Bushfire Prone Area. <p>The CairnsPlan 2016v2.1 advances the SPP except for erosion prone areas and therefore all the State interests have been appropriately reflected in the Scheme.</p>	
Temporary Local Plan Instructure	There are no Temporary Local Planning Instruments	Not applicable
CairnsPlan v2.1	Rural Zone code	Non-compliance with benchmark
	Acid sulfate soils overlay code	Proposal complies
	Airport environs overlay code	Proposal complies
	Bushfire hazard overlay code	Proposal complies
	Flood and inundation hazards overlay code	Conditioned to comply
	Hillslopes overlay code	Proposal complies
	Landscape values overlay code	Generally complies
	Natural areas overlay code	Proposal complies
	Potential landslip hazard overlay code	Proposal complies
	Transport network overlay code	Proposal complies
	Environmental performance code	Proposal complies

Assessment Benchmark		Summary of Compliance
	Excavation and filling code	Proposal complies
	Infrastructure works code	Conditioned to comply
	Landscaping code	Generally complies
	Reconfiguring a lot code	Non-compliance with benchmark

FNQ Regional Plan 2009 - 2031

The subject site is designated within the Regional Landscape and Rural Production Area.

Land use policy 2.6.1 states that *Further fragmentation of agricultural land in the regional landscape and rural production area is avoided to maintain economically viable farm lot sizes.*

It is acknowledged that the proposal results in the creation of two (2) x smaller “Rural Lifestyle” lots on Nebbia Access. The proposal also involves the consolidation of lots (see Table 3 – Existing and Proposed (consolidated) lot area) resulting in larger single Rural lots. Although amalgamated lots do not meet the minimum lot size of 40ha, the proposal achieves lot sizes between 34.15ha and 38.136ha.

The large lot holdings reflect and secure land used for cropping (sugar cane farming) and limit the potential for potential accepted development of up to 6 x Dwelling Houses and associated outbuildings to 3 x Dwelling Houses and associated outbuildings over large land holdings suitable for cropping.

Therefore, on balance the amalgamation of lots is considered to result in the protection of economically viable farm lot sizes, therefore achieving Land use policy 2.6.1 of the Regional Plan.

Existing Lot	Existing lot area	Proposed (amalgamated) Lot	Proposed (amalgamated) Lot area
Lot 7 on SP114411	8.05ha	Lot 4	38.136ha
Lot 3 on RP733130	30.086ha		
Lot 5 on RP741336	4.193ha	Lot 5	35.551ha
Lot 4 on RP748202	31.358ha		

Table 3: Existing and proposed (consolidated) lot area			
Existing Lot	Existing lot area	Proposed (amalgamated) Lot	Proposed (amalgamated) Lot area
Lot 3 on RP741336	3.23ha	Lot 6	34.15ha
Lot 2 on RP748202	30.92		

Local Government Agreements

Lot 4 on RP748202 (Lot 4) and Lot 5 on RP741336 (Lot 5) are subject to Local Government Agreement No. 601294665 (T473065G) under section 33 of the Local Government Act 1936-1988, which prevents Lot 4 and Lot 5 from being sold, transferred or disposed of separately from each other without the written consent of Council.

Lot 2 on RP748202 (Lot 2) and Lot 3 on RP741336 (Lot 3) are subject to Local Government Agreement No. 601075127 (T473068P) under section 33 of the Local Government Act 1936-1988, which prevents Lot 2 and Lot 3 from being sold, transferred or disposed of separately from each other without the written consent of Council.

Local Government Agreements of this nature are intended to ensure that lots cannot be disposed of separately. Local Government Agreements are one land use planning mechanism to manage the protection of agricultural land. It is noted that Local Government consent is required under the *Land Title Act 1994* to remove the Local Government agreement.-

Non-Compliance with Benchmarks

The proposed development complies with the applicable criteria of the above mentioned codes with the exception of the non-compliance addressed below:

Assessment Benchmark	
Rural zone code	
Performance/Acceptable Outcome	Assessment
PO3 Development is consistent with the purpose and overall outcomes sought for the zone.	The proposal complies with PO3. Officers consider the description to be Reconfiguring a Lot (7 lots into 6 lots). Specifically the proposal results in: <ul style="list-style-type: none"> • The consolidation of six (6) existing lots (either side of Nebbia Access) into three (3) proposed lots suitable for continued cropping; and • The reconfiguration of existing Lot 8 on RP719800 from one (1) lot into three (3) lots, resulting in two (2) "Rural lifestyle" lots and one (1) balance lot suitable for continued cropping. The proposal: <ol style="list-style-type: none"> 1. Continues to provide opportunity for rural uses including cropping other primary production activities; 2. Provides opportunities for non-rural uses that are compatible with agriculture, the environmental features, and landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purposes; 3. Protects areas of Agricultural Land Classification

Assessment Benchmark	
Rural zone code	
Performance/Acceptable Outcome	Assessment
	<p>Class A and Class B for agricultural use by avoiding fragmentation and locating non-agricultural development on or adjacent to Rural zoned land; and</p> <p>4. Involves the consolidation of Rural lots to reduce fragmentation and to maintain the predominant form of rural use in the area (cropping);</p> <p>The proposal ensures that:</p> <ol style="list-style-type: none"> 1. Rural lots are consolidated to reduce fragmentation to maintain the predominant form of rural use in the area; 2. Adverse impacts of land use, both on-site and on adjoining areas are minimised through location, design, operation and management, through building the establishment of building envelope plans to limit the extent of potentially accepted development; and 3. existing and future rural uses and activities are protected from the intrusion of incompatible uses by the provision of minimum 6m setback distances to boundaries (from the Building Envelope). <p>Therefore, the proposal complies with PO3 of the Rural Zone code.</p>
<p>PO4</p> <p>Uses and other development include those that:</p> <p>(a) promote rural activities such as agriculture, rural enterprises and small scale industries that serve rural activities;</p> <p>(b) promote low impact tourist activities based on the appreciation of the rural character and landscape;</p> <p>(c) are compatible with rural activities or are capable of establishing in a rural settling within suitable buffers so that nearby rural activities are not</p>	<p>The proposal complies with PO4.</p> <p>The proposal promotes rural activities such as agriculture, rural enterprises that serve rural activities by the consolidation of six (6) lots into three (3) large rural lots, resulting in:</p> <ol style="list-style-type: none"> 1. Proposed Lot 4 (38.136ha), 2. Proposed Lot 5 (35.551ha) and 3. Proposed Lot 6 (34.15ha). <p>The proposal is capable of establishing in a rural settling within suitable buffers ensuring that nearby the viability of rural activities are not detrimentally compromised.</p> <p>The proposed two (2) x “Rural Lifestyle” lots to be located on Nebbia Access are acceptably setback from adjoining residential lots. Officers consider that the setback of</p>

Assessment Benchmark	
Rural zone code	
Performance/Acceptable Outcome	Assessment
<p>compromised; (d) protect areas of environmental significance</p>	<p>100m-170m from the eastern extent of the proposed building envelope to the rear property boundary (adjoining the cane rail line) is an appropriate distance to buffer against impacts such as dust, noise and crop-dusting resulting from Rural activities (cane farming) on proposed Lot 3 (to the east). Further, proposed Lot 1 is buffered from Rural activity to the north (Lot 2 on SP230990) by an existing (approx.) 12m wide vegetated buffer, extending the full length of proposed lot 1.</p> <p>Therefore, the proposal complies with PO4 of the Rural Zone code.</p>
<p>PO5 The site coverage of buildings, structures and associated services does not have an intrusive effect on the rural or scenic values of the site</p>	<p>The proposal complies with PO5.</p> <p>Existing Dwellings, farm sheds and associated structures are present on proposed lots 3, 4 and 5.</p> <p>The proposal will involve the establishment of Building Envelope plans on all proposed six (6) lots to capture existing development and to limit the extent of potential future residential development in terms of impacts up on rural and scenic values of the subject land.</p> <p>It is recommended that a condition be applied to any grant of a Development Permit ensuring that a Building Envelope is established on all six (6) proposed lots.</p> <p>Therefore, the proposal complies with PO5 of the Rural Zone code.</p>
<p>PO7 Rural activities are protected from the intrusion of incompatible uses.</p>	<p>The proposal complies with PO7.</p> <p>The proposal involves the creation of six (6) lots from seven (7) existing lots.</p> <p>More specifically the proposal involves:</p> <p>The establishment of two (2) “rural lifestyle” lots (2.0569ha-2.7174ha) and a balance Lot (Lot 3) of 35.592ha with 100-170m setbacks to proposed Lot 8</p> <p>The consolidation of six (6) lots (either side of Nebbia Access) into three (3) lots resulting in three (3) large rural land holdings ranging between 34.15ha and 38.136ha. The consolidation of Rural lots underpins the purpose of the Rural Zone code.</p>

