

Our Ref: PR25001.39

E-mail: ben@malleegroup.com.au

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Date: 30 September 2025

Attn: Chief Executive Officer
Cook Shire Council
PO Box 3
COOKTOWN QLD 4895

Via: Email (mail@cook.qld.gov.au)

Dear Sir/Madam

RE: LODGEMENT OF A DEVELOPMENT APPLICATION PURSUANT TOP SECTION 51 OF THE PLANNING ACT 2016 FOR BOUNDARY REALIGNMENT ON LAND AT 75-333 DAWSON RD, LAKELAND BETWEEN LAND PARCELS DESCRIBED AS LOT 215 ON RP747485 AND LOT 3 ON RP741357.

Mallee Group on behalf of Mackay Group Properties is lodging this development application which seeks approval for the following aspects of development:

- **Development Permit for Reconfiguring a Lot** (Boundary Realignment);

This application relates to land within the Rural Zone under the provisions of the *Cook Shire Planning Scheme 2017* and so is subject to **code assessment**.

APPLICATION MATERIAL

As required by Section 51 of the *Planning Act 2016*, the development application includes:

- DA Form 1 – Development Application Details;
- Landowners Consent;
- Title Search;
- Proposed Reconfiguration Plan; and
- Town Planning Report and Code Responses.

APPLICATION FEES

In accordance with Council's 2025-26 Fees and Charges Schedule we understand the applicable fee is \$950.00, to be paid upon an application reference being allocated.

I trust this information is sufficient for your purposes, however should you require any further details or clarification please do not hesitate to contact the writer by telephone on 0430 011 617.

Yours faithfully



Ben Walsh
Director | Principal Planner

TOWN PLANNING REPORT

DEVELOPMENT PERMIT FOR RECONFIGURING A LOT (BOUNDARY REALIGNMENT)

Gold Tyne – 75-333 Dawson Rd, Lakeland, between lots 215 RP747485 and Lot 3 on RP741357



Town Planning Report VI.
October 2025

Document Status				
Version	Purpose	Author	Reviewed by	Review Date
1	Draft	Ben Walsh	Ben Walsh	September 2025

Approval For Issue

Ben Walsh		1 October 2025
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Prepared by:	Prepared for:
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ATTACHMENTS

Attachment A	Application Forms and Owner's Consent
Attachment B	Searches
Attachment C	Proposed Reconfiguration Plan <i>prepared by Mallee Group</i>
Attachment D	Code Responses <i>prepared by Mallee Group</i>

1 SUMMARY

Table 1: Summary

Details			
Site Address	75-333 Dawson Rd, Lakeland		
Real Property Description	Lot 215 on RP747485 & Lot 3 on RP741367		
Total Site Area	734.8 hectares		
Regional Plan Land Use Designation	Cape York Regional Plan		
Local Government	Cook Shire Council		
Planning Scheme	Cook Shire Planning Scheme 2017 – Version 2.0		
Zone	Rural Zone		
Land Owner(s)	Mackfarms Pty Ltd		
Proposed Development			
Description of Proposal	Development Permit under s49(3) of the <i>Planning Act 2016</i>, for Reconfiguring a Lot (Boundary Realignment)		
Application detail			
Aspect of Development	Preliminary approval	Development permit	
Reconfiguring a Lot	☐	☒	
Building Work	☐	☐	
Operational Works	☐	☐	
Assessment Category	☒ Code	☐ Impact	
Public Notification	☒ No	☐ Yes	
Referral agencies			
Agency	Concurrence agency	Advice agency	Pre-lodgement response
Department of Transport and Main Roads	☒	☐	☐ Yes ☒ No
Schedule 10, Part 9, Division 4, Table 1, Item 1 - Reconfiguring a lot near a state transport corridor			
Other			
Applicant	Mackfarms Pty Ltd c/- Mallee Group		

Applicant Contact Person	Ben Walsh Director Principal Planner M: 0430 011 617 E: ben@malleegroup.com.au
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2 INTRODUCTION

Mallee Group have been commissioned to prepare this Planning Report in support of an application for a Development Permit for a Reconfiguration of Lot to realign the common boundary between Lot 215 RP747485 and Lot 3 RP741357, located at Dawson Rd, Lakeland. The site forms a part of the Mackay's Gold Tyne banana farm which is made up of a total of four (4) land parcels. This application proposes the rearrangement of two (2) parcels only, as an administrative action to assist in the ongoing management and coordination of the farms assets.

The subject site (combined Lots 215 and 3) has a total area of 734.8 hectares with direct frontage to Dawson Road and the Mulligan Highway. The proposal seeks to realign the common boundary between each lot, resulting in the creation of one smaller land parcel of sixteen (16) hectares and the balance larger parcel (718.53 hectares).

Under the *Cook Shire Council Planning Scheme 2017*, the subject site is zoned Rural and is located approximately 7km from the township of Lakeland. The proposed reconfiguration is subject to Code Assessment.

Full details of the proposed development, site context and the relevant planning framework are set out in the Summary (Table 1) above. This report provides greater detail on the nature of the proposal, and provides an assessment of the development against the relevant statutory planning documents.

Approval is recommended subject to reasonable and relevant conditions.



Figure 1 Site Location Plan

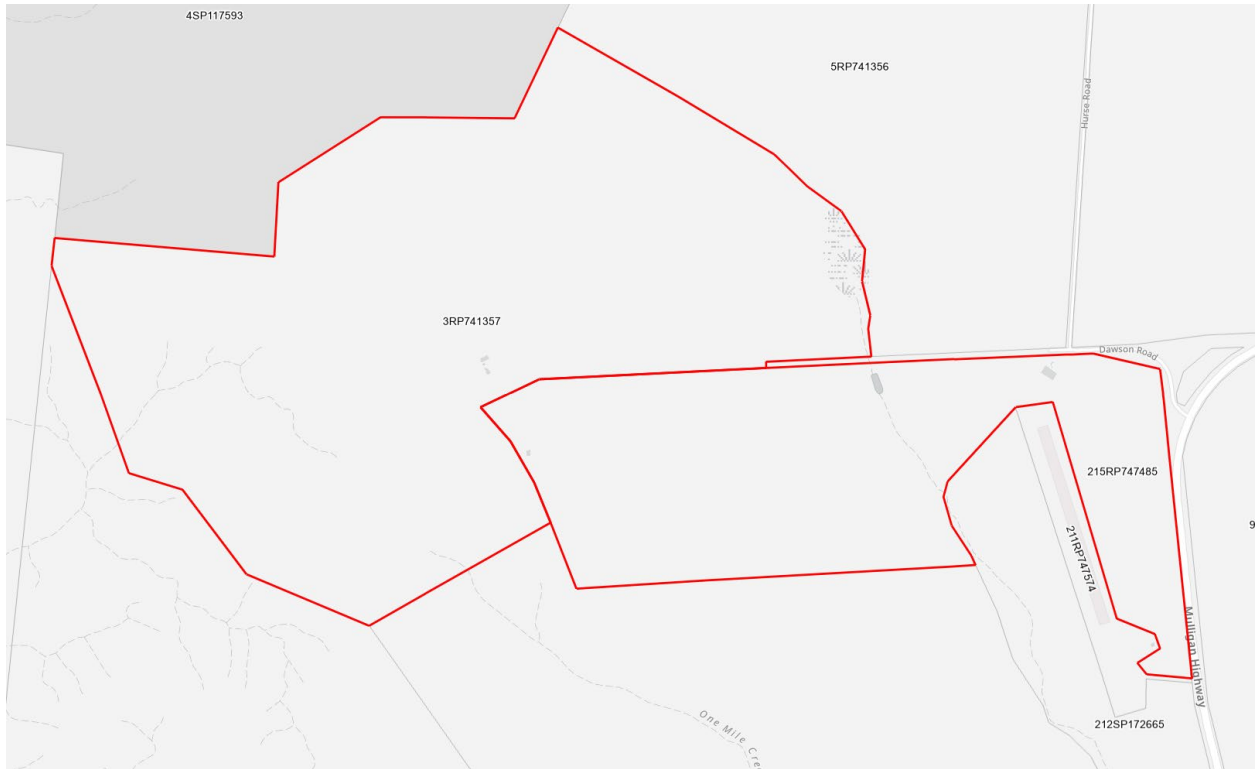


Figure 2 Cadastral Plan

2.1 Site particulars

Key details of the subject site are as follows:

Table 2: Site particulars

Site particulars	
Site Address	75-333 Dawson Road, Lakeland <i>Refer to Figure 1 – Site Location Plan</i>
Real Property Description	Lot 215 RP747485 & Lot 3 RP741357 <i>Refer to Figure 2 – Cadastral Plan</i>
Site Area	734.8 hectares
Land Owner(s)	MacFarms Pty Ltd <i>Refer to Attachment A for Owners Consent and Attachment B for Certificates of Title</i>

2.2 Site Analysis

Key details of the subject site are as follows in Table 3 with Figure 3 providing an aerial view of the site.

Table 3: Site analysis

Site Analysis	
Existing Land Use	Cropping / Farming
Frontages	The land has direct frontage to Dawson Road and Mulligan Highway. Existing direct access is available to both lots via each frontage.
Topography	The land is undulating
Waterways	The site is not affected by any mapped waterway
Vegetation	Limited regrowth vegetation exists on the property, none of which will be affected by the boundary realignment
Wetlands	The site does not feature a wetland protection area
Contaminated Land	The site is not registered on the EMR or CLR
Notifiable Activities	The site has not been used for a Notifiable Activity.
Heritage Places	The site is not a Heritage Place and does not adjoin a Heritage Place
Infrastructure, Services and Public Utilities	The site does not have access to any utilities other than electrical and communications

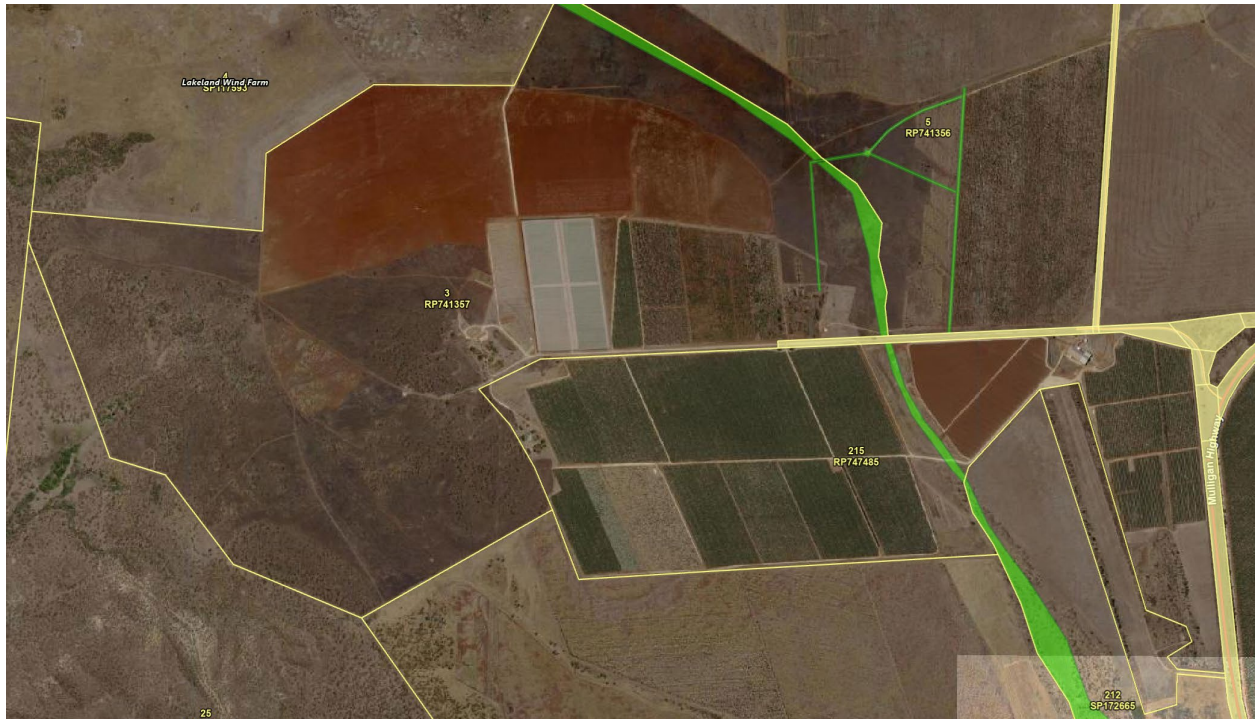


Figure 3 Aerial Photograph

2.3 Surrounding Land Uses

Surrounding Land Uses	
North	North of the site is the greater landholdings of Gold Tyne property and adjoining productive farms within the Lakeland basin
East	The east of the site is flanked by the Mulligan Highway and additional cropping farms
South	The small township of Lakeland is located approximately 1.3km to the south of the site. Lakeland has an approximate population of 300 with limited services and facilities.
West	The Lakeland air strip (Lot 211 RP747574) owned by Cook Shire Council adjoins the western boundary of the site followed by larger agricultural and farming properties

2.4 Planning Context

The planning context of the site includes the following:

Table 4: Planning context

Instrument	Designation
Far North Queensland Regional Plan	
Regional Plan designation	• Rural Production Area
Cook Shire Planning Scheme 2017 Volume 2	
Strategic Framework Designation	• Important Agricultural Area
Zoning	• Rural Zone
Overlays	• Biodiversity Overlay – Regulated Veg Cat B (not affected by development footprint) • Medium Risk Bushfire Hazard (not affected by development footprint) • Agricultural Land Class A & Important Agricultural Area

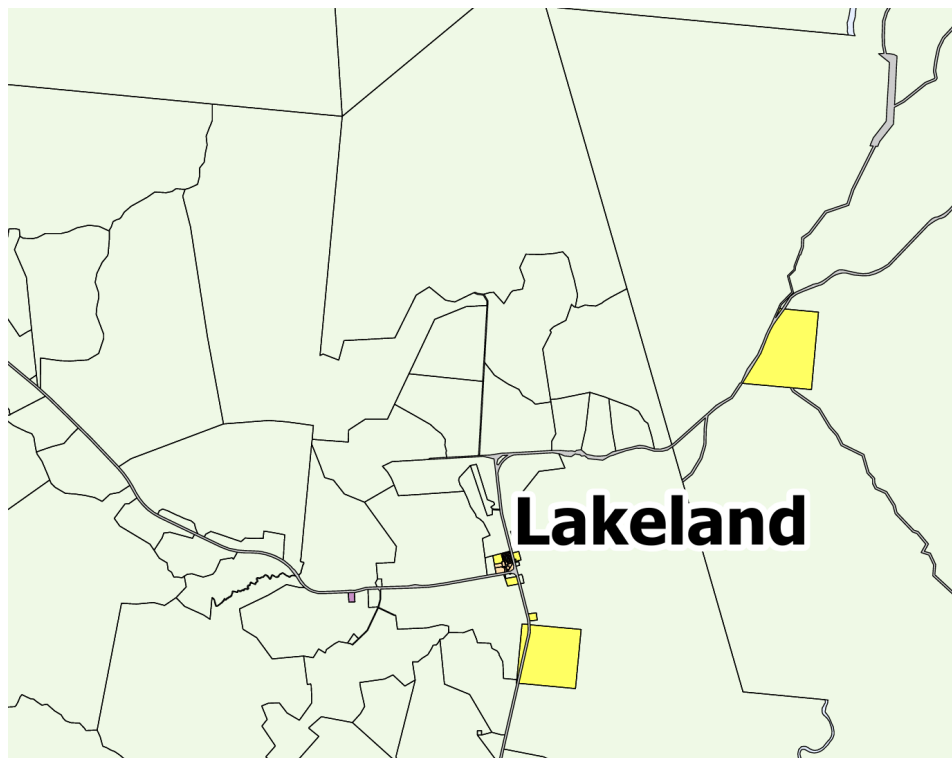


Figure 4 Zoning Plan (Rural)

Lot 215 RP747485 & Lot 3 RP741357 – Gold Tyne, Lakeland | October 2025

3 APPLICATION DESCRIPTION

3.1 Overview

This development application seeks approval for a Development Permit for Reconfiguring a Lot to realign the common boundary between Lot 215 and Lot 3. Both lots form part of the Mackay's Gold Tyne banana farm.