Assessment Benchmark	
Rural zone code	
Performance/Acceptable Outcome	Assessment
	<p>Although the proposal does not involve a Material Change of Use it is realistically anticipated that proposed Lots 1 and 2 would be utilised for predominantly residential purposes. Officers consider that proposed setbacks from Building envelopes to property boundaries of proposed lots 1 and 2 are suitable in ameliorating nuisances anticipated from Rural uses (cropping – Cane farming).</p> <p>Therefore, the proposal complies with PO7 of the Rural Zone code.</p>
<p>PO8 Noise emissions and air quality impacts are compatible with an active and productive rural setting</p>	<p>The proposal complies with PO8. See responses to PO4 and PO7 of this code – above.</p>
<p>PO9 Traffic generation is compatible with an active and productive rural environment.</p>	<p>The proposal complies with PO9. The proposal is described as six (6) lots into seven (7), as such there has been an overall reduction in the number of lots. Furthermore, the lots proposed are in the vicinity of existing “Rural lifestyle” lots, and the number of newly created lots in this vicinity is two (2), which is not considered to result in a cumulative increase in vehicle movements that would be detrimental to the capacity of Nebbia Road and the broader traffic network.</p> <p>Therefore, the proposal complies with PO9 of the Rural Zone code.</p>

Reconfiguring a lot code	
Performance/Acceptable Outcome	Assessment
<p>PO1 Lots have areas and dimensions that: (a) are consistent with the purpose and overall outcomes of the applicable zones or zone;</p>	<p>The proposal complies with PO1. The proposal involves the amalgamation of six (6) lots into three (3) lots and the subdivision of one (1) (additional) lot into three (3) lots. The proposed lots are generally rectangular in shape and continue to align with the existing Rural zone boundaries. The creation of three (3) lots by subdividing Lot 8 on RP719800 (from 1 lot into 3 lots) initially appears to be inconsistent with Table 9.4.8.3.b of the Reconfiguring a</p>

Reconfiguring a lot code	
Performance/Acceptable Outcome	Assessment
<p>(b) can accommodate land uses that are consistent with the purpose and overall outcomes of the applicable zone or zones;</p> <p>(c) are generally rectangular in shape.</p>	<p>Lot Code which states a minimum lot size of 40ha.</p> <p>The proposal results in lots created that are less than 40ha. At present Lot 8 on RP719800 (40.36ha) is currently actively used for cropping (Cane Farming). The proposal seeks to create three lots from existing Lot 8, proposed lots will be 2.7174ha (Lot 1), 2.0569ha (Lot 2) and 35.593ha (Lot 3).</p> <p>Although, the proposed reconfiguration results in six (6) lots being created from an existing seven (7) lots, involving the consolidation of six (6) lots into three (3) lots, as such it is considered that the proposal results in an exception to the 40ha minimum lot requirement as “no additional lots” are being created as per <i>Table 9.4.8.3.b – Lot reconfiguration outcomes</i>.</p> <p>The proposal is consistent with the zone and overall outcomes of the Rural Zone code, as cumulatively the proposal results in the consolidation of lots resulting in Proposed Lot 4 (38.136ha), Proposed Lot 5 (35.551ha) and proposed Lot 6 (34.15ha), thereby resulting in three (3) large land holdings suitable to be maintained for primary production and protecting areas of land designated as Agricultural Land Classification Class A and B.</p> <p>The presence of existing “Rural lifestyle” lots in the general area is noted. As such the creation of two (2) x smaller “Rural Lifestyle” lots is in keeping with the purpose of the Rural Zone code whereby the development <i>provides opportunities for non-rural uses that are compatible with agriculture, the environmental features, and landscape character of the rural area where the uses do not compromise the long-term use of the land for rural purposes</i>;</p> <p>Regarding proposed Lot 1 and Lot 2, Officers consider that the setback of 100m-170m from the eastern extent of the proposed building envelope to the rear property boundary (adjoining the cane rail line) is an appropriate distance to buffer against impacts such as dust, noise and crop-dusting resulting from Rural activities (cane farming) on proposed Lot 3 (to the east). Further, proposed Lot 1 is buffered from Rural activity to the north (Lot 2 on SP230990) by an existing (approx.) 12m wide vegetated buffer, extending the full length of proposed lot 1.</p>

Reconfiguring a lot code	
Performance/Acceptable Outcome	Assessment
	Therefore, the proposal complies with PO1 of the Reconfiguring a lot code.
<p>PO7</p> <p>Where existing buildings or structures are to be retained, development results in:</p> <p>(a) boundaries that offer rectangular lot shapes and usable spaces;</p> <p>(b) existing improvements complying with current building and amenity standards in relation to boundary setbacks.</p>	<p>The proposal complies with PO7.</p> <p>Proposed lots 3, 4 and 5 contain existing Dwelling Houses and ancillary structures.</p> <p>It is recommended that a condition be enforced as part of the Development Permit to identify Building envelopes over all proposed lots to identify the extent of existing development and to limit the potential of future residential in terms of loss of agricultural land.</p> <p>The condition shall also enforce that all Building Envelopes provide for a 6m setback to all boundaries in keeping with the Rural zone code.</p> <p>Therefore, the proposal complies with PO7 of the Reconfiguring a lot code.</p>
<p>PO10</p> <p>Development protects the cane rail network to support the on-going operation of the agricultural industry</p>	<p>The proposal complies with P10.</p> <p>The proposal protects the cane rail network by continuing to identify the cane rail network as an easement over proposed Lots 3 and 4.</p> <p>Therefore, the proposal complies with PO10 of the Reconfiguring a lot code.</p>
<p>PO11</p> <p>Lot reconfiguration on or adjacent to land within the Rural zone, provides an appropriate separation area on site to buffer development from impacts arising from uses which may occur on the land within the Rural zone.</p>	<p>The proposal complies with PO11.</p> <p>See response in PO1 regarding setback distances for proposed Lot 1 and 2</p>

Flood and inundation hazards overlay code	
Performance/Acceptable Outcome	Assessment
<p>PO1</p> <p>Development is located and designed to:</p> <p>(a) ensure the safety of all persons;</p> <p>(b) minimise damages to the development and contents of buildings;</p> <p>(c) provide suitable amenity;</p> <p>(d) minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events.</p>	<p>Complies.</p> <p>The proposal is considered to comply with the Flood and inundation hazards overlay code as the proposal does not result in any physical development (ie. there are no Building Works or Earthworks proposed as part of this application).</p> <p>As far as the proposal complies with the Flood and inundation hazards overlay code, the proposal endorses lots that are of a sufficient area to allow for future uses to meet the relevant benchmarks applicable to such development.</p> <p>Any future development (inclusive of residential development) would need to comply with QDC <i>MP3.5 – Construction of buildings in flood hazards areas</i>.</p> <p>Officers recommend that a rates notation and an advice note be applied to the Decision Notice advising any future purchaser that all residential development is to be constructed a minimum of 300mm above the highest known flood event over the land, plus any hydraulic grade effect</p> <p>Therefore, the proposal is considered to comply with the Flood and Inundation hazards overlay code.</p>
Landscape values overlay code	
Performance/Acceptable Outcome	Assessment
<p>PO1 Development within the High landscape value area</p> <p>and</p> <p>PO2 Development within the Medium landscape value area</p>	<p>The proposal complies with PO1 and PO2.</p> <p>The proposal is affected by Medium and High landscape values</p> <p>As the proposal is for Reconfiguring a Lot it would not result in any physical changes to the site, ie. Building works, earthworks or removal of native vegetation. As such, any visual change to proposed lots would be part of future potential development over the land.</p> <p>As such, the proposed reconfiguring a Lot will maintain the landscape value over the subject land.</p> <p>Therefore, the proposal complies with the Landscape values overlay code.</p>

Infrastructure works code	
Performance/Acceptable Outcome	Assessment
<p>PO3</p> <p>An adequate, safe and reliable supply of potable, fire fighting and general use water is provided.</p>	<p>The proposal complies with PO3.</p> <p>It is recommended that at the grant of a Development Permit that a condition is applied ensuring that proposed Lots 1 and 2 connect to Council's reticulated water supply system.</p> <p>Therefore, the proposal complies with PO3 of the Infrastructure Works code.</p>
<p>PO4</p> <p>Provision is made for the treatment and disposal of effluent to ensure that there are no adverse impacts on water quality and no adverse ecological impacts as a result of the system or as a result of increasing the cumulative effect of systems in the locality.</p>	<p>The proposal complies with PO4.</p> <p>On site sewer is to be provided to proposed Lots 1 and 2 as these lots are of a small "Rural lifestyle" size realistically anticipated for Residential development.</p> <p>It is recommended that a condition be enforced as part of the Development Permit to ensure that the Applicant submits an on-site effluent report, prior to survey plan sealing demonstrating that effluent can be managed on each proposed Lots 1 and 2 can be serviced with on-site effluent systems in accordance with the <i>Queensland Plumbing and Drainage Act 2018</i>.</p> <p>Therefore, the proposal complies with PO4 of the Infrastructure Works code.</p>
<p>PO8</p> <p>Development is provided with a source of power that will meet its energy needs.</p>	<p>The proposal complies with PO8.</p> <p>Reticulated Electricity supply is to be provided to Proposed Lots 1 and 2 as these lots are of a small "Rural lifestyle" size realistically anticipated for Residential development.</p> <p>Remaining lots are either serviced by an existing electrical supply or are unserviced lots utilised for cane farming.</p> <p>Therefore, the proposal complies with PO8 of the Infrastructure Works code.</p>