The outcome of the subdivision will result in one smaller rural parcel being created, accommodating the farm's working accommodation as the non-productive portion of the farm. The balance parcel forms part of the primary productive areas of the farm accommodating cropping areas, the primary residence and outbuildings together with farm infrastructure including the Gold Tyne packing shed. Each of the newly formed parcels will retain legal access via their respective road frontages and existing access points, with no changes required to occur 'on the ground' to facilitate the boundary realignment.

Please refer to the Reconfiguration Plan provided as **Attachment C** to this report, detailing the proposed lot layout.

4 PROPOSED DEVELOPMENT

4.1 Development Overview

The application applies for a Development Permit to reconfigure the common boundary between two existing lots on the Gold Tyne property. The productive portion of the farm will be accommodated entirely within Lot 3 (together with subsequent land parcels that make up the property) with Lot 215 retaining the farms worker accommodation precinct. Each lot will retain existing access and established service connections with no works required on the ground to facilitate the subdivision.

The proposal plan is included as **Attachment C** to this report and demonstrates the proposed lot layout. Whilst the new lot 215 will not achieve the minimum size required within the Rural Zone (100ha), the Cook Shire Planning Scheme contemplates the creation of smaller lots in appropriate locations where:

- Access to services and facilities is available;
- Suitable road access is available to required standards;
- Rural activities are protected and able to continue to operate unencumbered;
- Rural supply chains and transport activities are not impacted;
- The natural environment is protected and critical infrastructure including sewerage treatment and water supply is provided for;
- A high level of residential amenity and safety from natural risks is ensured for lifestyle lots; and
- The development does not compromise the logical expansion of existing residential land.

The proposed subdivision is considered to meet each of the above objectives.

4.2 Proposed Allotment Areas and Road Frontages

The subject site has a total area of 3,567 hectares, and following completion of the proposed subdivision, the following areas and road frontages will apply to each newly created lot.

Proposed Lot Number	Area	Road Frontage
216 RP747485	16 hectares	633m to Mulligan Highway
3 RP741357	718.53 hectares	3,022m to Dawson Rd & a portion of Mulligan Highway

The proposed development will produces a subdivision layout which is consistent with the character, amenity and established settlement pattern of the surrounding area, and will not result in any physical changes one the ground. In this respect, the subdivision is largely an administrative action which enables the independent titling of the worker accommodation precinct of the Gold Tyne property to the productive

portion of the farm. This action will assist in the ongoing management and coordination of the asset for the Group.

4.3 Access & Infrastructure

Each lot shall retain its existing formed access to the external road network in addition to connections to electrical and telecommunications services.

4.4 Infrastructure Charging

The Adopted Charges SPRP applies to all development in Queensland. The subject land lies within the Rural Zone, and hence does not fall within the Priority Infrastructure Area under Council's Adopted Infrastructure Charges Resolution.

As there is no additional lots being created Infrastructure Charges will not be applicable to the development.

5 LEGISLATIVE REQUIREMENTS

5.1 Assessment Manager

In accordance with Schedule 8 of the *Planning Regulation 2017*, the assessment manager for this application is Cook Shire Council.

5.2 Categories of assessment

The table below summarises the categorising instruments and categories of assessment applicable to this application.

Aspect of development	Categorising instrument	Category of assessment
Development Permit for a Reconfiguration of a Lot (Boundary Realignment)	<i>Cook Shire Planning Scheme 2017 Version 2</i>	Code

5.3 Referral agencies

Referral matters for this proposal have been assessed against Schedule 9 and 10 of the *Planning Regulation 2017*.

The application will require referral to SARA under the following provisions of the Planning Regulation 2017:

- Schedule 10, Part 9, Division 4, Table 1, Item 1 - Reconfiguring a lot near a state transport corridor

5.4 Public notification

This application does not require public notification as it is subject to code assessment.

6 STATUTORY ASSESSMENT

6.1 Overview

This section assesses the application against relevant assessment benchmarks. Given the application is subject to code assessment, those matters the assessment manager must have regard to, are those identified in section 45(3) of the *Planning Act 2016* and sections 26 and 27 of the *Planning Regulation 2017*.

As Cook Shire Council is the assessment manager the relevant local authority categorising instrument is the *Cook Shire Planning Scheme 2017 (V.2)*

6.2 State and regional assessment benchmarks

6.2.1 Regional Plan

Section 26(2)(a)(i) of the *Planning Regulation 2017* requires that the code assessment of this application must be carried out against the assessment benchmarks stated in the Regional Plan, to the extent the regional plan is not identified in the planning scheme as having been appropriately integrated.

The subject site is within the area of the *Cape York Regional Plan (August 2014)*. The Minister has identified that the planning scheme, specifically the strategic framework, appropriately advances the Cape York Regional Plan, as it applies in the planning scheme area.

Regional Plan	Response
Cape York Regional Plan (<i>August 2014</i>)	The subject site is not located within the Priority Agricultural Area of the of the <i>Cape York Regional Plan 2014</i> . The proposed development will not compromise the objectives of the Regional Plan nor impact surrounding PAA areas nor their ongoing use and operation.

6.2.2 State Planning Policy

Section 26(2)(a)(ii) of the *Planning Regulation 2017* requires that the code assessment of this application must be carried out against the State Planning Policy, Part E, to the extent Part E is not identified in the planning scheme as having been appropriately integrated.

Pursuant to Part 2 of the *Cook Shire Council Planning Scheme 2017*, it is understood that all aspects of the *State Planning Policy* have been appropriately reflected in the *Cook Shire Council Planning Scheme 2017*. Accordingly, no further assessment against the SPP is required in this instance.

6.2.3 Temporary State planning policy

Section 26(2)(a)(iii) of the *Planning Regulation 2017* requires that the code assessment of this application must be carried out against any temporary State planning policy applying to the premises.

In this instance no temporary State planning policies apply.

6.2.4 LGIP

Section 26(2)(b) of the *Planning Regulation 2017* requires that if the assessment manager of this application is an infrastructure provider the code assessment be carried out against the LGIP.

This application does not require assessment to be carried out against the LGIP.

6.2.5 State Development Assessment Provisions

Section 26(2)(a)(iii) of the *Planning Regulation 2017* requires that the code assessment of this application must be carried out against any temporary State planning policy applying to the premises.

Schedules 9 and 10 of the *Sustainable Planning* identify the matters that referral agency assessment must have regard to and confirm the proposed development does not require referral to the Department of Local Government, Infrastructure and Planning.

6.3 Local authority assessment benchmarks

The *Cook Shire Council Planning Scheme 2017* is applicable to the assessment of this development application. The relevant provisions are identified and addressed in detail below.

6.3.1 Development Codes

The *Cook Shire Planning Scheme 2017* identifies the following codes as being applicable to the assessment of this application. These have been dealt with by exception below with a full response to each code provided at **Attachment D** to this report.

6.3.1.1 Rural Zone

Under the *Cook Shire Council Planning Scheme 2017*, the subject site has a Rural Zone designation as illustrated on **Figure 4 - Zoning Plan** below. The purpose of the Rural zone code is to provide for and support rural uses and activities and in doing so, maintain the capacity of land to be utilised for rural purposes in the future.