Landscaping code	
Performance/Acceptable Outcome	Assessment
Purpose	<p>The proposal complies with the Purpose of the Landscaping code</p> <p>The subject land is in the Rural Zone and is largely utilised for rural activities, namely cane farming.</p> <p>Officers consider that in context of the character and amenity of the Rural area that additional landscaping is not required to be provided as part of this Development Permit.</p> <p>Therefore, the proposal complies with the purpose of the Landscaping code.</p>

INFRASTRUCTURE CHARGES & NECESSARY INFRASTRUCTURE

The proposed development seeks a seven (7) lot into six (6) lot subdivision. The proposal does not trigger Infrastructure Charges as the number of lots being created is not increasing.

STATEMENT OF REASONS FOR DECISION

The reasons for this decision are:

1. The proposal is for Reconfiguring a Lot (7 lots into 6 lots). The proposal achieves the consolidation of six (6) existing rural zoned lots to create three (3) large rural zoned lots suitable for continued cropping, resulting in the consolidation of rural lots thereby maintaining the predominant form of rural use in the area.
2. The proposal provides for rural uses including cropping. The proposal also protects areas of Agricultural Land Classification Class A and Class B for agricultural use by consolidating Rural land.
3. The proposed development has been assessed in accordance with the provisions of the CairnsPlan 2016v2.1 and is considered to comply with the Overall Outcomes and Performance Outcomes of the applicable codes.
4. In assessing the proposed development, conditions have been imposed to ensure compliance with the assessment benchmarks of the CairnsPlan 2016v2.1.

ATTACHMENTS

Appendix 1 - Approved plan(s) & document(s)

Appendix 2 – FNQROC Standard Drawing(s)

Appendix 3 - Supporting Information to Planning Report



Nastassja Lazarus
Action Officer
Planning Officer

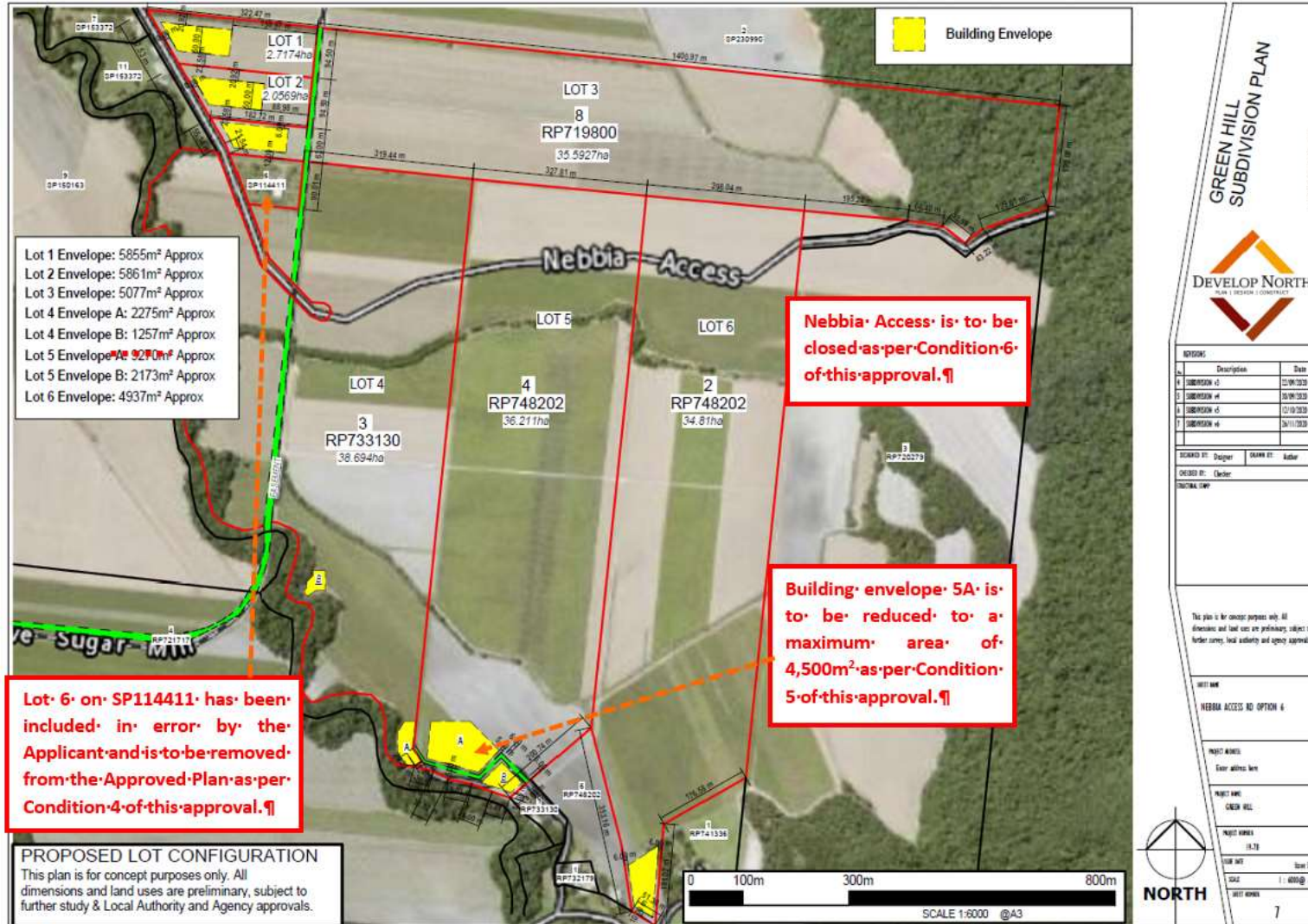


Kelly Barnes
A/Manager Strategic Planning & Approvals

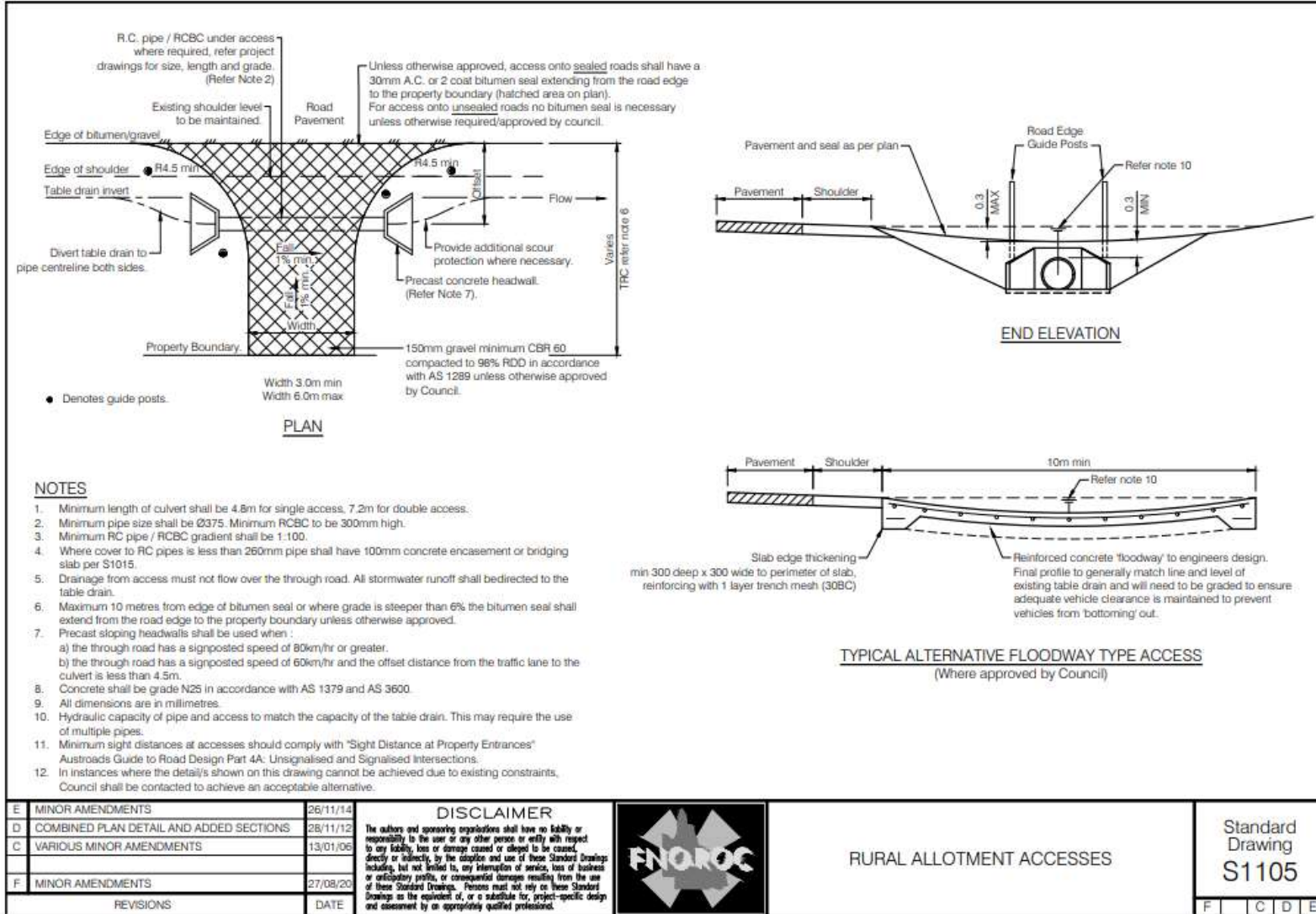


Peter Boyd
A/General Manager Planning & Environment

APPENDIX 1: APPROVED PLANS(S) & DOCUMENTS(S)



APPENDIX 2: FNQROC STANDARD DRAWINGS

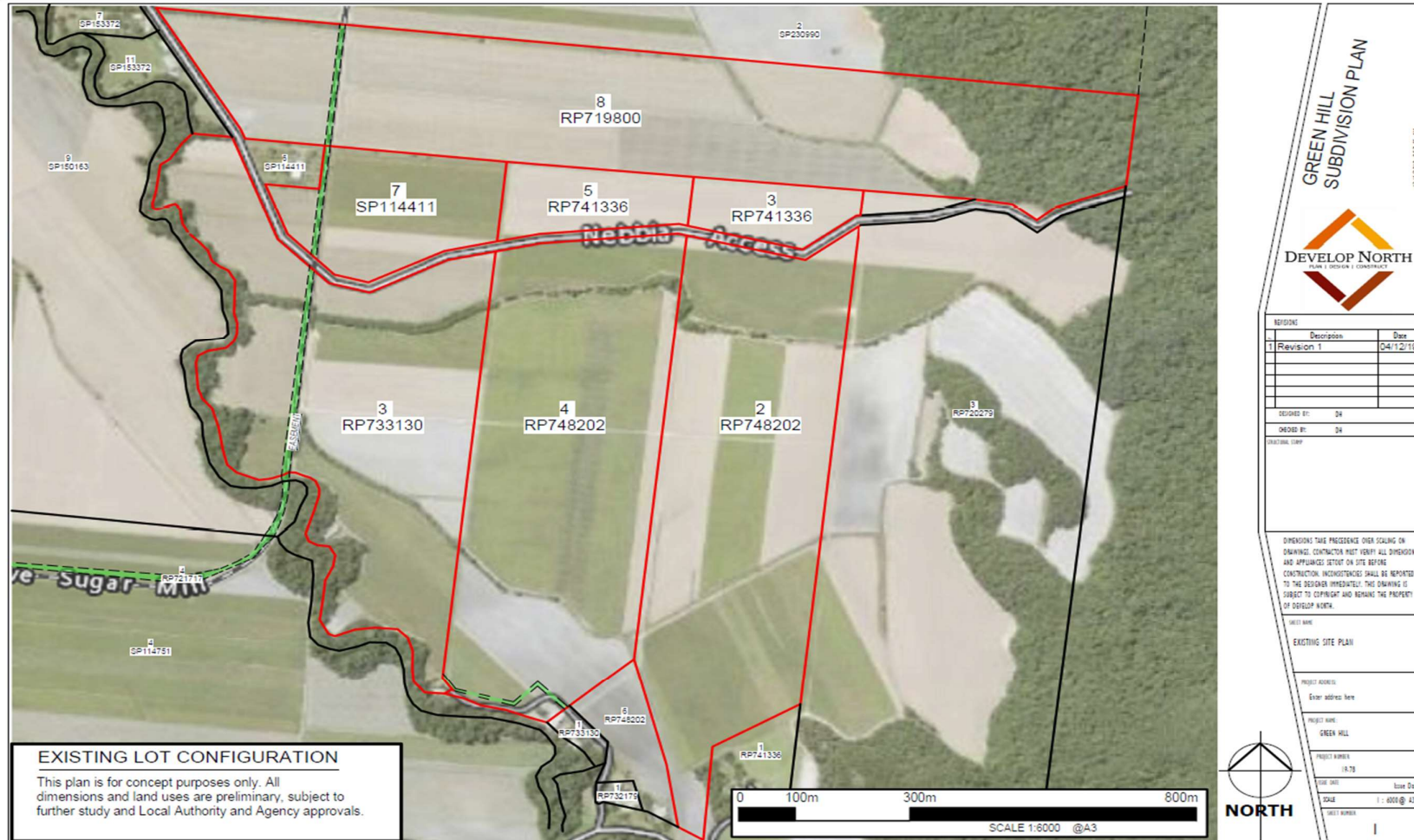


APPENDIX 3: SUPPORTING INFORMATION TO PLANNING REPORT

Map - Alternative Road Alignment/ Easement Alignment



Map: Existing Lot Configuration



Title Searches**CURRENT TITLE SEARCH**

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 32799776

Search Date: 09/12/2019 12:26

Title Reference: 21439124

Date Created: 28/05/1990

Previous Title: 21295231

REGISTERED OWNER

Dealing No: 709314275 24/01/2006

YOUYANGS CORPORATION PTY LTD A.C.N. 116 426 889

TRUSTEE

UNDER INSTRUMENT 709314275

ESTATE AND LAND

Estate in Fee Simple

LOT 2 REGISTERED PLAN 748202
Local Government: CAIRNS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20099211 (POR 457)
2. EASEMENT No 601445897 (N899987) 21/12/1978
BURDENING THE LAND
TO LOT 3 ON RP720279
OVER EASEMENT A ON RP733131
3. LOCAL GOVERNMENT AGREEMENT No 601075127 (T473068P) 30/03/1990
OVER LOT 2 ON RP748202 AND LOT 3 ON RP741336
UNDER SECTION 33 OF THE LOCAL GOVERNMENT ACT

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status
711512974	VEG NOTICE	18/03/2008 13:53	CURRENT
	VEGETATION MANAGEMENT ACT 1999		

UNREGISTERED DEALINGS - NIL

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) [2019]
Requested By: D-ENQ GLOBALX TERRAIN

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 32799759

Search Date: 09/12/2019 12:25

Title Reference: 21094034

Date Created: 30/04/1979

Previous Title: 20691216
21074021**REGISTERED OWNER**

Dealing No: 716556318 15/06/2015

YOUYANGS CORPORATION PTY LTD A.C.N. 116 426 889
TRUSTEE
UNDER INSTRUMENT NO. 716556318**ESTATE AND LAND**

Estate in Fee Simple

LOT 3 REGISTERED PLAN 733130
Local Government: CAIRNS**EASEMENTS, ENCUMBRANCES AND INTERESTS**

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20078173 (POR 346)
Deed of Grant No. 20099211 (POR 457)
2. EASEMENT No 601294227 (N637405) 04/01/1971
BURDENING THE LAND
TO POR 326
OVER EASEMENT B ON RP21718 OF THE WITHIN LAND
3. EASEMENT No 601444712 (N899986) 21/12/1978
BENEFITING THE LAND
OVER EASEMENT C ON RP33130
4. EASEMENT No 601904472 (N905330) 23/02/1979
BENEFITING THE LAND
OVER EASEMENT A ON RP33130
5. NOTING No 701113023 18/01/1996 at 11:11
By Sugar Milling Rationalisation Regulation 1995
LOT 2 ON RP704110 NOW HAS THE BENEFIT OF EASEMENT N637405

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

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) [2019]
Requested By: D-ENQ GLOBALX TERRAIN

Page 1/1

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 32799688

Search Date: 09/12/2019 12:23

Title Reference: 21295232

Date Created: 27/08/1985

Previous Title: 20703029

REGISTERED OWNER

Dealing No: 709314275 24/01/2006

YOUYANGS CORPORATION PTY LTD A.C.N. 116 426 889

TRUSTEE

UNDER INSTRUMENT 709314275

ESTATE AND LAND

Estate in Fee Simple

LOT 3 REGISTERED PLAN 741336

Local Government: CAIRNS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20099211 (POR 457)
2. LOCAL GOVERNMENT AGREEMENT No 601075127 (T473068P) 30/03/1990
OVER LOT 2 ON RP748202 AND LOT 3 ON RP741336
UNDER SECTION 33 OF THE LOCAL GOVERNMENT ACT