The purpose of the zone will be achieved through a range of overall outcomes. Assessment of these outcomes confirm the proposal aligns with the purpose of the code in ensuring:

- The rural character of the zone is maintained in ensuring a built form that is consistent with the expectations of the zone, being for single detached dwelling house and ancillary structures associated with the rural activity;
- Scenic landscape values and rural character is protected from impacts such as clearing, construction and intensive land uses;
- Any development within the rural zone maintains adequate separation from natural features ensuring they are retained and appropriately managed; and
- Any non-rural development is designed and located so it does not compromise the long-term use of the land for rural purposes.

The subdivision proposes to realign the common boundary between two contiguous lots that form part of the Mackay's Gold Tyne property. The proposal will not result in the creation of any additional lots within the Rural Zone, but rather, separate the productive portion of the Gold Tyne farm from the non-productive

portion. The new boundary is not located within proximity to any physical or mapped constraint areas and the subdivision will not result in any additional works being required on the ground, with each lot maintaining independent service connections. There is similarly no changes proposed to the functionality of each lot, with the accommodation precinct continuing to service the broader farm (which is made up of a total of four (4) land parcels).

6.3.1.2 Reconfiguring a Lot Code

In accordance with Section 9.4.1.2 of the Cook Shire Planning Scheme 2017, the purpose of the Reconfiguring a lot code is to ensure new lots are suitable for their intended purpose and appropriately design and sited with regard to the local landscape and topography. The purpose of the code will be achieved through a range of overall outcomes, with those below having particular relevance to the proposed subdivision:

- (a) Lots are of a size and dimension suitable for their intended use and have due regard to local geographical constraints, identified hazards, fragmentation of agricultural land and community expectations of residential separation and character.

Comment – Lots are suitable for their purposes and reflect the landscape and geographical attributes of the site and their intended use. Lot 215 is neither physically appropriate nor currently utilised for productive purposes, however supports the broader operation of Gold Tyne through provision of on farm worker accommodation. Being classified as a sensitive land use the accommodation precinct has been positioned away from the intensive agricultural operations which occur on the farm with this separation being formalised by way of the boundary realignment.

- (b) Environmental and scenic values are protected;

Comment – no changes to the scenic values of the area will occur as a result of the subdivision, with no physical changes on the ground required to support the subdivision.

- (c) Reconfiguration does not impact on the Shire's water resources;

Comment – The reconfiguration will not in any way impact the shire's water resources.

- (d) Subdivision of land achieves the efficient use of land and the efficient provision of infrastructure and transport services;

Comment – The subdivision reflects the existing use of the land through separation of the productive and non-productive portions of the Gold Tyne property. Each lot is able to be serviced via the external electrical network with no changes necessary on the ground.

- (e) Lots are provided with the appropriate level of infrastructure to meet user requirements;

Comment – Each lot retains access to the road network via established access arrangements. No change to the existing infrastructure arrangement is required to facilitate the subdivision. Lot 215 is proposed to be smaller in size (16 Ha) with the boundary being located immediately north of the established worker

accommodation precinct (aligning with an existing fence line). The lot is located approximately 1km from the township of Lakeland and so is proximate to the services and facilities within this township.

- (f) A range and mix of lot sizes is provided to facilitate a variety of commercial, industry and housing types;

Comment – The proposed subdivision will produce a lot arrangement informed by factors occurring on the ground and results in a variety of lot sizes within proximity to the Lakeland township.

- (g) Subdivision of land in the Rural zone does not result in the fragmentation or alienation of Good Quality Agricultural Land.

Comment – The proposed subdivision reinforces the existing agricultural operations of Gold Tyne through the administrative action of separating the productive areas of the farm from the non-productive area. The accommodation precinct will continue to service the needs of Gold Tyne and does not in any way result in the fragmentation or alienation of Good Quality Agricultural Land.

- (h) Subdivision within the Rural zone maintains rural landholdings in viable parcels unless it can be demonstrated that the land is suitable for rural lifestyle allotments that and the other overall outcomes in this section are not compromised.

Comment – the subdivision will not result in rural land parcels becoming unviable. The proposed subdivision seeks to separate the farm's accommodation precinct from the productive portion of the working banana farm only, with no changes proposed to occur on the ground.

6.3.1.3 Works, Services and Infrastructure Code

The proposed development is compliant with the purpose and overall outcomes of the Works, Services and Infrastructure Works Code with no physical works required to facilitate the site's subdivision. The development site is located outside of Council's reticulated network mapping and so will not be connected to any services other than electrical and telecommunications network, with connections already established to Lot 215 and Lot 3. Both lots maintain independent access to the external road network via existing egress arrangements.

Applicable Codes	Location of response
Rural Zone Code	Appendix D – prepared by Mallee Group
Reconfiguring a Lot Code	
Works, Services and Infrastructure Code	

6.3.2 Overlay Codes

The *Cook Shire Council Planning Scheme 2017* identified the following overlays as being applicable to the assessment of this application:

- Biodiversity Overlay Code
- Bushfire Hazard Overlay Code.

As the proposal is for a boundary realignment only and does not propose to create additional allotments nor require any works to occur on the ground, a detailed assessment against the overlay codes is not considered to be warranted.

7 CONCLUSION

This Town Planning report supports a Development Application made by MacFarms Pty Ltd to Cook Shire Council for a Development Permit for Reconfiguring a Lot (Boundary Realignment), located at 75-333 Dawson Road, Lakeland, more formally described as Lots 215 on RP747485 and Lot 3 on RP741357.

In summary, the application seeks approval for the following aspects of development:

- *Development Permit for a Reconfiguring a Lot (Boundary Realignment);*

The proposed boundary realignment is considered to uphold the purpose and overall outcomes of the rural zone without compromising the integrity or productivity of the site or surrounding properties. We consider the proposed development to align with the intent of the planning scheme in providing for a variety of lot sizes that reflect their intended use and within proximity to the services and facilities available within the Lakeland township.

As demonstrated in this Town Planning Report and the supporting technical appendices, the proposed development is consistent with the intents of the Planning Scheme and other relevant instruments. Accordingly, approval is recommended subject to reasonable and relevant conditions.

Attachment A

Application Forms & Owners Consent



25 September 2025

Attn: Chief Executive Officer
Cook Shire Council
PO Box 3
COOKTOWN QLD 4895

Via: Email (mail@cook.qld.gov.au)

Dear Sir/Madam

**RE: LETTER OF CONSENT OF OWNER FOR THE MAKING OF A
DEVELOPMENT APPLICATION UNDER THE PLANNING ACT 2016 BY
MALLEE GROUP
75-333 DAWSON ROAD, LAKELAND
LOT 215 RP747485 AND LOT 3 RP741357**

We Mackay Land Pty Ltd (A.C.N. 159 135 083) owner of land described as:

LOT 215 ON RP747485 & LOT 3 RP741357

hereby consent to the making of an Application by Mallee Group (ABN [26 649 773 400](#)) to Cook Shire Council over the abovementioned landholding for a Development Application for Reconfiguration of a Lot (Boundary Realignment) – Code Assessment.

Yours sincerely,

Mackay Land Pty Ltd (A.C.N. 159 135 083)

 Director	 Director
25/9/25 Date	25/9/25 Date

DA Form 1 – Development application details

Approved form (version 1.2 effective 7 February 2020) 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)	MacFarms Pty Ltd C/- Mallee Group
Contact name (only applicable for companies)	Ben Walsh (Mallee Group)
Postal address (P.O. Box or street address)	PO Box 27
Suburb	Buddina
State	Qld
Postcode	4575
Country	Australia
Contact number	0430 011 617
Email address (non-mandatory)	ben@malleegroup.com.au
Mobile number (non-mandatory)	0430 011 617
Fax number (non-mandatory)	
Applicant's reference number(s) (if applicable)	PR21001.39

2) Owner's consent	
2.1) Is written consent of the owner required for this development application?	
☒ Yes – the written consent of the owner(s) is attached to this development application	
☐ No – proceed to 3)	

PART 2 – LOCATION DETAILS

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

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

3.1) Street address and lot on plan

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

a)	Unit No.	Street No.	Street Name and Type	Suburb
		75-333	Dawson Rd	Lakeland
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4871	215	RP747485	Cook Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
		75-333	Dawson Rd	Lakeland
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
		3	RP741357	Cook Shire Council

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

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

- ☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		☐ WGS84 ☐ GDA94 ☐ Other:	

- ☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		☐ 54 ☐ 55 ☐ 56	☐ WGS84 ☐ GDA94 ☐ 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:

☐ Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>
EMR site identification:
☐ Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>
CLR site identification:

5) Are there any existing easements over the premises?