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status
711512974	VEG NOTICE	18/03/2008 13:53	CURRENT

VEGETATION MANAGEMENT ACT 1999

UNREGISTERED DEALINGS - NIL

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) [2019]
Requested By: D-ENQ GLOBALX TERRAIN

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 32799765

Search Date: 09/12/2019 12:26

Title Reference: 21439125

Date Created: 28/05/1990

Previous Title: 21295229

REGISTERED OWNER

Dealing No: 709991902 05/10/2006

YOUYANGS CORPORATION PTY LTD A.C.N. 116 426 889
 TRUSTEE
 UNDER INSTRUMENT NO.709991902

ESTATE AND LAND

Estate in Fee Simple

LOT 4 REGISTERED PLAN 748202
 Local Government: CAIRNS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by Deed of Grant No. 20099211 (POR 457)
2. EASEMENT No 601444712 (N899986) 21/12/1978
 BURDENING THE LAND
 TO LOT 3 ON RP733130
 OVER EASEMENT C ON RP733130
3. EASEMENT No 601294664 (N905331) 23/02/1979
 BENEFITTING THE LAND
 OVER EASEMENT A ON RP733130
4. LOCAL GOVERNMENT AGREEMENT No 601294665 (T473065G) 30/03/1990
 OVER LOT 4 ON RP748202 AND LOT 5 ON RP741336
 UNDER SECTION 33 OF THE LOCAL GOVERNMENT ACT

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status
711512974	VEG NOTICE	18/03/2008 13:53	CURRENT
	VEGETATION MANAGEMENT ACT 1999		

UNREGISTERED DEALINGS - NIL

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) [2019]
 Requested By: D-ENQ GLOBALX TERRAIN

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 32799681

Search Date: 09/12/2019 12:22

Title Reference: 21295233

Date Created: 27/08/1985

Previous Title: 21120230

REGISTERED OWNER

Dealing No: 709991902 05/10/2006

YOUYANGS CORPORATION PTY LTD A.C.N. 116 426 889

TRUSTEE

UNDER INSTRUMENT NO.709991902

ESTATE AND LAND

Estate in Fee Simple

LOT 5 REGISTERED PLAN 741336
Local Government: CAIRNS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20099211 (POR 457)
2. EASEMENT No 601294664 (N905331) 23/02/1979
BENEFITING THE LAND
OVER EASEMENT A ON RP733130
3. LOCAL GOVERNMENT AGREEMENT No 601294665 (T473065G) 30/03/1990
OVER LOT 4 ON RP748202 AND LOT 5 ON RP741336
UNDER SECTION 33 OF THE LOCAL GOVERNMENT ACT

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status
711512974	VEG NOTICE	18/03/2008 13:53	CURRENT
VEGETATION MANAGEMENT ACT 1999			

UNREGISTERED DEALINGS - NIL

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) [2019]
Requested By: D-ENQ GLOBALX TERRAIN

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 32799711
Search Date: 09/12/2019 12:24Title Reference: 50262682
Date Created: 13/04/1999

Previous Title: 20673217

REGISTERED OWNER

Dealing No: 716556318 15/06/2015

YOUYANGS CORPORATION PTY LTD A.C.N. 116 426 889
TRUSTEE
UNDER INSTRUMENT NO. 716556318**ESTATE AND LAND**

Estate in Fee Simple

LOT 7 SURVEY PLAN 114411
Local Government: CAIRNS**EASEMENTS, ENCUMBRANCES AND INTERESTS**

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20525091 (POR 346)
Deed of Grant No. 20525092 (POR 346)
Deed of Grant No. 20525093 (POR 346)
2. EASEMENT No 601294227 (N637405) 04/01/1971
burdening the land to
LOT 326 ON CP NR4416 OVER
EASEMENT A ON RP721718
3. NOTING No 701113023 18/01/1996 at 11:11
By Sugar Milling Rationalisation Regulation 1995
LOT 2 ON RP704110 NOW HAS THE BENEFIT OF EASEMENT N637405

ADMINISTRATIVE ADVICES - NIL
UNREGISTERED DEALINGS - NIL

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) [2019]
Requested By: D-ENQ GLOBALX TERRAIN

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 32799474

Search Date: 09/12/2019 12:11

Title Reference: 20671170

Date Created: 19/10/1964

Previous Title: 20639083

REGISTERED OWNER

Dealing No: 710993465 13/09/2007

YOUYANGS CORPORATION PTY LTD A.C.N. 116 426 889
 TRUSTEE
 UNDER INSTRUMENT 710993465

ESTATE AND LAND

Estate in Fee Simple

LOT 8 REGISTERED PLAN 719800
 Local Government: CAIRNS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
 Deed of Grant No. 20525091 (POR 342)
 Deed of Grant No. 20525092 (POR 457)
 Deed of Grant No. 20525093 (POR 457)
2. EASEMENT No 601110003 (N757805) 23/12/1974
 BURDENING THE LAND
 TO LOT 2 ON RP704110
 OVER EASEMENT C ON RP721718
3. NOTING No 701113023 18/01/1996 at 11:11
 By Sugar Milling Rationalisation Regulation 1995
 LOT 2 ON RP704110 NOW HAS THE BENEFIT OF EASEMENT N757805
4. EASEMENT No 704907446 19/07/2001 at 12:20
 benefiting the land over
 EASEMENT A ON SP137298

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status
711512974	VEG NOTICE	18/03/2008 13:53	CURRENT
VEGETATION MANAGEMENT ACT 1999			

UNREGISTERED DEALINGS - NIL

Corrections have occurred - Refer to Historical Search

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) [2019]
 Requested By: D-ENQ GLOBALX TERRAIN

Page 1/1

Local Government Agreement affecting Lot 2 on RP7482020 and Lot 3 on RP741336

601075127 V0 REGISTERED Recorded Date 30/03/1990 00:00 Page 1 of 9

Form 1 Queensland Real Property Act 1966-1986 Real Property Requisitions 1986 BACKING SHEET

T473068P \$72.00
 30 MAR 1990 10:44 AM
 8100 L/G/OUT AGREE

GENERAL REQUEST TO THE REGISTRAR OF TITLES

ENTERED IN THE REGISTER BOOK
 VOLUME *N1295*
 FOLIO *232*
 AT *12-26* AM/PM
 23 MAY 1990
 REGISTRAR OF TITLES

CORRESPONDENCE NUMBER

REQUISITIONS *105*
106
12-4-90

SHORT FEE
 REQUISITION FEE
 12 MAR 1990
P1705

601075127
 T473068P LOC GOVT AGR

BELOW THIS LINE TO BE COMPLETED BY LODGER		LODGER CODE
LODGED BY: MCDONNELLS		
ADDRESS: ADMINISTRATION PTY. LT.		
TOWNSVILLE		
CERTIFICATES OF TITLE, DEEDS OF GRANT, DECLARATIONS ETC. LODGED WITH THIS DOCUMENT TO BE COMPLETED BY LODGING PARTIES		
<i>Agreement N1295-232</i>		
LODGED IN <i>MCDONNELLS</i>		
BY <i>CH-20</i>		
BELOW THIS LINE FOR OFFICERS NOTATIONS		OFFICE USE
RECEIPT NOTATIONS		
ITEMS RECEIVED: <i>Deed N1295-232 QIDC</i>		
FIRM NAME:		
PER: <i>Chuggs</i>		
AUTHORITY:		
DATE: <i>10/7/90</i>		
ITEMS DELIVERED BY POST		
FORWARDED TO LODGER OF THIS DOCUMENT ON		