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

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

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect

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

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

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

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

c) What is the level of assessment?

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

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

Development Permit for Reconfiguring a Lot (Boundary Realignment)

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	☐ Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	☒ Yes – complete division 2
Operational work	☐ Yes – complete division 3
Building work	☐ Yes – complete DA Form 2 – Building work details

Division 1 – Material change of use

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

8.1) Describe the proposed material change of use			
Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)
8.2) Does the proposed use involve the use of existing buildings on the premises?			
☐ Yes			
☐ 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 Rural Lot	
9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)	
☐ Subdivision (complete 10))	☐ Dividing land into parts by agreement (complete 11))
☒ Boundary realignment (complete 12))	☐ 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:
Number of lots created				
10.2) Will the subdivision be staged?				
☐ Yes – provide additional details below				
☐ No				
How many stages will the works include?				
What stage(s) will this development application apply to?				

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

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)
215 RP747485	240,6000 m ²	215 RP747485	16,000 m ²
3 RP741357	494,2000 m ²	3 RP741357	718,5300 m ²
12.2) What is the reason for the boundary realignment?			
Separation of productive portions of the Gold Tyne property from the non-productive portion			

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)				
Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

Note: This division is only required to be completed if any part of the development application involves operational work.

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

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application
Cook Shire Council
16) Has the local government agreed to apply a superseded planning scheme for this development application?
☐ Yes – a copy of the decision notice is attached to this development application ☐ The local government is taken to have agreed to the superseded planning scheme request – relevant documents attached ☒ No

PART 5 – REFERRAL DETAILS

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

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

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

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

- ☐ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA has not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Heritage places – Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure-related referrals – designated premises
- ☐ Infrastructure-related referrals – state transport infrastructure
- ☒ Infrastructure-related referrals – State transport corridor and future State transport corridor
- ☐ Infrastructure-related referrals – State-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure-related referrals – near a state-controlled road intersection
- ☐ Koala habitat in SEQ region – interfering with koala habitat in koala habitat areas outside koala priority areas
- ☐ Koala habitat in SEQ region – key resource areas
- ☐ Ports – Brisbane core port land – near a State transport corridor or future State transport corridor
- ☐ Ports – Brisbane core port land – environmentally relevant activity (ERA)
- ☐ Ports – Brisbane core port land – tidal works or work in a coastal management district
- ☐ Ports – Brisbane core port land – hazardous chemical facility
- ☐ Ports – Brisbane core port land – taking or interfering with water
- ☐ Ports – Brisbane core port land – referable dams
- ☐ Ports – Brisbane core port land – fisheries
- ☐ Ports – Land within Port of Brisbane's port limits (*below high-water mark*)
- ☐ SEQ development area
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
- ☐ 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 <i>Transport Infrastructure Act 1994</i>:
☐ Ports – Brisbane core port land (<i>where inconsistent with the Brisbane port LUP for transport reasons</i>)
☐ 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 (<i>below high-water mark</i>)
Matters requiring referral to the Chief Executive of the relevant port authority:
☐ Ports – Land within limits of another port (<i>below high-water mark</i>)
Matters requiring referral to the Gold Coast Waterways Authority:
☐ Tidal works or work in a coastal management district (<i>in Gold Coast waters</i>)
Matters requiring referral to the Queensland Fire and Emergency Service:
☐ Tidal works or work in a coastal management district (<i>involving a marina (more than six vessel berths)</i>)

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 (<i>if applicable</i>).		

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
☐ Approval ☐ Development application			
☐ Approval ☐ 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.dsdmp.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.dsdmp.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

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 <i>Note: See the Planning Regulation 2017 for referral requirements</i>	☒ Yes
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 <i>Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see DA Forms Guide: Planning Report Template.</i>	☒ Yes
Relevant plans of the development are attached to this development application <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>	☒ 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 <i>Electronic Transactions Act 2001</i> <i>Note: It is unlawful to intentionally provide false or misleading information.</i>	
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 <i>Planning Act 2016</i>, 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 <i>Planning Act 2016</i> and the Planning Regulation 2017, and the access rules made under the <i>Planning Act 2016</i> and Planning Regulation 2017; or • required by other legislation (including the <i>Right to Information Act 2009</i>); or • otherwise required by law. This information may be stored in relevant databases. The information collected will be retained as required by the <i>Public Records Act 2002</i>.	

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

Date received: Reference number(s):

Notification of engagement of alternative assessment manager

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

QLeave notification and payment

Note: For completion by assessment manager if applicable

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



Attachment B

Relevant Searches

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	21395039	Search Date:	21/09/2021 12:48
Date Title Created:	11/04/1989	Request No:	38628656
Previous Title:	21309010, 21309016		

ESTATE AND LAND

Estate in Fee Simple

LOT 215 REGISTERED PLAN 747485
Local Government: COOK

REGISTERED OWNER

Dealing No: 715079000 10/05/2013

MACKAY LAND PTY LTD A.C.N. 159 135 083

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20849110 (POR 1)
2. EASEMENT IN GROSS No 601306926 (T218815) 11/10/1985
BURDENING THE LAND
TO COUNCIL OF THE SHIRE OF COOK
OVER EASEMENT B ON RP741357
3. MORTGAGE No 715079047 10/05/2013 at 16:17
COMMONWEALTH BANK OF AUSTRALIA A.B.N. 48 123 123 124
4. EASEMENT No 720516324 12/01/2021 at 08:05
benefiting the land over
EASEMENT B ON SP316368
5. EASEMENT No 720516325 12/01/2021 at 08:06
benefiting the land over
EASEMENT B ON SP316368

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

Queensland Titles Registry Pty Ltd
 ABN 23 648 568 101

Title Reference:	21309011	Search Date:	30/09/2025 14:12
Date Title Created:	15/01/1986	Request No:	53547904
Previous Title:	21298166		

ESTATE AND LAND

Estate in Fee Simple

LOT 3 REGISTERED PLAN 741357
 Local Government: COOK

REGISTERED OWNER

Dealing No: 715079000 10/05/2013
 MACKAY LAND PTY LTD A.C.N. 159 135 083

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
 Deed of Grant No. 20849110 (POR 1)
2. EASEMENT IN GROSS No 601306926 (T218815) 11/10/1985
 BURDENING THE LAND
 TO COUNCIL OF THE SHIRE OF COOK
 OVER EASEMENT A ON RP741357
3. LEASE No 715021135 08/04/2013 at 14:46
 BETA SANTANOL PTY LTD A.C.N. 162 509 211
 OF LEASE B ON SP257784
 TERM: 28/03/2013 TO 30/06/2026 OPTION NIL
4. AMENDMENT OF LEASE No 715212743 19/07/2013 at 14:58
 LEASE: 715021135
 TERM: 28/03/2013 TO 30/06/2026 OPTION NIL
5. EASEMENT No 715212721 19/07/2013 at 14:54
 burdening the land to
 LEASE 715021135 IN LOT 5 ON RP741356 AND LEASE
 715021135 IN THE WITHIN LAND OVER
 EASEMENT F ON SP257804
6. EASEMENT No 715212726 19/07/2013 at 14:55
 Benefiting
 LEASE 715021135 OVER EASEMENT G ON SP257804
7. EASEMENT No 715212728 19/07/2013 at 14:56
 Benefiting
 LEASE 715021135 OVER EASEMENT H ON SP257804
8. EASEMENT No 720516324 12/01/2021 at 08:05
 benefiting the land over
 EASEMENT B ON SP316368
9. EASEMENT No 720516325 12/01/2021 at 08:06
 benefiting the land over
 EASEMENT B ON SP316368
10. MORTGAGE No 722159859 07/12/2022 at 15:12
 NATIONAL AUSTRALIA BANK LIMITED A.C.N. 004 044 937
11. EASEMENT No 723382113 09/07/2024 at 11:33
 benefiting the land over
 EASEMENT C ON SP343936

Queensland Titles Registry Pty Ltd
ABN 23 648 568 101

Title Reference:	21309011
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EASEMENTS, ENCUMBRANCES AND INTERESTS (Continued)

12. EASEMENT No 723382114 09/07/2024 at 11:33
benefiting the land over
EASEMENT C ON SP343936

ADMINISTRATIVE ADVICES

NIL

UNREGISTERED DEALINGS

NIL

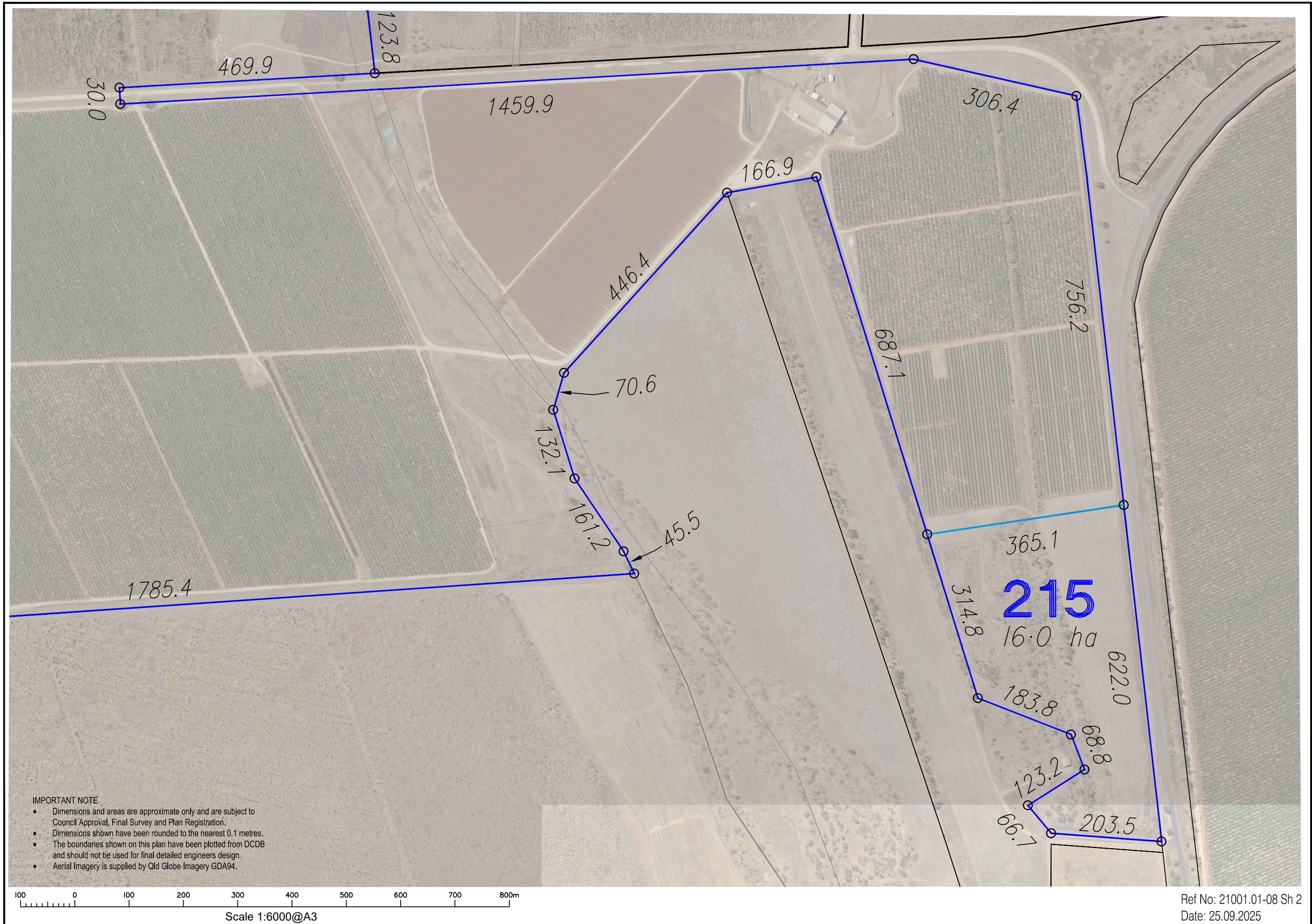
Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **



Attachment C

Proposed Reconfiguration Plan



Attachment D

Planning Scheme Code Responses

Prepared by Mallee Group

Reconfiguring a Lot Code

Performance Outcomes	Acceptable Outcomes	Comments
For Assessable Development		
P01 Lots have adequate area and appropriate dimensions for their intended use and agricultural land is not lost to production through its fragmentation into economically unviable units, unless over-riding public benefit can be demonstrated. The subdivision is demonstrated to be appropriate having regard to: (a) The unique size, shape, location or topography of existing and proposed allotments; (b) The unique character of the proposed use intended to be made of the land following subdivision (as set out in the development application); (c) The existing and future amenity of the locality; (d) The ability of the site to accept and disperse wastewater within the site without causing infiltration of the groundwater or runoff to nearby watercourses; (e) The relevant zone and overlay overall outcomes and performance outcomes.	A01.1 Lots comply with the minimum area and dimensions or those zones listed in Schedule 1 of this code.	Whilst the code dictates a minimum lot size of 100 ha in the Rural Zone, the proposal complies with the Performance Outcomes in terms of resulting in an outcome whereby lots have appropriate dimensions for their intended without compromising the agricultural value or productive output of land as a consequence of fragmentation. The subdivision is considered appropriate in delivering an outcome that: - Provides a tailored solution that supports the existing land uses occurring on the site whilst delivering a logical lot outcome on the ground; - It delivers separation between the productive portion of the Gold Tyne property and non-productive (residential) portion, which in effect is isolated from the farm as a result of the adjacent Lot X (Lakeland Air Strip); - Enables all services and infrastructure to be accommodated on separate lots; and - Reflects the limited range of constraints identified by planning overlays.
Subdivision Design		

P02 Subdivision design: (a) provides each lot with practical access to the public road system; (b) minimises strip development; (c) Provides for safe and efficient traffic movements; and (d) does not compromise the long term potential for further higher density subdivision in the Cooktown locality	A02.1 Subdivision of land in the Rural and Rural Residential Zones provides for the opening of a new internal public road connecting to the external public road system and access to all lots is via the internal road. And A02.2 Applications or subdivisions creating 10 or more additional lots are accompanied by a Traffic Impact Assessment prepared by a suitably qualified engineer. At a minimum such assessment shall detail existing conditions, expected vehicle trip generation and the capacity of the local and truck road network to deal with the additional demand.	Proposal complies with the Performance Outcome by ensuring that each proposed allotment retains practical access to a constructed road.
P03 Noise amelioration features are incorporated in the development to mitigate impacts from road networks and such noise amelioration features are designed to minimise adverse impacts on visual amenity.	No Acceptable Outcome specified	Not applicable – the proposal is for a boundary realignment and does not propose to intensify any land use occurring on the site
P04 Rear lots only occur in exceptional circumstances where justified by the need to protect amenity or where the site's physical characteristics make this form of subdivision more practical.	A04.1 The development does not propose rear lots. Or A04.2	No rear lots are proposed