- INSTRUCTIONS FOR COMPLETION (Form 14)
- Document across stamp duty
 - Typewriting and hand-writing should be clear, legible and in permanent dark black or blue ink
 - Deletions for the purpose of effecting alterations are not to be made by erasing or painting over. Items to be deleted are to be ruled through and all alterations are to be initialed by the parties to the dealing
 - All parcels are to be completed or ruled up. If insufficient space attach separate FORM 12. The word should then only appear in the words "See Annexure" (inserting appropriate letter)
 - The following instructions relate to the corresponding title notes on the form:
 - Item (1) (1) Insert the full name of the registered proprietor of the estate or estates the subject of this request
 - (2) If the estate or estates is held in trust or by a personal representative, then the trust should be identified, e.g. "In Trustee under 'Name of Trustee' of 'Trustee No.' in personal representative of the estate of 'deceased'"
 - (3) Insert e.g. "the single", "Lots No."
 - (4) Insert e.g. "in part interest", "as interests in common in equal shares" (if in unequal shares then show each share as a fraction)
 - (5) The description of the land should include "Lot ... on R.P. ...". If the land is the residue of land as presently described by an historic description, e.g. "Subdivision ... of subdivision ... etc.", then on this the register book there is a provision that the description has been converted to a "Lot ... on R.P. ...", the historic description should be inserted in full
 - (6) State only the type of documents and dealing number of any prior mortgages, encumbrances etc. encumbering the estate or interest the subject of this request, e.g. "estate or interest other than an estate in fee simple, then show only the mortgages, encumbrances, etc. affecting that estate or interest"
 - (a) If a Building Unit/Group Title, then any interests encumbering the common property should also be included
 - (b) If none, then state "nil"
 - (c) Insert e.g. "In accordance with the Deed dated ... deposited herewith that you record the retirement of ... from the above trusts"
 - (7) If the document is received by a corporation or other body other than by its attorney, then its seal should be affixed thereto with a certificate that such seal is affixed by the proper officer, verified by his/her signature. The full names of the signatories and their designations should be shown
 - (8) The attorney certifies the document then the full name of the attorney and the source of the attorney's authority should be shown, e.g. "AB by his duly constituted Attorney R.Y. under Power of Attorney No.". The attorney's signature should then follow

Form 14
 Queensland
 Real Property Act 1961-1986
 Real Property Regulations 1986
GENERAL REQUEST

*Insert amount of request (See Your Entry)

TO THE REGISTRAR OF TITLES TO

*Register an Agreement under s.33 (1B) of the Local Government Act 1936-1988

REGISTRAR OF TITLES

REGISTRED PROPRIETOR (Full name) (1) BRUCE SWENSON, FAY CHRISTINE ROSE SWENSON, CHARLES SWENSON & KAY LYMETTE SWENSON ✓

ESTATE OR INTEREST (2) Fee Simple ✓

HOW ESTATE OR INTEREST IS HELD (3) Tenants in Common in Equal Shares ✓

APPLICANT (Full name) (4) COUNCIL OF THE SHIRE OF MULGRAVE ✓

DESCRIPTION OF LAND (5)

Volume	Link	Units	Parish	Description
X1295	231	Mares	Trinity	Lot 2 on Plan 748202
X1295	232	Mares	Trinity	Lot 3 on R.P. 741336

MORTGAGES, ENCUMBRANCES, ETC. (6)

Mortgage No. T138471 ✓

STAMP DUTIES OFFICE
 11/10/89

REQUEST (State the nature of the request and refer to any relevant documents)

(7) I HEREBY REQUEST THAT - you register the Agreement dated 30th day of October 1989, made pursuant to s.33 (1B) of the Local Government Act 1936-1988 and deposited herewith.

(8) SIGNED THIS TWENTY-FIFTH DAY OF OCTOBER 1989 AND CERTIFIED CORRECT FOR THE PURPOSE OF REGISTRATION BY -

EXECUTION (9) APPLICANT (signature) THOMAS Alfred Pyne Chairman
 OR Neil Mills Clerk
 Solicitor (signature) _____
 (Full name of Solicitor to be printed) _____

NOTE: This form shall be used in the case of a request where a form is not otherwise prescribed.

4.00

THIS AGREEMENT is made this 3rd day of October 1989
BETWEEN COUNCIL OF THE SHIRE OF MULGRAVE a Local
 Authority duly constituted under the provisions of the
 Local Government Act 1936-1988 and having its Council
 Chambers at 51 Esplanade Cairns in the State of Queensland
 (hereinafter called "the Council") of the One Part and
BRUCE SWENSON, FAY CHRISTINE ROSE SWENSON, CHARLES
SWENSON and KAY LYNETTE SWENSON all of Green Hill
via Gordonvale

in the said State (hereinafter collectively called "the
 Subdivider") of the Other Part

#13/11/89 E/H1206388
 STAMP DUTIES OFFICER
 11/11/89
 47.00

WHEREAS:-

- A. The Subdivider is the Registered Proprietors of all that land described as Lots 2 and 3 on R.P. 741336, Parish of Trinity, County of Nares;
- B. Charles Swenson and Kay Lynette Swenson are the registered proprietors of all that land described as Lot 4 on R.P. 741336, Parish of Trinity, County of Nares;
- C. The Subdivider proposes to subdivide the said Lots 2 and 4 on R.P. 741336 into Lots 2, 4 and 6 on Plan 748202 in accordance with the requirements of the Local Government Act 1936-1988 and has obtained in that behalf the consent of the Council to such subdivision. The said Council has endorsed upon Plan No. 748202 its consent in relation to the proposed subdivision a copy of which Plan is annexed

A0157/JEH

in the Schedule hereto on the Condition, inter alia that the Subdivider enter into and execute these presents.

- D. In consequence of the subdivision, Lot 2, on Plan 748202 and Lot 3 on R.P. 741336 will not be contiguous to each other by virtue of their being separated by a surveyed road and such lands are proposed to be used co-jointly for a purpose that is permissible under the Town Planning Scheme.

NOW THIS AGREEMENT WITNESSETH that pursuant to the premises the Subdivider doth hereby covenant and agree with the Council as follows:-

1. That none of Lot 2 on Plan 748202 and Lot 3 on R.P. 741336 (hereinafter called "the said Lots") shall be capable of disposition separately from the other of them without the written consent of the Council.

2. That the Subdivider will not sell, transfer or dispose of to any person or persons or Body Corporate or otherwise howsoever any of the said Lots separately from the other or others without first obtaining the written consent of the Council to the cancellation of this agreement which consent the Council may refuse to give without assigning any reason therefor PROVIDED ALWAYS that nothing herein contained or implied shall be deemed to prohibit the Subdivider from selling, transferring or disposing of the said Lots together to the same person or persons or Body Corporate.

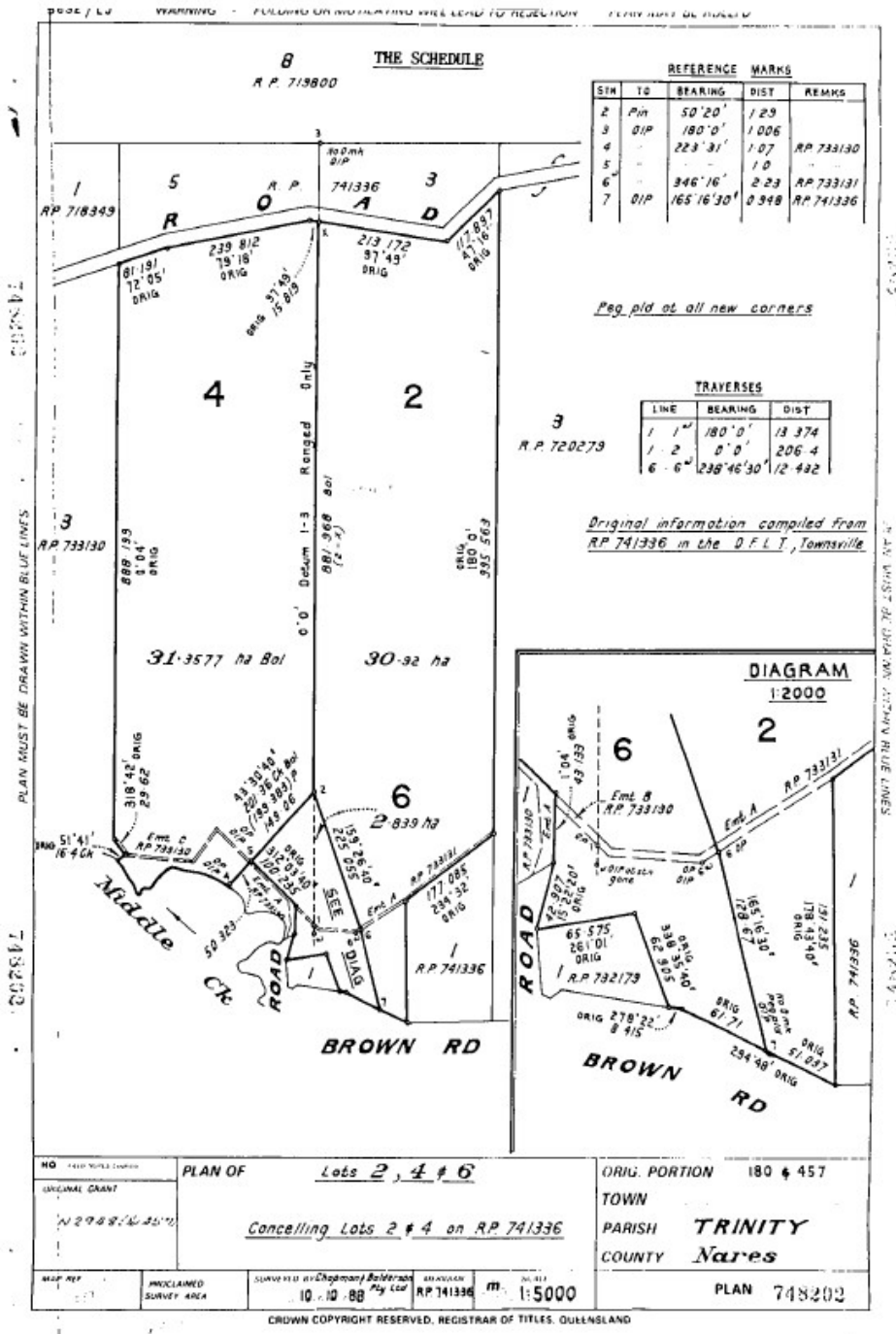
3. That the Subdivider will do all such acts and things as shall be reasonably required by the Council to enable this agreement to be registered pursuant to Section 33(1B)

A0157/JEH

of the Local Government Act (1936-1988) on the Certificates of Title relating to the said Lots following the registration of Plan No. 748202 in the office of the Department of Freehold Land Titles Townsville.

4. That the Subdivider will pay the costs of and incidental to the preparation, execution, stamping and registration of this agreement.

A0157/JEH



IN WITNESS WHEREOF the parties have hereunto executed these presents on the day and year first hereinbefore written.

GIVEN under the CORPORATE SEAL of the COUNCIL OF THE SHIRE OF MULGRAVE in pursuance of the Council's By-laws and in the presence of THOMAS ALFRED PYNE and NEIL MILLS the Chairman and Clerk of the Council respectively who have hereunto subscribed their names in the presence of:-

) T. Pyne
Chairman
) Neil Mills
Clerk

Neil Mills
A Justice of the Peace

SIGNED SEALED and DELIVERED by the said BRUCE SWENSON in the presence of:-

) Bruce Swenson

Neil Mills
A Justice of the Peace
Solicitor

SIGNED SEALED and DELIVERED by the said FAY CHRISTINE ROSE SWENSON in the presence of:-

) F. Swenson

Neil Mills
A Justice of the Peace
Solicitor

SIGNED SEALED and DELIVERED by the said CHARLES SWENSON in the presence of:-

) Charles Swenson

Neil Mills
A Justice of the Peace
Solicitor

SIGNED SEALED and DELIVERED by the said KAY LYNETTE SWENSON in the presence of:-

) K. Swenson

Neil Mills
A Justice of the Peace
Solicitor

A0157/JEH

DATED _____ 1989.

BETWEEN:

COUNCIL OF THE SHIRE OF
MULGRAVE

"the Council"

AND:

BRUCE SWENSON,
FAY CHRISTINE ROSE SWENSON,
CHARLES SWENSON
and
KAY LYNETTE SWENSON

"the Subdivider"

AGREEMENT

MacDONNELLS,
Solicitors,
6th Level,
National Mutual Tower,
15 Lake Street,
CAIRNS, Qld. 4870

Telephone: (070) 51 4000
Reference: 11:JEH:SMF

A0157/JEH

Local Government Agreement affecting Lot 4 on RP748202 and Lot 5 on RP741336

601294665 V0 REGISTERED Recorded Date 30/03/1990 00:00 Page 1 of 9

Form 1 Queensland Area Property Act 1981 (1981 Real Property Regulations 1986) **BACKING SHEET**

T473065G \$72.00
 30 MAR 1990
 10:43 AM
 8100 LG/GOVT AGREE

GENERAL REQUEST TO THE REGISTRAR OF TITLES LCODE
 172 115 910

ENTERED IN THE REGISTER BOOK
 VOLUME *M1295*
 FOLIO *233, 229*
 AT *12-26* AM/PM
 23 MAY 1990
 REGISTRAR OF TITLES

CHECKED *L*

BELOW THIS LINE TO BE COMPLETED BY LODGER

LODGER CODE

LODGED BY: **MACDONNELLS**
 ADDRESS: **ADMINISTRATION PTY. LTD.**
TOWNSVILLE

CERTIFICATES OF TITLE, DEEDS OF GRANT, DECLARATIONS ETC. LODGED WITH THIS DOCUMENT TO BE COMPLETED BY LODGING PARTY:

Deposited 30/03/90 LODGED BY **MACDONNELLS**
1295/233 *Q10C*

BELOW THIS LINE FOR DELIVERY NOTATIONS

RECIPIENT(S)

ITEMS RECEIVED: *Deed M1295-233 Q10C*

FIRM NAME: *Duglas*

PER: _____

AUTHORITY: _____

DATE: *18/1/90*

ITEMS DELIVERED BY POST

FORWARDED TO LODGER OF THIS DOCUMENT ON

CORRESPONDENCE NUMBER

REQUISITIONS

101
103
105
106
Q10C v. 90

SLIP: EE
 S/67 REQUISITION FEE
 16 MAY 1990
 Paid Vido No. *P17007*



601294665

T473065G

LOC GOVT AGR

Out all

INSTRUCTIONS FOR COMPLETION (Form 1)

1. Document should state date.
2. Typewriting and hand-writing should be clear. Right- and left-hand margins must be clear.
3. Corrections for the purpose of effecting alterations are not to be made by erasure or painting over. Lines to be deleted are to be ruled through and all alterations are to be made by the parties to the drafting.
4. All pages are to be completed or ruled up. If insufficient space each annexure is FORM 12. The page should then only contain the words "See Annexure ()" (inserting appropriate letter).
5. The following instructions relate to the corresponding side notes on the form.
 - Item (1) (a) Insert the full name of the registered proprietor of the estate or interest the subject of this request.
 - (b) If the estate or interest is held in trust or by a personal representative, then the trust should be identified, e.g. "as Trustee under Nomination of Trustees No.", "as personal representative of the estate of deceased".
 - Item (2) Insert e.g. "the sample", "Lease No.".
 - Item (3) Insert e.g. "in joint tenancy", "as tenants in common in equal shares" (if it is unusual, insert the words "with clause as to a fraction").
 - Item (5) The description of the land should include "Lot on R.P.". If the land in the instrument of title is presently described by an historic description, e.g. "Subdivision ... of subdivision ... etc.", then within the register book bear a notation that the description has been converted to a "Lot on R.P.", the historic description should be omitted in full.
 - Item (6) (a) State only the type of document and dealing number of any prior mortgage, encumbrance etc. encumbering the estate or interest the subject of this request, e.g. "estate or interest due to an owner in fee simple, first show only the mortgage, encumbrance, etc. affecting that estate or interest".
 - (b) If a Building Group/Group Trust, does any interest encumbering the common property should also be included.
 - (c) If none, then show "nil".
 - Item (7) Insert e.g. "in accordance with the Deed dated deposited herewith that you record the execution of from the above trust".
 - Item (8) (a) If the document is executed by a corporation or other body other than by its attorney, then it must be signed by the attorney with a certificate that such has been affixed by the proper officer verified by his/her signature. The full names of the signatories and their designations should be shown.
 - (b) If an attorney executes the document then the full name of the attorney and the name of the attorney's authority should be shown e.g. "AB by his duly constituted attorney NV under Power of Attorney No.". The attorney's signature should then follow.

Form 14
 Queensland
 Real Property Act 1961-1986
 Real Property Regulations 1986
GENERAL REQUEST

*Insert name of requestor (See Note below)

TO THE REGISTRAR OF TITLES TO

Register an Agreement under s.33 (1B) of the Local Government Act 1936-1988

REGISTERED PROPRIETOR (Full name)

(1) ~~BRUCE CHENOCK, FAY COLLETTA, ROSE CHENOCK~~ CHARLES SWENSON & KAY LYNETTE SWENSON

ESTATE OR INTEREST

(2) Fee Simple

HOW ESTATE OR INTEREST IS HELD (If more than one registered proprietor)

(3) ~~Tenants in Common in Equal Shares~~
 As Joint Tenants

APPLICANT (Full name)

(4) COUNCIL OF THE SHIRE OF MULGRAVE

RECEIVED DUTIES OFFICE
 1 11 1989

DESCRIPTION OF LAND

Volume	Folio	County	Parish	Description
N1295	229	Wares	Trinity	Lot 4 on Plan 748202
N1295	233	Wares	Trinity	Lot 5 on R.P. 741336

MORTGAGES, ENCUMBRANCES, ETC.

(5) Mortgages Nos. M921935, T208133 and T238466
 Easement No. N899986

REQUEST (See note on reverse of this form and refer to the evidence required)

(7) I HEREBY REQUEST THAT you register the Agreement dated 25th day of October 1989, made pursuant to s.33 (1B) of the Local Government Act 1936-1988 and deposited herewith.

(8) SIGNED THIS TWENTY-FIFTH DAY OF OCTOBER 1989
 AND CERTIFIED CORRECT FOR THE PURPOSE OF REGISTRATION BY -

 (9) APPLICANT (signature) _____ Thomas Alfred Pyno
 OR _____ Chairman
 (Name of SOLICITOR (signature) _____ Peil Mills
 Clerk
 (Full name of Solicitor to be printed) _____

NOTE: This form shall be used in the case of a request where a form is not otherwise prescribed.