	If the development proposes rear lot access, the access handle is located and constructed to: (a) Minimise impacts on adjoining properties (b) Allow all weather practical access (c) Prevent erosion and sedimentation due to vehicle movements; (d) Minimise dust generation; and (e) Ensure stormwater flow is managed and discharged to a legal point.	
PO5 Secure access of adequate width and standard to accommodate emergency vehicles is provided to all rear lots.	AO5.1 Where the access handle from the public road does not form part of the rear lot, the handle is protected by an access easement shown on the plan of survey. And AO5.2 The minimum width of access handles for land in each zone is as follows: (a) Rural Zone – 10m (b) Rural Residential, Township or Industry Zone – 6m (c) All other zones – 4m	Not applicable – no access handle is proposed
Duck Farm Sub-Artesian Area		
PO6 Development does not have an adverse impact on the capacity or water quality on the Duck Farm-Sub-Artesian Area.	AO6.1 Development does not create additional lots in the Duck Farm Sub-Artesian Area or the Annan River water resource catchment as shown on OM11 – Water Resource Overlay Map. Or	The proposed development is not located within the Duck farm Sub-Artesian area.

[illegible]



Natural or built environments and human health are not harmed by the production of acid leachate resulting from disturbance of potential and/or actual sulphate soil by: a. Not reconfiguring lots in such areas; b. Treating and managing the disturbance to minimise the volume of acid leachate within manageable levels; and c. Treating and managing surface and groundwater flows to minimise environmental harm.		area subject to ASS.
Watercourse Protection		
PO10 Where reconfiguration involves land adjacent to or including a wetland and/or watercourses, there are no significant adverse effects on: (a) Water quality (b) Ecological and biodiversity values; or (c) Landscape quality.	No Acceptable Outcome specified.	Not applicable
Protection of Rural Values – Rural Zone		
PO11 Reconfiguring a lot in the Rural Zone results in lots that: (a) Reflect the capability and sustainability of land for agricultural or pastoral purposes; (b) Protect rural activities and extractive industry by sensitive land uses; and (c) Will not impact transport/supply chains critical to rural production, rural industry	AO11.1 Each proposed lot has access from a constructed, gazetted road; And AO11.2 The proposed subdivision achieves the minimum area, road frontage and depth to frontage ratio specified in Schedule 1 below.	Complies. The agricultural values of the site will not be compromised as a consequence of the proposed land subdivision. The proposal seeks to realign the common boundary between two lots and upholds the ongoing use of the land for rural and productive purposes.

and extractive industry.	Or AO11.3 The subdivision results in one or more allotments with a minimum area, road frontage and/or depth to frontage ratio less than specified in Schedule 1 and the proposed allotments contain building envelopes capable of accommodating a dwelling house that: (a) Maintains the minimum separation distances to existing rural activities or extractive industry as detailed in Schedule 1 of the Rural Zone Code; (b) Ensures risks associated with flood, bushfire and landslide hazard can be managed; (c) Maintain safe road access; and (d) Each allotment sustains a proven and reliable water supply.	
Rural Lifestyle Allotments		
PO12 Reconfiguring a lot in the Rural Zone results in Rural Lifestyle Lots that: (a) Are in reasonable proximity to services and facilities such as health, education and retail opportunities; (b) Have frontage to a road and access to a road network that complies with the rural roads design criteria in the FNQROC Development Manual; (c) Protects rural activities and extractive industry from encroachment by sensitive land uses;	No acceptable outcome specified.	Complies. The proposal will result in one smaller lot being created that is below the 100ha minimum lot size. This lot is within direct proximity to the services and facilities of the Lakeland township and will not compromise the rural productivity of the site or surrounding properties, nor impact the landscape or environmental values of the site.



(d) Will not impact transport/supply chains critical to rural production, rural industry and extractive industry; (e) Have a sustainable level of impact on the natural environment having regard to water supply and water quality effluent disposal, potential erosion and natural habitat. (f) Provide a high level of residential and scenic amenity and safety from risk of natural hazards such as bushfire; (g) Does not compromise the orderly development of land where such land is subject to the Future Urban Expansion Overlay.		
Protect Key Infrastructure Corridors		
PO13 Reconfiguration of lots does not compromise or adversely impact upon the efficiency and integrity of major electricity infrastructure.	AO13.1 Residential subdivision of land containing Major Electricity Infrastructure or the Electricity Substation (as identified on OM7 – Infrastructure Overlay Map) demonstrates that all allotments are capable of siting all buildings and structures outside of easements or otherwise a minimum of: (a) 20m for transmission lines up to 132 kilovolts; or (b) 30m for transmission lines between 133 kilovolts and 275 kilovolts; or (c) 40m for transmission lines exceeding 275 kilovolts.	Not applicable – no major electricity infrastructure is located within proximity to the site
PO14 Reconfiguring of lots ensures that access requirements of major electricity and bulk water supply infrastructure are maintained.	AO14.1 Major Electricity Infrastructure or an Electricity Substation traversing or within private land (as identified on OM7 – Infrastructure Overlay Map) are	As above

	protected by an easement in favour of the service provider for access and maintenance	
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Rural Zone Code – Assessable Development Requirements

Performance Outcomes	Acceptable Outcomes	Comments
Siting		
PO5 Buildings and structures are sited to protect the rural amenity of the area when viewed from roads and neighbouring properties, and to minimise the impacts of noise and dust.	A05.1 Rural Industry buildings and structures are setback as follows: (a) Where access is from a sealed road, a minimum of 6m from all boundaries; or (b) Where access is from an unsealed road, a minimum of 20m from the road frontage; and (c) a minimum of 6m from all boundaries; and (d) a minimum of 200m from any dwelling on an adjoining premises; and (e) a minimum of 200m from any land in the Low Density Residential, Township or Rural Residential Zones; Or A05.2 For Intensive Animal Industries buildings and structures are setback in accordance with the minimum requirements in Schedule 1 of this code. Or A05.3 If the use is not listed in Schedule 1 of this code, no Acceptable Outcome is specified.	All setbacks comply with no built form component associated with the proposed boundary realignment.
Rural Land Use		
PO6 Development ensures the following rural outcomes are achieved: (a) new or existing rural or extractive industries will not be prevented from establishing and/or expanding.	A06.1 Development complies with minimum lot size and dimensions identified in Schedule 1 of the Reconfiguring a Lot Code. And	The proposal considers a boundary realignment that will result in one (1) lot being less than 100ha. Lots are of a sufficient size to accommodate their intended use whilst maintaining the rural landscape values of the site.

(b) infrastructure critical to agricultural and extractive industry supply chains are protected and used sustainably; and (a) (c) rural landscape values, water resources and environmental quality are protected.	A06.2 Development does not occur within the Annan River Resource Buffer on the Water Resource area identified on OM11- Water Resources Overlay.	The site is not located within the Annan River Resource Buffer or Water Resource Buffer Area.
Extractive Resources		
PO7 Extractive industry operations and proven resource deposits are protected from the encroachment of incompatible land uses.	A07.1 A dwelling is not located within: (a) 200m from an extractive industry or resource not involving blasting; (b) (b) 1,000m from an extractive industry or resource involving blasting;	The development is not located within proximity to an extractive industry.
Stock Routes		
PO8 Development must not compromise the primary use of the stock route or capacity for stock movement.	A08.1 Development on sites adjoining a stock route identified on OM8 Rural land use Overlay must demonstrate access is safe and protects the usability of the stock route.	The development is located adjacent to the stock route identified along the Mulligan Highway. The proposal will not compromise the useability of the stock route in any way.
Visual Amenity		
PO9 Development maintains and enhances the scenic amenity of prominent hillsides, coastal landscapes, views and vistas.	No Acceptable Outcome specified	The development is located such that it will not diminish the scenic values of the area and will not result in any change to the current arrangements occurring on the site.

Schedule 1 – Minimum setback distances for certain types of Animal Keeping and Intensive Animal Industries

Setback from	Abattoir, piggery or feedlot	Poultry farm or processing plant	Cattery or kennel	Aquaculture
Road frontage	200m	60m	50m	50m
Natural waterway, wetlands or declared fish habitat area	100m	50m	50m	100m
Side or rear boundary	15m	15m	15m	15m
Any house on surrounding land	500m	400m	200m	100m

Works, Services and Infrastructure Code – Assessable Development Requirements

Performance Outcomes	Acceptable Outcomes	Comments
Infrastructure Services		
PO1 An adequate, safe and reliable supply of potable and general use water is provided	AO1.1 If the site is located within Council’s reticulated water area, as identified on an OM7 – Infrastructure Services Overlay Map, the site must be connected to Council’s reticulated water supply system in accordance with Section D6 of the Development Manual Planning Scheme Policy. And AO1.2 If the site is not located within Council’s reticulated water area as identified on OM7 – Infrastructure Services Overlay Map, rainwater tanks of minimum capacity 50,000 litres must be installed for each residential dwelling unit.	The site is not connected to Council’s reticulated network. Potable water is available to each of the allotments via existing arrangements.
PO2 Provision is made for the treatment and disposal of sewerage effluent to ensure there are no adverse impacts on water quality and no adverse ecological impacts as a result of the effluent disposal system or as a result of the cumulative effect of systems in the locality.	AO2.1 If the site is located within Council’s reticulated sewerage area, as identified on an OM7 – Infrastructure Services Overlay Map, the site must be connected to Council’s reticulated sewerage network in accordance with Section D7 of the Development Manual Planning Scheme Policy. And AO2.2 If the site is not located within Council’s reticulated sewerage area, as identified on an OM7 – Infrastructure Services Overlay Map, an on-site sewerage treatment facility must be installed.	Each lot retains independent water treatment solutions with no changes required as a consequence of the subdivision.

PO3 Land is provided with internal and external drainage to an appropriate standard to minimise runoff and impacts on receiving waters.	A03.1 A reticulated drainage system is provided in accordance with Sections D4 and D5 of the Development Manual Planning Scheme Policy.	Able to comply
PO4 Land is provided with a reliable electricity supply	A04.1 Connection is made to an electricity supply network in accordance with Section D8 of the Development Manual Planning Scheme Policy.	Each lot retains an existing electrical connection. No changes are required.
PO5 The road to the frontage of the site must be constructed to provide for the safe and efficient movement of: (a) Vehicles on the road adjacent to the site; (b) Vehicles to and from the site; (b) Pedestrians and cyclists adjacent to the site; and (a) (d) Pedestrians and cyclists to and from the site	A05.1 The road to the frontage of the site is constructed in accordance with Sections D1 and D3 of the Development Manual Planning Scheme Policy. And A05.2 Vehicle crossover/s are constructed to provide access to the site in accordance with Sections D1 and D3 of the Development Manual Planning Scheme Policy.	Each lot retains direct access to a constructed road. No changes to access arrangements are required
PO6 Works associated with a Material Change of Use or Operational Work must not affect the efficient functioning of public utility mains, services or installations	A06.1 Public utility mains, services and installations are altered or repaired in association with the works so that they continue to function and satisfy the relevant Design Guidelines set out in Section D8 of the Development Manual Planning Scheme Policy.	The development will not have any implication for public utility mains, services or installations.
Filling and Excavation		
PO7 Filling and excavation does not result in the instability of a site or adjacent land	A07.1 Filling and excavation is no greater than 1.5m in height or depth (above or below existing ground level). And A07.2 Retaining walls and other structures used for the supporting of fill and excavated areas do not exceed 1.5m in height.	Not applicable – no filling or excavation proposed or required. Not applicable – no retaining walls are proposed or required



	And A07.3 Filling and excavation does not occur within 2m of the site boundary. And A07.4 Soil is not stockpiled in locations that can be viewed from adjoining properties or from a road frontage for more than 1month. And A07.5 Filling and excavation works comply with Australian Standard – AS 3798 Guidelines on Earthworks for Commercial and Residential Development as set out in Section D2 in the Development Manual Planning Scheme Policy.	
P08 Filling and excavation does not result in a change to the run off characteristics of a site or have a detrimental impact upon the site and nearby land	A08.1 Filling and excavation does not result in the ponding of water on the site or adjacent land. And A08.2 Filling and excavation does not result in an increase in flow of water from the site to any other land or a transport corridor. And A08.3 Filling and excavation does not result in an increase in the volume of water or concentration of water in a watercourse or overland flow paths. And	Not applicable – as above

	AO8.4 Filling and excavation complies with the specifications set out in Section D2 – D7 of the Development Manual Planning Scheme Policy.	
PO9 Filling and excavation does not result in a reduction of the water quality of receiving waters.	AO9.1 Water quality complies with Section D5 of the Development Manual Planning Scheme Policy	Not applicable
PO10 Filling and excavation is carried out so that the visual amenity of the area and the privacy of adjoining properties are not compromised.	No Acceptable Solution specified.	Not applicable
PO11 Effective measures are put in place such that filling and excavation associated with site works and construction activity do not cause erosion.	AO11.1 Filling and excavation and associated site works and construction activity are carried out as follows: (a) Construction activity is timed to avoid periods of high rainfall; (b) Earth works/site regrading and rehabilitation is carried out at the completion of each stage of works; (c) Erosion/sediment control barriers/fences and drains are installed and maintained; (d) Hydro-mulching or similar treatment is applied to newly disturbed areas; and (b) (e) Revegetation of a disturbed area commences immediately upon the completion of works on that area and is maintained for a period of at least 3 months.	Not applicable
Major electricity infrastructure and buffers		
PO12 Development involving a sensitive land use is sufficiently separated from major electricity infrastructure or substations to	AO12.1 Sensitive land uses maintain the following separation distances from Major Electrical Infrastructure or Electricity Substation shown on OM7 – Infrastructure Overlay Map:	The development is not located in proximity to major electrical infrastructure or a substation.

minimise the likelihood of nuisance or complaint	(a) 20 m for transmission lines up to 132 kilovolts; or (b) 30m for transmission lines between 133 kilovolts and 275 kilovolts; or (c) (c) 40 m for transmission lines exceeding 275 kilovolts.	
PO13 Major electricity infrastructure on private land is included in an easement.	AO13.1 Existing infrastructure easements are maintained and where none currently exist, new easements are created which are sufficient for the electricity provider's requirements.	Able to comply
Fire services in developments accessed by common private title		
PO14 Hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.	AO14.1 Residential streets and common access ways within a common private title should have hydrants placed at intervals of no more than 120 metres and at each intersection. Hydrants may have a single outlet and should be situated above or below ground. AO14.2 Commercial and industrial streets and access ways within streets serving commercial properties such as factories, warehouses and offices should be provided with above or below ground fire hydrants at not more than 90 metre intervals and at each street intersection. Above ground fire hydrants should have dual valved outlets.	Not applicable
PO15 Road widths and construction within the development are adequate for fire emergency vehicles to gain access to a safe working area close to dwellings and near water supplies whether or not on-street parking spaces are occupied.	AO15.1 Road access minimum clearances of 3.5 metres wide and 4.8 metres high are provided for safe passage of emergency vehicles	Complies

PO16 Hydrants are suitably identified so that fire services can locate them at all hours	AO16.1 Hydrants are identified as specified in the 'Traffic and Road Use Management Manual, Volume 1: Guide to traffic management, Part 10: Traffic Control and Communication Devices, section 6.7.2-1 Fire hydrant indication system' available on the Department of Transport and Main Roads Website http://www.tmr.qld.gov.au/businessindustry/Technicalstandardspublications/Traffic-andRoad-Use-Managementmanual/Volume-1.aspx	Not applicabl.
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