4.00

THIS AGREEMENT is made this 3-1 day of October 1989
BETWEEN COUNCIL OF THE SHIRE OF MULGRAVE a Local
 Authority duly constituted under the provisions of the
 Local Government Act 1936-1988 and having its Council
 Chambers at 51 Esplanade Cairns in the State of Queensland
 (hereinafter called "the Council") of the One Part and
BRUCE SWENSON, FAY CHRISTINE ROSE SWENSON, CHARLES
SWENSON and KAY LYNETTE SWENSON all of Green Hill
via Sorberville

in the said State (hereinafter collectively called "the
 Subdivider") of the Other Part

13/11/89 8/11294578
 12/11/89 8/11294578
 11/11/89 8/11294578
 10/11/89 8/11294578

WHEREAS:-

- A. The Subdivider is the Registered Proprietors of all that land described as Lot 2 on R.P. 741336, Parish of Trinity, County of Nares;
- B. Charles Swenson and Kay Lynette Swenson are the registered proprietors of all that land described as Lots 4 and 5 on R.P. 741336, Parish of Trinity, County of Nares;
- C. The Subdivider proposes to subdivide the said Lots 2 and 4 on R.P. 741336 into Lots 2, 4 and 6 on Plan 748202 in accordance with the requirements of the Local Government Act 1936-1988 and has obtained in that behalf the consent of the Council to such subdivision. The said Council has endorsed upon Plan No. 748202 its consent in relation to the proposed subdivision a copy of which Plan is annexed

A0190/JEH

-2-

in the Schedule hereto on the Condition, inter alia that the Subdivider enter into and execute these presents.

- D. In consequence of the subdivision, Lot 4, on Plan 748202 and Lot 5 on R.P. 741336 will not be contiguous to each other by virtue of their being separated by a surveyed road and such lands are proposed to be used co-jointly for a purpose that is permissible under the Town Planning Scheme.

NOW THIS AGREEMENT WITNESSETH that pursuant to the premises the Subdivider doth hereby covenant and agree with the Council as follows:-

1. That none of Lot 4 on Plan 748202 and Lot 5 on R.P. 741336 (hereinafter called "the said Lots") shall be capable of disposition separately from the other of them without the written consent of the Council.

2. That the Subdivider will not sell, transfer or dispose of to any person or persons or Body Corporate or otherwise howsoever any of the said Lots separately from the other or others without first obtaining the written consent of the Council to the cancellation of this agreement which consent the Council may refuse to give without assigning any reason therefor PROVIDED ALWAYS that nothing herein contained or implied shall be deemed to prohibit the Subdivider from selling, transferring or disposing of the said Lots together to the same person or persons or Body Corporate.

3. That the Subdivider will do all such acts and things as shall be reasonably required by the Council to enable this agreement to be registered pursuant to Section 33(1B)

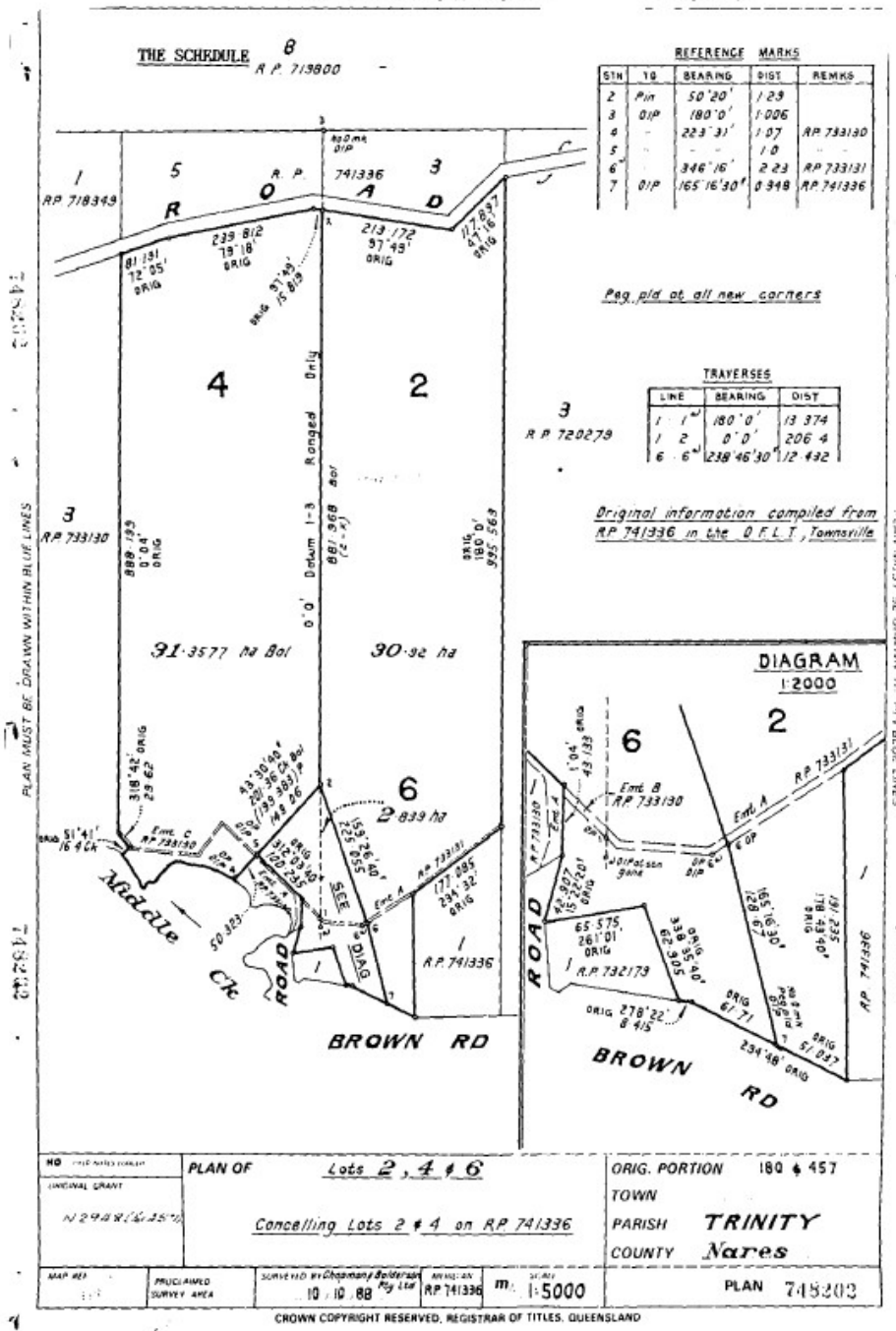
A0190/JEH

-3-

of the Local Government Act (1936-1988) on the Certificates of Title relating to the said Lots following the registration of Plan No. 748202 in the office of the Department of Freehold Land Titles Townsville.

4. That the Subdivider will pay the costs of and incidental to the preparation, execution, stamping and registration of this agreement.

A0190/JEH



IN WITNESS WHEREOF the parties have hereunto executed these presents on the day and year first hereinbefore written.

GIVEN under the CORPORATE SEAL of the COUNCIL OF THE SHIRE OF MULGRAVE in pursuance of the Council's By-laws and in the presence of THOMAS ALFRED PYNE and NEIL MILLS the Chairman and Clerk of the Council respectively who have hereunto subscribed their names in the presence of:-

) T Pyne
) Chairman
) Neil Mills
) Clerk

[Signature]
A Justice of the Peace

SIGNED SEALED and DELIVERED by the said BRUCE SWENSON in the presence of:-

) Bruce Swenson

[Signature]
A Justice of the Peace

SIGNED SEALED and DELIVERED by the said FAY CHRISTINE ROSE SWENSON in the presence of:-

) F. Swenson

[Signature]
A Justice of the Peace

SIGNED SEALED and DELIVERED by the said CHARLES SWENSON in the presence of:-

) Charles Swenson

[Signature]
A Justice of the Peace

SIGNED SEALED and DELIVERED by the said KAY LYNETTE SWENSON in the presence of:-

) K. Swenson

[Signature]
A Justice of the Peace

A0190/JEH

DATED 1989.

BETWEEN:

COUNCIL OF THE SHIRE OF
MULGRAVE

"the Council"

AND:

BRUCE SWENSON,
FAY CHRISTINE ROSE SWENSON,
CHARLES SWENSON
and
KAY LYNETTE SWENSON

"the Subdivider"

AGREEMENT

MacDONNELLS,
Solicitors,
6th Level,
National Mutual Tower,
15 Lake Street,
CAIRNS, Qld. 4870

Telephone: (070) 51 4000
Reference: 11:JEH:SMF

A0190/JEH